

Casco Bay Regional Shellfish Working Group Draft Meeting Summary



Date: May 9, 2022

Location: Morrell Meeting Room, Curtis Memorial Library,
Brunswick

Time: 4:30-6:30pm

Participants: Kevin Oliver (Yarmouth Shellfish Committee), Mary Ann Nahf (Harpowell Marine Resources Commission), Mark Leuchtenberger (Harpowell Marine Resources Commission), Jeremy Gabrielson (Maine Coastal Heritage Trust), Keith Fletcher (Maine Coastal Heritage Trust), Melissa Britsch (Maine Coastal Program), Marissa McMahan (Manomet and Georgetown Shellfish Committee), Emily Farr (Manomet), Jessica Joyce (Tidal Bay Consulting), Madeline Tripp (Tidal Bay Consulting)

Welcome and Introductions:

After brief introductions, Jessica reviewed the mission of the Casco Bay Regional Shellfish Working Group (WG) and the agenda for the meeting.

Town Sharing

The following towns offered updates on the topics of focus and current issues facing their local shellfish/marine resource committees.

Harpowell: Their Commission is participating in the project to map existing and lost intertidal access points with Manomet. Water quality is currently the focus of the Commission, which is working with the state to reopen closed flats by taking additional water samples. They also received a grant from the Maine Shellfish Restoration and Resilience Fund, which will be used to conduct a study with FB Environmental to identify pollution sources in four coves and to test samples using microbial source tracking at the University of New Hampshire.

Yarmouth: The Committee is also participating in the intertidal access mapping project with Manomet and is hoping to both document these access points, and then secure them for long-term use. They are conducting shellfish surveys again after a hiatus during the COVID-19 pandemic and will be installing recruitment boxes to study spat retention. Amanda Moeser is conducting shoreline surveys to improve water quality through a grant the town received.

Georgetown: The Committee is focusing on diversification from soft-shell clams, and planted seed quahogs with netting earlier this spring. Intertidal access is not currently at risk in Georgetown, but most of the access is through informal agreements with private landowners. The Committee is participating in Manomet's access mapping project to plan for the future.

Freeport: The Committee received a grant to map access points to the intertidal a few years ago and is coordinating with the Manomet project. Judy Colby-George has created an initial map for the marine resource conservation officer and the Committee to review. The town recently changed their ordinance to allow harvesters who have lived in the town for at least a year to keep their commercial license if they move outside town limits. Following this change, several commercial harvesters who were former Committee members moved out of town, and are currently unable to serve on the committee unless the

Town changes the membership policies. This ordinance change resulted in limited industry participation on the Committee.

Presentations

Community Intertidal Data Portal: The WG is concluding beta testing for the Community Intertidal Data Portal and will launch the data portal for public use once the edits are complete in mid-May. On June 8th from 3:30 to 5 PM, there will be an interactive training webinar that everyone is welcome to attend. See the [WG calendar for details](#). Madeline gave an overview of two of data products that are most relevant for shellfish co-management:

- **Shellfish Conservation and Management map viewer:** this viewer allows users to see information about the shellfish management in the region, including information about each town's shellfish committee. This includes contact information for shellfish wardens and committee chairs, links to annual reports, license numbers, the last 5-years of town landings data, and current conservation activities.
 - The filter tool allows users to view which towns are conducting different conservation activities.
 - Other data in this viewer includes: Nssp shellfish closures, conservation closures, Manomet's green crab survey data, septic system data (entered for a few towns by Josee Stetich, GPCOG Resilience Corps fellow, using the septic system data entry form), and shoreline sanitation survey pictures.
 - Contact Madeline if you would like to add data for your town.
- **Water Quality Data Dashboard:** this application displays P90 scores since 2016 to help towns identify trends in their water quality and address emerging pollution issues or reopen closed mudflats. A chart at the bottom of the application updates with the P90 scores of each station onscreen or shows the yearly P90 scores of the stations selected by the user. These scores overlap, but the data allows towns to see how their scores may be changing over time and identify/resolve issues early.
 - Other data includes impaired watersheds, overboard discharge permits, and links to water quality data from the Friends of Casco Bay's continuous monitoring stations.

Preserving Access to the Intertidal Guide: Josee Stetich gave an overview of this guide, which was developed based on suggestions at the fall 2021 WG meeting due to a lack of current information/guidance on how to support intertidal access. It is intended to help towns support intertidal access with approaches tailored to their needs, capacity, resources, and technical knowledge. It includes sections on each of the following topics:

- Community outreach and engagement
- Loss of access on private land
- Loss of access due to encroaching development
- Updating and/or expanding working waterfront infrastructure
- Funding comparison charts
- Technical assistance

The guide encourages collaboration between towns, organizations providing technical support, and state agencies to reach common goals. Print copies will be distributed to towns, and we welcome ideas for further outreach, such as webinars, lunch-and-learns with realtors, etc.

How Land Trusts Can Support Intertidal Access: Jeremy Gabrielson from Maine Coast Heritage Trust (MCHT) presented on a few examples of how land trusts can support intertidal access and collaborate with shellfish committees:

- Old Eastport Road (Perry): Harvesters had an informal agreement to use this property for intertidal access. When the landowner passed and the heirs of the property could not afford the taxes, MCHT helped transfer the deed directly from the owners to the town. It is now managed by the shellfish committee.
- Baileys Mistake (Lubec): MCHT owns and manages this site, which has a boat launch and is used by shellfish harvesters to access nearby flats that don't have overland access. It is more common for the towns to manage a site, with help from MCHT to facilitate land transactions or identify grants to install infrastructure.
- Woodward Point (Brunswick): This site was acquired through MCHT and Brunswick-Topsham Land Trust and was originally intended solely for recreation. MCHT discovered that this property included important coves for shellfish harvesting and conservation. Stairs were installed and now the property is managed for recreation and harvesting.

Maine Coastal Program Access Document: Melissa Britsch presented on the Maine Coastal Program's (MCP) work around intertidal access and three relevant funding opportunities.

- [Resources for Preserving Commercial Fishing Access:](#) This document was created by MCP to address intertidal access issues and share information about funding opportunities, including how they have been used in the past throughout the state.
- A few relevant funding opportunities for intertidal access projects include the following:
 - **Shore and Harbor Planning Grant:** This program will fund projects to document access, planning projects to maintain or increase access, right-of-way rediscovery, public water access infrastructure planning, economic analyses, and comprehensive plan work.
 - **Coastal Communities Grants:** This program will fund comprehensive plan work and town planning for sustainability/habitat restoration. It is managed by MCP but is administered by the Department of Agriculture, Conservation, and Forestry. It is usually administered yearly but has not accepted applications yet this year.
 - **Land for Maine's Future:** The Water Access Program provides funds for public access, but commercial users can also use the site. The Working Waterfront Access Protection Program is usually used to protect an existing working waterfront.
- Example Project: Gouldsboro received a Shore and Harbor Planning Grant to identify and protect priority areas for shellfish harvesting, in collaboration with MCHT, other local land trusts, landowners, and the shellfish committee.

Intertidal Access Mapping: Emily Farr provided an overview of this pilot project led by Manomet to inventory public and private access to the intertidal for shellfish harvesting (past, present, and potential) in collaboration with Harpswell, Brunswick, Georgetown, Arrowsic, and Yarmouth. The goal is to create a map resource that can be used to identify opportunities to protect, improve, or acquire access. We are starting by creating an access map/dataset for each town and will use the takeaways from these projects to develop a roadmap for other communities with a desire to inventory access.

Discussion

Outreach Ideas:

- There was a suggestion to hold presentations at town council meetings to share about shellfish and the work being done in shellfish management in each town, and potential funding opportunities. There are templates for [presentations](#) and [handouts](#) on the WG's [Informational Materials webpage](#).

Intertidal Data Portal:

- The GIS and other data will continue to be updated as needed, and a long-term management plan is under development. There is an opportunity for GPCOG Resilience Corps Fellows and town interns to add data using the data entry forms.
- While there is no data currently on the different sources of pollution (such as animal, etc.), this version of the data portal is a starting point and will help inform future data needs.
- There was a request to add a data field for each town in the Shellfish Conservation and Management Viewer to share information on which projects are grant funded, and by which grant. This was proposed as a way to help towns with projects in need of funding get in touch with towns that have already gone through the process.

Intertidal Access

- Mapping:
 - Conversations about data privacy and the level of information to share with different groups are important, especially with landowners who do not want their agreement with harvesters formalized/advertised.
 - MCHT uses “blobs” of generalized data to share with the public and keeps data on individual parcels for internal use.
 - There is a misperception that allowing access will create a legal obligation.
 - Maine liability laws protect landowners from responsibility if others are injured on their property (in many cases).
 - A prescriptive right to use of private land is only granted after 20 years of use without landowner intervention, and if the landowner formally grants permission to a group (e.g., a letter) then they can take away that right at any time.
- Securing Access:
 - Relationship building with landowners
 - Conversations about securing a parcel should happen on a personal level, ideally with someone in the community who knows the best time to have that conversation. If a harvester has a good relationship with the landowners, include them in meetings.
 - Share potential benefits with landowners:
 - There are some programs with funding to pay for land
 - Easements can sometimes have tax incentive if it can be documented that the value of the land will decrease.
 - When a large parcel is protected as part of a larger conservation project and access is one piece of it, that ends up having a more significant tax benefit. The landowner can write off the easement donation over 20

years and can write off up to 50% of their adjusted gross income (100% if they are a farmer).

- Collaborate with land trusts
 - Invite local land trusts to join conversations about important access points and to shellfish committee meetings. They may:
 - own land where access could be improved; or
 - have a relationship with landowners who have conservation easements and can facilitate access procurement/improvement.
- Funding Opportunities: Start talking to funders early to figure out which funding opportunity is right. Some funders may offer technical support with grant writing.
 - Melissa may return to attend a winter WG meeting and talk about the Shore and Harbor grants.

Planning for Access:

- Planners/municipal staff may not know that marine/working waterfront sections should be included in comprehensive plans.
- It may help to have guidance on including data/goals about access for harvesting and/or to have people from the shellfish community on the planning committee.
- The MCP is happy to provide funding for comprehensive planning.
- Compliance with coastal consistency determinations is not required to apply for funding through the Shore and Harbor Grant Program.

Announcements:

- Upcoming funding opportunities include Land for Maine's Future [Water Access Program](#) (which is rolling) and the Governor's Office of Policy Innovation and the Future's [Service Provider Grant and Community Action Grant](#).
- There will also be a free clam tasting event on May 23rd at Luke's Lobster in Portland to highlight quahogs and other clam species harvested in Maine.

Next Steps:

- A summary of this meeting will be posted on the website. Please share with your fellow shellfish committee members.
- Over the spring and summer, there may be field work opportunities. Look out for more information!
- Meetings will resume this fall. Please contact us with any ideas about topics or shared projects in the meantime.