

**Town of Freeport  
Shellfish Commission Meeting:  
February 9th, 2023  
Freeport Town Hall  
6:30**

Present: Chad Coffin, Sara Randall, Charlie Tetreau, Sarah Warren, Nelson Larkins

Chad: Do we have a quorum?

Charlie: I would say so.

**Harbor Master's Report**

Charlie: I can start in with a brief report if you guys want. We don't have to many folks here, but folks are still getting confused on the W.I. and the W. R....I mean the WICR3 and the WICA3. So CA3 is out in front of Winslow, that is what that is...CA3 is actually the Persumpscot in Falmouth. So a lot of people see that and they think that Winslow is closed because it has the "C" and the "3" but the "A" you have to look for; "CA3" not "CR3."

So, I know a few folks wert quahogging out in front of Winslow and Fogg Point and out there and someone will see folks out there and come to my office and say, "I thought that area was all closed" and be bent out of shape, but if you actually click on the link and not just read the brief description, it will actually say, "CR3, Persumpscot, Falmouth."

I was hoping a few more people would be here (meaning.a few more clammers).

Audience Member(Jessie): Is it the same on the maps, because I have the maps.

Charlie: Yes, it will show the same on the maps.

Chad: Well I think...I'm guessing, I don't actually know this, but I am speaking from experience...

I think when it changed people visually....they still know it as Area 15.

Charlie: Ya, even after we had it out for over 10 years, folks were still a little shaky on it...folks are always going to have questions and sometimes I have to read it three or four times.

Chad: Visually, this system is much different...for some people this system might as well be written in Chinese.

Charlie: You gotta do what Jessie did and print them and then use that link on your phone so when you see that verbiage you can just look on your maps and say, "Yup, that's closed."

Other than that, soft shell activity has been pretty slow, which is typical for this time of year in February. A lot of folks have been targeting those European oysters this past month then I have seen in my time being on, honestly. I believe folks have been getting about \$.35-\$.45 apiece. Is that right Chad?

Chad: I don't know.

Charlie: that's what I heard about \$.45 for cleaned off European oyster. A little bit of quahog activity, like I said, at the beginning of the month out by Fogg Point and out in front of Winslow and a few other random areas but more quahog activities, and I typically see.

The Fisherman's forum is coming up in Rockland in March. the second third and fourth. I believe the clam day is on the second. Is that correct?

Sarah: Yes, I'm presenting on the 2nd which is a Thursday.

Charlie there is a bill in right now it's LR I don't think it's switched to LD yet but it's LR 287 it is an "An Act to Assist Municipal Shellfish Programs," all it's doing is pretty much getting rid of the fee and educational requirements for the towns, LPAs.

So as of right now, towns have to pay the annual renewal fee and do an online quiz which isn't all that burdensome but it's just another hoop the towns have to jump through and shouldn't have to do. We're doing this for municipalities, not for private entities.

I did send an email out right before this meeting from another town, and they are revamping their LPA process and making it a little more streamlined for towns which is nice.

I don't know if everyone remembers when we had our LPA down at the dock and we were paying our annual fees on it, and then we actually wanted to move it out to one of the town floats but then you had to apply for a whole new LPA when it was just 70 yards up river on a Town approved float and we actually found out that the quahogs wouldn't grow in winter months so we actually didn't do it all together.

But it's good to see that towns won't have to pay a fee or do the bursensome some work.

Chad: I'm just confused why a town would want an LPA to begin with.

Charlie: By law, that's what you have to do if you want to grow out any oyster seed in cages, the state mandates that you had a LPA.

Sara: it was a relatively new requirement by the DMR.

Chad: I know the LPAs even proceed the size that you have to grow the seed to...the LPAs...they're not really...you can grow some seed in it, but when it gets bigger, you have to move it out.

I know some people in different towns, they're trying to get LPAs in the mud for the clambers, but I don't understand it; it's not commercial.

Charlie: Right and I actually touched base with Ari Leach who use to be...she actually is not our area biologist anymore. I called her with a question on RCR St., in CA, just to clarify that on that initial page and we just got talking about how about some other stuff and then I asked her a few questions that we've been discussing here and she forwarded those questions to Meredith and that was the response I sent out.

So there was no ordinance and for anyone, it was just phone call, question, "What's the DMR's take on this?"

Sara: So I thought Ari was going to remain the area biologist for Freeport.

Charlie: She is not the person you would contact. They changed the name to the "Near Shore..." (inaudible). I would typically ask Ari these questions, but she would say, "No, I'm not the person anymore" and she would forward these questions on to Meredith who is now the coordinator.

Sara: Oh, so she would put us up the chain. I know that they're adding to what we would call area biologist I think now there are five. But I had heard that Ari would remain our contact but maybe that has changed since I spoke with Meredith last.

Charlie: But Meredith seemed more than happy to come to a meeting to answer any questions that we may have, and she seems on the ball, and does respond quickly to the emails. Hopefully she'll be able to come to our meeting next month.

I did print one of these up (proposed ordinance changes) and what I did was take all the changes that you guys marked up and put it in the document.

Sara: This is the working document?

Charlie: The only thing that was really added, was on page 9 you guys wanted to see....(inaudible).

I thought this captured what I was hearing from you guys how are moving towards a volunteer system

So activities that goes through the commission as you guys see fit. And you guys could put in for a 50% reduction fee when they go in to renew their license.

Audience: So this is the new ordinance you want to propose? Limiting diggers to their harvest?

Chad: That's already in there that's been in there 30 years.

Audience: What's the limit?

Chad: That's something when these ordinances originated in all these towns, These are the tools you could use to sustain or enhance your clam population.

Sara: What he is saying is, there's some ordinance that the state used sections A, B, C, D through I...(inaudible).

Chad: They have been in there since the 80s. That's what towns have typically been using to manage the resource.

Sara: So in these documents, the proposed changes in the wording for these documents are in red? if it's in black it's already in the ordinance?

Chad: Do we need to go through all the stuff again?

Charlie: No, this is all up-to-date from the last meeting.

Chad: There were a couple of things that I specifically remember because Sarah Warren asked me...and this was a question that came up at another meeting about establishing the 10 bushel per acre and we leave the 10 bushel per acre, we just need to establish tidal height in the definitions for the area in question.

Sara: Where is that map?

Group: Page 3

Chad: "Non commercial intel-tide" is an "area in the mid or lower tidal inner gradient."

So, that would be something that would need to define; the mid, high and low.

Nelson: So there would be a where and how often.

Sara: it would be measured out and we would add the definition on how we would measure it; it would on the zero-zero tide

Chad: The area exposed to air between three hours before a low and two hours before a low is the high intertidal. The mid intertidal I would define as between two hours and one hour before low, that's the are exposed to air.

Sara: Before low water, and we measured out at zero-zero.

Charlie: So, you want to add those to the definitions?

Group: Yes.

Sara: So, say those definitions again, Chad.

Chad: The mid intertidal area would be “the intertidal area exposed to air from two hours before low until low tide”. That would be the mid and low gradients.

Then we could also add to the ordinance....we have a lot of data on some of them...there's some areas that are upper intertidal.

The Upper Harraseeket, there are some areas up in there that don't drain off until an hour and a half before low but they really are upper intertidal. That's an area that could potentially, if it gets cold again, where clams could potentially grow again.

Nelson: There would have to be a map for that.

Chad: Yes, anything north of this line, the sewer, is right here.

And another place to put the gradient is the creek at Little River.

Sara: The Little River is interesting because it's a large flat but it has more area that's considered high intertidal.

Chad: Meaning, it drains out quite a ways that first hour...but I don't see that in this map. Can we get coordinates on that, Charlie?

Charlie: Yup.

Chad: We can put coordinates right in the map, can't we?

Nelson: Ya, it's just like you said about the closure maps.

Chad: Should we put a ten here excluding the Upper Harraseeket, Little River and Wolfe's Neck area?

Group: Agree and discuss how to number the language changes.

Charlie: Do you guys have any comments on Meredith's email?

Chad: I think, regardless of what DMR's position is on this, we should...if we think this is something that can preserve the program...we should vote on this and send it to the Town Council.

Charlie: I know that typically, the Town Council wants to see things go through DMR before they spend hours and hours on public hearings.

Chad: I think we should vote on it and send it to the Council and let the Council know why this is important and if the DMR doesn't support it, it's in the Council's court to determine how they want to move ahead with it. Because if we don't do anything, we're hoping for cold weather.

Sarah Warren: Do you have a summary of the email she sent? I need to just review it again.

Nelson: There's a lot of work arounds when we're talking about language, like how she uses the word conservation we don't have to use the word conservation...

Audience: So does this have to go to the Town Council meeting before we can object or does everyone have to wait until the Council meeting?

Chad: Who is everybody? There's hardly anyone here.

Audience: They show up when there's something important.

Nelson: We just make recommendations and the Town Council decides.

Chad: So should we take a vote to approve this?

Sara: it's not done.

Inaudible discussion in the audience and on the Commission.

Nelson: We need to make the language clear to the entire Commission and put out a public notice that this will be voted on this so folks can come.

And it needs to be on an agenda that we are going to adopt it.

Sara: I don't even know if we are working off an agenda right now.

Chad: Can we do the wording, and then go to public hearing?

Sara: Definitely

Sarah Warren: And Meredith is going to be coming to the meeting.

Chad: No, she's not coming, but she's coming to next month's meeting. It's an interesting thing that's going to happen and I'm kind of excited and, in a way, I am dying to hear what the DMR has to suggest to enhance and preserve the shellfish resources.

Sara: You know that there's been times when the town has been oppositional to DMR's recommendations like with the water quality and when push came to shove the science showed what needed to be done and it was the town that actually lead at that time.

Chad: And that's what we need to do again.

Sara: So what are the ordinance changes we are agreeing to? Is it the eight and the nine on page 3, where we define mid and low? So we are going to say that the non-commercial intertidal areas are defined as "an area in the mid or the low intertidal gradient with shellfish densities less than 10 bushels per acre as defined by shellfish survey."

And then, and nine will say, "The other areas exempt from being called noncommercial are the Upper Harraseeket and Little River." Does that sound acceptable?

Group: Yes

Nelson: Do we need to put in the additional mid to low intertidal gradient definitions? Would that be area exposed to air during low tide?

Sara: Yes, we should have that. The definition for the intertidal gradient is "that area exposed to air two hours before low water."

And low water is defined as a 0.0 tide.

### **General discussion on reducing licensing fee.**

Sara: Next meeting we will put out a notice about this language change.

Charlie: I will write these changes up and send them out to the Commission. If everyone agrees that it looks good, I can then post a notice, but if people think the changes don't sound right, we have to go over it before posting.

Sarah Warren: Do we have an agenda for when Meredith joins us?

Sara: Yes, we should make an agenda before we leave. We are not operating from the agenda right now which is not good.

Proposed March Agenda:

Charlie's report

Meredith

Ordinance change  
Public hearing

Discussion on Gina LeDuc-Kuntz stepping down as Freeport Shellfish Commission Clerk and Sarah Warren stepping up.

Chad motions to accept Gina LeDuc-Kuntz's resignation and install Sarah Warren as Shellfish Commission Clerk.

Motion seconded and passed unanimously.

\*No motions were made to adopt definition of intertidal gradient, other language changes and fee schedule changes.

\*\*No motion was made to accept March agenda.

Sara makes a motion to adjourn, Chad seconds. All in favor.

Submitted by:  
Gina LeDuc-Kuntz  
Town of Freeport  
Freeport Shellfish Commission Clerk