

**June 9th, 2022**  
**Town of Freeport**  
**Shellfish Commission Meeting**  
**Freeport Town Hall**  
**6:30**

Present: Chad Coffin, Sara Randall, Gina LeDuc-Kuntz, Charlie Tetreau, Jason Doyle, Nelson Larkins

6:30: Sara Randal, meeting called to order

Charlie Tetreau: Marine Patrol Officer Update

Everyone knows that this year is being treated as an educational year as far as I and the other State

Wardens are enforcing the decibels. Everyone knows it's 90dcbs from 7:00am to 7:00pm, 75dcbs 7:00pm to 7:00am.

We have been doing quite a bit of testing in the Harraseeket River in these past few weeks and all the airboats have been below 90dcbs.

We haven't done any testing during the early morning hours; it just hasn't lined up with the tides. I am assume will will testing early morning in the next few weeks.

I was able to go out May 23rd and help out at the Middle School with Elaine, they have done presentations here before. We put out 30 recruitment boxes out infront Winslow. They will be coming back and giving a presentation of their findings once they pull those boxes.

Shellfish license applications are due by June 15th; w rhave had a lot of calls on that. We have 3 resident, 1 non-resident that will be going out to lottery, and one student license that will need to be in by June 15th as well.

The lottery is June 16th.

Other than that, we have been seeing good, healthy landings coming in. Unfortunately, folks have been reporting a lot of green crabs wherever they have been harvesting, which is never a good sign.

The price is not where alot of folks would like it to be.

I did just recheck and we did not hit an inch of rain here in the river so as of now, we are all good to go.

Sara: Do we know how many have applied for a license

Gina: 72

Sara: Next item is to review the actionable updates to the ordinance.

Chad: I would motion to table that. I think we need to back up and go through the conservation activity discussion.

Charlie: So you would like to do that first?

Chad: Yes

Charlie: So, in the last meeting I sent out the list of conservation activities that we conducted here in Freeport. We are moving towards a voluntary program as far as conservation activities go.

At the last meeting, the Commission wanted to see if there is an account the Commission can actually pay harvesters for during conservation work. I was told, through legal advice, that that is not the route to go. Instead, we should go for a license fee reduction if someone does conservation.

Sara: So, would from the Town lawyer?

Charlie: Yes. Or...I know you guys have pitched around not doing conservation at all...so those would be the two options. We could follow what other towns do and raise the license fee "X" amount and if you don't do conservation, then that extra money would go back to the shellfish program for whatever the commission decides.

Sara: What was the reasoning for not paying clambers for conservation?

Charlie: I was told there are labor issues...there's a lot of Grey area.

Nelson: I do a bunch of labor and workers comp and the State has gotten really strict on trying to eliminate independent contractor status on a lot of stuff. A 1099 could be issued but if the Town is directing the work saying, "You're going to go here and do this on this day" then there are a lot of definitions and if a clammer gets hurt, the. The Town is responsible for workers comp.

General discussion over the difference between an employee and a license fee reduction.

Chad: I have others questions over what kind of conservation are we talking about that others towns are during that enhancing and sustaining the shellfish production in their town? Everything I looked at the the other towns are doing it just a smoke screen. Are there any

examples when we say we are following what other towns are doing? What are they doing that actually enhances and sustains shellfish production?

Charlie: I'm just saying the license fee reduction model. The actual conservation work, that's something you guys as a committee need to decide. You let me know what you decide and that's what I will organize with the harvesters.

Nelson: I'm all for conservation if it's doing something, but if not, there's no State standard that we have to have, right?

Charlie: No.

Nelson: It was something that was in there because it was considered to be beneficial, but it could be eliminated until we figured out what would be beneficial. I would like to hear what would be beneficial and I would be all for giving people credit for it.

Chad: I've been doing this a long time and volunteer anything is pretty much a waste of time. If you don't believe in what you're doing...it's just an exercise. It's just about getting a license. Chopper you got something?

Chopper: Yes. Paul (inaudible) did a study on the currents of the river. He studied the currents and took mature clams, put them in these cages...they had three different cages in the river. According to Abden, they don't get a whole lot of seed in the river unless they have a bad winter. They didn't have a bad winter, but they got a lot of seed. So he thinks it's working; so there are things that people are doing that are working, Chad. So, what Omar saying is that there are things going on that are working. If you think anyone of us wants to go back to conservation and go out there to survey dead mud do it can be leased out...no one here is for that.

We've been down that road before and now of us wants to go down that road again, Chad.

Chad: That's not what we're talking about. We're talking about conservation.

Charlie: Chopper, when we are done discussing this we will open this open at the podium and everyone can have their three minutes.

Sara: I think I know what Chad is thinking. There is a difference between what has been observed anecdotally and what has been studied and analyzed in a scientific way to see if they work as allowed to say things have been done traditionally or even the way things have been done with new ideas like this situation in Waldoboro. Because they think they see seed there, but it hasn't been measured or even if there is seed there, we all know what happens to seed over the summer; it doesn't survive.

This is a separate discussion than what we started with which was, "should we have a license fee deducted for conservation work." And I don't know which question should be answered first.

Nelson: If what we need in part is to find out if there are any options for folks to volunteer through some kind of incentive program to do what might be effective conservation work, that would need to go to the Town Council, so we have...or we could have, a year.

I am not questing the scientific studies but looking at this Municipal Shellfish Conservation Activity Summary...and this done by the Greater Portland Council of Governments...the are not the be all and end all, but their findings on some activities shows this does make a difference.

We need to go back and forth on this a bit and I think we just put this in as a consideration but we just eliminate the conservation part for the license, but it could always be added back in.

Sara: We have been trying for a long time with the activities; what would be good and want to include in our conservation program but we haven't been able to make any progress on it. Part of it is because we didn't have a full committee, then we had covid and we had difficulty meeting but we have had this on the agenda for a while."

There's a suite of thing people have been doing traditions for 10,15,20 years that counts as conservation...the devil is the details...so it's going to take awhile to go through to find what works. I don't know if it would be good to form a committee to go through them. And if we do, do we then suspend conservation activities for a year while we figure out what is a good activity and what is not?

Nelson: Can we do that? It's part of the ordinance that it's (conservation activity) mandatory.

Chad: We have suspended conservation activity because of Covid, but I don't know to that is legal.

Charlie: That's why tonight we need to get something so I can put a moratorium on it for the next six months to a year.

Chop: Originally when they first mandated this conservation we had to survey our flats. In order to have the manpower to do that, we used these conservations. Most people don't mind giving a little effort for something they believe in, but if it's something most people aren't gonna get behind, you're not gonna get much support. You kinda need to work with the diggers to get the voices from these people. The voices don't come from up there, they come from down here.

Chad: Thank you, Chopper.

Clammer in Audience: I like to say something. I think you need to eliminate it altogether; make this volunteer. We already know if you catch the green crabs, that helps the clams. We know if you do the brushing, it catches seed; proven fact. We knew that a few years ago, we tested it the following year and found all kinds of young clams. Brushing works. I'm more than willing to volunteer for something that's going to benefit us.

Chad: What do you do about something like this, Sara? I want it be out here in the minutes that it is the Department of Marine Resources that is allowing people to think....if you had a scientist with any competence...it's the State that is supporting dogma over science. It just isn't fair to people to let them think that putting out brush is going to work.

Clammer in Audience: Charlie has paperwork on our findings that it works.

Sara: I would like to see those findings. Furthermore, I authored a paper and did a study in Harpswell, Bremen, and Millbridge and found in none of those places that it worked (brushing).

Clammers: Well, this is Freeport.

Nelson: If we want, we could do a temporary stoppage to the conservative requirements. It doesn't mean we're not going to ask for voluntary stuff. It doesn't mean we wouldn't study it. It doesn't mean the ordinance wouldn't maintain some for of conservation at some point, but it would give an opportunity for everyone to provide what they think the pros and cons are for doing different things. The you take votes and Town Council takes votes.

Sara: Ok, I move that conservation is suspended for a year as of July 1st.

Nelson: Seconded.

No opposition from the audience. Passes unanimously.

Nelson: (To Charlie) I leave it up to you to bring this up to Town Council; they might question if this is considered advisory.

Sara: We have had a conservative activity and discussion and now we are back to designing what it is; I suggest we form a group, a subcommittee, that looks into it and tries to come up with a list of activities.

Chad: Does it have to be just the Shellfish Commission members or can it be open to the community?

Members: Yes, it can be open to others.

Nelson: We just need to pick a date and put out a notice. The committee could jus the gathering information, whether you like the information or not, and then putting it out for discussion and weighing whether it's valid or not. It's going to come down to opinions at some point and at some point we will need to go before Town Council.

Tommy: So we are forming a subcommittee to come up with ideas for something we just did away with?

Sara: We just put it on hold until we figure this out.

Jarod: I was on the Shellfish Commission until this past January 1st when I moved to New Gloucester and switched my license from residential to non residential. Do I have to live on Freeport to be in the subcommittee?

Chad: Yes.

Sara: Show of hands from the audience if you interested in be on the subcommittee. (None) If anyone has a change of heart, talk to Charlie.

Chad: And we should put it in the website.

Sara: I make a motion that we create a Conservation Review Subcommittee that is made up of three members of the Shellfish Commission and up to three members of the Town.

Nelson: Seconded

Passes unanimously

Sara: I motion to appoint myself, Gina and Nelson to the subcommittee.

Nelson: Seconded

Passes unanimously

Sara: The next item in the agenda is conservation closure. Sundays are closed. That is a traditional thing that had occurred every year for many years. Did we need to vote on this?

Charlie: It was something Chad wanted to bring up.

Chad: Closing Sundays is not something that helps clams, but if people want to close Sunday, then close Sunday. I'm not tied to it one way or the other.

Sara: I think the concern was that there were certain times last year when the price was very high and then there were closures due to water quality issues; it just seemed like a shame that people couldn't dig on Sundays. So there was concern about having a more adaptive conservation closure.

Chad: Are there any thoughts from audience on closures on Sundays?

Clammers: Leave it alone. People dig clams hard six days a week, people enjoy having that day off.

Charlie: We've had that closure for the last year or so and it runs out in 3/2023. We can change it at any point. Give me 20 heads up and I can let DMR know and we can change it....DMR needs to be notified 20 days before the date we want it changed.

Nelson: If we have time, I have some questions separate from conservation. Question on Wolfe Neck; it's a State Park but Freeport has jurisdiction. Does this mean anyone with a State clamming license can dig at Wolfe Neck?

Charlie: No. If they don't have a Freeport clamming license they can only take a peck a day.

Nelson: Is that a State rule because I cannot find that in the Town ordinance.

Charlie: I have the paperwork on that. This is a question that came up when Onforat starts here, "if I have a State commercial license can I commercial harvest in a State park. I can bring that paperwork and we should put this in the agenda for next month's meeting.

Nelson: If we want to protect those flats for us, commercially, we might want to tighten that language up.

Nelson: This goes a little towards conservation, but while we are gathering stuff, I don't know where the 10 bushel per acre comes from. That's going to be really important; what is a commercially viable acre? And what's the time frame for that? Is that being checked monthly, yearly? If it's width-washy isn't it not going to be enforceable.

Chad: We got the 10 bushel recommendation from Down East Institute.

Nelson: How do you survey that?

Chad: That was one of the proposed changes; to define what a survey is. I don't know how to survey. We would need to contract with someone to carry out an independent, objective survey.

Sara: It had to have a standard

Nelson: And it can change from time to time too.

Nelson: On the second page, it's talking about securing and maintaining records of shellfish harvests, do we do that now?

Charlie: They report their landings to the State

Sara: At the end of the year you can get landings by town.

Nelson: On the proposed changes the 12 credit hours for a student license is crossed out....

Charlie: Right, you would need to show proof of enrollment but not full time status.

Sara: The change is from full time student.

Nelson: Questions about penalties for violations within conservation areas and will those penalties be the same in non conservation areas?

Chad: I don't think someone should lose their license for one or a small violation.

Chop: What's wrong with the way it is now?

Nelson: It is the way it is now, it's just adding in what the standards would be if conservation areas are added in.

Also questions how much of the non productive flats will be marked as conservation areas. Points out that 90% of Freeport flats are non productive and potentially, a very large amount of Freeport's flats could be defined as conservation areas. Will that entire 90% of non productive flats be classified as conservation areas or will Some part of that be open to digging?

Chad: I have claimed that up to 90% of the flats have become non productive to soft shell commercial clamming. I don't claim to know if they have 10 bushel of (inaudible) or quohogs.

Nelson: If 10% of that 90% is marked as conservation are people still allowed to claim the rest that is not marked as conservation? And if so, what are the standards.

Sara: Right, I think they would only be restricted from the areas marked conservation.

Nelson: We need to added that tot he changes.

Charlie: If that's how the Commission wants it to work, we would have to close that area and request it from DMR...we wouldn't need an end date on it...it would just be a closure.

Nelson: I would be very hesitant to close off areas that are not actively consrvation.

Chad: It's not necessarily a "conservation closure."

Sara: Thise are the language we will have to work with.

Chop: What do you tell all these guys when they can't go digging...when you give it to somebody else?

Clammer: What are the void areas?



Sara: That would be the low intertidal.

Clammer: Where all the razor clams and quahogs are? We all know all the quahogs are set in in the outskirts

Chop: I've been digging some 49 years and I've never dug quahogs except the last eight to ten years. They're all on the outside edge. We got quahogs setting all over. We make more money digging the dog shell clams. Than we do the quahogs. Just because we aren't digging the quahogs doesn't mean they aren't out there. They're out there.

If you and say a flat is not productive because it doesn't have 10 bushel soft shell clams, but it has quahogs, we can go out and dog those quahogs and that's a productive flat. That's productive to us and like Jarod said, razors clams are set in on the edge and if you give that away to somebody, it's all settin in.

Sara: That's where a survey would come in.

Clammer: I think clamming just keeps getting better every year. Last year was my best year I ever had in my life. I see clams everywhere. I see baby clams where I m digging...I see baby clams at Penntingel...I think clamming is great.

Clammer(Jesse): I've been clamming here for over 40 years and they sell us a license to search and roam every inch of this Town over and over...clams come and go. That section out to Pettengel, we watched it grow. It don't have no clams Rhee for years and there's other areas coming around...we can't loose mud to somebody outside the Town. It's not good for us.

Chad: I don't want to argue with anyone here...and this isn't to take anything away from anybody in this Town who digs clams. Yes, there's quahogs out there. This investigation, effort, whatever you want to call it is to try to keep...things are trending warm in the last 30 years and all the projection, whether you believe them or not, is this trend is continuing. This doesn't bode well for all traditional methods of digging clams and quahogs we have employed of the past several hundred years.

This isn't about taking away anything from anyone. This is about giving people, in this room, an insurance policy. The take away I would like to leave with tonight is this isnt to take away from you, but to give you a chance to keep going into the future and maybe not just you but someone behind you; the next generation.

Clammer: You use to be a different guy and use to be on our side and now you're not. What happen to "Save the Wild Clammer" campaign. You lead us through that, Chad. Sold us out.

Clammer: My only concern is the process of deciding the conservation areas. Are just going to pick a date and go survey? I can think of areas that have little to nothing and then come Fall it

has a lot of seed. Two years down the road it has quite a bit in the intertidal and sustains quite a few guys.

Sara: The process to determine that, that's the important part. So you have seed, but we need to have harvestable size. Those are the things that we are going to need to do if we are going to do this ordinance changes.

Agenda for next meeting.

1. Clarification on Wolfes Neck from Charlie
2. Update from the sub committee on conservation activities.

Further Questions:

Nelson: Have we put out these ordinance changes to the public?

Charlie: Yes. I out it up in the website. I can put it up again.

Chad: Do we know what happens with the money form the Yacht Club applications...for the lottery?

Charlie: It doesn't go to the Town, I assume it goes to the Yacht Club's operations. I can look into that.

Sara: Should that be put in the agenda too?

No other items. Motion to adjourn @7:43pm. Seconded and passed unanimously.

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

