

Shellfish Conservation Committee Minutes

DATE: 6/4/2019 TIME: 7:00 PM

MEETING LOCATION: COMMUNITY ROOM

Commission Members:

Attendance: A for absent, P for present

Attendance	Name	Town	Term
P	Harold Hibbard III	North Yarmouth	June 30, 2020
P	Kevin Oliver	North Yarmouth	June 30, 2021
A	Clifford Small	North Yarmouth	June 30, 2019
P	Judy Colby-George	Yarmouth	December 31, 2020
P	Dillon Hough	Yarmouth	December 31, 2019
P	Ben Tupper	Yarmouth	December 31, 2020

Staff Members:

Attendance	Name	Title/Role
P	Will Owen	Shellfish Warden
A	Richard Plourde	Town Council Liaison
A	Pete Thayer	Dept. of Marine Resources

Guests/Diggers Amanda Moeser, Jessica Joyce

Minutes

Votes/Quorum: All final votes of the commission shall require the affirmative vote of a majority of those members present and voting provided a quorum is present. A quorum shall be deemed present if a minimum of four (4) members are present. A CHAPTER 305 10 quorum shall be required for the transaction of all business except that a smaller number can adjourn to another time.

Reviewed Minutes for May, a motion was made and seconded to accept the minutes as amended – note that Will Owen and Richard Plourde were in attendance at the May meeting

Vote taken, 4 for, 0 against, 0 abstain.

Agenda topics

1. DISCUSSION	Warden's Report	
See attached report		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

2. DISCUSSION	Grant Proposal	
<p>Judy has done nothing more on the project this month.</p> <p>The fields she is currently gathering include:</p> <p>MapLot</p> <p>Status (active, removed, remediated, question)</p> <p>Problem (description from DMR or field observation)</p> <p>ObserveDate (Date of Observation)</p> <p>Action (recommended action or next steps)</p> <p>ActionDate (Date action taken)</p> <p>Comments</p>		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Judy will continue to work on developing a process for collecting the data and which parcels we need to collect data for.	Judy	July 15

3. DISCUSSION	Revisions to Licensing Method and Conservation Points, Ordinance Language	
<p>Committee had a long discussion about revisions to licensing and conservation points. There was general agreement that the conservation point language is what we want and is probably ready to send along to the Nat for review.</p> <p>There was no agreement on adding new license types, in particular we looked at the Freeport's ordinance for Senior and Student licenses.</p> <p>There were a number of issues raised, most of the discussion centered on how to determine if we can/should add another commercial license. What information do we need to know? What level of harvesting will maintain the resource? How do we balance allowing access to a public resource, ensuring that harvesters can make a decent living digging clams here, and protect the long term viability of the resource?</p> <p>There was also a discussion about creating a separate license for all other species in our ordinance (ie quahogs, razor clams, oysters).</p> <p>Also, there was some discussion on creating zones within the town limits.</p> <p>All of this discussion will continue in the September. It would be our preference to bundle a few changes together and present those to the council in the late fall. If we don't make progress on the licensing issues, we will plan to send the conservation points language in time for implementation next year.</p>		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Continue to gather information about options	Anyone who wants to do so	9/3/2019

4. DISCUSSION	Brochure	
<p>Nat and Pete Thayer reviewed the final version and had some slight adjustments, Ben made those changes.</p> <p>Vote: Publish the brochure with approval from Town Manager.</p> <p>Motion: Kevin Second: Ben 5 votes for, 0 against, 0 abstained</p>		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Judy will print 20 copies to get us started	Judy	
5. DISCUSSION	Regional Shellfish Working Group presentation	
<p>Jessica Joyce presented information to the committee.</p> <p>See attached information.</p> <p>The grant is to provide support to holding regional meetings. There will be steering committee to prepare for the meetings. Will probably start things up in the fall. Hoping to have 3-4 ½ day meeting for the region.</p> <p>Hoping to gather information about the sorts of things that all the committee are wondering about, working on, trying.</p> <p>One outcome might be identifying projects that the region can work on together related to water quality, protection of the resource, scientific research, etc.</p>		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Jessica will keep us informed and we will help spread the word.		
6. DISCUSSION	Survey Results	
<p>Amanda Moeser, Kevin Oliver, Dillon Hough, and Ben Tupper completed a survey of the Cousins River on May 12.</p> <p>Results are attached to the minutes.</p>		
ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

SPECIAL NOTES	
<p>The committee voted to cancel the July & August Meeting at the May Meeting.</p> <p>Motion by Kevin, Second by Judy, Vote 5 for, 0 against, 0 abstain</p>	
<p>Will noted that there is a new water quality point for DMR between Lanes Island and Cornfield Pt, directly in the channel. It is W1059.50.</p> <p>He also checked to see if there was any issue with him allowing a dock to be moored on the side of the town landing where it will rest on the mud at low tide. It will hold a tumbler for oysters. There was no objection from the committee.</p>	

NEXT MEETING DATE	Sept 3, 2019
AGENDA:	<p>Agenda for Next Meeting:</p> <ol style="list-style-type: none"> 1. Review Minutes 2. Warden's Report 3. Grant Proposal 4. Ordinance Language Revisions 5. Update on Regional Shellfish Group 6. New Business 7. Set Agenda

TIME MEETING ADJOURNED: 9 pm



Town of Yarmouth
Marine Patrol
200 Main Street
Yarmouth, ME 04096
(207) 846-3333 Telephone (207) 846-2433 Fax

June 4th, 2019 Shellfish Committee Report

Day Locations Checked: 165

Night Locations Checked: 19

Contacts Made: 3

Worm Diggers: 6

I saw Jimmy Morrill on Lanes Island from the mainland and at Yankee Marine off-loading.

Summons: 0

I met with the waste water treatment plant and have a meeting set up to test four pipes found coming from the embankment. Three of the pipes have growth in the area below the pipe. If anything is found from the tests, I will meet with codes enforcement.

The area around Sandy Point beach and Potato Cove has been opened.

Will Owen

Conservation Points

Draft Proposal Awarding Available Commercial Licenses

In the event that an unfilled commercial license is available at the time of annual renewal, license applicants who have accrued approved conservation points are provided preferential treatment in the license issue process. The applicant with the most accumulated conservation points earns the privilege of first refusal for the unfilled license. If that applicant declines the privilege then it is offered to the applicant with next highest number of points, and so on. In the case of a tie the license is awarded by lottery among the tied applicants as outlined in the town ordinance.

Definition and approval of conservation points:

The Shellfish Commission provides prior approval for (a) any opportunities for earning conservation points, and (b) the number of conservation points to be earned for each opportunity. Such activities may include but are not limited to surveys, reseeding events, enhancement projects, invasive species management, environmental monitoring and remediation, or continuing education.

Record of earned conservation points:

The Shellfish Commission will make a public record of newly earned conservation credits in its regular minutes. A detailed long-term record of accumulated earned conservation points will be maintained by the Town of Yarmouth (through its Shellfish Warden, Clerk or other appointee) and will be available for public inspection upon request. The Shellfish Commission shall publish a summary of the accumulated record of earned conservation points annually.

Removal of individuals from the record:

The Shellfish Commission may remove or bar an individual from the list in cases of death, voluntary removal, relocation, harvest violations, or license violations. The Shellfish Commission will record such removals in its regular minutes.

Draft Proposal for Senior Commercial License

Inspiration:

SHELLFISH CONSERVATION ORDINANCE

TOWN OF FREEPORT

CHAPTER 32

Section 32-601 LICENSING: Subsection A. Designation, Scope, and Qualification, Paragraph 4

"Resident and Nonresident Senior Commercial Licenses: The license is available to all holders of Freeport Commercial Shellfish Licenses who turn age sixty-five (65) while in possession of an existing license."

Concept:

Automatically move existing resident and non-resident commercial licensees to a reduced fee license after the age of 65 is reached and at the subsequent annual license renewal date. All other privileges, limitations and responsibilities of the license remain the same as for the regular commercial licenses. The vacated regular license(s) made available by this move would be allocated by the award procedure outlined in the town's ordinance.

Consequences:

The town and state would have to allocated additional licenses for this new license classification.

It is possible the awardee(s) for the newly vacated regular commercial license(s) to be 65 or older. In this case the applicant(s) would be moved to the senior commercial license the following license year.

Draft Proposal for Student Commercial License

Inspiration:

SHELLFISH CONSERVATION ORDINANCE

TOWN OF FREEPORT

CHAPTER 32

Section 32-601 LICENSING: Subsection A. Designation, Scope, and Qualification, Paragraph 3

"Resident Student Commercial License: The license is available to residents of this Municipality between the minimum age of fourteen (14) years old and the maximum age of twenty-six (26) years old on May 1 of the year in which the application is made. Applicants must show proof of age and proof of school attendance at the time of the application, and must also continue full-time student status during the school year through the license period. Students attending college or other postsecondary education must also show proof of a minimum of twelve (12) college or postsecondary education credit hours per semester to be considered full-time students. Applicants under the age of eighteen (18) must also have the signature of a parent or guardian on the application for the license to be valid. This license entitles the holder to engage in the activities of commercial harvesting of shellfish in accordance with the ordinance and conservation measures of this Municipality."

Concept:

Allocate a small number of licenses, awarded as described in the ordinance, for full time students.

Consequences:

The town and state would have to allocated additional licenses for this new license classification.

Title: Regional Shellfish Working Group

Fiscal Sponsor: Southern Maine Conservation Collaborative

Project Manager: Jessica Gribbon Joyce, Tidal Bay Consulting, LLC

Project Partner: Anne Hayden, Manomet

Dates: September 1, 2019 – October 31, 2020

Summary: The Southern Maine Conservation Collaborative (SMCC), Tidal Bay Consulting, LLC (TBC), and Manomet propose to form a Regional Shellfish Working Group for the municipalities adjacent to, and surrounding Casco Bay. The purpose of the Working Group would be to collaboratively address the pressing issues facing the shellfish community, proving that there is strength in numbers where expertise and best practices for science, conservation, and management can be shared across towns and stakeholders. The primary species this project will focus on is the soft-shell clam, as this is the only species included in most municipal shellfish ordinances; however, some municipalities include in other species into their ordinances, for example, quahogs (hard clams) and razor clams.

Problem Statement: Soft-shell clam landings have historically been an important part of Maine's economy, and in recent years, have been one of the top four fisheries in landings value, only trailing lobster and sometimes herring and elvers. However, despite a general increasing trend (and recent fluctuations) in the market value of soft-shell clams since the 1950s, landings have trended in the opposite direction since the late 1970s (see Figure 1). In 2017, soft-shell clam landings were reported at 6.9 million pounds, which is the lowest commercial harvest in over 50 years.¹ While clam resources in parts of the state are sustaining harvesters, opportunities to make or supplement a living harvesting soft-shell clams are dwindling.

Research efforts across the state have identified multiple causes for the decline, and conservation projects have attempted to mitigate these issues; however, a more collaborative effort to integrate these initiatives within the co-management system may offer a more efficient and effective approach to study, monitor, and restore these populations.

While the status of our shellfish resources and management can vary drastically from town to town, with areas such as Waldoboro and Brunswick having productive flats that support 50-100+ commercial and recreational harvesters, other areas are suffering from predation, low recruitment/survival rates, and a lack of resources to mitigate these effects. Changes to the ecosystem have become more pronounced in recent years, with the increase in frequency and longevity of harvesting closures due to rainfall events, biotoxins, and other water quality closures. Access to the intertidal has been limited by coastal development and competing uses, which pose an additional barrier to this way of life. The availability of harvesters to dig full-time or supplement their living is declining with these challenges.

The capacity to address these issues needs to be stronger in order to restore shellfish populations, monitor ecosystem changes, and preserve jobs. We propose that the expertise

¹ <https://www.maine.gov/dmr/commercial-fishing/landings/index.html>

and collaboration of a Regional Shellfish Working Group can increase capacity for municipalities to prioritize and take action to mitigate these issues and increase resilience in this fast-changing environment.

Scope of Work: To convene managers, harvesters, scientists, wardens, and volunteers, to share best practices, discuss shared issues and solutions, and identify specific research, monitoring and conservation activities to address these issues. Although it is envisioned that the primary focus of this Working Group is the wild clam fishery in the intertidal zone, we propose inviting key aquaculture farmers to participate in these meetings, given the shared issues between these two stakeholder groups.

We are proposing a regional initiative in the Casco Bay area based on its unique characteristics, past experiences, and to determine if this geographical scope is the ideal fit for the Working Group. Casco Bay is ecologically distinct from surrounding areas, defined by bay-wide current patterns and impacts from the outflow of several rivers. Harvesters in the bay often sell to the same set of dealers. Shellfish harvesters in other parts of the coast, including Frenchman's Bay and, more recently, Georges River in eastern Maine, benefit from similar regional efforts. Communities within Casco Bay have formed intermunicipal compacts in the past.

Municipal partners that will be invited to participate in this initiative include Cumberland, Yarmouth, Freeport, Brunswick, Harpswell, Bath, Phippsburg, as well as Chebeague Island and Long Island. We will also invite surrounding communities to Casco Bay, including Georgetown, Scarborough, and Biddeford.² TBC will communicate with these municipalities to invite representatives from the shellfish or marine resource commissions, shellfish wardens, harvesters, and town managers/clerks. If there is interest in continuing this group at the end of the first year, we will assess participation and the geographical boundaries to determine whether the initiative should have a specific focus around Casco Bay, or if a more regional approach would be optimal. These municipal partners and other stakeholders will be the primary driving force behind the decision whether to continue this initiative after the first year, and to develop options on how to transition to a self-sustaining group within several years.

While the meeting and facilitation approach will not be formulated until the Steering Committee is able to meet and develop a plan, it is expected these meetings will cover topics ranging from water quality (P90 scores) and other shellfish harvesting closures (e.g., rain, biotoxins), conservation (e.g., seeding, netting), surveys/reporting, to planning/access (e.g. aquaculture siting, working waterfront), marketing, and co-management with the state. It is expected that the first and second meetings would allow for scoping and prioritizing, so the stakeholders are the driving force behind identifying the issues to be addressed by the Working Group during the first year. The third and potentially fourth meetings would focus on identifying a set of specific projects the working group will provide technical assistance to

² These are the municipalities in and around Casco Bay with shellfish ordinances. Towns not listed do not have shellfish ordinances and/or any intertidal waters approved for harvesting shellfish.

coordinate and identify funding sources.³ To this end, we propose the following activities and deliverables:

1. Form a diverse Steering Committee with representatives from each municipal partner.
2. Plan and convene three or four stakeholder meetings in 2019 and 2020.
3. Provide technical assistance for at least three conservation projects.
4. Prepare a summary report, with connections to other regional shellfish convening initiatives in the state.

Leadership development will be an undercurrent throughout this initiative, likely with portions of each stakeholder meeting being reserved for micro-learning sessions around facilitative leadership, grant writing, and other key skills. We may bring in outside trainers or speakers for these sessions. We also plan to collaborate with staff at Maine Center for Coastal Fisheries (MCCF) to learn from their experiences convening the shellfish industry in downeast Maine, and the Community Fisheries Action Roundtable (C-FAR) approach they utilize, which includes leadership development. These approaches will ideally provide skills and knowledge that will translate to effective and long-lasting involvement in our communities.

To aid in the efficiency and cost-effectiveness of conducting conservation projects, part of the budget will be for purchasing equipment that may be utilized by members of the Working Group. This could be for tools such as rain gauges, quadrats for surveys, predator netting/traps, to recruitment boxes or monitoring equipment. The Steering Committee would determine what equipment to purchase, storage location(s) for the equipment, and how to manage the lending in the long-term.

The intention of this initiative is a bottom-up approach that is led from community members, and as such we do not have specific preconceived outcomes; however, we can imagine some of the following outcomes resulting from convening this Working Group:

- Developing thought leaders and capacity building at the municipal and regional level.
- Developing standard protocols for municipal use, for example, resource survey methods, monitoring, and annual reporting.
- Expanding the knowledge base for conducting research through sharing local conservation projects, techniques and contact information for researchers.
- Developing best practices in municipal ordinances, and increasing efficiency with state partners, including DMR area biologists.
- Increasing the volunteer workforce for water quality monitoring, conservation activities, and future planning.
- Developing collaborative proposals for municipal and/or regional conservation projects and identifying funding sources (e.g., municipal, state, private or federal).

³ Technical assistance could include helping municipalities to form subcommittees that would develop projects, assistance with developing proposals, identifying funding sources, and making appropriate connections/partnerships.

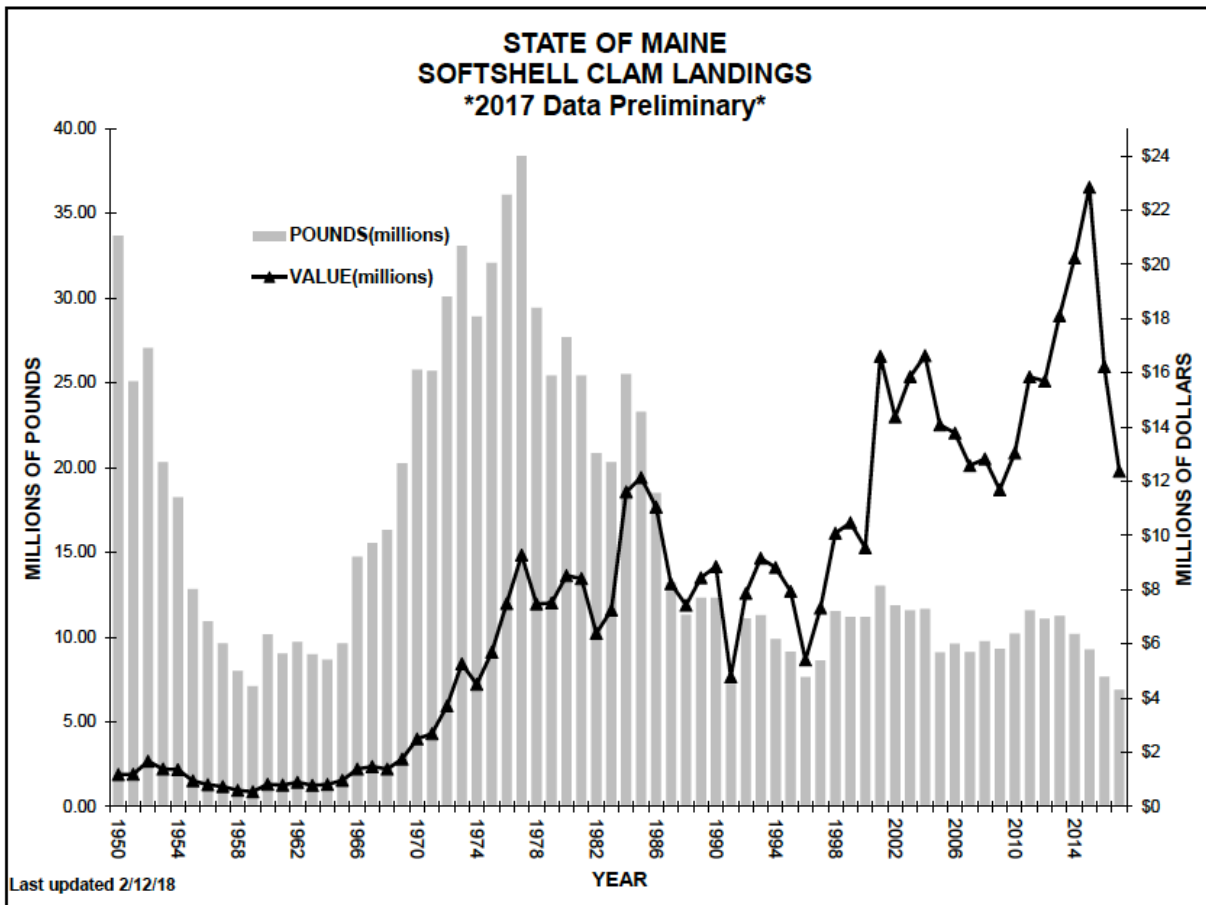


Figure 1



JANET T. MILLS
GOVERNOR

STATE OF MAINE
DEPARTMENT OF MARINE RESOURCES
21 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0021

PATRICK C. KELIHER
COMMISSIONER

Shellfish Harvesting Area Classification-Notification of Changes

May 23, 2019

Ladies and Gentlemen:

Under the authority of 12 M.R.S.A. § 6172; the Commissioner has made the following classification change to Area No. 14, Royal River, Cousins River, and vicinity (Falmouth to Freeport): This notice reclassifies the northern shore of Cousins Island from Conditionally Restricted and Conditionally Approved to Conditionally Approved based on the performance of the Yarmouth Wastewater Treatment Plant and/or when rainfall meets or exceeds 1" in 24 hours due to water quality meeting approved standards under these conditions. An interactive map that allows the user to zoom in to specific areas can be found on the ME DMR website: <https://www.maine.gov/dmr/shellfish-sanitation-management/maps/index.html>. All existing pollution and biotoxin closures remain in effect.

The boundary descriptions of the area are as follows (struck text is being removed and underlined text is being added):

A. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the following areas:

1. Cousins River and Pratt's Brook (Yarmouth and Freeport): north of a line at U.S. Route 1.
2. Upper Royal River (Yarmouth): northwest of a line beginning at the stone pier on the shore of the Royal River, just south of navigational buoy N '14', then running in a northwesterly direction approximately 360 yards, to the southwestern lobe of the land that forms Browns Point (Yarmouth).
3. Yarmouth mainland: west of a line beginning at Parker Pt (Yarmouth), then continuing southwest to Sandy Point (Cousins Island, Yarmouth) and then continuing southwest to Princes Point (Yarmouth).
4. Cousins Island and Littlejohn Island (Yarmouth): west of a line beginning at the point of land approximately 500 yards southwest of Cornfield Point, Cousins Island, then running due south to Littlejohn Island; AND north of a line beginning at Doyle Point, Cousins Island, then running northeast to the southern tip of Littlejohn Island, then running northeast to the red "R 18" navigational buoy, then continuing northeast to the south tip of the unnamed point of land approximately 500 yards south of the end of Pemasong Lane.
5. Upper Broad cove: North of a line beginning at a prominent point of land approximately 180 yards southeast from the end of Ebb Tide Lane, running southeast to a red painted post on the opposite shore.
6. Sturdivant Island: North of a line beginning at the southwestern tip of Sturdivant Island, then running northwest 500 feet; AND west of a line beginning at the northeast tip of Sturdivant Island, then running northeast 500 feet.
7. Sturdivant Island: East of a line beginning at the southwestern tip of Sturdivant Island, then running southwest 500 feet; AND south of a line beginning at the northeast tip of Sturdivant Island, then running southeast 500 feet.

B. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the following Restricted area(s) without a special MDMR permit. Depuration certificate holders are required to check the Pollution Abatement Closure Notice before scheduling a harvest in any Restricted area.

1. Falmouth/Cumberland Shore: inside and shoreward of a line beginning on the shore at the end of Town Landing Road (Falmouth) running northeast to the southern tip of Sturdivant Island, then running northwest to the shore at the end of Spruce Lane (Cumberland).
2. Cousins Island (Yarmouth): inside of a line beginning at Madeleine Point continuing southwest to the northern tip of Sturdivant Island, then continuing southeast to the northern tip of Basket Island and continuing northeast to Doyle Point.
3. Upper Cousins River: west of a line beginning at a red painted post on the southernmost point of land prior to an unnamed creek approximately 336 yards south of the Rt. 1 bridge running south to a red painted post on the opposite side of the creek approximately 300 yards north of the end of Even Keel Road.
4. Upper Whistler Cove: north of a line beginning at the eastern most point of land approximately 223 yards east from the bend in Lambert Rd running north to a red painted post on the opposite shore

C. Effective immediately, because of point source pollution and proximity to the Yarmouth Wastewater Treatment Plant, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Restricted area(s) without a special MDMR permit:

1. Royal River (Yarmouth): west of a line beginning at the northeast tip of Browns Point (Yarmouth), then running southeast across the mouth of the Royal River to the "C 5" navigational buoy and continuing south to the southeastern tip of Parker Point (Yarmouth); AND east of a line beginning at the stone pier on the shore of the Royal River, just south of navigational buoy N '14', then running in a northwesterly direction approximately 360 yards, to the southwestern lobe of the land that forms Browns Point (Yarmouth) are classified as "Conditionally Restricted" and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction at the Yarmouth Wastewater Treatment Plant. This area is available only for a MDMR permitted project for male specific coliphage (MSC) depuration harvest, and is not suitable for relay purposes. **Please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html> for open/closed status.**
- ~~2. Cousins Island: west of a line beginning at Parker Pt (Yarmouth), then running southwest to Sandy Point on Cousins Island, Yarmouth; AND east of a line beginning at Parker Point, Yarmouth running south to a red painted post approximately 680 yards east of Parker Point on Cousins Island. **Please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html> for open/closed status.**~~

D. Effective immediately, because of proximity to a WWTP and non-point pollution due to rainfall, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Approved area(s) when rainfall meets or exceeds 1" within a 24 hour period, during any malfunction of the Yarmouth Waste Water Treatment Plant, or when flow rates at the Yarmouth Waste Water Treatment Plant exceed 1.31 MGD over four hours. Certified shellfish dealers are required to retain shellstock from the Cousins River Conditional Area for a minimum of six hours after the harvest time indicated on the harvest tag. For current status, please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>

1. Cousins River (Yarmouth/Freeport): northwest of a line beginning at the northern most tip of Parker Point (Yarmouth) running northeast to the western most tip of Fogg Point (Freeport); AND northeast

of a line beginning at the northeast tip of Browns Point (Yarmouth), then running southeast across the mouth of the Royal River to the "C 5" navigational buoy and continuing south to the southeastern tip of Parker Point(Yarmouth); AND south of a line beginning at Rt. 1; AND east of a line beginning at a red painted post on the southernmost point of land prior to an unnamed creek approximately 336 yards south of the Rt. 1 bridge running south to a red painted post on the opposite side of the creek approximately 300 yards north of the end of Even Keel Road; AND south of a line beginning at the eastern most point of land approximately 223 yards east from the bend in Lambert Rd running north to a red painted post on the opposite shore

~~Effective immediately because of proximity to the Yarmouth Wastewater Treatment Plant and non-point pollution due to rainfall, the shores, flats and waters northwest of a line beginning at the northern most tip of Parker Point (Yarmouth) running northeast to the western most tip of Fogg Point (Freeport); AND northeast of a line beginning at the northeast tip of Browns Point (Yarmouth), then running southeast across the mouth of the Royal River to the "C 5" navigational buoy and continuing south to the southeastern tip of Parker Point(Yarmouth); AND south of a line beginning at Rt. 1; AND east of a line beginning at a red painted post on the southernmost point of land prior to an unnamed creek approximately 336 yards south of the Rt. 1 bridge running south to a red painted post on the opposite side of the creek approximately 300 yards north of the end of Even Keel Road; AND south of a line beginning at the eastern most point of land approximately 223 yards east from the bend in Lambert Rd running north to a red painted post on the opposite shore are classified as Conditionally Approved and shall be closed to the harvest of clams, quahogs, oysters and mussels when rainfall meets or exceeds 1" within a 24 hour period, during any malfunction of the Yarmouth Waste Water Treatment Plant, or when flow rates at the Yarmouth Waste Water Treatment Plant exceed 1.31 MGD over four hours. Certified shellfish dealers are required to retain shellstock from the Cousins River Conditional Area for a minimum of six hours after the harvest time indicated on the harvest tag. **Please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html> for open/closed status.**~~

E. Effective immediately, because of proximity to a WWTP, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Approved area(s) following a malfunction/CSO event at the Yarmouth Wastewater Treatment Plant. For current status, please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>

1. Freeport Shore: east of a line beginning at the northern tip of Parker Point (Yarmouth) running southeast to the point of land at the end of Sea Meadows Ln (Yarmouth); AND southeast of a line beginning at the northern tip of Parker Point (Yarmouth) running northeast to the western tip of Fogg Point (Freeport); AND north of a line beginning at the north tip of Cornfield Point (Yarmouth) running northeast, to the southwest tip of Little Moshier Island (Yarmouth), then continuing north to the south tip of the unnamed point of land, located 1150 yards southwest of the end of Stockbridge Point (Freeport).

~~Effective immediately because of proximity to the Yarmouth Wastewater Treatment Plant, the shores, flats and waters east of a line running southwest from the southeastern tip of Parker Point (Yarmouth) to Sandy Point (Cousins Island, Yarmouth); AND east of a line beginning at the northern tip of Parker Point (Yarmouth) running northeast to the western tip of Fogg Point (Freeport); AND north of a line beginning at the north tip of Cornfield Point (Yarmouth) running northeast, to the southwest tip of Little Moshier Island (Yarmouth), then continuing north to the south tip of the unnamed point of land, located 1150 yards southwest of the end of Stockbridge Point (Freeport) are classified as Conditionally Approved and shall be closed to the harvest of clams, quahogs, oysters and mussels during any malfunction at the Yarmouth Wastewater Treatment Plant. **Please refer to the Statewide Conditional Area Closure Notice on the DMR website: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html> for open/closed status.**~~

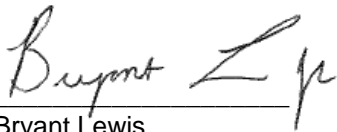
F. Effective immediately, because of intermittent pollution caused by rainfall, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels from the shores, flats and waters of the following Conditionally Approved area(s) when rainfall meets or exceeds 1" within a 24 hour period. For current

status, please refer to the Statewide Conditional Area Closure Notice on the DMR website:
<http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>

1. Cousins Island Shore: east of a line beginning at Parker Pt (Yarmouth), then running southwest to Sandy Point on Cousins Island, Yarmouth; AND west of a line beginning at the northern tip of Parker Point (Yarmouth) running southeast to the point of land at the end of Sea Meadows Ln (Yarmouth).

If you have questions, please contact Department of Marine Resources, 194 McKown Point Road, West Boothbay Harbor, Maine 04575-0008, Tel: (207) 633-9500 Email: DMRPublicHealthDiv@maine.gov. During **weekends/holidays**, contact on duty Marine Patrol Officers through the appropriate State Police barracks: from New Hampshire border to Brunswick, barracks 1-800-228-0857; from Cushing/Boothbay to Lincolnville/Belfast area, barracks 1-800-452-4664; from Belfast to Canadian border, barracks 1-800-432-7381. This notice can be viewed on the Department's website at: <http://www.maine.gov/dmr/shellfish-sanitation-management/closures/pollution.html>. This information is also recorded on our HOTLINE (207-624-7727 OR 1-800-232-4733).

Sincerely,



Bryant Lewis
Western Maine Growing Area Supervisor
Commissioner's Designee

3:00 PM
(Effective Time)

May 23, 2019

