

# BALANCING INTERESTS IN THE INTERTIDAL ZONE

A TALK BY STATE REPRESENTATIVE ROB EATON  
JULY 11, 2007

Rob is on the Legislature's Marine Resource Committee

Also present: Hannah Annis, DMR

Sherman Merchant, Chair, and Wayne Hodgkins, Vice-Chair of the Gouldsboro Shellfish Committee, which has produced a Shellfish Management Plan and gotten support from the State for a pilot program (not described).

Theo De Koning and Mike Nichols (Lamoine resident) from Great Eastern Mussel Farms

Steve Perrin, Friends of Taunton Bay

The Conservation Commission- All Members and Alternates, Joan Strout  
Selectfolk- Dick Fennelly, Jo Cooper, Cynthia Donaldson and Chris Tadema-  
Wielandt

Plus numerous members of the public (about 35 in all in attendance)

Merle Bragdon put the evening out over CATV

Rob's opening remarks

Conflicts over use of the coast

noise, pollution, aesthetics

every decision made by the Legislature costs someone their livelihood

Where someone's living encroaches on someone else's, then we need to  
make adjustments

Who owns the intertidal zone?

Seaweed harvesters are asking the Attorney General

As to attached seaweed in intertidal zone

A person can have a state permit, but have to ask permission from  
Landowner

Seems to indicate that landowner owns intertidal zone

Many issues are not best decided on a Town-by-Town basis – we need more  
cooperation and joint management

Statewide laws not the answer – local conditions vary

Horseshoe crabs in Taunton Bay – not anywhere else in the state

State provides some support for regional management plans – no cash, 3,500 miles of  
shoreline

New study says there is now only 20 miles of working waterfront

[to FBS, in informal discussion after talk] **Regional management plans can be passed  
by the legislature and given the force of law.**

Carol Korty asks about the availability of data on the resources at issue.

Hannah: There's not a lot of research

There has to be a study on each cove to get to know the resource

CK: So the folks doing the harvesting need to give up their data

Hannah: Works with shellfish management plans  
The Shellfish Committee gets the best data and they get the power to set limits  
This many clammers can take so many clams

Dick Fennelly: It's no so hard – you dig until there aren't any 2-inchers left  
Can't find a 6 bushel tide as when I was young.

Hannah: You can, in actively managed areas  
Not necessarily in Lamoine

Jo Cooper: Who pays for shellfish management and who enforces it? How do the  
Towns do it? There was a several-Town meeting a few years back that didn't go  
anywhere due to these issues.

Hannah: Tax dollars are raised by communities that are motivated  
Can't do it through license fees alone  
Clams and oysters only regulated  
Mussels are not considered "shellfish" for the purposes of Town shellfish  
management.  
For Towns to assert control over mussels would require a State Law change

Rob: [to FBS, in informal discussion after talk] In addition, due to DMR boat and budget  
limitations, mussel dragging in a "closed" area is hard to enforce, DMR will  
require the Town to establish GPS readings from fixed sites so that DMR  
can establish a violation from the shore.

LTW: If shellfish can be managed well  
How is there feedback on seaweed, lobsters, mussels?

Rob: Gouldsboro uses shellfish ordinance to gain information on interactions  
Lobster industry is doing well and quite powerful  
The cod are gone, a great boon to lobster  
Lobster industry speaks with a common, and loud, voice  
As Gouldsboro creates data and asks questions, the picture begins to emerge

Hannah: Town with management plans get better access to DMR resources  
They tend to have better landings of clams than Towns without ordinances  
or plans

Wayne Hodgkins: Twice as many flats in Gouldsboro as Lamoine with very few  
diggers

Sherman Merchant: Gouldsboro does not "brush" their flats  
Clams drift for 9 days and then they fall out on something, maybe brush

Dick F: The inter-Town meeting Jo referred to was precipitated by red tide  
closures on the downeast coast. Lamoine stayed open and folks came from  
everywhere and pounded the Lamoine resource.

Jo: Yes, but my concern came out of a sense from the old-timers that the resource  
had really degraded

Dick F.: More access opened up to bottom license and mussels  
Huge bands of eelgrass hundred of feet thick used to be around the  
airport in Trenton, many islands and Berry Cove and the mouth of  
the Jordan River  
No eelgrass beds at all now

What I would support is whatever harvesting can bring the most money that can be made per acre of bottom

Personally feels that this may be year-round mussel harvesting

Not troubled by the conflict with other fisheries

But by the depletion of the eelgrass beds

He draws conclusion that the eelgrass decreases are due to the mussel dragging

Does the State take this into account when issuing licenses?

Rob: Different biologists give different answers

No dragging in Taunton Bay for five years, yet eelgrass is not coming back

Not all eelgrass die-off have a traceable cause

Someone has to be able to say, not here, not now

Has pictures of flats without eelgrass, that used to be full of it

Licenses for mussel dragging specify gear size and nothing else. Draggers can go anywhere they want.

Great Eastern Mussel Farms – Theo de Koning

East Hadley Point – no eelgrass now

Gone away before our license kicked in

Working with COA & MDI Water Coalition on a pilot restoration project

[FBS Note: Having someone from COA or MDI Water Coalition talk about this work might make a good next program on this topic]

Dick F.: You dragged for 2 years before you got the lease and that's when the eelgrass vanished

Eastern Mussel Farm: Mussel draggers need eelgrass, we are careful of this resource.

CK: Any state law on mussels?

Hannah: There is a 2" size limit

Certain time of year no dragging at night

Towns can't have a program that manages mussels without a state law

All mussel draggers need a state license, have to have a drag of a certain size

No other regulation

No limit on where the dragger can go

Trough a Town plan can impose some limits in order to protect clams

Steve Perrin: Taunton Bay folks got a moratorium from the State due to the new bridge being 10' higher and letting larger boats through

5 year moratorium – has to be proof at the end

A volunteer group designed and carried out a study which factored in 20 of the 24 components working in Taunton Bay

Mostly volunteer, SP volunteered 60 hours a week

Put together a study (professionally written)

2010 results will be in

This Saturday – Tamarack Place presentation, 3 to 5

The ecological picture requires talking to everyone

It's not the cod or the mussels that's the resource, it's the system that's the resource.

There's a big appetite out there, for sea cucumbers, or urchin roe, or whatever, we feed the appetite and then the resource is gone and the shame is, we never meant to do it

"Deal with the obvious"

High resolution pictures of Taunton Bay – all mud

Because it's all intertidal

Mudflat management plan

Barbara Arter – contracted to do the plan

Donna Theall: Better to manage the flats

Wayne: Ordinance in Franklin urged? They used to have one and don't anymore.

Steve P: No, we wanted all the Towns to coordinate

We need a level playing field

Mike Nichols (Lamoine): Dragging for 2 years

We avoid eelgrass

Theo DeKoning: Came from Netherlands to do mussels

In family for 200 years

Wild mussel gathering gone in Netherlands – too many harvesters

Introduce – Harvest seed mussels from low probability sites (ice and storm damage)

Take them in high density

Take them somewhere safe

Spread them in densities to get optional size mussel

Not in his interest to take all seed mussels or destroy eelgrass, thousands of seed mussels on a single leaf of eelgrass

Goes through life cycle of a mussel

Rafts of tiny mussels – foot long a 1 micron thick – float for days before settling

40-50 employees of Great Eastern Mussel Farms

Dick F.: Wants to understand how eelgrass is important to farming

FBS: Intervenes, asks for sign-up after talk of those interested in pursuing intertidal issues in Lamoine Throws it back to Rob to wind up.

The conversation continued in a spirited manner until 8:40 or so, and folks continued to talk over refreshments until 9:30. When FBS locked the doors at 9:30, Rob and Dick Fennelly were still talking on the ramp.

[The foregoing is from the notes of Fred Stocking and is not a complete list of comments. I missed material when I was heavily engaged myself, either in the discussion, or in managing the flow.]

Summary of Important Points:

1. State Regulation of the Intertidal Zone is inconsistent and underfunded;
2. State Regulation is not necessarily the best way to manage the resource, since conditions can be very different from one bay to the next;
3. A Town's ability to regulate in the Intertidal Zone is very limited, with the most scope with respect to clams;
4. Mussel dragging is subject to very little regulation, and generally speaking someone with a state license can drag wherever they want to;
5. A Town must make a financial commitment to Shellfish Management if it is to be done, as license fees cannot be expected to provide all the needed revenue;
6. There is very little science being done by the State in Maine's Intertidal Zone;
7. Regional Management Plans, perhaps starting with a mudflat management plan, make sense for managing the intertidal zone;
8. State resources are very limited, but Regional Management Plans will attract State resources that one-town plans won't.
9. Regional Management Plans take years of volunteer work to establish a baseline of facts about the various resources and to pull together all of the different parties concerned, but if successful they can be passed by the Legislature and have the force of law.

Sign-up Sheet—"Have Energy for Lamoine's Intertidal Zone" (apologies for any handwriting transcription or spelling errors)

Joan Strout	667-3531	merriewood17@msn.com
Theo DeKoning	975-0064	theomaine@msn.com
Annie Crisafulu	664-0444	lovethatsnail@yahoo.com
Richard Fennelly. Jr.	667-7424	dick_fennelly@yahoo.com
Mike Nichols	380-6526	mikathem@yahoo.com