



Town of Brunswick, Maine

INCORPORATED 1739

MARINE RESOURCES & HARBOR MANAGEMENT

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Harbormaster

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127th Maine Legislative Joint Standing Committee on Marine Resources

2 State House Station

Augusta, Maine 04333-0002

RE: LD 255 "An Act To Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest"

Dear Honorable members of the Joint Standing Committee on Marine Resources,

My name is Daniel R. Devereaux and I am the Marine Resources Officer and Harbormaster for the Town of Brunswick. I have worked in either one or both of these positions for nearly 20 years, prior to that I was the Shellfish Warden in the Town of Harpswell. Since 1990 I have witnessed drastic changes and shifts in Brunswick's near shore resources and habitats.

I'm testifying today to encourage your support for LD 255 "An Act to Preserve the Integrity of Maine's Shellfish Industry by Increasing the Penalty for Interfering with Permitted Harvest"

The town of Brunswick has always considered shellfishing part of our local heritage. Clammers have been a strand of fabric along our coastline since the Town's inception, as seen by their image in the town seal. Generational harvesters have been working Brunswick's water front for nearly a century. The Town of Brunswick invests significant resources and efforts on an annual basis to help ensure the local shellfish resources remain sustainable. Since the drastic decline of softshell clams in 2010 this has been a cumbersome task, particularly in today's state and municipal fiscal climates.

LD 255 leans toward supporting options for those municipalities who would like to implement municipal aquaculture leasing programs. The LD gives exclusive rights to the resources inside the lease area and it ramps up the penalty for disturbing these resources as well. The proposed changes prohibit other types of activities in leased areas by replacing words like harvest and take to disturb and molest.

The Town of Brunswick has been researching ways to adapt to changing ocean conditions for years. Under current Maine statute, municipalities can lease up to 25% of their intertidal zones for municipal shellfish aquaculture, this would leave 75% open for wild harvesting, including bait worms and other wild shellfish harvest. (Figure 1, Map) To give you an idea Brunswick occupies 1625 acres of intertidal (mudflats) all of which are habitat for marine bait worms, softshell clams, hardshell clams, mussels and oysters. To be able to participate in municipal aquaculture leasing

program each municipality must meet a plethora of other laws laid out in Title 12 6673 and reviewed by the Department.

Part of my job with the Town of Brunswick is to monitor the status of the local natural resources, not just the commercial natural resources, but very important ecological resources that scientifically support those commercial resource habitats (bait worms & shellfish). In doing so the Town tries to seek out the most cost effective methods to help ensure sustainability of the local shellfish resources. Since the Gulf of Maine ocean water is one of the fastest warming waters on the globe, we decided to take a trip south to Barnstable MA on Cape Cod, where similar climatic conditions exist and municipal shellfish aquaculture is allowed and controlled locally. In doing so we learned they have been conducting intensely monitored municipal leasing programs since the early 2000's. Their programs are vibrant, shellfish resources robust, and near shore marine eco-systems healthy. They equate this success to the shellfish leasing program. In MA local fisherman begin farming in one strategically mapped out area that was planned out by the municipal officials, harvesters, biologist, managers and the public. Ninety three acres of the existing thousands of acres were set aside for shellfish farming. There are now upwards of 50 fisherman granted anywhere between ½ to 3 acre renewable leases in the defined area. In 2014 they reported nearly 6 million dollars in annual shellfish resources landed from the leased areas. With this said there are incentives for municipality's as well as the local shell-fisherman to move toward this more modern approach of resource management and shellfish sustainability. Shellfish aquaculture is not only sustainable; it has a direct restorative purpose to the eco system. Shellfish filter the water providing for better water quality, which provides decreased turbidity, decreased nutrient loading and promotes plant life. Shellfish farms can also act as a wave buffer and have been proven to slow shoreline erosion in response to storm surges and SLR.

There are no denying the facts surrounding the impacts the today's environment is having on our near shore resources and ecosystem, ocean acidification and invasive predation being two of the largest impacts . The wild ocean resources are not only on a decline along Maine's coast, they are down nearly 90% in areas across the globe. ME & MA are the only two states left in the nation where local management of the shellfishing resources exist, most likely the key factor in shellfish sustainability to date. There are many studies and reports from around nation and world that strongly support local natural resource management effectiveness on restoring habitats. Bait worm industries are managed in other parts of the country and world, however here in Maine there are very little state regulations or management controls in place. If municipal shellfish committees or individual harvesters were to invest in farming small areas along their local coastlines, with strict local municipal oversight, investing their own money, time, effort and if the bait worm harvesters were allowed to enter those areas at will to dig the worms, it would make no sense to attempt intertidal aquaculture, as clammer's personal investment would not be worthwhile.

A most recent study conducted by Dr. Brian Beal indicates that due to the changing conditions & predation, soft-shell clams are now being harvested from the very upper intertidal. These areas have been the source area for the soft-shell clam populations for centuries and NOW the source of the population is being harvested. These types of activities may directly cause a collapse in the commercial populations of soft shell clams, historically the second largest fishery in Maine, until the boom of the elver fishery.

The Town of Brunswick is in support of this bill because it provides regulatory resources/tools for fisheries managers to use to provide future harvesting opportunities with the focus on sustainability of local shellfisheries. These different approaches to local shellfish management are critical, especially in these trying times of climate shifts, ocean acidification, invasive species, declining softshell clam populations, changing species, etc...

Unfortunately this LD has been turned into a Clammer v wormer bill. In fact these changes reach far beyond the social impacts of the two fisheries; the changes will help support a local aquaculture process which may actually help improve not only the soft shell clam populations, but the parts of the near shore marine ecosystem.

By using municipal leasing options to strategically place aquaculture farms in declining soft-shell clam areas to act as a seed source to other portions of the bay, all the while leaving the majority of the area available to public for commercial and recreational harvest seems to be a win-win situation for the Town of Brunswick Shellfish Management Program.

 Thank you for your time.

Respectfully submitted,

Daniel R. Devereaux MRO/HM

Legend

- 2009 clams
- 2011 clams
- 2013 clams

