

Brunswick Shellfish Committee

85 Union Street

Brunswick, Maine 04011

TESTIMONY IN SUPPORT

February 26, 2025

RE: PFO/A Legislation (LD 222, LD 400, LD 407)

Honorable Members of the Environment and Natural Resources Committee,

My name is Cody Gillis. I am a commercial fisherman, vice chair of the Brunswick Shellfish Committee, and a Brunswick commercial clam digger. I strongly support all the above bills, as they are essential to locating, monitoring, and mitigating the impacts of PFO/A contamination on our natural environment.

On August 19th, we received information regarding a large spill of AFFF at Brunswick Landing, a retired and heavily polluted U.S. Naval Air Station. This site bisects Mare Brook, which ultimately drains into the Harpswell Cove shellfish growing waters. Over the past several years, the Brunswick Coastal Resource Office, the Shellfish Committee, and many local shellfish harvesters have worked diligently to propagate hardshell clams in Harpswell Cove. We have collectively planted and relayed millions of baby hard clams in an effort to restore commercial shellfish populations, keeping the area closed over those years to ensure their conservation. A recent shellfish inventory survey conducted on September 6th confirmed that standing crops had reached what is considered sustainable commercial populations. (See attached report.)

However, on September 13th, we were notified that the Department of Marine Resources (DMR) had issued an emergency PFO/A shellfish closure for Harpswell Cove (see attached). This closure directly impacts 65 acres of productive shellfishing habitat. The emergency closure meant the area would not open for harvest as scheduled on October 1st. We certainly understand protecting the public health with a harvesting closure, however this news was deeply disheartening, as our community has invested significant effort, and harvesters have exercised great patience to see the benefits of our local propagation work. Since then, state agencies have been conducting tests and evaluating public health risks. While we hope that the impact of the spill can be mitigated and the area reopened for harvesting, we have not been provided with any clear pathway forward.

Currently, over 800 bushels of clams—worth approximately \$176,000—are locked in limbo. We do not know if we will ever be able to harvest this area due to the toxic PFO/A contamination emergency closure. This situation threatens the economic stability of over 67 local commercial shellfish harvesters who rely on access to these resources to support their livelihoods.

With that said, I strongly urge you to support these bills, they work to protect the future of Maine's fishermen our environment and the water quality that sustains our high-quality seafood resources.

Respectfully submitted,

Cody Gillis Jr.

Cody Gillis Jr.- Vice Chair
Brunswick Shellfish Committee

Shellfish Survey Report
Harpswell Cove
Town of Brunswick, Maine
September 6th, 2024

Prepared by: Madi Bailey, Matt Yost, Matt Nixon, MRF

Summary

On September 6th, 2024, Muddy River Farm staff completed a shellfish resource analysis on the production area of Harpswell Cove. Standard survey methods recommended by the Maine Department of Marine Resources were used, consisting of random plots of 1' by 2' sampled in a line of 200ft intervals across the proposed site. Minimal instances of *Mercenaria mercenaria* (quahog) were recorded and measured for length of shell.

A total of 50 plots were sampled across the proposed area. The total area of Harpswell Cove is approximately 156 acres. A closure zone has been implemented restricting harvest on 30 of the 156 acres. Of the area open for harvest, 69 acres are considered productive (44 productive softshell acres and 25 productive quahog acres). Data from the surveys was entered into data sheets approved for use by the Maine Department of Marine Resources.

Date: 9/6/2024

Plot size: 1' x 2' @ 200 ft

Plots: 50

Crew: MRF (Madi Bailey, Matt Yost,
Alli Potter, Everett Horch)

Acres: SS – 44, Q - 25

Softshell Clams		
Length (in)	# of Clams	% Number
.2	0	0.0%
.4	0	0.0%
.6	0	0.0%
.8	1	4.0%
1	2	8.0%
1.2	1	4.0%
1.4	0	0.0%
1.6	0	0.0%
1.8	2	8.0%
2	2	8.0%
2.2	5	20.0%
2.4	1	4.0%
2.6	3	12.0%
2.8	3	12.0%
3+	5	20.0%

Softshell Clams	
Total # of Clams	25
Total # of Clams > 50.8mm	19
% of clams > 50.8mm	76.00%
Total Average Bu./Acre	15.62
Total Avg. Bu./Acre > 50.8mm	14.75
Total standing crop (bu)	687
Total standing crop > 50.8mm	649
% of crop > 50.8mm	94.42%

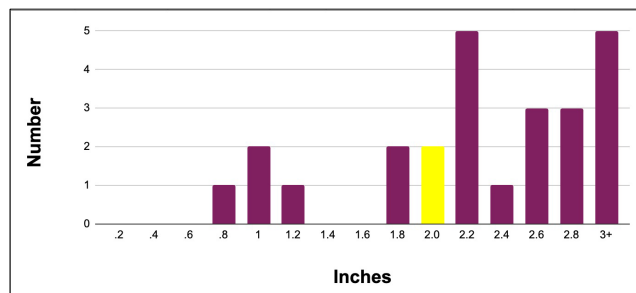


Figure 1. Harpswell Cove Softshell

Quahogs		
Length (in)	# of Clams	% Number
.2	0	0.0%
.4	0	0.0%
.6	0	0.0%
.8	1	1.3%
1	0	0.0%
1.2	1	1.3%
1.4	1	1.3%
1.6	3	3.8%
1.8	1	1.3%
2.0	2	2.6%
2.2	2	2.6%
2.4	2	2.6%
2.6	4	5.1%
2.8	0	0.0%
3+	2	2.6%

Quahogs	
Total # of Clams	78
Total # of Clams > 50.8mm	12
% of clams > 50.8mm	15.38%
Total Average Bu./Acre	9.55
Total Avg. Bu./Acre > 50.8mm	8.30
Total standing crop (bu)	239
Total standing crop > 50.8mm	207
% of crop > 50.8mm	86.93%

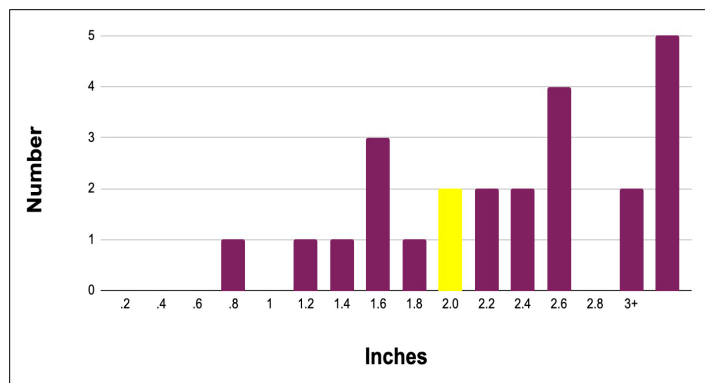
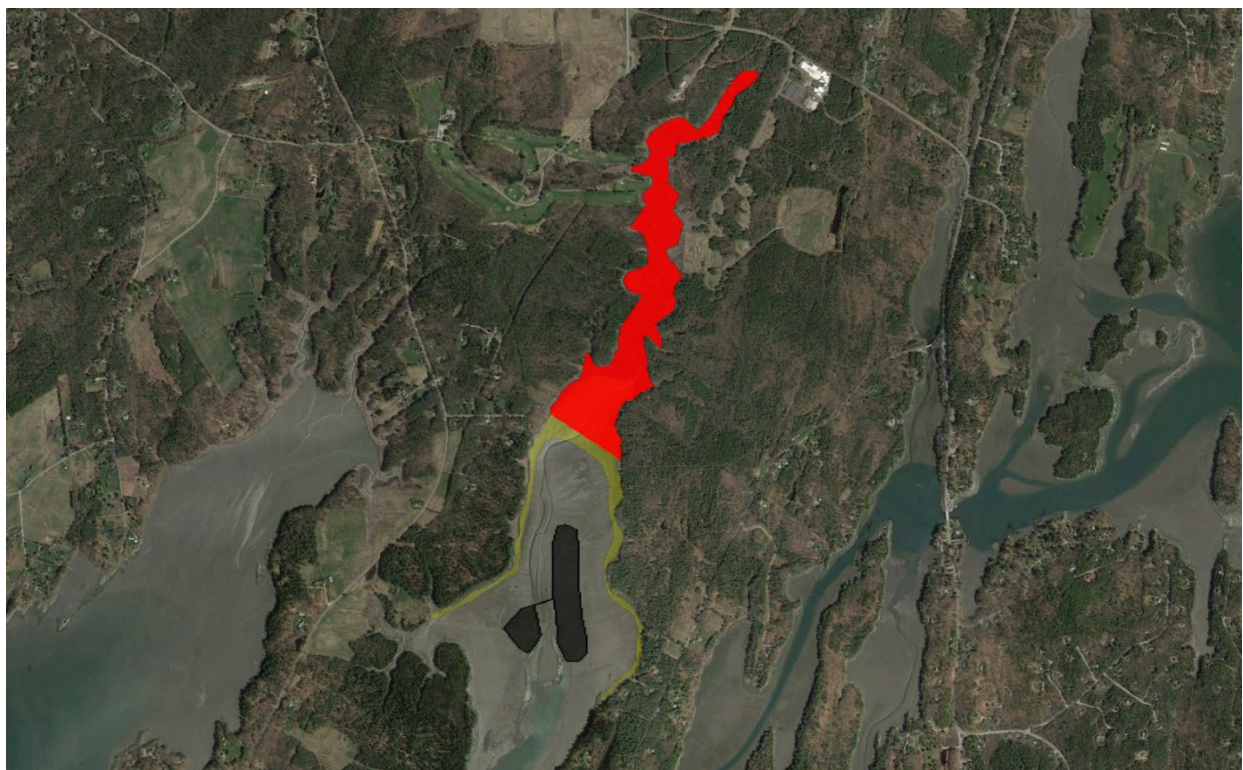


Figure 2. Harpswell Cove Quahogs





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

September 13, 2024

This notice is in effect until repealed or replaced.

Ladies and Gentlemen:

Under the authority of 12 M.R.S.A. § 6172; the Commissioner has made the following changes to Growing Area EH, Seawall (Southwest Harbor) to Otter Cove (Mount Desert), including the Cranberry Isles. This notice reclassifies an area around Mason Point (Somesville) from Conditionally Restricted to Conditionally Approved due to water quality meeting seasonal approved standards. 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):

Prohibited: Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops taken from the shores, flats and waters of the following Prohibited areas:

- P1. Broad Cove (Mount Desert): west of a line beginning at Mason Point running southeast to the southwestern tip of Bar Island, and then south to a red painted post on an unnamed point of land south of the Somes Sound View Campground on the western shore of Somes Sound.
- P2. Northeast Harbor, Bracy Cove, and Seal Harbor (Mount Desert): south and east of a line beginning at an unnamed point of land approximately 380 yards southwest of the mouth of Hadlock Stream (Northeast Harbor), running southwest to the eastern tip of Fernald Point; then southeast to Sand Point, Greening Island; AND north of a line beginning at the tip of Eastern Point, Greening Island then running northeast to Crowninshield Point and then southeast to East Bunker Ledge, then north to Ingraham Point; AND south of a line across the mouth of Northeast Harbor beginning at the base of a private pier approximately 175 yards south of the Clifton Dock, running northeast to the base of a private pier on the opposite shore.
- P3. Northeast Harbor (Mount Desert): west of a line starting at an unnamed point of land approximately 150 yards east of the harbor boat launch ramp, then running north to the base of the third private pier north of the marina.

- P4. Southwest Harbor and Norwood Cove (Southwest Harbor): west of a line beginning at Kings Point, running north to the southwest point of Greening Island, and then northwest to the base of the sixth private pier north of the entrance to Norwood Cove.
- P5. Sutton Island (Cranberry Isles): from the shoreline of the island out to the lowest low tide line of the flats surrounding the island.
- P6. Little Cranberry Island (Cranberry Isles): southwest of a line beginning at Bunker Head then running southeast approximately 675 yards to an unnamed point of land.
- P7. Little Cranberry Island (Cranberry Isles): east of a line beginning at the southwest point of Hadlock Point then running south to the tip of The Maypole.
- P8. Spurling Cove (Great Cranberry Island): south of a line beginning at the tip of Spurling Point then running east to an unnamed point of land.
- P9. Little Cranberry Island (Cranberry Isles): north of a line beginning at the tip of The Maypole then running east to the southern tip of Bar Point.

~~Conditionally Restricted: Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Restricted area(s) without a special MDMR permit during the open dates:~~

- ~~CR1. Mason Point (Somesville): south and west of a line beginning at the western tip of Mason Point, then running northwest to the southeastern tip of the prominent point of land on the opposite shore (closed May 1st through September 30th).~~

Conditionally Approved (Seasonal): Effective immediately, because of seasonal pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Approved area(s) during the closed dates:

- CA1. Somes Harbor (Somesville): north and west of a line beginning at the northern tip of Mason Point and running east to the southwest tip of Squantum Point, ~~; AND east of a line beginning at the western tip of Mason point, then running northwest to the southeastern tip of the prominent point of land on the opposite shore~~ (closed from May 1st through September 30th).
- CA2. Sargent Cove to Marine Railway (Mount Desert): east of a line beginning at a red painted post on the tip of land, approximately 320 yards southwest of the Marine Railway, that forms the mouth of an unnamed cove and running southeast to the northwest tip of land at the mouth of Sargent Cove (closed May 1st through September 30th).
- CA3. Northeast Harbor (Mount Desert): north of a line across the mouth of the harbor beginning at the base of a private pier approximately 175 yards south of the Clifton Dock, running northeast to the base of a private pier on the opposite shore AND east of a line beginning at an unnamed point of land approximately 150 yards east of the harbor boat launch ramp, then running north to the base of the third private pier north of the marina (closed May 1st through October 31st).

Conditionally Approved (WWTP): Effective immediately, because of proximity to a WWTP pump station, it shall be unlawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) from the shores, flats and waters of the following Conditionally Approved area(s) following a by-pass or overflow event at the Otter Creek pump station. For current status, please refer to the Statewide Conditional Area Closure Notice on the DMR website. <https://www.maine.gov/dmr/fisheries/shellfish/shellfish-closures-and-aquaculture-leases-map>.

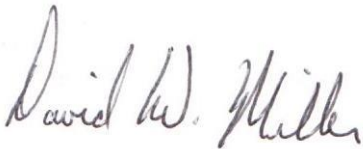
CA4. Otter Cove (Mount Desert/Bar Harbor): North of Park Loop Road.

Approved: All other shores, flats and waters not described in the above sections are Approved and it is lawful to dig, take or possess any clams, quahogs, oysters, mussels or whole or roe-on scallops (from aquaculture leases with an MOU only) when in the open status. For current status, please refer to the Biotoxin and Emergency Closure Notices on the DMR website: <https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>

A. Growing Area EH.

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 <https://www.maine.gov/dmr/shellfish-sanitation-management/closures/index.html>. This information is also recorded on our HOTLINE (207- 624-7727 OR 1-800-232-4733).

Sincerely,



David W. Miller
Eastern Maine Growing Area,
Commissioner's Designee

2:45 PM
(Effective Time)