

Dan Devereaux
Brunswick

Testimony of
Daniel R. Devereaux
In Opposition to
LD89 & LD114 Acts to regulate airboats.

Good afternoon Senator Dill, Senator Mirament, Representative Landry, Representative McCreight, and distinguished members of the Joint Standing Committees on Marine Resource Committee and Inland Fish and Wildlife.

My name is Daniel Devereaux I'm the Brunswick Coastal Resource Manager and I'm testifying today opposition to LD 89 and LD114 in their entirety from a couple different perspectives. It should be noted the Brunswick Town Council & the Brunswick Marine Resources Committee's consensus was to oppose both of these LD's. Understanding the airboat noise impacts and reaching compromise is important to our working waterfronts, there are better ways to accomplish these goals.

I'm basing this testimony on a life time of experience I have gained operating an airboat as the Town of Brunswick Marine Warden for many years. The town has owned and operated an airboat for the better part of a half century for shellfish enforcement, research, and conservation. I retired from the Police Department in 2018 and became the Town's Coastal Resource Manager shortly thereafter, one of my responsibilities is oversight of the Town's Municipal shellfish management plan, of which we use the airboat often to be able to execute many of our duties. Last but not least my family and I are landowners who lives a 1000 feet from Maquoit Bay Landing, a landing that sees as many as 20-30 airboat launches and retrievals a day during the summer months.

Warden Dan Sylvain and I were assigned to the consensus building effort on behalf of the town. I commend IF&W and DMR on their work trying to build a consensus, I'm not sure there could be a consensus without a better understanding of all the facts. Even though some shellfishermen agreed to certain decibel levels, they are doing this out of faith that their airboats will pass under all conditions, I can assure you most will not. Airboats navigate by pushing air through fans, which is then directionally controlled by the rudders. For an airboat to make a sharp turn they will need to accelerate, which will create fan noise. The only noise that is controllable is the engine exhaust noise and some modification to the pitch of the prop. It is nearly impossible to operate these boats, even under the perfect conditions and without being loaded under the prescribed Db levels in both these LD's. The type of mud flat sediment also plays a role in the amount of noise an airboat may need to make to get up and move.

Many people in the consensus group seemed to think the airboat phenomenon is new. Shellfishermen have been using this tool since losing private access years ago. Also shellfishermen cannot control the timing of the tide and when they can harvest. Many of the larger tides during the summer and fall are the early morning tides.

Coastal properties in our area have changed hands over the years and those traditional private foot paths are continually being cut off by the new landowners. Giving fishermen more reason to seek different methods to access the clam flats.

The town of Brunswick is well known for its robust and productive shellfish resources. Brunswick currently licenses 63 commercial shellfishermen; of those 63, 17 own airboats that are frequently used in the summer to access the clam flats. Each one of these dedicated fishermen harvest hundreds of thousands of pounds of shellfish, worth millions of dollars and they are a major contributor to the coastal economy and vibrancy. Setting unachievable decibel limits on airboats will have impacts on their productivity and the coastal economy in Northern Casco Bay.

The Northern Casco Bay is being gentrified quicker than most and this is just more evidence of that. Deep water frontage in Northern Casco Bay is prime real estate and there is very little of it left, so more and more people are now building and living year around on the intertidal. Some of which are now building long piers that extend over the intertidal, you know the same type you see on Cape Cod and the Chesapeake Bay.

Over the years the town has received several complaints surrounding airboat use. We

have taken this opportunity to try to educate both the complainants and the shellfishermen about the traditional shellfishery and what and why fishermen may choose to use airboats. We have also spoke with individual operators and requested they make every effort to reduce the noise. In most cases this has satisfied both sides. If there is an outlier in Town (In other words a boat we get continual complaints on), as a town, we have in the past discussed proposals to close town landings to airboats if operators can't operate them respectively. There is current discussion to reduce twilight hours and reduce the number of days fishermen can fish going on now. Thoughts are implementing these restrictions will offer local landowners who are concerned some more relief.

There is no denying airboats are loud, but they are also a valuable commercial fishing vessel for shellfishermen as they provided a means of easy transportation to mudflats they can no longer access by land. I point out that setting decibel levels on a commercial fishing fleet is a slippery slope for all fishermen. I have heard from supporters that this is an idea is a red hearing, I would counter that with Mainers Against Coastal Noise is a red h What's next duck hunting in the intertidal? A shotgun blast is 150 db. A idling Harley is 80 db's. When and where does it stop? What about jet skis. It's important to note that the state of Florida has over 25 thousand registered airboats and yet they have to establish decibel levels specific to airboat, the only requirement is the engine must be muffled and the boat must display a flag when underway.

The origins of these LD's seem point toward this being a more localized problem (Northern Casco Bay). I would urge members to consider the impacts to local shellfishing towns and the harvesters they license.

Currently there are no fiscal notes attached to these. Who will be expected to enforce these laws? The municipal shellfish wardens, police departments, State Wardens, Municipal Codes Office, who??? Then who is going to prosecute these cases? Can they be prosecuted? This is all going to cost significant amount of money. Because you can bet if this law is implemented, complaints will be generated, which will have to be investigated and prosecuted.

Without further detailed information on the impacts to operators, the fishery, the landowners, and government entities we urge to you vote ought not to pass on both bills.

Respectfully,