

**APPROVED 3-24-2021**  
**Rivers and Coastal Waters Commission**

**Brunswick, Maine**  
**Minutes**  
**January 27, 2021**

**Members Present:** RCWC Mark Worthing (Citizen Rep), Sue Stableford (Citizen Rep), Helene Harrower (Commercial Rep.), Bill Good (Citizen Rep.), Cory Theberge (Vice Chair Citizen Alt.) William Wilkoff (Parks & Rec. Rep) Marko Melendy (Chair-Marine Resources) Doug Niven (Citizen Alt.)

**GUESTS:** Timothy Johnson (Aquaculture Lease Applicant)

**Town Councilors Present:** Steve Walker/Kathy Wilson

**Staff:** Dan Devereaux (Coastal Resource Manager) Daniel Sylvain (Harbormaster/Marine Warden)

A meeting of the Rivers and Coastal Waters Commission was held via electronic device on Wednesday, January 27, 2021. Chair Melendy called the meeting to order at 6:00 P.M.

**Minutes:** (00:45-3:50) July, August, September, October 2020 Minutes Approved. Motion to approve Stableford, Second by Worthing & Niven, unanimous of the Committee. There were some small clerical errors that were pointed out.

**Harbormasters Report:** (04:53-6:35) Officer Sylvain updated the committee

- Sylvain reported that there will be new spill response kits at Mere Point Boat Launch and Sawyer Park Boat Launch.
- Mooring renewal notifications have been sent out to mooring owners through the online mooring programming. Sylvain explained that some complaints have been made from applicants that they have been having issues making changes to their mooring record. Sylvain has contacted online mooring and will follow up with those having difficulties.
- Nothing further to report.

**AGENDA**

**1. Middle Bay Aquaculture Lease Application:** (6:54-43:51)

Devereaux explained the RCWC review of all subtidal aquaculture leases is a new process that was recently enacted by the Town to help inform the application. NOTE: The proposed lease is situated both in the subtidal and intertidal areas, therefore the areas are reviewed carefully by the Brunswick Marine Resources Committee for any conflicts with the Town's shellfish management program. Officer Sylvain stated himself along with the BMRC Chair Cody Gillis, Shellfishermen Dustin Maney and his boat crew, as well as Dan Devereaux assessed the area on January 11 around 2:30pm. Sylvain stated the proposed location of the lease site was verified, and parts of the lease are located in Harpswell. Sylvain stated they were able to identify a few small patches of eel grass in and around the proposed location. He went on to say there were moderate amounts of shellfish (quahogs) located in the northwestern and

northeastern portions of the proposed area this is the area bordering the town managed shellfish growing areas. Sylvain went on to explain piles of cultchless oysters were found inside and in the deeper areas of the proposed southwestern boundaries. Sylvain did state that Johnson (applicant) did indicate that he had placed a few hundred thousand oysters in that area over the last 18 months. Sylvain stated that he has reported this assessment to the Maine Department of Marine Resources.

Devereaux states the job of the RCWC on these types of reviews to not pick apart the operational components of the lease but rather review the location and address any concerns for navigation or impacts to other water dependent uses. Devereaux explained the proposed area is approximately 17 acres with approximate 3-4 acres being over the town line and into Harpswell.

Melendy stated that because of the proposed leases close proximity to the Town shellfish growing areas that Mr. Johnson has already made a full presentation to the Marine Resources Committee and would suggest that commissioners wishing to see the graphics should review the prior Marine Resources Committee Meeting video.

Timothy Johnson introduced himself as a resident and commercially licensed clam digger in Brunswick who has been farming oysters on his experimental nursery lease just north of Scrag Island. Johnson went over two specific details important to his application. Johnson stated that the entire lease is bottom planting only. There will only be four corner markers and there will be no surface gear or bottom gear on the proposed 17 acres. Johnson also stated that he would like to be able to plant 1 year old oyster seed on the bottom. Johnson stated all seed shellfish are sourced from two Maine hatcheries (Mook Seafarm and Muscungus Bay Aquaculture) both located in Damariscotta River. Johnson explained the process he has developed to both nurse his oyster seed to planting size, broadcast it into the proposed area, and then how he would be harvesting with a light weight drag. Johnson explained why oyster farming is conducive and could benefit the existing eco-system.

Sue Stableford asked what the RCWC should be concerned about. Devereaux stated that typically people are concerned about eel grass, existing commercial shellfish resources, any navigation impacts, any visual impacts, and future growth. Melendy reminded the RCWC that a full presentation with graphics can be reviewed from watching the last Marine Resources Meeting.

Mark Worthing stated he has a few concerns. Worthing indicated he has concerns over drag harvesting in the area as the eel grass is revegetating the inner bays. Worthing agreed that harvesting activities remove excess nutrients however it also removes calcium the shells provide to buffer ocean acidification. Johnson explained he has been harvesting wild shellfish since 1982 and shellfish are removed from the bays in Brunswick on a daily basis, his oyster harvesting would be no different. Furthermore Johnson explained that there is a lot of calcium in seawater as a micro nutrient and that he doesn't imagine taking oysters that are put in the bay and then taking them out is any different from wild harvesting too many extents. Johnson states that eelgrass is a concern and that MEDMR will assess the area thoroughly for eel grass and other existing shellfish resources. Devereaux explained there is work in progress to establish a shell recycling program in the State of Maine.

Councilor Walker asked Johnson why he would plant oysters in areas that are not permitted. Johnson explained that it is common practice for farmers to spread oysters on the bottom to try to determine suitable areas to bottom plant. Johnson stated that he was within the bounds of the law to do it and was simply working to identify an area in Middle Bay where bottom planting would be successful. Walker confirmed that Johnson's operational plan was to drag harvest 5 acres per year and requested the times of year the harvest would take place because he has concerns regarding harvesting. Johnson explained he has developed his drag to be environmentally friendly to bottom surfaces. The drag will only go beneath the bottom surface 2 inches. Johnson plans to harvest at least two times a week throughout the site. Walker asked that Johnson make a verbal commitment to work toward returning used decontaminated shells to the ocean in the future. Walker states that returning shells will help the calcium deficit the ocean has.

## **2. Simpsons Point Updates: (43:58-1:01:15)**

Melendy brought everyone up to date on the joint committee meeting with the recreation commission held in October. Melendy stated that a task force has been formed to help address the concerns recognized by both commissions at the joint meeting. A task force has been formed consisting of two members from each commission, RCWC representatives are Melendy and Stableford. There has been one meeting thus far in which the group identified immediate areas that need to be addressed before the start of the 2021 summer season. Devereaux stated that the town council had a meeting about repaving and adding shoulder parking in front of the town owned property on Simpsons Point road. This happened before the Rec Commission and RCWC task force met and after the Recreation Commission meeting. Tom Farrell and Devereaux met with Manager Eldridge to address some of the user conflicts as well as needed infrastructure and road improvements to the area. Devereaux explained that during the meeting both he and Farrell stressed the importance of reinstating the park rangers for the 2021 season to help address the user conflicts.

Stableford states that there is a very active neighborhood group and that she has gotten some emails from them and they seem supportive of the work that is being done but have concerns surrounding the road and parking improvements proposed by the Town Council. Stableford stated that she has given those people that have reached out to her information on the upcoming public meetings about Simpsons Point.

Councilor Walker stated that everything concerning water access in Brunswick gets a lot of attention, Simpson Point is no different. He stated he has been contacted numerous times since the council took up the action item to approve funding to repave the road and add street shoulder parking. Councilor Walker suggested the recently developed task force be used to help to solicit concerns and ideas from the neighborhood members and those who are concerned about the most recent proposal to pave and add parking. Walker also stated that he has submitted a letter of intent to apply for the shore and harbor grant to help with funding repairs to the water access areas at Simpsons Point. Councilor Walker suggests that more people be involved with any development of the site. Devereaux suggests that there is no room for much expansion at this location. There was continued discussion of the disrepair of the launch facility. Harrower suggested a public information meeting. Melendy stated that the task force will continue its work as prescribed and that this agenda item will stay on the Commission's agenda each month until the issues are resolved.

## **3. Local Pier Construction Applications: (1:04:01-1:18:21)**

Devereaux explained there are three pier projects being proposed two in Middle Bay and one in Maquoit Bay. Devereaux explained what is different about these proposed projects from projects in the immediate area that they are being proposed to be built within the intertidal areas. Devereaux stated that the proposed piers in Maquoit Bay and Middle Bay have been sent to the MEDEP and they have forwarded them to the town for review. Devereaux stated that Maquoit Bay site has been evaluated and that the proposed site in Middle Bay is inside Barnes Cove, which is directly adjacent to the Barnes Landing access point. Worthing asked if these projects would be presented to the planning board in a public meeting and if the Planning Board would do a site walk of these areas. Worthing stated that he has major concerns for both of these projects as they are out of character for these portions of the intertidal area. Melendy stated that most docks in these areas are seasonal and that these larger proposals have permanent structures that won't be removed. Devereaux stated that it isn't the direct footprint of these types of structures that worries him it the cumulative impact of increased activities. Walker stated that if these types of piers are approved it will encourage more coastal landowners to build these types of piers. Melendy asks if the Planning Department has a public meeting process. Devereaux stated there is a process. **ACTION ITEM Melendy made a motion to send a letter to the Planning Board voicing the commissions concerns. Seconded by Worthing, unanimous of the commission to send a letter to the Planning Board stating the concerns of large permanent pier being constructed in the intertidal zone.**

**4. Airboat Legislation Update: (1:00:22-1:03:40)**

Melendy explained this is a carryover agenda item and will continue to be on the agenda until it is concluded. Devereaux explained the proposed rules were turned down by the Maine Department of Inland Fish and Wildlife's advisory council and sent back to the legislature who sent it back to MEDIFW for consensus building under MRSA Title 5 consensus building rule making. So the consensus group will consist of landowners, airboat operators, town officials, law enforcement, regulators, and citizen representatives. Devereaux stated that the group will meet regularly through February and March in an effort to try to come to consensus.

**5. New/Old Business: (1:18:43- 1:34:00)**

- Melendy suggested the website be updated with correct term limits for commissioners
- Melendy suggested that the reports from Maine Sea Grant be updated to reflect the most recent information.
- Melendy also suggested the town documents online be looked into and to see what can be replaced with newer materials
- Sylvain brought up whether or not application for commercial from people who are not shorefront owners should be considered. Worthing asked about where those folks may access their moorings from and pointed out that moorings can't be associated with Mere Point Boat Launch. Harrower stated that there are several considerations that should be made if this ever happens. Sylvain surveyed other coastal communities in the area and was informed that they do allow commercial moorings for not only just shoreline owners but also for commercial operators. Devereaux stated that through his interpretation of the ordinance it seems like there is confusion over commercial mooring applications. Devereaux suggested Sylvain reach out to several area communities and report back to the commission on his findings on how commercial moorings are handled in those communities and then bring that back to the commission for discussion. Niven explained that he has always had a

commercial float that his kids now use but it has never been registered with the Army Corp of Engineers. Helene stated that Paul's Marina will often do short term rentals for commercial operators.

NEXT MEETING: Wednesday February 24pm 6pm

Sue Stableford suggests that Devereaux reach out to Jay Astle from public works and let him know of the concerns about the Simpson Point paving project

**Meeting adjourned @ 1:36:56**

Submitted By,

Dan Devereaux,

**Please note: These minutes are action minutes. The entire meeting can be viewed by visiting the Town TV3 website.**

<http://tv3hd.brunswickme.org/CablecastPublicSite/show/4413?channel=1>