

Rivers and Coastal Waters Commission

MINUTES

July 28, 2021, 6 p.m.

Members Present: Marko Melendy (Chair; Marine Resources), Bill Good (Citizen Rep.), Helene Harrower (Commercial Rep.), Doug Niven (Citizen Alt.), Sue Stableford (Citizen Rep.), Corey Theberge (Vice Chair; Citizen Alt.), Will Wilkoff (Rec Commission) Mark Worthing (Citizen Rep.)

Town Councilor Present: Steve Walker (District 2)

Staff Present: Dan Devereaux (Coastal Resources Manager), Dan Sylvain (Harbormaster)

1. Harbormaster report (2:25)

Officer Sylvain gave the Harbormaster Report. The town received the jet ski through the K38 grant program and Sylvain has been using it a lot. He went out last week on Thursday and Friday to do mooring checks. Over 25 percent of mooring balls didn't have registration stickers on them and many are not properly marked with numbers given by the town.

Chris Green, a commercial harvester for the town, has applied for an intertidal LPA (Limited Purpose Aquaculture License) off of Long Reach. The harvesting committee is on board with him doing this and Green will be going before the Marine Resources Committee on Wednesday to request approval by the chair of that committee. In response to a question from Melendy, Sylvain explained the process for obtaining an LPA — application paperwork and a \$50 fee are sent to the town and Sylvain evaluates the application through a site visit. If it's an intertidal site, the applicant must go in front of committee for approval/denial. If the project goes to the committee for evaluation, information about it is online about a week in advance.

A limited purpose aquaculture lease is a one-year license to grow shellfish. It can be renewed. Farmers use it to test areas before applying for and setting up permanent operations.

Sylvain and Devereaux have been discussing a process used in Harpswell that they'd like to see implemented in Brunswick. Right now, if there's a subtidal aquaculture application, Sylvain evaluates it. He would like the application to next go before RCWC for public comment so that harvesters and the public can learn about it and provide feedback. The commission wouldn't have to approve/disapprove the projects. Devereaux gave additional details the process in Harpswell and commented that Paul Plummer (Harpswell's Harbormaster) reports that it has worked well to involve more of the local community in the future development of the waters. They have been doing it for 6-8 months. Niven told the commission that he recently applied for four LPAs in Harpswell. It was a great opportunity to explain his projects and he supports it. Harrower also supports it and stated that it would be nice to let her customers and recreational boaters know where new projects are popping up.

Devereaux is working with the Gulf of Maine Research Institute on a comprehensive shellfish development plan. Hopefully, written protocols will come out soon, with timelines for local input review process. This will take place over the next four to five months and there will be opportunities for public engagement.

Sylvain has been speaking with the land abutter at Simpson's Point (to the right as you are walking towards the water) about canoes and kayaks tied to their trees. The abutter will no longer allow this and has removed them.

Minutes from the June 23rd meeting were moved for approval by Niven; Wilkoff seconded. The vote was unanimous in favor of the motion.

2. Review Moratorium Language (15:22) and (59:08)

Devereaux introduced the updated language for the moratorium on construction of permanent projects in the intertidal zone which now includes salt marshes. The moratorium did not go before the town council at their last meeting because, according to the town manager, it had not yet been legally vetted in terms of the intent and impact on ongoing projects.

Councilor Walker had not yet joined the meeting, so the commission decided to table this item until he arrives. See below under Old/New Business for additional discussion.

3. Simpson's Point Advisory Committee (18:32)

Melendy reported that members have been appointed to the committee. Devereaux will be staffing it. The committee has three months to come up with recommendations based on a specific set of concerns. Meetings will be public and are scheduled for every other Thursday beginning August 5th.

4. Eel Grass Mitigation Grant Update (22:17)

Devereaux reported that the Maine Natural Resource Conservation Program accepted the Letter of Intent submitted by the town and Stantec and has invited us to submit a full application. We are now in the identification process; Sylvain is drafting a letter to mooring owners in eelgrass areas on the western side of Mere Point to offer the opportunity to participate in the grant if we get it. The grant would pay for the replacement of moorings, five years of maintenance, and five years of mooring fees. It was difficult to get people to participate while doing mitigation for the Mere Point boat launch and this now incentivizes the process quite a bit. If we get more than 20 volunteers, the consulting company will go out and look to see which moorings provide the most mitigation. Mark Worthington stated that this could potentially be a great benefit for Brunswick. His helical mooring is now eleven years old. It is still fine and not scouring the bottom; it doesn't move and doesn't blow.

Devereaux commented that this is the first time MNRCP has done this type of work. It dovetails with Jay McCreight's bill (LD593) which will provide up-to-date, consistent mapping of eel grass for better understanding of ecosystem services and needs, and other parameters of the bay — water quality, carbon sequestration, etc.

The commission discussed what helical moorings look like (diagrams in the packet). Devereaux and Worthington described a screw-in anchor with strong bungee cords that run between the anchor and the floating ball. The bungee does not float or sink but stretches up and down with the tide. Worthington has not had to change this hardware in the years he has had the mooring. The anchor is installed fourteen to twenty feet into the mud with only a ring showing for attaching to the bungee.

Harrower asked several questions about the use of these moorings in commercial marinas related to cost and function and the infrastructure involved. The contractor is calculating the price of installation; it is not inexpensive but is long-lasting. Devereaux stated that there might be grants to assist commercial marinas with up-front costs especially with the increased focus on the importance of eel grass. Evidence from south of here indicates that these moorings really help keep the eel grass from becoming fragmented. Harrower does not maintain her moorings in a set place every year; sometimes they are moved for different sized boats. What is the equivalent of this process for the helical moorings? Devereaux explained that there are different types of designs, and they are all tested for pull; probably a commercial marina would install 500-pound equivalents for all helical moorings. Discussion turned to the bungies, formally called braids, which are highly manufactured from neutral synthetic fibers made into strands which are then braided together and engineered to the needs of the specific mooring. The braids vary in length due to the depth of the water.

Niven asked Worthington if he's noticed a difference in the scope and radius due to tides and winds using the helical mooring. This concern would apply to close mooring fields if the adjacent moorings were older-style mushrooms. Worthington stated that the scope seems to be less since it's elastic; the scope and swing needs to be coordinated with other area boats. Niven asked if there's the opportunity to get more moorings in a smaller area and Worthington responded that he recalled that's been possible in MA. Devereaux commented that the scope is much less since a length of chain is not dragging on the bottom.

5. New/Old Business (39:08)

Stableford reported on the success of the brochure boxes at waterfront spots. She's refilled the box at Simpson's point often and last week she refilled the box by the river. Sylvain reported that staff is replacing the brochures daily around town. Staff still has a good supply of brochures to distribute.

Harrower commented that a customer has seen Ben, the park ranger, out working and suggested that he needs something to write on and check off boxes, so he communicates when vehicles are parked in the wrong place and put it on the windshield rather than having to hunt down the vehicle owner. There's a lot of activity on the bay and a lot of people continue to call her about parking.

Harrower reported that Little Whaleboat Island, a privately owned island in Harpswell, has been offered to the Maine Coast Heritage Trust for purchase. MCHT has until December to come up with the funds to purchase it. Paul's Marina is doing a fundraiser to help with this which starts Friday with a Happy Oyster Hour and runs until a public event at the marina on Friday night, the 20th of August. Donations can be made through MCHT or the marina.

Melendy asked if anyone in Brunswick runs a water taxi or a ferry, or if there's any other way for people who don't own boats to enjoy those islands. Harrower answered that there are commercial operators that will take the public out or to cruise around the bay, and that kayaks can be rented from Sea Spray LLC. and other places. Melendy would like to get the word out about these options to people who aren't in the boating community.

Harrower remarked on the increase in transient moorings — people who are camping and need to store their boats for a day or two, or boats passing through. There's a lot of traffic on the water this year and Paul's is booked through August. These aren't people needing parking;

they take taxis into town, maybe spend the night in a hotel, eat out, go to the grocery store — bringing revenue into Brunswick.

Melendy followed up about the Mare Brook issue: he bumped into engineers from the town and the county looking at culverts and flow, and areas to prioritize and work on. He was also approached by someone who wants to start a Mare Brook neighborhood group to advocate for work on the brook. He underscored that there is more interest in these issues in the public lately. Maine DEP has a great website about water quality and for concerns/questions.

Councilor Walker joined the meeting and reported that \$250,000 was allocated to Brunswick through the Land for Maine's Future Water Access Program for Merrymeeting Park. Maine Coast Heritage Trust helped financially and with due diligence to pull together the eleven shareholders of the property. It was a unanimous vote of the LFMF board. An additional \$230,000 still needs to be raised. Walker commented that this will be a premier riverfront asset for the town and the project includes the Driscoll Island chain (7 islands) off the tip of Merrymeeting Park.

Concerning other agenda items, Walker spoke to Diano Circo at IF&W and an engineer is putting a plan together to address the need for overnight parking at the Mere Point boat launch. Concerning agenda item #4 (eel grass mitigation), Walker asked Devereaux about the need for a legally recorded document to go with the mooring mitigation sites. These are new types of projects for NMRCP and the town is working with Stantec on these details. The commission discussed the process used during the Mere Point boat launch mitigation efforts.

Review Moratorium Language con't'd (59:08) — Walker reviewed the background of the proposed moratorium language. Since the RCWC reviewed the document, Walker tried to expand the moratorium to address issues in salt marshes and not just permanent structures in the mud flat. It is easy to say no permanent structures on the mudflats, but what are our priorities for upper intertidal wetland that are threatened with sea level rise and climate change? Should we have limits on activities for these areas?

Melendy asked about best way to support the moratorium going forward. Walker has been told this will be on the agenda for the Town Council meeting on August 2nd, and a public hearing will be scheduled. Input from the RCWC would be welcome at that time. Melendy then read a short letter from the RCWC he drafted to support the moratorium that can be updated with new language and asked for feedback. Commission members supported the letter.

Melendy asked whether the moratorium effects projects already underway. Walker discussed this with the Town Manager; if a permit process is undertaken, it's exempt. But if the building permit is not underway, it could apply. Right or wrong, it could be too litigious to stop a project that is already in the works. At the moment, there are three projects underway in town. The starting point is when official notification through the planning department occurs. Public input can occur first at the staff review after a draft application has been submitted to the town. Notification for these meetings is only sent out to project abutters. In response to a question from Melendy, Walker will provide the RCWC with a flow chart with dates for public input in the planning process.

Returning to **Old/New Business**, Melendy asked Walker for an update about ordinance language changes concerning the protection of significant plant and animal habitat. Walker reported that the Town Council sent suggested language changes to the Planning Board for review. The existing ordinance requires mitigation for rare plant and animal habitats, shorebird

areas in intertidal, etc. A two-tier approach (upland and coastal) was put forth due to the difficulty of protecting or securing mitigation options in public waters due to the public trust and deeds issues. Walker will suggest that the Town Council address inland/non-tidal water and upland habitats under one part of the ordinance and intertidal issues under the moratorium.

Niven asked Councilor Walker where we might propose impact fees for new permits for piers whereby the cost associated with putting the pier in could be used for restoration of shellfish, eelgrass or salt marsh. Walker answered that this could be covered in ordinance changes to water dependent structures in the intertidal. The Council could look at this when it's looking at standards as proposed under the moratorium.

Melendy asked about the role that town committees and commissions with expertise play in the Planning Board process. Walker believes this needs to be addressed at the Council or management level.

The Commission discussed whether to meet in August and decided to tour aquaculture, coastal waters, eelgrass beds, and helical moorings instead. Devereaux will let the commission know if anything important comes up and the commission can still decide to meet.

Niven made a motion to adjourn which was seconded by Theberge; the motion passed unanimously.

The meeting adjourned at 7:31.