

# Shellfish Management Program

## Introduction

The Shellfish Management Program was established by adoption of the Shellfish Conservation Ordinance at the March 1992 annual town meeting. The purpose of the program is to insure the protection and optimum utilization of shellfish resources and industry within the Town of Waldoboro. The goals will be achieved by means which may include:

- A. Improve water quality;
- B. Licensing;
- C. Limiting the number of shellfish harvesters;
- D. Restricting the time and area where digging is permitted;
- E. Limiting the minimum size of clams taken.

## Program Description

*(Scope and Level of Service)*

The Shellfish Management program consists of a limited number of activities or tasks. The program is staffed with a part-time shellfish warden from March to November. The warden works a varied schedule as Shellfish Warden dedicated at 600 hours annually.

- A. *Shellfish License Allocation Program.* In March of each year, the Shellfish Conservation Committee must review the shellfish resources in consultation with the DMR Regional Biologist to determine the number and types of shellfish licenses to sell and request the allocation from DMR. This task has the greatest impact on the resource; a number of towns rely solely on this activity to manage the resource.
- B. *Establish Conservation Areas.* This activity is designed to protect areas that have been seeded from harvesting activity until the seed has reached legal size, to set aside an area that doesn't freeze up in the winter for digging; and to rotate with other conservation areas to even out the effort, particularly for areas prone to over harvesting. Prior to closing or opening an area of a municipality to shellfish harvesting, the municipality needs to review the status of the resource to be affected, secure the recommendation of the Regional Biologist and receive approval of DMR.
- C. *Establish Shellfish Harvesting Restrictions.* The Shellfish Conservation Commission is responsible for establishing in conjunction with DMR restricting amount, time or season of harvest.
- D. *Transplanting/Reseeding Program.* A community must have a permit from the Maine Department of Marine Resources (DMR) to harvest and possess undersized sublegal-sized clams for the purpose of reseeded shellfish areas. The permit also allows the

harvest of seed clams from closed areas, provided the receiving flats are closed for six months.

The Shellfish Warden shall, in conjunction with the DMR area biologist, recommend an annual transplanting/reseeding program. Subsequent to the adoption of the transplanting/reseeding program by the Shellfish Committee, the Shellfish Warden will manage the annual reseeding program which may include seed with hatchery stock and/or reseeding from closed or high density areas and may include protective measures from predation utilizing fences, traps, or nets, and enhancing spatfall with brush, fences or nets.

Guidelines for the harvest of under sized clams require that the activity take place during daylight hours, on designed days, and be under the supervision of the town's shellfish warden or designee of the Shellfish Committee. All clams harvested must be less than 2" in the longest diameter, the area must be marked by orange flags, there must be a designated landing point, and the method and route of the transportation of product to the receiving area must be submitted to DMR.

During the harvesting activities, harvest crew diggers shall remain in the same area, close enough for immediate supervision of all diggers at all times by the supervisor.

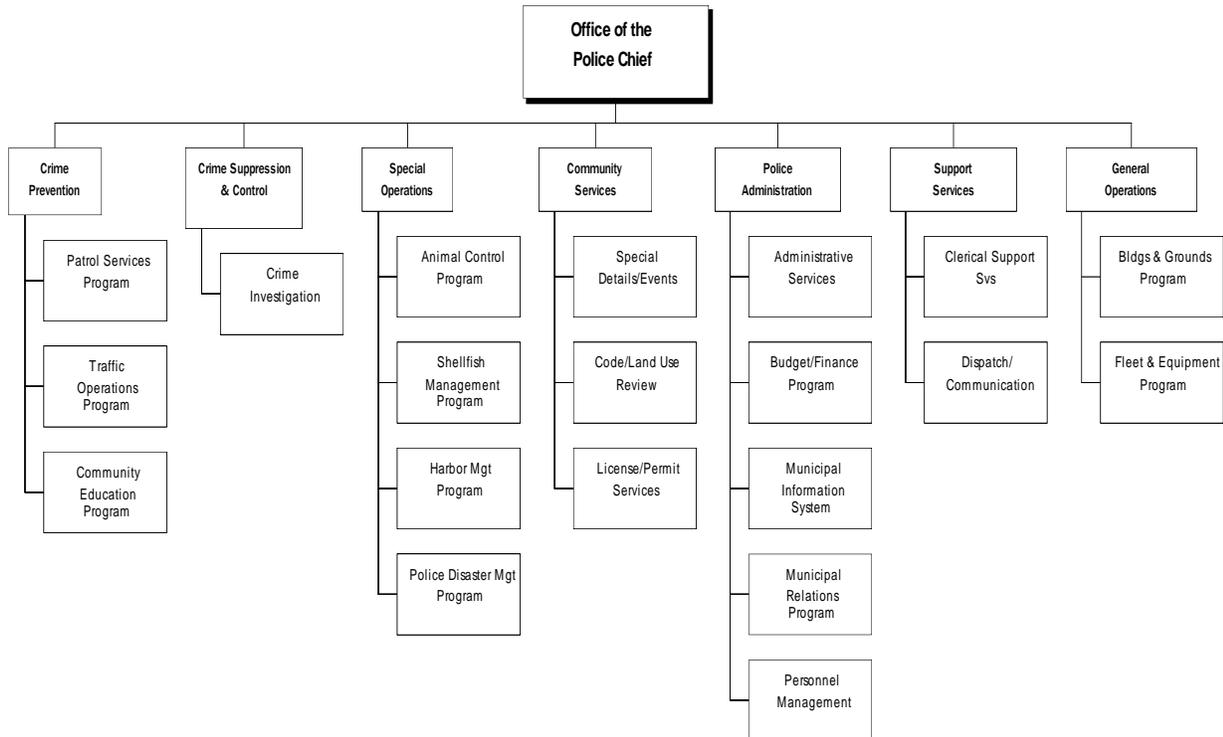
- E. *Shoreline Clean Up.* The Shellfish Warden shall be responsible for undertaking an annual shore line clean up in the spring during the month of May with the assistance of and under the general direction of the Shellfish Committee.
- F. *Annual Shellfish Management Review.* An Annual Shellfish Management Review Report must be submitted to DMR by March 1<sup>st</sup> for the previous year (January 1 - December 31). The Annual Management Review Form is a 10-page document designed to address all aspects of a clam management program. The plan allows DMR to monitor and evaluate the clam management activities in a consistent manner to determine if the municipality is meeting its regulatory requirements under Marine Resource Regulations, Chapter 7.
- G. *Shellfish Warden Enforcement Activities Report.* The Shellfish Warden shall complete a monthly Shellfish Warden Enforcement Activities Report and submit it to the Police Department for distribution to the Shellfish Committee, Office of the Town Manager and Office of the Select Board. The DMR also requires a copy of this report twice annually. For the period January 1<sup>st</sup> to June 30<sup>th</sup> the report is due September 15<sup>th</sup>. For the period July 1<sup>st</sup> to December 31<sup>th</sup>, the report is due by March 1st.

## **Organization & Staffing**

### **Organization**

The Shellfish Management Program is considered a community development function under the water resource management division of the Planning & Development Department. It is considered both an economic development and a conservation function. However, since the program also includes enforcement activities, the shellfish warden falls under the jurisdiction and supervision of the Police Department as far as enforcement activities are concerned. Although this program straddles two different departments, the program budget is included under the community development function.

## WALDOBORO POLICE DEPARTMENT Programs & Services



### Staffing

The program is staffed with one (1) shellfish warden year round. The warden works a varied schedule as Shellfish Warden dedicated at 600 hours annually. The position is funded from shellfish license fees. License sales and secretarial services are provided by the Office of the Town Clerk and are funded through the property tax.

## Roles and Responsibilities

### Municipal Administration

The roles and responsibilities of the various participants to the Shellfish Management Program is provided below.

#### A. Office of the Select Board/Town Council.

1. Administers the shellfish conservation program and appoints the local shellfish committee.

#### B. Shellfish Committee

The Shellfish Conservation Program shall be administered by the Shellfish Conservation Committee and shall include the following responsibilities.

1. *Establish Number of Shellfish Licenses.* Establishes annually the number of shellfish licenses to be issued in conjunction with the Department of Marine Resources (DMR). License numbers must be approved by the DMR.
2. *Recommends Conservation Openings & Closures.* Reviewing annually the status of the resource using the results of clam flat, harvester or dealer surveys and other sources of information and preparing in conjunction with and subject to the approval of the department a plan for implementing conservation measures including recommendations for conservation openings and closures to the Select Board.
3. *Preparation of Shellfish Budget.* Submits to the Select Board proposals for the expenditures of funds from the purpose of shellfish conservation and administers the annual shellfish budget once adopted.
4. *Ordinance Review and Recommendation.* Keeping the ordinance under review and making recommendations for its amendment. Ordinance amendments allow a committee to tailor the ordinance to its town. Amendments must be approved by DMR and voted upon at a town meeting.
5. *Maintains Production Records.* The Committee is responsible for securing and maintaining records of shellfish harvest from the town's managed shellfish areas and closed area that are conditionally opened by the Department of Marine Resources and maintaining production records generated by the shellfish dealer reporting program.
5. *Recommends Conservation Openings & Closures.* Recommending conservation

closures and openings to the Select Board in conjunction with the Area Biologists of the Department of Marine Resources.

6. *Annual Shellfish Management Report.* Submit the annual shellfish management report covering the above topics and all other committee activities to DMR, Town Manager and Select Board.
7. *Improve Water Quality.* Work with the municipal officials and various State agencies to improve water quality which will result in more shellfish producing areas to be opened for harvesting.

**B. Town Manager**

1. Provide for the administration of the Shellfish Management Program in accordance with the Shellfish Ordinance and policies and procedures adopted by the Shellfish Conservation Committee.
2. Appoints the Shellfish Warden with the advise and consent of the Shellfish Committee and the Police Chief.

**C. Town Clerk**

1. Act as official contact person for all legal notices and other correspondence sent to the town by DMR. Documents sent to town may include notifications of pollution or contamination closures, responses to requests for license allocations, reseeding or conservation actions, and forms such as the Annual Management Review.
2. The town clerk is responsible for distribution of documents to proper individuals (i.e. the Select Board, Shellfish Committee or the Warden) in a timely manner.
3. The town clerk also conducts shellfish license sales and may assist in the preparation of the Annual Management Review.

**D. Police Chief**

1. Supervise the shellfish warden and enforce the shellfish management ordinance.
2. Annually evaluate the performance of the Shellfish Warden.

**E. Shellfish Conservation Warden**

1. Enforces the Shellfish Conservation Ordinance.
2. Issues summons for shellfish violations.

3. Prepares activity reports which must be certified by the town each year.
4. Perform the duties as outlined in the job description.

## Shellfish Management Program Goals and Objectives

1. *Reserve the clam resource for residents.* A universal thought, not often stated goal, the ability to attain this is the “carrot” of the clam management program.
2. *Maximize individual harvest.* Most towns strive for this through strict controls to allow their harvesters to earn a living from clam digging.
3. *Provide maximum utilization.* To provide digging opportunities to as many residents as possible.
4. *Maintain a sustainable yield by limiting environmental impacts and reduce over harvesting.* This goal can be difficult to obtain if recruitment is hindered by environmental factors or if over harvesting is allowed to take place.
5. *Increase the clam resource through conservation closures, clam transplanting and reducing harvesting efforts.*

## **Project Priority List**

1. Prepare and submit annual shellfish management report by March 1 annually to DMR, Town Manager and Select Board.
2. Provide the Select Board a copy of the minutes of shellfish committee meetings.
3. Prepare the operating and capital budget and submit to town manager by January 1 annually.

*Goals & objectives should be established by the Shellfish Committee, subject to the consent and approval of the Select Board. The Shellfish Committee should seek the input of the various stakeholders including, but not limited to, the local shellfish industry (diggers), DMR, and municipal officials. Established objectives should be attainable and measurable.*

## **Shellfish Management Program**

### **Performance Measures**

#### **Program Evaluation Criteria**

The Shellfish Committee must establish and identify evaluation criteria to report on the Shellfish Program effectiveness in meeting the goals and Action Plan established by the Committee. The Committee must also identify the process for evaluating and reporting the status of any progress on project priorities.

#### **Annual Reports**

[Attach Annual Program Performance Report as an addendum to this document]

#### **Shellfish Budget**

[Attach Annual Budget as an addendum to this document]

Governance Plan(s) & Document(s)

1. Governance Plan(s) & Document(s)
  - Shellfish Conservation Ordinance & Regulations
  - DMR Shellfish Rules

Management Plan(s) & Document(s)

3. Management, Operations, & Maintenance Plan(s)
  - Shellfish Management Plan
4. Monitoring & Control Plan *(See MIS Report(s) Below)*
  - Monitoring & Control Checklist(s) *(See Shellfish Management Program, Monitoring & Control Checklist to be prepared)*
  - Management Report(s) *(See DMR Reporting Requirements)*
  - Quality Assurance Report(s) *(See Department of Solid Waste Management Quality Assurance Report (pending))*
5. Program Evaluation Plan
  - Program Evaluation Checklist *(Reserved for Future Use)*
  - Program Evaluation Report *(See Police Department Report)*

Administrative Plan(s) & Document(s)

6. Shellfish Management Budget Document(s)
  - Shellfish Management Operating Budget
  - Shellfish Management Capital Budget
7. Shellfish Management Report(s) - (By Period; By Type)  
*(See Department of Planning & Development Department, Municipal Information System)*

Annual Reports

- Municipal Shellfish License Allocation Application (due March 1st)
- Shellfish Management Annual Report (due March 1<sup>st</sup>)

Quarterly Report(s)

- None

Monthly Report(s)

- Shellfish Management Report (*Including SEA Measures*)

Daily/Weekly Report(s)

- Daily Log/Mileage Report

Other Report(s)

- Conservation Closures/Opening Application
- Softshell Clam Transport Permit Application
- Softshell Clam Transplant Record

8. Shellfish Management Municipal Relations Document(s)

- Press Release/Photo Opt (Sample)

9. Shellfish Management Personnel Documents (*Cross Reference under Department of Personnel*)

- Recruitment & Selection Procedures (*See Police Department Recruitment Procedures*)
- Job Description(s) (*See Department of Personnel, Personnel Policies, Appendix C - Shellfish Warden*)
- Shellfish Management Training Guidelines (*Reserved for Future Use*)
- Employee Performance Evaluation Form(s) (*See Department of Personnel Management, Shellfish Warden Performance Evaluation Form*)
- Shellfish Warden Certification Form
- Collective Bargaining Agreement (*Not Applicable*)

Shellfish Management Program Operating & Maintenance Plan(s) & Document(s)

10. Shellfish Management Operating Plan(s)

- Shellfish Management Operations Manual (*As required by the DMR*)
- Shellfish Clam Transplant Procedures.

11. Maintenance Plan(s)

- Boat, Motor & Trailer Maintenance Manual(s)