

SHELLFISH MANAGEMENT PLAN

for
Town of Mount Desert

Town of Mount Desert submits the following information as required by DMR Regulations Chapter 7.20, which states that the Shellfish Management Plan shall consist of:

- A. A written statement of goals and objectives the municipality plans to achieve as a result of its conservation program
- B. A description of the various conservation measures the municipality intends to employ to reach those goals.

Statement of Management Goals and Objectives [Required]

It is the goal of the town of Mount Desert's Shellfish Management Plan to ensure protection/sustainability while optimizing the utilization of its shellfish, clam, and intertidal resources within its limits. When used in the context of the Town's ordinance the words "shellfish", "clam", and "intertidal shellfish resources" means soft shell clams (*mya arenaria*) and hard-shell clams (*mercenaria mercenaria*). We will conduct enhancement activities to increase these resources and will use closures to maintain resources.

- *To conserve the shellfish resources in the Town of the Town of Mount Desert in order to provide an income to commercial harvesters.*
- *To make the shellfish resource more available to harvesters by improving water quality*

Objectives:

- *Licensing: provide limit licenses to protect from overharvesting*
- *Economic: emphasize preservation of resources*
- *Conservation: conduct enhancement activities to increase or study resources and use closures and harvest limits to maintain resource levels*

Description of Conservation Measures

The list of conservation measures for the Town of Mount Desert's shellfish committee is to provide unlimited resident, and non-resident recreational licenses allocated per ratio sales of resident recreational licenses, while limiting the amount of harvest per day. Limit the number of resident and non-resident commercial licenses to be sold annually. Use collaborations thru other towns on Mount Desert Island thru shared research and data to help modify our regulations to any overharvested shellfish species in the ordinance, by limiting daily individual harvest or through conservation closures, in consultation with the DMR area biologist. The Shellfish committee would work with the town's wastewater and public works departments to increase communication about municipal outfalls and the effect on the flats. Continued communication with the state on closures due to excess rainfall or contamination.

The Shellfish Conservation Committee is committed to the administration of the Shellfish Conservation Ordinance and its purpose to establish a Shellfish Conservation Program for the Town of Mount Desert which will ensure the protection and optimum utilization of shellfish resources within its limits. These goals will be achieved by means which may include:

- A. Licensing.
A Municipal shellfish-digging license is required for all persons age sixteen (16) and over. It is unlawful for any person to dig or take shellfish from the shores and flats of this municipality without having a current license issued by this municipality as provided by the Town of Mount Desert Shellfish Ordinance. The Town Clerk shall issue Resident and Nonresident Recreational and Commercial licenses.

Designation, Scope and Qualifications

1. **Resident Recreational License** - The license is available to residents and real estate taxpayers of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself or his family.
 2. **Nonresident Recreational license** - The license is available to any person not a resident of this municipality and entitles the holder to dig and take no more than one peck of shellfish in any one day for the use of himself or his family.
 3. **Resident Commercial License** - The license is available to residents and real estate taxpayers of this municipality.
 4. **Nonresident Commercial License** - The license is available to any person not a resident of this municipality.
 5. **License must be signed** - The license must be signed to make it valid.
- B. Limiting the number of shellfish harvesters.
Clam resources vary in size and distribution from year to year and over the limited soft shell clam producing areas of the town. It is essential that the town carefully husband its resources. Following the annual review of the town's clam resources, its size distribution, abundance, and the wardens' reports, the Shellfish Conservation Committee in consultation with the DMR Area Biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.
- C. Restricting the time and area where digging is permitted.
The Municipal Officers, upon the approval of the Commissioner of Marine Resources, may open and close areas for shellfish harvest. Upon recommendations of the Shellfish Conservation Committee and concurrence of the DMR Area Biologist that the status of shellfish resource and other factors bearing on sound management indicate that an area should be opened or closed, the Municipal Officers may call a public hearing, and shall send a copy of the notice to the Department of Marine Resources.

The decision of the Municipal Officers made after the hearing shall be based on findings of fact.

It shall be unlawful for any person to harvest, take or possess shellfish from any areas closed by the town of Mount Desert in accordance with DMR Regulation, Chapter 7. Harvesting shellfish in a closed area is a violation of this municipality's ordinance and is punishable under MSRA Title 12 §6671.

Boundaries of conservation closures are explicitly defined in the conservation closure application submitted by the Town of Mount Desert to DMR and are part of the resulting permit issued by DMR. These permits are posted at the town office and online: [http://www.maine.gov/dmr/shellfish-sanitation-management/programs/municipal/ordinances/town info.html](http://www.maine.gov/dmr/shellfish-sanitation-management/programs/municipal/ordinances/town%20info.html)

Limitation of Diggers Clam resources vary in size and distribution from year to year and over the limited soft shell clam producing areas of the town. It is essential that the town carefully husband its resources. Following the annual review of the town's clam resources, its size distribution, abundance, and the wardens' reports, as required by Section 3, the Shellfish Conservation Committee in consultation with the DMR Area Biologist will determine whether limiting commercial or recreational shellfish licenses is an appropriate shellfish management option for the following year.

1. Prior to May 1 the committee shall report its findings and document recommendations for the allocation of commercial and recreational licenses to be made available for the following license year to the Commissioner of Marine Resources for concurrence.
2. After receiving approval of proposed license allocations from the Commissioner of Marine Resources the Town Clerk shall file said approval in the Town Office.
3. No digging will be allowed ½ hour before sunrise and 1/2 hour after sunset, except from November 1 to March 1 digging is allowed until 6:00 p.m.
 - a) With prior notification to the Town of Mount Desert Dispatcher(s), Town of Mount Desert Commercial License holders shall be allowed to dig after dark. Notification is defined as, for each occasion, the name of the digger, the specific date of digging, and the general location of digging.

- D.** Limiting the minimum size of clams taken.
Per the ordinance Section 7. it is unlawful for any person to possess soft shell clams within the Town of Mount Desert, County of Hancock which are less than two (2) inches in the longest diameter except as provided by subsection E.B. below.

A. Definitions

1. **Lot** The word "lot" as used in this ordinance means the total number of soft-shell clams in any bulk pile. Where soft shell clams are in a box, barrel, or other container, the contents of each box, barrel, or other container constitutes a separate lot.
2. **Possess** For the purpose of this section, "possess" means dig, take, harvest, ship, transport, hold, buy, and sell retail and wholesale soft shell clam shell stock.

- E.** Limiting the amount of clams taken daily by a harvester.

Per the ordinance Section 7. :

- B. Tolerance** Any person may possess soft-shell clams that are less than two (2) inches if they comprise less than 10% of any lot. The tolerance shall be determined by numerical count of not less than one (1) peck nor more than four (4) pecks taken at random from various parts of the lot or by a count of the entire lot if it contains less than one (1) peck.

C. Penalty Whoever violates any provision of this section shall be punished as provided by 12 M.R.S.A. § 6681.