

Shellfish Committee Description

The Shellfish Committee is composed of five members appointed by the Board of Selectmen for 3-year terms.

The Shellfish Conservation Ordinance, passed in November 2002, took effect January 1, 2003. From that date on, no commercial digging is permitted on any of the open flats in the Town of Southwest Harbor. Anyone who digs after that date must have a license and may take up to one peck of soft-shelled clams for personal use. Licenses are available in the Town Office and cost \$20.00 for residents and real estate taxpayers of Southwest Harbor, \$40.00 for non-residents, and are free to those 15 years old and younger, regardless of residency.

The major open clamming area extends from the tip of Connor Point eastward and northerly through Fernald Cove and around Fernald Point to the Mount Desert town line in Valley Cove. The open area has been expanded and includes all of the Town shoreline from the town line on Valley Cove to the base of the fifth private pier east of Norwood Cove; the south and west shores of Greening Island; and from King's Point to the town line at Ship Harbor.

Mussels are not regulated by this ordinance and may be gathered for personal use by anyone in any amount and at any time and from any area not otherwise prohibited by the State DMR because of pollution or red tide.

The Shellfish Committee meets as needed on the 2nd Monday of every month at 5:30 pm at the Town Office and the public is invited to attend.

The Shellfish Conservation Committee's responsibilities include:

- A. Establishing, in conjunction with the Maine Department of Marine Resources (DMR), the number of shellfish licenses to be issued annually.
- B. Submitting to the Board of Selectmen proposals for the expenditure of funds for the purpose of shellfish conservation.
- C. Keeping the Shellfish Conservation Ordinance under review and making recommendations for its amendments.
- D. Securing and Maintaining records of shellfish harvest from the Town's managed shellfish areas.
- E. Recommending conservation closures and openings to the Board of Selectmen in conjunction with the Department of Marine Resources Area Biologists.
- F. Submitting an annual report to the Town of Southwest Harbor and the Department of Marine Resources covering the above topics and all other committee activities.

Shellfish Committee Background

When Fernald Cove was reopened to clam digging by the State Department of Marine Resources (DMR) in the early winter of 2000-2001, town residents were distressed by the sudden massive commercial digging that took place. This severely depleted the clam resource of our most important clam flat by the following spring and effectively removed it as a source of locally dug clams. Town voters approved a local shellfish ordinance in November of 2001 and amended it in November of 2002 in an attempt to protect this resource from over-exploitation and to preserve an opportunity for local residents to enjoy it. Currently, commercial digging is prohibited, and all diggers must be licensed by the town. Enforcement of these provisions is essential for effective resource protection.

Under Maine State law, any local shellfish ordinance must be approved initially by the DMR, and then subsequent town management is reviewed annually for conformance with state requirements. One of the most significant requirements is for the town to appoint shellfish wardens to enforce the local ordinance provisions. The DMR reserves the right to rescind local ordinances if there is inadequate enforcement.

When citizens buy a local shellfish license, one of their expectations is that those who are not licensed will not be digging clams. Over the years, the local shellfish conservation committee has abided by an initial commitment to manage the resource using only funds from license fees which have averaged about \$550 annually. For the last several years, the committee has relied on a part time warden who is paid an hourly rate and reimbursed for use of his personal car and for other expenses. The Southwest Harbor Police Dept. also assists with enforcement where the officer on duty is available to respond to citizen complaints.