



## *Town of Mount Desert*

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### **TOWN OF MOUNT DESERT SHELLFISH COMMITTEE Meeting Minutes Thursday, October 27, 2016**

**Town Hall Meeting Room  
21 Sea Street  
Northeast Harbor**

*I. Call to order 4:30 p.m.*

Chairman Victor Doyle called the meeting to order; also present were Committee members Earl Moore, Tom Falt, and John Stanley; Commercial License Holders David Dunton, Ben Hamor, Rustin Taylor, Richard Taylor, Laura Flannery, and Tiffany Tate; Town Clerk liaison Claire Woolfolk; DMR Biologist Hannah Horecka and David Miller, and members of the public

*II. 2016-17 license holder introductions and new committee member application approval*

It was noted that Ben Hamor had been voted to the Board and approved by the Board of Selectmen last June.

Rustin Taylor, Richard Taylor, Laura Flannery, Tiffany Tate were introduced.

Rustin Taylor, Ben Hamor, Victor Doyle, Laura Flannery, and David Dunton earned a meeting credit toward their seniority requirement.

*III. Water quality presentation regarding Gilpatrick Cove*

Hannah Horecka reported on DMR's findings (report attached). It was noted that the report is not final. There will be a re-evaluation once all data is in. Major concerns are the culverts in Gilpatrick Cove (2 residential storm water culverts with infiltration from residential sewer line still register positive for infiltration) and another pollution source that will be investigated by the town.

Considerations for re-classification are listed in the report. DMR would have to investigate with hydrodynamic testing (dye study) to see how the pollution is getting pushed around. The testing is very expensive (upwards of \$50,000); if the town is interested in investing in the project, DMR can give a list of resources.

Chairman Doyle noted that it is important to test the hydrodynamics; need to know the radius around the wastewater treatment plant to identify the area that is affected by the treatment plant. Testing *could* result in a larger closure area than is currently on record. David Miller, DMR, suggested the University of ME as a possibility for testing. He would give the committee contact information if they want to pursue it.

Chairman Doyle said he would look into ways to make the testing less expensive and report back to the committee. Mr. Dunton suggested another source of testing could possibly come from Dr. Jane Disney/COA and grant money.

Mr. Miller suggested that once a partner was found, that DMR be involved in the initial planning stages so that they could be sure that the testing will satisfy State requirements.

*IV. Introduce Bar Harbor committee. Members and discuss conservation cooperation between towns*

Bar Harbor commercial license holders were introduced. There were no committee members present; their absence excused due to prior commitments.

Chairman Doyle said that during a discussion with Heidi Leighton, DMR biologist, she indicated that they (DMR) encourage towns working together. Bar Harbor has good resources for scientific conservation; Mount Desert is more commercially oriented.

Bar Harbor's code of ethics disallows commercial harvesters from serving on the Board as a conflict of interest. A question posed that if the Towns were to merge the shellfish management, would Mount Desert have to adhere to Bar Harbors' code of ethics. Cranberry Isles was also mentioned as a possible further source for sharing resources (they don't currently have a commercial resource).

Chairman Doyle will follow-up on Bar Harbor/Mount Desert inter-town cooperation regarding shellfish resources.

*V. ANP / harvester conflict update including summary of Poliquin bill and meetings*

The Park may own to the low water mark in areas like Otter Creek and in Pretty Marsh picnic area. If they do have ownership, they could prohibit digging in the area, but do not have plans to enforce the no-digging in the near future.

Chairman Doyle has submitted a requested to Congressman Bruce Poliquin and Senator Angus King to introduce a bill to keep the area open to commercial harvesting. He will keep the committee apprised of future developments.

*VI. Conservation closure and seed enhancement status*

The nets were not installed but the area has been seeded. Most areas died away, but there were a few areas protected by rocks that did take. Chairman Doyle will

continue to monitor the area off Birch Cove and see about lifting the closure after a year or so once the seed reaches harvestable size, or decide to keep it closed and protect it with nets.

Under the committee's advisement, nets off Bartlett's Island were not installed in order to avoid possible conflict between a land trust and the State or Town.

*VII. Warden updates*

Warden Guildford reported to Chairman Doyle on three violations; one was written up and the catch dumped. Chairman Doyle is impressed with the job the wardens have been doing. There has been a noticeable decrease in poaching.

*VIII. NEH swim club and adjacent area seed transplant - set dates, assign tasks, etc.*

A subcommittee was appointed to work on the removal and transplant of seed to Birch Cove and to discuss with the Swim Club. New diggers could participate in boosting the resource. Subcommittee members are Earl Moore and Ben Hamor.

*IX. DMR report regarding renewal status of surplus resident licenses by non-residents holders annually*

It is unlikely that *new* non-resident commercial license holders will be grandfathered for license renewal next year. We will pursue a decision from DMR and report back at the next meeting.

*X. General species, bio toxins, etc. update*

General comments were encouraged. Seeding for harvest and Colonial Law was discussed. Hadley Point is covered with muscle seed; environmental changes and warmer water have contributed to the increase.

*XI. Such other business*

None presented.

*XII. Adjourn at 5:35 p.m.*

MOTION: John Stanley moved, seconded by Tom Falt, to adjourn the meeting. The vote was in favor 4-0.



### Investigative Report

#### Town of Mount Desert; shellfish management

This report is an overview of the water quality performance within the town of Mount Desert and specifically, Gilpatrick Cove, Northeast Harbor. It has been generated to provide an update on water quality within the region. Further comments or requests for updates may be made to the growing area scientist Hannah Horecka at [hannah.horecka@maine.gov](mailto:hannah.horecka@maine.gov) or the growing area supervisor David Miller, at [david.w.miller@maine.gov](mailto:david.w.miller@maine.gov) or by calling 207-667-5654.

#### Water Quality Station Data

Mount Desert encompasses the area surrounding Bartlett Island, Somes Sound, and Northeast Harbor to Otter Creek. It is monitored by 30 water quality stations (Table 1 and Figures 1-4). Preliminary data show all of the water quality stations currently meet their standard in 2016. End of year data will be evaluated to determine any reclassifications that may occur in early 2017.

Table 1: The calculated P90 scores from the last 30 samples collected at water quality stations in Gilpatrick Cove. Data is inclusive up to 10/5/2016.

Area	Station	Class	GM	MAX	P90	Appd Std	Restr Std
Bartlett	EG027.00	A	2.3	9.1	4.1	31	163
Bartlett	EG028.00	A	2.5	16	5.9	31	163
Bartlett	EG029.00	A	2.6	31	6.9	31	163
Bartlett	EG029.90	A	1.9	4	2.3	31	163
Bartlett	EG030.00	A	2.9	240	10.4	31	163
Bartlett	EG030.80	A	2.4	11	5	31	163
Bartlett	EG031.00	A	4.6	100	23.2	31	163
SW Harbor	EH023.60	A	3.2	160	16.1	31	163
SW Harbor	EH024.00	A	5.1	130	29	31	163
Somes	EH027.00	P	4	240	18.5	31	163
Somes	EH030.00	CA	4.1	84	14.8	31	163
Somes	EH031.00	CA	5.1	128	26.4	31	163
Somes	EH034.00	CA	3.2	62	11.1	31	163
Somes	EH035.00	CA	3.8	94	15.3	31	163
Somes	EH036.00	CA	3	40	11.2	31	163
Somes	EH038.00	A	2.5	18	5	31	163
Somes	EH039.00	CA	2.9	122	11.3	31	163
Somes	EH040.00	CA	3.2	142	14	31	163
Somes	EH041.00	A	3.1	360	16.9	31	163
Gary Moore Cove	EH044.50	A	3.5	102	15.1	31	163
Gary Moore Cove	EH045.00	A	3.5	100	15.2	31	163
Gilpatrick	EH047.00	P	5.1	1700	74.1	31	163
Gilpatrick	EH047.20	P	3.3	300	20.3	31	163
NE Harbor	EH050.00	CA	2	6	2.9	31	163



Area	Station	Class	GM	MAX	P90	Appd_Std	Restr_Std
NE Harbor	EH052.00	P	3.2	92	12.6	31	163
NE Harbor	EH055.00	CA	2.4	130	7	31	163
NE Harbor	EH057.00	CA	2.3	96	6.2	31	163
NE Harbor	EH065.00	P	2.3	68	6.3	31	163
Otter Creek	EH068.00	A	2.7	340	10.1	31	163

### Gilpatrick Cove

The area of Gilpatrick Cove is monitored by two stations, EH47 and EH47.2 (Table 1, Figure 4). In 2007 the town of Mount Desert was notified that abnormally high water quality scores were documented in the area and further investigation (optical brightener tests) indicated that domestic sewage was infiltrating the storm water culverts in the area (Table 2-3, Figure 4). Based on these findings, the area was reclassified from a Seasonal Conditional Area to Prohibited. A request for a water quality update was submitted in January 2016 and further testing (optical brightener tests) during the summer of 2016 indicated that domestic sewage is still infiltrating the storm water culverts in Gilpatrick Cove (Table 3). During this testing a potential pollution source was located which must be investigated and remediated if found to be a pollution source (Figure 4).

To be considered for reclassification the following must be completed: dye testing or other testing methods to locate the source(s) of sewage infiltration into the storm water drains, remediation of any cross connections found, and potential pollution source (EH016-157) must be investigated by town and remediated if necessary. DMR staff will need to confirm the resolution of the pollution sources which will include a hotspot survey among other tests. The DMR will also need to evaluate the dilution zone around the Northeast Harbor Waste Water Treatment Facility effluent pipe, all overboard discharges, and other known pollution sources in the area. Due to changes in the NSSP Model Ordinance guidelines on waste water treatment plants, the evaluation of the dilution zone requires a hydrodynamic study. DMR does not currently have the funding available for a hydrodynamic study; however, the town or shellfish committee may pursue this on their own to provide useable data for the evaluation. MSC (virus) testing may also be required due to the proximity to the waste water treatment facility output.

### Somes Sound

The area of Somes Sound is monitored by 12 stations, (Table 1, Figure 2). There are currently three closure areas in the sound, all of which are FDA mandated closures around known pollution sources. Two of the current closures in Somes Sound, 44(D.1) and 44(D.3), are seasonal Conditional Areas surrounding marinas that operate at a high enough capacity to warrant a closure primarily in the summer months. During the months of October through April, the boat traffic in these marinas reduces significantly and meets Approved standards. These seasonal closures will remain in effect as long as the pollution source remains. The Prohibited Area in Somes Sound, 44(A.2), is surrounding the effluent pipe from the Somesville Waste Water Treatment Facility. This closure will remain in effect as long as the pollution source remains. The Gary Moore Cove seasonal Conditional Area at the mouth of the sound, monitored by stations EH44.5 and EH45, was reclassified to Approved in May 2016.





## Shellfish Resource Assessment

A resource assessment of Gilpatrick Cove was conducted on May 25, 2016 at the request of the Mount Desert Shellfish Committee. The survey showed low to moderate clam resource with signs of predation common to abundant. The area has the potential to be a highly used recreational resource.

## Shoreline Sanitary Survey

The growing area was last surveyed in 2012. Focus was primarily on approved, conditional and restricted areas. Gilpatrick Cove culverts have been sampled in 2006, 2007, 2008, 2009, 2011, and 2016 (Table 1A). Optical brightener tests were conducted during the summer of 2016 and a walk through survey of the cove was conducted during that testing.

## Recommendations

Water quality scores in Gilpatrick Cove remain high and optical brightener tests indicate that a persistent problem remains in the area. The town of Mount Desert should continue dye testing or other forms of investigative actions to find the source(s) of infiltration.

## Progress and Communications

Updates to previous requests are marked in red.

2007:

August 8, 2007 Samples taken in Gilpatrick Cove, Northeast Harbor, Stations EH 47 and 47.2 were 1600 and 50 fc/100ml.

October 3, 2007 Stations were sampled again with results of >1600 and 86 fc/100ml respectively. This prompted shoreline survey work in the cove to determine the source.

October 5, 2007 Optical brightener pads were placed in stream EH016-152(stream outlet next to pumping station at head of cove) and culverts EH016-156(second culvert north of the yacht club), and EH016-155(first culvert north of club).

October 11, 2007 Optical brightener pads recovered at late afternoon low tide. The optical brightener sample pad EH016-152 was negative and both EH016-156 and EH016-155 (the storm drain culverts) were positive. The optical brightener sample pad EH016-155 had a strong septic smell and remains of toilet paper were found at the mouth of the culvert.

October 24, 2007 Samples taken from culvert EH016-156 showed confluent growth and EH016-155 showed 130 fc/100ml.

October 26, 2007 Area No. 44 was amended to change Gilpatrick Cove from Conditionally Approved to Prohibited.

November 1, 2007 Town officials were notified with a letter and have started the process of locating the source of sewage in the storm drain system. Gilpatrick Cove will remain Prohibited until the abatement process locates and corrects any sewage contamination in the storm drain system.



2014:

March 25, 2014 Water quality scientist, Allie Rohrer met with the Steuben shellfish committee at the Mount Desert Town Hall.

- Request for letter to be sent to town manager, Durlin Lunt and CEO Kim Keene to prompt action. Letter sent 4/1/14.
  - Response from CEO 4/4/14 requesting DEP assistance. DEP will work with DMR to assist the town.
  - Dye testing conducted in August and September 2014.
  - Report with results dated 10/14/2014 received. No infiltration found. Dye testing to resume summer of 2015.
- All open area of Somes sound has valuable shellfish resources.
- Area of EH 24 previously seeded

2016:

January 8, 2016 Water quality update on Gilpatrick Cove was received. Update sent 1/28/2016.

- Request for re-evaluation of Gilpatrick Cove closure due to possible resolution of storm water culvert infiltration. Received no confirmation from town that culvert infiltration was resolved. OB testing conducted 5/24-7/8/2016 shows infiltration still occurring.

October 27, 2016 Water quality scientist, Hannah Horecka will meet with the Mount Desert Shellfish Committee in Northeast Harbor.



Figure 1: Western Mount Desert pollution sources and water quality stations with current classifications.

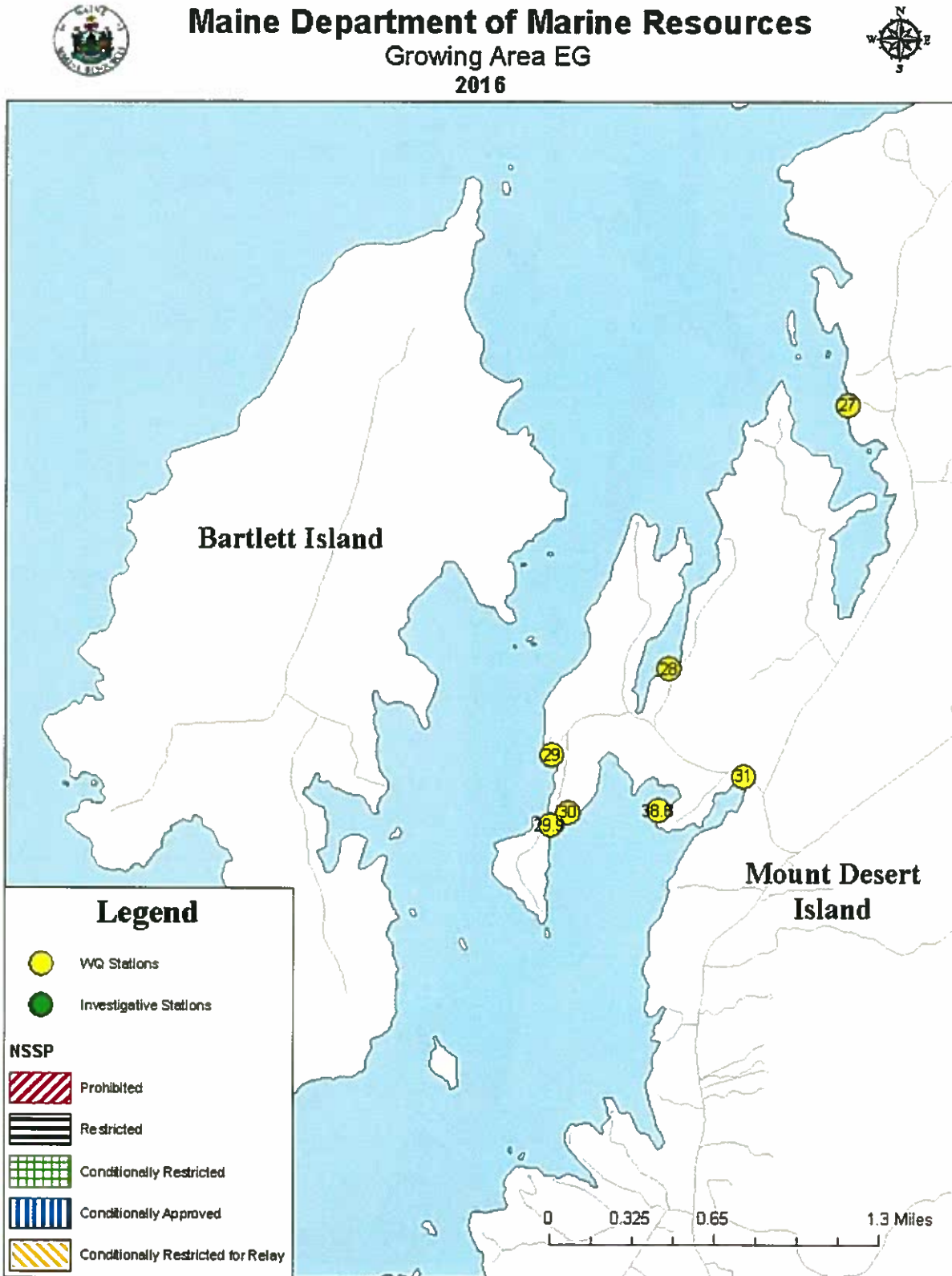






Figure 2: Mount Desert Somes Sound, NE Harbor area pollution sources and water quality stations with current classifications.

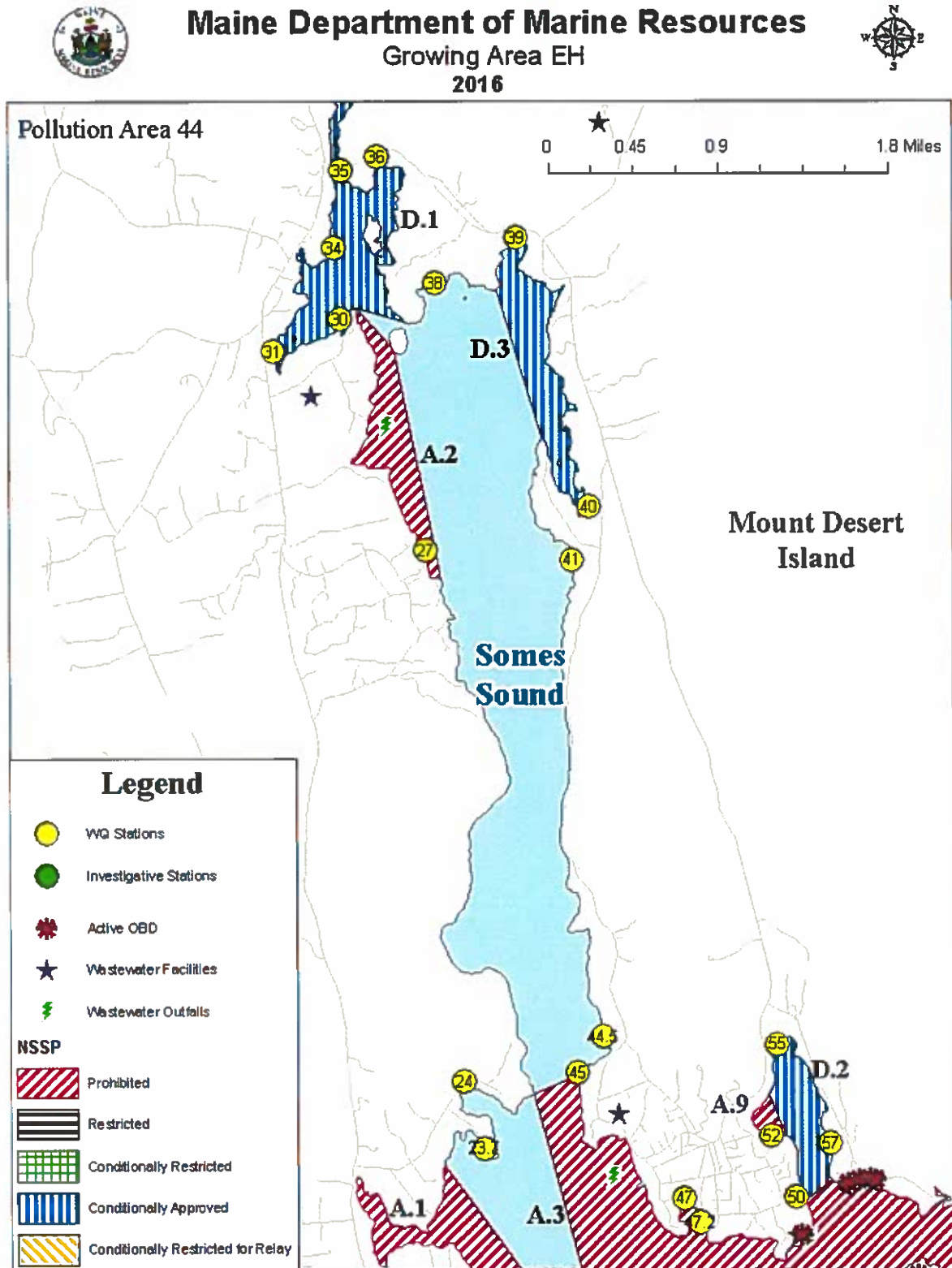




Figure 3: Eastern Mount Desert pollution sources water quality stations with current classifications.

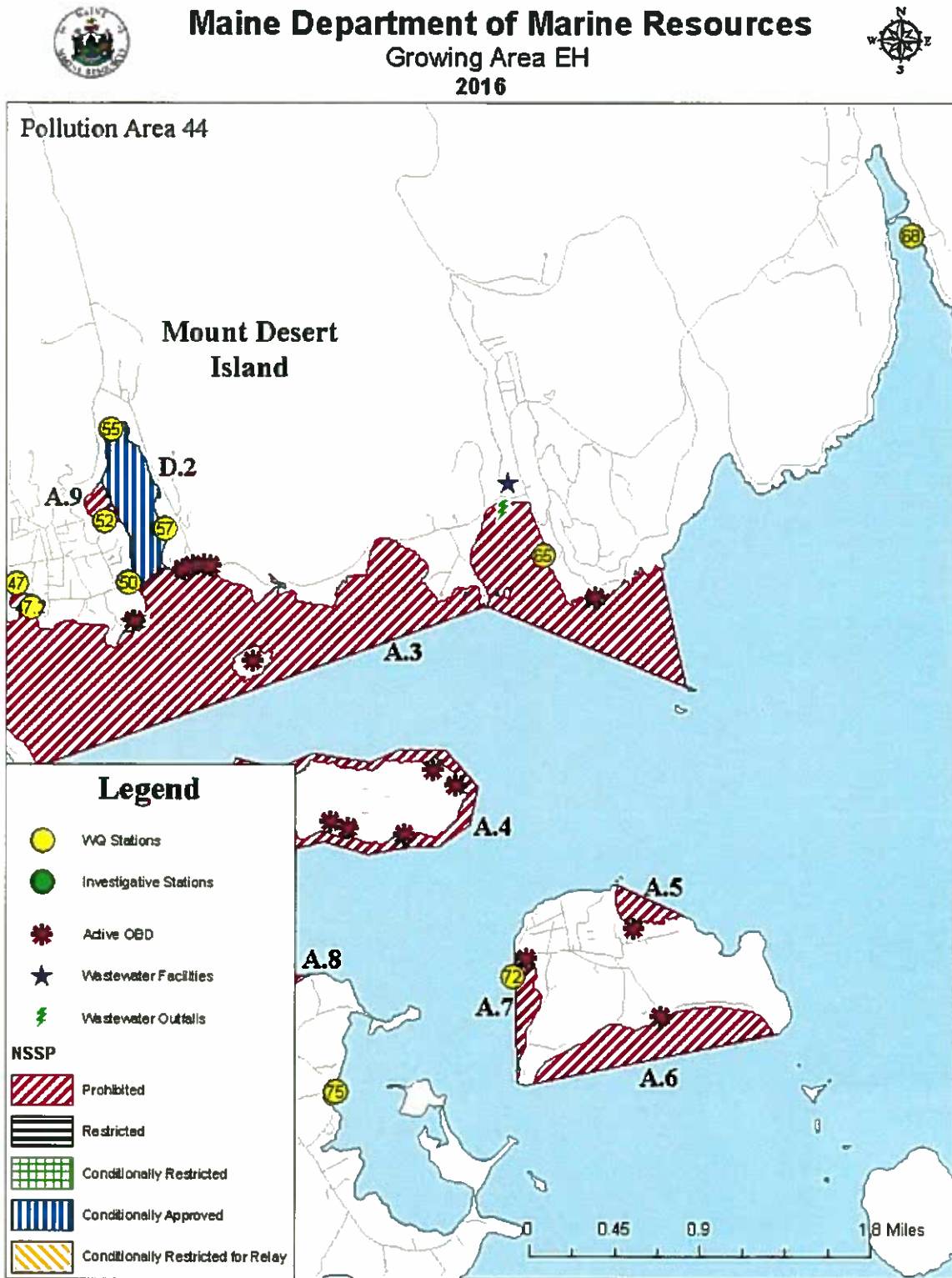




Figure 4: Pollution sources and water quality stations for Gilpatrick Cove.







**Table 2: Pollution source samples from Gilpatrick Cove. Scores greater than 31 fc/100mL are highlighted in red.**

Location ID	PSOURCE_DESCRIPTION	DATE	FECAL (FC/100mL)
EH016-152	Intermittent stream under road at head of Gilpatrick Cove. This stream goes by a pumping station for the town WWTP collection system. If the pumping station should have a catastrophic failure, the effluent would enter Gilpatrick Cove via this culvert.	04-Dec-06	6
		03-Jan-07	2
		30-Jan-08	1.9
		24-May-11	1.9
		10-Apr-12	1.9
EH00525.61	Sampling point for stream EH016-152, that is above the WWTP pumping station. This point should be negative even if the pump station overflows.	04-Dec-06	96
EH016-156	Second (northern) storm drain culvert on the east shore of the cove. A 3 foot diameter cement pipe.	24-Oct-07	1700
		30-Jan-08	46
		16-Mar-09	22
		24-May-11	280
		15-June-16	84
EH016-155	First (southern) storm drain culvert on the east shore of the cove. A 2 foot diameter storm drain culvert located just north of the sailing club.	26-Dec-06	420
		03-Jan-07	154
		24-Oct-07	130
		30-Jan-08	1540
		16-Mar-09	1.9
		24-May-11	138
		15-June-16	4



**Table 3: Optical Brightener Tests from Gilpatrick Cove. Positive results are highlighted in red.**

Location ID	PSOURCE DESCRIPTION	Date Placed	Date Recovered	Results (+/-)
EHO16-152		05-Oct-07	11-Oct-07	-
EHO16-156	Northern Culvert on east shore of Gilpatrick Cove	05-Oct-07	11-Oct-07	+
		24-May-16	31-May-16	-
		31-May-16	8-June-16	-
	OB around edge of pad	8-June-16	15-June-16	+
		15-June-16	23-June-16	-
	OB around one edge of pad	23-June-16	30-June-16	+
		30-June-16	8-July-16	+
EHO16-155	Southern Culvert on east shore of Gilpatrick Cove. Strong septic smell and remains of toilet paper at mouth of the pipe.	05-Oct-07	11-Oct-07	+
		24-May-16	31-May-16	+
	Paper towel remnants at mouth of culvert.	31-May-16	8-June-16	+
	OB around edge of pad	8-June-16	15-June-16	+
	OB around edge of pad and along grids.	15-June-16	23-June-16	+
		23-June-16	30-June-16	+
		30-June-16	8-July-16	-
	Sampled at storm water grates across the street.	8-June-16	15-June-16	-
	Sampled at storm water grates across the street. OB around edge of pad.	15-June-16	23-June-16	+
	Sampled at storm water grates across the street. Strong septic odor.	23-June-16	30-June-16	+