

SELECTBOARD MEETING MINUTES

JUNE 6, 2023

Members Present:

Hatch, Rapp, Leighton

Others Present:

Eric Dees

Bailey Bowden

Business:

Prior to the meeting (June 1st), Board members individually reviewed and signed Warrant #11 in the amount of \$140,142.95

Meeting commenced @ 7:00 PM.

Hatch reported that PERC is foreclosure and the property is going to auction. He has contacted Susan Collin and Ron Russell's offices to request their support to help with the municipal solid waste crisis we are headed for.

Eric was directed to use only the large container, pack it full and then send it. He is to use the smaller unit only when necessary.

Sally reported that wording for the Maine All Care referendum, (proposed by David Jolly 5/9/23), must be filed 60 days before the vote. A public hearing must take place at least 10 days before the vote, and public notice of the hearing must be posted at least 7 days before that.

Bailey mentioned that the town's flood plane ordinance is not posted on the website, and it probably should be. The Board suggested he contact Jan Carpenter to add/correct things he sees missing or in error.

Bailey asked when the Pierce Pond Road will be paved. Hatch will inquire with Bill Hutchins.

Bailey needs to know the number of primary structure building permits issued over the last ten years for inclusion in the comprehensive plan. Hatch thinks it may be possible to mine that data out of the TRIO system.

SELECTBOARD MEETING MINUTES

JUNE 6, 2023

The town received a grant in the amount of \$90,000 from the Small Community Grant (SCG) Program - Maine. The SCG Program provides grants to municipalities to help replace malfunctioning septic systems that are polluting a waterbody or causing a public nuisance. Grants can be used to fund from 25% to 100% of the design and construction costs, depending upon the property owners' income and the property's use. The municipality receives the grant as a reimbursement for eligible costs of the replacement septic system after substantial completion of the construction. Residential owners may qualify for the grant program if their federal taxable income for the previous year was \$40,000 or less. For those who are not required to file Federal taxes, a [Statement of Non-filing](#) can be completed.

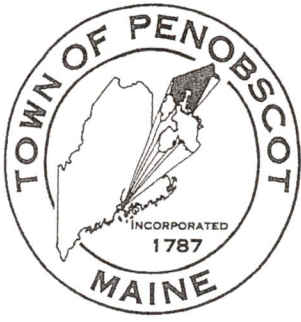
Board signed a second letter to Maine DMR Commissioner Keliher in response to his May 5th letter to the Town. Letter attached.

Board discussed the need to get the snow plowing contract out to bid. Notices will be placed in the Ellsworth, Bucksport, and Castine newspapers. Rapp will draft an ad for next week's meeting. *Should we Add "WORKING ON NEW CONTRACT" ?*

Hatch is getting a second bid for the town office roof re-shingling.

Board discussed the need for a written procurement policy.

Meeting adjourned at 9:20 PM.



Town of Penobscot

TOWN OFFICE
P.O. Box 4
PENOBSCOT, MAINE 04476
PENOBSCOTTOWNOFFICE@GMAIL.COM
(207) 326-4364

June 6, 2023

Commissioner Keliher,

The Penobscot Alewife Committee has reviewed your May 5th response to our letter regarding our dismay and confusion with the harvest quota reduction for 2023. The data presented here is provided by the Committee and serves as the basis of the Selectboard's concern.

We do understand and accept that the management measures for the Wights Pond pilot project are more restrictive than other approved commercial river herring fisheries in Maine. Our concern however is based on what we see as inconsistent criteria management and potentially incorrect calculations.

Our points of contention with your response:

Wights Pond not only meets, it exceeds the spawning stock escapement benchmark required by the plan. The ASMFC criteria for opening a commercial harvest requires that 235 fish per acre enter the pond. The current escapement is 530 fish per acre.

The Board interprets the word "fishery" in the context of the language contained in the Sustainable River Herring Fisheries Management Plan Addendum, Adaptive Management, Page 9, Section b. Consequences or control rules; as the *harvest* of fish.

Excerpts:

Under this addendum no harvest shall exceed 15% of the TSM measured in bushels.

The Maine Department of Marine Resources will reduce harvest from the allowed 15% TSM based on the following criteria used to measure progress toward achieving sustainability targets.

The associated management changes found in 3 B), C), and D) indicate penalty percentages to be assessed against the harvest, not the TSM. There is a big difference. As stated in our first letter to you, we find the cumulative quota reduction of 15% on last year's quota of 65 bushels (actual harvest of 25 bushels), to be fair, rational. We would argue that changing the percentage multiplier on the 3-year running average escapement and then cumulatively subtracting 10% from TSM is incorrect logic and untenable. Our record of 3-year running average numbers are higher than the one shown in your calculations, please see the attached excerpt from an email to Sean Ledwin dated 4/4/22. If you now include the 2022 number, 71,493; our 3-year running average is 68,851. The Committee reports the count to date so far this year is 122,000, and they are still running.

Simply put, the Board maintains that taking 15% of the escapement average establishes the allowable harvest, from which reductions should take place.

The ASFMC criteria requires a minimum repeat spawning ratio of 20%. The 2022 ratio was 17% - while not meeting the criteria, it is excessive to consider the number low. The 8-year average is still above the 20% standard. While the data set in the 2020 Maine Herring Sustainable Fishing Plan Update is old, it is interesting to note that the repeat spawning ratio between 2008 - 2015 at the Ellsworth fishery varied between 2% to 17% - and the fishery is allowed to continue. This appears to us as inconsistent criteria management & enforcement between the commercial and pilot program harvests. Reference attached Union River low repeat spawner percentages.

Your response did not address our request for published references which support your reasoning behind the prohibition of harvesting post spawn fish. Allowing fish to spawn and then harvesting, results in more eggs/juvenile fish into the pond. We see this as being similar to the prohibition of harvesting egg bearing or notched lobsters, the way we reason it. Your response stated that harvesting post spawn fish was prohibited. Please send us a reference to this regulation and any research that serves as the basis for this ruling.

The severe penalties imposed on the Wight's Pond harvest quota provide a dis-incentive to continue the work necessary which ensures that this run can support a sustainable harvest. All the work necessary to meet this goal, from notching beaver dams, clearing stream obstructions, biological data collection, counting fish and maintaining a counting station, is currently being undertaken by four volunteers. These four people invest over 300 hours of their time annually towards this effort. All funds raised by the sale of alewives are deposited into a dedicated alewife account that is used to purchase goods and equipment needed to enhance this alewife run. It seems counter intuitive that despite the increasing annual run size, we are punished by a reduced harvest. And in fact, are being restricted further by achieving higher escapement since total escapement numbers were being used to calculate reductions.

There will be no commercial harvest this year. The effort involved for such a limited harvest quota makes it non-viable. The Town of Penobscot is considering dropping out of the pilot program as it seems that the Department of Marine Resources is unwilling to fully support the ecological, social, historic, economic, and stewardship values that serve as the basis of the addendum.

Lastly, we would like to state that our intent here is not simply to harvest more fish. Our goal has always been and continues to be to restore and sustain river herring populations within our municipality. We have completed the restoration work for our ponds and as we turn towards goals of sustainability, we believe that a commercial harvest must be part of that plan. Partly because of

the socio-economic connection that Penobscot has always had with river herring fisheries, but also because of the fact that fisheries monitoring and fishway maintenance is a time-consuming effort,

and so must be incentivized. Penobscot entered into this pilot project/addendum work because we believed this was a shared goal of the state of Maine. We thought that we were all working towards the same goals and that is why this conversation is so disappointing and why Penobscot is reconsidering our participation. We still hold out hope that Maine DMR will work alongside us in our goals, and await your response.

Respectfully submitted,

Harold Hatch *Chairman*

Harold Hatch

Philip Rapp

Philip Rapp

Sara B. Leighton

Sara Leighton