

**Growing Area Classification Update
Shellfish Advisory Council
December 8, 2009**

Staffing

The three new positions were filled by the following people (promotions)

Anna Bourakovsky, Scientist III
Fran Pierce, BBH Scientist I
John Fendl, Lamoine Scientist I

Interviews for BBH Specialist I were on 12/3 and 12/4. The vacant BBH Scientist position will be an in-house transfer due to layoff. The vacant Lamoine Specialist position application period just closed on November 24. Interviews will be scheduled as soon as possible.

MR Technician position has been accepted by Heather Gilbert who will start in January.

We have submitted a request for Tier I exemption approval for field staff (we already have it for laboratory staff) to work on shutdown days but take another day in exchange some time during the pay period. We may still have to ask for overtime or exceptions to work the shutdown day if we have flood closures.

Shoreline Survey Update

We sent a letter to all municipalities with commercial harvest ordinances on November 19th to solicit priority shellfish growing areas in order to be considered in the DMR/DEP 2010 work plan. Responses are due December 31, 2009. DEP/DMR will meet in January and compile work plan to submit to you by February 1, 2010.

Flood Closure Impact Update

To date, 1,999 flood samples have been collected over 69 days. The laboratory staff have worked 11 weekends; 7 Saturdays only and 4 both Saturday and Sunday. The field staff have worked 9 weekends; 9 Sundays only and 3 both Saturday and Sunday. Fifty-one legal notices have been promulgated/amended/repealed. Weekend legal notice work for me alone – 10 weekends at 73 hours.

Pilot Project Update

Scarborough:

Accelerated sampling continues; data analysis will be done when the annual report is written and any recommendations for changing the sampling regime will occur at that time. Anna/Amy and Denis met with the Scarborough Shellfish Committee about the updates on October 13, 2009.

The shoreline survey of the Nonesuch River and portions of the Scarborough and Libby Rivers was conducted on September 23rd and 24th. The September 23rd survey consisted of thirteen properties with septic systems being visited and evaluated the remaining properties in the area are on sewer as confirmed by the Scarborough Sanitary District but were subject to a drive through survey. No problems were noted during the survey however, one property was referred to the codes enforcement office because the septic system for the property could not be located.

The shoreline survey on September 24th consisted of 47 properties being visited and evaluated. The codes enforcement office reported a malfunctioning septic system on Winnocks Neck Road that is 100ft from the Nonesuch River; the homeowner had already pulled a permit to fix or replace the system at the time of the survey. A second actual/direct pollution source was located at the landing on Winnocks Neck Road; an outhouse that is used seasonally and is flooded at high tides. Four properties reported dumping their sink water/grey water outside on the ground. There are several holding tanks with no alarms along the shore of the Nonesuch River on Winnock's Neck Road. There were four properties where the septic system could not be located; these were referred to the codes enforcement office for follow up. To date, we have not had a response from the CEO but they have been very cooperative.

Other Concerns

On a positive note; many areas were upgraded in classification in 2009:

Area No. 9, Sampson Cove to Fortunes Rocks (Kennebunkport and Biddeford) - the amendment reclassified Little River (Biddeford and Kennebunkport), Goosefare Bay (Kennebunkport) and Smith Brook (Kennebunkport) from prohibited to approved, due to a review of the findings of the most recent shoreline survey and water quality meeting the approved standard; the amendment also reclassified Batson River from prohibited to restricted, due to a review of the findings of the most recent shoreline survey and water quality meeting the restricted standard.

Area No. 10, Saco River and Saco Bay (Biddeford, Saco, Old Orchard Beach) – the amendment reclassified Biddeford Pool from “conditionally approved” and “prohibited” to approved, due to a replacement of malfunctioning septic systems and water quality meeting the approved standard. This was also the result of an accelerated sampling agreement between the town and the DMR.

Area No. 12, Spurwink River, Prouts Neck, Cape Elizabeth (Old Orchard Beach, Scarborough, Cape Elizabeth) the amendment reclassified the lower portion of the Spurwink River and vicinity (Scarborough and Cape Elizabeth) from “prohibited” to “conditionally approved” based on season, due to the repair of malfunctioning septic systems and water quality meeting the approved standard during the open status.

Area No. 13-B, Western Casco Bay (Long Island to Chebeague Island) – the amendment reclassified the eastern shore of Chebeague Island from ‘prohibited’ to ‘approved’ due to a shoreline survey and water quality meeting the approved standard.

Area No. 15, Harraseeket River and Little River (Freeport) - the amendment reclassified Recompense Cove, Freeport, from prohibited to approved, due to the removal of grazing animals and manure piles from the pastureland surrounding the cove.

Area No. 17-A, Upper Harpswell Neck and Long Reach (Brunswick to Harpswell) – the amendment reclassified the lower portion of Harpswell Cove (Brunswick) from restricted to approved, due to the replacement of a malfunctioning septic system, and water quality returning to the approved standard. The upper portion of Harpswell Cove remains classified as restricted.

Area No. 17-B, Harpswell Neck (Harpswell) –the amendment reclassified upper Ash Point Cove (Harpswell) from “prohibited” to “restricted” due to water quality meeting the restricted standard and a “do not occupy” order on a house with an identified septic system malfunction, and the confirmation by the town Codes Enforcement officer that the property is no longer occupied. The amendment also reclassified lower Ash Point Cove (Harpswell) from “restricted” to “approved” due to water quality meeting the approved standard year round. Another amendment reclassified the area around High Head (Harpswell) from prohibited to approved, due to the completion of a shoreline survey and the removal of two overboard discharges.

Area No. 19-A, Upper New Meadows River (Bath to Harpswell) was amended to reclassify the New Meadows Lake from restricted to approved, due to a recently updated sanitary survey and water quality meeting the approved standard, and the restricted area in the Middle Grounds was modified by adjusting the boundaries of this restricted area to extend to the next water quality monitoring station meeting the approved standard.

Area No. 21-B, Sheepscot River (Wiscasset, Westport Island, Edgecomb) the amendment reclassified a portion of Cod Cove (Edgecomb), located south of the US Rt 1 bridge, from prohibited to approved, due to the completion of a shoreline survey. Cushman Cove (Wiscasset) and the Mason Station salt pond (Wiscasset) were reclassified from prohibited to approved, due to an updated shoreline survey, water quality meeting the approved standard and the completion of the sanitary survey report and data analysis for this area.

Area No. 26, Medomak River (Waldoboro, Bremen, and Friendship) – an amendment reclassified Pitchers Cove, Waldoboro, from prohibited to approved due to a “do not occupy” order on a house with an identified septic system malfunction, and the confirmation by the town Codes Enforcement officer that the property is no longer occupied and the water source to the property has been turned off. Water quality in Pitchers Cove currently meets the approved standard; stormwater draining into Pitchers Cove also meets the approved standard. Another amendment reduced the size of the restricted area in Long Cove, based on a dilution calculation for Farnsworth Brook as the result of accelerated sampling in the area by the shellfish warden and stream sampling conducted by DMR.