

Town of Brunswick, Maine

Item 16

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Town of Brunswick, Maine

Marine Resources Committee

MEMORANDUM

TO: Town Council
FROM: Fran Smith, Town Clerk
DATE: February 5, 2026
CC: Julia Henze, Town Manager
Katie Sellers-Reynolds, Chair, Shellfish Committee
Dan Devereaux, Coastal Resources Manager
SUBJECT: Establishing Shellfish Licenses Allocations for 2026-27

According to Chapter 11, Section 11-140 of the Municipal Codes, the Town Council is required to determine the number of shellfish licenses for the upcoming licensing year by no later than the third Monday in February, pending final approval from the Department of Marine Resources. The process for establishing the number of licenses that the resource can support is outlined in Section 11-112, titled "Annual Shellfish License Establishment." This process utilizes a formula based on the harvestable standing crops, the daily average harvest, and the number of annual harvest days to calculate the maximum number of commercial licenses available.

The Shellfish Committee reviewed the relevant data and licensing recommendations during their meeting on February 3, 2026. They made the following decisions regarding the 2025-26 licensing year:

“Member Melendy moved, Member DiBiase seconded, to recommend the following allocation of shellfish licenses to the Town Council:

- 68 Commercial licenses (60 resident, 7 nonresident, 1 Bushel)
- 9 Student licenses (8 resident, 1 nonresident, two-bushel limit)
- 2 Student Apprentice licenses (1 resident, 1 nonresident)
- Unlimited recreational licenses (10% for nonresidents)
- Unlimited day licenses (no residency restrictions)

The motion carried with five (5) yeas.

Below are the numbers of licenses that were set for last year (2024-25) as a reference point, and we will be able to provide more detail, if necessary, for the changes as part of the presentation:

- 68 Commercial licenses (60 resident, 7 nonresident, 1 bushel)
- 10 Student licenses (9 resident, 1 nonresident, two-bushel limit)
- Unlimited recreational licenses (10% for nonresidents)
- Unlimited day licenses (no residency restrictions)

Attached to this memo are copies of Chapter 11, Section 11-112, and a memo from the Coastal Resources Manager outlining the data and concluding with the recommendation for a license.

Chapter 11 - MARINE ACTIVITIES, STRUCTURES AND WAYS
ARTICLE III. SHELLFISHING

Sec. 11-112. Annual Shellfish License Establishment

Managing the amount of harvesting effort through annual license allocations, based on data from shellfish population surveys, is a crucial tool for ensuring sustainability. To determine the annual license numbers, the following procedures must be conducted:

- a. Shellfish surveys. A shellfish inventory including all growing areas within the Town of Brunswick jurisdiction, to be completed annually in accordance with Sec. 11-111.
- b. Harvestable Standing Crop analysis, as determined by the shellfish population surveys to determine the estimated number of harvestable shellfish, in bushels.
- c. Local historical harvest data that provides information on the average amount of daily commercial harvests in bushels, as determined by the most recent DMR harvest data or Town of Brunswick shellfish landing reports.
- d. Number of harvest days as determined by an analysis of historical fishing days allotted, seasonal weather events, conservation closures, and any flood or red tide closures.
- e. The number of Commercial licenses will be based on the total estimated Harvestable Standing Crop in bushels, daily commercial average of harvestable bushels, and the estimated annual harvest days. The number of commercial licenses to be issued each (licensing year) equals the estimated Harvestable Standing Crop in bushels divided by the commercial average harvest in bushels, divided by the annual harvest days). An example is provided below:

A. Harvestable Standing Crop = XXX bushels

B. Daily commercial average harvest = YYY bushels

C. Annual harvest days = ZZZ days

D. Max # Commercial Licenses = QQQ Licenses

E. Formula = $XXX / YYY / ZZZ = QQQ$

For example, if:

XXX = 20,000 bushels, and

YYY = 2 bushels, and

ZZZ = 200 days, then

$QQQ = (20,000)/(2)/(200) = 50$ Commercial Licenses



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Daniel Devereaux
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February 9, 2026

TO: Brunswick Town Council

CC: Julia Henze, Town Manager; Fran Smith, Town Clerk; Katheryn Sellers-Reynolds, Shellfish Committee Chair; Dan Syvlain, Marine Resource Officer

FROM: Daniel Devereaux, Coastal Resource Manager

RE: 2026 Shellfish License Allocations

Brunswick Town Council Members,

This memorandum explains how the Town of Brunswick establishes the number of shellfish licenses issued annually, as required under the Town of Brunswick Code of Ordinances, Chapter 11, Article III (Shellfishing), Division 3 (Shellfish Resource Survey), Section 11-112, *Annual License Establishment*.

Section 11-112 requires that annual license allocations be based on a multi-step analysis of shellfish resource conditions, harvest capacity, and historical access limitations. The required procedures and the Town's 2025–2026 findings are summarized below.

1. Shellfish Resource Surveys

An annual shellfish inventory of all growing areas within the Town's jurisdiction (approximately 1,640 acres) must be completed in accordance with Section 11-111 Shellfish Surveys.

Between July 1 and December 1, Town staff conducted shellfish inventory surveys for softshell clams and hardshell clams across all productive growing areas in Brunswick. Surveys were conducted using the protocols established in Section 11-111 and the Maine Department of Marine Resources (DMR) *Shellfish Management Handbook*.

2. Harvestable Standing Crop Analysis

Shellfish population data are analyzed to estimate the total harvestable standing crop, expressed in bushels.

- A total of 545 survey plots were analyzed across 726 productive acres.
- Survey data included measurements of 5,409 individual softshell clams and 455 individual hardshell clams.

Based on this inventory, the estimated **2025 harvestable standing crop** is:

- **Softshell clams:** 61,116 bushels
- **Hardshell clams:** 8,611 bushels

3. Historical Harvest Data

Local historical harvest data are used to determine average daily commercial harvest levels, based on DMR landings data and Town shellfish landing reports.

Based on historical data and daily harvest observations from the Shellfish Warden, the estimated **average daily harvest** is:

- **Softshell clams:** 3.0 bushels per day
- **Hardshell clams:** 1.5 bushels per day

4. Determination of Annual Harvest Days

The number of available harvest days is determined through analysis of historical fishing days, seasonal weather conditions, reoccurring conservation closures, and emergency or environmental closures.

The Coastal Resource Office reviewed all relevant data related to conservation closures, rainfall-based closures, red tide events, and programmatic harvest limitations. Key considerations include:

- **Rainfall Conditional Closures (>1 inch/24 hours):**
Northeast Maquoit Bay is the only area subject to this condition. In 2025, four conditional closures resulted in 49 days of inaccessibility in Maquoit Bay. These days are *not* deducted from total harvest days because other Brunswick harvest areas remained open.
- **Seasonal Closures:**
 - Maquoit Bay (677 acres): October 1 – December 1
 - Harpswell Cove (120 acres): July 1 – September 10
 - Upper New Meadows River (85 acres): May 1 – November 15
 - Mere Point Bay (117 acres): April 15 – October 31

Seasonal closure days are *not* deducted from harvest day totals because other areas remain open during these periods.

- **Emergency Closures:**
On August 21, 2024, DMR enacted an emergency closure in Harpswell Cove due to

an AFFF spill at Brunswick Landing Airport. The area already contains existing permanent and seasonal closures. Following coordination with Maine DEP and DMR and extensive shellfish testing, the area was returned to its seasonal harvest rotation on September 30, 2025. Emergency closure days are *not* deducted because other harvest areas remained open.

- **Flood Closures (>2 inches/24 hours):**

There were no flood closures in 2025. Flood closures are deducted from harvest day totals because all Town harvest areas are closed during these events.

- **Red Tide Closures:**

No red tide closures occurred in Brunswick during the 2025 season. Red tide closures would be deducted because all harvest areas are closed during such events.

- **Conservation Closures:**

- Annual winter hardshell clam conservation closure (December 31 – April 1): 90 days

Reoccurring species conservation closures are deducted from harvest day totals only for that species because they are consistent and town wide. Short-term or area-specific conservation closures are not deducted, as other areas remain open.

- **Seasonal Weather Limitations:**

Winter ice conditions accounted for approximately 30 non-harvestable days in 2025.

Based on this analysis, the estimated **annual harvest days** are:

- **Softshell clams:** 265 days
- **Hardshell clams:** 209 days

5. Commercial License Allocation Formula

Per Section 11-112, the number of commercial shellfish licenses issued annually is calculated using the following formula:

Estimated harvestable standing crop (bushels)

Average daily commercial harvest (bushels)

Estimated annual harvest days

Using this formula and factoring in harvester efficiencies, the 2026 license allocations are as follows:

- Resident Commercial: 60
- Non-Resident Commercial: 7
- Bushel (Senior): 1
- Resident Student Commercial: 8
- Non-Resident Student Commercial: 1
- Resident Commercial Student Apprentice: 1
- Non-Resident Commercial Student Apprentice: 1

- Resident Recreational: No Limit
- Non-Resident Recreational: 10% of resident recreational licenses

Student License Limitation

In accordance with Chapter 11, Article III, Section 11-140(d)(5), student commercial shellfish licenses may not exceed 15% of the total number of commercial licenses issued. If the commercial allocation is fewer than 50 licenses, student licenses may not be issued.

For 2026, the total commercial license allocation is **67 licenses**. Fifteen percent of 67 equals **10 student licenses**, which represents the maximum allowable student allocation for the season.