Fall 2009

Maine Association of Conservation Commissions

Protecting Clam Cove

Rockport, Maine

Home Rules, Home Tools: Locally Led Conservation Achievements

Clam Cove, off Route 1 in Rockport, is said to be the first ocean vista tourists see on their way up the Maine coast, and one of the most beautiful. Yet, unknown both to tourists and to many area residents, that spectacular scenery belies some difficult environmental challenges.

Historically, the cove supported clam harvesting, and residents used the cove for wading, swimming and boating. But it's been decades since the mud flats have been open for clamming. Pollution levels, in the form of *E. coli* bacteria, now are so high that it's risky to swim. Four years ago, the scenic vista itself was threatened by the prospect of a housing development on the east shore of the cove, called Brewster Point. If built, houses could have been visible along the length of the shoreline, severely degrading the existing view. The potential of increased runoff from the development could have exacerbated the pollution problem.

Concern about these threats to Clam Cove mobilized the Rockport Conservation Commission. Its experience is a good example of how a municipal conservation commission can have a positive impact on Maine's "quality of place."

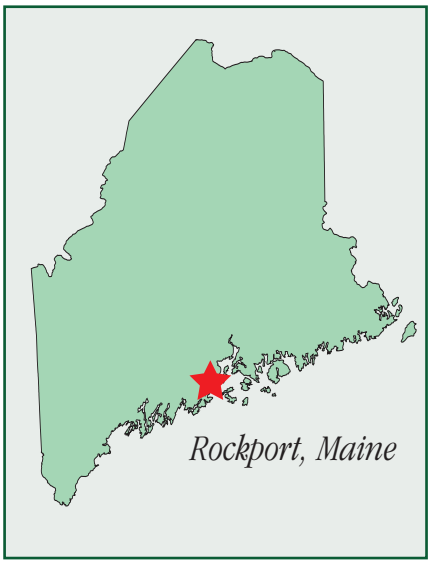
Development Threat

Brewster Point was a prominent, undeveloped, 115-acre piece of prime oceanfront property acquired by a developer in 2006. The threat of a major development on such a scenic promontory naturally caught the attention of the Conservation Commission. While not opposed to development of the site, the commission had three goals: 1. Preserve the shoreline view shed; 2. Preserve existing wildlife corridors; and 3. Prevent further contamination of Clam Cove.

The Conservation Commission had a prior history of reviewing proposed developments that came before the Planning Board, so members did not hesitate to present their concerns in this case. According to commission Chairman Steve McAllister, "The RCC stepped up, attended every Planning Board meeting that dealt with the development, proposed alternatives, and raised questions, often about issues the Planning Board could not raise themselves as a quasi-judicial body. We came well prepared to every meeting and presented relevant and meaningful data about the conservation values of the property."

Relations with the developer were at first adversarial, but over time the commission was able to establish a more positive working relationship that resulted in an acceptable project for both parties. The final project protected 70 of the 115 acres from development and prevented the fragmentation of wildlife corridors on the property. It also reduced the visual impact of the development from the Route 1 Clam Cove overlook.

As a result of the liberal interpretation of the ordinance which unintentionally allowed for such things as locating "protected land" in narrow strips surrounding developable lots, the RCC was able to propose and ultimately effect changes in the ordinance to prevent this kind of habitat fragmentation.



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Pollution

The Department of Marine Resources has monitored *E. coli* levels in Clam Cove for more than 10 years, beginning in the early 1990s. But since determining the source of the problem originated inland, and thus beyond its jurisdiction, the department was unable to do anything about it. It did, however, close the cove to shellfish harvesting, which remains in effect today.

The Rockport Shellfish Committee first became concerned with this issue in the 1990s. Members conducted clam population studies in the cove and noted how few clams still could be found there. They also noted the presence of invasive green crabs, a significant predator of clams on the Maine coast. As a result of that work and the awareness it created, the Rockport Board of Selectmen made the restoration of Clam Cove a high priority in the town's comprehensive plan.

The RCC became engaged in the project in 2005 and set a goal of identifying the sources of pollution. Members reasoned that before any effort could be made to restore the shellfish resource, the sources of pollution had to be found and stopped. With training from the Department of Marine Resources and the Maine Healthy Beaches program, they embarked on a steady program of monitoring pollution levels in both the cove and its watershed, learning to take samples at times of significant rain events for the best result. The water sample analysis was done by a teacher and his students in the laboratory of Camden Hills Regional High School, providing students with an excellent, real-life, hands-on learning opportunity.

As a result of that work, and previous Department of Marine Resources monitoring, accumulated data spanning a 14-year-period clearly documented the seriousness of the problem. Results showed that *E. coli* levels had been rising steadily, well beyond acceptable levels, for all of the 14 years. In 2008, the Conservation Commission documented pollution levels at more than 25 times the acceptable level determined by Maine Healthy Beaches. This prompted the commission to present a formal request to the selectmen to initiate talks with the city of Rockland, where some *E. coli* contamination originated, and start working on a solution.

Having the data, however, is just the beginning of the process of resolving the problem. The Clam Cove drainage area is complex. It includes a forested wetland, several shopping centers, a mobile home park and other residential development. Some of the area is serviced by town sewers, others by septic systems. The commercial development was done before present regulations governing control on non-point pollution, such as parking lot runoff. Some key landowners have not been willing to allow runoff from their land tested.

Given the size and diversity of the drainage area, many potential sources still need to be investigated. Some sources may be direct, such as inadequate septic systems. Others may be indirect, such as seagulls roosting on the roof of a big-box store.

As of now, conversations continue between officials of the two adjoining towns of Rockport and Rockland (which lacks a conservation commission), and a meeting with all concerned parties, including the Department of Marine Resources and Department of Environmental Protection, is planned for late fall. There is agreement on the nature of the problem, but so far, no agreement on where the contamination might be originating and what remedies would be required.

In the end, the goal is to find the source of the contamination, resolve it and restore clean water to Clam Cove.

LEARNINGS:

"If we've learned anything from this experience it's that everything takes longer than you think and persistence pays off, we hope."

"This (Brewster Point) will be a showcase development on the Maine coast. So much work went into this on everyone's part."

Ken Castner, RCC member.

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