

*City of Biddeford*  
**Shellfish Conservation Committee**  
**March 20, 2024 6:30 PM Biddeford Pool Fire Department**  
**2nd Floor Conference Room**

**Status:**

- 1. Roll Call**
- 2. Adjustments to Agenda**
- 3. Approval of Minutes**
  - 3.1. Approve Minutes 2-21-24  
[Joint Harbor Shellfish Meeting Minutes 2-21-24](#)
- 4. Presentation**
  - 4.1. Harbor Master Summary
- 5. Old Business**
  - 5.1. Review Shellfish Documents:  
License Allocations  
Annual Shellfish Management Review  
2024 Shellfish Management Plan  
Shellfish Ordinances
  - 5.2. ERP Presentation to Council
  - 5.3. 2024 Mooring Applications
  - 5.4. Wood Island Light Recovery
- 6. New Business**
- 7. Other Business**
- 8. Adjourn**

## Joint Harbor and Shellfish Meeting – Minutes

Date: Wednesday, February 21, 2024

Location: Biddeford Pool Firehouse

Time: 6:30 PM

Attendees: Peter Bouthillier, Dan Chadbourne, Randy Desmarais, Paul Lariviere, Jim Lupien, Bill Mackeil, Tom Milligan, Rob Simmons, Kyle Noble

### DISCUSSION:

#### **1. Approval of Minutes**

The January 17, 2024 minutes were unanimously approved.

#### **2. Harbor Master Summary**

Paul Lariviere, serving as Biddeford's Harbor Master for 45 years, recounted the City's history with UNE regarding UNE's desire to build a new pier in front of the Marine Science Center (MSC). Most recently, Paul has denied approval of the UNE pier design. Marshall Alexander, former Harbor Master, denied approval of a similar design eight years ago. Both Marshall and Paul have consistently recommended a commonsense design for the UNE pier....a design and location of least encroachment on the Saco River. This commonsense design would better suit UNE's needs and purposes with:

- Deep water access
- Minimal intrusion into the Saco channel
- Minimal encroachment into existing mooring fields
- And would assure "equal access for all" in the Biddeford community.

UNE has ignored the commonsense design recommended by Biddeford's maritime professionals. Instead, UNE contracted two engineering firms: (1) Baker Design Consultants, March 22, 2016, and (2) GEI Consultants, November 28, 2023. And in each engineering report, there was no mention or consideration given to Marshall's and Paul's recommendation.

And now, after the second denial from Biddeford's Harbor Master, UNE is threatening the City with possible litigation. The threat is based on UNE's claim that the Biddeford Harbor Masters had previously approve UNE's preferred pier design and location....which is not true.

The chronology of events relating to UNE's request for approval is as follows:

- August 2015 – Marshall and Paul met with UNE representatives to discuss their initial request for an MSC pier. Both Harbor Masters recommended a commonsense design and location parallel to the shore and slightly east of the MSC. UNE's proposed location was directly in line with the MSC and perpendicular to the shore. Both Harbor Masters said that they would not approve the design and location preferred by UNE. Jay Clemens, Army Corps, who attended this meeting agreed with the Biddeford Harbor Masters.
- March 2016 – Baker Design Consultants were engaged by UNE to evaluate three potential pier locations. All three locations were aesthetically located directly in front of the MSC and the Baker report even described one location as "incorporating all City recommendations". In truth, the Baker report gave no consideration to Marshall's and Paul's recommendation made during the August meeting with UNE.
- September 2023 – Paul and John Schafer met with Andrew Phillippe, UNE, for the approval of a recreational pier at Jordan's Point. Paul approved the Jordan's Point pier design and location. At that meeting Mr. Phillippe mentioned that UNE would be pursuing approval for a pier at the MSC. Paul recounted that a pier proposal at that location had been made previously without approval and specifically said "we should meet before you invest in additional engineering design expense".
- October 2023 – Resulting from Paul's request, Jim Bennef called a meeting with UNE representatives and Paul to discuss potential MSC pier locations. Paul was accompanied with the Dan Chadbourne, Saco Harbor Master and UNE was accompanied with a representative from GEI Consultants, another engineering firm hired by UNE. Paul, with Dan Chadbourne's support, identified on a GEI chart the location he and Marshall had previously recommended and approved in 2015.
- November 2023 – The GEI engineering report reviewed nine possible dock locations, not one being the location recommended by the Biddeford and Saco Harbor Masters. And again, the preferred

location in the GEI report was aesthetically located directly in front of the MSC.

- January 2024 – Jim Benneff called another meeting and the differences regarding the MSC pier design/location remain unresolved. And now, UNE is threatening possible litigation.

**Summary** – The Biddeford Harbor Masters have consistently insisted on a commonsense pier design of least encroachment. If UNE had accepted their recommendation, the approval for a pier at the MSC would be a non-issue.

### **3. 2024 Shellfish Management Plan**

Ari Leach, DMR, required some clarification in one section of our Plan. John Schafer has provided that clarification in a phone call to Ari and amended the plan accordingly.

### **4. Emergency Response Plan**

Rob Simmons and John Schafer have met with Chief Best and Assistant Chief Dexter to review the ERP. Overall, they were very pleased with the Plan and offered two suggestions: (1) simplified signage facing the water and (2) GIS mapping of all the response points for police and fire vehicles. Chief Best also offered to assist Rob during his presentation to City Council to introduce Biddeford's need for an appropriate marine response vessel.

It's refreshing to see the interdepartmental cooperation in Biddeford. Washington should take a lesson.

### **5. Mooring Applications**

Nothing to report. A future Workshop will be held for the development of an on-line application system.

### **6. Harbor and Shellfish Budgets**

A Harbor/Shellfish Budget Workshop was held on January 23, 2023, facilitated by Bill Emhiser. Once approved by City Council, a review of budget performance will be shared monthly during Commission meetings.

### **7. Wood Island Light Recovery**

Kyle Noble attended our meeting to update us on the status of Wood Island. Two UNE professors and four UNE seniors have volunteered to GIS map the erosion of the island and plans are underway to restore the boat

house to its original location. Kyle and Sean Murphy will keep us posted monthly.

**8. Next Meeting**

Date: Wednesday, March 20, 2024

Location: Biddeford Pool Firehouse

Time: 6:30 PM