

Shellfish Advisory Council
Meeting Agenda
February 12, 2024, from 12:00 PM - 03:00 PM
Marquardt Building (DMR Offices) Room 118 Augusta, ME
Virtual Meeting via [Microsoft Teams](#)

Call to order – **Lewis Pinkham** **12:00-12:01**

Roll call – **Mickenzy Breton** **12:01-12:03**

First Name	Last Name	In attendance
Amanda	Lyons	Yes (In-person)
Ray	Trombley	Yes (In-person)
Jessica	Joyce	Yes (In-person)
Joan	McDonald	Yes (In-person)
Kevin	Brodie	Yes (Virtual)
Lewis	Pinkham	Yes (In-person)
Marissa	McMahan	No (Notified ShAC in advance)
Michael	Danforth	Yes (In-person)
Ron	Parritt	Yes (Virtual)
Jeff	Auger	Yes (Virtual)
David	Wilson	Yes (Virtual)
Jordan	Kramer	Yes (Virtual)
Lori	Howell	Yes (Virtual)
Chris	Warner	Yes (Virtual)

Adoption of minutes from last meeting – **Lewis Pinkham** **12:03-12:05**

Mr. Danforth motioned to accept the minutes without additional comment, Mr. Trombley seconded, all present voted in favor.

Election of Officers – **Lewis Pinkham** **12:05-12:20**

Mr. Pinkham nominated Ms. Joyce for the office of Chair and Mr. Danforth seconded, all present except Ms. Joyce voted in favor of appointing her chair. Ms. Joyce abstained. Ms. Joyce nominated Mr. Pinkham for the office of vice chair, Mr. Danforth seconded, all present except Mr. Pinkham voted to appoint him vice chair. Mr. Pinkham abstained.

GMRI Economic Impact Study Discussion – **Kanae Tokunaga** **12:20-12:30**

Ms. Tokunaga discussed the specifics of her plan to conduct a study commissioned by the Council now that funding has been finalized by the Department of Marine Resources. She informed the council that she will be using statistical methodology and providing periodic updates on the progress of the study. She invited the council to ask questions and said she would be happy to meet with members individually.

Announcement of DMR Aquaculture Listening Sessions – Kohl Kanwit 12:30-12:40

Ms. Kanwit announced five upcoming listening sessions that the DMR will be hosting to facilitate discussion about the aquaculture industry and give an opportunity for broader public input to DMR on this topic. More information about these meetings, including scheduled dates and times, is available on the DMR website.

Update on proposed changes to Chapter 115 – Kohl Kanwit 12:40-12:50

Ms. Kanwit discussed proposed changes to vibrio regulations that she announced to the ShAC previously. Some changes to the proposals were made after that announcement based on input and feedback from industry members. Vibrio regulations are being expanded to include oysters in the entire state and will not include hard clams (except in New Meadows Lakes), soft shell clams, and mussels. Rather than harvesters submitting a control plan they will be expected to comply with one of two regulatory requirements to either ice the product immediately upon harvest or get it to a dealer within two hours. The DMR is making additional efforts to educate harvesters regarding vibrio and will work closely with harvesters and other industry members to make compliance as easy as possible. Public hearing on these changes will be held tonight and tomorrow. There were several questions from the public regarding educating harvesters about these changes and Ms. Kanwit indicated there will be educational videos and a quiz on the DMR website that any harvester, commercial or recreational can use, and Dan Devereaux of Brunswick indicated that the town intends to provide educational pamphlets about vibrio controls at the time of issuing a recreational license.

Update on proposed changes to Chapter 4 & 7 – Meredith White 12:50-01:00

Ms. White discussed changes that she announced at the previous meeting. Public hearings on these changes will also be held today and tomorrow. There was significant discussion regarding the proposed change to the 90-day period of issuance definition.

Update on Regional Shellfish Meetings – Meredith White 01:00-01:15

Ms. White updated the council regarding the regional shellfish meetings that are held to give shellfish community members an opportunity to engage with the DMR and with other members of the community/industry. Each meeting followed a similar agenda: there was a presentation by the DMR Licensing Division regarding the collection and use of licensing data, a presentation by Amanda Ellis, director of the Aquaculture Division gave a presentation on updates to the municipal LPA program as well as how to provide effective feedback on pending lease decisions. Exclusive to the Brunswick meeting, Madeline Tripp of VIEWSHED gave an update on the Community Intertidal Data Portal. The Brunswick meeting had the best attendance, but the discussion tended to focus on harvester concerns about the aquaculture industry. The Machias meeting was not as well attended but still generated good discussion. The Bucksport meeting only had five public attendees, likely because of inclement weather, only two of whom were harvesters. Ms. White posed a potential change to having two meetings next year instead of three because of the relatively low attendance at the meetings other than Brunswick, Ms. Lyons suggested that the eastern meeting ought to be held in late October/early November to better avoid conflict with various seasons of labor and the transitions between those seasons which might help the meetings be better attended. Mr. Brodie agreed with Ms. Lyon's sentiment. Ms. Joyce and Mr. Pinkham both suggested continuing to have three meetings for now given the relative lack of data since the meetings have only happened for three years, and weather impacted the attendance of the Bucksport meeting this year.

Discussion of Municipal Shellfish Conservation Warden Group – Will Fearn 01:15-01:30

Mr. Fearn solicited the opinion of the Council on the creation of a working group to assist the DMR in managing the training program for municipal shellfish wardens. Mr. Pinkham asked Ms. Kanwit whether there would be any issues with having such a group be subordinate to the ShAC and she said that there would be no issues. Mr. Pinkham established a committee with the state purpose “To review training requirements and make recommendations to the DMR on how best to conduct future warden trainings.” The committee will consist of Kevin Brodie, David Wilson, Ray Trombley, Michael Pinkham of Gouldsboro, and Will Fearn.

Sanitary Survey Reports on DMR Website – Bryant Lewis

01:30-01:40

Bryant Lewis, water quality scientist, presented an update to the DMR’s website that added the growing area sanitary survey reports for the entire state of Maine where they previously had to be requested from DMR. These reports are conducted on a rotating basis every twelve years, and they include a list of all pollution sources in a growing area as well as a variety of other data explaining why areas might be closed.

Work plan

01:40-02:30

1. Fee for service lab testing and certification of private labs - **Tabled**
2. Alpha-numeric system for identifying harvest areas – **Tabled**
3. Retail Rules Committee: Streamlining Direct to Consumer Sales – **Jordan Kramer**

Mr. Kramer updated the council on the last meeting of the committee at which Ms. Kanwit and James Becker, Senior Seafood Inspector, suggested potentially reviving an old licensure program that was cut because it was underutilized called limited wholesale. This old program allowed for direct-to-consumer retail sales on the day of harvest, within one hour of harvest, and only if it is the harvester’s own product and the license could be tied to a vehicle rather than a brick-and-mortar location. Ms. Joyce asked whether bringing back a new license would be a matter of rulemaking and Mr. Kramer said that it would in fact require legislative action.

4. Shellfish Focus Day – Jessica Joyce/Kohl Kanwit

Ms. Joyce updated the Council regarding Shellfish Focus Day of the Maine Fisherman’s Forum which will be on February 29, 2024. She listed the various sessions that are planned and invited Meredith White to discuss a session in which she will be involved regarding the use of conservation grant money paid to towns by the DMR. Per the Council’s proposal and based on the interest for more informal time during Shellfish Focus Day, Ms. Joyce coordinated a poster session from 2:30 – 4:00.

5. Water Quality (Committee Update) – Jessica Joyce

Ms. Joyce updated the Council on what was discussed at the last committee meeting. Every year the DEP mails invoices to individuals and businesses with overboard discharges (OBDs) and includes informational mailings in these invoices about OBDs and efforts to eliminate them every March. The committee work with DEP to include language from USDA Rural Development funding program and the Small Community Grants programs from DEP in these mailings. The committee also discussed hosting a panel discussion at the fall conference of the Maine Municipal Association this year to talk about the impacts of OBDs and failing septic system on fisheries and share funding opportunities for towns and residents. In addition, there is the

potential to have a roundtable meeting with various grantors to share information with each other about what funding sources are available at the federal, state, and local levels for the remediation or replacement of OBDs and failing septic systems. DEP also expressed that the regulations to have OBDs replaced when property changes hands are the most effective at removing old systems. Sebasco Harbor Resort was recently bought, and a plan has been proposed to replace their OBD, which would potentially open 180 acres of flats. Mr. Danforth suggested potentially soliciting communities, including commercial businesses, directly to pay for updates/replacements with the hopes that the economic incentive of having access to additional harvest areas might encourage them. Mr. Pinkham will contact the Maine Municipal Association, of which he is a member, regarding pursuing municipal governments for educational and resource sharing purposes. Ms. Joyce suggested potentially adding an informational page to the DMR's website with information regarding this issue.

6. Increasing/incentivizing shore access through private property – Jessica Joyce

Ms. Joyce testified before the taxation committee regarding LD 2162 which includes changes to the Working Waterfront Program within the Current Land Use Program. The Committee was very receptive to input regarding changes to the Working Waterfront Program. February 21st at 2:00PM there will be a work session regarding this. There are five specific changes being proposed and one of them would provide additional tax reductions to land owners providing access to the intertidal for commercial fishing activities if the property meets the 50-90% use criteria and if there is a "legally binding right-of-way or easement that permits access to the intertidal land.". There was discussion of specific efforts taking place in Gouldsboro to establish a license agreement for landowners to enter access agreements with the town government.

Public input – Open floor

02:30-02:45

Mr. Fearn mentioned the upcoming Municipal Conservation Shellfish Warden Training March 27-28 8:30AM-4:00PM. Attendance initially appears to be substantially higher than the previous year. Mr. Pinkham suggested providing a means for recertification to be done totally electronically rather than requiring in-person attendance for a portion of the two day class.

Michael Pinkham of Gouldsboro had a question for Water Quality about whether fecal coliform bacteria testing can differentiate between human vs. animal fecal coliform and Bryant Lewis answered that currently DMR is not able to, but that it is a possibility for the future. Beyond that the DMR is willing to assist in collecting samples to be tested at other labs that do have this capacity specifically a lab at UNH or eventually Katahdin Analytical.

Other business

02:45-03:00

No other business.

Adjourn