

Shellfish Advisory Council Meeting

Sept. 26, 2019 Ellsworth City Hall

Council Members Present: Glen Melvin, Jessica Joyce, Kevin Brodie, Charlie Tetreau, Fiona de Koning, Ryan McPherson, Lewis Pinkham, Scott Moody, Dan Curtis, Tony Delano

Council members absent: Dick Douty, Mike Danforth

DMR Staff in Attendance: Kohl Kanwit, Sheena Glover, Bryant Lewis

10:03 Call to order by Fiona de Koning

10:03 Agenda Item 1: Welcome new members

10:04 Agenda Item 2: Review of minutes -Lewis Pinkham motion to accept minutes, seconded by Kevin Brodie, motion carried.

10:05 Agenda Item 3: ISSC Biennial Meeting -Kohl Kanwit explained how the conference works beginning with a request for proposals, then committee meetings then Task Force meetings followed by the General Assembly at the end of the biennial meeting. Proposal numbering has the year first e.g. 11-113 was originally submitted in 2011. Ms. Kanwit described a recent meeting in Charlotte, NC, held with state representatives from the ISSC executive board and FDA. The individuals present discussed how to work together more effectively, especially with regard to FDA evaluations.

Scott Moody asked if the ISSC meeting is where you request permission for Maine to export shellfish to Europe as Washington and Massachusetts are being permitted to do? Ms. Kanwit said they are waiting for the federal register language to be published and continue to get assurances from FDA that additional states can be added easily once the equivalency agreement is in place. Ms. Kanwit stated at the seafood expo, she attended a meeting with European government officials who want to purchase shellfish from the US.

Ms. Kanwit highlighted proposal 11-103 which deals with MSC or Male Specific Coliphage, a viral indicator. FDA did not concur with the conference vote on this proposal in 2017 because they want to include the word "shall". Maine has consistently fought to maintain the option of using MSC or not and supported language that included "may" v. "shall". Glen Melvin said it could be a loss for everyone if MSC is required to be used in the Maine program. Mr. Pinkham asked if the FDA is trying to mandate the use of MSC through EPA. Ms. Kanwit said the FDA has been working with the EPA on MSC but she was not familiar with what EPA plans to do with implementation of MSC standards. Mr. Pinkham commented the ShAC should vote to oppose inclusion of MSC. Ms. de Koning asked if the use of MSC has prevented illness. Kohl answered that it just effects depuration areas and the depuration process ensures illnesses will not occur. Mr. Pinkham motioned to oppose, seconded by Mr. Melvin. Jessica Joyce asked if there is broader support for this proposal, other than Spinney Creek Inc., who submitted the proposal. Ms. de Koning asked could someone please explain why it is bad to change and allow MSC in the current Prohibited areas adjacent to wastewater treatment plants. Mr. Pinkham said it will require more testing. Mr. Moody said it's a tool to get access to more shellfish acres. Mr. Melvin stated using MSC would close areas that are currently open. Ms. Kanwit agreed that used incorrectly MSC could close currently open areas. Mr. Pinkham added that, in the past DMR opposed the inclusion of MSC in the shellfish program. Ms. Kanwit said yes in the past it was proposed to be incorporated too

broadly, but this proposal limits the ways it can be used and DMR supports the current proposal because it will provide safe access to areas that are now Prohibited. Vote; in favor 4; opposed: 2 abstained: 3

Ms. Kanwit continued discussing proposals and highlighted 17-100 regarding classification of mooring areas. Ms. Kanwit also highlighted proposal 19-108 which would reduce the time seed grown in Prohibited areas needs to be grown out in Approved waters from 120 days to 60 days. Ms. de Koning motioned to oppose, Mr. Pinkham seconded. Vote; in favor, 3; opposed, 0; abstained; 6

Ms. Kanwit continued to discuss proposals involving cleansing studies. DMR wants to test water, and not test meats. No motion was made.

Break 11:00-11:13

11:13 Agenda Item 4: Kohl Kanwit - Chapter 10 regulations update

Proposed change would make the winter closure in the New Meadows lakes permanent by removing the sunset closure. Resource evaluation revealed seed quantity was down in the upper pond but has increased in the lower pond. Tony Delano asked why the closure is so broad, and why can't the lakes be separate from the rest of the area north of Indian Rest? Ms. Kanwit said the department doesn't have a lot to go on but is using resource surveys from the lakes and will survey the river proper in 2020. Mr. Pinkham asked if it would make sense for the ShAC to request that the department provide more data before a regulation change. Ms. Kanwit replied that the department already had a mandate to gather more information in the river in 2020.

11:40 – Agenda Item 5: Shellfish Focus Day at Fishermen's Forum

Ms. Kanwit introduced the topic explaining the Request for Proposals (RFP) process for the Forum. Ms. Joyce provided a brief overview of an evaluation of the 2019 Shellfish Focus Day (SFD), and said the poster and networking session was well received. An audience member stated they liked last year's diverse segments, another audience member asked whether the ShAC could offer a brief "This is what ShAC is about" session. Ms. Joyce asked how can we better distribute the RFP for SFD. Mr. Brodie suggested bringing it up to the Maine Municipal Association, through their listserv. Ms. Kanwit said there were some potential space issues on Thursday and asked for ShAC's preference. Mr. Pinkham motioned to have Shellfish focus day be 2 rooms on Thursday, Kevin second, All in favor.

12:23 Agenda Item 6: Mini grants – Ms. Kanwit stated that the Commissioner has approved mini grants for towns similar to the Broad Reach initiative. Grant applications will likely start in January 2020. Ms. Joyce asked if the priorities/criteria have been established yet and Ms. Kanwit replied not yet and asked that the Shellfish Advisory Council be involved.

Work Plan

New items - **Ms. Joyce** suggested broadening the existing description of ShAC in statute beyond water quality, as the scope of the ShAC seems to have grown beyond just this mandate in recent years.

Mr. Moody asked about LEO (Lab Evaluation Officer) status. –Ms. Kanwit stated that DMR staff was trained and the FDA must evaluate any new lab the first time, then one of DMR's staff can do it.

Measuring quahogs – **Mr. Delano** asked if the ShAC can request clarifying the minimum size requirement so sublegal clams are not being taken.

Criminalizing municipal shellfish violations – **Ms. Kanwit** gave update that the Department does not support this change.

Rain gauge update- **Bryant Lewis provided an overview of the number of gauges purchased and where they will be installed.**

CSI – Bill Zoellick (for Dan Curtis) – They have received a lot of good feedback from municipal shellfish committees and they are excited about the ability to learn from data collected by students and schools are jumping at the opportunity. Gouldsboro mostly and some in Steuben involving more schools and shellfish committees.

Request for the next meeting's work plan

- Add CSI back in
- Add alpha numeric tags
- Mr. Curtis mentioned there is no vice chair, and nominated Mr. Pinkham for vice chair Mr. Moody seconded, – all in favor

1:04 p.m. adjourn