

Shellfish Advisory Council Meeting

February 4, 2021 Virtual

2pm-5pm

Council Members Present: Kevin Brodie, Ryan McPherson, Lewis Pinkham, Jessica Joyce, Amanda Lyons, Tony Delano, Charlie Tetreault, Ron Parritt, Joan McDonald, Marissa McMahan

Council Members Absent: Scott Moody, Dick Douty, Mike Danforth

DMR Staff in Attendance: Kohl Kanwit, Sheena Glover, Denis Nault, Heidi Leighton, Hannah Annis, Bryant Lewis, Ari Leach, Melinda Cook, Patricia Hinds, James Becker

Call to order by Chair (Lewis Pinkham)

Agenda Item 1: Election of officers. Chair indicated he was willing to continue to serve and nominated Jessica Joyce as Vice Chair. Mr. Brodie made the motion for Lewis Pinkham as Chair and Jessica Joyce as Vice Chair, Mr. Tetreau seconded. Motion carried, unanimous.

Agenda Item 2: Adoption of minutes. Motion by to accept by Ms. Joyce, seconded by Mr. Brodie. Motion carried, unanimous.

Agenda Item 3: Vacant aquaculture seat nomination. Evan Young an aquaculturist from Hancock was nominated by Mr. McPherson, Mr. Delano seconded. Motion carried, unanimous.

Agenda Item 4: DMR website species, sizes & harvest limits. **Denis Nault** presented the new website page. <https://www.maine.gov/dmr/shellfish-sanitation-management/shellfishidentification.html>

Mr. Nault explained the layout and purpose of the page detailing the recreational harvest limits as well as size limits of each species.

Agenda Item 5: Closure notification changes. **Bryant Lewis**

Mr. Lewis presented the new shellfish closure webpage. Stating that as of March 1st the new format will be available on the website. Welcoming any input prior to the 1st. Members of the audience asked for town lines to be defined. Mr. Delano asked for landmarks. Requests from the audience to have the maps be more defined for use with conservation closures (not part of this website). Mr. Pinkham stated he uses the text of the closure for enforcement. Ms. Kanwit explained that is the purpose of the text descriptions. Mr. Nault mentioned that the town lines are added to the conservation closure maps. Mr. Delano noted that the new maps appear to be clear and that is welcomed by harvesters. Mr. Pinkham agreed that the maps look good. Mr. Tetreau commented that adding town lines may help, however are not needed. Ms. McDonald stated that she likes the maps and agrees the town lines are not needed. Mr. Brodie inquired as to how detailed the inset maps would be. Mr. Lewis replied that in general DMR tries to offer a zoomed in map but there is also a dynamic web map users can access. Ms. Lyons asked if DMR could provide a how to guide for the harvesters on interpreting the new closures. Ms. Kanwit stated that DMR can put together a video or instructions.

Agenda Item 6: Hard Clam minimum size measurements. **Tony Delano/ Sgt. Wes Dean** (Marine Patrol)

Mr. Delano described that harvesters would like more enforcement of the 1-inch minimum size. Continuing that the harvesters would like to see the language change to read clams must be “over 1 inch in hinge width”.

As Mr. Delano described the variable of measuring, from scraping the sides to seeing daylight around the edge. Sgt. Dean elaborated that there is no ability to manipulate. It is a set measurement. Given the shape of the measure, if it does not hit both sides of the measure, it is not legal. Mr. Delano questioned whether it is considered legal if the hard clam scrapes the sides but still passed through the gauge. Mr. Pinkham suggested submitting a regulation change. Ms. Kanwit stated that maybe forming a sub-committee to address this issue would be a good idea. Ms. Lyons said maybe it could be addressed at the town level. Ms. Kanwit expressed that for intertidal harvest areas that would be an option, but for subtidal waters the municipality could not apply a different minimum size. Ms. Joyce stated it sounds like a miscommunication between harvesters and enforcement. Volunteers for the subcommittee were Tony Delano, Sgt. Wes Dean, Kohl Kanwit, Ryan McPherson and Lori Howell. The subcommittee will report back to the council at the next meeting.

Agenda Item 7: Considering minimum criteria for effective municipal management programs. **Tony Delano/Kohl Kanwit**

Ms. Kanwit posted to the group a preliminary document detailing regulation chapters 4 & 7 that pertain to municipal management.

As Ms. Kanwit detailed each line item for municipal management requirements, she explained that Mr. Delano brought up this issue originally using the example of Cumberland. The town added hard clams to their ordinance which then became subject to limited licensing. Ms. Kanwit explained that the state does not have a lot of tools to restrict ordinance changes. Mr. Delano gave the example of how a non-resident license holder used to harvest hard clams in Cumberland but could no longer harvest there. Ms. Joyce stated that towns are struggling with how to implement multi-species ordinances. Mr. McPherson added that aquaculture is having the same issues with municipalities and ordinances. Ms. Kanwit agreed to continue to draft a proposal for ways to improve municipal shellfish management that can be discussed at future meetings.

Agenda Item 8: DMR Budget update. **Kohl Kanwit**

Ms. Kanwit stated that the Governor’s budget did not include cuts to DMR and actually included an increase for the Aquaculture program potentially adding 1 ½ positions. Ms. Joyce inquired about the municipal mini-grants (for \$5,000.00) that DMR has hoped to sponsor before the COVID pandemic. Ms. Kanwit stated those funds are not available for the time being until the full impacts of the COVID pandemic are addressed.

Agenda Item 9: Proposed Regulation Changes (Chapters 2, 94 and 115). **Kohl Kanwit**

Ms. Kanwit explained the change of Chapter 2 Aquaculture was establishing maximum seed sizes for bivalves grown in Prohibited areas. Mr. McPherson asked for clarification about corrective actions if seed exceeded the maximum seed size. Ms. Kanwit elaborated that maximum seed size compliance would be checked as part of the annual Aquaculture site inspections.

Chapter 94 changes pertained to buying stations, wet storage, bulk tagging permits and shellfish certifications which will expire April 1st the same as wholesale dealer licenses going forward.

Chapter 115 changes to Vibrio included a revised season that will start June 1st and end October 15th. Vibrio Control harvest/purchase plans must be submitted by April 1st and the Scarborough River, the Nonesuch River, and Spinney Creek were added as control areas. The revised regulations also require harvesters to either ice product or transport to dealers within 2 hours and dealers must cool product to 50 degrees within 3 hours. Mr. Delano stated that there is a problem with patrol and enforcement for Vibrio in the New Meadows Lakes. Mr. McPherson added that as things become stricter inspections will be important. Ms. Kanwit explained how they are working to try to address the retail sector like restaurants to reduce the likelihood of Vibrio illnesses as a result of temperature abuse after harvest and wholesale distribution.

Ms. Kanwit also mentioned two upcoming bills being presented to the legislature including one on regulating airboat noise and another on depuration fees paid to towns with a municipal shellfish ordinance.

Agenda Item 10*: Virtual Fisherman's Forum. **Jessica Joyce**

Ms. Joyce stated that there will be a virtual panel discussion each month, February, March, and April on a topic of interest to the shellfish community. Maine Sea Grant will record the event and later broadcast it on WERU.

*this agenda item was mistakenly numbered as 9 on the meeting agenda

Agenda Item 11*: Overview of Municipal conservation activities. **Jessica Joyce**

Ms. Joyce explained that towns are interested in knowing what other towns are doing for conservation activities as well the effectiveness of the conservation activities. Mr. Tetreau stated that he would like to see this as an item ShAC continues to address. Ms. Joyce made a motion to move this issue to the work plan, seconded by Mr. Brodie, unanimous, motion carried.

*this agenda item was mistakenly numbered as 10 on the meeting agenda

Agenda Item 12*: Announcements and Updates. **Chair**

This will be a new section in each meeting going forward where attendees can provide brief announcements and updates for items of interest to the shellfish community. A request was made to add Maggie Kelly and Gabby Hillyer to this section for the next meeting.

*this agenda item was mistakenly numbered as 11 on the meeting agenda

Agenda Item 13*: Revise Workplan

Mr. Pinkham made a motion to have the hard clam subcommittee updates added to the work plan, seconded by Mr. Tetreau. Ms. Kanwit offered other proposed changes to the work plan, detailing what is able to be removed and what has been tabled. Mr. Tetreau asked that Municipal LPA's be added to the work plan, unanimous, motion carried.

Working committee for lab testing remains tabled
Rain gauge procurement project was removed (completed)

Alpha-numeric system remains tabled

Outreach programs was removed

Shellfish Learning Network was moved to the announcements section

Economics remains tabled

The council requested that the Department provide a summary of COVID relief opportunities at the next meeting

*this agenda item was mistakenly numbered as 12 on the meeting agenda

Adjourned