

Shellfish Advisory Council Meeting Minutes

February 28, 2017 Augusta DMR

Members in attendance: Dan Curtis, Glen Melvin, Bridie McGreavy(Conference called in), Jim Norris, Lewis Pinkham, Scott Moody, Raeleen Pert, Fiona Dekoning, Jeff McKeen, Andy Rhuel, Tom Connolly

Members Absent: Patricia Hinds, Ralph Smith

DMR Staff in Attendance: Kohl Kanwit, Angel Ripley, Bryant Lewis, John Fendl, Rob Watts, Hannah Annis, David Miller, Melinda Cook, Audrey Knowlton, William DeVoe, Sarah McDarby, Deirdre Gilbert

Others in Attendance: Lori Howell, Doug Leland, Monique Coombs, Sebastian Belle, Greg Goodnow, Joey Brown, Dan Harrington, Dan Devereaux, Charles Tetreau, Dave Cheney, Robert Willette, David Green, James Arsenault

Meeting called to order at 10:05 A.M.

Attendance/Roll Call- 10:06 A.M.

10:07 a.m. Agenda item #3- Fiona motioned to approve previous meeting minutes as written, Dan Curtis 2nd motion, unanimous yes vote.

10:10 a.m. - Agenda item #4- Update on DA Issue- Lewis Pinkham- Has been resolved, towns have received outstanding fine money to date.

10:12 a.m. - Agenda item #5- Upcoming Events- Angel Wilson provided update on upcoming Municipal Shellfish Warden training on March 14th and 15th 2017. Kohl Kanwit provided update on Fisherman's forum on March 2nd, and provided agendas, also update on the upcoming Northeast Shellfish Sanitation Association (NESSA) conference that Maine is hosting on April 11-13th in Freeport.

10:20 a.m. Agenda item #6- Kohl Kanwit provided an update of current legislation, provided a handout of currently written bills proposed ([See attached](#)) Lewis indicated several Marine Patrol officers he has spoken with as well as Municipal Shellfish Wardens are in favor and support bill# 200. This bill is also supported by SHAC. Bill 202 has been withdrawn, Bill 370 no public hearing yet. Dan Curtis stated currently have protection on labeled conservation areas for soft shelled clams, asked for clarification if it includes other species, was confirmed by Kohl and Deirdre Gilbert it included all marine organisms. Bill 431- not scheduled for hearing yet. New list of scheduled hearings to be out on 3/1/2017. Deirdre explained background behind reason for this bill and the proposed specifics of the bill. Deirdre presented on DMR bills that are coming up, currently being discussed. Increase in licensing fees across the board for both harvester and dealer licenses. Kohl explained some reasons behind decision to increase fees. Lewis requested a printout of the details for next SHAC meeting. Jeff McKeen asked if we should discuss the minimum size clam legislation pending. Dan Devereaux clarified that even if the state changes to a smaller minimum size, town ordinances can still stay with a 2" minimum. Hannah Annis explained that larger clams reproduce more based on Dr. Brian Beals research, that there is a scientific theory behind having a maximum size limit. Scott Moody disagreed with Hannah stating he has heard conflicting research. Kohl clarified that aquaculture is exempt for minimum size law. Lewis asked if

SHAC wanted to make recommendations to the commissioner on the minimum size topic. Glen Melvin recommended it stays at 2" because there would be no real markets for smaller clams, due to other states are at 2". Kohl clarified that some of the reasoning behind the 1.5" was that some areas suggest that clams are getting eaten by predators at 1.5", not making it to legal size of 2", and that temperature affects growth rates in some areas as well. Dan Harrington indicated he does not support a 1.5" limit. Lewis asked again, does SHAC want to make a recommendation to the commissioner. Dan Curtis said yes to make the recommendation to remain at 2", motion 2nd by Raeleen Pert, unanimous SHAC vote in favor. Deirdre also spoke about DMR pushing for more regional and joint programs of municipal management. Stated potential for DMR to grant additional authorities to joint/regional programs that individual program's would not get. (LD646)

11:06 a.m. – Short Break

11:18 a.m. - Meeting restarted

11:18 a.m. - Agenda Item #7- Rob Watts presented on the idea of Swipe cards, explained the landing program and how it works as well as the advantages to using swipe cards to collect data. ([See Attached](#)) Dave Cheney asked how much the machines costs for dealers in the swipe card program, Rob explained costs between \$350-500 would be a cost to the dealer. Glen Melvin asked Rob how long he has worked for DMR, Rob replied since 2007. Glen spoke on his opinion of swipe cards for harvesters, he believes that the data should be collected anonymously, no names of harvesters attached. He believes it is an invasion of privacy. Glen also insisted the information could then be used against a harvester for other state agencies. Rob explained the information is confidential and that landings follows chapter 5 confidentiality rules. Glen disagreed on what the definition of confidentiality is. Lori Howell asked if there was any additional cost to dealers, Rob indicated no cost except the machine. Dave Cheney stated he thinks the state should cover the cost of the machine; it is an unfair burden on small business dealers. Rob explained the initial cost of the machine is easily recouped with time saved in preparing and filing landings reports. Kohl reminded people that DMR is not currently considering swipe cards for clams, but just wanted to get a feeling on this from industry. Scott Moody stated as a dealer he has 5 locations, over 150 harvester buys per day, dealer reports are timely for staff, he sees both sides but the advantages for dealers of time savings is significant. Rob Watts indicated 80-90% positive feedback from dealers about the program. John Fendl indicated all dealers he has spoken to about it in Washington/Hancock County are all in favor of it as well. Glen Melvin indicated he is representing several harvesters on this issue, and wanted it on record that the harvesters he speaks for are not in favor of a swipe card program. Lewis asked if SHAC wanted to vote whether to support this or not, Scott Moody made motion to discuss further at next SHAC meeting. 2nd by Raeleen Pert, unanimous vote to add topic to next agenda.

11:50 a.m.-Agenda item #8 DACF Update- Kohl provided update that it has been sent to rulemaking process, once set up, the State of Maine trademark can be applied for and used for marketing purposes.

11:55 a.m. - Agenda item #10 (Break skipped #9) (B) Jeff McKeen stated we are holding off on the oyster minimum size for now, there is not thorough support. Will continue to do research on the subject and get a better consensus from industry, and will check in at next meeting. (A) William DeVoe-Map merging issue: Bill presented on where to find new closure and lease information that shows closures and aquaculture leases. <http://www.maine.gov/dmr/aquaculture/leases/decisions/index.html> Lewis suggested we add a help link on who to contact for questions, Scott Moody suggested possibly adding FAQ's as well. Bill indicated we can add those things as suggested, also things such as WQ status. DMR will discuss how to make the past bacterial data maps available publicly soon as well. (C) Town conservation requirements for including species in ordinances- originally raised by Abden Simmons, will

defer to next meeting. (D) Bridie spoke on 2/2 meeting of the mussel sub-committee- reports of mussel activities. Clarified the objectives to move forward. Bridie indicated both Denis Nault and Phil Yund gave reports at the last meeting. One more meeting scheduled on 3/17 at Ellsworth city Hall to provide proposals for DMR to continue monitoring efforts and equitable divide suggestions. Lewis emphasized how much Denis Nault and Hannah Annis did with survey work, and is very grateful of DMR's support. Kohl asked since this is the first meeting of 2017, are there any additional items for the work plan? Scott Moody asked for a discussion of Jurisdiction of a town on the subtidal be added. Where does the town control start and stop. Kohl indicated that LD646 limits municipal control to the intertidal. Lewis asked for need for clarification of definition of Low water, mean low water, and extreme low water. Also to clarify if that is state or municipal jurisdiction. Fiona made a motion to ask DMR to clarify those definitions, Scott Moody 2nd motion, unanimous vote yes. Kohl then stated that the ISSC meeting will be in October 2017. Proposal to allow high oxygen packaging on live mussels was submitted by Carter Newell, and asked if there were any other issues to propose at ISSC- request will come in May.

12:30 p.m.: Next meeting scheduled for May 24th, 2017 at Ellsworth city Hall from 10am-1pm

12:33 p.m.: Meeting adjourned.