

## Shellfish Advisory Council Meeting Minutes

July 26, 2018 Augusta DMR

**Council Members Present:** Lewis Pinkham, Scott Moody, Bridie McGreavy, Fiona DeKoning, Jim Norris, Dan Curtis, Dan Devereaux, Glen Melvin, Tom Connolly, Mike Danforth

**Council Members Absent:** Cary Bork, Tony Delano, Jeff McKeen

**DMR Staff in Attendance:** Ari Leach, Bryant Lewis, Patricia Hinds, Melinda Cook, Kohl Kanwit, Sheena Glover, Angel Wilson, Chris Reily, Chris Sferra, David Miller, John Fendl, Heidi Leighton.

**Others in Attendance:** Lori Howell, Gabrielle Hillyer, Alex DeKoning, Keely Gonyea, Mike Pinkham, Bill Zoellick, Kathleen Billing, Irvin Pinkham, Kevin Brodie, Paul Plummer, Steve Welsh, Ray McIntire, Joe Porada, Dr. Brian Beal, Bailey Bowden, Keith Evans, Dan Harrington, Sara Randall, Chad Coffin, Walter Coffin.

**10:04** – Called to order by Lewis

**10:05 Agenda Item 3:** Review and adoption of previous meeting minutes-Lewis asked for a motion to approve the draft minutes from the previous meeting. Fiona motioned to accept, 2<sup>nd</sup> by Tom Connolly – All in favor, motion passed.

**10:06-11:20 Agenda Item 4:** Dr. Brian Beal (How Maine can save its historic clamming industry; ([See Attachment](#)) Presented research done from 1987-present. Planted clams inside eel grass, and outside of eelgrass. Stated predators are the biggest cause for the decline in clam population. Dr. Beal said brushing is an ineffective technique. He went on to say that it was an old wives' tale, that it is a waste of time and money.

His recommendations are:

1. Create new management programs
2. Repeal 2" law to make 1 ½ "minimum and 3 ½' maximum (as the dealers accepting large clams who produce the most spawn is another major cause in the decline in population)
3. Create a new law from early May through late June a rolling closure of 1-2 weeks starting in York county ending in Washington county. Allowing for spawning.
4. Encourage predator netting
5. Examine the Shellfish fund to provide funding specifically for research

Scott Moody asked what right does Dr. Beal have to ridicule people for the conservation efforts they try. Scott continued that brushing is not an old wives' tale, they have worked in the past. He then asked that the dealers not be blamed for accepting large clams, and asked why Dr. Beal back tracked and changed his view on if large or small clams produce more spawn.

Dan Devereaux asked for Dr. Beal to clarify what size clams spawn the most.

Dr. Beal reiterated Large clams spawn the most.

Jim Morris stated they have had positive results from brushing. Then inquired as to netting, what has better results sand or clay bottom.

Dr. Beal responded that predation was more in lower intertidal and the upper intertidal due to harder sediment had a better survival rate.

Dan Curtis asked Dr. Beal How he likes putting nets in mud, then stated that brushing worked. Prices tanked, the catch is up. Dan followed up with closures days were not factored into the data for 2017 catch. To solve the decline in clam harvest he agrees with the rolling closures. Towns right to closures, removing ordinance catch limits, and creating specific marketing for product.

Dr. Beal said due to the lack of product (a loss of 5 million pounds) supply drops then demand drops.

Fiona DeKoning to Dr. Beal you need to persuade not dictate.

Dr. Beal well you can't net the world.

Fiona DeKoning, we need to encourage larger clam sales.

Lewis Pinkham stated they have been brushing since 2000 with success. Lewis then suggested that Dr. Beal look at Carl's study.

Dr. Beal replied that he has seen Carl's study.

Mike Pinkham stated from Gouldsboro the change in size limits he can see the benefits, however the diggers do not agree.

Dr. Beal there is a 3-week window of Larval swimming, what settles is from elsewhere as it moves with tide and current.

Bridie McGreavy in the face of all adversities, Climate change, predators etc. Where to start with the shellfish fund, and what roll can the Shellfish Advisory Council play?

Dr. Beal an open dialog with industry is where to start.

Joe Porada stated 3 ½ inch clams in Trenton are simply thrown in the garbage therefore wasted. There is an issue with 1 ½ clams in Bass cove.

Dr. Beal stated you can set the limit higher than the legal limit.

Kohl Kanwit stated that is not correct, you cannot set limits higher than the legal limit.

Joe Porada suggested trying regional closures.

Glen Melvin asked Dr. Beal why do you feel obligated to ridicule people for trying different methods.

Dr. Beal stated that brushing is a waste of time.

Glen Melvin asked do you have any proof (that brushing is a waste of time)? I appreciate the data. Wouldn't it add credibility to have success of a river? Can you show landings?

Dr. Beal my studies are to help towns get information.

Lewis Pinkham ended it.

**11:20-11:40 Agenda Item 5: Glen Melvin** presented A View from Industry. Stating that every town has a right to try whatever method of conservation works. He continued that he never grabs a podium and claims they have the answer. Glen provided a landings Chart ([See Attachment](#)). Glen went on to say that Waldoboro will always be a contender with what they have been through. There was a meeting sometime between 2006-2008 to close the Medomak river. That would have cost 150 jobs. We told them you can't close it, The Medomak is the biggest employer in the town. We have 2 coves with flow gauges. Put all effort into pollution, pollution wipes out everything. We have worked with DEP, DMR Department of Agriculture. No laws should be changed without proof.

Joe Porada we have abatement closures, but no resource.

Chad Coffin Have you put out boxes?

Glen Melvin Every town has a right to do whatever they can.

Walter Coffin the Medomak freezes in winter and you have more diggers then other towns.

Glen Melvin we keep trying everything we can, not claiming to have the answers.

Chad Coffin Freeport was top from 2009-2013.

Glen Melvin I believe in cycles, everything has a cycle.

Scott Moody, I agree with cycles, we have had an influx of hard shell clams, I agree every town needs to do anything and everything they can. There are a lot of factors.

Chad Coffin I ridicule the brushing, it was a mistake to ridicule Harpswell. DMR is at fault for allowing anything.

Scott Moody hard shell are more money than softshell.

Kohl Kanwit DMR has fostered many conversations on research, funding, DMR has tried demonstration projects. DMR approving brushing is not wrong according to existing laws and regulations and we will continue. Towns are responsible for their shellfish management and DMR will continue to advocate for the best management actions.

**Break 11:40-11:52**

11:52 Lewis called to order

**11:53 Agenda Item 7** Bridie McGreavy spoke on Fishermen's Forum – Shellfish Focus Day needs to be a focal point. Motioned a 3-4-person subcommittee to address proposals.

Lewis Pinkham recommended that it stays at the Shac forum and be under the work plan.

Fiona DeKoning stated at the last Shac she requested a meeting dedicated to fishermen's forum.

Kohl Kanwit we can work together to get RFP's from the forum board.

Lewis Pinkham stated he could request RFP's from the Fishermen's Forum Board.

Glen Melvin commented he is not sure how to get more clam diggers at the forum.

Ari Leach asked what did Glen feel would draw in more clam diggers? Did he have any thoughts what we might do to help?

Dr. Brian Beal stated controversy draws people.

Chad Coffin said it is too small of a pool to draw from.

**12:07** Bridie amended motion for subcommittee, to work at the Shac level, devoting a meeting. 2<sup>nd</sup> by Dan Curtis. All in favor, motion passed.

**12:10 Kohl Kanwit Agenda Item 8A Chapter 94 NSSP Model Ordinance Adoption by Reference:**

Kohl stated retail stays as is.

Lori Howell inquired as to it being less restrictive.

Kohl stated that by adopting the model ordinance it makes it easier to understand.

**12:11 Kohl Kanwit Agenda Item 8B Chapter 7: Clarification and minimum size restrictions** Towns can't currently have size limits different from existing state regulations. If they want that power it would have to be a legislative change.

Lori Howell, it will be hard for dealers and wardens to police size limits.

**12:12 Kohl Kanwit Agenda Item 8C Chapter 14: Wild American Oyster Minimum size**

Kohl stated that Minimum size applies to wild American oysters, and clarified that towns cannot set their own minimum or maximum size limit.

**12:14 Kohl Kanwit Agenda Item 9: Aquaculture Updates -LPA Education requirements**

Kohl Kanwit LPA renewals require attendance at a mandatory education class created and taught by DMR. Covering Public Health, Biosecurity, Rules and Regulations. LPA's will not be issued unless class is attended.

**12:19 Dan Devereaux Agenda Item 10: Dredging in the New Meadows River**

Dan stated There is mussel resource, however there are concerns over vegetation and scaring the bottom. ([see attachments](#))

Kohl is inquiring with other states, how they manage dredging. Dan encouraged a slower approach, that industry is expanding and you don't want to cut your nose off despite your face.

Chad Coffin How have the fisheries cut their nose off despite their face?

Bailey Bowden cited LD 1519, stating that towns have lost the right to intertidal.

Kohl Kanwit No they didn't lose intertidal. Gear type restrictions are not something towns can regulate.

Scotty Moody, it is a hydraulic dredge, not dragging.

Dan Curtis, is there Quahogs in the town ordinances? Kohl responded yes there are included.

Chad Coffin, the leading shellfish expert in the country, maybe the world is here, Beal what is your thought?

Dr. Brian Beal, I am not familiar with the area.

Mike Danforth, what is the area's recovery time?

Dan Devereaux, why overharvest an industry that is just starting? Could the mussel resource withstand this? Have you done a study?

Kohl Kanwit studies have been done, it depends on the bottom type. Sandy bottom vs rocky or coral bottom etc.

#### **12:45 Lewis Pinkham & Mike Pinkham Agenda Item 11: Intertidal Jurisdiction**

Lewis Pinkham states he wants to bring it back to the committee. Kohl Kanwit clarified that subtidal does not mean the streams through the flats. Bailey Bowden asked that the shallow subtidal also be readdressed. Lewis Pinkham made a motion for DMR to look at the law defining the two parts (tidal & shallow subtidal). Dan Curtis 2<sup>nd</sup>. All in favor. Motion passed.

#### **12:47 Agenda Item 13: Next Meeting**

**Nominations for Warden Seat** Bridie motioned for Kevin Brodie, 2<sup>nd</sup> Tom Connolly. All in favor, Motion passed.

**Nominations for Chair** Dan nominated Fiona DeKoning, 2<sup>nd</sup> Scott Moody. All in favor, Motion passed.

**Nomination for Vice Chair** Jim Norris nominated Bridie McGreavy, 2<sup>nd</sup> Dan Devereaux. All in favor, Motion passed.

#### **12:50 Agenda Item 12: 2018 Work Plan Discussion**

**Dan Curtis**- CSI Maine Middle and High Schools working with towns. Hoping for 8 schools along the coast to participate.

Dan Devereaux added that Brunswick through the outdoor classroom, went from 1 Junior License to a waiting list. They are doing an Apprenticeship program, helping to provide shellfish management data to the towns.

**Kohl Kanwit – Map Merging** Kohl asked members for input or suggestions for Map merging. There were none (Tabled).

**Lewis Pinkham- Rain gauge Project** -stated he did not have any updates at this time.

**Mike Danforth – Alpha-Numeric system**- Tabled

**Scott Moody** – Quality Seal, stated how easy and inexpensive it was to acquire. Showed seal to council.

**Dan Curtis** - asked DMR for Predictions of ASP/PSP. David Miller responded that there are no predictions, there is a current bloom that the PSPS toxicity is starting to go down.

**Scott Moody** – Stated DMR has an LEO trained person, and looking for labs to be guinea pigs.

**Fiona** asked if a doodle poll will be sent for the date of the next meeting? Sheena Glover responded it would.

**Lewis** stated that these meetings scheduled from 10-1 wasted his entire day, and as he was on another committee that meant he had to waste 2 days. Moving the meeting time to 1-4pm worked better.

**Dan Curtis** made a motion to change the time of scheduled meetings to be 1pm-4pm. 2<sup>nd</sup> by Dan Devereaux. All in favor, motion passed.

**1:10** Meeting adjourned.