

Shellfish Advisory Council
Meeting Agenda
November 30, 2023, from 12:00 PM - 03:00 PM
Moore Community Center/Downeast YMCA Ellsworth
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)
Vacant	Vacant	
Jessica	Joyce	Yes (In-person)
Joan	McDonald	Yes (Virtual)
Kevin	Brodie	Yes (In-person)
Lewis	Pinkham	Yes (In-person)
Marissa	McMahan	Yes (Virtual)
Michael	Danforth	Yes
Ron	Parritt	Yes (In-person)
Jeff	Auger	Yes (In-person)
David	Wilson	Yes
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 motion to adopt minutes, Mr. Brodie seconded, all presented voted in favor of passing minutes without comment.

Gouldsboro Shore Project Presentation and Q&A – **Pauline Angione** **12:05-12:25**

Ms. Joyce explained the ongoing efforts of the ShAC to encourage new shore access initiatives and collaborate with existing efforts. Ms. Angione, a volunteer with the Gouldsboro Shore Project, gave a presentation regarding the efforts made by the Town of Gouldsboro to preserve and expand shore access.

Letter RE: LD 1915 to Marine Resources Committee – **Jessica Joyce** **12:25-12:35**

Ms. Joyce presented the highlights of the letter she drafted, with feedback from the Council and DMR, to respond to the Marine Resource Committee’s request for input on LD 1915. She asked that the Council discuss the letter and vote on whether to send the letter to the MRC as is or with further edits. The consensus of the Council is that towns already have the authority to create licenses for disable veterans, and the funding proposed by LD 1915 is unlikely to have the intended benefits to the shellfish resources. Ms. Howell motioned to send the letter, Mr. Danforth seconded, and all present voted in favor of sending the letter as is without additional comment.

DMR Letter RE: Aquaculture Moratoria – Kohl Kanwit

12:35-12:45

Ms. Kanwit provided copies of a letter issued by the DMR regarding the Department's authority over aquaculture leasing to the Council and discussed the underlying issue of towns attempting to implement aquaculture moratoria to prevent the Department from issuing aquaculture leases. The DMR will continue to issue leases as allowed within the law regardless of town moratoria and if towns wish to challenge the legality of these leases they would need to do so through the appropriate legal channels. The DMR will be hosting listening sessions to hear out the concerns of the public regarding aquaculture and details regarding those sessions will be published as soon as they are available.

Maine Climate Council Coastal Marine Working Group – Jessica Joyce

12:45-01:05

Ms. Joyce informed the Council about the Maine Climate Council's current efforts to update the 'Maine Won't Wait' (4-year climate action plan) for the next four years, starting in 2025. She mentioned there is some overlap between work being conducted by the Maine Climate Council working groups and the work of the ShAC. Ms. Joyce and Ms. McMahan were both invited to participate in the Coastal and Marine Working Group (CMWG) which is working on fisheries conservation and working waterfront issues. There are also several other working groups addressing related issues. Ms. Joyce asked that if anyone has any ideas that they would like to share with the CMWG that she or Ms. McMahan would be happy to pass them along. Mr. Pinkham thanked both Ms. Joyce and Ms. McMahan for their time and effort representing the ShAC by participating in this working group.

Proposed changes to Chapters 4 & 7 – Meredith White

01:05-01:15

Ms. White updated the ShAC regarding changes to be proposed to rule chapters 4 & 7.

- Updates to Chapter 4: prospective shellfish wardens can take the shellfish warden training without first being nominated by a municipality but will not be certified until after a municipality nominates them. Also proposing to change the chapter to include minimum size enforcement of all species included in the ordinance of any given town and not just softshell clams.
- Updated to Chapter 7: Clarify 'period of issuance' to start the first day on which a municipality reserves or sells shellfish licenses each year. Clarify that dept may ask for justification when a municipality requests to change the number of licenses allocated. Dept may require resource surveys before approving changes to license allocations especially in cases where the request is for a reduction in the number of licenses. Clarify the process for issuing 10% of recreational licenses to non-residents to be consistent with the process for issuing 10% of commercial licenses to non-residents. Add section defining process for towns to request resource surveys in a closed area. Define the process for acquiring a transplant permit to remove shellfish from a municipal LPA and define exemption to prohibition of possessing sublegal clams for holders of a municipal LPA. Increase 21-day comment period to 30 days for towns to comment on requests to harvest by drag or dredge, this change was requested by stakeholders.
- Drafts will be available and public hearing/comment will be in January.

Ms. Kanwit asked whether it would be advisable to have more than one public hearing or not on these changes. Mr. Pinkham and Mr. Danforth suggested having multiple hearings. Ms. Lyons and Ms. Howell suggested that only one meeting would be necessary because the rule changes are relatively uncontroversial.

Ms. Joyce asked how notice of hearing will be issued and Ms. Kanwit answered that it will go out via GovDel, be posted on the DMR website, and go out through other normal distribution channels.

Discuss Nominations for Wholesale Seafood Dealer – Mickenzy Breton

01:15-01:30

Jefferson Oranellas and Raymond Trombley both nominated directly to the department and were both in attendance. Both nominees spoke to their respective qualifications and other members who knew the nominees also provided comments. The consensus of the council was that both nominees should be forwarded to the commissioner and that the final decision would be his to make. Ms. Joyce motioned to vote, Mr. Brodie seconded, all present voted in favor of forwarding both nominations to the commissioner and letting him decide.

Work plan

01:30-02:30

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**
No update on this committee due to difficulty in scheduling committee meetings, hopefully the next meeting will be in December and there will be an update available at the first meeting next year.
4. Shellfish Focus Day Planning – **Jessica Joyce**
Ms. Joyce updated the ShAC regarding changes to the Fisherman’s Forum Board and the planning of the Fisherman’s Forum in general. This prompted a transition the Board planning Shellfish Focus Day, similar to how they plan programming for Friday and Saturday, which effectively removed the ShAC from the planning and fund-raising processes after this year. The deadline for seminar submissions is tomorrow (12/1/2023). Ms. Joyce submitted a proposal to have an hour and a half poster session at the end of Shellfish Focus Day. The Forum Board would still like DMR to send out news/announcements via GovDelivery which they indicated that would like to continue. Mr. Pinkham asked about whether the Board has any plans to eliminate Shellfish Focus Day and Sebastian Bell, who is on the board, indicated that there are no plans for doing so. Mr. Brodie proposed potentially having a Q&A session with the ShAC if there are not enough proposals received to fill the time. Shellfish Focus Day will be Thursday, February 29th.
5. Economic research study (RFP Update) – **Will Fearn (Kohl Kanwit)**
Ms. Kanwit updated the ShAC that there were no proposals received because of the initial RFP in July, so researchers were solicited directly. A proposal was received from a researcher at GMRI that looks good and very ambitious but there is a need to renegotiate the indirect rate because the department/state government has a policy of not paying that kind of indirect rate. Ms. Kanwit indicated that if the indirect funding cannot be negotiated down that the plug will have to be pulled on the project. Ms. Joyce tried to find additional funding for the project through grants and was unable to. Ms. Joyce and Mr. Pinkham asked about other potential uses for the funding if the plug gets pulled on the project and Ms. Kanwit advised that if the funding does not go toward this project, it will likely be lost and re-absorbed by the general fund because of some impending budget changes at the broader state level that are beyond the control of the Department.

6. Water Quality (Committee Update) – Jessica Joyce

Ms. Joyce updated the ShAC regarding the most recent committee meeting. There are several options being explored by the committee to help improve water quality: re-funding the OBD elimination grant program, statewide policy around septic system maintenance, and/or outreach/education initiatives for homeowners, policy makers and other funding agencies. The committee is meeting again in January.

Thus far the committee’s work has largely been to gather data about overboard discharges and to try finding funding sources to help remove or upgrade them. Ms. Joyce presented several discussion questions to the ShAC to generate feedback on how the committee ought to proceed at this point because they have hit several major walls namely a lack of potential funding sources and difficulty on the part of the DEP to do anything besides sending non-compliance letters. Discussion trended toward emphasizing the importance of education about the effects of OBDs, especially failing ones, and change at the legislative and/or enforcement level.

Sebastian Bell indicated that previous attempts to lobby the legislature to require removal or compliance of OBDs upon the sale of a property using such a system were, in part, defeated by the Maine Realtor’s Association but that the Maine Aquaculture Association would be happy to assist with any lobbying efforts and Dustin Delano of the NEFSA offered their assistance as well.

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

Nothing additional at this time aside from the update Mr. Pinkham provided earlier regarding the Current Land Use Program (Maine Revenue Service), and evaluating how to incentivize walk-in access to the intertidal through the Open Space program for the next legislative session. Also, the update Ms. Joyce provided regarding proposed revisions to the Working Waterfront program of Current Use in this legislative session.

Public input – Open floor

02:30-02:45

Dustin Delano, New England Fisherman Stewardship Association, introduced himself and his organization as an advocacy resource and offered informational brochures.

Ms. McMahan mentioned the Casco Bay Regional Working Group meeting and discussion that took place there regarding the potential for a more geographically tailored emergency closure notification system. Ms. Joyce reiterated this concern specifically regarding oil spills and other water quality closures. Ms. Kanwit responded that reducing the scale of notifications tends to make them easier to miss and that it is generally difficult to make everyone happy on this issue because people tend to be divided on their preferred format for receiving communication. Her position is that we are about as refined as we can get at this point on closure communications and that in the case of oil spills specifically there is difficulty in refining notifications because of the number of agencies involved and the variety of potential sources for oil spill related information.

Other business

02:45-03:00

Ms. Kanwit announced the intention of the DMR to expand vibrio control statewide (changes to Chapter 105) due to an outbreak that occurred this summer. This only applies to oysters and hard clams; it does not apply to people digging for softshell clams. This is being done as a preventative measure to avoid potentially more

widespread closures if a disease outbreak cannot be linked back specifically to post-harvest mishandling as required by the model ordinance.

Adjourn

Mr. Pinkham motioned to adjourn, Mr. Danforth seconded, and all present voted in favor of adjourning.