

Aquaculture Advisory Council
Meeting Agenda
July 23, 2024, from 11:00 AM - 1:00 PM
Augusta DMR Room 118 or [Microsoft Teams](#)

Call to order – **Greg Lambert**

Roll call of current council members – **William Fearn**

- Greg Lambert - Chair
- Briana Warner
- Christopher Davis
- Amanda Ellis

Future council members in attendance:

- Lauren Gray
- Matt Moretti
- Will Owen
- Steve Zimmerman

Adoption of minutes from last meeting – **Greg Lambert**

Mr. Lambert motioned to accept the minutes without additional comment, Ms. Warner seconded, all present current members voted in favor.

Introduce new members of the AqAC – **Greg Lambert**

- Lauren Grey, AQ Swans Island
- Will Owen, Harbormaster Yarmouth
- Steve Zimmerman, AQ Damariscotta
- Matt Moretti, AQ Casco Bay

The members will be officially seated by the next meeting as the statutory change takes effect on August 9, 2024.

Vibrio License Update – **William Fearn**

Vibrio regulation changes went into effect on June 1, 2024. There have been roughly 20 applications per week to start which have tapered off to roughly 1-2 per week. As of today, 347 Vibrio permits license have been issued. This is up from 141 in the prior year.

Retail Sales Committee (ShAC) update – **Jordan Kramer - Shellfish Advisory Council**

Jordan Kramer discussed the 2 pathways for becoming a seller currently:

- Pathway 1 - become a dealer (brick-and-mortar facility required) which causes a barrier for people.
- Pathway 2 – sell to a dealer and then buy back the product to avoid the brick-and-mortar requirement.

Kohl Kanwit - DMR is balancing food safety and retail flexibility for growers and harvesters. A new certificate would be added to the retail statute (see 12 M.R.S.A. §6852) called the limited retail harvester certificate. This allows folks to operate from a vehicle (truck or boat) and allows DMR the ability to inspect. Basic sanitation requirements need to be followed. Creation of certificate requires

legislative approval and then the Commissioner can implement changes through regulation if necessary. DMR Licensing Division would administer the licenses through LEEDS. This new certificate would allow sales directly at the harvesting location or anywhere the certified vehicle is located.

Jordan Kramer stated that these type of retail sales are currently being done in Connecticut and Delaware.

Question from the audience about the ability for Municipal Shellfish Conservation Wardens to enforce. Kohl Kanwit– Municipal Wardens would only be able to enforce the Town Shellfish Ordinance but could work with Marine Patrol on state issues.

Briana Warner stated concerned that the penalty for not following the state regulations is not enough due to the potential risk of not following public health regulations.

Kohl Kanwit– Reinforced the requirement for harvesters and dealers to following existing regulations and emphasized that the new state-wide Vibrio Controls would still apply.

Work plan - **Greg Lambert**

- Christopher Davis – Improve the bonding system because it is cumbersome and seemingly too much work for DMR
- William Owen – Relaying seed and improving workflow. Having offsite facility options for seed and creating better proximity for testing/wet storage. Better rules would be beneficial to discuss multiple leases to include AQ and sales options. Additional suggestions include:
 - Require the tagging of gear – this will assist in identification of washed-up gear.
 - Implement mooring standards to ensure the size is adequate for the size of the gear.
 - Gears not staying in place – falls into compliance issues. Reminders go out for AQ leases due to renderings for sizing issues.
- Briana Warner – understanding DMR needs to process LPAs and make the workload manageable. Create the standard that LPAs are purely for experimental work and not long-term solutions.
- Matt Moretti – Leasing process takes too long. Increase speed and processing time by identifying set time limits for the process for better business planning and better the AQ outlook in the state.
- Greg Lambert – Prioritizing the topics and plan to address within the next few meetings

Kohl Kanwit and Amanda Ellis provided clarifying information regarding some of the points raised. For example, clarifying that gear must remain within the boundaries of sites at all tidal stages. The Army Corps also reviews applications and may provide feedback about mooring adequacy. Kohl clarified why LEEDs could not be used for LPA licensing. Kohl also noted that at the next meeting legislative updates would be shared with the committee.

Public input - **Greg Lambert**

- Comments were heard and addressed throughout the meeting.

Other business - **Greg Lambert**

- Programmatic updates, Org Chat, AQ Inspector – **Amanda Ellis**

At the last DMR AqAC meeting Chris Davis had asked if an estimate could be generated concerning the resources it would take to process a lease application within a year. Amanda provided an estimate based on the number of application submissions (80) from June 2023-June 2024, final decisions rendered during that timeframe (42), and existing staff (8 members). Based on the numbers, it would take a doubling of staff to

meet a 1-year processing deadline, which did not account for the length of time it would take to clear the existing queue (~2 years if staff were doubled). It also does not account for changes in submission trends.

Questions & Answers:

- Are there bottlenecks that could be addressed rather than doubling staff?
 - We are running as efficiently as possible, and the robust public process takes time. We are fully staffed currently, and we have eliminated the bottlenecks that we can.
- 42 lease applications were processed last year, do you have a new goal to improve upon that number?
 - Our goal is to always process applications as quickly and efficiently as possible. However, there are a variety of variables that make it challenging to guarantee that a certain number will be processed each year.
- Have you considered restricting new LPA applications to catch up?
 - That would require a statutory change. We have streamlined as best we can, but the state has identified aquaculture as a growth area and part of the blue economy. The leasing process can't move faster without more staff unless the laws are changed to make significant modifications to the process. However, many stakeholders provided feedback during the listening sessions that the process is good.
- Could a third-party site visit be a possibility?
 - Only if there were no other bottlenecks in the process. Currently site visits are outpacing other steps. The leasing process functions similar to a pipeline. If you invest too many resources in one area it can create backlogs in another. For example, contracting with a third party to do site visits means that those visits need reports, which then requires people to write the lease decisions and hold hearings, if applicable.
- Amanda Ellis - New statute for owner/operator LPAs will be going into effect January 1, 2025 (DMR published a fact sheet on the details) and will be implemented this fall at the time LPAs are renewed. DMR held three listening sessions over the spring/summer regarding the upcoming changes. Takeaways were as follows:
 - People are using an LPA and lease interchangeably –it is important that people understand the difference between these types of sites, because individuals could claim exemptions that they are not eligible for.
 - Confusion around the effective date. The owner/operator requirement was enacted in 2021 with an effective date of January 1, 2025. DMR is now focused on implementing the requirements.
- The official DMR org chart is being updated. Kohl Kanwit discussed shared resources and improvements on internal Bureau infrastructure.

Industry input – Greg Lambert

- Schedule next meeting:
 - October 28, 2024, from 11:00 AM to 1:00 PM

Adjourn - Greg Lambert

Briana Warner made the motion to adjourn the meeting. Motion was accepted.