

Aquaculture Advisory Council
Meeting Agenda Minutes
April 28, 2025, from 11:00 AM - 2:00 PM
Augusta DMR Room 118 or [Microsoft Teams](#)

Call to order – **Greg Lambert** **11:00-11:01**

Roll call – **William Fearn** **11:01-11:10**

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| <ul style="list-style-type: none">• Greg Lambert - Chair• Will Owen – Vice Chair• Christopher Davis | <ul style="list-style-type: none">• Lauren Gray• Matt Moretti• Steve Zimmerman |
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Carl Wilson, Commissioner, joined the council meeting and introduced himself to the group.

Adoption of minutes from last meeting – **Greg Lambert** **11:10-11:11**

The minutes from the prior meeting were unanimously adopted.

Vacant Seat Nomination Discussion – **Greg Lambert** **11:11-11:19**

The committee discussed five potential nominations for the vacant council seat. The seat had been held by Bri Warner representing the seaweed industry. The council is hoping to fill the seat before next quarter's meeting, no motion was made to recommend a specific candidate.

Legislative Update – **Kohl Kanwit** **11:19-11:29**

Kohl Kanwit gave an overview of the following legislative updates: LDs 64, 144, 401, 1026, 1279, 1368, 1595, 1596, 1722.

LD 64 - An Act to Eliminate the Cultchless American Oyster Growers License

LD 144 - An Act to Create a Limited Retail Seafood Harvester Certificate

LD 401 - An Act to Support Removal of Overboard Discharge Systems

LD 1026 - An Act to Provide Mapping Services for Aquaculture Lease Siting

LD 1279 - An Act to Require the Department of Marine Resources to Conduct Biotxin Testing of Cultured Scallops

LD 1368 - An Act to Provide a Property Tax Exemption for Allowing Shellfish Harvester Access to the Intertidal Zone

LD 1595 - An Act to Strengthen Working Waterfronts Against Nuisance Complaints Regarding Aquaculture

LD 1596 - An Act to Support Maine's Sea Farmers

LD 1722 - An Act to Simplify the Regulation of Aquaculture Leases

Ms. Kanwit provided the status of each of the bills listed above. Current status and full texts of the bills are available on the State Legislature website (www.mainelegislature.org/LawMakerWeb/search.asp). DMR testimony is also available on the legislature website.

Committee Updates – **Steve Zimmerman, Lauren Gray, Chris Davis** **11:29-11:40**

Lease Processing Time Committee – Dr. Chris Davis will present a committee update at the next meeting.

Gear/Lease Amendments Committee – Ms. Lauren Gray shared a committee update. The amendment committee has met four times. They have discussed what their final product would be and have reviewed the current amendment application. Ms. Kanwit and Dr. Ellis provided the committee with a list of applicable statute and regulations to review. At their next meeting, they will continue to explore the existing laws and rules. Ms. Kanwit noted that LD 1596 includes statutory changes to the lease amendment process. The bill is being considered at the same time as the amendment committee is exploring ways to improve the process. Ms. Kanwit stated that the Joint Standing Committee on Marine Resources (Joint Standing Committee) was made aware at a public hearing on LD1596 that the amendment committee has taken up this issue and is working on changes. At the public hearing, members of the Joint Standing Committee encouraged the amendment committee to work expediently to develop a proposed solution.

Pathway for Upwellers Committee – Mr. Steve Zimmerman read the draft definition of upweller and downweller that the committee developed. He noted that they are open to more iterations of the definition. The goal of an upweller license would be to create a less burdensome process. The committee still needs to discuss: size, license term, activities authorized, site location, what is grown, max seed size, source of stock, and other applications/species for upwellers.

Campylobacter Outbreak Presentation – Kohl Kanwit

11:40-12:14

Ms. Kanwit presented a summary on the 2024 *Campylobacter coli* illness outbreak in Maine. *Campylobacter*, a common bacteria, is most often transmitted through raw or undercooked chicken. Ms. Kanwit described the illness investigations and how the source was identified through site inspection and lab testing. The investigation, closure, and recall lasted about one month. Overall, the State's response time, traceback training, and correspondence were well-coordinated. Ms. Kanwit also described the steps to reopen a growing area in more detail. She highlighted future considerations for farms, including that it may not be ideal to harvest directly from floating surface bags and to encourage submerging products for 2 weeks before harvest.

Mr. Greg Lambert asked about testing shellfish. Ms. Kanwit explained that *Campylobacter* testing in shellfish is expensive to set up and only indicates presence/absence. The results may identify a lot of positives that are not pathogenic. Ms. Kanwit said it would be best to wait on testing oysters until more is known about the pathogenic genotypes.

Mr. Steve Zimmerman asked if it would be possible to shorten the closure time. Ms. Kanwit replied that in the 2024 illness outbreak, testing and case reports trickled in, and it was a bacteria not commonly associated with illness from shellfish. The State has more experience with *Vibrio*, for example, and that could shorten reopening time.

Ms. Gray asked whether chicken farm runoff could be a potential source. Ms. Kanwit explained that experts on *Campylobacter* have said that the bacteria do not like the marine environment or UV light and the bacteria are only culturable if swabbing birds themselves, not droppings. If a non-point source pollutant were the source, then the whole cove should be contaminated. Based on the best available data, epidemiologists determined that oysters were the most likely source.

Dr. Chris Davis asked if the NSSP biennial meeting was happening this year. Ms. Kanwit answered that the 2025 NSSP Biennial meeting was canceled and that the 2023 Model Ordinance is in place until a new version is adopted.

Aquaculture Division Updates – Amanda Ellis

12:14-12:32

Dr. Amanda Ellis provided highlights covering the two years since the aquaculture division joined the Bureau of Public Health and Aquaculture. The division can process about 50 lease decisions a year. There are currently 9 division staff, and a new hearings officer will be starting this summer. The science team increased site visit efficiency by using an ROV to reduce constraints encountered with SCUBA diving. Hearing scheduling was restructured for efficiency in a few ways: the requisite numbers of hearing requests was increased, hearings are only noticed once in a local newspaper, and hearing venues were streamlined by county. Program efficiencies highlighted include: a dedicated aquaculture inspection program was created, the LPA owner-operator requirement was implemented, a process for records on appeal was outlined and streamlined, a hybrid hearing model was adopted, the AqAC was restructured, the aquaculture website was redesigned with a pending applications table that has searchable fields; approved hatchery lists are posted online; more information about site visit/report and the application review process is summarized online; and content for members of public and municipalities was created on how to engage in the leasing/licensing process; standard and experimental lease applications were redesigned with instructions guides. Dr. Ellis stated the division's future work will include: developing an electronic lease application system using grant funds that have been secured; 5 additional positions will be added to the division; and pursuing a grant to upgrade the ROV.

Mr. Zimmerman asked how many lease applications are pending. Dr. Ellis did not have the number readily available, but said there were over 100^[1] applications pending.

Mr. Lambert requested an updated organizational chart for the aquaculture division that includes new positions not yet advertised. He also requested data on the trend for lease application submissions be shared at the next meeting.

^[1]152 applications are pending as of April 28, 2025.

Scallop Biotoxin Testing – Bryant Lewis

12:32-12:52

Bryant Lewis explained how the DMR handles biotoxin testing for high-risk areas and species. There are two pathways for testing: the lease holder to DMR MOU or the lease holder to private lab MOU. The DMR MOU is at no cost to the lease holder. For the private lab MOU, sampling and transportation costs are paid by the lease holder. After a bloom tissue can become more toxic (biotransform) in some species, including scallops. Some species hold onto toxin for long periods of time. If lease holders would like more frequent sampling than what DMR does, then they can go to a private lab. The Biotoxin Guidance Document available on DMR's website at: <https://www.maine.gov/dmr/fisheries/shellfish/forms/biotoxin-monitoring-forms-and-protocols>

Ms. Gray asked what the most frequent amount of testing that's been required for a farm. Mr. Lewis replied that they tailor the sampling plan to each farm. If DMR is sampling 2x week in a growing area, they can do 2x week with a farm, if it is just under the closure or the farm could decline then be left closed and retested the next sampling time.

Ms. Gray asked how samples are getting to the lab and if they are ever mailed. Mr. Lewis said in Southern Maine there is easier access to remote fridges to drop off samples. Most people drive samples to Lamoine or Boothbay or to a remote fridge. There is no overnight mailing of samples right now. Options for remote locations to deliver samples are discussed case by case.

Agenda Item Selection – Greg Lambert

12:52-12:55

Mr. Lambert explained to request an item be added to the council's agenda, members of public should contact council members or DMR. Suggested agenda items will be discussed at the next meeting and be added to the meeting's agenda if approved to give council members or presenters time to prepare.

Work plan - Greg Lambert

12:55-01:01

1. Review of the Bonding system
2. Legislative updates and engagement
3. Pathway for using upwellers other than an LPA - committee
4. Lease application processing time expectations - committee
5. Gear tagging/standards - committee
6. Marking requirements

Mr. Zimmerman asked DMR to model the application backlog and current processing rate and how adding 4 more staff will process backlog and impact time to get lease.

Other business - Greg Lambert

01:01-01:18

1. Industry input

Mr. Matt Moretti proposed an LPA change to allow for individual LPAs to be combined into a single farm. For example, a mussel raft fits on 4 LPAs. If LPAs sites were allowed to have gear cross boundary, you could test a new site without having to go through the leasing process. It could make LPA sites more dense and limit the sprawl.

Dr. Davis thought that the 400 sq ft limit was set to accommodate mussel rafts. Ms. Kanwit explained that LPAs are issued as individual licenses. And combining them is not contemplated in law/regulation as it stands now. Dr. Ellis clarified that individual LPAs cannot exceed 400 sq ft under statute.

Ms. Gray asked why an experimental lease would not be an option. Mr. Moretti said an LPA would be cheaper and offer more flexibility as you cannot amend an experimental lease. He noted it would be good for mussel, kelp, and oyster gear.

Mr. Lambert said this topic could be added to the work plan.

Ms. Kanwit explained that this legislative session is open, but almost over. The next session is for emergency bills only. It is most likely that two sessions from now a bill could be introduced

2. Schedule next meeting – June 10th at 11:00am-2:00pm

Public input - Greg Lambert

01:18-01:21

1. Comments from the Teams Chat

Dan Devereaux - LD 1550 Resolve, Directing DHHS to amend its rules to Protect Water Quality by reducing nutrient pollution from septic systems. This resolve directs the Department of Health and Human Services to amend its rule 5 governing subsurface wastewater disposal by: 1. Amending the design standards for disposal fields in a manner that addresses short circuiting by reducing nutrient loading from septic tank effluent through natural processes; 2. Applying the amended design standards only to soil profiles that pose a high risk of short circuiting due to the presence of sand or gravel layers in lower soil horizons or bedrock fractures; and 3.

Providing that an area of land suitable for the installation of a disposal field may not be rendered unsuitable due to any changes in the rule amended pursuant to this resolve.

Trey Angera – Urchins and seaweed also use upwellers.

Adjourn - **Greg Lambert**

01:21-01:22

Motion-Chris Davis. Second-Matt Moretti.