

Shellfish Advisory Council Meeting Minutes

April 4, 2019 Ellsworth City Hall

Council Members Present: Dick Douty, Tony Delano, Fiona de Koning, Scott Moody, Dan Devereaux, Mike Danforth, Dan Curtis, Tom Connolly, Jeff McKeen, Dr. Bridie McGreavy (Via Phone)

Council Members Absent: Kevin Brodie, Jim Norris, Glen Melvin

DMR Staff in Attendance: Kohl Kanwit, Sheena Glover, John Fendl

10:07 Agenda Item 1: Called to order by Fiona de Koning

10:08 Agenda Item 2: Roll call & introductions by Sheena Glover

10:08 Agenda Item 3: Review & adoption of minutes- Dan Curtis stated he would like to see the names put in the minutes of those who speak. Kohl Kanwit asked the council for direction whether the speakers should remain anonymous or shall they be named in the minutes going forward. Mike Danforth made a motion for the minutes to state council members names but not audience members. Jeff McKeen 2nd. 8 in favor, 1 opposed, motion passed. Dan Devereaux motioned to accept the minutes, Mike Danforth 2nd, motion passed. Tom Connolly stated that his term is due to expire, Fiona de Koning on behalf of the council thanked Tom for his years of service. Dan Devereaux also stated his impending retirement from the council. Fiona de Koning thanked Dan for his service as well. Dan Curtis suggested Lewis Pinkham to replace Tom Connolly.

10:17 Agenda Item 4: Kohl Kanwit -Current & Pending Legislation ([See Attached](#))

LD 4 – An Act to Encourage Applied Shellfish Research

LD 290 – An Act to Prohibit Motor Vehicle Use in the Intertidal Zone

LD 629 – An Act To Ensure a Seat on the Shellfish Advisory Council Is Held by a Person with a Background and Credentials in a Field of Marine Science

Fiona de Koning stated she recently spoke with 2 scientists, 1 said they would never sit on a council, the other stated they would not have the time to be on a council. Kohl Kanwit stated the council can restructure itself and its makeup in preparation for the Commissioner presenting a bill in the second session of the legislature.

LD 1285 - An Act To Establish Criteria for a Permit To Conduct Research in the Intertidal Zone –
Legislature tabled

Fiona de Koning asked Kohl Kanwit to make the council aware of when this bill comes up again. An audience member, stated that the Maine Municipal Association is against all bills requiring the state to revoke intertidal property.

LD 1286 - An Act To Allow the Deposition of Oyster Shell Cultch To Ameliorate Ocean and Coastal Acidification

Putting waste shells back in the water. Kohl Kanwit stated there are permits that allow this activity. Dick Douty spoke of the “Billion-dollar oyster project” in New York. He continued that perhaps we could speak with their commission in reference to putting oyster shell back in the ocean. Dan Devereaux commented that Maine and Alaska are the only two states without a shell recycling program.

LD 1284 - An Act To Create the Science and Policy Advisory Council on the Impact of Climate Change on Maine's Marine Species

LD 960 - An Act Regarding Size Requirements for Soft-shell Clams and the Creation of a Spat Collection Permit

Dan Devereaux clarified how maximum size limits would be enforced town to town. Tony Delano asked for clarification on minimum size for farm raised. Kohl Kanwit responded that for wild stock the minimum size is generally to provide opportunities for spawning but with aquaculture, it isn't necessary because the success of the crop is not dependent on wild seed.

LD 961 - An Act To Create a Research Fund for Maine's Clam Fishery

Fiona de Koning asked what funds are dedicated for shellfish currently. Kohl Kanwit explained the breakdown and Sheena Glover referred the council to the hand out that details the expenditures. Jeff McKeen asked if the council could make a recommendation to the Marine Resources Committee. Kohl Kanwit stated that as an individual, yes you could make a recommendation, as a council she was not certain. Bridie McGreavy spoke in favor of it, and questioned what creative approaches could be explored. Fiona de Koning stated that there was not enough information yet to provide a recommendation. Bridie McGreavy asked that she be included in the future discussions. Adding that starting small may be the way to go.

LD 962 - An Act To Protect Shellfish in the Intertidal Zone by Including within the Definition of "Fish" the Taking of Spat and Seed – was withdrawn.

LD 1419 - An Act To Improve Commercial Production of Shellfish by Allowing Municipalities To Establish Active Municipal Shellfish Management Areas

Dan Devereaux asked when a conservation closure is in place, does DMR get land owner permission? Kohl Kanwit responded no, that LD1419 is pertaining to aquaculture and conservation closures are part of the municipal shellfish programs. An audience member added that the bill states a transplant can't happen in a conservation closure area. Kohl read section D. Dan Curtis motioned section D be removed, Dan Devereaux 2nd, Motion failed. Dan Devereaux wants to support propagation for structure of clam farming in the future. Kohl Kanwit stated that towns can lease 25% of their intertidal flats.

LD 559 – An Act To Restore Mapping of Eelgrass Beds in the State – passed as amended.

LD 1316 - An Act To Make It Explicit That Maine Holds Title to Its Intertidal Lands

LD 1388 - Resolve, Directing the Attorney General To Pursue the State's Claim That It Holds Title to Maine's Intertidal Lands

LD 1323 - An Act To Revise the Laws Regarding the Public Trust in Intertidal Lands – The state supreme court ruled that the land owner owns the seaweed.

LD 1148 - An Act Regarding the Costs Incurred by Municipalities in the Administration of Aquaculture Leases

LD 1420 - Resolve, To Establish a Task Force To Study the Current Status and Future Sustainability of Aquaculture in the State

Break 11:30-11:40

Fiona de Koning called to order at 11:42

11:42 Agenda Item 5: Kohl Kanwit – Update on state doing FDA testing.

Kohl Kanwit explained that DMR will be able to inspect labs after FDA comes this fall. There would need to be a fee associated for state testing. Kennebec River Biosciences has stated interest in providing testing. Scott Moody commented that he would like to pursue both DMR and private lab testing. Kohl

Kanwit detailed the limited flexibility, it needs to be scaled to growth. Scott Moody made a motion that the commissioner pursue, Dan Devereaux 2nd, motion passed.

11:50 Agenda Item 6: Kohl Kanwit – Possible restructuring of the Shellfish Advisory Council. Kohl explained that in response to LD629 if the council wishes to change the structure of the council they can make recommendations to the commissioner. Dan Devereaux detailed that the committee was formed after an audit to provide better communication between industry, harvesters and legislature. Tony Delano asked why it was currently 3 soft-shelled clam harvesters and only 1 state licenses only harvester. Kohl Kanwit outlined the current breakdown.

4 Harvesters (3 of who have to primarily be soft-shelled clam harvesters)

2 Dealers

2 Wardens

2 Aquaculture

1 Waste Water

1 Depuration

1 Public at large

Jeff McKeen said that it could be that someone might hold 2 qualifications. Bridie McGreavy would like the proposed science seat to be open to any researcher. Jeff McKeen continued that he would like to redefine the public at large seat to require a bachelor degree in marine science or related, then moved to strike the comment.

Harvesters: Tony Delano would like to see it be two municipal and two state license holders. Dan Devereaux agreed. Dan Curtis motioned for it be 2 hard shell and 2 softshell harvesters. Dan Devereaux 2nd, motion failed. Dan Devereaux motioned 4 commercial harvesters in general, Dick Douty 2nd; 1 in favor, 1 abstain, 7 opposed. Mike Danforth motioned not to change the harvester seats definition, Scotty Moody 2nd adding that taking away the voice of the softshell harvester would be a mistake; 7 in favor of leaving as is, 2 opposed.

Aquaculture seat: Dan Devereaux motioned to establish criteria for 1 lease holder and 1 license holder (LPA), Fiona de Koning 2nd; 6 in favor, 0 opposed, 3 abstain, motion passed.

WWTP: no change requested.

Dealers: no change requested.

Public at large: Jeff McKeen motioned it be required to have a science background, Dan Curtis 2nd; motion passed.

Depuration: Scott Moody motioned to add authorized representatives as eligible in this category, Dan Devereaux 2nd; motion passed.

12:41 Agenda Item 7: Shellfish Focus Day update -Bridie McGreavy

Response was that it was highly appreciated to have the day be less structured than previous years. The Broad Reach Fund thanked Denis Nault, Hannah Annis, Heidi Leighton, Bryant Lewis and David Miller. Andrea Perry from the Broad Reach Fund expressed that when a group is applying in the future, they need to define who is the lead.

Fiona de Koning stated appreciation for the grants issued by the Broad Reach Fund. Kohl Kanwit said she would like to add a section for updates from projects funded during shellfish focus day in 2020.

12:56 Agenda Item 9: Work Plan 2019

- Dan Curtis spoke of renewed interest in criminalizing shellfish violations. Kohl Kanwit suggested that they ask for input from Col. Carroll and the commissioner.
- It was agreed to remove map merging and lab testing from work plan.
- It was requested to have a rain gauge presentation.
- Broad Reach Fund
- Outreach programs- Gabby Hillyer is working with the learning network adding to workplan to monitor and update.
- Request to add Keith Evans' economics work to requested presentation list.
- Request to add Tora Johnson to work plan for closure notification changes.

1:12 New business:

Audience member stated they would like to find a way to get more harvesters to Shellfish focus day, and to attend the council meetings.

1:17 Fiona de Koning made a motion to adjourn, Scott Moody 2nd; motion passed.