

## Shellfish Advisory Council Meeting Minutes

July 19, 2016 Augusta DMR Conference Room 118

**Members in attendance:** Dan Curtis, Patricia Hinds, Glen Melvin, Bridie McGreavey, Jim Norris, Lewis Pinkham, Scott Moody, Tom Connolly, Andy Rhuel, Jeff McKeen

**Members Absent:** Raeleen Pert, Ralph Smith

**DMR Staff in Attendance:** Kohl Kanwit, Angel Ripley, Hannah Dean, Bryant Lewis

**Others in Attendance:** Fiona de Koning, Keith Evans, Dan Harrington, Sean Smith, Victor Doyle, Abden Simmons, Mike Pinkham

Meeting called to order at 10:05 A.M.

Attendance/Roll Call- 10:06 A.M.

**10:07 a.m. Agenda item #3-** Lewis Pinkham called for a vote to approve previous meetings minutes. Lewis asked for a motion to approve, Dan Curtis motion, 2<sup>nd</sup> by Bridie McGreavey, unanimously approved.

**10:09 a.m. - Agenda item #4-** Update from DACF regarding Maine Quality Labeling. Kohl updated the letter had been sent from SHAC and a reply received from DACF ([see attached letter from SHAC](#))([see attached response from DACF](#)) we are awaiting the next step. Kohl indicated would get an update in regards to where we are in the process.

**10:12 a.m.- Agenda item #5-** Update on proposed changes to chapter 4 and chapter 7 regulations- Kohl gave an update in reference to change submission. Angel explained detailed changes taking place within chapter 4. Kohl indicated there will likely be no public hearing on chapter 4, but will be put out for public comment, with a pending deadline of September 2, 2016. When it is ready for release, DMR will send notification to SHAC members to allow them to comment. Kohl went on to explain the process to the council. In regards to chapter 7, Kohl explained it has currently been tables temporarily. The governor has asked the commissioner to consider a bill for the next session to change municipal shellfish programs. This item is currently in the internal discussion stage, and until a decision is made, chapter 7 will remain on hold. Glen Melvin asked if town laws/ordinances will be involved. Kohl explained there is a potential to remove 6671 completely, but again expressed that at this time there is no real indication on how the scenario will play out. Kohl clarified we will keep SHAC up to date on progress. Jeff McKeen asked for clarification that this request came from the Governor, Kohl confirmed.

**10:25 a.m. Agenda item #7- (skip #6 will revisit)** DA Issue update- Lewis provided an update that DA in Washington/Hancock County will prosecute cases that are written under State of Maine- Law states in Title 12, 6671 that any summons written under a municipal program, fine money goes back to the municipality. Lewis indicated he has been assured that the fine money will come back to the municipalities. Mike Pinkham has 3 cases pending in August that they have decided are test cases, clarified in a conference call with the town clerk, Mike Pinkham, and Controller, to ensure that the fine

money is returned to the municipality. Mike indicated fine money is reported at end of each month, and by September, should have a good indication of if the system is working.

**10:31 a.m. – Agenda Item #6- Shellfish License Issue-** Over 50% of towns that replied to the request for fine data do not track the data, or do not know how to retrieve the data. Lewis indicated that the town of Milbridge has included in their ordinance that if you have outstanding fines, you cannot get a license until fines are paid. It appears to be working well. Mike Pinkham suggests that it is made illegal to not pay your fines, thus making it criminal and a warrant can be issued. It would be a legislative change required. It would not change the violation from civil to criminal, but it would make non-payment of fines a criminal offense. The combination of the ordinance change, and legislative change could have a very big impact of municipality's ability to collect shellfish fines.

**10:41 a.m. – Break**

**10:50 a.m. - Meeting restarted**

**10:50 a.m. - Agenda item #9- NEST update-** Bridie McGreavey, Sean Smith, Keith Evans- Bridie provided NEST update on the Safe Beaches and Shellfish project. This was started in 2013, and funding ends July 31, 2016. The focus was to build sustainability science. Bridie requested time on next agenda for further updates with recommendations made to DMR. Keith Evans presented on the economic impact of rainfall closures and specifics involved in each. Lewis asked if during the timeframes of the research where did the landing information come from, Keith answered DMR. Lewis stated he believes the reports sent to DMR and dealer reports do not give a true indication of landings per flat, and inaccurate information may have been used. Keith replied that unfortunately limitations of reports are in the accuracy of the data. He believes more recent data from 2014 to present will be far more accurate. Sean Smith from the School of Earth and Climate Sciences at UMaine at Machias presented on Sources, Delivery and Residence time of bacteria pollution on the gulf of Maine coast. Lewis asked if there were recommendations made at this time to DMR from the research. Bridie indicated there are meetings set up for recommendation discussions, and once final, we can roll out recommendations to SHAC as well. Bridie also indicated there have been new grants applied for and are under review to continue the work. Kohl indicated that if the research can move us forward, DMR will be willing to utilize it. Fiona de Koning asked Sean if the slide presentation was available to be shared, Sean indicated not at this time, but once it is final, we can share it via gov.delivery.

**11:40 a.m. - Agenda item #10- Update regarding importation/exportation to the EU. ([see attached](#))**

Kohl provided an update on the importation/exportation to EU. See letter attached from congress in attempt to resolve the EU restricted trade impasse. At this time only Washington and Massachusetts can import/export to EU.

**11:45 a.m. - Agenda item #11-** Call for replacement candidate for departing member Matthew Moretti, who resigned from his seat representing aquaculture. Lewis asked for nominations from the council. Jim Norris nominated Fiona de Koning, who was in attendance and expressed interest in fulfilling the position. Bridie McGreavey 2<sup>nd</sup> the motion, the vote was unanimous to make the recommendation to the commissioner to appoint Fiona.

**11:47 a.m. -** Lewis provided an update on the mussel meetings that have been held between the de Konings, Ralph Smith, and harvesters. Lewis explained the meetings have now expanded to include a larger group within Frenchman's Bay and meetings will continue.

**11:49 a.m. - Agenda item #12- 2016 Work plan-** Lewis asked for any new items to be added to the plan. Jeff McKeen asked to add looking at a minimum size requirement for Oyster harvest, specifically in the Damariscotta River. Questioned if this change can be done locally through ordinance changes, or does it need to be done through a state process. Kohl indicated the new model ordinance is requiring DMR to define market size for all species for both aquaculture and wild harvest. Lewis asked if we want this on the next agenda, Jeff McKeen indicated that since DMR is already working on this, it is on the radar. Glen asked who determines the size limits. Jeff stated he has had discussions on this topic with local harvesters, and suggests the size limit be 2.5 inches. Kohl indicated that considerations should be made for % of tolerance, as well as what current gauges for size are in use when determining recommendations for size. Lewis asked if Jeff would like to come back to the next SHAC meeting with more recommendations to DMR. Kohl suggested looking at other states minimum size rules. It was suggested that we expand the topic to include a tolerance for American oysters as well. It was requested by Abden Simmons to add to work plan to discuss Damariscotta ordinance and how it limits public harvest/wild harvest in the Damariscotta River. Two new items to work plan- Minimum size for Oysters and tolerance, as well as Conservation measures within town programs. SHAC agreed unanimously to add the new items to the work plan.

**12:22 pm- Agenda Item 12-A-** Rain Gauge update- distributed memo from Washington County Council of Government ([see attached](#)) in regards to a grant received to implement new rain gauges in Washington County.

**12:31 p.m. - Agenda Item 12-B-** Map merging issue- Hannah Dean from DMR provided an update. She presented a map created with LPA sites, aquaculture lease polygons, shows both active and pending. The map will be available on the DMR website for use when completed. Also shows eel grass beds, P-90 scores, and specific data on each LPA site. Kohl clarified you will be able to check off and on layers to get the information you need. Potential for an additional map with fixed classification layer for public to use. Dan Curtis asked how often P-90 score are updated. Kohl clarified done annually at end of each calendar year.

Victor Doyle brought up the issue of Acadia State Park and the limiting of harvest. Lewis asked if it was a good idea for SHAC to draft a letter to delegates in support of a needed change to federal regulation that stops the harvest ability. Lewis stated he will draft the letter from SHAC. Jim Norris suggested someone contact the Ellsworth American newspaper to get the information out to the public more. Lewis asked if Bridie would draw up a template letter that can be distributed for as many people as possible to potentially utilize when writing to delegates on the issue. Bridie agreed.

**1:01 p.m-** Kohl informed the group of a new toxin bloom we are seeing (Dinophysis). It is being monitored closely to determine if closures are needed. Currently it is affecting Frenchman's Bay to Eastern Penobscot Bay and Blue Hill Bay. DMR has limited information on the toxin at this time.

Kohl also asked to add to next meeting agenda a discussion on the Municipal Shellfish Management Program and its utility and services it provided to municipalities, a chance to evaluate the program. Lewis asked if council agreed, unanimous vote to add to next agenda.

Victor Doyle asked if wet store for harvesters can be added to the agenda. Lewis stated the model ordinance does not allow individuals to do wet storage. This topic has been discussed at previous meetings, and nothing within the model ordinance has changed to allow this.

**1:25 p.m.**- Next meeting to be held in Ellsworth City Hall on October 27, 2016 from 10am-1pm.

**1:26 p.m.** - Meeting Adjourned.