

## Shellfish Advisory Council Meeting Minutes

March 19<sup>th</sup>, 2015

Ellsworth, City Hall

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**Members in Attendance:** Andrew Rhuel, Jane Disney, Jeff McKeen, Daniel Curtis, Lewis Pinkham, Tom Howell, Matthew Moretti, Raeleen pert, Tom Connolly, Glen Melvin.

**Members not in Attendance:** Jim Norris, Karl Krute, Ralph Smith

**DMR Staff in Attendance:** Angel Ripley, Kohl Kanwit, John Fendl, Meggan Dwyer, Denis Nault, Hannah Annis, Heidi Leighton, Allie Rohrer, Erick Schaefer, Troy Dow

**Others in attendance:** Darcie Couture, Dan Devereaux, Mike Doan, Paul Plummer, Dan Harrington, John Renwick, Fred Johnson.

Meeting began at 10:04am.

**Agenda items 1 & 2. Call to order, Roll call, Introductions.**

**Agenda item 3: Review and Adoption of previous meeting minutes:** Lewis Pinkham called to adopt minutes- Dan Curtis called with questions regarding funding of NEST by grants-Kohl Kanwit explained it was a one-time grant that has been extended-DMR is working with NEST on projects we requested. Question by Dan Curtis regarding Article F- Seizure of clams from open areas for town profit- Kohl explained there is at this time no Department support for that initiative. Question by Dan Curtis on Article H- Posting for Mussel Harvesters- explained it was a work in progress. Question by Dan Curtis regarding article J- asking for more input regarding MSC, requested to have update at next meeting, it has been added to next meeting's agenda. Question from Dan Curtis regarding education requirements for Harvesters/Dealers- Kohl replied still work in progress.

Previous meetings minutes voted in by Jeff McKeen, 2<sup>nd</sup> by Dan Curtis- All in favor, unanimous vote.

**Agenda Item 4-** Tabled until end of meeting.

**Agenda Item 5- Zero Tolerance conversation regarding Short oysters and Quahogs- Denis Nault & Troy Dow.** Andy Rhuel started with concern regarding breakage there is currently a 3" minimum for European oysters-breakage can cause them to be short and he stated has seen instances of tickets for short quahogs- believes there should be some sort of tolerance for short quahogs. Suggested 1-3%, not 10% as with soft shelled clams. Kohl asked the question if this is more of an issue with marine patrol or municipal wardens, to which Andy replied he only deals with marine Patrol. Denis stated we would look at the possibility of a tolerance internally, as well as training regarding this for Municipal Shellfish wardens. Kohl verified through discussions with the commissioner the department doesn't have a strong feeling either way on a tolerance for quahogs, and recommended the committee make a motion to request that it be looked at and a decision be made by the commissioner's office.

Tom Howell asked if MA and NY have a zero tolerance for quahogs, Denis Nault replied that MA does have a zero tolerance, only because they never removed it. NY is also a zero tolerance. His concern was

making Maine stay at a zero tolerance if other states were not, then it could hurt Maine in regards to competition with other states with a tolerance for shorts. Matt Moretti asked regarding oysters do we have any influence on a municipal level or is it only state level. Denis explained Damariscotta/Newcastle has it in their ordinance, but it is the only intertidal he is aware of. Many towns include quahogs in ordinances. However, municipality's tolerances do not override state regulations. Office Dow stated he doesn't believe we should institute a tolerance simply because of fear of marine patrol violations that the concern is digger will dig to the tolerance if one is allowed, and it will impact the supply. Glen Melvin voiced that he thinks a tolerance will help wardens, no more officer discretion; instead the discretion is built into the tolerance. Lewis Pinkham asked if anyone would like to make a motion, Andy Rhuel made a motion for a 2% tolerance for Quahogs and Oysters be looked at by the commissioner's office for approval. Glen Melvin 2<sup>nd</sup> the motion. One opposed-Matt Moretti, all others in favor.

**Agenda Item #6- a Quorum for current bylaws:** No specific quorum in current bylaws, 75% was suggested by Lewis Pinkham, 51% suggested by Matt Moretti. Lewis then suggested quorum be a number, 7 out of 13 was motioned by Lewis Pinkham, 2<sup>nd</sup> by Jeff McKeen, all in favor. I have updated bylaws to include this quorum and will distribute at next meeting.

**Agenda Item #7:- Chapters 7 and 24- importation of seed from out of state can we look into importing from UMASS to help supply the state? Or even look into the cost of a state hatchery similar to the lobster hatchery? Denis Nault.** Denis explained requirements of chapter 7 and 24 in order to import seed from Salem State Hatchery. Both permits required under chapter 7 and chapter 24 is free permits. The bottom line is importation is allowed. This went into effect this year. We do try to encourage towns to utilize seed from the Downeast Institute., and that towns pre-plan for their seed needs whenever possible, letting DEI know their needs in the November/December timeframe to allow time to spawn the right supply to fill demand. Kohl stated if towns are interested in accessing wild seed, they can work with their area biologists who can help teach them how to do it successfully. Dan Curtis asked about converting a tank in BBH for spawning seed. Kohl explained this would be a legislative move and have to be mandated by the state because it would require funding to establish a hatchery, and there are currently no resources to do this at DMR.

**Agenda Item#8- Demo of online map project-Heidi Leighton** Demo of maps for towns to show conservation closures, and transplant permits, came from a request at last meeting. Maps will show town conservation closures, and transplant permit areas. Permit will come first, which is the legal description of closure/transplant, maps will follow as a courtesy. Lewis Pinkham suggested we should add Latitude/Longitude in description and on maps as well, as this would be easier for harvesters to utilize. Denis agreed to modify the permit application to include this. Currently we are requiring a solid legal description from the municipality. Maps are a courtesy. Heidi explained this project is still in process and will begin putting them on the website this year. They are being created as requests for permits are coming in. Denis asked of the committee if they thought this beneficial, it was stated by several members yes, very beneficial. Dan Curtis requested to have how to read Lat/Long included in warden training. Lewis Pinkham

made a motion that towns provide DMR with Latitude/Longitude on permit applications, motion 2<sup>nd</sup> by Tom Connolly, all in favor.

**Agenda Item #9- Legislature for Certified Sustainable Fishery. Currently in play in the lobster industry, why not in the clam industry? –Lewis Pinkham** Dan Curtis had suggested this question, he stated he spoke to Deirdre in Augusta, and was told it was a lengthy process, that involves the stewardship council. The concern is that most dealers would not be able to afford to buy into the program to be allowed to use Certified Sustainable fishery on their labeling. Dan asked if it was possible to get a State Of Maine sustainability labeling. Kohl explained it is a legislative process. Deirdre Gilbert is appropriate person for this process explanation. Jane Disney asked if an economic study has been done to see if it increases revenue, and suggested a subcommittee to check into it. Lewis asked for volunteers, Jane Disney and Dan Curtis form the subcommittee and will talk to the NEST folks and report any findings at next ShAC meeting. Lewis Pinkham made a motion to move forward with this, Jane Disney 2<sup>nd</sup>, all in favor.

**Agenda Item#10- Presentation by Friends of Casco Bay-Mike Doan in regards to PH Test kits for town use.** Presentation on Coastal Ocean Acidification, how PH is measured. It was explained the process currently being tested by Friends of Casco Bay over the past several years to study PH in the mud flats, what affects it has, and what we can do to halt it. Mike Doan explained that PH test kits for town use are available; the cost is roughly 800-900. He also stated that Friends of Casco Bay would be happy to work with towns on how to use them if they are interested. Several suggestions for future studies were given.

**Agenda Item#4- legislative update- Kohl Kanwit** Kohl first explained the legislative process on a high level. She then gave brief explanation on current legislature that could have effects on industry, as well as how to access the information on all of them through the legislative website. Current items covered, LD178, LD222, LD255, LD435, LD1452, LD425, LD493, LD669, and LD 730. Regarding LD 669-recommended by Jeff McKeen that bill is too vague, needs to be more specific. Tom Howell stated his belief that going to public hearing is best way to add suggestions. No opinions from others.

**Agenda Item#11- Contaminants in Bivalve Shellfish- Kohl Kanwit** Kohl explained it was decided that this topic would not be a public topic at Shellfish day at the Fisherman's Forum. Matt Moretti asked for a timeline for rollout of the procedure. Kohl replied there would be a draft out next month. Kohl will bring it to the next ShAC meeting, as well as email draft to all ShAC members when it is completed.

**Agenda Item#12- Schedule next meeting** It was decided after discussion regarding availability of members, that the next meeting should be held the first week of June 2015, and would be held in Augusta. Date will be sent to members once determined.

Lewis Pinkham made a motion to adjourn meeting, 2<sup>nd</sup> by Raeleen Pert, all in favor. **Meeting Adjourned.**