

Shellfish Advisory Council Meeting Minutes

January 24, 2019 Augusta DMR

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

Council Members Absent: Scott Moody, Jim Norris

DMR Staff in Attendance: Kohl Kanwit, Sheena Glover, Bryant Lewis, David Miller, Ari Leach, Heidi Leighton, Hannah Annis, Deirdre Gilbert and Cathy Fetterman

9:30 Agenda Item 1: Called to order by Fiona de Koning

9:30 Agenda Item 2: Roll call & introductions by Sheena Glover

9:31 Agenda Item 3: Election of Officers

Secretary - Jeff McKeen nominated Sheena Glover, Dan Curtis seconded, motion passed.

Vice Chair – Dan Curtis questioned Dr. Bridie’s availability since she was on the phone. She explained it was the first day of the semester, and going forward would be available in person. Dan Curtis nominated Dr. Bridie McGreavy, Dan Devereaux seconded, motion passed.

Chair – Dan Devereaux nominated Fiona de Koning, Tom Connolly seconded, motion passed.

Agenda Item 4: Review & adoption of minutes- Dan Devereaux motioned to accept as read, Kevin Brodie seconded, motion passed.

Agenda Item 5: Kohl Kanwit -Fishermen’s Forum Update detailing the agenda and presentations.

Agenda Item 6: Kohl Kanwit – Shellfish Fund explanation & update a handout explaining the breakdown of revenues and expenditures.

Agenda Item 7: Fiona de Koning- stated Dr. Brian Beal’s previous recommendations for soft-shell clam management. Concerns over the proposed recommendations were voiced by some committee members. One member stated that he feels the recommendations will continue to be made until they are passed. One member spoke on behalf of wardens, clam diggers, and dealers he has spoken with, and said they are not in favor. Another stated it would limit any future market for oversized clams. One of the council members was in favor of upper size limit, adding it needs to be done urgently. Gouldsboro was the first in the state to implement a maximum size and supports it. Working with the towns as this is their industry, is key. It was stated that municipalities can set their own upper size limits. Kohl corrected that NO the municipalities cannot set limits under current law. One Council member asked why can’t legislature allow municipalities to set size limits. Kohl stated that the Legislature can allow it through a law change. One council member asked if 1 ½ inch clams can be sold out of state, an audience member responded that in some states yes you can sell 1 ½ inch clams. Another Council member asked why is this being pushed? Dr. Brian Beal responded, look at the landings in the State of Maine from 1950’s to current. What can you do to address the predators, that is the reason the landings are declining. Management measures to enhance the industry are needed. Another Council member added

that small clams are like small lobsters. Dr. Beal replied that no, small lobsters are immature and clams at 1 ½ inches are mature. From the Audience it was said as for the 1 ½ inch limit, Aquaculturists can sell 1 inch. They would like to see aquaculturists and clam harvesters to be the same. The Council asked what is the reason behind the proposed rolling closures? Dr. Beal responded that rolling closures would allow for spawning. One audience member stated that rolling closures based on water temperature would be difficult. Then stated by one Council member that research has been going on for years, and suggestions and trying is fine but the Legislature is over stepping, forcing it down our throats. Another audience member states they are against the 1 ½ inch law, netting doesn't work for them (too much sediment) they are also against rolling closures as it would put to many clam diggers out of work. The audience asked if Dr. Beal could explain after all the research why is it clams grow in one area, but not another? Audience member who harvests from St George to Vinalhaven says they are in favor of the 3-inch limit. One audience member thanked Dr. Beal for his research, and continued to state that they have lost so much money on the over 3-inch clams; they are opposed to a change in minimum size, but not opposed to a 3-inch limit. They are also opposed to the rolling closures. A Council member asked what do we plan to do if we do not approve the recommendations. Then stated interest in doing a state-wide survey of management ideas. Kohl stated that is why a representative from the Massachusetts Shellfish Initiative is coming to the Maine Fisherman's Forum to discuss what they have done.

1. Repeal the 2-inch clam law and lower minimum size to 1 ½: Tom Connolly Motioned, Mike Danforth seconded
 - 1 in favor, 8 opposed, 2 abstained, Motion failed
2. Implement a maximum size of 3 ½: Tom Connolly motioned, Dan Devereaux seconded
 - 6 in favor, 4 opposed, 1 abstained, Motion passed
3. Create a new law for rolling flat closures: Dan Devereaux motioned, Tom Connolly seconded
 - Unanimous in opposition, Motion failed
4. Encouraging predator netting or other devices: Jeff McKeen motioned, Kevin Brodie seconded
 - 0 in favor, 9 opposed, 2 abstained, Motion failed
5. Diversify the Shellfish Fund to include research mandate and additional funds: Mike Danforth motioned, Dan Devereaux seconded
 - 9 in favor, 2 opposed, Motion passed

Break 10:50-11:00

11:00 Call to order – **Fiona de Koning**

Agenda Item 9: Glen Melvin introduced his reason for wanting to discuss an education requirement for a shellfish license. Believes it would encourage students to stay in school. Deirdre Gilbert and Cathy Fetterman of DMR explained the existing apprenticeship program (lobster license) and tiered educational requirements.

Agenda Item 11: Work Plan -Mike Danforth made a motion to table, Jeff McKeen seconded, unanimous in favor, motion passed.

11:15 - LD4

Other business:

Diane Tilton – DEI presented, stating that there are grey areas in laws on intertidal. Dierdre explained DMR's view pertaining to LD4. Dierdre Gilbert stated that towns can only conduct research on species in their ordinance. One Council member asked for clarification on the wording about providing information to the towns. It was stated by a Council member that researchers should have an opportunity to comment on bills being presented that would impact research activities.

An audience member asked for intertidal definition. Kohl Kanwit explained even though a channel might still have water in it at low tide, it is above subtidal lands (e.g. lands that are not impacted by the height of the tides and are always covered by marine waters). Those streams, although wet at all times are impacted by the tides and are thus below the high-water mark and above subtidal lands. The audience member stated his confusion on the intertidal definition. Lieutenant Cloutier reiterated the definition of intertidal and town v. state jurisdiction.

Agenda Item 10: - Dr. Tora Johnson Shellfish Closure Delivery System

Presentation on results from a survey of people who use the shellfish legal notices. The need to address the current system as it is confusing to half the target audience, the maps associated with the closure notices do not work for the color blind, the hotline is not effective and there are challenges with illiteracy and access to technology. Surveys determined people want water quality and biotoxin closures on the same map.