

Shellfish Advisory Council Meeting Minutes

May 2, 2018 Ellsworth City Hall

Members in attendance: Dan Curtis, Glen Melvin, Bridie McGreavy, Lewis Pinkham, Scott Moody, Fiona Dekoning, Tony Delano, Jeff McKeen, Cary Bork, Mike Danforth

Members Absent: Tom Connolly, Jim Norris

DMR Staff in Attendance: Angel Wilson, John Fendl, Dennis-Marc Nault, Sheena Glover, Bryant Lewis, Kohl Kanwit, David Miller

Others in Attendance: Raeleen Pert, Mike Pinkham, Lori Howell, Jeff Turcotte, Kathleen Billing, Kevin Brodie, Judy Rolfe, Jessica Joyce, Mike Thalhauser, Shulong Chen, Gabrielle Hillyer, Dan Devereaux, Victor Doyle, Bailey Bowden, Joe Price

Meeting called to order at 10:01 A.M.

Attendance/Introductions- 10:02 A.M.

10:10 a.m. Agenda item #3- Officer Elections- Lewis asked for nominations. Sheena Glover was nominated for Secretary by Lewis, 2nd by Fiona de Koning, unanimous vote yes. Mike Danforth Nominated Lewis Pinkham for Chair, 2nd by Jeff McKeen, unanimous vote yes. Lewis nominated Fiona de Koning as vice-chair, 2nd by Dan Curtis, unanimous vote yes. Kohl indicated a need for nominations for an open warden seat on the council vacated by expired term of Raeleen Pert. Scott Moody recommended Steven Welsh from Harpswell, DMR will contact him to see if he is willing to accept the nomination.

10:14 a.m. - Agenda item #4- Review and adoption of previous meeting minutes-Lewis asked for a motion to approve the draft minutes from the previous meeting. Dan Curtis made a motion to accept, 2nd by Fiona de Koning, unanimous vote yes.

10:18 a.m. - Agenda item #5- Fisherman's Forum update- Provided by Bridie McGreavy. ([see attachments](#)) Preliminary information from the evaluations received. Requests time on next agenda to allow Bridie and Jessica Joyce to co-present on evaluations and plans for next year's forum. Lewis commented that he believes the Fisherman's Forum has improved each year.

10:29 a.m. Agenda item #6- Legislative Update-LD1519-Intertidal- ([See Attachment](#)) Kohl presented on LD1519. Tony Delano asked if a municipal shellfish program currently only includes to Mean Low Water (MLW) instead of Extreme Low Water (ELW) how will that work? Kohl will verify with the AG office, but it is unlikely that a municipality can just choose to not include ELW, ordinances may need to be updated. Dan Curtis asked if this affected intertidal mussel program, Kohl stated no change to that. Dan Devereaux asked for suggestions for how to make the boundary lines easier for enforcement purposes. Lewis suggested that this is going to be a learning curve to figure it out. Jessica Joyce asked if the change requires any changes to a towns ordinance. Kohl said if an ordinance has a specific reference that conflicts with the new statute, then yes, but will not likely be an issue for most towns.

10:45a.m.- Agenda item #7- FDA Update on Evaluations- ([See Attachment](#)) Kohl provided an update on FDA evaluations.

10:55 a.m.- Agenda item #8- LPA Regulation Update ([see attachment](#)) Kohl provided an update on LPA changes for Chapter 2. Changes that affect the Bureau of Public Health, explained the MOU process for aquaculture, this process is not available for LPA's. Also implemented was no LPA's within the 300 to 1 outfall dilution zone of a WWTP, with the exception of exclusively growing seed. Also implemented was a mandatory training for all LPA applicants.

11:08 a.m.- BREAK

11:26 a.m.- Meeting called to order

11:26 a.m.- Agenda item #9-A- Lewis asked if there were any new items suggested to be added to the work plan- Joe Price asked for SHAC to consider on behalf of harvesters to seek clarification on temperature rules, he believes there are contradictions. He would like SHAC to provide specific guidelines on this. Lewis asked John Fendl to provide clarification. John stated regulations says the temperature of a conveyance cannot exceed the ambient air temperature when the temperature exceeds 50 degree, this clarified the concerns. Joe Price also asked about issues with licenses stating that you agree to searches/inspections when accepting the licenses. He would like the boundaries to that agreement clarified in regulation. Boundaries between harvester rights and law enforcement rights of search. Joe Price also asked that SHAC assist municipalities with establishing boundary lines. Lewis stated that every municipality has a right to place boundary lines, however it is very cost prohibitive because it requires ACOE permits due to navigational issues. Joe Price also asked if a harvester is allowed to clean their harvest in an area that is only closed for conservation, not for pollution. Lewis indicated yes, as long as it is without pollution concerns. Joe Price suggested a change to regulation that clarifies this. David Miller agreed. Kohl stated that your harvest should be washed/cleaned in the same area you harvest in. Kohl indicated that DMR will be adopting model ordinance for NSSP by reference very soon, so regulation changes will not be necessary at this point.

11:55 a.m.- Agenda item# 9-B- Bryant Lewis presented an update on the Bureau of Public Health interactive map on the DMR website ([see attachment](#)) provided a live demonstration of the map. Lewis suggested we add to the next agenda that all SHAC members come back with suggestions for additional layers on the map. Kohl suggested DMR rename the layer of Low Tide information.

12:13 p.m.- Agenda item 9-C- Fiona provided an update on the working committee for lab testing. Stated discussions had been had about whether DMR could provide the testing, determined it is not a need at this time. Kohl added that DMR is pursuing a staff member being trained as an LEO so DMR will have the ability to certify private labs. The LEO training is currently scheduled for June 2018.

12:16 p.m.-Agenda Item 9-D- Rain Gauge Procurement project- Lewis indicated he spoke to Emergency management and asked for assistance with gaining funding for additional rain gauges, there was an apparent miscommunication between them and David Miller, Lewis and David will reach out to them together.

12:18 p.m.- Agenda Item 9-E- ASP Workshop update was held on April 10th at Bigelow laboratories based on a request from the commissioner's office. DMR presented on what's changing, how DMR monitors, what our process is. Presentations were given by researcher Kate Hubbard who provided a perspective from multiple regions. Described management strategies being used from around the

country. Oceanographer Dr. Dave Townsend from UMaine provided information about gulf stream waters entering the Gulf of Maine and what effects that has had. Dr. Mark Wells for UMaine discussed the effects of droughts on Pseudo-nitzschia. Kohl indicated that an ASP informational page is being built for the DMR website.

12:30 p.m.- Agenda Item 9-F- Mike Danforth discussed the issue of incomplete harvester tags from the dealer perspective. Wants to know if it is possible to utilize an alpha numeric system for naming the areas of harvest the harvesters would put on their tags. Glen Melvin commented that harvesters think it's a privacy issue, and regardless of what system is used, he believes that 100% compliance from harvesters would never be achieved. Scott Moody commented as a dealer, the tags he receives from harvesters show the cove, but when he resells them he provides on the sales log more generalized information. John Fendl disagreed with Glen, that it is DMR business to know the accurate area of harvest, and it is the primary buyer's responsibility to ensure they are provided accurate information on the harvester tags. Mike Danforth indicated that a change is definitely needed. Kohl stated the purpose of harvester tags is for public health, they are necessary for proper and accurate traceback in the event of an illness. If an illness occurs, DMR will close the area indicated on the harvester tag. Kohl suggested SHAC consider a workgroup to come up with a proposal of what this change could look like, what it may take to accomplish it, and determine if as a council they would support this change. It was ultimately decided to drop the topic for now, as it had been looked at several years ago and didn't work. When FDA says that we need a change that is when we will work toward the necessary changes.

12:49 p.m.- Agenda Item 9-G- Dan Curtis provided an update on the outreach program with high schools. He believes it is not possible to add a state initiated program. Mike Pinkham spoke that he and Bill Zoelick from the Schoodic Institute along with DEI, Hurricane Island, and Gulf of Maine have developed a program available for all schools to use in Maine if they are interested. The program is called CSI- Community Shellfish Investigation. Dan Curtis asked if anyone had gotten the Maine Quality trademark, Scott Moody indicated he has it, and it was a simple process to gain. JP Shellfish is close to final in the process as well. Moody's will bring a sample to show at the next meeting. Dan Curtis asked how mahogany quahog committee for refrigeration on board went- Kohl said it's an ongoing issue at the ISSC level.

Victor Doyle asked if a SHAC member would consider attending ISSC at the next session to represent industry. Lori Howell explained she is the State of Maine Industry rep. Lori explained there is a scholarship process to get the registration fee waived, but very few applicants utilize it. Kohl explained a large % of the decisions are made far in advance of the ISSC conference through committees, etc. DMR also hosts a pre-ISSC meeting open to all for anyone to discuss the pending ISSC meeting. In 2017 only Lori Howell attended, no other industry members. Fiona asked if there was the potential for SHAC to have the full agenda of the SHAC meeting closest to the next ISSC meeting to be devoted to all ISSC topics. It was agreed to do so.

1:13 p.m. Next meeting scheduled for July 26, 2018 to be held at Augusta DMR from 10am-1pm

1:16 p.m. Meeting adjourned.