

Shellfish Advisory Council Meeting Minutes

December 19, 2017 DMR Augusta

Members in attendance: Dan Curtis, Glen Melvin, Bridie McGreavy, Lewis Pinkham, Scott Moody, Fiona Dekoning, Tom Connolly, Jeff McKeen, Jim Norris

Members Absent: Raeleen pert, Ralph Smith, Cary Bork, Andy Ruehl (resigned on 11/21/17)

DMR Staff in Attendance: Angel Wilson, John Fendl, Patricia Hinds, Kohl Kanwit, David Miller

Others in Attendance: Sebastian Belle, Jeff Moore, Gilbert Field, Ray McIntire, Stephen Welsh, Paul Plumer, Dan Devereaux, Mike Pinkham, Dana Morse, Mike Danforth, Matt Hassler, Robert Willette, Ed Blanchard, Shuling Chen, Andy Blanchard, Sara Randall

Meeting called to order at 10:02 A.M.

Attendance/Roll Call- 10:03 A.M.

10:04 a.m. Agenda item #3- Dan Curtis had a question on Agenda item #5 from previous meeting minutes, he asked is since biotoxin scores are not in real time, if we can revisit the idea of allowing the general public to have access to real time scores. Kohl stated that Canada does a weekly update on PSP/ASP when they see blooms, she asked if that is something industry may want to see. The idea of real time scores has been fielded to industry and in large, people do not want the information provided to general public. It can be very confusing because closures are not solely based on scores but also on phytoplankton and sampling logistics. Fiona did not think they should not go out to the public. Lewis asked if there were any additional meeting minute questions. Dan Curtis asked Bridie about clam cam funding updates, Bridie indicated funding was in the works. Lewis stated that going forward if there were questions on previous agenda items they will be added to the agenda for the end of the meeting or to the next meeting, the process of approving meeting minutes from previous meeting is solely meant to approve for accuracy. Lewis asked for motion to accept, Tom Connolly made the motion, Scott Moody 2nd motion, unanimous in favor. Kohl requested if there was time to add to end of today's agenda an update on ASP. Indicated yes if time allowed.

10:12 a.m. - Agenda item #4- New Meadows Update/Vibrio Control and restrictions- Kohl discussed update on the addition of the New Meadows Lakes to vibrio control and chapter 115 ([see attached](#)) and chapter 10 ([see attached](#)) regulation changes . Kohl also explained the process of how vibrio is tested. Explanation of required training and vibrio control plans was also provided. We discussed training dates and locations available ([see attached](#)). Kohl went on to explain the testing that went on leading up to the discussion in regards to the changes. Lewis asked for any questions, Sebastian Belle asked if there would be a size exemption for razor clams (Chapt 10), Kohl indicated was an oversight and shouldn't be an issue due to new aquaculture license regulations.

10:22 a.m. - Agenda item #5- Update on Park Harvesting/Acadia- Kohl provided an update, HR4266 bill by Poliquin was worked on by the House Natural Resources committee it basically comes down to because of the use of the term marine species instead of marine organisms, it does not allow for harvest of seaweed. It still needs to go to the floor for a vote. Sebastian indicated it was a unanimous yes in the

committee vote. Lewis asked if people had been harvesting seaweed in Acadia, Kohl indicated yes. Jeff McKeen asked to clarify if this bill only covered Acadia Park lands, Kohl clarified yes, because laws are park by park specific.

10:29 a.m. Agenda item #6- Testing Lab update for Depuration facilities- This was an open discussion session, not a presentation, Lewis asked for questions. Scott Moody asked what is the current status of this issue, he indicated SHAC had voted at last meeting to have the issue looked into again by DMR. Kohl indicated that she was not aware that the governor has changed his position on the topic. If there are private labs that can be set up to provide the service, then that is the way it needs to happen. Kohl stated the requirements are made clear, it could be difficult to get a private lab to be interested. Jill MacLeod from DMR will attend LEO training in April to be able to certify private labs in Maine. Fiona asked if the state can do the testing, why are we not doing it as a fee for service. Kohl indicated a few reasons in addition to the Governor's prior directive, 1) funding, and 2) flow of testing procedures. If we started to provide private testing how do we integrate logistics of the depuration dealers schedule with DMR schedules/availability. Fiona stated she feels it is a very limiting thing to be able to move forward with depuration until the state agrees to provide the avenue for testing. Fiona asked that it be discussed further. Fiona again indicated it's a serious threshold holding back depuration business in Maine and asked if we could think of a way to open this up for further discussion. Kohl indicated that perhaps the governor may be willing to listen to industry concerns on the topic directly from them. Lewis suggested SHAC still look into it further, so when the governor's term is up, and a new governor comes into office SHAC has a solid plan in place to present the case to the new governor. Lewis stated to add to the work plan and it can be discussed over the next few meetings. Fiona asked for a working group now to start the process. Lewis stated SHAC can appoint a committee. Fiona asked for volunteers to be on the small committee. Scott Moody, Tom Connolly and Kohl all agreed to be a part of the committee. Fiona made a motion for the committee to be formed, Scott Moody 2nd motion, unanimous yes vote. DMR will set up meeting times and locations for the committee.

10:42a.m.- Agenda item #7- Break

10:55 a.m.- Meeting called back to order

10:55 a.m.- Agenda item #8- 2-inch rain closure- Kohl discussed that through the NEST project flood closure triggers were evaluated. DMR provided NEST with test areas, years of special studies, testing, etc... The results of the study have been provided by NEST to the public in multiple forums. Lewis stated he has noticed that with the addition of all of the new rain gauges installed in Washington County in the past year, there has been a significant decrease in rain closures. Kohl agreed that more gauges means more accuracy in closures. Lewis stated he was interested in SHAC assisting DMR in procuring more gauges for Hancock County.

11:04a.m.- Agenda item #9- Suggestions and nominations of new SHAC members- First position on SHAC to fill is a seat vacated by Andy Ruehl who resigned his position on 11/21/17- a non-clam harvester seat. Andy had suggested and recommended that Anthony Delano replace him, Kohl stated DMR would support this decision. Sara Randall recommended Lashaya Dibattista as a replacement. Dan Devereaux stated he believes this seat is a very important one on the council and should be represented by someone who has a significant role in the industry. Scott Moody made a motion to nominate Anthony Delano, Tom Connolly 2nd the motion, unanimous yes vote by council. The second position that needs a nominated replacement is to fill a dealer seat being vacated by Ralph Smith from Moosabec Mussels, who's term expires on 2/17/18. Lewis suggested Dan Rodge, Fiona indicated he had declined in the past. Fiona nominated Mike Danforth from Maine Shellfish, Scott Moody 2nd the motion, unanimous yes

vote by the council, Mike Danforth was in attendance and accepted the nomination. He will replace Ralphs seat officially on February 17, 2018 which is prior to the next scheduled SHAC meeting. It was also discussed that at the next SHAC meeting in March, it would be necessary to nominate a replacement for Raeleen Pert who's shellfish warden term was expiring on April 19, 2018. Suggestions were made for Charles Tetreau, Mike Pinkham, and Kevin Brodie. Nominations will be made in the March SHAC meeting.

11:15 a.m.- Agenda item# 10-A- Addition of items to the work plan- Added the committee for the water testing issue by the State for Depuration. Jim Norris asked about laws surrounding people bringing in clams from Maryland and shucking and selling them without indication they are not a Maine clam. This happens due to lower costs for Maryland clams. Scott Moody indicated it would be very hard to pass off a Maryland clam as a Maine clam, but that Long Island clams are easy to pass off as Maine clams. Laws are in place that say they cannot be sold as a Maine clam product. It really comes down to truth in advertising. Mike Danforth indicated he believes it is more of a restaurant issue than a shellfish dealer issue. Kohl reminded everyone about the Maine Quality trademark that is now available for Maine Shellfish. (see attached application) Lewis asked if we wanted to address this further, John Fendl stated he had spoken to the Department of Agriculture, Conservation and Forestry for truth in advertising rules. If the packaging states Maine clams, and others are comingled, it is illegal. It all comes down to the labeling. SHAC will add this to the work plan to follow up with John Fendl once more is learned from DACF. Dan Curtis wanted to add the outreach program to the work plan. Kohl stated that the commissioner had asked for DMR to put together an expert panel on ASP to discuss- asked for a representative from SHAC. Fiona, Scott and Bridie all offered to represent. All three will represent SHAC on the panel.

11:27 a.m.- Agenda item 10-B- Discussed items slated for the Fisherman's forum agenda for March 1st, 2018 Shellfish focus day. Final agenda will be completed and available by end of January. Kohl also explained the RFP process again for Fisherman's forum, and how it is determined what goes on the agenda.

11:41 a.m.-Agenda Item 10-C- Tabled until next agenda

11:42a.m.- Agenda Item 10-D- Kohl spoke about the ISSC meeting that was held in October. Discussed proposals of interest (see attached) Kohl provided FDA updates in regards to the Growing Area program, was deemed low risk and is now only being evaluated by FDA every 3 years. The inspection program is waiting on the report from the evaluation in September, but indicated it was a much better evaluation than last year. The Marine Patrol evaluation was just completed, it was verbally stated by FDA that it looks fine. No vibrio evaluation needed annually because currently it is a voluntary program in Maine.

12:19 p.m.- Agenda Item 10-E- Jeff McKeen stated the consensus from farm growers is they are not interested in seeing a minimum size requirement on farmed product. However, they do want a minimum size and tolerance on wild oyster harvest. Kohl suggested a motion be made, it is currently the only product without a minimum size requirement and tolerance defined. In Massachusetts, it is 3 inches for wild harvest and 2.5 inches for farmed product. Jeff McKeen proposed a 2.5-inch minimum size requirement for wild harvested oysters. Glen Melvin asked how do we decide what the tolerance should be? Sebastian belle stated he believes it is hurting the "brand" of Maine oysters by having the undersized oysters in the marketplace. Lewis indicated SHAC needed to make a decision and make a motion, or remove from work plan. Jeff McKeen made the motion to recommend a 2.5-inch size minimum for wild oysters, Scott Moody 2nd the motion, unanimous yes vote. Mike Pinkham asked if SHAC was also making a motion for tolerance on shorts. Motion to SHAC to recommend a 2.5-inch

minimum size for American oysters and European Oysters with a 10% tolerance. Motion made by Jeff McKeen, Scott Moody 2nd motion, unanimous yes vote.

12:42 p.m. Kohl stated the State of Maine is moving ahead with adopting the model ordinance by reference, so as model ordinance changes, so do the chapters automatically. DMR is in process of determining our own regulations that are currently more restrictive than the model ordinance, which ones we want to keep and which ones we can allow to be adopted by reference to the Model ordinance. There will be public hearing on the matter potentially in February 2018.

ASP update- Kohl explained unprecedented for this time of year, there are high levels throughout Casco Bay. DMR is trying very hard to avoid recalls. There is no way to avoid the closures. Maine only has 2 years of experience with ASP, and DMR is currently working through the process.

12:52 p.m.: Next meeting scheduled for March 14th, 2018 to be held at Ellsworth City Hall Auditorium from 10am-1pm

12:54 p.m. Meeting adjourned.