

**Shellfish Advisory Council
Meeting Minutes
June 23, 2023, from 1:30 PM - 04:30 PM
Moore Community Center/Downeast YMCA Ellsworth
Virtual Meeting via [Microsoft Teams](#)**

Call to order – **Lewis Pinkham** **01:30-01:31**

Roll call – **Mickenzy Breton** **01:31-01:35**

First Name	Last Name	In attendance
Amanda	Lyons	No (Notified ShAC ahead of time)
Dick	Douty	No
Jessica	Joyce	Yes
Joan	McDonald	No (Notified ShAC ahead of time)
Kevin	Brodie	No (Notified ShAC ahead of time)
Lewis	Pinkham	Yes
Marissa	McMahan	Yes
Michael	Danforth	Yes
Ron	Parritt	Yes
Jeff	Auger	Yes
David	Wilson	No
Jordan	Kramer	Yes
Lori	Howell	No
Chris	Warner	No (Notified ShAC ahead of time)

Adoption of minutes from last meeting – **Lewis Pinkham** **01:35-01:40**

Ms. Joyce motioned to adopt, Mr. Kramer seconded, all present voted in favor of adopting minutes.

PFAS Testing Result Presentation and Q&A – **James Stahlnecker** **01:40-02:00**

James was unable to attend. Pushed to next meeting.

Shellfish Harvester Health Presentation and Q&A – **Tora Johnson** **02:00-02:20**

Dr. Johnson gave a presentation regarding research conducted by the Downeast Health Research Collaborative into the health concerns and outcomes of harvesters in the shellfish (both lobster and molluscan shellfish) industry and solicited the input of the ShAC and interested public regarding this research.

DMR Closure Notice Discussion – **Will Fearn** **02:20-02:30**

Mr. Fearn discussed a complaint regarding the formatting of a DMR closure notices via text. The specific notice in question was one that had a significantly larger amount of content than they typically have, and the formatting was confusing as a result. It is not a common occurrence, but DMR is always working on refining this system and is happy to have feedback.

Ms. Joyce started a discussion of how best to address the highest priority report recommendations and how many to work on at any one time, to that end she suggested between three and five. Consensus was in favor of resolving the priorities three at a time. Ms. Joyce went on to discuss what process will be used to address individual issues. She suggested adding them to the work plan and potentially creating committees to address each issue. The suggestion that was identified as the highest priority is already in the process of being addressed: defining the economic significance of the shellfishing industry which is an item on the agenda later in this meeting. The next highest priority is incentivizing landowners to maintain septic systems and remove overboard discharges (OBDs). Ms. Joyce proposed creating a committee including non-ShAC members from a variety of state agencies that are involved in the management and regulation of septic systems including DMR, DEP, and DHHS.

Mr. Pinkham suggested as a stated purpose for the committee: strengthen rules and regulation to encourage landowners to better maintain and have functioning septic systems and to remove overboard discharges. Potential committee members: Mr. Pinkham, Ms. Kanwit, and Mr. Auger. Ms. Kanwit suggested Bryant Lewis as a potential DMR affiliate member on the committee. Ms. Kanwit also suggested Brent Lawson (DHHS) and whoever handles OBDs at DEP: William Johnson (Compliance) or Irene Saumur (Licensing), Mr. Pinkham will reach out to Gregg Wood at DEP regarding who to involve.

Third highest priority is to incentivize/increase easements on private property to provide more shore access. Some ideas discussed were increasing awareness of landowners about the industry and limited liability in Maine, as well as compensating landowners or leveraging existing land trusts and other organizations. Ms. Joyce suggested adding it to the work plan and inviting folks who are involved with this issue on the local level to ShAC meetings to discuss potential solution. Ms. Joyce is unclear at this time what the role of ShAC is in helping with this issue at the statewide level and expressed that she would like to avoid duplicating efforts that are already taking place at the local level i.e., Gouldsboro. Mike Pinkham offered information about local efforts in which he is involved and stressed the importance of building awareness because many people simply aren't aware of the impact that property changing hands has on shore access and the shellfishing industry. Mr. Danforth suggested creating a pamphlet that could accompany a tax bill with information about coastal access, Ms. Kanwit suggested potentially working with Sea Grant if creating a pamphlet is pursued. Dr. McMahan suggested that it might be best to create a committee to address this issue as well. Ms. Joyce suggested a landowner relations program like one that IF&W has for recreational hunting and fishing and concurred that a committee might be necessary but proposed doing homework prior to forming a committee to help narrow the focus of a potential committee.

Mr. Pinkham suggested approaching Rep. Abden Simmons about potentially bringing this issue to the legislature to affect a policy change. Dr. McMahan suggested adding a permanent agenda item to invite various people involved in the access issue to get a variety of perspectives and seconded the idea that ShAC should advocate for changes surrounding access issues at the legislative level. Mr. Pinkham also suggested legislators Billy-Bob Faulkingham and Tiffany Strout as potential contacts. Potential committee members include Ms. Kanwit, Dr. McMahan, and Mr. Pinkham.

All three items will be added to work plan, one issue with a committee already, one to discuss the economic study RFP more informally, and the third will potentially involve forming a committee eventually but for now will just be for the purpose of discussing what specific angle a committee would focus on if it was formed.

Ms. Joyce discussed report recommendations that are the purview of towns and how best to communicate with towns about these issues. Ms. Joyce presented a letter she drafted that could be sent to towns. The Management Committee suggested DMR marine resource scientists share information at shellfish committee/regional meetings they attend, DMR can hold a (online, in-person, hybrid) meeting for municipal programs and if it is done online, it could be recorded for future reference. It could also be presented at other regional and statewide conferences such as the Fisherman's Forum and at annual Shellfish Warden training. ShAC/DMR can develop a letter or brochure that can be disseminated through a variety of means.

Mr. Pinkham and Ms. Kanwit discussed that some effort has already been made on the part of the DMR to increase communication with towns and to increase attendance/participation in town shellfish committee meetings. DMR is pro-actively reaching out to towns to find out whether the towns want DMR to be more present at their meetings but ultimately there are a limited number of DMR staff serving a substantial number of towns and DMR staff cannot always be at all the meetings.

Ms. Joyce invited Mr. Fearn to discuss his ongoing efforts to create a training program for town officials. The training at this point is being expanded to include anyone involved in municipal marine resource management programs, not just town officials. Currently he is looking for venues and potential dates for training programs in the future.

Ms. Joyce also suggested utilizing GovDelivery/email as a means of sending a letter as well as posting it on the ShAC portion of the DMR website and Mr. Pinkham added using GovDelivery as a means of sharing potential dates and times of trainings. Mr. Fearn will get training dates to be combined with this letter.

Economic Study Request for Proposal – William Fearn

03:05-03:20

Mr. Fearn provided an update regarding the process of requesting proposals for a study on the economic impact of the shellfishing industry in Maine. Funding has been found for such a study, and an official request for proposals is in the works to solicit an organization or consultant to carry out this study. The RFP is currently being reviewed by the State Procurement Office and will hopefully be formalized as of July 1st, but that date is subject to change and an official date will be shared as soon as one is available.

Mr. Pinkham mentioned the work of a previous grad student published by the Washington County Council of Governments that could be a useful reference for this study.

Seafood from Maine – Kohl Kanwit

03:20-03:35

Ms. Kanwit deferred to Jeff Nichols, DMR Communications Director to discuss promotional work that the DMR has been doing to advertise and encourage consumption of Maine seafood. DMR staff came up with the idea, based on interviews with industry members, to create a single brand for Maine seafood and a private organization was engaged to assist with developing a website, press outreach (earned, owned, and paid media), and social media content. Research indicated that the advertising should be consumer focused rather wholesaler/dealer focused and a seafood supplier directory was developed as part of the website. All the advertising and social media work is geared to drive traffic on the website that was developed: seafoodfrommaine.com. Eventually maintenance of this website and the advertising in general may be shifted to an advertising council since funding for this was pandemic related and will end soon but, in the meantime, DMR will continue to maintain it.

Ms. Joyce asked if there was any way for ShAC to help and/or be involved in the future of this program and Mr. Nichols did not have anything specific currently but advised he will keep ShAC in mind if there is anything.

Veteran Shellfish License (LD 1915) Discussion – Kohl Kanwit

03:35-03:50

Ms. Kanwit discussed a bill before the Marine Resources Committee to incentivize towns to provide shellfishing licenses to disabled veterans in the form of a grant to purchase seed clam. DMR testified neither for nor against this bill because of some unanswered questions about the specifics of the grant program. The Marine Resource committee voted to carryover the bill to the next session and engaged the ShAC to collect information about the demand for such a program and/or the attitudes of industry members about such a program and provide feedback to the committee. Mr. Pinkham suggested that all the ShAC members should get a copy of this bill and the letter from the MR Committee and that an agenda item should be created for next meeting to discuss it more in-depth once all members have more information. The MR Committee would like feedback by February and Ms. Kanwit emphasized that ShAC does not necessarily need to take a stance on the bill.

Discuss Potentially Forming Retail Rule Committee – Jordan Kramer, Kohl Kanwit

03:50-04:15

Mr. Kramer requested to form a committee to discuss changing retail rules to make direct to consumer shellfish sales easier/more accessible for harvesters. Mr. Pinkham agreed to form the committee with Mr. Kramer as the chair, Dr. McMahan and Mr. Auger agreed to also participate. Ms. Kanwit suggested James Becker as a DMR affiliated member of the committee and stated that she believes there should be a harvester on the committee as well.

Work plan

04:15-04:20

1. Fee for service lab testing and certification of private labs - **Tabled**
2. Alpha-numeric system for identifying harvest areas – **Tabled**
3. Streamlining direct to customer shellfish sales – **Tabled (Discussed, Committee Created)**
4. Shellfish Focus Day Planning – **TBD**

Public input – **Open floor**

04:20-04:25

Other business

04:25-04:30

Meredith White, Supervisor of the Nearshore Marine Resources Program, discussed creating an intertidal monitoring workshop this fall. Goals are to: identify gaps and needs based on what intertidal monitoring is already happening and creating a working group to help address these gaps. Will be soliciting input from harvesters after this meeting.

Discussed the availability of the personal information of ShAC members on the ShAC portion of the DMR website. Agreed to display just name, affiliation, and town except for Mr. Pinkham whose full contact information will remain. DMR Office Specialist Mickenzy Breton will contact members to determine what town they would like displayed on their behalf on the website.

Ms. Kanwit discussed a growing trend among towns to place moratoriums on aquaculture and the developing those moratoriums into ordinances. DMR has jurisdiction over subtidal aquaculture leasing and towns do not have jurisdiction to limit such leasing. If there is conflict because of this the town would need to sue the state

to resolve the issue in court. It is the DMR's position that since the towns do not have jurisdiction in the subtidal that ordinances limiting its use are non-starters. Ms. Kanwit clarified that towns do have jurisdiction over land-based aquaculture and that this only applies to subtidal aquaculture. Mr. Auger stated his opinion that this is an unfortunate development in the last year that is borne out of misinformation and industries (wild harvesting vs. aquaculture) opposing one another. He stated he would like to see people talk to aquaculturists to help discourage the spread of misinformation.

Adjourn

Mr. Danforth motioned to adjourn, Mr. Pinkham seconded, all present voted in favor.