

**Aquaculture Advisory Council
Meeting Agenda
September 28, 2023, from 10:00 AM - 12:00 PM
Augusta DMR Room 224 or [Microsoft Teams](#)**

Call to order – **Fiona de Koning** 10:00-10:01

Roll call – **William Fearn** 10:01-10:05

- Fiona de Koning – Chair [Present]
- Briana Warner [Present]
- Christopher Davis [Not Present, Notified Ahead]
- Greg Lambert [Present]
- Amanda Ellis [Present]

Adoption of minutes from last meeting – **Fiona de Koning** 10:05-10:10

Mr. Lambert motioned to adopt minutes without comment, Ms. de Koning seconded, all present voted in favor.

Work plan - **Fiona de Koning** 10:10-10:30

Ms. de Koning solicited the council to come to the next meeting with an ARMFUL of items to add to the work plan and requested Ms. Kanwit’s input as well regarding any issues that the council might address.

Public input - **Fiona de Koning** 10:30-10:45

No public input.

Other business - **Fiona de Koning** 10:45-11:45

1. Programmatic updates – **Amanda Ellis**
Ms. Ellis shared updates to the Aquaculture portion of the DMR website to make it more user friendly. She also shared a staffing update regarding some internal changes and a new resource management coordinator that was hired because of those internal changes. Also shared that AQ is getting ready to launch LPA renewal for 2024 and that it will look slightly different this year due to a few changes, namely: LPA renewal apps due by Nov 30, renewal app combined with quiz this year as opposed to them being separate, LPAs can no longer be amended during licensing term but as part of renewal app license holders can request some specific changes, there will also be more emphasis this year on timely payment of fees and licenses being revoked in the event of failure to pay. Lastly Ms. Ellis shared that AQ will be expanding efforts at educating aquaculturists regarding the requirements for licenses, in addition to the culturing license, to remove and sell product from an AQ site.

Ms. de Koning asked about how AQ was sharing additional license requirements with industry and Ms. Ellis answered that it was being shared in monthly program updates to industry and that it will be included in LPA renewal/application process namely on the quiz.

2. Industry input

- **Testing Requirements – Marsden Brewer**

Mr. Brewer is a scallop grower that wished to address the AqAC regarding the difficulty in getting samples to Boothbay Harbor for testing for aquaculturists who live and work a significant distance from the DMR lab. He believes that this is the single largest impediment to developing a sustainable scallop fishery and would like the State/DMR to pick up the cost and/or the responsibility for the transport of samples for regular testing of scallops and would like to see them tested more regularly like other species i.e. mussels.

Ms. Kohl Kanwit, Director of the Bureau of Public Health and Aquaculture, advised that if there is interest in the aquaculture industry for whole or roe-on scallops and a desire to move away from the industry funded model that replaced what was previously funded via grants that the DMR would be amenable to it but that it would be the responsibility of the industry to figure out an alternative funding model. Ms. Kanwit also shared a document from the DMR website that illustrated the flow of who is responsible for paying for/arranging for the testing of various species given certain circumstances. Ultimately Ms. Kanwit suggested that the state would be happy to take over testing but there would need to be a funding source of some kind set up i.e. a license surcharge or tax per bushel which is how quahogs do it.

Ms. Kanwit addressed the concern about transportation by explaining the fragility of scallops in transport and that they often die in transit and a live sample is necessary to conduct testing. Mr. Brewer responded that industry members have no difficulty transporting scallops if they are packed correctly and indicated that he believes that prior efforts at transporting scallops by the DMR may have gone poorly because of poor packaging.

Mr. Lambert asked whether it was possible to tap other public resources, specifically labs, to reduce the perceived onerous requirement of transportation to Boothbay Harbor. Ms. Kanwit answered that it is possible to do screening at the DMR lab in Lamoine but reopening closed areas requires an FDA certified lab which would need to be a private lab currently because DMR does not have one and even if DMR have an FDA certified lab they do not have the capacity to charge for testing services. The state labs lack the flexibility of private lab to expand if a fee-for-service model resulted in a large amount of work being generated for state labs that they may not have the capacity to handle it currently.

Ms. Kanwit also questioned whether the whole or roe-on scallops are an emerging market given the lack of interest over the years since there are currently only three people doing this type of scallop growing. Ms. Kanwit also wanted to clarify that whole; roe-on scallops are not the only product treated this way it applies to any species that is considered high risk.

3. **Legislative Updates – Deirdre Gilbert**

Ms. Gilbert shared that MR committee members will remain the same for the upcoming legislative session though this session will be focused mainly on “emergency legislation” which can be interpreted loosely. It essentially just means that some legislation will be weeded out and not addressed during this session. Five department bills have made it through this process, two relevant to the AqAC. Legislative changes to the AqAC statute 6024 are being combined with changes to other advisory councils into a single department bill to make changes that had been voted on previously.

Ms. de Koning asked when these changes might go into effect and Ms. Gilbert advised it may be sometime around July based on the legislative calendar and typical procedural rules but that it is

possible to get it done sooner if the council would like to request it. Ms. de Koning solicited the opinion of the council on whether to request that the changes be expedited, and the opinion of the council was to leave it be.

The second bill that Ms. Gilbert had updates on is resulting from discussions about potential process improvements for the leasing and licensing side of AQ without sacrificing public input. Three main changes are: under the existing law AQ leasing is sometimes subject to Administrative Procedures Act (APA) requirements and sometimes held to a higher standard. This change would allow for doing a single newspaper notice instead of two since notice can and often is given by other means, 25 requests for a hearing rather than 5 to trigger the need for it, changes from experimental leases to standard leases do not need a new hearing unless requested by 25 or more people and as long as there are no changes to the size or nature of the lease. Public comment period will be 30 days from deadline in notice rather than 30 days from receipt of notice and public comment period will be 30 days consistently rather than one case where it was 14 days.

All changes still need to go through revisors who check for conflicts with existing legislation.

4. Schedule next meeting

Next meeting will be scheduled via email to make sure that Mr. Davis will be included. Potentially third week of January.

Adjourn - Fiona de Koning

11:45-11:45

Mr. Lambert motioned to adjourn, Ms. Warner seconded, all present voted in favor.