

Shellfish Advisory Council
Meeting Agenda
May 8, 2024, from 11:00 AM - 02:00 PM
Moore Community Center/Downeast YMCA Ellsworth, ME
Virtual Meeting via [Microsoft Teams](#)

Call to order – **Jessica Joyce** 11:00-11:01

Roll call – **William Fearn** 11:02-11:05

Adoption of minutes from last meeting – **Jessica Joyce** 11:05-11:10

Mr. Pinkham motioned to accept the minutes without additional comment, Mr. Brodie seconded, all present voted in favor.

ShAC seat nominations – **Jessica Joyce** 11:10-11:30

- Wholesale Dealer Eastern Maine
- Municipal Official Eastern Maine

Ms. Joyce asked for nominations of the Wholesale Dealer Eastern Maine seat of those present at the meeting. Mr. Pinkham suggested AC Inc and R D R Shellfish as nominations. Ms. Joyce proposed a GovDelivery announcement be made to solicit nominations. Ms. Kanwit suggested waiving the east/west criteria if no nominees can be found from eastern Maine. Mr. Pinkham offered to contact AC Inc and Ms. Kanwit offered to contact R D R Shellfish.

Mr. Fearn described the upcoming vacancy of the Municipal Official Eastern Maine seat and proposed DMR sending out a GovDelivery announcement to solicit nominations. Ms. Joyce added Mike Pinkham to the list of nominees.

Ms. Joyce informed the council that Mr. Warner and Ms. McMahan’s appointments have been renewed.

Surf/Hen clam min. size and rec. limit - **Meredith White** 11:30-11:40

Ms. White asked the council if it would like to see a surf clam minimum size set by the Department and a change in the recreational catch limit. The current recreational limit is three bushels per day. She suggested a four-inch minimum size to allow surf clams to spawn prior to being caught. Ms. Kanwit indicated harvest is primarily for recreational purposes, as there is limited commercial harvest due to varying factors. Ms. McDonald suggested leaving the recreational limit as it is due to the lack of harvest. A public comment recommended the council consider reducing the recreational limit and instituting a four-inch minimum size. Bailey Bowden recommended that the council should not reduce the recreational catch limit due to possible subsistence harvest impacts and recommended the council consider the four-inch minimum size. Mr. Pinkham made a motion to set the minimum size as four and a half inches and a two-bushel recreational catch limit, seconded by Mr. Parritt. During discussion of the motion, Ms. McDonald and Mr. Jordan recommended this is determined by municipalities, not the state. Deer Isle and Stonington were pointed out as having a 4-inch size limit in their ordinance. Three members voted in favor, two opposed, and three abstained from the motion.

Ms. White provided an update on the long-term intertidal monitoring program. Eleven sites have been established and a twelfth is being investigated. She described the planned monitoring protocol, and species that will be surveyed. Mr. Kramer suggested the inclusion of rain gauges at the monitoring sites. A public comment suggested certain species would not need to be monitored monthly.

Oyster and Softshell clam interactions - Mike Pinkham

11:40-11:55

Mr. Pinkham read a prepared statement regarding personal observations of overfishing activities during his warden career. He suggested it may be possible that diploid oyster populations being found in new areas could impact native softshell clam populations. He requested an unbiased study be done to determine possible interactions between diploid oysters and softshell clams. Ms. Kanwit indicated DMR is working on the literature review of interactions between oysters and softshell clams. Mr. Pinkham requested a meeting be setup by ShAC between oyster aquaculture and softshell clam industry members. There was a lengthy discussion about Mr. Pinkham's suggestions and the role of the ShAC and the DMR. The ShAC officers offered to meet with Mr. Pinkham to further discuss roles prior to the next meeting.

DEP OBD Program – Brian Kavanah (DEP) and Bryant Lewis (DMR)

11:55-12:20

<https://www.maine.gov/dep/water/wd/OBD/index.html>

Mr. Lewis and Mr. Kavanah discussed the outcomes of a DMR/DEP meeting regarding strategies proposed by both agencies to facilitate the removal of overboard discharges that cause shellfish growing area closures, following recommendations from the ShAC Water Quality Committee. Mr. Kavanah stated that DEP is planning to review licensed overboard discharges indicated by DMR as priority removals to determine if they can facilitate these removals and open up closed growing areas. The DEP is also reviewing various regulations for DEP grant programs that could be used for overboard discharge removals to determine if criteria could be adjusted to allow greater access to these programs, and to consider changes to how inspections are conducted. The regulatory changes would be proposed to the legislature in 2025 after agency review.

Municipal shellfish conservation warden training – William Fearn

12:20-12:35

Mr. Fearn provided an update on the number of wardens who have attended the training; both new wardens and recertifications.

Clam landing data and resource observations

12:35-01:05

Ms. Joyce presented on 2019-2023 clam landing data. Softshell clam landings have decreased over that period. Ms. Kanwit stated that clam landings reported to DMR indicate the location of landing port, not town harvested or location of dealer sale. A public comment reminded the council that there are reasons beyond resource availability that impact landings such as shellfish closures and market price. Mr. Warner indicated many southern Maine towns have observed a decline in softshell clam populations in recent years and suggested additional conservation measures could help the population.

Mr. Fearn provided details on the upcoming Municipal Marine Resources Management training meetings including discussions of the DMR Nearshore Marine Resources program, aquaculture and water quality component of the Growing Area program targeting a municipal audience. Dates are July 9 in Brunswick, July 17 in Belfast and July 18 in Machias from 10AM to 3PM. There was a suggestion to have ShAC member attend each meeting and provide information to towns about the role of the ShAC and how it can support municipal shellfish programs. Mr. Pinkham made a motion to add a standing workplan item to continue the discussion

on how DMR can improve communicate with municipal officials, Mr. Brodie seconded, with no discussion and was passed.

Work plan

01:05-01:40

1. Fee for service lab testing and certification of private labs – **Tabled**

Mr. Pinkham made a motion to remove items 1 and 2 from the workplan, seconded by Mr. Parritt, with no discussion and was passed.

2. Alpha-numeric system for identifying harvest areas – **Tabled**

3. Retail Rules Committee: Streamlining Direct to Consumer Sales – **Jordan Kramer**

Ms. Kanwit presented on how direct to consumer sales could occur from a harvester or grower’s vehicle, using a retail license as an alternative to direct-to-consumer home sales during vibrio control months. This approach is being considered since shellfish sales from a vehicle would allow inspections from DMR’s Seafood Inspection Program. These changes would be proposed to the legislature in 2025.

4. Shellfish Focus Day – **Jessica Joyce/Kohl Kanwit**

Ms. Joyce provided an update on Shellfish Focus Day, which was coordinated by the Fishermen’s Forum Board for the first year after many years of DMR and the ShAC planning the agenda.

5. Water Quality (Committee Update) – **Jessica Joyce**

Ms. Joyce provided an update that in addition to the DEP update provided above, that the water quality committee worked to get additional funding opportunity language from the USDA Rural Development agency in Maine included in DEP overboard discharge licensing mailings that went out in March. In addition, the Committee developed language about all the state and federal funding opportunities for OBD removal and septic system repairs for the DMR’s website.

6. Municipal Shellfish Conservation Warden Training (Committee Update) – **William Fearn**

Mr. Fearn updated ShAC that the MSCW met and put meeting notes on the DMR website.

7. Increasing/incentivizing shore access through private property – **Jessica Joyce**

Ms. Joyce informed the council that [LD 2162](#) was passed and signed into law in April adding a new definition of working waterfront land in the Current Land Use Program (Maine Revenue Service), and including a clause allowing additional tax reductions if intertidal access is provided to the working waterfront through a legally binding right-of-way or easement.

Public input – **Open floor**

01:40-01:50

Other business

01:50-02:00

Ms. Joyce provided an update to the shellfish market analysis being undertaken by Dr. Kanae Tokunaga that she is looking for additional shellfish reports that she can use in her market analysis. Ms. Joyce made a motion to add the economic study being undertaken by Dr. Tokunaga to the workplan, seconded by Mr. Pinkham, with no discussion and passed.

Adjourn