

DMR Regional Shellfish Meeting
Hutchinson Center, 80 Belmont Ave., Belfast

Wednesday, October 12, 2022

SUMMARY NOTES

Participants:

Town Shellfish Programs: Joe Porada, Lewis Pinkham, Mike Pinkham, George Powell, Mike Thalhauser, Bailey Bowden, Pauline Angione, and Glen Melvin; DMR Staff: Hannah Horecka, Hannah Annis, Dennis Nault, Kohl Kanwit, Heidi Leighton, William Fearn, Bryant Lewis, David Miller, and Melissa Britsch; Other: Bridie McGreavy, Gabrielle Hillyer, B Lauer, and Laura Taylor Singer

Introduction:

- DMR is hosting these meetings to provide an opportunity for greater direct communication among folks involved in municipal shellfish and DMR.
- This is in direct response to some of the feedback during the May workshops suggesting that there be more opportunities for people to get together.
- The May workshops hosted by the Shellfish Advisory Council (ShAC) were focused on generating ideas. These DMR regional meetings are to provide an open forum to ask questions and share information about some of the key topics we've heard in each region.
- DMR is planning to make this an annual opportunity. Looking for feedback on meetings, including if there should be two locations to cover this region.
- DMR's shellfish management program assists towns with managing their flats and shellfish. The area biologists play a key role by helping towns with their conservation areas, reseeding, surveying, town license allocations, shellfish ordinances, warden programs, and a lot more.
- There are other parts of DMR that focus on water quality monitoring, shore access and aquaculture permitting, and other issues that may impact municipal shellfish programs.

DMR Updates:

- DMR staffing – successful in getting three new positions, a Marine Resource Scientist IV and two Marine Resource Scientist Is.
- Shellfish Program will be renamed “Nearshore Marine Resources Program” to better reflect the true scope of all the work that has been under the program for a decade, including seaweed, periwinkles, marine worms and whelks.
- DMR has resources to address some of the questions raised at the ShAC workshops and having additional staff capacity is an important piece.
 - Anticipate offering municipal mini-grants in 2023
 - Committed to providing an annual landings report

- The message is clear that Limited Purpose Aquaculture (LPA) licenses are a significant burden and obstacle and DMR is working internally to come up with solutions; this will take time and require legislative changes, but it is being addressed and is a priority.

Taking a Deeper Dive into a Few Key Topics:

Shore Access and Community Solutions - Melissa Britsch, Maine Coastal Program

- Maine Coastal Program (MCP) – within DMR and focuses on planning and community support; fund two municipal planning grants and also support staff in multiple State agencies to provide assistance to communities for things like sea level rise, resilience planning, and comprehensive planning.
- [Shore and Harbor Grants](#) – waterfront planning and how waterfronts are used; planning but not construction, could be a feasibility study but not infrastructure; can help fund economic analysis of the impact of fishing to community; legal research to identify or clarify rights-of-way; anything related to access and a better fit for projects designed to increase access for commercial fishing.
- Grants are a competitive grant with applications typically in February or March; towns do not need to have a comprehensive plan to access funds; currently up to \$50K; grant goes to town but work can be done by consultant or others.
 - [Gouldsboro Example](#): funded in 2021 to identifying important coves and access points for shellfishing industry; working with Gouldsboro shellfish committee, Maine Coast Heritage Trust and other partners to secure and create access; also raising awareness on why it matters to have those access points.
 - Gouldsboro has ~55 miles of shoreline; first few meetings with harvesters to discuss what needs to be protected – where, what was special about the locations, etc.; harvesters spent hours with volunteers to show the sights – raised the awareness within community, for example DIFW – getting word out opened up the conversation.
 - Greater Portland Council of Governments and Manomet were funded in 2022 for a similar project working with Georgetown, Brunswick, Harpswell and Yarmouth to identify existing and historic access.
- [Coastal Communities Grant](#) – towns need to have a comprehensive plan; competitive grants focusing on comprehensive planning and community plans for sea level rise, coastal flooding, and green infrastructure.
- [Working Waterfront Access Protection Program](#) - part of Land for Maine's Future program; permanently protects working waterfront through a restrictive covenant on the deed that prevents property from being redeveloped in ways that aren't conducive to commercial fishing; typically used for lobster co-ops or family docks but can also be used to protect town docks or walk-in access to a property (similar to an easement).
- [Resources for Preserving Commercial Fishing Access](#) – by MCP

- [Preserving Access to the Intertidal](#): A guide for coastal stakeholders and municipalities - Casco Bay Regional Shellfish Working Group

What makes a Successful Conservation Activity? – Bridie McGreavy, University of Maine and Maine Shellfish Learning Network

- Maine Shellfish Learning Network
 - Engaged research focused on communications in shellfish programs
 - >50 interviews and field-based observations
 - Reviewing evaluations on what worked and how to make things better
 - Technical support – more than 40 applied projects from Freeport to Sipayik
 - [Themudflat.org](#)
- Resources:
 - [Maine Shellfish Restoration and Resilience Fund](#) – provides seed grants to shellfish harvesters and municipalities for coastal adaptation efforts [funding not currently available]
 - [Municipal Shellfish Conservation Activity Summary](#) - At the recommendation of the Casco Bay Regional Shellfish Working Group, this document summarizes the available information about conservation activities, with a focus on soft-shell clams and quahogs.
 - [The Maine Shellfish Handbook](#) – provides information to assist individuals and coastal towns in the development of shellfish management programs
 - [Shellfish Focus Day](#) – annually held a Maine Fishermen’s Forum
- Conservation Activity Summary – organized by types
 - Monitoring, stock assessments and shellfish studies
 - Restoration and predator mitigation
 - Community building and fundraising
 - Water Quality
 - Examples: Damariscotta – monitoring, stock assessments; Gouldsboro & Frenchman’s Bay - diverse and long term activities; Thomaston – water quality
- Focus on building relationships and problem solving
- *Challenges:*
 1. Volunteer participation – falls on the shoulders of a few people
 2. Defining and measuring success
 3. Permits or licenses, esp. for netting and growing clams
 4. Weather, seasonal, tidal factors
 5. Cost and budget management – helps to have someone who can manage this
- *Partnership Strategies:*
 1. Collaborative planning
 2. Roles and sources of partners
 3. Evaluation and learning

- Collaborative Planning Questions:
 - Backward design – i.e., where do you want to be and work backwards
 - What are we trying to accomplish?
 - How will we get there?
 - Who else could help with this?
 - How will we know that we succeeded?
- Collaborative Planning Tips:
 - Take time at shellfish meetings for planning and updates
 - Start planning early and talk often
 - Identify who else in the community could help: Diverse leadership
 - Roles and responsibilities: who will do what
 - Meet at least monthly
- Roles for Technical Experts & Volunteers:
 - Project organization
 - Study design
 - Data collection and analysis
 - Reports and presentations for committee
 - Grant writing
- Sources for Partners:
 - Town committees: shellfish, conservation, retirees
 - Non-profits organizations: Downeast Institute (DEI), Manomet, Local land trusts
 - Education institutions: K-12, Colleges, UMaine
 - Consultants: FB Environmental, Tidal Bay Consulting
 - State government – can collaborate but not lead project
- Evaluation and Focused Learning:
 - *Informal*
 - Talk about it in a meeting
 - How did the process go?
 - What did we learn? What would we do differently?
 - Diverse forms of evidence
 - Anecdotal observations, photographs, stories, personal testimonies
 - *Formal*
 - Systematic observations and analysis of process and outcomes
 - Formal evidence: data collections and surveys; pre and post

Water Quality and Pollution Monitoring - Bryant Lewis and David Miller, Western/Eastern Maine Growing Area Program Supervisors

- DMR's [Growing Area Classification Program](#) – Two offices (Eastern and Western Maine) with two scientists in each office focusing on water quality and biotoxins

- Water Quality Program has two parts of program – water sampling (fecal coliform detection) and shoreline surveys every 12 years. Also may conduct surveys for hot spots.
 - DMR supports role for municipalities who may be doing more sampling.
 - DMR goal is to classify waters but not looking at the microbial source tracking (MST) sampling that can determine source (human, animal, birds, etc.). This is done at a laboratory at UNH.
- [P90 – public can download data and navigate GIS](#)
 - Shellfish leases, aquaculture lease map and biotoxins (red tide)
 - Color coded – stoplight system
 - Average of P90 scores over last 5 years; Value of 30 or below is the acceptable limit
 - Additional reasons beyond P90 score why an area may remain closed
- DMR trains volunteers for additional testing and shellfish managers are interested

Round Table Q & A:

Several issues and comments were raised during the open question and answer session and these are generally placed into categories below.

- Lewis Pinkham noted that Milbridge has used Harbor Access Grant to help with planning for dredging and highlighted economic impact of fishing industry

Access issues -

- Joe Porada asked about open lands and how to make access permanent
 - May be defined as [Open Space](#), which is a tax program to preserve or restrict use of a property to provide public benefits such as public recreation, scenic resource, or wildlife habitat.

⇒ **Melissa Britsch (MCP/DMR) will follow-up with Joe**
- Gouldsboro – has a team working on access
 - Get the best results when you have collaboration
 - Grant writing and financial tracking is a hurdle for some towns

Circulation and water quality -

- Gabby Hillyer has conducted work with municipal shellfish programs to study local water flow dynamics and how they relate to pollution flushing rates, using a computer model and drifters to better understand circulation patterns.
 - In St. George the model helped verify the water quality patterns that were seen with the testing
 - Bringing in different forms of data
 - Could help with locating water quality/pollution monitoring

- Also to target where to do seeding – or where not to do – to make it most effective

Landings data –

- Useful to share with the community; DMR has a table that includes 7 years of annual data and average.
 - Landings by month would also be useful; Towns have the ability thru their shellfish ordinances to require monthly reporting – ex. Biddeford Pool
 - DMR can look at trip level data but can't release most of it due to confidentiality (need to have at least 3 dealers in area).
 - Area Biologists – tracking other species like quahogs and oysters; observing oysters in eastern regions not previously known to exist.
- ⇒ **7 year average sampling/landings average – put on website**
- ⇒ **Explore how to work with dealers to track where harvesters are working and how much they harvest from each area**

Aquaculture LPA issue –

- Application process is extremely cumbersome.
- Municipality should be able to have oversight over aquaculture for municipality projects versus for personal profit and gain. Municipal aquaculture is for the benefit of all harvesters and the town and not an individual enterprise for profit.
- Aquaculture gear – purpose is different; shouldn't be based on gear.
- DMR wants to facilitate conservation activities and not be an obstacle.
- Jurisdiction issues with subtidal vs intertidal – towns have no implied authority to do conservation in subtidal areas because they are generally owned by the riparian land owners.
- Bailey Bowden suggested municipal programs could be exempt from aquaculture through legislature and then rule-making through DMR for the specifics of a municipal program; updates back to legislature.
- Fee has increased from \$50 to \$200 for LPA license.
- Definition of aquaculture – anything that promotes or enhances the resource.
- Aquaculture laws and regulations were written originally for finfish and now DMR is getting caught up – more reactive than proactive.
- Could municipal permits be issued for conservation activities that use gear?

Concern regarding potential oyster competition with softshell clams –

- Don't want to have a wild fishery replaced by an aquacultured one.
- According to Dr. Arthur Spies - not been a natural set of oysters east of Penobscot or Sheepscot (1972) in thousands of years.

- Concerns about minimum size rule prohibiting transplanting of small oysters; rules were established based on activity in Damariscotta River to prevent aquaculturists from taking oysters early to grow out on lease sites.
 - Seeing oysters in Surry.
 - Can't make a living from digging oysters in the same way as soft-shell clams.
 - Oysters may out-filter clam spat and smother clams underneath.
 - Waldoboro has fought oyster aquaculture based on experience in Damariscotta; a soft shell clam river doesn't want to change.
 - Oysters and softshell clams occupy different habitats – focus on timing of spawning and settlement.
 - Should require aquaculturists to use triploid oysters to prevent spawning.
- ⇒ **Need to research clarify if or when oysters could compete with clams; depends on conditions and the benthic habitat; example of Wellfleet, MA**