

DMR Regional Shellfish Meeting
Lee Pellon Center, 90 Main St., Machias

Tuesday, October 11, 2022

SUMMARY NOTES

Participants:

Town Shellfish Programs: Lewis Pinkham, Amanda Lyons, Bill Zoellick, Mike Pinkham, George Powell, and Chris Peterson; DMR Staff: Heidi Leighton, Denis Nault, Kohl Kanwit, William Fearn, David Miller, Melissa Britsch, Sgt. Mark Murray, and Officer Kaelyn Kuni, Other: Kyle Winslow, Jacob van de Sande, Gabrielle Hillyer, 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.
- 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 I.
- 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 creative solutions; this will take time and require legislative changes, but it is being addressed and is a priority.

Discussion:

- A comment was made about the lack of harvesters at the meeting. This has been a consistent problem for many shellfish meetings. Notice of the meeting was fairly broad and many harvesters knew about the meeting but unless there is a pressing issue, many don't see meetings as a priority.

Taking a Deeper Dive into a Few Key Topics:

Shellfish 101: Addressing Common Questions - Heidi Leighton

- Non-resident Licenses – depends on the number of resident licenses in the previous calendar year and are calculated on the first day of license sales; a minimum of 10% is in regulation with a chart that further clarifies how to determine 10% and round to whole numbers; towns can offer more non-residence licenses if they chose and some do so.
 - Towns can have separate categories of licenses that they sell such as Commercial, Senior Commercial, and Junior/Student Commercial. The 10% rule is applied for each category separately if the town chooses to issue licenses that way.
- When Permits are Needed – permits are required to transplant undersized shellfish.
 - Permits can be issued for multiple days as long as there is direct oversight and control of sublegal product.
 - Allowing harvesting and collecting seed at same time is difficult for enforcement.
 - Lewis Pinkham shared that Milbridge has structured conservation activities to spend an hour or hour and half at the beginning of the tide and then go harvest and that seems to work; reduced the time required so harvesters don't lose a whole day of income.
- Mandatory Conservation – technically limited by the Department of Labor (DOL) after case in Waldoboro; no labor under 16 can ever be required.
 - Acceptable required conservation activities, according to DOL, include reseedling
 - DMR does not want to discourage any town from doing conservation activities, this is a DOL issue.
 - Many noted that having a meeting requirement for many shellfish programs is important to get participants to the meetings, and there are concerns if this can't be allowed.
 - Tiered licensing system in some towns ("pay not to play") has killed conservation activities.

⇒ **Consider re-circulating DOL letter and/or guidance to clarify issue**

Effective Enforcement Programs: Options available for towns – Mike Pinkham, Shellfish Warden and Lewis Pinkham, Milbridge Shellfish Committee

- Successful shellfish programs depends on level of enforcement, support from community and support from harvesters.
- If community makes \$100,000 in shellfish, it has a multiplier effect (5x) and towns need to understand and appreciate the contribution to the local economy.
- Towns should include a shellfish report in the Annual Town Report to increase awareness.
- Payment of \$10/hour is too low to have an effective shellfish warden.
- Relationship, credibility and trust are important for success; towns and diggers need to appreciate the warden.
- More effective enforcement could also come from cooperative information from dealers to prevent poaching and inaccurate tagging.
- Shared warden position between two or more towns helps to make a full-time position.
- Milbridge Example - 7-8 years without municipal ordinance; town needs an ordinance and a warden to enforce it; doing conservation since 1997 and diggers are now seeing value; need to do it if you want to protect the community and the resource.
- Dealers are required to check that harvesters have a state license but not that the diggers have a municipal license; town license allows the harvester to possess clams and the state licenses allows them to possess and sell.
 - ⇒ **Investigate ways to get accurate tags to collect good information**
 - ⇒ **Consider outreach to educate towns about the economic impact of the shellfish; WA County Councils of governments (Stephanie McLaughlin) did a study that might be a useful model**
 - ⇒ **Explore additional reporting by towns to include the numbers of people and economic impacts**

Shore Access and Community Solutions - Melissa Britsch, Maine Coastal Program and Mike Pinkham, Shellfish Warden

- 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 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

Discussion:

- Losing access because of increasing use of property for AirBnB, VRBO, or other rentals as renters don't want people crossing the property.
- Maine Coast Heritage Trust (MCHT) has helped facilitate conversations that are a long-term process; it takes a while to germinate and gain traction with a land-owner.
- "If we waited 5 years, there wouldn't be an option"; need to focus on places that really need access and do it before the window closes; takes time to get information from harvesters.
- Realtors – some are honest and others spread disinformation.
- MCHT is trying to work statewide to demonstrate the trends and make the case for funds.

- Shellfish newsletters can help increase the profile of the fishery and discussions on access.
- ⇒ **Important to work with realtors so the value of the access to the community and the liability issues are understood**
- ⇒ **“Sights and sounds brochure” could be put into a video to be more accessible**
- Amount of local knowledge is key *and* the statewide infrastructure – need both from the bottom and the top to secure access.
- A question was raised about ways to put pressure on people/organizations that are removing access (i.e., Cobscook Shores).
- Lewis Pinkham noted that the Maine Municipal Association legislative committee is considering legislation asking non-profits to donate access in lieu of taxes.
- A participant noted the recent success of Harpswell shoreland owners appreciation day that encouraged relationship building; it takes a long time to gain the trust and relationship between harvesters and upland owners.

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.

How to get harvesters to meetings -

- Go to harvesters where they are – shellfish meetings, dealers, bribe with conservation hours
- Target natural bays or groupings of folks to meet and share
- Tough to make co-management work with some towns as they don’t have capacity
- Need to have folks bring things to the harvesters’ attention

Quahogs and oysters are in becoming more prevalent –

- Blue Hill Bay harvesting more quahogs than soft shelled clams

Concern regarding potential oyster competition with softshell clams –

- Concern about potential for aquaculture oysters to migrate into wild populations of other shellfish and out-compete them
- Diploid oysters can reproduce but triploid can’t – some aquaculture farmers are committing to using triploid
- Oysters have existed in the wild in Maine for millennia
- Harvesters won’t listen to science/paper/education but instead, focus on trust

⇒ **Need to research/clarify if or when oysters could compete with clams; depends on conditions and the benthic habitat; example of Wellfleet, MA**

Other Comments -

- Difficulty using DMR population survey form especially related to use of millimeters (mm) instead of inches (in) which most people are more familiar with.
- Gouldsboro Example – invited community members to get out on the flats and dig and this raised awareness of shellfish industry
- Aquaculture – LPAs is a very important issue and worth pursuing by DMR and appreciate that issue is getting attention
- Exciting to see new staff at DMR for this program
- Biomass surveys – towns could use help from DMR scientists