Shellfish Conservation Committee Minutes

DATE 2/7/2023 TIME: 6:30 PM MEETING LOCATION: COMMUNITY ROOM

Commission Members:
Attendance: A for absent, P for present

Attendance	Name	Town	Term
A	Stephen Demelle	North Yarmouth	June 30, 2023
P	Kevin Oliver	North Yarmouth	June 30, 2024
P	Len Kaminow	North Yarmouth	June 30, 2024
P	Judy Colby-George	Yarmouth	December 31, 2023
P	Brandy Adams	Yarmouth	December 31, 2025
		Yarmouth	December 31, 2023

Staff Members:

Attendance	Name	Title/Role
P	Will Owen	Shellfish Warden
A	Randy Bates	Town Council Liaison
P	Ari Leach	Dept. of Marine Resources

Guests/Diggers : Meredith White, DMR, Nearshore Marine Resources Program Supervisor, Meryl Grady, DMR, Nearshore Marine Resource Program, Andrew Feeney, Brian Ericson

Minutes –

Votes/Quorum: All final votes of the commission shall require the affirmative vote of a majority of those members present and voting provided a quorum is present. A quorum shall be deemed present if a minimum of four (4) members are present. A CHAPTER 305 10 quorum shall be required for the transaction of all business except that a smaller number can adjourn to another time.

Reviewed Minutes for Jan 13, 2023
Update the term for Brandy to 2025
.
Vote taken, 4 for, 0 against, 0 abstain.

1. DISCUSSION	Warden's Report

See attached Warden's report.

Kevin pointed out that he should have 6 points for the survey on 5/7/22. Will agreed to add those points.

Will had folder of pictures and log for Jim Morrill's crab trapping.

ACTION ITEMS	**PERSON RESPONSIBLE**	**DEADLINE**

2. DISCUSSION	DMR Nearshore Marine Resources Program

Meredith White, Supervisor of the program

Meryl Grady, Marine Resource Scientist, moving from Water Quality to this program.

Ari Leach, will continue to be our local biologist

Program will more directly address some of the other programs besides the Co-Management of shellfish with towns. Some of these tasks include wild harvest mussels, oysters, periwinkles, welks, seaweed, worms, and Depuration Harvesting.

DMR has added three new positions, one new area biologist and two new Marine Scientists (one of which is Meryl).

Meredith mentioned a new **mini grant program** that DMR is offering to communities. There is $20,000 which towns can ask for up to $5,000. Grant is due March 10th and can be for anything related to enahancing/understanding the intertidal resource of the community.

Meeting Attendance. Meredith mentioned that there will be an expectation that the area Marine Resource Scientist will attend at least one meeting per year. There was some pushback from the committee about the importance of DMR staff being part of our meetings and our surveys in order to understand what is going on in the flats.

Landings: Ari reviewed the general landings information and believes the final data will be available by our March meeting.

License changes: There was a discussion about how DMR decides when it is OK to change the # of licenses. Meredith showed the part of the ***Maine Shellfish Handbook*** that lists out the methods that DMR uses to determine licenses. Kevin asked specifically about license reductions and DMR's preference is to reduce through attrition. It was mentioned that we could set our licenses so that if there was a license available or becomes available during the year it could be automatically reduced. If we want to reduce licenses we will need to send DMR our license request and a written explanation to support the reduction.

Survey Equation: There was an animated discussion related to the accuracy of the survey methodology and the need for DMR to be present during surveys to understand the anecdotal evidence. There is a desire for DMR or someone to test the veracity of the number of clams by size in a bushel. Anecdotally there may have been a change in the way a bushel was measured since the study used was developed.

Action*: The commission has asked that Ari attend our February and June meetings annually. We will get her the survey dates in February for the year so that if possible she can schedule attendance at a survey. Also, we will continue to work with DMR and other partners to review and revise survey methodology if needed.*

We are grateful for the attendance by Meredith, Ari, and Meryl at our meeting. It was very helpful.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

3. DISCUSSION **Review of DMR Water Quality Results 2022**

See report attached to the minutes.

Meryl reported that there was no increase in P90 scores in the past year. Two new points have collected over 30 samples and are now official P90 points. There are other points along the boundaries of certain classifications which do not have enough readings yet.

Meryl will find out when the Hydrologic study was done around the wastewater treatment plant.

Also, she will make a note to resend issues to the plumbing inspector and that the committee would like to review WI CA2 to see if the 1" rainfall restricton could be removed.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

4. DISCUSSION **Ordinance Change/Civic Licenses-Tabled until March Meeting**

Proposed changes to Licenses in ordinance:

Definitions

Civic License: The term "Civic" refers to a group of less than or equal to 20 people who are members of a non-profit organization which meets in Yarmouth or North Yarmouth on a regular basis.

A. Licenses

5. Notwithstanding the above stated licensing requirements, in order to enable a small group to harvest clams for the experience, the civic license provides the ability of a group of less than 20 individuals to collectively harvest up to 1 peck once per season. The license would have to be approved by the Warden and would be valid for 3 days upon issuance. There would be no fee for the license and the group would have to let the warden know where they will be digging.
   Warden will ensure that the group meets all requirement of licensure and understands where clams can be harvested and how to check to ensure that flats are open.

Committee discussed this change and approved the language. Judy will run it by Nat and we will vote on the change at the next meeting.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE
Review language with Nat	Judy	2/7/23

3. DISCUSSION **Survey Dates**

Date	Low Tide	Tide Level	Meeting Time	Meeting Location	Survey Location
April 29	1:28 pm	+1.4	10:30 am	Winslow Park	Lanes Island
May 13	12:23 pm	+0.1	9:30 am	Town Landing	Middle Cousins
Sept 9	1:48 pm	+1.9	10:30	Town Landing	TBD

Survey dates were approved by the committee. We will set the location of the September survey at the June meeting. But the date and time and meeting location will not change.

ACTION ITEMS	PERSON RESPONSIBLE	DEADLINE

OLD BUSINESS none

Write a letter for planning board regarding docks. – Judy will work on this but has not done so yet.

Calendar: Last month we include a sample yearly calendar. Committee will review and we can add it to the agenda in April.

Conservation Points: The committee further discussed the implication of green crab trapping. There was some thought that this activity is not equivalent to doing a survey and that the method for determining the collection has not gone smoothly and should potentially be dropped from the approved activities.
Also discussed was adding an requirement that people participate in 1 survey each year in order to collect any other conservation points. This recognizes our need to have more surveys and more assistance on those surveys to better track the resource available.

Judy will write up language related to surveys and look to see if we voted to add green crab trapping as an approved activity because that never made it into the ordinance. She will also check with Nat about making that change.

We did vote to add green crabs as an approved activity, see the March 2022 meeting minutes.

NEW BUSINESS

DMR Grant program: Judy will work on a grant proposal to add an upweller to the dock and purchase seed. She will have a draft for the next meeting to review.

Next Meeting Date: March 7, 2022

Meeting will be held at the **Community Room in the Town Hall at 6:30 pm.** All are welcome and encouraged to attend.

Agenda items	**Proposed time**	**Time for discussion**
1. Review minutes	6:30	5
2. Warden's report	6:35	5
3. Landings Report/DMR responses to questions	6:40	10
4. Ordinance Change Discussion-Civic License & Conservation Points	6:50	10
5. License recommendation	7:00	30
6. Approved Conservation Activities	7:30	10
7. Review DMR Grant Proposal	7:40	10
8. Old business	7:50	5
9. New business	7:55	5
10. Adjourn meeting	8:00	

TIME ADJOURNED 8:00 pm

Town of Yarmouth
Marine Patrol
200 Main Street
Yarmouth, ME 04096
(207) 846-3333 Telephone (207) 846-2433 Fax

February 7, 2023, Shellfish Warden Committee Report

Checks range from December 13th, 2022, to February 7th, 2023.

Day Locations Checked	336
Night Locations Checked	45
Contacts Made	0
Worm Diggers	0

Incentive Program Points 2022	M: Meeting	S: Survey	RS: Regional Shellfish

Names	M 1-13
Brandy Adams	1
Stephen Demelle	1
Emily Farr	
Len Kaminow	1
Jessica Joyce	
Andrew Feeney	
Ben Tupper	
Judy Colby-George	1

Commercial Harvesters Conservation Time	M: Meeting	S: Survey	RS: Regional Shellfish

Names	M 1-13
Kevin Oliver	1
Joe Delano	

Town of Yarmouth
Marine Patrol
200 Main Street
Yarmouth, ME 04096
(207) 846-3333 Telephone (207) 846-2433 Fax

2022 Final, Shellfish Committee Report

Day Locations Checked	1062
Night Locations Checked	117
Contacts Made	4
Worm Diggers	5

Incentive Program Points 2022	M: Meeting	S: Survey

Names	M 1-4	M 2-1	M 3-1	M 4-5	S 4-10	S 5-7	M	S 9-18	M 11-1	**Total Pts**
Brandy Adams	1	1	1	1	6	6	1	6	1	**24**
Stephen Demelle		1	1	1	6	6	1	6	1	**23**
Emily Farr					6					**6**
Len Kaminow	1	1		1	6		1		1	**11**
Jessica Joyce					6					**6**
Andrew Feeney	1				6					**7**
Ben Tupper	1	1	1	1	6					**10**
Judy Colby-George	1	1	1	1			1		1	**6**

Commercial Harvesters Conservation Time	M: Meeting	S: Survey	RS: Regional Shellfish

	M 1-4	M 2-1	M 3-1	M 4-5	S 4-10	S 5-7	M 9-6	M 11-1	RS-Dec 2022	**Total Pts.**
Kevin Oliver	1	1	1	1	6	6	1	1	1	**19**
Joe Delano									1	**1**

Green Crabbing	7-21	7-23	7-27	7-30	8-4	8-15	10-13	**Total Points**
James Morrill	.5	.5	.5	.5	.5	.5	.5	**3.5**

2023 Investigative Report
Yarmouth

Water Quality Station Data

2022 P90 scores for all water quality stations within Yarmouth, including stations located in Freeport which impact shared waters (Table 1 and Figure 1). Data is inclusive to 12/31/2022.

Table 1. 2022 P90 scores. Stations requiring a classification change are highlighted in red.

Station	Class	Count	Geomean	Standard Deviation	Max Score	P90	Min Date
WI034.10	A	30	4.2	0.57	300	22.8	4/4/2018
WI036.00	P	30	4.2	0.49	96	18.4	4/4/2018
WI038.00	P	30	10.1	0.98	1460	181.9	4/4/2018
WI040.00	P	30	7.3	0.62	400	45.8	4/4/2018
WI041.00	P	30	6.5	0.66	1020	46.6	5/22/2018
WI048.00	CR	30	9.3	0.71	840	77.7	8/7/2019
WI051.00	CA	30	5.1	0.52	180	24.6	5/14/2019
WI053.00	CA	30	4.6	0.54	240	23.3	5/14/2019
WI054.00	CA	30	4.4	0.58	620	24.6	5/29/2019
WI055.20	CR	30	9.4	0.71	240	76.9	5/22/2018
WI055.00	CR	30	5.1	0.7	1700	40.9	10/9/2019
WI055.50	CR	30	5.8	0.66	1700	41.9	8/21/2019
WI056.00	CA	30	3.6	0.44	56	13.6	8/7/2019
WI056.30	CA	30	2.8	0.48	280	11.7	8/7/2019
WI058.50	CA	30	4.6	0.56	140	24.6	5/14/2019
WI058.80	CA	30	4.4	0.45	42	17.3	5/14/2019
WI059.50	CA	30	3.6	0.47	152	14.8	6/4/2019
WI061.00	A	30	3.6	0.42	58	12.8	6/25/2019
WI063.00	P	30	4.4	0.5	98	19.5	5/22/2018
WI064.00	P	30	4	0.55	128	20.9	5/22/2018
WI065.50	A	30	2.6	0.3	20	6.5	5/22/2018
WI069.00	P	30	4.7	0.71	1700	39.2	6/20/2018
WI071.00	R	30	3	0.35	52	8.6	6/20/2018
WI074.00	R	30	3.2	0.49	240	13.8	5/22/2018

Investigative Stations

Table 2. Status of investigative stations.

Station	Class	Count	Comment
WI055.75	X	11	
WI056.30	X	30	activated station 1/6/23
WI059.50	X	30	activated station 1/6/23
WI060.50	X	18	

Shoreline Sanitary Survey

Yarmouth was surveyed in 2022. No new problems were discovered. An outstanding problem on Cousins Island was confirmed to have been remediated.

Pollution Sources Identified

Outstanding shoreline survey residential pollution sources exist in Whites Cove (from 2012) as well as on Cousins Island within the Prohibited areas.

Watershed Stream Data

There were no stream samples collected in Yarmouth in 2022.

Summary Conclusion

No reclassifications are planned in 2023 for Yarmouth.

Recommendations/Future Work

There are no recommendations or future work planned.

Link to Shellfish Web App Interactive Map

DMR now offers a web map showing Maine shellfish growing areas with associated classifications and P90 scores for water quality stations. Emergency closures, such as two-inch rainfall and oil spills, are also shown on this web map now. Below is a link to the interactive web application:

Shellfish Closures and Aquaculture Leases Map | Department of Marine Resources (maine.gov)

A common question over the past year is the difference in closure and reopening criteria for the different Conditionally Approved areas (CA1-CA3). Closure criteria can be found on the WI legal notice or by clicking the conditional areas on the web map. CA1 will close due to malfunctions at the Yarmouth Treatment Plant, one inch of rainfall in 24-hours, or if the treatment plant exceeds a flow rate of 1.31 million gallons per day for four hours. CA2 will close due to one inch of rainfall in 24-hours or malfunctions at the treatment plant, and CA3 closes due to malfunctions at the treatment plant. Treatment plant related closures are 21 days and rainfall related closures are 14 days.
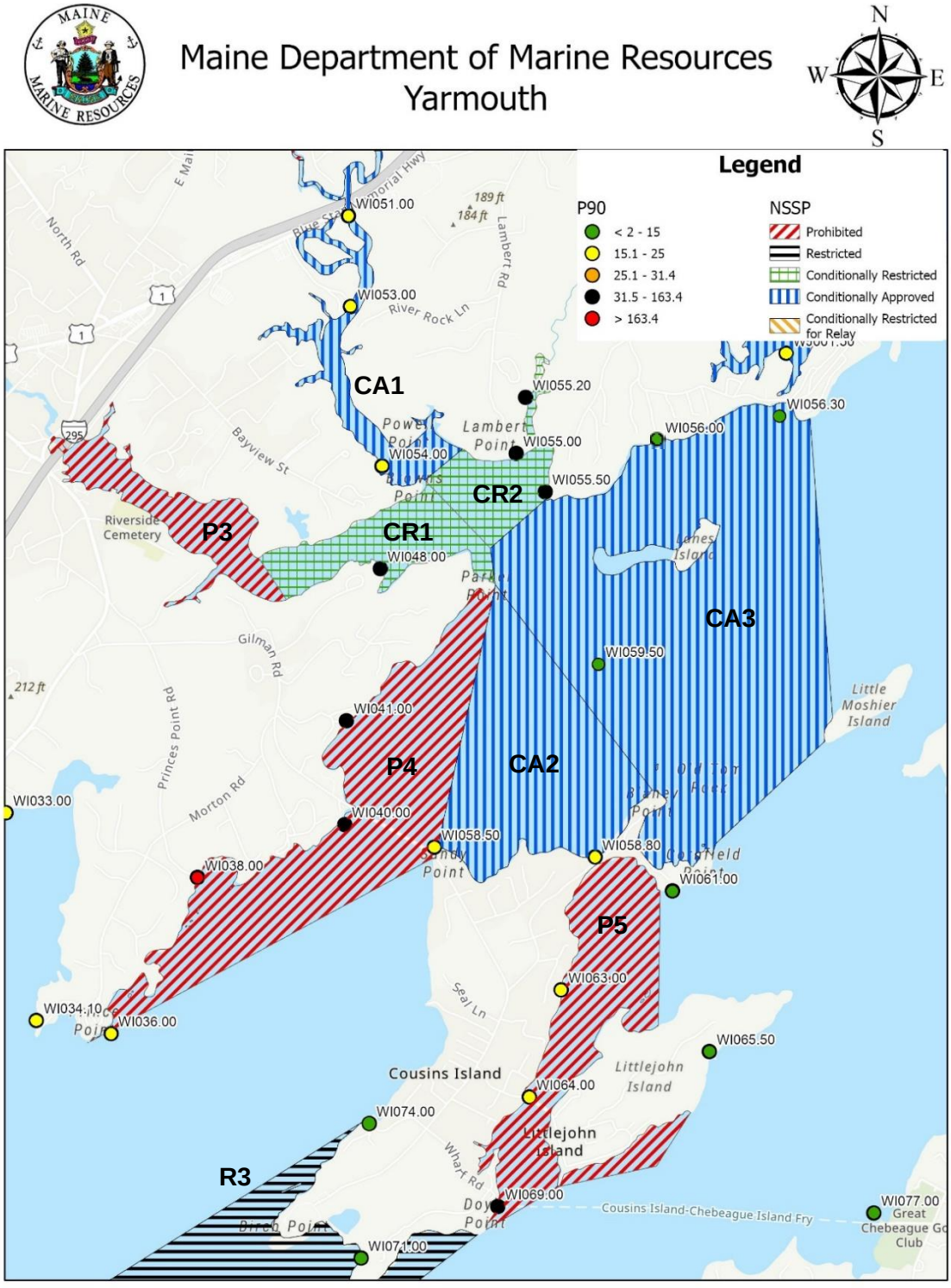
Figure 1. Yarmouth 2022 P90 scores and NSSP Classifications.