

SHELLFISH ADVISORY PANEL
November 6, 2024, 2:00PM
Hanover Public Library

In attendance:

Shellfish Advisory Panel: Robert Glenn, Chair (DMF designee); Allen Rencurrel; Jim Abbot, Amy Croteau; Ashley Randle (DAR) Sean Bowen (DAR); Bill Doyle; Nate Corcoran (DEP-Proxy); Dale Leavitt; Josh Reitsma; Renee Gagne; Ron Bergstrom; Seth Garfield; Steve Kirk (TNC); John Townes; and Paul Rep. Schmid

Absent: Alex Hay; Sen. Rebecca Rausch, Mike DeVasto; Alison Brizius (CZM); Michael Moore (DPH)

Division of Marine Fisheries: Chrissy Petitpas, Ryan Joyce, Wayne Castonguay, Jared Silva, Alex Boeri, Gabe Lundgren, Greg Bettencourt and Matt Camissa

INTRODUCTIONS AND ANNOUNCEMENTS

DMF Deputy Director, Bob Glenn, Designee for SAP Chairman McKiernan opened the meeting at 2:05PM. Bob shared that he would be chairing today's meeting on behalf of the Chair and welcomed everyone to the meeting. Bob introduced DMF staff and gave an overview of the new senior shellfish staff structure for DMF, including that Wayne Castonguay, Regional Supervisor – North will be serving as the SAP Coordinator and Matt Camissa, Regional Supervisor- South will be serving as the liaison to the MSOA on behalf of DMF going forward. Bob asked if there were any opening remarks that Panel members would like to give.

REVIEW OF NOVEMBER 6, 2024 BUSINESS MEETING AGENDA

Bob led an overview of the agenda and asked if the Panel had any changes to make. No changes to the agenda were requested.

REVIEW AND APPROVAL OF MARCH 18, 2024 DRAFT BUSINESS MEETING MINUTES

There were no amendments to the November 20th business meeting minutes.

Bob Glenn requested a motion to approve the March 18, 2024 business meeting minutes. Ron Bergstrom made a motion to approve the meeting minutes. Dale Leavitt seconded the motion. A roll call vote was taken, and the motion passed 14-0.

Working Group Updates

Wayne Castonguay shared that work group member Mike DeVasto, who was originally going to present the update on behalf of the License Transfer Work Group, could not attend the meeting at the last minute so will provide the update. The workgroup met last

week and focused on the Municipal Aquaculture Survey that was developed and Commissioned by the Group. He reported that all 34 municipalities with at least one aquaculture farm responded and thanked group members for nudging the towns to respond such that we were able to achieve 100% participation. Wayne presented a few slides on the survey results and focused on the transfer-specific response data. He mentioned that the full survey results were provided to the Panel in their meeting packet and there was a general discussion about its results. Wayne recognized Alex Boeri who compiled the results and produced the report.

Work Group Dale Leavitt commented on the survey results and said a next step is to compile and summarize all the municipal regulations which would be packaged as a resource for other Towns. Chrissy Petitpas asked the two Shellfish Constable members of the Panel what they do about deceased license holders? A discussion ensued. Ron suggested a good practice would be to require that a designee be listed on the application. Seth asked if it was a goal to produce a best practices manual but Dale clarified that the vision is for it to be more of a resource guide for municipalities rather than to recommend specific guidance.

Bob explained that the Hatchery Work Group has been dormant and asked the SAP if they felt the need was still there out there for the group to tackle this issue. There was a consensus yes. Bob asked what would be the desired charge for the work group? Bill Doyle suggested that Chloe serve on the group. Dale stated that the remaining two hatcheries in the State were now under a single ownership. Josh felt there was still a large demand for seed and there was a need for more resiliency in the seed supply as well as a supply for the restoration sector. Bill made the point there was a lot of hatchery failures in recent times which could put farmers out of business. Also, there is a lack of large seed due to risk of keeping it too long and Chloe mentioned that hatchery costs of production are rising considerably. Seth stated there should be more regulatory flexibility to increase the pool of seed suppliers. Bob stated that DMF would stand up the group. Josh, Chloe, Bob, Bill were suggested as members.

Dale asked about the status of the bulk tagging workgroup. Bob shared that MFAC identified issues with going forward and felt the compromise to allow grower-dealers to bulk tag was as far as we should go. There is particular concern over expansion to others due to the complexities of implementing recalls. Dale suggested there could be work-arounds to the identified issues and Seth stated that the pilot program went well. Chrissy stated that it is no longer a pilot and is now an allowed activity for grower dealers.

Bob asked if the Panel saw a need for other work groups. Amy suggested Green Crabs which are a big issue statewide now. The issue was discussed at the last MSOA meeting and asked if the DMF's bounty program on the North Shore could be expanded. Because it is currently limited to the great Marsh communities by earmark, the legislation would need to be amended and more \$ would be needed. Bob suggested that there could be a sweet spot between the limited bounty and marketing the crabs to make it worthwhile for trappers as the bounty of \$0.40/lb. Isn't enough on its own to incentivize trappers. Wayne suggested that he check with the North Shore Green Crab workgroup led by Senator Tarr could function as an SAP workgroup of sorts as they

have been working on the issue for years and were quite advanced. He will check with them at their planned December meeting and report back to the SAP.

RE-CLASSIFICATION OF GROWING AREAS SURROUNDING WASTEWATER DISCHARGES

Bob Glenn turned the floor over to Matt Camissa who provided the Panel with a presentation regarding the re-classification of Growing Areas surrounding wastewater discharges. Matt began with a refresher on the NSSP rules which mandate size of the closure zones and updated the Panel regarding the Buzzards Bay situation in the New Bedford area. As a result of the re-classification of the New Bedford WWTP outfall, as well as the impacts of the closure zones around the CSO's due to the new CSO notification system, aquaculturists and wild harvesters in adjacent Dartmouth and Fairhaven areas are being impacted severely. Matt presented the number of days lost to these harvesters thus far in 2024 and clarified that the mandatory closure zones are required for any type of sewage discharge not just outfalls. Due to the increased use of Male-specific coliphage (MSC) indicator by DMF, the required closures can be reduced from 21 to as few as 7 days following a discharge or plant upset. Matt shared that only DMF's Newburyport laboratory is currently certified to run the MSC test but that its New Bedford and Gloucester laboratories are pursuing certification as well to limit impacts on harvesters. Matt shared the statewide situation and that the Ipswich and Dartmouth WWTP's are being modeled now which will be followed by the remaining plants in Buzzards Bay. He expects the closure zones to increase in all cases as the current zones have typically been shown to be too small to comply with the numeric standards now used by the NSSP.

Representative Schmid asked what DMF needs to reduce the length and breadth of these closures. Chrissy Petitpas responded that two additional staffers would really help increase capacity to conduct the additional testing and support needed, one for the laboratory and another aquaculture program staff. Josh Reitsma reported on a pilot study to deploy sensors that would collect real-time water quality data on fecal coliforms. The sensors are being deployed and will require extensive validation to determine if they can produce reliable data as compared to laboratory analysis. Such sensors could help make the case where the effluent from sewage releases is actually going in order to better fine-tune closures, both for continuous discharges such as WWTP outfalls and discrete such as CSO's or sewage spills. Timing of the validation is yet unknown as each sensor needs to be calibrated into the specific area it is located in. It is hoped that up to 8 sensors will be part of the study and they could become operational some time next year.

Bob provided clarity on the difference between closures around WWTP outfalls and CSO's and that the SMAST modeling is only being used for WWTP outfalls. Seth asked if we could reduce the 7 day minimum closure period through testing or modeling and Chrissy indicated that 7 days is a mandatory minimum for areas impacted by sewage but that we could possibly reduce closures by determining that areas are never actually impacted by the discharge in the first place such that the requisite dilution needed could be obtained elsewhere. Dale shared how devastating the impacts have been and

questioned the necessity since he's been farming since 1987 in the area without a reported case of illness. A discussion ensued about the costs of remediating CSO's. Chrissy explained that only 5 of the many CSO's in the New Bedford area account for the largest impact so addressing just those 5 could be a priority. Mike Demeo commented on the Scituate/Marshfield closures which were the first in the State to be re-classified due to the new criteria. Some areas have been allowed to re-open due to the model outputs showing that most of the effluent goes offshore.

NEW SHELLFISH RESTORATION PROGRAM

Panel member Steve Kirk provided an update on a new Statewide coastal habitat restoration program being funded by the Natural Resources Conservation Service (NRCS) which is a part of the FDA which supports farmers to implement conservation-minded practices in their operations. The program, which will initially focus on oyster reef restoration will also include sea grass and saltmarshes. The program will map the entire state for site suitability to create a pipeline of projects and will implement a minimum of 5 oyster restoration sites during the grant period. The funds will go to the Nature Conservancy (TNC) who will contract with DMF to support a new shellfish restoration specialist. TNC has already hired their program manager and DMF is interviewing now for their position. Both DMF and TNC will provide a more detailed presentation on the program at the SAP's next meeting once the program is up and running. Steve stated that this initiative is a direct outgrowth of the Massachusetts Shellfish Initiative's Strategic Plan which called for such a program, and TNC's existing expertise in this area citing active projects in Mashpee, Fairhaven, Edgartown, Bourne and Wareham. Bob shared this program will also support the Commonwealth's new Biodiversity Initiative created by an Executive Order.

MEDIA COVERAGE OF SHELLFISH-RELATED ILLNESS CLOSURES AND ISSC UPDATE

In an effort to save time and get back on track, it was suggested to postpone both of these issues until the next meeting as they were not time sensitive.

MSOA UPDATE

Amy Croteau and Renee Gagne gave an update on the recent MSOA meeting. Renee recognized DMF for the recent letter sent to municipalities on the expectations and critical role that local Shellfish Constables serve. Renee felt that the letter had impact and will be a good foundation to build upon to help strengthen these important roles in municipal government. Renee also reported on the Constable Course subcommittee which she serves on. A goal of the committee is to establish a professional certificate program for the course, perhaps in conjunction with Cape Cod Community College. They are also working on funding for such a program. Amy added that green crabs are an increasing concern for Constables. There is interest in expanding the current bounty program in the Great Marsh funded via legislative earmark to statewide. It was suggested that the green crab problem could be worthy of its own SAP Work Group. Wayne Castonguay opined that the existing North Shore Green Crab Task Force, which has been studying the issue for years and is quite advanced could be a de-facto work

group. He will attend their December meeting and seek to get this item on their agenda and report back to the SAP.

AGENCY REPORTS

Ashley Randle provided a DAR update and started by stating that aquaculture has been fully integrated into their agency. She explained two grant programs that could help to support aquaculture: the Food Security Infrastructure program and the Agriculture Food Safety Grant Program. She also highlighted the new Division of Food security and announced its new director who has lots of aquaculture experience which should be a boon to the industry. A discussion of the upcoming environmental bond and workforce development programs and how aquaculture could leverage these ensued. DAR also manages the State's Aquaculture Center contracts so is another means of support. Dale was recognized as a member of the MA Agriculture Board which will help to ensure that Aquaculture is front and center in the department.

There was no DPH report as a last-minute conflict prevented both Michael Moore and Eric Hickey from attending the meeting. Nate Corcoran who is the DEP designees and new to the SAP gave a DEP update. Phase 6 of the Statewide eelgrass mapping project is now complete having finished the South Coast area which is now up on MassGIS. Also, the new stormwater and Land Subject to Coastal Storm Flowage (LSCSF) regulations are now finalized. The agency is referring to these as the resiliency regulations. DEP is now focusing on streamlining its regulations for ecological restoration with a focus on saltmarsh and cranberry bogs. Ron Bergstrom asked about eelgrass trends in Pleasant Bay and Nate stated that some of that analysis is still underway.

DMF SHELLFISH PROGRAM UPDATES

Wayne began a slide show of DMF updates by item as follows:

Staffing Updates

Wayne showed a slide with 8 changes to DMF shellfish program Staff since the last SAP meeting in March – a combination of new hires, retirements, and new roles. He showed a statewide map of which growing areas were assigned to which staff which will be shared as a resource for the SAP.

Shellfish Landings

The statewide landings and value for inshore shellfish was shown for the last 7 years. It was noted that most wild harvest fisheries showed a downward trend which should be a topic for a future SAP meeting. Soft-shells are of particular concern as the landings are in steep decline, a trend which is occurring range-wide.

Status of Newburyport Depuration Plant & Fishery

Wayne provided an update since the extensive presentation given at the March meeting. The study that was commissioned to investigate the cost of restoring operations to the storm-damaged plant and on the resiliency of the site where the plant

is located was summarized. Good news was that an appropriate seawater source was found and that the plant could be brought back online for roughly \$714,000. The bad news is that the site is extremely vulnerable now that the primary dune, which formally protected the building is gone. The study concluded that the plant is likely to flood on an annual basis and will have to be abandoned within the next 25 years due to ongoing erosion and sea level rise. He then went on to show a slide of Boston Harbor where much of the areas currently requiring depuration are now clean enough to go directly to market precluding the need for depuration at all. He shared that the trend away from moderately contaminated waters towards either being prohibited or open is happening statewide. The cost in plant repairs, when coupled with the uncertainty around the resiliency of the site and the steep decline in the depuration harvest makes it hard to justify re-opening. DMF has scheduled a meeting for November 18 with stakeholders to discuss the future of the fishery and plant operations.

Off-Site Culling at Wholesale Dealers

Chrissy updated the panel on the ongoing issue of off-site culling. An unusual opportunity arose during this year's FDA audit to view the pilot project in action at Dave Ryan's facility. FDA staff were in agreement that this activity didn't constitute off-site culling per the NSSP rules and was more of a grading activity so was allowable provided all other NSSP and HACCP requirements were met. The challenge lies in the details about documentation relative to shellstock being handled appropriately and going back to the original grant area. Another issue is the need for appropriate DMF permit endorsement to cover such activity. Bill asked where the transaction slip comes into play? What about seed rules? Chrissy stated that all of the program requirements still have to be followed. Is this a way to circumvent rules? Jared Silva indicated that seed doesn't really come into play and it's mostly about the big ugly's being resubmerged. Seth stated that it's really no different than dockside culling. Chrissy noted that the 2-hour chilling requirement limit needs to include all the cumulative steps.

FDA Annual Audit

Wayne summarized the results of the two-part 2024 audit by FDA: the Risk Assessment Risk Management (RARM) review and the Program Element and Evaluation Review (PEER). The RARM evaluates all harvest/farming-related activities and oversight whereas the PEER focuses on growing area classification. Alex Boeri summarized the RARM results. Was generally good compliance with the exception of a major violation attributable by one harvester. Alex also noted a bird deterrence on floating gear violation observed by FDA staff and used this opportunity to enlighten the Panel on a *campylobacter* outbreak and extended closure in Lewis Bay this year. Wayne presented a slide with the PEER results which had two deficiencies noted, as well as several emerging issues. The two deficiencies have been long-standing, and one was just about resolved. Each of the emerging issues have already been addressed.

Surf Clam Geofencing

DMF is proposing a new way to deal with the long-standing inshore closure lines for commercial dredging based on contour lines which are difficult to enforce. Jared presented on a new system which will utilize a vessel tracking system based on a geo-located "fence" which will let the operator know when they are violating the line, as well as regulators. When coupled with the new DMF statute that does not consider fishing as

an activity regulated under the Wetlands Protection Act, this should address many long-standing issues with the fishery. The program is still being questioned by certain municipalities and there will be additional areas that can be added to the off-limits areas such as prohibited areas, etc.

OTHER BUSINESS

Due to another meeting scheduled in the room, Bob suggested that other business could be tabled and/or dealt with electronically following the meeting. At 4:40PM, Ron Bergstrom moved to adjourn the meeting, seconded by Renee Gagne; Roll-call vote was unanimous.

ADJOURN

Chairman designee Glenn adjourned the meeting and wished everyone safe travels

MEETING DOCUMENTS INCORPORATED

- November 6, 2024 SAP Business Meeting Agenda
- March 18, 2024 SAP Draft Business Meeting Minutes
- Municipal Aquaculture survey results
- Shellfish Statistics Update