



Shellfish Advisory Panel Meeting Summary

November 16, 2017

Hanover Public Library ~ Hanover, MA

Attendance

Panel Members: JC Johnsen, Paul Bagnall, Bill Doyle, Chris Southwood, Amy Croteau, Alex Hay, Anthony Murawski, Steve Kirk, Diane Murphy, Mike Trupiano, Monte Rome, Allen Rencurrel, Ron Bergstrom, Anna Priester (proxy for Chris Sherman)

Division of Marine Fisheries Staff: Dan McKiernan, Mike Hickey, Jeff Kennedy, Tom Shields, Greg Sawyer, Chrissy Petitpas, Kevin Creighton, Story Reed, Jared Silva, Chris Schillaci, Kevin McGowan, Greg Bettencourt, Jim Rossignol, Nichola Meserve

Other: Steve Wisbauer, Sean Bowen, Jen Bender, John Verissimo, Melissa Sanderson

Call to Order

Deputy Director and Panel Chair Dan McKiernan called the meeting to order. He noted that this was the seventh meeting of the Shellfish Advisory Panel since its inception in 2014. Today's agenda was developed to address emerging issues identified by Division staff or Panel members. Introductions were made. Dan commented that the Panel members come from a diverse array of backgrounds, which strengthens the Panel and also speaks to the variety of shellfish issues that Division staff deal with. He thanked the Panel members for their attendance, as it improves the Division's management of shellfish in the Commonwealth.

ISSC Biennial Meeting Outcomes

Dan invited Shellfish Program Manager Mike Hickey to speak to the outcomes of the ISSC Biennial Meeting, held October 14–19 in Myrtle Beach, SC. Dan noted that Mike, Tom Shields, Jeff Kennedy, Chris Schillaci, and Diane Regan had all attended the ISSC Meeting, and that the Division had invited Panel members to a conference call in advance of the meeting to understand the Division's positions on proposals before the ISSC.

Mike reported that the ISSC had had 81 proposals before it, 24 of which were initially introduced in prior years and had been sent to committee, and the rest (57) were new. Proposals are generally assigned to one of three Task Forces: Task Force I addressing classification/labs patrol; Task Force II addressing processing/distribution; or Task Force III addressing conference administration. He explained that the

General Assembly can take one of three actions on each proposal: accept it as written or modified by a Task Force; send it to committee for further consideration; or take no action. All conference actions are reviewed by FDA to determine FDA concurrence based on federal statutes, regulations, and policies. The FDA must notify the ISSC in January 2018 of any non-concurrence with ISSC actions and provide the reasons. The ISSC's recourse is to try and work out differences with FDA, or disagree with FDA and send the proposal to an appropriate committee for further refinement. Mike then addressed a few proposals of importance.

Marina vs. Mooring Area Classification

Proposal 17-100 addressed the definition of "marina" for shellfish growing area classification. The proposal, submitted by DMF, sought to clarify the definition of marina and not include mooring areas. All marina areas are required to be closed to shellfishing when the marina is open, but mooring areas have been exempt. It has been left to the better judgement of states to determine when mooring areas need to be closed to shellfishing given the wide variety of characteristics within mooring areas. As of late, FDA has been putting pressure on states to apply the marina area restriction to mooring areas. While some states have buckled to this pressure, DMF has not because our water quality monitoring within mooring areas has not detected a consistent problem; rather we temporarily close mooring areas when water quality monitoring indicates the need. Our stance was subject to FDA criticism during our last classification review.

DMF's opinion was that FDA should file a proposal to the Model Ordinance if they want a change, rather than subject states to a new interpretation. FDA did not file a proposal, so MA and NY did. Our proposal was roundly supported and adopted by the Task Force reviewing it. However, FDA then made it clear that they would not give concurrence. Mike had then conferred with NY and the ISSC Executive Director, which resulted in the Task Force reconsidering the proposal and sending it to committee in exchange for a commitment from FDA to not enforce the application of marina restrictions to mooring areas in the interim (essentially providing a two-year reprieve). Mike felt that DMF's opinion would prevail in the end. Dan clarified that a revised proposal was expected to return to the ISSC at its next Biennial Meeting.

Ron Bergstrom commented that there were big implications on the Cape if DMF does not prevail, and DMF should make these known to FDA. He felt that FDA was not considering all the information in making its finding. Mike responded that DMF has very good statistics on mooring areas and fully understood the potential impacts. He agreed that FDA had conducted an armchair exercise, and that the ISSC wanted real data rather than assumptions to be the basis of any decision moving forward.

Dan asked if coastal towns may need to limit activities in mooring areas in the future. Mike responded that it could come to that, e.g., recommendations on how many boats to allow and where to put them.

Paul Bagnall commented on the impact to anchorage areas as well as mooring areas. He described how Nantucket had been very deliberative about its placement of boats in anchorage areas to avoid issues, and he would be very disappointed if FDA won this issue.

Greg Sawyer shared one example of the devastating impact that FDA's current stance would have: Wellfleet is presently subject to a 10–15 acre seasonal closure, which would be extended to about 400 acres if the marina definition also applied to mooring areas.

Monte asked whether FDA is collecting samples or basing this on theoretical concern. Mike responded that risk assessment is part of it. FDA has pointed to the risk of norovirus in particular.

Re-Submergence Protocols

Mike moved on to Proposal 13-209 which a committee had been dealing with for over four years. The issue had become contentious leading up to the ISSC Meeting, with differing opinions as to what activities fell under the definition of “re-submergence”. The proposal addresses pre-harvest activities used by growers as part of their culture techniques (e.g., off-site culling, winter dry storage, drying for anti-fouling control), with regard to time-to-temperature requirements for Vibrio. The adopted proposal was based in part on MA’s plan, and allows these activities with an adequate period of re-submergence to return Vibrio to background level prior to harvest. Mike summed up the ISSC action as a win for us.

Sources of Seed for Aquaculture

Mike highlighted one additional proposal addressing sources and sizing of seed for aquaculture. After over four years of debate, a new aquaculture chapter within the Model Ordinance was passed, which DMF staff had a large part in crafting language for. Three items of note included: the required time for seed grown in Prohibited waters to be held in Approved waters was reduced from six months to four months; states are required to define the maximum seed size for holding seed in less than Approved waters; and operational plans are required for mitigation at any operation deemed to be a bird or mammal attractant.

Other Proposals

Due to the time it would take to review all the proposals, Mike brought the Panel’s attention to his memo on this subject, which summarized several other proposals but also provided the website to find ISSC actions on all proposals. He encouraged Panel members to call Shellfish Program staff with any questions.

Surf Clam/Ocean Quahog Dredge Fishery Issues

Jurisdictional Challenge Update

Dan began the discussion by recognizing that DMF is overdue on taking a hard look at how the surf clam and ocean quahog fisheries are managed. The recent significant court case about jurisdiction provided a good opportunity to start the discussion.

Dan reviewed the fisheries’ management background, including how DMF assumed surf clam/ocean quahog management in 1982 through a legislative change that had been acted on very quickly. This was prompted by the Town of Provincetown charging a vessel with operating illegally off the Town’s coast. DMF had instantly enacted some discrete closure areas, the dredge size, and a daily trip limit. Ten years later, DMF established limited entry. About 25 years later, Provincetown began making arguments about the fishery being problematic with regard to habitat damage, effects on groundfish, etc. DMF disagreed with many of the town’s stances, and suspected that the real issue was gear conflict between lobster divers (illegally) placing “casitas” (lobster shelters) on the ocean floor, and the dredge boats that inadvertently caught them. Some of these stakeholders convinced their selectmen to ban hydraulic dredging.

About eight years later, several boats went in. DMF’s view was that the area was open, but the boats were cited by the town. It took about two years to get the court decision. The judge threw out the town’s ban, but because there is nothing in DEP’s regulations saying that a town can’t control dredge

fishing as a dredging activity, the judge ruled that the Wetlands Protection Act could still be applied to require a permit. DMF considered this to be a horrible outcome, based on the town misapplying the dredge definition, and that it could snowball into other towns and other gears. A legislative amendment is likely the only course for correction now, which would have to be initiated by the Governor's office or a legislator. For its part, DMF is willing to aggressively manage the fishery. Dan noted that MSOA had written a letter to DMF with copies up the administrative ladder asking for a legislative fix. This was getting some attention and widening the issue so that others understood this is not just a Provincetown issue.

Ron opined that sea clams within 3 miles of town are better off regulated by local communities. Dan referred to that as "balkanization", if towns limited fishing activity to residents only. The nature of the fishery is that it cannot sustain repeated continuous pressure, which is why the fleet moves around.

Mike Hickey reflected on the Division's activity leading up to the 1982 legislation. The agency had tried to get a single set of regulations and permit requirement for Cape Cod Bay, but leave further management under town control. This had nearly happened but then two towns pulled out, and within two weeks, the legislation passed. He recalled that Chatham had petitioned DMF to set aside an area for small boat users.

Ron asked for clarification as to whether the court had given management jurisdiction to the towns. Mike responded that DMF still has the authority to manage the fishery, but the court had given towns jurisdiction to regulate dredging activities under the WPA. Dan added that he believed DEP to have the authority to resolve this, but the agency wasn't willing to do so on its own (i.e., without legislation). Ron and Dan noted that a legislative effort would provide towns the opportunity to weigh in.

From the audience, Steve Wisbaur pointed to the parking lot erosion at Herring Cove being a possible consequence of dredge fishing activity. Dan refuted this idea, noting significant beach erosion that occurred in Sandwich without any dredging activity occurring there. More effort was being put into looking at the area, the level of compaction, etc., which was endorsed by the National Park Service.

Monte Rome provided an update on activity from the captain of the boat conducting experimental fishing as part of the Herring Cove fishing impact study. He had worked three areas, catching about three bushels, and was surprised by how little the sand had to be disturbed to get them. Video showed little apparent damage to the bottom. The catch included a variety of year classes suggesting a healthy stock.

Steve Wisbaur asked for a potential timeline on the legislative effort. Dan reiterated that it was out of DMF's control and he wasn't sure if it was gaining traction yet. He noted that the election cycle could make for little appetite for a change now.

Diane Murphy expressed concern with the judge's ruling and possible unintended consequence for aquaculture (should a town argue it disturbs the seafloor).

Paul Bagnall expressed frustration with the ruling, noting past studies had found dredge gear to have temporary and minor impacts to the seafloor.

Time/Temperature Requirements

Mike explained that the move to tighten up time/temperature controls was spilling over into the surf clam fishery given emerging markets for uncooked or partially cooked product. Surf clams have been exempt from the controls when going to be a cooked product. The FDA had advised that raw products need to be subject to time/temperature requirements with no exceptions. Now heading into the cooler months of the year, Mike suspected we wouldn't have a non-compliance issue until May or so. While some of the bigger offshore boats have recirculating seawater systems which would be in compliance, smaller boats and some larger boats without this gear would face a challenge. Thus DMF had asked the ISSC to put together a group to start looking at this problem. It is a growing industry in MA and needs to be addressed appropriately to satisfy FDA concerns. DMF will have several staff members on the committee to address this emerging issue.

Monte commented that the use of raw surf clams in Japanese cuisine is not new. Mike agreed but said the industry had been operating under the radar. Monte added that there were no reports of problems with the product in its raw form for 30 years. He suggested that the FDA was looking for a problem that is not there. Mike responded that FDA's interest is to reconcile the federal regulations with what is going on in the fishery, and all parties acknowledge the need to find a mutually-acceptable solution by May.

Allen Rencurrel explained that the state waters boats take shorter trips and mark the last few cages to be used for fresh product. He figured that it is the larger boats that fish farther afield and have longer trips that have more trouble with fresh product. Monte agreed that there wouldn't be a one-size-fits-all type solution. He preferred the variance process to better tailor solutions to each involved vessel. He emphasized the need to make the new ISSC group aware of how this fishery is different, how the product is different, and how there have been no health issues to date. Mike acknowledged that the temperature matrix was not well suited for surf clams, and that the group would focus on practical solutions to enable the fishery to continue without undue hardship.

Small-scale Fishery Development

Perhaps related to the emerging markets and potential for higher prices for sushi-grade product, Dan indicated that DMF had received a request to consider a new permit for a small-scale or part-time fishery. This and other issues would be part of future discussions with industry.

Plymouth Gear Conflict

Dan described the dredge boat/lobstermen conflict that arose earlier in the year after unusual summer-time dredge fishing activity in an area off Plymouth that was densely set with lobster traps. A compromise could not be brokered, and DMF opted to temporarily close the area to dredge vessels by emergency authority to ameliorate the increasingly volatile situation. DMF will continue to deal with this issue as lobstermen are asking for a permanent closure.

Eel Grass Avoidance

Dan remarked that eel grass beds could be the Achilles heel of the surf clam fishery without adequate avoidance measures (e.g., the Provincetown officials' rationale for closing the area off Herring Cove to the dredge fishery was in part based on allegations of damage to eel grass beds). DMF's strategy is to continue conducting surveys for eel grass and provide the coordinates to the industry to avoid them. He believed this to be a mutual interest of DMF and the industry. Future permit conditions or regulations should be expected.

Seasonal Closure Areas

Dan explained that DMF plans to consider replacing the use of the 10' and 20' contour lines for delineating the seasonal closure areas with fixed point coordinates. This makes sense with the commonplace use of GPS technology.

Electronic Vessel Monitoring Systems

Dan indicated that DMF was looking into VMS technology for the surf clam vessels as a means to monitor/enforce compliance with areal fishing restrictions (e.g., eel grass beds, state vs. federal waters). It had also been suggested that DMF could lift the night closure if VMS was in place, although this idea was expected to be heavily opposed by fixed gear fishermen. DMF planned to look more into available technology.

Dan invited questions on any of the surf clam/ocean quahog dredge fishery issues.

Monte expressed some concerns about the interest in a new small scale fishery for a fresh market. Dan committed DMF to getting input from the industry before making any changes to the permit structure.

Jared Silva brought up an email that Allen Rencurrel had sent to the Panel proposing a minimum bar-spacing requirement. He said that DMF planned to take public comment on this in an upcoming round of hearings.

Vibrio Update

Vibrio Illness and Research Activity Summaries

Aquaculture and Vibrio Specialist Chris Schillaci began his presentation with a reminder of the regulatory changes enacted in 2016 (and held status quo in 2017), including the one-hour-to-ice requirement in certain risk-prone areas and times. The 2017 VP plan was in effect May 19–October 19.

Regarding the illness count, there were 14 sole source cases, two MA multi-source cases, and five MA/other state cases. The sole source cases included: two in Duxbury/Kingston/Plymouth; one in Barnstable; two in Dennis; one in Brewster; one in Orleans; two in Wellfleet; two in Chatham; and three on the Vineyard. Chris reflected that the high frequency of cases from Eastern Cape Cod Bay may be related to the hydrography. One closure was enacted for Katama Bay during September 29–October 13, made necessary by two illnesses on the same day. DMF also continued the program for Katama Bay that relocated approximately 40% of the area's product to an off-shore area for two weeks prior to harvest. The cases generally occurred July 1–September 15, with peaks in early July (CCB generally) and early September (islands generally).

Chris stated that compliance with the Vibrio Plan had been good overall, with the exception of one significant issue. No permit sanctions occurred related to Vibrio. It appeared that industry had adopted the rules and was comfortable with them.

On the research front, Chris indicated that DMF is still trying to understand what environmental conditions predict virulence and determine risk. The pathogenic strain ST36 was still causing most illnesses, despite rarely being found in background environmental samples. Temperature changes (air and water) were also being investigated for links to the illness count. Total vibrio count does not correlate. Chris was working with UNH on gene testing for the pathogenic strains as a future mechanism to identify risk. Other work suggested that the pathogenic strains grow faster.

The Division continued studying the effect of re-submergence of oysters. Past work had led to a decrease from 14 days to 10 days for required re-submergence time. Chris hoped this could be lowered still (perhaps to seven days). There are some site to site differences in turbidity that may affect purge rates.

Another research effort focused on validating how long oysters from Katama Bay need to stay in the offshore area for the transplant program (currently requiring 14 days). While transplant programs are common practice on the west coast, Chris noted that the Katama Bay program was not without challenges, e.g., traceability, gear conflict, physical limitations.

Dan asked Chris how most of his research was being funded. Chris replied that it is primarily through an ISSC grant, with sufficient funds to cover one more year of sampling. He added that funding was becoming increasingly competitive.

Bob Wallace inquired about potential changes to the Vibrio season. Chris replied that additional late season illnesses could prompt an extension of the season. He added that there is some evidence to suggest that the shoulder seasons are more challenging, because the non-native more virulent strain does well in cooler water, and can outcompete the native strains at those temperatures.

Ron asked about the effect of tides on illness occurrence. Chris responded that illnesses appear more linked to the oysters present in an area rather than the area itself. We have some areas that would seem to be higher risk due to prolonged exposure and higher temps, but illnesses are not occurring there.

Monte wondered if varying susceptibility among oyster consumers is part of the equation. Chris indicated that it's a factor, but the strain of vibrio appears to be the dominant driver.

Bill Doyle asked if triploid vs. diploid was considered. Chris indicated that growers are asked if they know during the interview that follows an illness. There is a theory that ripening animals are taking energy away from other functions (like pumping). Diane Murphy added that shellfish with Dermo or other illnesses could also have reduced pumping ability.

Paul Bagnall questioned why the virulent strain was affecting oyster harvest but not quahog harvest from Katama Bay. Chris replied that it may have to do with the gut contents of the type of shellfish (if more variety, the virulent strain has more competition).

FDA/ISSC Vibrio Workshop

Chris reported on this workshop that he was asked to attend (along with MA DPH staff) to present a MA perspective and lessons learned on Vibrio management. The workshop helped identify inconsistencies in how states investigate illnesses (how quickly, who does it); inconsistencies in how states report illnesses; and inconsistencies in how states report landings to ISSC (important to identifying risk per serving). It was acknowledged that the lag in illness reporting continues to impact closure/recall effectiveness. New methods for risk detection were discussed as having management potential for the future.

2018 Outlook

Chris informed the Panel that there were no proposed regulatory changes for the 2018 Vibrio season. DMF is planning industry meetings for the early spring, and will continue its vibrio research as funding allows. Chris turned to the Panel for questions.

Mike Trupiano asked if there was any relation between illness and seed source. Chris replied there was not; for example, Katama Bay harvesters are using seed that is being used elsewhere without illnesses.

Alex Hay asked if DMF has considered preemptive measures to continue the vibrio season based on environmental conditions or other factors. Chris replied that this was challenging without a clear link between illness risk and any specific conditions, but that DMF was considering how to adopt the start and end dates in the regulatory rewrite.

Bill asked if DMF has considered requiring that all oysters be delivered at 45 degrees or less, year-round. Chris said it was something to consider but acknowledged it wouldn't be without challenges. For example, oysters could be harvested and handled in perfect compliance with the plan and yet not be on ice long enough to get to temperature.

Bill then relayed his frustration with a Mass. Department of Agricultural Resources (MDAR) decision to exclude aquaculture from a grant funding program for improved food safety. He suggested that DMF pursue an MOU with MDAR to return that funding source. He noted that his discussions with the DFG and MDAR Commissioners led him to believe they wanted to fix this.

Sean Bowen, of MDAR, responded. The Agriculture Food Safety Improvement Program came into being via legislation prior to the Vibrio regulations, and MDAR had included aquaculture. MDAR's thinking now is that the industry has had several years to get coolers and adapt to time-to-temperature requirements, and that terrestrial aquaculture needs the funding more now. He noted that MDAR does have several other grant programs that would include aquaculture as potential recipients. Dan McKiernan suggested that MDAR consider attending a MA Aquaculture Association meeting and present on available funding sources.

Bob Wallace remarked how even little changes to the icing requirement would alleviate industry burden, such as allowing 3 hours to ice at the beginning of the Vibrio season because of lower risk then. He hoped DMF research would support this in the future.

Chris assured him that DMF is trying to make any improvements based on its research. He hoped to see a situation where is the temperature is below a certain threshold, the Vibrio controls would not be in place. The requirements should be based on risk. It's not a requirement to eliminate all illness. Monte suggested that some getting sick are just more susceptible. Chris added that the risk per serving needs to be below 1/1000, and we are not there yet.

Bill suggested that mislabeling of oysters at retail could be another problem. Chris responded that we'd be able to catch that if an illness arose through tracing it back to the harvester.

Aquaculture Update

Chris moved on to provide an update on 2017 aquaculture activities. Aquaculture in MA remains focused on oysters, but diversification is occurring, with additional interest in bay scallops, surf clams, and others. In 2017 there were about 370 growers. Landings and value data for the year were not yet complete; the total value in 2016 was over \$23-million. More growing acreage had been added during the year, with more still under review.

Growth in the industry brings with it a need to bolster the management of aquaculture. Chris discussed how DMF has been managing many of the intricacies through permit conditions, a problem of which is

that permit conditions are only enforceable through permit action by DMF. Accordingly, DMF wants to codify some of the permit conditions into regulations to enhance compliance and enforcement, which would add security to industry.

Chris introduced to the Panel a new initiative to develop a Special Review Procedure (SRP), pursuant to the Mass. Environmental Protection Act (MEPA), for permitting aquaculture projects in the Commonwealth. Currently, there is no clear guidance on when aquaculture projects require consideration of MEPA and how impacts are calculated. DMF wants to get ahead of this and develop a clear path for aquaculture grant licensing. The process would include the identification of siting and performance criteria that a proposed project could follow to avoid and minimize damage to the environment and impacts on other user groups. Projects meeting the criteria would have standard permit conditions; those not would be subject to additional levels of review and unique permit conditions.

Steve Wisbauer sought clarity on the current guidance for cultch placement, which Chris replied was to apply for a Chapter 91 license.

Chris next reported on kelp aquaculture activities. One new project was permitted at Horseshoe Shoals for a two-year study. The array takes up about an acre and is suspended 10 feet below surface in winter and 20 feet below surface in summer. It is surrounded by shoals on all sides and is in an area with few sightings of whales, plus the grow lines will be removed in the summer to minimize the potential for turtle entanglements. The final site selection also considered boat traffic and navigational issues.

John Verissimo inquired about requirement for navigational aids and notification to other stakeholders. Chris replied that navigational aids were required, and if needed, DMF could consider a listserv notice or other communication methods to advise stakeholders.

Lastly, Chris touched on the Massachusetts Shellfish Initiative, which the Panel previously received a presentation on. DMF supports the initiative as way to get more stakeholder input on shellfish management, and is actively involved. Mel Sanderson reported that the Initiative is currently waiting to hear if its grant proposal to NFWF will result in funding to develop a plan for improvements based on survey results. Jen Bender noted that NSF had previously funded UMass student involvement and there could be some continued funding there.

Anna Priester commented that she was very supported of the Shellfish Initiative, as well as the SRP.

Regulatory & Legislative Updates

Shellfish Harvesting, Handling, and Transport Affidavit

Dan McKiernan reported that an updated affidavit would be going out with renewals this year (and would also be available on the website). The purpose of the affidavit is to establish a lot of the “rules” that are going to become regulations in the future, and to keep MA current with NSSP training requirements. The signed piece of paper has been very important in non-compliance cases. Additional education will be a focus in the future.

Initiative to Codify Current Policies and Permit Conditions into Regulations

Dan summarized the need to move many of the existing practices and permit conditions into regulations for improved compliance and enforcement, including additional enforcement by shellfish constables and Mass environmental police.

This initiative will provide DMF with the opportunity to potentially promulgate regulations that address a number of aquaculture/propagation issues raised by the Panel, including the documentation of administrative guidelines for the permitting of out-of-state hatcheries; addressing the role of non-permitted employees; clarifying record keeping requirements; and the licensing and permitting of nursery culture in contaminated waters.

Designated Shellfish Growing Area (DSGA) Classification Information

Jared Silva introduced this topic. A current shortcoming in the Division's DSGA classification process is a lack of reference in the regulations as to where harvesters can find classification information (i.e., what areas are approved to shellfish in and when). DMF plans to create a directory in the regulations as to where to find this information. Coupled with this is the display of improved information in a more prominent location on the Division's website (this part already done).

Contaminated Shellfish Relay Program Legislation

Dan reported that legislation has been enacted that provides for some financial compensation to towns that are the source of relayed product. The legislation originated from officials of Fall River, a source of relayed product. This is not how the program has worked in the past. The receiving town puts out an RFR to contract a harvest vessel that moves the product to the destination location. The legislation will add another layer to the activity, with a fee per unit harvested. Dan predicted this would create a significant amount of work for a small financial benefit. He was unclear as to where the money would come from. Because it's law, DMF will have to go out to public comment on it. Mike Hickey estimated that the legislation would affect about 15 towns that annually get quahogs out of the Taunton River.

Initiative to Develop Interstate Compliance Standards for Hatcheries Shipping Seed to Other States

Dan reminded that Panel of its previous discussions regarding getting a better handle on seed companies shipping seed to someone not permitted to receive it. DMF since wrote a letter to the Atlantic States Marine Fisheries Commission to see if it will consider interstate coordination. DMF had considered the idea of permitting out of state hatcheries, but had concluded it wouldn't work well. ASMFC has not typically gotten involved with these types of issues, but does have an older Responsible Aquaculture Guidelines document to draw from.

Anne supported the initiative and predicted that an opportunity for more collaboration between states would likely have extra benefits.

Other Business

Bay Scallop Shucking at Wholesale Dealer Policy

Story Reed reported that DMF, DPH, and the Environmental Police had recently discussed proper permitting for Wholesale Dealers who want to shuck bay scallops in their facilities. This bay scallop shucking activity has become more prevalent this season with a large set of bay scallops in Westport. DMF and DPH plan to clarify which endorsement wholesale dealers need to shuck bay scallops at facilities, and communicate this to law enforcement.

Ron Bergstrom remarked that the rule prohibiting direct sale to consumers runs counter to long-standing practice in Chatham.

Panel Member Comments

Paul Bagnall reported that the next meeting of the MSOA was scheduled for December 14 in Newburyport, which would include a tour of DMF's Shellfish Purification Plant. The Association's annual meeting will be March 15 in New Bedford.

Seeing as there was no further business, the meeting was adjourned.

Meeting Documents & Presentations

- November 16, 2017 Shellfish Advisory Panel Agenda
- ISSC Biennial Meeting Summary/Outcomes Memo (by J.M. Hickey)
- 2017 ISSC Meeting Proposal Inventory & Proposal 13-209 Language
- Summary of Emerging and Ongoing Issues Concerning the Surf Clam and Ocean Quahog Dredge Fisheries Memo (by D. McKiernan)
- Aquaculture and Vibrio 2017 Update Presentation (by C. Schillaci)
- MEPA Special Review Procedure for Aquaculture Projects Memo (by C. Schillaci, K. Ford & J. Silva)
- Upcoming Shellfish Regulation Changes Memo (by D. McKiernan, J.M. Hickey, J. Silva & C. Schillaci)
- Request for ASMFC to Coordinate Improved Shellfish Seed Interstate Shipment Accountability Memo (by D. McKiernan & D. Pierce)
- MDAR Bay Scallop Harvesting and Processing Inspection Form