

Edgartown Shellfish Committee
Tuesday, January 3, 2017, 4:30PM
Edgartown Public Library

Present: Acting Chair – Ryan Smith, Les Baines, Donald Benefit,
Cooper Gilkes,
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison,
Others: Jack Blake, Dan Donnelly, Mike Hathaway, Emily Reddington,
Jeremy Scheffer, Roy Scheffer,
Recorder – Marni Lipke

The meeting was called to order.

MINUTES

• **DONALD BENEFIT MOVED TO APPROVE THE DECEMBER 20, 2016 MINUTES: COOP GILKES SECONDED: MOTION PASSED: 3 AYES, 0 NAYS, 1 ABSTENTION—DONALD BENEFIT due to absence.**

DEPUTIES' & CONSTABLE'S REPORT

- It was taking longer to catch scallop limits and there were fewer boats—about 15 to 25 on good days, only 8 today in the rainy weather.
- Shellfish Constable Paul Bagnall was preparing for Mark Morris' court date (see below: Meetings/Events), talking to the Clerk and gathering documents. He emphasized the two non-criminal citations and the non-compliance violation (see 12/20/16 Minutes p.2) independent of the Selectmen's ruling. He advised the Committee on Mr. Morris' threat to sue them and their coverage by Town Counsel. The Committee emphasized their intention to enforce regulations for the protection and benefit of all fishermen.

OLD BUSINESS

- Schifter / Leland Poucha Pond Testing

(See documents on file & 12/20/16 Minutes p.3 & below: Actions.)

The Shellfish Constable received the report and would meet with the Martha's Vineyard Commission (MVC) to see if it met all compliances. The Selectmen's Office was eager to have the issue resolved.

NEW BUSINESS

- As previously reported Katama Bay vibrio cases were substantially down to 2 (with 2 or 3 more that were considered Statewide) from last year's 13 cases. The State liked the Eel

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Pond and icing protocols (see 3/15/16 Minutes p.1)—early test reports found no vibrio. Aquaculturists acknowledged it was a lot of extra work and the oysters tasted different, but just as good. Those who followed the protocol last year would do the same this year. Further news would be announced at the March Massachusetts Shellfish Officer Association (MSOA) meeting.

- There was general approbation of Division of Marine Fisheries (DMF) Vibrio Coordinator and the Classification Biologist Chris Scallachi, along with hopes that he could sustain the workload.
- In a DMF effort to improve timing, propagation permit applications had been received, filled out and returned, and hopefully permits would be sent back shortly.
- This spring Shellfish staff and the MVC would use GPS to re-confirm all farm plots so corner buoys could be accurately positioned.

- Aquaculture License Regulations

- There was general agreement that the regulations were satisfactory as they stood.
- The only issue being the change of location during winter icing.
 - The Harbormaster had no objections to floats on stakes during the winter months and locations around the Lighthouse were discussed.
 - DMF representative Chris Scallachi was reluctant to agree to soaking oysters in a non-DMF-approved site and so an area would be surveyed (see below: Actions). DMF surveyed areas whether cages were hung below the floats or on the bottom. However it should be fairly straight forward as the winter timeframe was shellfish dormant.
 - It should be clearly defined as ice rather than looser wind or weather variables.
 - All rafts, cages, gear, boats, rafts, etc. had to be back on the plots by April 1st, to avoid complaints and interference with the spring/summer harbor season.
- The amendment draft to Section 10 #8 was agreed as follows:

“The only exception shall be between December 15th and April 1st if winter icing causes hazardous working conditions in Katama Bay at which time the Shellfish Constable and Harbormaster may authorize license holders to work within a State designated area.”
- There was some concern over Sandy Fisher, who was often in violation of one regulation or another, partly due to his unique motorized raft (classified as a boat) and permission to use space in front of the Jacobus property. For example last year Mr. Fisher resisted returning to his plot (see 4/19/16 Minutes p.1). It was also noted that the oyster farms were a labor intensive business requiring daily work.
 - He had been cited by the State and staff helped him work to avoid the threatened revocation of his State license.
 - Stacked piles of air drying cages on his boat made it hard to see if some were full.
 - Complaints had a tendency to reflect on all the aquaculture fishermen and as a growing industry for young people on the Island although it should be protected.

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- It was important to keep tight Town regulations in order to avoid further State or Federal Army Corps of Engineers intervention which would add an intense bureaucratic burden on the industry. All agreed that the regulations should be followed and all actions documented.

- This was the time of year to approach him while it was possible to do the work necessary for compliance, before the busy spring and summer.

• Town Report Due 1/6/17

Chair Christian Thornton was away and the deadline was short notice. 2016 included:

- moving the meetings to the Edgartown Library;
- the Major's Cove Oyster Farm continued success.

Meetings/Events

- Morris Court Appeal- 10:30AM Wednesday, January 11, 2017 at the Courthouse
- Edg. Shellfish - 4:30PM Tuesdays, January 17 & February 7, 2017 at the Library

ADJOURNMENT

• RYAN SMITH MOVED TO ADJOURN AT 5:28PM; DONALD BENEFIT SECONDED; MOTION PASSED UNANIMOUSLY.

Actions To Be Done:

- Paul - contact MVC DRI Director Paul Foley & Water Resource Planner Sheri Caseau re: meeting & written statement on Leleand/Schifter report.
- Paul - contact DMF re: survey of winter icing aquaculture work-site.
- Paul/Warren/Rob - contact Sandy Fisher re: working on his raft adjacent to his plot.
- document all actions, verbal, written, etc.
- Marni - send Annual Reports to Christian & Ryan.

Documents on File:

- Agenda 1/3/17
- Sign In Sheet 1/3/17
- Woods Hole Group report re: Results of Water Quality Testing at Poucha Pond (11 p.) 11/30/16
- (Attachment A) ESS Laboratory report re: Poucha Pond (2014-0094) ESS Laboratory Work Order Number 1609268 (13 p.) 10/19/16
- (Attachment B) NEH Data Validation - Data Usability Report Wood Hole Group Poucha Pond Surface Water, Edgartown, (12 p.) 10/24/16
- Regulations for Taking and Culture of Shellfish Draft #3 (18 p.) 12/5/16
- Lipke cover email re: Edg. Shellfish Regulation Draft #2 11/28/16