

Edgartown Shellfish Committee
Tuesday, November 21, 2017, 4:30PM
Edgartown Public Library

Present: Chair – Christian Thornton, Les Baynes, Madeline Fisher, Ryan Smith,
Nick Turner,
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison,
Others: Donald Benefit, Patricia Bey, Norma Costain, John Conlon,
Pamela Dolby, Ann Floyd, Colin Floyd, Leslie Floyd, Tina Floyd,
Peter Jackson Jr., Margaret Knight, Richard Knight, Robert Knight,
Connie Maciel, Debbie Manley-Smith, Lily Morris, Sidney Morris,
Kristi Rose, Diana Roy, Jeremy Scheffer, Lauren Scheffer, Noah Scheffer,
Roy Scheffer, Eugene Townes, Jessica Townes, Tom Turner,
Press: Sara Brown – Vineyard Gazette,
Recorder – Marni Lipke

The meeting was called to order at 4:31PM.

PUBLIC HEARING ON CAPE POGUE AQUACULTURE AREA

(See Minutes: 9/19/17 p.3 & 10/3/17 p.2-3 & 10/17/17 p.2-3 & 11/7/17 p.1-2, & documents on file.)

(Recorder's Note: the discussion has been summarized and grouped for clarity and brevity.)

- Shellfish Constable and Biologist Paul Bagnall gave a brief overview of the issue,
- Noah Scheffer's September 2017 aquaculture application to the State for a plot in Cape Pogue;
- Shellfish Committee decision for comprehensive rather than individual-by-individual permits;
- the extended (1-3 yr.) process: public hearings, permits and surveys involving multiple agencies: Shellfish Committee, Board of Selectmen, Conservation Commission (ConCom), Massachusetts Division of Marine Fisheries (DMF), and U.S. Army Corps of Engineers;
- Town Policy allowing only 1% pond surface area for aquaculture (Cape Pogue 1200-1400 acres);
- DMF regulations requiring all aquaculture plots locations on non-productive bottom.

About 30 members of the public discussed various issues with Committee members and staff.

- Cape Pogue was unusually pristine, even for the Island, and management practices were used as a model for other conservation preserves:
 - a substantial part of the areas was owned by the Trustees for Reservation;
 - 4 housing sites were sold to the Landbank at a substantial monetary loss;
 - 5 houses were deconstructed;
 - a court case forbidding moorings and piers cited the untouched nature of the Bay.

Fishermen and residents asked the Committee to revisit the Bay and look at its beauty. The farms were not conducive to sharing the resources of Cape Pogue as they would interfere with the Chappaquidick Community Center summer sailing program and other adult and child recreational activities. Furthermore the unsightly effects of the industry were noted: the wash up of equipment, the view of the rafts, etc.

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- Noah Scheffer's family and other aquaculturists spoke to the need for better economic opportunities for young families on the Island. The Scheffer's had been fishermen for at least three generations, but would have to leave the Vineyard, like so many others, unless they were able to find employment opportunities. Most farms supported the owner's family and one or two employees. There were 8 or 9 people on the aquaculture plot wait list. Farmers noted their good relations with Katama property owners, showing only one complaint in all their years of business.

- Several wild fishermen and some residents emphasized the presence of marine wildlife, some in the area marked for the plots, including, conchs, scallops, blue crabs and sand crabs—there was a dispute over whether conchs walked to bait or not. Cape Pogue was the most productive scalloping area in Edgartown—which issued 1,000 family and 112 commercial shellfishing permits each year. Other fishermen, working three jobs and acknowledging the hard life, were passionate about leaving the Bay in its current state, not only to preserve wild fishing but also for its beauty.

- Constable Bagnall estimated the wild shellfish harvest at \$1,000,000 per year and the aquaculture industry at \$2,500,000. Tom Turner noted that after a life of fishing, although this would diminish his fishing ground the use of the area for aquaculture would have a greater monetary value.

- There were differing opinions on the ecological effects of aquaculture including:

- harming or attracting other marine life and shorebirds (cormorants, oyster catchers, etc.)

- destroying or reviving eelgrass vital to scalloping;

- nitrogen filtration as an aid to revitalizing water quality (e.g. Sengekontacket Major's Cove Oyster Farm nitrogen remediation project);

- shellfish versus fin-fish aquaculture;

- concentration of waste products.

The changing ecology of the earth would not support wild fishing as a source of food for the current population and was shifting to farming as a more productive source of protein.

- Pam Dolby, who was neither for nor against aquaculture, strongly suggested the issue be further studied before granting permission and she referred to several studies covering such things as: competition for phytoplankton, changes in bottom topography, introduction of diseases, accumulation of shell litter, etc. However it was also noted that people interpreted data differently and that internet sources as well as National Fishing Magazine showed a preponderance of positive comments on aquaculture.

- Other aquaculture issues were raised:

- Although East Coast farms were small (usually 1-10 acres), West Coast farms averaged 30 acres.

- Vibrio was a new complex component. It was pervasive worldwide, but of the 60 species only one was a danger to humans and that one had about 6 different strains. At this time there was no definitive evidence on the effects of location, water temperature, water composition and shellfish handling process, so it was difficult to determine preventive measures. In this sense Cape Pogue

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was similar to Katama—in super heating and shallow water, on the other hand Duxbury had more vibrio cases this summer with cooler water.

- The oyster market was a growing trend and aquaculturists had no concerns that the extra farms would flood the market.

- In general each farmer had one plot, although extra plots outside Eel Pond were instituted for transfer as possible vibrio remediation or alternative measures.

- A number of questions explored Shellfish Committee and Department matters.

- Donald Benefit protested insufficient wild fishermen representation on the Committee.

- It was unclear whether original regulations required aquaculture farmers to give back 10-15% of their product to the Town.

- Town voters very generously approved an additional deputy for the Major's Cove Oyster farm so Paul Bagnall felt that current staffing levels were sufficient to police the additional lots.

- Department duties included: wild shellfishing enforcement, water testing, shellfish sampling/testing, aquaculture enforcement, propagation of quahogs and scallops (one of the hardest shellfish to spawn).

- The meeting searched for alternatives and compromises. There were expressions of support for Noah Scheffer if the farm were in a different location.

- Katama, of which Caleb's Pond was a part, had reached its 1% limit; although in time, the policy might be changed.

- The Eel Pond (Middle Harbor) lots were not really practicable due to currents and traffic, and were only set up for vibrio remediation.

- The number of Cape Pogue plots could be halved or reduced.

- Kristi Rose, speaking as a private citizen, suggested that the Committee consider a compromise by approving, surveying and permitting all 8 plots; but only releasing 2 as a pilot trial. Other plots could be released after evaluating Cape Pogue impact and success.

- Committee members liked this compromise but were also interested in reading the studies. They strongly acknowledged caution and gravity around taking the livelihood from some and giving to others (wild fishing versus aquaculture) as well as competing goals, conservation of an unspoiled preserve versus expanding economic opportunities.

- Chair Christian Thornton thanked everyone for their comments.

- **CHRISTIAN THORNTON MOVED TO CONTINUE THE CAPE POGUE AQUACULTURE PUBIC HEARING FOR TWO WEEKS TO READ AND GATHER ALL INFORMATION; NICK TURNER SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

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MINUTES

• LES BAYNES MOVED TO APPROVE THE NOVEMBER 7, 2017 MINUTES: NICK TURNER SECONDED: MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.

CONSTABLE'S/DEPUTIES' REPORT

• Bay Scallop Update

- Scallopers were getting about 40 limits most days, sometimes less depending on weather. So far there were no enforcement issues.
- Staff was wrapping up propagation projects in preparation for the winter. Major's Cove oysters had grown to about 2 inches..

OLD BUSINESS

• Annual Town Meeting Articles

The Articles were due Monday, November 27th.

- the annual authorization to receive gifts or grants (see 10/16/07 Minutes p.4);
- \$38,000 Martha's Vineyard Shellfish Group (MVSG) dues (up \$1,000 after 3 yrs. of level funding, value received exceeded dues paid);
- \$44,0000 in Shellfish Committee activities administered by the Department (level funded);
- \$11,500 new motor for the Carolina Skiff donated by the Fire Dept. (see 11/7/17 Minutes p.3)

• CHRISTIAN THORNTON MOVED TO APPROVE THE FISCAL YEAR 2019 SHELLFISH ARTICLES AS PROPOSED; RYAN SMITH SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.

The Board discussed the Public Hearing.

- IT WAS THE CONSENSUS OF THE SHELLFISH COMMITTEE TO REACH OUT TO THE MARINE ADVISORY BOARD AND SEND THEM THE MINUTES OF THE DRAFT MINUTES OF THE PUBLIC HEARING.**
- FOR EVERYONE'S INFORMATION IT WAS THE CONSENSUS OF THE SHELLFISH COMMITTEE TO TEMPORARILY MARK THE 4 CORNERS OF THE PROPOSED AREA.**
- Several Committee members liked the compromise of applying for all 8 lots but assigning only two at a time. DMF sometimes preferred that the lots already be assigned, in which case they could be sent the Wait List.**
- Rob Morrison, although trusting Constable Bagnall and Warren Gaines, reminded the Committee that his experience with Ray Gailey's Cape Pogue aquaculture foray had been largely negative (see 3/7/17 Minutes p.3) in terms of abandoned equipment and animals, and that caution should be taken.**

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- Nick Turner suggested there be wider spaces between farms to allow better passage for conching or crabbing equipment.
- Les Baynes spoke passionately of his faith in the Shellfish Constable's expertise and for no delay in assigning all 8 plots in consideration of the urgent need for the Vineyard's young families.
- Paul Bagnall pointed out the scientific studies were for rack & bag aquaculture, not Edgartown mandated bottom cage aquaculture.

Meetings/Events

- Edg. Shellfish & Public Hearing - 4:30PM Tuesday, December 5, 2017
- Edg. Shellfish - 4:30PM Tuesdays, December 19, 2017 at the Library

ADJOURNMENT

• NICK TURNER MOVED TO ADJOURN AT 6:32PM; RYAN SMITH SECONDED; MOTION PASSED UNANIMOUSLY.

Actions To Be Done:

- All - consider Aquaculture Wait List Policy amendment.
- Paul - contact Scott Morgan of the Marine Advisory Committee re: Cape Pogue aquaculture
- Paul - put Aquaculture Wait List lottery on next agenda
- Staff - mark 4 corners of propose Cape Pogue aquaculture area.

Documents on File:

- Agenda 11/21/17
- Sign In Sheet 11/21/17
- Cape Pogue Bays map (2 p.)
- Edgartown Shellfish Committee will hold a Public Hearing... (2 p.)
- Shellfish Dept. Public Hearing statement (2 p.)
- Boise statement: The Edgartown Shellfish Committee...
- 2018 Annual Town Meeting Article (4 p.) 11/21/17
- Kontje/Bagnall email re: 11-21 Shellfish Committee Meeting 11/21/17
- Morris/Bagnall email re: Oyster Farming in Cape Pogue 11/20/17
- Roosevelt/Bagnall emails re: Oyster Farm in Cape Pogue (3 p.) 11/8-17/17
- Knight/Morris letter re: against setting up oyster farms in Cape Pogue 11/20/17
- 11/21/17 Cape Pogue Oyster Farm Public Hearing
- International Journal of Fisheries and Aquatic Studies article Ecological Consequences of Oysters Culture: A Review (6 p.) 3/3/16
- Impact of Aquaculture (15 p.)