

**Edgartown Shellfish Committee**  
**Tuesday, September 20, 2016, 4:30PM**  
**Edgartown Public Library**

Present: Chair - Christian Thornton, Les Baynes, Donald Benefit  
Cooper Gilkes, Ryan Smith,  
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison,  
Others: John Conlon, Dave Viera, Nick Viera,  
Recorder - Marni Lipke

The meeting was called to order at 4:32PM.

MINUTES

**• COOP GILKES MOVED TO APPROVE THE SEPTEMBER 6, 2016 MINUTES; DONALD BENEFIT SECONDED: MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

DEPUTIES' & CONSTABLE'S REPORT

- Propagation was going well. Staff was ahead of time in spreading the Major's Cove oysters. Quahogs were still getting good growth on the rafts with plenty of room, and would be planted later.
- There were still some recreational fishers in Katama and some in Sengekontacket along with a few commercial fishermen now that parking was more available.
- Warren Gaines and Rob Morrison checked Cape Pogue and found 3 or 4 different sets of scallop seed in the grass and around Whistler's/Simon's Point, as well as in the Middle Ground.
- The rusty tide (cochlidinium) continued off Cape Pogue, in front of the Harbor and the Cape Pogue Light. While not toxic, it cut off light and stunted shellfish growth. It would disappear as the water cooled.
- The relay area was opened and people found it a good spot to pick full baskets.
- Paul Bagnall attended the Massachusetts Shellfish Officers Association (MSOA) and gave a presentation on municipal and private aquaculture.
- As final remediation for the 2003 Bouchard oil spill, Massachusetts gave every town from Marion to Westport 800 bushels of quahogs along with some cash payments to lobstermen, consequently quahog seed was unavailable, and the relay might be delayed till next spring.
- Oysters were still being sent weekly for vibrio testing. Katama still had only one case of reported vibrio, with the one reported as statewide from the Onset/Katama serving (see 9/6/15 Minutes p. 2). However the water temperature was still warm at around 70°F. Massachusetts had its first case of vibrio in commercially harvested quahogs.

**Edgartown Shellfish Committee**  
**September 20, 2016**

2

OLD BUSINESS

- Discussion on dredge priorities was tabled.
- The Committee set the date for the aquaculture review (see 9/6/16 Minutes p.2 and below: Meetings).

NEW BUSINESS

The Town requested a joint meeting of the Dredge, Marine Advisory and Shellfish (and maybe Pond) Committees to consider dredge priorities and the Katama Boat Ramp (see below: Meetings/Events and Actions).

• Bay Scallop Season Hearing at 4:30PM

Discussion centered on:

- lack of interest in an early opening,
- continuing warm water temperatures,
- giving small early scallops time to grow,
- the spawning season still in full swing.

• **DONALD BENEFIT MOVED TO OPEN THE COMMERCIAL SCALLOP SEASON TUESDAY, NOVEMBER 1, 2016; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

• **RYAN SMITH MOVED TO SET THE COMMERCIAL LIMIT AT THREE (3) LEVEL TEN (10) GALLON WASHBASKETS INCLUDING SHELLS PER DAY, MONDAY THROUGH FRIDAY; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

• **LES BAYNES MOVED TO OPEN THE FAMILY SCALLOP SEASON SATURDAY, OCTOBER 1, 2016 AT ONE (1) LEVEL TEN (10) GALLON WASHBASKETS INCLUDING SHELLS PER WEEK;**

**- NO DRAGGING IN CAPE POGUE BEFORE SATURDAY, OCTOBER 29, 2016;**

**RYAN SMITH SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

In keeping with the normal regulations:

- it is illegal to sell a family mess (harvest);
- dragging is forbidden in Poucha and Sengekontacket Ponds; (Sengekontacket is dipping only);
- all shellfish regulations apply.

• License Suspensions Time Period (See

Angie Fisher and Dave Viera paid their fines, but other fines were still outstanding. No licenses would be granted unless fines were paid.

**Edgartown Shellfish Committee  
September 20, 2016**

3

- Dave Viera denied the violation and strongly protested the citation and suspension citing past history of non-enforcement. The Committee argued:
  - the case had been adjudicated and would not be reviewed here;
  - previous enforcement;
  - a shift to stricter oversight to level the playing field and preserve the shellfish;
  - continued Department leniency in giving warnings and tickets;
  - Committee modification of the more punitive Selectmen ruling.
- **LES BAYNES MOVED THAT THE CITATION START DATES BE SET AS FOLLOWS:**
  - **DAVID VIERA FOR ONE MONTH SUSPENSION STARTING OCTOBER 11, 2016 (INCLUDING NOVEMBER 1 THROUGH 7, 2016 OF THE SCALLOPING SEASON) AND ENDING NOVEMBER 8, 2016;**
  - **NICK VIERA FOR ONE MONTH SUSPENSION STARTING OCTOBER 11, 2016 (INCLUDING NOVEMBER 1 THROUGH 7, 2016 OF THE SCALLOPING SEASON) AND ENDING NOVEMBER 8, 2016;**
  - **ANGIE FISHER FOR ONE WEEK FROM NOVEMBER 1 THROUGH 7, 2016 ENDING NOVEMBER 8, 2016;**
- DONALD BENEFIT SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**
  - Deputies and the Committee agreed that Shellfish regulations with highlighted penalties should be handed out when permits were granted.
  - There was some difficulty at Town Hall over a half-price non-resident family permit.

Meetings/Events

- Shellfish/Marine Advisory/Dredge - 3:00PM, Wednesday, September 28, 2016 at Town Hall
- Edg. Shellfish - 4:30PM Tuesdays, October 4 & 18, 2016 at Town Hall
- Edg. Shellfish/Aquaculture meeting - 4:30PM Tuesday, December 13, 2016 at Town Hall

ADJOURNMENT

- **LES BAYNES MOVED TO ADJOURN AT 5:18PM; DONALD BENEFIT SECONDED; MOTION PASSED UNANIMOUSLY.**

**Actions To Be Done:**

- Paul - post 9/28/16 joint meeting with other committees
- Paul/Marni/Staff - set up regulations for handout with licenses.

**Documents on File:**

- Agenda 9/20/16
- Sign in sheet 9/20/16