

Edgartown Shellfish Committee
Tuesday, November 1, 2016, 4:30PM
Edgartown Town Hall

Present: Chair – Christian Thornton, Les Baines, Donald Benefit, Coop Gilkes,
Ryan Smith,
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison,
Others: Julianne Fisher, Doug Hathaway, Cameron James Maciel, John Mello,
Martha Scheffer, Alphonsus Simmons, and one more,
Recorder – Marni Lipke

The meeting was called to order at 4:30PM.

COMMERCIAL, FAMILY, AQUACULTURE LICENSE APPLICATIONS

- IT WAS THE CONSENSUS OF THE EDGARTOWN SHELLFISH COMMITTEE, TO CONFIRM CHAIR CHRISTIAN THORNTON IN SIGNING COMMERCIAL SHELLFISHING APPLICATIONS FOR: JULIANNE FISHER, DOUG HATHAWAY, CAMERON JAMES MACIEL, JOHN MELLO, MARTHA SCHEFFER AND ALPHONSUS SIMMONS,

The staff and Committee liked Les Baynes' regulation warning (see 10/18/16 Minutes p.1) and asked that it be regular practice.

MINUTES

- LES BAYNES MOVED TO APPROVE THE FOLLOWING MINUTES;

- SEPTEMBER 20, 2016,

- OCTOBER 4, 2016,

- OCTOBER 18, 2016,

- OCTOBER 28, 2016,

**COOP GILKES SECONDED: MOTION PASSED UNANIMOUSLY: 5
AYES, 0 NAYS, ABSTENTIONS AS ABSENT.**

DEPUTIES' & CONSTABLE'S REPORT

- Bay Scallop Season Update

Families enjoyed their last day of dragging. There were about 40 limits on the first day of commercial scalloping. Deputies estimated the season peak to be about 50 limits. Seed was smaller this year so enforcement should be a little smoother. There were a few minor violations, mostly small overages. All in all a good start to the season and the Deputies were pleased with the tone set by the Shellfish Committee.

- The Chappaquiddick Nursery was winterized and drained. All propagation was wrapped up for the winter including the Major's Cove oyster farm.

Edgartown Shellfish Committee November 1, 2016

2

- The Amnesiac Shellfish Poisoning (ASP) closure (see 10/18/16 Minutes p.1) was lifted at 12:00N, Monday October 31st.
- A third case of Vibrio was traced back Katama but the grower was not yet reported. The vibrio season was now closed.
- Shellfish Constable Paul Bagnall went to the Herring Network Meeting. The first and largest herring run in Massachusetts on the Taunton River will open for recreational licenses at not more than 20 fish per week. There was still a long way to go for better restoration of the runs.
- The Board of Selectmen voted as written the Committee letter regarding Angela Fisher (see documents on file) and she did not fish today as required.
- The Department hoped to open Edgartown Great Pond this weekend.

OLD BUSINESS

FY8 Articles & Budget (See documents on file.)

The minor changes in the budget and articles were made as requested. The Martha's Vineyard Shellfish Group (MVSG) article was level funded and Paul Bagnall would calculate the seed totals and MVSG vs. commercial savings. The donation acceptance account would be renewed as usual (see 9/2/08 Minutes p.2 & 1/20/09 Minutes p.2).

- Paul Bagnall suggested the Department clean out Herring Creek; however previous attempts were stopped by Conservation Commission concerns (see below: Actions).

OLD BUSINESS

Rules and Regulations Re-Write (See documents on file.)

(The discussion has been summarized and grouped for clarity and brevity.)

The Committee strongly and repeatedly emphasized that the revision of the regulations was to support staff (who were doing excellent work), clarify any inconsistencies, and protect the shellfish, staff and fishermen. In light of recent issues the bulk of the discussion was on penalty revisions:

- Christian Thornton suggested the following amendments:
 - verbal warnings at the discretion of the staff.
 - first citation - one day off,
 - second citation - one week off,
 - third citation - one month off,
 - fourth citation - one year off and/or loss of license, and
 - taking seed - possible double citation.
- The Committee was more inclined towards Les Baynes' proposed revisions:
 - first offense - written warning
 - second offense - automatic loss of one fishable day (worth about \$600),
 - third offense - Selectmen hearing for a minimum loss of 2 weeks (10 fishable days),
 - fourth offense - Selectmen hearing for a loss of minimum 60 and maximum 180 fishable days .

Edgartown Shellfish Committee
November 1, 2016

3

- Staff emphasized a number of factors.
- A violation was a violation; for example harvesting seed endangered the resource but coming in late endangered staff.
- Serious offenses (stealing, hidden caches, harvesting seed, etc.) were immediately ticketed without benefit of warnings.
- Strict enforcement promoted compliance, established a clear structure and avoided continued and progressive offenses.
- **IT WAS THE CONSENSUS OF THE SHELLFISH COMMITTEE THAT PART OF ENFORCEMENT WAS TRUST IN EXPERIENCED STAFF TO DIFFERENTIATE BETWEEN SERIOUS AND MINOR OFFENSES.**
- The Regulations should include a clause allowing the renewal of commercial fishing licenses over a three year period, i.e. a fisherman can skip a bad year and still renew the license without re-applying.
- Right to appeal (or public hearing) was the authority of the ruling body (the Board of Selectmen) however the Board referred the matter to the Shellfish Committee.
- Cooper Gilkes recommended enforcing the prohibition on multiple trips in one day.
- It was generally noted that no matter how fair the enforcement, there would always be complaints. For example a carefully packed basket that passed inspection as “struck”, when later jumbled by truck transport might look like it was over limit.
- Edgartown was already generous to fishermen in instituting the 10 gallon washbasket when all other municipalities used the 8 gallon bushel measure. Members discussed limit size: struck, heaped, level, etc.
- **IT WAS THE CONSENSUS OF THE COMMITTEE TO RESUME THE PRACTICE OF REQUIRING PROOF OF RESIDENCE WITH COMMERCIAL SHELLFISH APPLICATIONS.**
- The procedure was: submission of the final draft to the Selectmen, a Selectmen public hearing on the revised Regulations, and then filing with the State. It was not likely to be completed before January or February 2017.

PUBLIC COMMENT

The Wrigley Pier was going before the Planning Board at 6:30PM tonight. There was a proposal to take down the old pier after building the new one. The Committee asked to see the new pier design.

Meetings/Events

- Edg. Shellfish - 4:30PM Tuesday, November 15, 2016 at the Library
- Edg. Shellfish/Aquaculture meeting - 4:30PM Tuesday, December 13, 2016 at the Library

continued >

Edgartown Shellfish Committee
November 1, 2016

4

ADJOURNMENT

• COOP GILKES MOVED TO ADJOURN AT 5:49PM; DONALD BENEFIT SECONDED; MOTION PASSED UNANIMOUSLY.

Actions To Be Done:

- Paul - research Herring Creek clean out with ConCom & Steve Handy.
- Paul - finalize articles and budget for Committee vote on 11/15.
- Marni - draft and email Regulation revisions.

Documents on File:

- Agenda 11/1/16
- Selectmen memo re: Fiscal Year 2018 Budget Requests 10/13/16
- 2017 Annual Town Meeting Article (2 p.) 11/1/16
- Town of Edgartown Regulations for the Taking of Shellfish (10 p.) 6/1/08
- Section 10 Policy and Regulations for Edgartown Aquaculture License (4 p.) 3/5/13
- Bagnall letter re: Angela Fisher Appeal 10/31/16