

**Edgartown Shellfish Committee**  
**Tuesday, November 15, 2016, 4:30PM**  
**Edgartown Town Hall**

Present: Chair – Christian Thornton, Les Baynes, Coop Gilkes, Ryan Smith,  
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison,  
Others: Ryan Amaral, James Jackson, Christopher Look IV, David Medeiros,  
Francis Palma, Suzanne Shea,  
Recorder – Marni Lipke

The meeting was called to order at 4:34PM.

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: JAMES JACKSON, FRANCIS PALMA, AND SUZANNE SHEA, AS WELL AS:
  - CHRISTOPHER LOOK IV PENDING NOTARIZATION, AND
  - RYAN AMARAL PENDING NOTARIZED PROOF OF RESIDENCE.

DEPUTIES' & CONSTABLE'S REPORT

- Fishermen were getting an average of 40 limits at the wholesale price of \$20-23 per lb.—the Nantucket season was said to be fairly thin.
- No one was fishing by the Cedars, where a substantial seedbed was reported.
- Staff were finishing up work on the Major's Cove oyster farm, hauling out the upweller and working on the dredge.
- A sunken boat was hauled to shore last Friday.
- The Environmental Protection Agency (EPA) and the Massachusetts Division of Marine Fisheries (DMF) were in Edgartown last week, talking to the Harbormaster about mooring fields, tightening State regulations, and seasonal water testing.
- Shellfish Constable Paul Bagnall would attend the Hanover State Shellfish Advisory panel to consider the make up of the Interstate Shellfish Sanitation Conference (ISSC) Executive Board as well as updates on:
  - the Wellfleet neurovirus outbreak and bio-toxin shellfish closures;
  - new permitting for seed hatcheries and revisions to aquaculture licensing;
  - 2016 Vibrio season;
  - proposed size regulations for razor clams;
  - possible prohibition of leaching as a harvest method;
  - shellfish growers bulk tagging regulations; and
  - surf clam bar spacing issues.

**Edgartown Shellfish Committee**  
**November 15, 2016**

2

- Paul Bagnall urged the Committee to propose a Martha's Vineyard DMF representative, to do water testing, handle vibrio issues, view aquaculture sites, etc. Currently most Town shellfish staff were kept busy transporting DMF representatives from the ferry to various locations.

**OLD BUSINESS**

FY18 Articles & Budget (See documents on file & 11/1/16 Minutes p. 2.)

There were no major changes from the previous draft. Herring Creek restoration was estimated under the bidding ceiling; otherwise this Budget was similar to last year's (see below: Actions).

- **LES BAYNES MOVED TO APPROVE:**
  - **THE SHELLFISH DEPARTMENT FISCAL YEAR 2018 BUDGET AT \$254,770.09;**
  - **AND THE SHELLFISH WARRANT ARTICLES AS PROPOSED:**
    - \$44,000 FOR SHELLFISH COMMITTEE PROGRAMS,
    - \$37,000 IN MARTHA'S VINEYARD SHELLFISH GROUP (MVSG) DUES,
    - \$23,000 FOR RESTORATION OF HERRING CREEK;
- COOPER GILKES SECONDED; MOTION PASSED UNANIMOUSLY: 4 AYES, 0 NAYS, 0 ABSTENTIONS.**

**NEW BUSINESS**

- Rules and Regulations Re-Write

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

- It was agreed that penalties, commercial licensing and scalloping issues would be tabled until there was full Committee attendance.
- Aquaculture regulations would be reviewed at the December 13th Public Hearing.
- In view of the Committee's trend toward stricter penalties, Paul Bagnall asked that court appeal standards and protocols be considered.
- Since scalloping was the paramount financial crop, the Committee requested a Section pertaining only to scalloping for easier reference.
- In the course of the discussion it became clear that the Commercial License application needed to be updated including:
  - a prominent disclaimer not to appear before Committee without all necessary documents, and
  - a copy of the regulations and a signature attesting to having read them.
- The issue of restricting fishermen to a single trip was raised. However staff noted that most multiple trips involved families sharing boats.

The Committee read through the Draft Regulations section by section and made amendments listed below.

**Edgartown Shellfish Committee**  
**November 15, 2016**

3

- Section 2 - There was a brief discussion on establishing a residence timeframe but no consensus was reached.
- Section 2 B 1 - was corrected and noted for allowing fishermen to renew after a gap year without re-applying:

“Licenses may be purchased at any time during the year and shall be valid from the date of purchase until the following **April 1st** with an option to renew every year for a total of three (3) years from the date of **expiration.**”
- Section 2 F - was modified to current practice and the amendment was made consistent throughout the Regulations:

“In several areas, these Regulations refer to a level ten (10) gallon plastic washbasket **including shells determined at the discretion of the warden or deputies.**”
- Section 3 - was clarified and a location was added:

4. Edgartown-Oak Bluffs Bridge **or Boulevard Landing** in Sengekontacket  
All commercial scallops shall check in for inspection at Area Number 2 listed above. Both Family and Commercial Shell Fishing persons...
- Section 4 - The disclaimer was expanded and moved to the top of the Section. Conch size was updated:

“The **following** sizes and seasons are subject to change at any time **by Town, State or Federal regulation.**”  
G. Conch: Not less than **3**” across the widest part,  
**I. Razor clam size limit and season...**
- Section 7 A - After a discussion on the guest protocol, the sentence was struck.

“A. Definition of a family: A family permit is for the use of the father, mother and minor children living in the same household. Only one basket or container may be used by the permit holder at any one time.”  
“D. ... The Bay Scallop limit shall be no more than one (1) level 10 gallon plastic washbasket **including shells determined at the discretion of the warden or deputies** per week in season.”
- Section 7 J - It was decided that since there was only one senior non-resident yearly application in the last 60 years that the discount practice could continue.
- Section 9 - was made consistent with other washbasket measures and hydraulic harvesting strongly discouraged. The Committee discussed a possible clause pertaining to Edgartown Great Pond. It was also noted that from time to time the shellfish season should be shut to insure animal survival, no matter what the financial conditions.

A. Soft Shelled Clams:  
1. Shall not exceed three (3) **struck** level ten (10) gallon wash baskets **including shells determined at the discretion of the warden or deputies** per license per day.

**Edgartown Shellfish Committee**  
**November 15, 2016**

4

2. May not be hydraulically harvested—**subject to seasonal review by Department staff and as approved by the Shellfish Committee.**

D. Oysters:

1. The commercial limit for oysters is two ~~struck~~ level ten (10) gallon washbaskets including shells **determined at the discretion of the warden or deputies** per license per day.

2. May be harvested commercially **at the discretion of the Committee, and subject to annual review.**

3. Shall be harvested **only** with rakes and poles. ~~or by the use of two drags per vessel.~~

**4. Shall be harvested from Edgartown Great Pond only at the discretion of the Committee subject to annual review and only by hand.**

- Section 9 G - there should be a clause on razor clam limits and size.

MINUTES

**• LES BAYNES MOVED TO APPROVE THE NOVEMBER 1, 2016 MINUTES; COOP GILKES SECONDED: MOTION PASSED UNANIMOUSLY: 4 AYES, 0 NAYS, 0 ABSTENTIONS.**

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

ADJOURNMENT

**• COOP GILKES MOVED TO ADJOURN AT 6:20PM; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY.**

**Actions To Be Done:**

• Paul/Christian/Ryan – draft Shellfish section for Annual Town Report due 1/6/17

• December 13th Aquaculture issues –

- Section 10 - non transferable re: State law and draft language.

- Section 11 - winter harbor locations.

**Documents on File:**

• Agenda 11/15/16

• Sign In Sheet 11/15/16

• FY18 Salary Budget Requests (based on FY17 Wage Scale) 11/2/16

• Lipke cover email re: Shellfish Regulations Draft #1 11/5/16

- Regulations for the Taking and Culture of Shellfish (14 p.)