

**Edgartown Shellfish Committee**  
**Tuesday, March 19, 2013, 7:00PM**  
**Edgartown Town Hall**

Present: Chair – Jack Blake, Les Baynes, Donald Benefit, Coop Gilkes,  
Ryan Smith,  
Shellfish Dept. Paul Bagnall, Warren Gaines,  
Others: Ray Auger, Michael Briggs,  
Marni Lipke – Recorder

The meeting was called to order.

MINUTES

• **COOP GILKES MOVED TO APPROVE THE MARCH 5, 2013 MINUTES: LES BAYNES SECONDED: MOTION PASSED: 3 AYES, 0 NAYS, 2 ABSTENTIONS** due to absence.

COMMERCIAL, FAMILY, AQUACULTURE LICENSE APPLICATIONS

- The new Aquaculture Regulations and Wait List procedure was on the April 1, 2013 Selectmen agenda, after which it would be advertised.
- The Committee discussed Wait List protocol after a plot is awarded, the issues being:
  - Katama lots as more desirable,
  - new people wanting to get started,
  - different locations presenting different difficulties,
  - rights of first refusal and response time frames.
- **IT WAS THE CONSENSUS OF THE EDGARTOWN SHELLFISH COMMITTEE TO AMEND THE WAIT LIST PROCEDURE:**
  - **RIGHTS OF FIRST REFUSAL ON ANY LOT LEASE GO TO THE CANDIDATE AT THE TOP OF THE WAIT LIST;**
  - **A WAIT LIST CANDIDATE CAN REFUSE A LOT LEASE AND REMAIN AT THE TOP OF THE WAIT LIST.**
  - **A CANDIDATE CAN ACCEPT A NON-KATAMA LOT LEASE WHILE REMAINING ON THE TOP OF THE LIST FOR A KATAMA LOT LEASE; SO THAT SAID CANDIDATE HAS THE RIGHT OF FIRST REFUSAL IF AND WHEN THE NEXT KATAMA LOT LEASE BECOMES AVAILABLE.**
  - **THE RIGHT OF FIRST REFUSAL ON THE VACATED NON-KATAMA LOT LEASE WILL THEN GO TO THE NEXT WAIT LIST CANDIDATE.**
  - **WAIT LIST CANDIDATES HAVE 30 DAYS FROM NOTIFICATION TO RESPOND TO THE OFFER OF A LOT LEASE.**

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- WAIT LIST CANDIDATES HAVE 60 DAYS FROM NOTIFICATION TO OBTAIN AND SUBMIT PROOF OF INSURANCE.

PUBLIC COMMENT

Michael Briggs protested a ticket he had received a day after being cited by the Shellfish Deputies, so that he no longer had the evidence to appeal the matter. A long altercation followed. Mr. Briggs arguing that:

- this was his livelihood and job,
- he tried to avoid dealing with regulations,
- the Deputies didn't take enforcement seriously and regulations were not enforced as written,
- he did not want to live looking over his shoulder.
- The Committee, Shellfish Warden and Deputy did not take well to these assertions.
- Tickets could be issued within three days of a citation, allowed 21 days for appeal and 90 days for payment.
- Michael Briggs should read the regulations carefully. They were drafted by fishermen to preserve natural resources and ensure everyone's safety.
- Fishing/shellfishing was a group profession, and several of those present noted incidents when they had witnessed Michael Briggs in violation, rescued him in dangerous situations, and/or been lenient with him when caught.
- Taking scallops over the limit was stealing from other fishermen, and staying out past the posted time was a danger to himself and Shellfish staff.
- The Committee backed the Wardens 100% and remarked on the difficulties of their job, their many duties (seeding, managing sanctuaries and nurseries, monitoring water quality, policing, etc.) and their kindness toward Michael Brigg - perhaps mistaken.
- It was emphasized that Deputies had a tendency to reserve tickets for serious or repeated offenses. Even now this ticket could be submitted as a criminal offense if the Warden so decided.
- It was agreed that the matter would be submitted to the Selectmen according to the regulations, and Mr. Briggs was advised to pay the ticket and carefully consider his future remarks and actions.

DEPUTIES' & CONSTABLES' REPORTS

- At the end of the meeting it was reported the David Viera had still not paid his fines, despite repeated warning. This matter would also be submitted to the Selectmen.
- About 13 fishermen were still catching limits off and on.
- The Department would start advertising for Summer Deputies and Peter Jackson was hired.

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- Edgartown Great Pond was opened Friday March 15<sup>th</sup> and had closed by today illustrating the need for extensive dredging (see 2/19/13 Minutes p. 2). The Pond level was down but salinity was only 10 ppt. at the Sluice and 6 ppt. at Wilson's Boulevard. There was a brief discussion at the end of the meeting on who could authorize an opening. The timing of the next cut was dependent on rain levels, ocean washover, etc.

**OLD BUSINESS**

New Dredge Committee Member

- **DONALD BENEFIT MOVED TO APPOINT LES BAYNES AS THE SHELLFISH COMMITTEE REPRESENTATIVE TO THE DREDGE COMMITTEE; COOP GILKES SECONDED: MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.** (See below: Actions.)

- There was a proposal to dredge a channel towards Major's Cove in Sengekontacket Pond to increase flushing and generate spoils to rebuild State Beach. It was noted that other organizations were considering a more radical plan to cut the Beach with another bridge opposite Majors Cove and dredge a similar channel. The Committee was referred to the Friends of Sengekontacket and the Barrier Beach Task Force (see below: Meetings).

Chappaquiddick Nursery

- A chimney vent was being replaced.
- As previously discussed (see 1/15/13 Minutes p. 1) Emma Greenbeach would hopefully be working for the MVSG and the Committee proposed hiring her to spawn scallops, while teaching Shellfish staff her methods.
- **DONALD BENEFIT MOVED TO CONTRACT WITH EMMA GREENBEACH FOR ONE DAY A WEEK TO WORK ON SPAWNING AT THE CHAPPAQUIDDICK NURSERY; COOP GILKES SECONDED: MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

Majors' Cove Oyster Project

There was a discussion comparing the quality and convenience of square and sealed bags for oyster farming, including durability, labor, cage fit, pricing, etc.

- The Department was receiving parts for the new upweller.
- For the first two years the grown oysters should be placed in Sengekontacket somewhere accessible for easy harvest such as the family area - although this could be a hazard for those going barefoot; other suggestions were at the head of the Pond and at Crab Creek.
- The Committee acknowledged Shellfish Biologist Paul Bagnall for all the work, testing and advocacy that resulted in the Division of Marine Fisheries (DMV) re-opening Sengekontacket Pond.
- The Deputies made "Sengekontacket Pond is Closed to Shellfishing" signs.

Quahog Relay (See below: Actions.)

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**NEW BUSINESS**

Leland Agreement for Poucha Pond (See 3/5/13 Minutes p. 3 & below: Actions.)

The Board of Health had stepped back in a little on testing parameters.

Martha's Vineyard Shellfish Group (MVSG) Business Plan

Paul Bagnall filled out the questionnaire. The Plan should be available around the beginning of April. An Edgartown double share (more seed but more money) was still being considered, particularly in terms of added staff time to deal with the increase.

- The need for a State 10 year commitment on the Lobster Hatchery came up again.

- There would be no oyster season in Edgartown Great Pond.
- The Committee commended the Deputy policing during this difficult winter.
- The Committee welcomed Les Baynes and thanked him for coming on board.

**Meetings/Events**

- BBTF - 9:30AM, Thursday, March 28, 2013 at County Admin. Bldg
- Edg. Shellfish - 7:00PM Tuesdays, April 2 & 16, 2013 at Town Hall
- Annual Town Meeting - 7:00PM Tuesday, April, 2013 at Town Hall

**ADJOURNMENT**

**• COOP GILKES MOVED TO ADJOURN AT 8:37PM; DONALD BENEFIT SECONDED; MOTION PASSED UNANIMOUSLY.**

**Actions To Be Done :**

- Marni - amend and email Wait List Form.
- Marni - send new member background documents to Les.
- Les - Dredge Committee: 4:10PM 1<sup>st</sup> and 3<sup>rd</sup> Wednesdays at Town Hall.
- Paul - send Edgartown Great Pond Dredge letter to Les.
- Paul - submit agenda items for Board of Selectmen meeting:
  - New Aquaculture Regulations and Wait List procedure and form.
  - Michael Briggs for citations, and Dave Viera for failing to pay two fines.
- Paul - fill out paperwork for quahog relay.
- Paul - talk to Matt Poole and Sheri Caseau re: Leland DRI.

**Ongoing Actions**

- Paul - submit written deputy reports and hours folder at each meeting.

**Documents on file:**

- Agenda 3/19/13