

Edgartown Shellfish Committee
Tuesday, July 2, 2013, 7:00PM
Shellfish Office at the Edgartown Town Barn

Present: Chair - Jack Blake, Les Baynes, Ryan Smith
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison
Others: Danny Donnelly
Marni Lipke - Recorder

The meeting was called to order about 7:03PM. Dan Donnelly was interested in attending meetings.

• MINUTES

• **LES BAYNES MOVED TO APPROVE THE JUNE 4, 2013 MINUTES AS AMENDED: RYAN SMITH SECONDED: MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.**

DEPUTIES/CONSTABLE'S REPORT

- The Deputies would sieve and divide oyster seed in Major's Cove tomorrow, discussing sieve size, bolting down the cages, blanket/grass seaweed, and other logistics.
- They also dumped a bin of quahogs into the raft. There was a natural set quahogs in the gravel and every scoop had 2 or 3 little steamers throughout. However Deputies had also seen a nice set of Lady Crabs that could make short work of the set.
- Four successful scallop egg fertilizations of about 25 million each were completed and transferred from the Chappaquiddick Hatchery to Cape Pogue and Shear Pen.
- All rafts were out but bird presence discouraged working on them.
- The next task was to rig buoyhooks on the Major's Cove Project cages (see below: Actions).

OLD BUSINESS

Aquaculture Regulations/Fines

Researching the Penalty Regulation draft (see 6/4/13 Minutes p. 2=3) found a \$100 per day fine would burden Shellfish Dept. staff with writing daily tickets. Consequently the Committee discussed aquaculture penalties mirroring Shellfishing penalty protocols. Issues included:

- consistently non-compliant fisher/farmers,
- out of plot equipment posing navigational hazards and souring neighbor relations,
- the politics and actions of Selectmen license/lease authority,
- Edgartown aquaculture as a \$2,500,000 business requiring strong controls,
- the legal requirements for consistent enforcement,
- Town Hall attention to outstanding fines before granting license/lease renewals,

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- criminal/misdemeanor category for infractions,
- unlikelihood of fishermen hiring legal counsel.
- The Committee suggested all citations be dealt with by two staff to provide a witness and to deter possible trouble. Citations could also be sent by certified mail. A copy of the new regulation penalties would be hand delivered to all 13 license holders.

• **LES BAYNES MOVED TO AMEND THE PENALTIES FOR NON-COMPLIANCE WITH AQUACULTURE REGULATIONS AS FOLLOWS:**

- **THERE WILL BE NO FIRST TIME VERBAL WARNING FOR THOSE WHO VIOLATE THESE AQUACULTURE REGULATIONS;**
- **VIOLATORS OF THESE REGULATIONS SHALL BE FINED ONE HUNDRED DOLLARS (\$100.00) FOR ANY NON-COMPLIANCE;**
- **IF THE LEASE/LICENSE HOLDER HAS NOT RECTIFIED THE VIOLATION WITHIN ONE (1) WEEK/SEVEN (7) DAYS THEY SHALL BE FINED FIVE HUNDRED DOLLARS (\$500.00);**
- **IF THE LEASE/LICENSE HOLDER HAS NOT RECTIFIED THE VIOLATION WITHIN A FURTHER ONE (1) WEEK/SEVEN (7) DAYS THEY SHALL BE FINED FIVE HUNDRED DOLLARS (\$500.00) AND RECOMMENDED TO THE EDGARTOWN BOARD OF SELECTMEN FOR LICENSE REVIEW; SAID BOARD AT A FAIR AND OPEN HEARING, UPON THE RECOMMENDATION OF THE SHELLFISH CONSTABLE OR DEPUTY CONSTABLE AND AT THE BOARD'S SOLE DISCRETION, MAY REVOKE OR REFUSE TO RENEW THE LEASE/LICENSE;**
- **THE VIOLATOR SHALL BE FINED FIVE HUNDRED DOLLARS (\$500.00) PER WEEK/SEVEN (7) DAYS UNTIL THEY ARE IN COMPLETE COMPLIANCE WITH THE AQUACULTURE REGULATIONS, INCLUDING DURING THE PERIOD OF EDGARTOWN BOARD OF SELECTMEN HEARING AND LICENSE REVIEW;**

RYAN SMITH SECONDED: MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.

- The Massachusetts Division of Marine Fisheries (DMF) new regulations included compliance reports (see documents on file) for all shellfish harvests including icing. The Shellfish Dept. while acknowledging and distributing the forms, noted the impossibility of monitoring over 1,000 commercial and family license holders on a daily basis.

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Chappaquiddick Nursery (See also above Deputies'/Constable's Report.)

- All quahogs (about 100,000) should be out of the building by tomorrow.
- Emma Greenbeach was there two days to train staff and Petey had now been trained in the complete process. There would be another week or so of spawning.

Majors Cove Oyster Project (See also above Deputies'/Constable's Report.)

- The upweller seemed to be in a reasonable location and was not attracting birds. (There was a deep hole that also might be suitable 200 yards from where it was now.)
- 500,000 seed was very ambitious for a first year aquaculture project, and staff might consider reducing the number in 2014.

- The Leland letter was sent certified return receipt on June 12th but there has been no response or confirmation.

NEW BUSINESS

Financial Update/End of Fiscal Year

- About \$6,000 in remaining Fiscal Year 2013 (FY13) funds would be spent on end-of-year expenses. Starting July 1st the \$40,000 in Major's Cove Oyster Project warrant funds would become available.

- Kristy Rose of the Selectmen's Office requested a definition of a town resident for shellfish licensing protocols.
- **LES BAYNES MOVED TO DEFINE AN EDGARTOWN RESIDENT AS BEING LISTED ON THE TAXPAYER LIST, VOTER LIST, RESIDENT LIST OR PRESENTING ADEQUATE IDENTIFICATION (I.E. DRIVERS LICENSE, CURRENT YEARLY LEASE, ETC.); RYAN SMITH SECONDED: MOTION PASSED UNANIMOUSLY: 3 AYES, 0 NAYS, 0 ABSTENTIONS.**

Meetings

- Edg. Shellfish - 7:00PM Tuesday, August 6, 2013 at the Town Barn
- Edg. Shellfish - 7:00PM Tuesdays, September 3 & 17, 2013 at Town Hall

ADJOURNMENT

- **RYAN SMITH MOVED TO ADJOURN AT 8:26PM; LES BAYNES SECONDED; MOTION PASSED UNANIMOUSLY.**

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Actions To Be Done :

- Paul/Warren/Rob - contact Dick Diamond and/or retrieve cages from Catch'em parking lot.
- Warren/Rob - rig cages with hooks, buoys and long lines (for winter ice conditions).
- Warren/Rob/Jack - pick up davit and set it up so it can be hinged down with a winch.
- Jack/Marni - draft Aquaculture enforcement amendment for July 8th Selectmen's meeting.

Ongoing Actions

- Paul - submit written deputy reports and hours folder at each meeting.
- Warren/Rob - Report log at each Committee Meeting
- Public hearing on oyster minimum / maximum size when /if there is an oyster season.

Documents on file:

- Agenda 7/2/13
- 2013 Harvester VpCompliance Monitoring Form (2 p.)
- Blake/Edgartown Shellfish Committee letter re: Leland DRI 4/16/13