

Edgartown Shellfish Committee
Tuesday, September 3, 2013, 7:00PM
Edgartown Town Hall

Present: Chair - Jack Blake, Les Baynes, Donald Benefit,
Cooper Gilkes, Ryan Smith,
Shellfish Dept. Paul Bagnall, Warren Gaines, Rob Morrison
Others: Edg. Marine Advisory Board - Gary Look
George Sourati - Sourati Engineering
Marni Lipke - Recorder

The meeting was called to order at 7:09PM

• MINUTES

• **RYAN SMITH MOVED TO APPROVE THE AUGUST 8, 2013 MINUTES AS AMENDED: COOP GILKES SECONDED: MOTION PASSED: 4 AYES, 0 NAYS, 1 ABSTENTION – DONALD BENEFIT** due to absence.

DEPUTIES/CONSTABLE'S REPORT

- The davits were installed and operational on the Carolina skiff.
- The Major's Cove Oyster project was going well and seed was being spreading out in cages.
- Deputies completed a massive quahog thin yesterday including moving about 150,000 onto the gravel beds. There was good survival and the lady crabs were not too numerous.
- About 100,000 steamers were on two rafts with a reasonable survival rate although bottom layers had paper thin shells and there were some green crabs in the cages. A small natural set in Katama was a good sign.
- A fairly comprehensive check found the scallop season continued scarce in Edgartown waters (see below: Actions) although Vineyard Haven seemed to have a good set.
- Summer deputies were leaving this week. Peter Jackson would shift to the Martha's Vineyard Shellfish Group (MVSG) payroll for two weeks to over-winter quahogs (see below: p.2).
- In general it was considered a fairly good summer. Katama relay area was well fished, although Sengekontacket continued to be difficult to police between the closed areas and the rainfall triggered closings.
- The Division of Marine Fisheries (DMF) shellfish sampling of the Sengekontacket closed area was postponed.

OLD BUSINESS

Majors Cove Oyster Project and Personnel (See also: Deputies'/Constable's Report.)

- The Major's Cove warrant article money was still pending. Outlay would include:
 - about \$1,500 for more bins,
 - about \$10,000 in outstanding invoices from Ketchum,
 - the construction of a raft and second 400 lb mushroom.(The Propagation Fund stood at about \$35,000.)

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- Shellfish Biologist/Constable Paul Bagnall proposed hiring Peter Jackson to assist with the Oyster Project and with propagation work for a maximum outlay of \$20,640 with no benefits. The Department was at its work limit seeding 7 million shellfish with only three staff. If the Major's Cove Project was successful in improving nitrogen remediation, it was likely to require an additional permanent worker. The Department considered the politics of growing the department as well as the cost burden to the Town of additional of benefits. There was general agreement to assay Peter Jackson for this year only.

- **LES BAYNES MOVED TO HIRE PETER JACKSON AS A CONTRACT LABORER AT \$20 PER HOUR FOR:**

- **32 HOURS PER WEEK FOR 26 WEEKS, AND**

- **20 HOURS PER WEEK FOR 10 WEEKS;**

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

The oysters should be ready for harvest about Spring 2014 and/or could be used to stock other ponds—essentially using Sengekontacket as a nursery.

Aquaculture Regulations

- The Board of Selectmen approved the amended Regulations (see 7/2/13 Minutes p. 2).
- Ray Gaily still had bags and equipment in the Narrows.

Summer Seed Production

- The Department processed:
 - 2 million quahogs and over 2 million scallops, as well as eyed oyster larvae from MVSG,
 - 500,000 oysters from Muscongus Bay,
 - 100,000 steamers from Salem State,
 - \$1,750 worth of large seed bay scallops from Taylor Seafood, funded from a dedicated fine,
 - and a dozen Chappaquiddick Hatchery spawnings resulting in about 20 million fertilized scallop eggs (see 3/19/13 Minutes p. 3).

- The missing temperature monitor had been replaced and the other one found.

Leland/Schifter Water Sampling Agreement (See 4/16/13 Minutes p. 2.)

- Richard Schifter was unable to attend but asked Engineer George Sourati to clear up some confusion over the escrow for Poucha testing. Mr. Schifter was under the impression that the Martha's Vineyard Commission (MVC) order encompassed periodic testing for the three lots at moderate cost per year and did not involve capital outlay for equipment.

- The escrow account involved the funds from three parties thus complicating outlay.

- Paul Bagnall asserted a number of factors.

- The testing was to monitor the impact of the subdivision on Poucha Pond. However, this involved more than a small pie wedge in front of the property because the water flowed throughout the Pond and from thence into Cape Pogue.

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- This testing would piggyback on the Massachusetts Estuary Project (MEP) for which water testing costs ran about \$5,000 per year.
- Proper testing involved the wide range of effects and compounds described in the letter, and these might change over the years as the situation developed.
- The MVC order referred sampling protocol to the Edgartown Shellfish Committee, the Marine Advisory Board and the Board of Health, so this was the sampling as requested by the Shellfish Committee.
- The Shellfish Dept. was experienced in sampling and testing was carried out by certified labs.
- Mr. Bagnall considered that the MVC decision was rushed in order to accommodate Mr. Leland's wishes. Originally the Lelands were to monitor water quality starting in the 1990's, which would have set benchmarks for the Pond.
- He was upset to have lost a season of testing and to have this brought up again; he left the meeting for a previous engagement.
- Les Baynes explained for the Committee as follows.
- He emphasized the Town's wish to oversee testing to insure it was properly and consistently implemented since Mr. Leland had completely failed to carry out the previous order.
- Mr. Leland and Mr. Schifter had asked the MVC to rush their deliberations for tax purposes and in the process all parties made concessions, this being one.
- This was good value for Mr. Schifter who had a vested interest in keeping Poucha clean.
- Mr. Sourati suggested the money be requested from the Leland escrow fund year by year.
- Other considerations were mentioned.
- Once the equipment was bought use of Town staff would make the program much cheaper and more efficient allowing for maybe 10 years of comprehensive testing,
- Outside consultants were expensive and would run through the escrow much more quickly.
- Shifting the escrow to the Town would eliminate a level of legal costs and the Committee was wary of having to argue with a lawyer over whether a test was authorized.
- In addition there was the unknown future, when property or people might change.
- The Town would be happy to send financial receipts and water quality reports to Mr. Leland.
- The Committee noted the topic was controversial but that Mr. Sourati was always welcome.

NEW BUSINESS

Bay Scallop Season

- This winter's weak scallop season was discussed. The Deputies advised that for the sake of the fishermen as well as the staff, check-in be brought forward so that searches and enforcement did not extend into the early winter dark. Discussion covered:
 - fishermen safety,
 - check in at the Dike,
 - serious commercial fishermen's habits.

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- **LES BAYNES MOVED TO:**
- **OPEN THE FAMILY SCALLOP SEASON TUESDAY, OCTOBER 1, 2013 WITH A WEEKLY LIMIT OF ONE LEVEL WASHBASKET AND WITH NO DRAGGING UNTIL FRIDAY, NOVEMBER 1, 2013;**
- **OPEN THE COMMERCIAL SCALLOP SEASON MONDAY, NOVEMBER 4, 2013 IN ALL AREAS, FOR FIVE (5) DAYS PER WEEK MONDAY THROUGH FRIDAY; SETTING THE LIMIT AT THREE (3) LEVEL TEN-GALLON WASHBASKETS PER DAY; AND THAT**
- **NO DRAGGING BE ALLOWED IN SENGEKONTACKET POND; AND**
- **ALL FISHERMEN MUST CHECK IN BY 4:00PM EACH DAY;**
- DONALD BENEFIT SECONDED; MOTION PASSED UNANIMOUSLY:**
5 AYES, 0 NAYS, 0 ABSTENTIONS.

Meetings

- Edg. Shellfish – 7:00PM Tuesdays, September 17 & October 1, 2013 at Town Hall

ADJOURNMENT

- **RYAN SMITH MOVED TO ADJOURN AT 8:22PM; COOP GILKES SECONDED; MOTION PASSED UNANIMOUSLY.**

Actions To Be Done :

- Paul/Warren/Rob – be careful not to weaken scallop hinges: not more than 5-700 per bag.
- Paul- remind DMF re: sampling Sengekontacket closed areas.

Ongoing Actions

- Paul/Warren/Rob – plant next Katama relay area closer to the boat ramp.
- Paul- attend Dredge Committee meetings as possible.
- Public hearing on oyster minimum / maximum size when /if there is an oyster season.

Documents on file:

- Agenda 9/3/13
- Sign In Sheet 9/3/13