

Edgartown Shellfish Committee
7:00PM Tuesday, June 5, 2012
Edgartown Town Hall

Present: Chair Cooper Gilkes, Donald Benefit, Jack Blake, Ralph Case,
Ryan Smith
Staff: Paul Bagnall, Warren Gaines, Rob Morrison,
Public: Jason Bennett, Scott Castro, Daniel Donnelly, Tracy Shaples,
Thomas Rogers, Julia Smith, Joe Smith, Jeremy Scheffer,
Roy Scheffer, Nic Turner

The meeting was called to order at 7:11PM.

NEW BUSINESS

- Meeting with Aquaculture License Holders (See documents on file.)

This issue was triggered by a Chilmark aquaculture license holder losing his grant due to complaints on aesthetics and messy sites. The Shellfish Committee called this meeting so that Edgartown aquaculture farmers could discuss and come to consensus on clear regulations that they could all live within. Thanks went to Jack Blake and Ryan Smith, the Committee aquaculture representatives, for crafting the draft proposal.

- Plot corners would be marked with uniform buoys and the fishermen discussed buoy consistency, color, price, durability, availability, and marking. It was agreed that yellow, hard buoys (\$10) would be used.
 - Each buoy would be marked in 2" numerals with the lease number from 1 through 12 as assigned by Shellfish Warden Paul Bagnall.
- It was easily agreed that plots would be separated by a 50' buffer.
- Each plot would have one mooring that could support a number of rafts which could not swing out to block easy passage through the buffer. There was a debate on whether total raft area should be 600' or 650' issues being:
 - expanded and expanding aquaculture density and area,
 - existing equipment investment including various raft dimensions and configurations,
 - plot space for rafts, cages and bags, (underwater equipment had no limits except to be within plot boundaries),
 - detrimental effects of grandfathering or exceptions versus equal treatment for all,
 - Katama dead area dimensions,

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- Cages would also be marked with the plot number for identification purposes (for example if scattered during extreme weather events).
- Fishermen were reminded to review all the State and Edgartown rules and regulations. Massachusetts General Law (MGL) required each farmer submit an annual catch report to the Selectmen similar to the monthly reports sent to the Division of Marine Fisheries (DMF), i.e. outlining: seed purchase, survival rate, product sold and remains from previous years. The reports were designed to gauge productivity for lease renewal consideration.
- The fishermen voiced a number of requests:
 - off-site culling in the winter for safety to avoid working on ice slick rafts;
 - lease transfer in case of illness, death or crisis,
 - a wait list of prospective lease holders.
 - the status of the Outer Harbor/Middle Flats ten-acre plots (awaiting DMF survey).
- There was a discussion on whether to allow overnight boat mooring in the farm area. Although for some it was a convenience to leave a boat and take one back and forth the issues of: a boat becoming an aquaculture site, the Katama moratorium on moorings, as well as the goal of a neat looking aquaculture area decided the consensus against the practice.
- In debating the timing for the rules to take effect the committee considered work load, recreational season and politics.
- The Committee thanked everyone for their attendance and participation and most of the public left at 8:02PM.

The Committee then reviewed the rules for consistency, checked the decisions, planned implementation and finally debated enforcement procedures (see below: Actions).

- There was no longer any distinction between floating versus bottom licenses. There was a brief discussion on ten acre plots and the effect on wild fishing.
- MGL allowed culling at home or on site. The Committee felt these were the only viable options.
- All new regulations as well as the local and State regulations should be distributed to all fishermen/farmers.
- A wait list should be implemented of all prospective applicants similar to the mooring wait list.
- A long debate on enforcement considered:
 - a warden or constable finding unmarked cages outside a plot,
 - the difference between a lease/contract and license enforcement for a wild catch,
 - courtesy and local practice,

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- an expeditious time frame,
- regulation enforcement by other towns in the region (a warning and 15 days),
- lease revocation versus non-renewal (leases ran for 3 years),
- dealing with a repeat offender continually pushing the envelope,
- verbal and written notification including documentation for legal proceedings,
- appeal hearings,
- derelict equipment in terms of bureaucratic requirements to certify as abandoned, label and etc.
- Selectmen's willingness or reluctance to enforce regulations.
- The Committee acknowledged and agreed with MGL (which superseded local law) concerning provision for transfer of an aquaculture lease to specific family members in case of severe illness, injury or death. The local regulation on non-transfer was designed to reinforce aquaculture regulations.
- There was a brief mention of not replacing a leased plot to reduce the aquaculture density.
- **IT WAS THE CONSENSUS OF THE EDGARTOWN SHELLFISH COMMITTEE THAT:**
- **AQUACULTURE PLOT CORNERS WOULD BE MARKED BY JUNE 12, 2012 AND CORRECT BUOYS BE INSTALLED AS SOON AS COMMERCIALY AVAILABLE;**
- **THE UNIFORM BUOYS WOULD BE HARD YELLOW (\$10).**
- **SHIFTING OF ALL EQUIPMENT TO WITHIN PLOT BOUNDARIES WOULD BEGIN IMMEDIATELY AND BE COMPLETED NO LATER THAN AUGUST 1, 2012;**
- **THE SHELLFISH COMMITTEE AND SELECTMEN SHALL IMPLEMENT AND MAINTAIN A WAIT LIST OF AQUACULTURE PLOT APPLICANTS;**
- **ALL STATE AND LOCAL RULES AND REGULATIONS SHALL BE DISTRIBUTED AS SOON AS POSSIBLE TO ALL AQUACULTURE PLOT LEASE HOLDERS, WHO SHALL BE REMINDED TO REVIEW ALL SUCH REGULATIONS AND FILE ANNUAL CATCH REPORTS TO THE SELECTMEN AT THE BEGINNING OF EACH CALENDAR YEAR;**
- **THE SHELLFISH COMMITTEE SUPPORTED THE EDGARTOWN REGULATION ON NON-TRANSFER OF LEASES WITH EXCEPTIONS AS MANDATED BY MASSACHUSETTS GENERAL LAW REGULATIONS CHAPTER 130 SECTION 57.**

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- RALPH CASE MOVED TO RECOMMEND THE SELECTMEN ADOPT AQUACULTURE REGULATION AMENDMENTS AS FOLLOWS:
- ALL FARMS SHALL BE THREE HUNDRED (300) FEET BY ONE HUNDRED FIFTY (150) FEET.
- TEN (10) ACRE LICENSES MAY BE GRANTED IN OUTSIDE WATERS AND ONLY ONE (1) SUCH LICENSE/LEASE WILL BE GRANTED TO ANY ONE INDIVIDUAL.
- THE LICENSE/LEASE HOLDER IS RESPONSIBLE FOR PROVIDING, INSTALLING AND MAINTAINING FOUR (4) HARD PLASTIC YELLOW CYLINDRICAL BUOYS APPROXIMATELY NINE (9) INCHES BY FOURTEEN (14) INCHES TO MARK THE CORNERS OF THE FARM; CORNER BUOYS SHALL DISPLAY THE LEASE NUMBER WITH TWO (2) INCH HIGH NUMBERS.
- ALL CAGES SHALL BE PERMANENTLY MARKED OR TAGGED WITH THE LEASE NUMBER.
- THERE WILL BE AT LEAST A FIFTY (50) FOOT BUFFER ZONE BETWEEN FARMS TO ALLOW FOR BOAT PASSAGE.
- EACH LICENSE/LEASE HOLDER IS ALLOWED ONE (1) MOORING TO ATTACH A RAFT OR RAFTS NOT TO EXCEED A TOTAL RAFT AREA OF SIX HUNDRED FIFTY (650) SQUARE FEET. THE SWING OF THE RAFT SHALL NOT OBSTRUCT THE BUFFER ZONE SO AS TO MAINTAIN CLEAR BOAT PASSAGE.
- ALL CAGES, EQUIPMENT OR BAGS SHALL BE LOCATED WITHIN THE MARKED FARM BOUNDARIES OR ON THE RAFT(S).
- THERE WILL BE NO OVERNIGHT MOORING OF BOATS IN THE AQUACULTURE AREA.
- ALL OYSTER OR OTHER SHELLFISH RELATED OPERATIONS , AIR DRYING, AND CULLING SHALL BE PERFORMED AT EACH LEASE HOLDERS MARKED AREA OR ON THE RAFT OR BOAT ADJACENT TO THE FARM OR AT THE LICENSE/LEASE HOLDER'S HOME.
- THE SHELLFISH DEPARTMENT IS RESPONSIBLE FOR PERIODICALLY CHECKING THE CORNER BUOYS AND VERIFYING THE THREE HUNDRED (300) FOOT BY ONE HUNDRED FIFTY (150) FOOT MEASUREMENTS AND THAT ALL CAGES, BAGS OR EQUIPMENT ARE WITHIN THE MARKED AREA.
- VIOLATIONS OF ANY AQUACULTURE REGULATIONS SHALL BE ENFORCED BY THE SHELLFISH DEPARTMENT AS FOLLOWS:

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- ° A VERBAL WARNING WILL BE ISSUED TO THE LICENSE/LEASE HOLDER, DOCUMENTED AND REPORTED TO THE SHELLFISH COMMITTEE BY SHELLFISH DEPARTMENT STAFF; THE LICENSE/LEASE HOLDER HAS ONE WEEK/SEVEN (7) DAYS TO RECTIFY THE VIOLATION.
 - ° IF THE SITUATION IS NOT RECTIFIED AFTER THE WEEK/SEVEN DAYS THE SHELLFISH DEPARTMENT STAFF SHALL ISSUE A FINAL AND WRITTEN WARNING GIVING THE LICENSE/LEASE HOLDER ONE WEEK/SEVEN (7) DAYS TO RECTIFY THE VIOLATION.
 - ° IF THE SITUATION IS NOT RECTIFIED WITHIN THE WEEK/ SEVEN (7) DAYS THE LICENSE/LEASE HOLDER WILL APPEAR BEFORE THE SELECTMEN FOR LICENSE/LEASE REVOCATION AND/OR NON-RENEWAL.
 - ° TWO (2) OR MORE WRITTEN WARNINGS WITHIN A TWELVE (12) MONTH PERIOD WILL RESULT IN THE LICENSE/LEASE HOLDER APPEARING BEFORE THE SELECTMEN FOR LICENSE/LEASE REVOCATION OR NON-RENEWAL.
 - ° LICENSE/LEASE REVOCATION OR NON-RENEWAL WILL INCLUDE REMOVAL OF ALL EQUIPMENT WITHIN THIRTY (30) DAYS OR SALE TO THE NEXT LEASE HOLDER AND NOTIFICATION TO THE MASSACHUSETTS DIVISION OF MARINE FISHERIES.
 - ° THE REVOKED PLOT LEASE WILL BE OFFERED TO THE WAIT LIST APPLICANTS IN ORDER OF WAIT LIST SENIORITY.
- JACK BLAKE SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.

OLD BUSINESS

• Sengekontacket Closure Update

The Selectmen signed the Sengekontacket Memorandum of Understanding with the DMF so the Pond would be opened as noted (see 5/15/12 Minutes p. 2). Rainfall closures would be marked by a red flag at the Bridge (see below: Actions).

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• Summer Deputies

Summer Deputies hires were completed: Peter Jackson Jr., Darryl Kayaka, Ralph Savory and Paul Schultz.

• Election of Chairman

A memo from the Selectmen strongly recommended the annual rotation of committee and board chairs as soon as practicable after Town elections. The matter would be voted at the July meeting.

• Summer Meeting Schedule

• **RALPH CASE MOVED TO SCHEDULE THE EDGARTOWN SHELLFISH COMMITTEE SUMMER MEETINGS FOR 7:00PM TUESDAYS, JULY 3, 2012, AND AUGUST 7, 2012 AT THE SHELLFISH DEPARTMENT OFFICE AT THE TOWN BARN; JACK BLAKE SECONDED; MOTION PASSED UNANIMOUSLY: 5 AYES, 0 NAYS, 0 ABSTENTIONS.**

ADJOURNMENT

THE MEETING ADJOURNED AT 8:54PM.

Actions To Be Done:

- **All** - whoever is not at the next meeting will be Chair
- Paul/Rob/Warren/Coop - implement Aquaculture plot applicant wait list.
- Paul/Rob/Warren - distribute all State and local regulations, including new rules to all fishermen farmers.
- Paul/Rob/Warren - remind fishermen farmers to submit annual Catch Reports to Selectmen.
- Paul - change Section 10, #6 to "Ten (10) acre licenses may be granted in outside waters and only one (1) such license will be granted to any one individual."
- Paul - submit new rules to Selectmen (Public Hearing?).
- Paul/Rob/Warren - install flagpole at Big Bridge for Sengekontaktet rainfall closures.

7/3/12 Agenda

- Minutes: 5/15/12, 6/5/12
- Election of Committee Chair
- Estuaries Program Update
- Financial Update
- Aquaculture Regulations Update

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Unfinished Projects / Ongoing Actions

- Gate/fencing of Fishermen's Depot
- Photographs for Shellfish Dept. Office
- Paul - make available written deputy reports/hours on a bi-weekly basis.
- Warren/Rob - Report log at each Committee Meeting
- Public Hearing when /if there is an Edg. Great Pond oyster season.

Documents on file:

- Agenda 6/5/12
- Sign In Sheet 6/5/12
- Proposal for Lease Holders of Aquaculture Sites in Katama Bay
- Conch (licensed and managed by DMF) pots...
- Commonwealth of Massachusetts General Laws Part 1 Title XIX Chapter 130 Section 57 (2 p.) 6/3/12
- Commonwealth of Massachusetts General Laws Part 1 Title XIX Chapter 130 Section 61