

Shellfish Committee Minutes of the Meeting

DATE: December 18, 2013
TIME: 7:30 P.M. to 9:30 P.M.
LOCATION: MEAD Building

Shellfish Committee Members present: Stuart Rapp, Albert Surprenant, Les Hemmila, Linda Romano, Gerard Ganey, Richard Haskell, Andre Sampou, Kevin Flaherty

General Public present: Christopher Freeman, Wayne Hayes, Phil Wallace

Town Staff present: Doug Kalweit, Tom Marcotti, Elizabeth Lewis

Chairman's Report:

Stuart Rapp chaired the December 18, 2013 meeting of the Shellfish Committee.

Stuart Rapp took a roll call of members present at the meeting.

Stuart Rapp read a notice at the beginning of the meeting:

NOTICE OF RECORDING

"Please note that tonight's meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s. 20, I must inquire whether anyone is taping this meeting and to please make their presence known."

Stuart Rapp introduced Kevin Flaherty as the newest member of the Shellfish Committee and welcomed Elizabeth Lewis as the new Shellfish Propagation Technician for the Town of Barnstable.

The Shellfish Committee unanimously approved a motion and adopted the minutes of the November 19th, 2013 meeting of the Shellfish Committee.

The Shellfish Committee unanimously passed a motion to write a letter to Dan Horn, Director MEA, and Thomas K. Lynch, Town Manager, acknowledging the successful efforts of the Natural Resources Office to propagate shellfish for the Town of Barnstable.

Natural Resources Report

Elizabeth Lewis informed the committee of the following Barnstable Harbor shellfishing area openings:

The Division of Marine Fisheries reopened seasonally closed shellfishing areas in Barnstable Harbor (listed below) as of December 15, 2013. This opening is due to approved water quality as part of a management protocol for this area.

- **Barnstable Harbor, North** (DMF/CCB:31.1) Section 2.1, page 26
- **Barnstable Harbor** (DMF/CCB:31.2) Section 2.2, page 27
- **Barnstable Marshes** (DMF/CCB:33.0) Section 2.3, page 27
- **Upper Scorton Creek** (DMF/CCB:34.1) Section 2.4, page 27

The area listed below remains closed to all shellfishing:

1.3 Upper Scorton Creek (West): the waters, flats and all tributaries of Scorton Creek in the Town of Barnstable, west of a line drawn southerly from the "NO SHELLFISHING" sign posted at the entrance to Great Island Creek to the "NO SHELLFISHING" sign posted at the entrance sign of the unnamed creek on the opposite shore (DMF/CCB:34.2; **classified as prohibited**).

Doug Kalweit informed the Shellfish Committee that the following number of recreational shellfishing licenses have been sold by the Town as of December 18th, 2013:

Residential Recreational Licenses: 2,462

Non-Residential Recreational Licenses 193

Doug Kalweit informed the committee of the status of the Shellfish Propagation Revolving Fund (FY-14) as of 12/18/13:

Expenditures: ~ \$38,000
Balance: ~\$169,000

Doug Kalweit informed the Shellfish Committee of the shellfishing activities of two members of the Wampanoag Tribe. Doug noted that in excess of twenty-four (24) civil non-criminal citations have been issued to the two individuals. Doug noted that NR staff has observed the two individuals harvesting oysters from the Bay Street Relay Area (DMF/SC 23.20) and the Wianno Oyster Relay Area (DMF/SC 22.24) during recreational only status and quahogs from the Cotuit Bay Relay Area (DMF/SC 21.22) during recreational only status. Doug checked with DMF State attorneys who determined the shellfish catch of the two individuals cannot be confiscated.

The Shellfish Committee discussed the legal issues regarding Doug's information, as well as the topics of Native American sustenance, selling Town cultured recreational only shellfish and regulations and regulation enforcement by various agencies.

Stuart Rapp said he would write a letter to the Town of Barnstable Legal Department requesting that the Wampanoag shellfishing issue be addressed.

Piers, Dredging and Shellfish Habitat Issues:

Tom Marcotti briefly informed the Shellfish Committee of channel dredging and ramp repair activities currently in progress at East Bay, Centerville River and Prince Cove.

Old Business

Les Hemmila informed the Shellfish Committee of the progress of the Aquaculture Sub-Committee. The sub-committee is in the process of formulating proposed amendments to the Town of Barnstable Aquaculture License Regulations (Article IX) for submittal to Shellfish Committee for review as drafted and outlined below:

§407 - 47:

Pertaining to a revised definition of "licensee", the subcommittee approved a motion to amend regulation 407 – 47 to include that a license can be issued to an individual or corporation, as long as the individual or the president of a corporation can prove to the Licensing Authority that he/she are a bona fide, domiciled resident of the Town of Barnstable.....

§407 – 50:

The subcommittee approved a motion to amend regulation 407 -50 by adding the following sentence:The waiting list for a license requires a \$10 filing fee renewable every year modeled on the Town of Barnstable mooring waiting list.

§407 – 54:

The subcommittee recommended to insert the clause "after three (3) years" in the second sentence after the word transferable in regulation 407 – 54.

§407 – 56:

The subcommittee approved a motion to amend regulation 407 – 56 as follows:

§ 407-56. New license period; renewal.

A new license shall be issued for a period not to exceed five years. ~~–and for a maximum total area not to exceed two acres. During the first year, at least 10% of the lease site must be used for the permitted aquaculture activity, during the second year 15% and during the third year 20%, or the lease site will be forfeited.~~ The licensee may apply for the renewal of the license at anytime within two years prior to the expiration date of the license. The Town Manager shall review the licensee's request for renewal within 60 days after receipt of the renewal request. Under the legal discretion of the Town Manager the license holder shall have the option of a renewal period up to 10 years.

§407 – 59:

The subcommittee approved a motion to amend regulation 407 – 59 by replacing the monetary amount of \$2,000 per acre per year with \$10,000 per acre per year.

The sub-committee planned to continue reviewing these and other shellfish aquaculture regulations at future meetings.

Les noted that the sub-committee discussed various issues that are important to the industry (i.e., best management practices, disease management, public health issues, regulations, etc.). Further discussion on how best to implement a BMP training program for new licensees was discussed and forwarded to future sub-committee meetings.

Stuart Rapp told Les that the sub-committee needs to formalize, in writing, their proposed amendments to the Town Shellfish Aquaculture Regulations, approve the proposed amended regulations and minutes of the sub-committee and submit the proposals to the Shellfish Committee for review.

The Shellfish Committee discussed the concept of monetarily charging individuals on the waiting list(s) to be on the list. The committee suggested using the Town Mooring Regulations as a template. The committee discussed the issue of determining and verifying productivity on each licensed area. The Shellfish Committee discussed changing the Town annual shellfish aquaculture license report deadline from December 31st to February 1st .

Other Business

The Shellfish Committee briefly discussed the procedure of addressing the location and relocation of shellfish aquaculture licensed sites.