

## Shellfish Committee Minutes of the Meeting

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**DATE:** August 20, 2014  
**TIME:** 7:30 P.M. to 9:30 P.M.  
**LOCATION:** MEAD Building

**Shellfish Committee Members present:** Richard Haskell, Les Hemmila, Kevin Flaherty, Linda Romano, Robert Lancaster

**General Public present:** Chris Freeman, Lenny Clark, Mark Begley, Richard Luce, Greg Luce, Cynthia Summers, Scott W. Korkuch

**Town Staff present:** Doug Kalweit, Tom Marcotti

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### Chairman's Report:

Richard Haskell chaired the August 20th, 2014 meeting of the Shellfish Committee.

Richard Haskell took a roll call of members present at the meeting.

Richard Haskell 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."*

The Shellfish Committee unanimously approved a motion and adopted the minutes of the July 16<sup>th</sup>, 2014 meeting of the Shellfish Committee.

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### Natural Resources Report

Tom Marcotti informed the Shellfish Committee of the Town's management of a quahog propagation area located at Handy Point in Cotuit Bay. Tom informed the Shellfish Committee of the status of various Town shellfish propagation projects and informed the committee about the research, development and production work of Shellfish Technician Elizabeth Lewis and NR staff involving volunteers, (i.e. BARS members) to culture and free plant quahog seed and soft shell clams in southside embayments.

Tom Marcotti informed the Shellfish Committee about Town's bay scallop research and enhancement project planned for designated habitats in various embayments and waters of the Town. The Shellfish Committee reviewed various traditional and potential bay scallop habitats. A prime component of the project is to determine if bay scallops can survive in the designated areas. The bay scallops are being produced by and procured from Taylor Cultured Seafoods located in Fairhaven, MA.

Doug Kalweit informed the Shellfish Committee that the Shellfish Propagation Revolving Fund current balance is \$140,800 (FY15) and that \$25,000 (FY14) has been encumbered for Taylor Cultured Seafood bay scallops. Doug informed the committee that 20% of his salary will come out of the Shellfish Propagation Revolving Fund instead of the Sandy Neck account.

Doug Kalweit informed the Shellfish Committee that the following number of recreational shellfishing licenses have been sold by the Town as of August 20th, 2014:

Recreational Licenses: 2,451 ( 152 more than last year at this time.)

Doug Kalweit updated the committee about his proposal to install a remote video camera at the Scudder Lane Landing as a tool for surveillance purposes. The Shellfish Committee and Doug discussed the use of surveillance technology for regulatory enforcement and other matters.

Doug Kalweit informed the Shellfish Committee that the Town Manager reinstated Richard Kraus' shellfish aquaculture licensed site (license 10-05, site ng023) located in Barnstable Harbor.

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## Piers, Dredging and Shellfish Habitat Issues:

Tom Marcotti presented an update to the Shellfish Committee and reviewed the following coastal development project proposa. A project start date of October 15<sup>th</sup> was agreed upon by local project representatives and local regulatory agencies .

**Applicant:** Indian Point, Inc. (owner of 8 & 10 Indian Trail) & Homeport Investments II, LLC (owner of 14 Indian Trail)

**Project**

**Location:** 8, 10 & 14 Indian Trail, Osterville, MA 02655, Map 091 / Parcel 001 & 014  
Map 070 / Parcel 009005

**Proposed**

**Project:** To perform maintenance dredging and beach nourishment.

**Applicant's**

**Agent:** Sullivan Engineering Inc.  
P.O. Box 659 / 7 Parker Road  
Osterville, MA 02655  
phone: 508-428-3344

**Public Hearing:** Date: March 18, 2014  
Time: 6:30 P.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor

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## Old Business

**A)**

The Aquaculture 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. Les Hemmila informed the Shellfish Committee of the sub-committee's progress.

The Shellfish Committee discussed and reviewed the Aquaculture Sub-Committee's proposed amendments to Aquaculture License Regulations (Article IX), revised them, and unanimously passed individual motions for the following three proposed amendments as included below.

CHAPTER 407

ARTICLE IX

Aquaculture License Regulations

Proposed amendments approved by the Shellfish Committee at its August 20, 2014 meeting

**EXISTING REGULATION**

**§ 407-60. Filing of annual reports.**

Licensees shall file annual reports with NR in accordance with the form provided by NR on or before December 31 of each year and shall produce documents upon the request of NR showing purchase and sale slips stating the total amount of each kind of shellfish planted, produced or marketed during the preceding year (January 1 through December 31) upon or from the licensed area, and an estimate of the total number of each kind remaining. The report shall disclose all necessary information as required by these regulations and NR which establishes that the licensee reached the reasonable production value.

**Change:**

Licensees shall file annual reports with NR in accordance with the form provided by NR on or before February 28 of each year and shall produce documents upon the request of NR showing purchase and sale slips stating the total amount of each kind of shellfish planted, produced or marketed during the preceding year (January 1 through December 31) upon or from the licensed area, and an estimate of the total number of each kind remaining. The report shall disclose all necessary information as required by these regulations and NR which establishes that the licensee reached the reasonable production value.

**Rationale:**

To conform with Massachusetts General Laws Chapter 30 Section 65.

## EXISTING REGULATION

### § 407-63. Responsibility for gear and tackle.

The license holder assumes all liability for all gear and tackle used on the license. If any such gear is moved to a location off the license, it shall be the responsibility of the licensee to remove said gear. If within 21 days after notification to the licensee by NR that the licensee has not complied with this requirement, the Town may cause such gear to be removed at the expense of the licensee. All floating gear and cages and netting greater than 200 square feet shall bear the license number of the license. Every licensee shall permanently mark or tag, in a conspicuous place, each shellfish container, used on the licensed site, with the four digit state propagation permit number issued to the licensee. Netting shall be marked or tagged in a conspicuous place, per every 200 square feet. Said regulation is subject to fine schedule for non-compliance. The shellfish constable shall have the authority to temporarily waive these regulations if the presence of ice, severe weather or other condition hampers the ability of the licensee to immediately comply with these regulations.

#### Change:

The license holder assumes all liability for all gear and tackle used on the license. If any such gear is moved to a location off the license, it shall be the responsibility of the licensee to remove said gear. If within 21 days after notification to the licensee by NR that the licensee has not complied with this requirement, the Town may cause such gear to be removed at the expense of the licensee. All floating gear and cages and netting greater than 200 square feet shall bear the license number of the license. Every licensee shall permanently mark or tag, in a conspicuous place, each shellfish container, used on the licensed site, with the four digit state propagation permit number issued to the licensee. Netting shall be marked or tagged in a conspicuous place, per every 200 square feet. Said regulation is subject to fine schedule for non-compliance. The shellfish constable shall have the authority to temporarily waive these regulations if the presence of ice, severe weather or other condition hampers the ability of the licensee to immediately comply with these regulations. **No structure or device used in the production of shellfish shall protrude more than 24" above the substrate between April 15 and November 15.**

**Rationale:** Following the former Army Corps Aquaculture Guidelines with minor changes in height.

## EXISTING REGULATION

### § 407-64. Removal of gear upon termination of license.

When a license is discontinued or terminated for any reason, the license holder shall be required to remove all gear from the waters and substrate within 60 days of the license termination date. Any and all equipment not removed within 60 days may be removed by the Town at the expense of the licensee.

When a license is discontinued or terminated for any reason, the license holder shall be required to remove all gear from the waters and substrate within 60 days **and shellstock to be removed in 6 months from** the license termination date. Any and all equipment not removed within 60 days **and shellstock not removed in 6 months shall** be removed by the Town at the expense of the licensee.

## B)

The Shellfish Committee reviewed the committee's Barnstable Harbor shellfish aquaculture site expansion area proposal. Les informed the Shellfish Committee that by consensus the Aquaculture Sub-Committee members agreed to return the responsibility of developing the Shellfish Committee's proposed shellfish aquaculture license site area in Barnstable Harbor back to the Shellfish Committee.

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## New Business

### A. Shellfish Aquaculture License Renewal Application:

The Shellfish Committee reviewed and discussed the shellfish aquaculture license renewal application of **Cynthia Summers** and unanimously passed a motion recommending that her license be renewed by the Town Manager. Cynthia Summers' shellfish aquaculture site is located in Barnstable Harbor (site ng039; license #99-27; 1.95 acres). A public hearing for the proposed renewal application was held on Friday, August 8, 2014 at 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

### B. Shellfish Aquaculture License Renewal Application:

The Shellfish Committee reviewed and discussed the shellfish aquaculture license renewal application of Jennifer Mullin and unanimously passed a motion recommending that her license be renewed by the Town Manager. Jennifer Mullin's shellfish aquaculture site is located in Barnstable Harbor (site ng004; license #99-04; 0.96 acres). A public hearing for the proposed renewal application will be held on Thursday, August 21, 2014 at 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

**C. Shellfish Aquaculture License Transfer Application:**

The Shellfish Committee reviewed, discussed and unanimously approved a motion recommending that the following shellfish aquaculture license application of Richard Luce be approved by the Town Manager. Richard Luce was present to answer any questions from the committee regarding the application.

**Applicant: Richard Luce**

**Application:** The transfer of Dudley Thomas' licensed shellfish aquaculture site to Richard Luce, and the issuance of a new license to Richard Luce for a period of five years.

**Location:** Barnstable Harbor, site ng038: A designated portion (1.2 acres) of intertidal flat in the mid-Barnstable Harbor north of Huckins Island as recorded on a map at the G.I.S. Unit.

**Public Hearing:** Date: August 8, 2014  
Time: 9:00 A.M.  
Place: Barnstable Town Hall,  
367 Main Street, Hyannis MA  
Town Council Hearing Room, 2nd floor