



Town of Barnstable

Shellfish Committee

1189 Phinneys Lane, Centerville MA 02632

**SHELLFISH COMMITTEE
MINUTES OF THE MEETING
DATE: December 11, 2024
TIME: 6:00-8:00 PM**

Shellfish Committee Members present: Douglas Crook, Stuart Rapp, Gloriann Hurwitz, Bill Cherepon, Paul Hendricks, Jacob Angelo

Shellfish Committee Members absent: Patricia Farinha, Robert Lancaster

General Public present: Magdalena McCleary, Jill Nawoichik, Mark Begley, Tim Hamel, Anthony Gerace, Ian Kerwin, Tyler Hagenstein, Connor Rogan

Town Council Liaison absent: Gordon Starr

Town Staff present: Amy Croteau, Shellfish Constable

Douglas Crook called the meeting to order at 6:00 PM, as December 11, 2024 meeting of the Shellfish Committee. Chairman Crook read a notice at the beginning of the meeting:

NOTICE OF RECORDING "Please note that tonight's meeting is recorded and broadcast on the Town of Barnstable's Government Access Channel 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."

TOPICS FOR DISCUSSION

1. Approve Meeting Minutes: October 9, 2024 and November 13, 2024

Chairman Crook decided to entertain a motion to approve the October 9 and November 13 meeting minutes together, Bill Cherepon made a motion to approve the minutes as submitted, seconded by Gloriann Hurwitz, unanimous vote with exception that Stuart Rapp and Jake Angelo abstained due to Jake's absence at the October meeting and Stuart's absence at the November meeting.

2. Chairman's Comments:

Chairman Crook stated he was made aware it was John Nawoichik's birthday. Mr. Nawoichik passed away in 2021 and Chairman Crook requested a moment of silence in John's honor.

3. Natural Resources Report / Correspondence:

1. Shellfish Growing Area Updates

Constable Croteau stated all conditionally approved areas slated to open effective December 15 are good to go and she shared maps of Barnstable Harbor and Scudder Lane to show the upcoming changes. She should have information on the pending opening of the Marstons Mills River the first week of February.

2. Monthly Propagation Report

Constable Croteau read the report submitted by Shellfish Biologist Liz Lewis which stated the propagation team is prepping gear in the field for winter months, 2/3rd of the gear at Scudder has been removed making the closed area smaller, powerwashing and gear maintenance is a common occurrence this time of year between tudes and all net cleaning activities are up to date and being handled by the shellfish technicians. Numbers on the first months of oyster season were shared, 1082.43 pecks of oyster have been harvested since the beginning of the season. On average 522 recreational licenses and catches are checked a week with the busiest week being the week of Thanksgiving when 607 permits and catches were checked. The oyster ugly program is underway, more people bid than expected and a total of 24,700 oysters were purchased for \$8,645, which was over the projected \$7,500 budget however the shellfish team views this as a win-win for the growers and the town. Shellfish Volunteer Appreciation day was held recently and was one of the most well attended in years.

3. Year to Date Shellfish Numbers

December		
Permit Type	2023 YTD	2024 YTD
Resident	1533	1471
Non-Resident	528	441
Resident Senior	1068	1058
NR Veteran	53	55
NR Veteran Senior	86	85
Seasonal	71	51
YTD Totals:	3,339	3,161
YTD Income:	\$164,053	\$160,640

*Some permits were purchased at a prorated amount

4. NG035 Update and Apprenticeship Program Update:

Constable Croteau stated that the first person offered the site off the waitlist has expressed interest in the site and will be moving forward with a formal application to be reviewed at either the January or February Shellfish Committee Meeting. Constable Croteau met with Hank and Shelley Cenzalli who have two girls, age 9 and 11 interested in the program. An application for the program is being created and a way of documenting the 400 hours is in the making. Constable Croteau plans on adding them to the January agenda so the Shellfish Committee can vet their participation in the program. Although they are young, commercial shellfishing is not Hank or Shelley's sole means of income so it will likely take years for the hours to be logged, which would be good because the state does not issue commercial permits to anyone under the age of 14.

5. Recreational, Commercial and Aquaculture Related Renewals and Deadlines:

Constable Croteau mentioned that MEA is going through a massive online permitting tool update, which has had some snags however, renewals for most things should be sent out electronically on December 17th. 2024 recreational permits expire January 15, 2025, any person wishing to purchase a new 2025 permit that is not a renewal can do so online or in person starting December 30th. 2024 permits renewals are still possible for the last month they are effective, but they can only be purchased in person. Commercial renewals- \$5 placeholder and completed and signed renewal forms are due by the end of the business day January 31, 2025. Failure to do this on time will result in your permit being offered to the lottery. Lottery applications are accepted January 1 – January 31 and the lottery drawing will take place on February 3rd via Zoom as the 1st is a Saturday. Lottery information will be provided at the January SFC meeting. Remainder of commercial fees, state permit and proof of domicile are due March 31st if someone wants to fish in April because the commercial permits expire March 31st annually. Aquaculture acreage fees and annual domicile are due by the end of this business day December 31st, links that were sent out mid-November are no longer valid, new ones will be sent out via email on the 17th. Anyone holding a commercial license and aquaculture license does not have to provide proof of domicile twice, we will roll the domicile proof over from the aquaculture documentation to the commercial permit documentation. Annual reports for aquaculturists are due February 28th, you can use the form provided or can use the annual state propagation report, blacking out whatever isn't needed as part of the Town's minimum production standards.

6. Scudder Lane Ramp Improvements Update:

Constable Croteau read aloud correspondence from Paul Graves at DPW, stating he was going to coordinate with the consultant to address stakeholder comments received in the public informational meeting on 11/21/2024. He will provide additional information when ready to report on such. Plans are being altered based on public feedback and Constable Croteau suggested people

still send letters to DPW in the meantime. Chairman Crook mentioned that the original filing of the NOI to Con Comm was supposed to be the 17th of December but Constable Croteau noted that without plans, an NOI cannot be submitted for review. Constable Croteau encouraged anyone with questions to reach out to DPW directly.

4. New Business:

1. Fisherman Harassment Discussion:

Constable Croteau opened the discussion by stating she as not the one who requested that this be put on the agenda. She stated she would like the discussion to be adult and respectful. She stated her and staff's jurisdiction as it pertains to these issues is limited. If you wish to report something just so there is a log, that is fine, but otherwise inability to get along with one another is not within MEA prevue to address. If someone is threatening your life, it is a police matter, if someone is boating in an unsafe way, it is a Harbormaster issue, other inabilities to get along are civil issues. Moving into recreational shellfisher harassment issues, Constable Croteau stated this is an emerging issue within the recreational fishery and urged people to call the office whenever they feel they are witnessing something that might be a violation against the shellfishery. Constable Croteau stated that staff are on 7 days a week, schedules largely revolve around the tides and even if it is outside of business hours, voicemails are checked every 20-30 minutes when staff are on duty. Taking matters into your own hands makes the jobs of enforcement more difficult. She acknowledged people's free speech but also acknowledged that some of the "free speech" out there is on the border of hate speech/crimes. Constable Croteau touched on her understanding of Tribal rights, stating that as long as Tribal members are not shellfishing in an area closed for water quality, which would constitute a threat to public health, and as along as Tribal members are not commercially shellfishing within a designated recreational only area as they sign an affidavit with the state stating they will not when they get transaction cards, they are not beholden to any other Town regulations. Chairman Crook recapped what Constable Croteau had stated and asked if there was any discussion regarding fisherman harassment from Committee members, seeing none Chairman Crook turned it over to the public in attendance who also did not have any commentary for the discussion.

2. Closed to Commercial Zone in Barnstable Harbor and appropriate use of §188-4

Chairman Crook stated that he had numerous requests from wild harvesters to add this to the agenda, seeking guidance on the commercial closure of razor clamming on Huckins Island. Constable Croteau explained the existence and use of §188-4 by the Town Manager, touched on the previous opening of a recreational area to the commercial fishery and stated that the closed to commercial zone in Barnstable Harbor has shrunk significantly in recent years and the decision to leave Huckins Island for the recreational fishery was made due to the ability of rec people to walk out to the island on decent tides throughout the year via Scudder. Due to the increased recreational interest in razor clamming that had not existed when the last opening was requested, Constable Croteau explained that MEA would be leaving the commercial closure in place throughout the Spring and Summer and

would revisit the issue in the Fall with the Committee as she expects the recreational fishery will harvest razor clams from that area when the water is warmer and the tides are more suitable. Chairman Crook turned the discussion to the Committee, Jake Angelo stated that the recreational harvests could be coming from other places than Huckins Island. He further stated that rec people do use that island during the summer months but feels like there are more razor clams present than the rec fishery would be able to harvest and that opening the area to commercial harvest would not impact the rec harvest. Constable Croteau stated that she still wants to leave the area rec only as the commercial activity in the abutting area has created interest by recreational shellfishers. Jake requested that if the area is not utilized, that there be another way to open the area rather than through emergency Town Manager Order, Constable Croteau explained that the regulations already allow razor clamming areas to be opened and closed by the Town Manager without the 60 day timeline. Jake Angelo mentioned the area that is currently closed east of the Barnstable Yacht Club Pier, which when open will be open both recreationally and commercially, compromising to open that recreationally only. Constable Croteau stated that the changes of the closed to commercial zone within the Harbor as so new that she is not interested in further changes to such at this time. Chairman Crook turned the discussion over to the public, Paul Hendricks commented that he doesn't feel that commercial harvest from within that area would result in decimation of the population to the detriment of the recreational fishery. Tyler Hagenstein had concerns over green crabs and horseshoe crabs and ducks eating all of the razor clams and feels the discussion should be revisited when the waters warm rather than at the end of the summer. Constable Croteau said that was fine and it could be revisited at a later date.

3. Razor Clamming Regulations- Temperature Restrictions §407-8, §407-15, Minimum Size Limits §407-6, 407-36-A

Constable Croteau mentioned that the temperature restrictions in place for dry digging soft shell clams and quahogs serve those species well but doesn't serve razor clams well. She stated that she would like to adopt temperature restrictions for razor clamming as well, prohibiting the dry harvest of razor clams at 28F and below. Constable Croteau also mentioned a potential minimum size limit of 4" as there are some studies that show 4" is the minimum size at which razor clams can spawn. Paul Hendricks stated that for the commercial fishery, 5" is their self-imposed minimum as the market won't accept them. Jake Angelo echoed this sentiment, and Constable Croteau asked if the minimum should be 5"? Jake stated 4" would be fine for the recreational but knowing the commercial fishery wouldn't harvest them. Gloriann Hurwitz asked if the size should be 5" for consistency purposes, Jake Angelo stated this would be more the manage the recreational fishery and animal predation of sets and that 4" would be sufficient. Stuart Rapp asked how hard it is to replant them, Constable Croteau said it is easy as long as you put them back in the water, they will swim and replant themselves. Constable Croteau stated she would draft regulations for the next meeting and then asked about the 28F? Jake Angelo stated he thinks there should be no harvest of razor clams at all 28F and below. Tyler Hagenstein asked if the 4" would include the 5% seed rule? Jake Angelo said yes. Stuart Rapp asked how the temperature is determined, Constable Croteau stated that it is a

combination of phones, actual handheld thermometers and whatever a truck says the temperature is. It is not a solid way of determining temperature, Stuart said the phone isn't typically very accurate with location, Constable Croteau stated they are if you calibrate your GPS routinely. Tim Hamel asked if he carried a thermometer on his boat? Constable Croteau asked, so you could argue with staff over the temperature? Tyler Hagenstein stated that there should be something more consistent, like the Tide Calendar for sunrise and sunset, should be used for enforcement purposes, He suggested that there be widget on the Town website for the south and north sides so there is something to use for enforcement. Constable Croteau agreed and stated she would look into that. Constable Croteau stated that then that "tool" could be used in the definitions section of the regulations. Chairman Crook agreed that sounded like a good idea. Bill Cherepon asked Jake Angelo what the optimal size for razor clams breeding is. Jake Angelo said he wasn't totally sure but referenced sets of all various sizes of razor clams present in every tow he had done outside the Harbor. He believes the sets we see in the Harbor are a result of larger spawning populations outside the Harbor. Jake further stated that the larger they are at harvest, the less there are in a basket and the more that are left for everyone else. Constable Croteau said there is not much science on it but somewhere in the 4"-5" range is most often referenced. She mentioned the CMR that exists for bay scallops, as Jake stated he thinks the razor clams are a shorter lived animal. Tyler Hagenstein went to a seminar last year and mentioned Josh Reitsma said that you can start to see reproductive organs at 4". Constable Croteau said staff will check the closed area east of the Yacht Club in the Spring to see how they are coming along growth wise. Constable Croteau said she would draft regulations for temperature and size restrictions for the next meetings.

5. Upcoming (and Old) Renewal & Transfer Hearings:

1. Transfer application for site NG018 issued to Nathan Ryan, 415 Sampsons Mill Rd, Cotuit, MA 02635 to be transferred to Ian Kerwin, Manager, Cape Oyster 1 LLC, 131 Old Kings Rd., Cotuit, MA 02635 and issuance of a new license to Ian Kerwin for a period of five years. Public Hearing: December 17, 2024 12:30PM via Zoom.
2. Transfer application for sites NG019 and NG047 issued to Virginia Hoeck, 189 Piquisset Cove Circle, Cotuit, MA 02635 to be transferred to Ian Kerwin, Manager, Cape Oyster 1 LLC, 131 Old Kings Rd., Cotuit, MA 02635 and issuance of a new license to Ian Kerwin for a period of five years. Public Hearing: December 17, 2024 12:30PM via Zoom.

Both transfers were presented and voted on separately. The transfers are a continued effort, as explained by Ian Kerwin and Constable Croteau, to consolidate the licenses managed by Cape Cod Oyster. Constable Croteau stated that Natural Resources would not have any opposition to these proposed transfers. Chairman Crook entertained a motion to recommend the Town Manager approve the transfer of site ng018 to Ian, motion was made by Stuart Rapp, seconded by Jake Angelo, unanimous vote in favor with no objections. Stuart Rapp asked what would be on the aquaculture license after issuance, Constable Croteau explained that although the name of the business will be present on the license, the name of the individual and domicile are still present. Gloriann Hurwitz asked about the 5 years, Constable Croteau stated that at first, an applicant can

only ask for 5 years and then can renew for up to 10. Jake Angelo asked how many acres this would be combined, Constable Croteau added them to total 3.94 acres. Jake Angelo asked where these sites are within the Harbor, across from Ronnie stated Ian. Chairman Crook entertained a motion to recommend the Town Manager approve the transfer of sites ng019 and ng047 to Ian. Motion was made by Jake Angelo, seconded by Paul Hendricks and Gloriann Hurwitz, unanimous vote in favor with no objections. Constable Croteau mentioned she forgot to state as much earlier but Channel 18 would prefer if people speaking in the meeting would approach and sit at the table while making comments so they are easier to find on camera.

6. Upcoming (and old) Proposed Coastal Projects: None

7. Special Presentations: None

8. Old Business: None

9. Matters not reasonably anticipated by the Chair: None

The Shellfish Committee unanimously voted to approve a motion made by Jake Angelo and seconded by Gloriann Hurwitz at 7:02 PM to adjourn.

Respectfully Submitted: Amy Croteau – Shellfish Constable