

**Harbor and Shellfish Advisory Board
Tuesday, Jan. 16, 2024 at 5:00 p.m.
Meeting Trailer, 131 Pleasant St.**

Via Zoom

***HSAB meeting are video-recorded**

Members present: Andy Lowell, Scott Anderson, Ginger Andrews, Peter Brace, Dave Fronzuto, Dave Bossi

Members Absent:

Marine Dept:

Natural Resources Dept: Tara Riley, Jeff Carlson, JC Johnson

Others: Adam Rickleff, John Logan, Bruce Beebe, Samantha Denette, Kona Hosier

CALL TO ORDER

5:02 p.m.

APPROVAL OF AGENDA

Mr. Anderson motioned approval and Mr. Bossi second that motion. The HSAB voted 6-0 to approve the agenda.

APPROVAL OF MINUTES

Draft minutes of Dec. 18, 2023

The HSAB did not vote on these minutes.

Draft minutes of Jan. 2, 2024

The HSAB did not vote on these minutes.

MARINE DEPARTMENT REPORT:

General Marine Department report – Sheila Lucey

No report.

NATURAL RESOURCES REPORT

General Natural Resources Department report – NRD staff

Ms. Riley reported that she and her hatchery staff attended the Northeast Regional Aquaculture and Exhibition with 500 industry member at which she and her staff gave two presentations. She added that they were able to meet with representatives from the National Oceanographic & Atmospheric Administration (NOAA) to tell them about what's happening in the harbors.

Ms. Riley reported that now, back in the hatchery, she's working on her shellfish production schedule for the upcoming season with the first spawns of quahogs, blood ark and razor clams are scheduled for April before bay scallop production in early June.

Ms. Riley reported two strandings over the last week or so totaling an estimated 100 fish totes of seed or, around 1 million seed. She added that she and her staff didn't rescue this seed because the cold likely killed most of the seed.

Ms. Riley reported that she and her staff will be moving a lot of the seed along Bass Shoal to distribute in Madaket Harbor. Ms. Riley said she and other coastal towns in the state are working solutions for keeping marine birds from landing on and defecating from floating aquaculture gear because their guano contributes to the excess nitrogen entering the harbors.

Ms. Riley reminded the HSAB she intends to get the board to help her review and update the Town's aquaculture regulations starting this winter. Mr. Carlson said the updating of these regulations could be broken up into several parts to allow a deeper focus and more public comments. Mr. Carlson reported to the HSAB that the Nantucket and Madaket Harbors Action Plan Update Committee (NMHAPUC) is now working on the action items within this updated plan including the recommendations from Mr. Fronzuto. He added that the NMHAPUC may want to hold a joint meeting with the HSAB on these and other issues.

Mr. Bossi asked that Ms. Riley highlight in the aquaculture regulations what she wants to review and update that she want the HSAB to read. Ms. Riley agreed to do this

PUBLIC COMMENT ON MARINE DEPARTMENT / NATURAL RESOURCES REPORT

No public comments.

OLD BUSINESS

Seed management - Discussion

Taken out of turn and already discussed under New Business prior to Old Business

Harbor watershed public information outreach ideas – Discussion

The HSAB decided to hold a workshop at its Feb. 20 meeting.

Harbors Action Plan Committee HSAB recommendations – Discussion

Mr. Fronzuto reported that the NMHAPUC is now working the natural resources part of the updated plan. Mr. Bossi asked for two-sentence descriptions of each of Mr. Fronzuto's proposed recommendations for the Feb. 6.

Removing Marine Department from Police Department administrative jurisdiction – Discussion

The HSAB will discuss this item at HSAB's Feb. 6 meeting.

HEALTH OF THE HARBORS

NEW BUSINESS

Returning scallop shells to the harbor – Discussion

Ms. Riley said that the amount shells that the NRD could put back into the harbor is enough for a one-acre foundation for adding oysters to a hard surface in the water.

High-speed ferry traffic in the harbor – Discussion

Mr. Brace said the board should contact Ms. Lucey to have her contact the ferry companies and that the board should approval from Town Administration to send letter to the various ferry companies asking them to slow down their incoming ferries before the cut in the east jetty and to not throttle up when outgoing until after that opening. Ms. Denette said the NSA would also like to send its own letter to the ferry companies in coordination with the HSAB and the Nantucket Land & Water Council, which expressed interest in contacting the ferry companies on this issue. Mr. Fronzuto said the Town Of Barnstable had issued a citation to the ferry companies in the past and that this had worked well.

Clarification of red-flag days protocol, identification of official harbor thermometer and shellfish warden-fishermen communication – Discussion

Mr. Lowell requested a motion to take this item out of order ahead of Old Business. Mr. Brace made this motion. Mr. Anderson seconded that motion. The board voted 6-0 to take this item out of order.

Mr. Lowell said that there should an official app or a thermometer that all in the bay scallop fishery reference. Mr. Johnson, Nantucket's shellfish warden, said that he uses two thermometers attached to the flag pole outside the Natural Resources Department (NRD) office that he reads in the office, indicating that this has always been his system for checking the temperature on cold days when he might need to close scalloping when the air temperature is below 28 degrees. He added that apps on the Internet aren't reliable. Mr. Carlson said the NRD does check their reading with reputable weather websites and err on the higher side. Mr. Lowell asked that the reading apparatus be visible to anyone who needs to

see it. Mr. Johnson said he's always in text communications with the scallopers when the temperature is below 28 degrees. He added that texts or calls every scalloper he can get a hold of in this situation. Mr. Lowell said a group text might work better once all the fishermen were contacted to see if being on a group text works for them. He said this would probably save a lot of time and aggravation. He said he would like to see good communication and a central easily viewable thermometer display. He added that it seems like a lot of fishermen are online checking the temperature on various weather apps. Mr. Bossi asked why Channel 16 be the channel that a red flag day announcement would be sent out over. Mr. Johnson said most scallopers don't have VHF radios in their boats. Mr. Fronzuto said that boaters aren't required to have such VHF radios when their within the harbors. Mr. Fronzuto asked if the Marine Department has flag pole. Mr. Johnson said the NRD uses the flag pole at the Great Harbor Yacht Club (GHYC) for Nantucket Harbor and the flag pole at Jackson Point for Madaket Harbor. Mr. Brace said that if the thermometer is at the NRD office, there should be way to display the temperature in a window at this building. Mr. Brace also agreed with Mr. Lowell's group text idea. Mr. Johnson said most scallopers just check the for red flag. Mr. Brace suggested a flag pole at the end of Straight Wharf. Mr. Johnson said most scallopers have told him they like it at GHYC because it's much more visible.

Mr. Carlson said the red flag has always worked better over all other temperature methods and that a big overhaul of this system isn't needed. Mr. Johnson said he didn't know this situation could be improved. Mr. Lowell said the crux of this discussion was that recently several fishermen went out to scallop when they didn't see the flag up on a cold day, but then Mr. Johnson found the temperature to be below 28 degrees that day and so, attempted to get scallopers to stop fishing. He added that there had to be a better way to universally agree on a given day's air temperature. Mr. Fronzuto said he agreed with Mr. Lowell and Mr. Carlson and said this issue has been going on for decades. Mr. Brace suggested that

Mr. Johnson both group text the scallopers and raise the red flag when the air temperature is below 28 degrees to ensure that there is a visual sign as well as digital record of the fishing being closed on a given day until the temperature goes above 28 degrees.

Ms. Denette said the red flag is undeniably useful, but coming up with some sort of “standardization” of the messaging system used to get the closed fishing day word out would be a good idea.

Mr. Beebe said there was a lot of confusion on the day in question and no one seemed to know whether the fishing had been called on account of cold temperatures. Seeing no flag at the Marine Department and other fishermen heading out into harbor, Mr. Beebe went out himself. He added that none of the scallopers have access to thermometer that Mr. Johnson uses and that none of the online apps that he regularly checks went below 28.6 degrees, which was the NOAA site, the app Mr. Beebe relies on the most. He added if scallopers have already left the docks and traveled up harbor to fish before Mr. Johnson raises the flag because of cold temperatures, it can’t be seen from many parts of the harbor where fishermen get to before the flag is raised. Mr. Beebe then made the proposal that the bay scalloping fleet along with the NRD make the NOAA the official temperature app. Mr. Beebe made the case that the temperature taken at or on the harbors would be more accurate and appropriate than the reading at the NRD office because the air would be warmer on the harbor because the water warmer than the air and because the scallopers aren’t fishing where the NRD offices are.

Ms. Andrews reminded that the state standard is 25 degrees and the Town set the temperature at 28 degrees. She agreed with standardized app for all to adhere to. Mr. Lowell said he agreed with Mr. Beebe. Mr. Bossi asked the HSAB who would make this change. Mr. Carlson said it’s a policy decision that can be easily changed. Mr. Johnson said he had no problem with using the NOAA app as long everyone was good with there being around a six-minute refresh delay for the app. The three scallopers at the meeting said they had no problem with this.

Mr. Fronzuto said the air temperature confirmation is up to the shellfish warden where he gets it. He agreed that NOAA would probably be the best app to refer to. Mr. Logan asked Ms. Riley how critical below 28 degrees is to seed survival. She replied it wasn't that big a deal and agreed that a universal weather app would provide equity among fishermen and Town officials. She added that she doesn't refer to the thermometer at the NRD office because it's away from the water.

Mr. Carlson said if NOAA is the app everyone wants to use, there has to be an official backup app if the NOAA app crashes. Mr. Carlson said it would be fairly easy to make this change, but it wouldn't go into effect immediately because the NRD has to send out letters of notification to the fishermen. Mr. Rickleff suggested there be some relief for fishermen who can't see the flag while out fishing.

Mr. Lowell directed Mr. Carlson and Mr. Johnson to make the NOAA app the go-to for air temperature on questionably cold fishing days. Mr. Johnson said he would pick a suitable backup app.

Changing the subject to red flag days for seed management, Mr. Lowell said he felt that it's a lot to ask for fishermen to work for free to move seed and asked for suggestions from Mr. Carlson and Mr. Johnson on how to compensate fishermen for lost fishing days when moving seed. He asked that this issue be kept on the table for the next season. Mr. Brace, acknowledging Mr. Johnson's belief that vouchers don't work, said he wanted to hear ideas for paying fishermen for their work in moving seed that doesn't rely solely on the Nantucket Shellfish Association (NSA). Mr. Logan said the vouchers could have expiration dates. Mr. Carlson said that for the Town to pay scallopers would mean that they'd have to become vendors to the Town and have proof of their own insurance before they can work for the Town moving seed. He said the voucher can be perceived as inequitable because if the same value voucher is given to seed movers on land and on the water, those burning fuel using their boats can argue that they should get more than the

fishermen working on shore. Mr. Carlson said this a bigger issue accentuated by an unprecedented amount of seed in the harbors that includes seed management, habitat quality and seed location in the harbor, and that there needs to be a larger discussion on all of this with one the outcomes from it being some level of compensation for commercial scallopers who help with seed rescue. Mr. Anderson asked if the Town could reimburse the NSA with one check to the NSA, which could then be the entity to pay people who help move seed. Mr. Brace suggested another season of relevant data collection.

Semi-regular HSAB report – Discussion and vote

Mr. Brace said he would have this ready for the Feb. 6 meeting.

Dump scallop shell pile – Discussion

Mr. Anderson said that a work order needs to be put in to Public Works for action to be taken.

PUBLIC QUESTIONS AND COMMENT

RECAP and ITEMS FOR NEXT MEETING

ADJOURN

Mr. Lowell asked for a motion to adjourn meeting. Mr. Anderson made that that motion. Mr. Bossi seconded that motion and the HSAB voted 6-0 at 6:50 p.m. to adjourn the meeting.

YOUTUBE LINK

<https://www.youtube.com/watch?v=BH0g8Gtz8fA&list=PL49sKqpy7VAj6nJnAlrlKlxWm6VQTfuXg&index=1>

Future Meetings:

Feb. 6 and Feb. 20

Respectfully Submitted,
Peter B. Brace, Secretary