

**Harbor and Shellfish Advisory Board
Tuesday, March 19, 2024 at 5:00 p.m.**

Via Zoom

***HSAB meeting are video-recorded**

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

Members Absent:

Marine Dept:

Natural Resources Dept: Tara Riley

Others: Kona Hosier

CALL TO ORDER

Mr. Lowell called the meeting to order at 5:05 p.m. did the roll call and read the script for remotely conducted public meetings.

APPROVAL OF AGENDA

Mr. Lowell called for a motion to approve the agenda. Mr. Anderson made motion to approve the agenda. Ms. Andrews seconded that motion. The HSAB voted 7-0 to approve the agenda.

APPROVAL OF MINUTES

Draft minutes of March 5, 2024

Mr. Lowell called for a motion to approve the minutes. Mr. Anderson made a motion to approve the minutes. Mr. Bossi seconded that motion. The HSAB voted 7-0 to approve the minutes.

CHAIRMAN'S REPORT

No report.

WORKSHOP BUSINESS

Review and amend as needed Town shellfish regulations – Discussion

Ms. Riley clarified the various types of the proposed amendments and edits in the shellfish regulations up for discussion at the meeting. She added that shellfish warden JC Johnson had proposed many of the amendments.

Ms. Riley began on Page 141 with 260-4.9, Closure and red flag. Mr. Fronzuto asked if a flag pole could be up at the hatchery could work for the red flag location. Ms. Riley said she's offered to put up a pole for the red flag at the water end of the hatchery's dock in the past. Mr. Lowell said the Town Pier is a more central location for the pole. Ms. Andrews said the location should be identified in the regulations. The HSAB discussed various locations for the flag pole to fly the red flag. Ms. Riley said the time the flag has to be up by is not in the current shellfish regulations.

Ms. Riley moved the board onto 260-4.10, Temporary Restrictions. She said for this item, she just wanted to clarify the technology used for attaining the air temperature and the location of the equipment. Mr. Fronzuto said the technology is the National Oceanographic & Atmospheric Administration (NOAA) weather station located at Steamboat Wharf where local weather data is gathered and uploaded to NOAA's app that the HSAB recently decided to be the universal air temperature source for fishermen.

Ms. Riley said that 260-4.21, Catch reports provided to the Town, was the next item to review. Ms. Riley read the proposed new, additional language for this item, “All catch reports for the previous year must be on file prior to any commercial license renewal”. Ms. Riley explained that the commercial bay scallop fishermen are required by the state and Town to file monthly catch reports. Mr. Brace suggested handing out log books to the fishermen. Mr. Sjolund said this system works because the scallopers have to file these reports to be able to sell their catch to the buyers. Ms. Riley said that Mr. Johnson’s checking of scallopers on a daily basis helps confirm these catch reports. Mr. Lowell questioned the wording “previous year”, indicating its vagueness. Mr. Brace suggested replacing “previous year” with “previous season”. Ms. Riley agreed.

Ms. Riley continued with the second part of this item; no mechanism for reporting recreational catch of shellfish by recreational shellfishers. Ms. Riley proposed that those getting their recreational shellfish permits each year report what then what they harvested the previous. Mr. Brace reminded the HSAB that the Nantucket and Madaket Harbors Action Plan Update Committee (NMHAPUC) is working on recommendations on public education for the update of the harbor plan for people purchasing annual shellfish licenses. Mr. Bossi asked how catch reports would work for someone who just digs for quahogs or softshell clams occasionally. Mr. Lowell said recreational catch reports should be paperless. Ms. Riley said both methods should be offered.

Ms. Riley then went to 260-4.24; Recreational Dredge License (Retired Scallop). Mr. Fronzuto said it should be clarified to read retired former commercial scallop license holder. Mr. Sjolund asked when the last time this permit was issued to a Nantucket year-round resident. Mr. Brace asked the group how many people qualify to get this permit. Mr. Fronzuto said a lot of the older scallopers and those no longer fishing still buy their commercial shellfish permit every year. Mr. Bossi said Ms. Riley need to find out how many of these guys still buy this permit.

Ms. Riley advanced to the next item, 260-4.24, Harvest criteria by species. For soft-shell clams, Mr. Johnson added “or a quarter bushel” to the current of 1 10-quart bucket. Mr. Johnson also added “taking by shovel and plunger is permitted”. Mr. Fronzuto said neither of these methods should be allowed. Mr. Sjolund said using a plunger is challenging in most places in the harbors because a sandy, softer bottom is needed, He said the shovel method is easier does less damage to the clams than a rake does. Ms. Riley said she should check the state regulations for clarification. She added that the shovel method is the easiest. For razor clams, Mr. Johnson proposed the addition of “1 10-quart bucket or 1 quarter bushel”. For oysters, Mr. Johnson proposed 1 quarter bushel per week, said Ms. Riley. Mr. Brace asked how one discerns wild oysters from farmed oysters. Ms. Riley said the oyster farms are supposed to mark their lease boundaries for the public. Mr. Bossi asked why blue crabs were cut from the list. Ms. Riley replied that the state regulates the taking of blue crabs. On green crabs, Ms. Riley explained that a letter of authorization is

required from the Massachusetts Division of Marine Fisheries (DMF) with a copy going to the shellfish warden. Ms. Riley started Part 4, 260-4.29; Bay scallop regulations (commercial) in which she noted the addition of “have all required information complete” to coincide with the end of the commercial scallop season by 4 p.m. on March 31. Under Apprentice bar scallop requirements, Ms. Riley said that there needs to be some sort of best management practices that could be apprentices would learn in a free workshop along with completing their required mentoring by an experienced scalloper for 40 days of fishing. The HSAB agreed with this idea. Ms. Andrews said she didn’t like seeing scallops sitting dirty juice, so she said Ms. Riley should add in that scallops need to be properly rinsed. Ms. Riley said the following proposed text could be added to this section: “Proof of the forty fishing days shall include any combination of the following: being directly checked by the Town of Nantucket Shellfish Warden, a catch report showing the harvest of both the mentor and apprentice with an accompanying harvester tag and sales receipt verifying the catch and date.” Additionally, the following text was proposed to be added: “any violation that occurs during the apprentice period shall make that day not count against the forty required days.”

Ms. Riley moved on to I. in this section, which adds the words “Select Board” to the daily bushel limits description. Mr. Fronzuto said he wanted to give the Select Board the power to temporarily raise or lower the bushel limit. Ms. Riley said the five-bushel limit is written in the bylaw, so changing a regulation won’t do it. The bylaw has to be changed at Town Meeting. Ms. Riley said the regulations

would be changed now and then the bylaw could be changed later. The HSAB agreed to follow this approach. Ms. Riley then went on to K. in this section, which she said was very important to her, “The use of dredges for commercial purposes.” She said she’s most interested how some scallopers have changed the design of their dredges and she want to make sure she documents these changes. She said it’s important to include the weight allowed. Mr. Sjolund said that the change is to a Chatham-style dredged that uses a pressure plate. He added that the width should say “no greater than 20 inches in width”. Ms. Riley said she wants to resume free annual commercial bay scallop boat safety inspections that the harbormaster does during which dredges are required to be weighed. The HSAB agreed with this idea and that any dredges found to be overweight would not be accepted. Although the HSAB debated the number of dredges to be allowed for each boat, the board agreed to leave the regulation as is.

Ms. Riley shifted the review to 260-4.32, Conchs/whelks (commercial), acknowledging that three current conch permit holders would want to share their input on this item, said proposed new language would be that minimum harvestable size should mirror state regulations. Under G., she is proposing that transferring harvest tags require a written transfer that both parties sign, giving a copy to the shellfish warden. Under H., Mr. Sjolund recommended that all conch pots have state and Town tags on them, and that it should include “30 pots per license holder”.

Ms. Riley began talking about 260-4.33, Other shellfish species (commercial). She said she felt their descriptions

were kind of vague. Mr. Brace agreed and asked what was meant by “Other”.

Ms. Riley moved the discussion on to aquaculture regulations. She said the procedure for enforcing minimum production amounts needs to be better defined. Mr.

Fronzuto and Mr. Bossi said the language should spell out that leaseholders have to come to the HSAB first with their issues and then move on to the Select Board with the HSAB’s recommendation. Ms. Riley said waiver of production requirements should be allowed for three consecutive years. The HSAB generally agreed with this concept. Mr. Brace said the three-year waiver might be too broad. Ms. Andrews said the application of this waiver depends on what the individual issue is.

Ms. Riley said Mr. Carlson would like to remove the following: “No harm to endangered species; federal law exists”. She said this applies to oyster farmers using bird deterrents on their gear and that this language is redundant. The HSAB generally agreed. Ms. Riley said currently, the oyster farmers aren’t using any forms of deterrents. She added that the reason for deterrents is to keep birds from roosting on and defecating from floating oyster cages, which eventually leads to poor quality and shellfish bed closures.

Ms. Riley said the language detailing boundary markers for aquaculture lease areas needs to be clarified. The HSAB generally agreed.

Ms. Riley moved on to removal of gear and the \$300-a-day fine for gear that breaks free and washes ashore or that the NRD orders removal of from the harbor. Mr. Fronzuto said that this should be moved down to the general fine portion

of the regulations. Mr. Lowell said a warning should come first before the fine is levied. Ms. Riley said this section should be reviewed by the growers before it's finalized. Ms. Riley shifted the discussion to lowering gear to bottom of the harbor prior to winter because there's specified date by which the gear has to be raised in the spring. She suggested the growers review this to come up with a date in the spring.

Ms. Riley moved on to hydraulic harvesting of shellfish from grant areas. She said that growers should be required to only power wash their gear within their grant area. Ms. Riley said it should be that growers either power wash within the boundaries of their grant area or take their gear back to their property to wash it. The board agreed with Ms. Riley began reviewing disturbance of grants, asking the HSAB for its' members thoughts. Mr. Bossi and Mr. Fronzuto stressed that this is another reason to have the grants clearly marked.

Ms. Riley switched to discussing Mr. Johnson's change to the scientific research section of the regulations in which he wants to fine researchers \$300 for not filing reports. The HSAB said this language belongs in the fines section.

Ms. Riley moved to recreational shellfishing violations. Mr. Bossi said violators should come to the HSAB with their appeal first and then go to the Select Board with HSAB's recommendation. For the actual violations, Ms. Riley said she had an issue with the refusal of inspection violation's fine being so high. She and the HSAB agreed to come back to this item.

Ms. Riley moved on to commercial shellfishing violations. She said that fines are fairer because the violators get the

chance to contest the violation. Mr. Bossi said clarification is needed, why there's an additional \$250 fine on top of 10 days off for refusing an inspection by the shellfish warden. Mr. Bossi said the HSAB should take more time to consider this section. Mr. Sjolund said recreational badges need to be clearly visible on the person shellfishing. Ms. Riley said she would revise the shellfish regulations as modified by the HSAB and then distribute it to the board for further discussion at the next meeting.

Proposed dinghy regulations at Town Pier – Sheila Lucey – Discussion

No discussion. The HSAB continued this item to a future HSAB meeting.

ADJOURN

Mr. Lowell called for a motion to adjourn the meeting. Mr. Anderson made a motion to adjourn. Mr. Bossi seconded that motion. The HSAB voted 7-0 at 6:57 p.m. to adjourn the meeting.

YOUTUBE LINK

<https://www.youtube.com/watch?v=2W6yfgO7bvk&list=P L49sKqpy7VAj6nJnAlrlKlxWm6VQTfuXg&index=1>

Future Meetings:

April 2 and April 16

Respectfully Submitted,
Peter B. Brace, Secretary

