

Harbor and Shellfish Advisory Board

Tuesday, April 2, 2024 at 5:00 p.m.

Via Zoom

***HSAB meeting are video-recorded**

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

Members Absent: Dave Fronzuto

Marine Dept:

Natural Resources Dept: Tara Riley

Others: Matt Herr, Dan Pronk, Kona Hosier, Samantha Denette

CALL TO ORDER

Mr. Lowell called the meeting to order at 5:04 p.m. and the script for remotely conducted open meetings.

APPROVAL OF AGENDA

Mr. Lowell called for a motion to approve the agenda. Mr. Anderson made a motion to approve the agenda. Mr. Sjolund seconded that motion. The HSAB voted 6-0 to approve the agenda.

APPROVAL OF MINUTES

Draft minutes of March 19, 2024

Mr. Lowell called for a motion to approve the Draft minutes of March 19, 2024. Mr. Anderson made a motion to approve the minutes. Mr. Sjolund seconded that motion. The HSAB voted 6-0 to approve the minutes.

CHAIRMAN'S REPORT

Mr. Lowell announced that former HSAB member Stephen Payer had recently passed away and so he asked for a moment of silence for Mr. Payer.

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 the commercial scallop season had ended on March 31. She added that the bushel count of 8,709 bushels for the season is likely to increase as the remaining catch reports trickle in. Ms. Riley reported that she and her staff had recently attended a aquaculture conference in Providence, R.I and a sugar kelp meeting in Barnstable, MA. She reported that she and her crew have been moving seed to safer areas of the harbors from Bass Shoal. She added that she and her staff will be doing spring harbor bottom surveys at 40 locations in the harbors. She also reported that all of the shorebird protection fencing had been installed on Town beaches. Ms. Riley reported she recently did the hatchery's first razor clam spawn. Ms. Riley reported that the hatchery's new bottle upweller system has been installed. She added that she's hired all of her hatchery interns.

Mr. Anderson requested a year by year data sheet on bushel counts and commercial shellfish permits issued.

Mr. Lowell asked for more discussion on raising the current five-bushel catch limit for bay scallops. Ms. Riley explained that she doesn't always get the catch reports from the shellfish warden as quickly as she'd like to and that there's a lag time from when scallopers turn in their reports to the warden and when the warden hands them over to Ms. Riley.

Mr. Sjolund suggested six bushels after Feb. 1. Ms. Riley said the HSAB and her needs to set a reminder to consider extending the season if need be for early winter so the process for doing this starts early enough to get all required permissions.

Mr. Brace asked if all the seed stranding on harbor shores was coming from Bass Shoal. Ms. Riley said this is very possible. Mr. Brace asked how the pond openings went.

Ms. Riley reported that Sesachacha Pond closed after two or three days, and that the Natural Resources Department (NRD) might try to open it again. She added that Hummock Pond stayed open for a week.

PUBLIC COMMENT ON MARINE DEPARTMENT / NATURAL RESOURCES REPORT

No comments.

OLD BUSINESS

**Continued review and update of shellfish regulations –
Tara Riley**

Ms. Riley said she wants to send out the aquaculture section of the proposed amendments to the shellfish regulations to the oyster permit holders to get their input. Ms. Riley turned the discussion to the enforcement section of the shellfish regulations.

Ms. Sjojund suggested changing 264-4 to “possession of” instead of “on your person”. The HSAB and Ms. Riley agreed. Mr. Sjolund suggested going over the violations section. Ms. Riley began with recreational violations on page 158. Mr. Sjolund suggested loss of catch for first offence for not having a recreational license. Mr. Brace asked how does the shellfish warden do his job to cover all parts of the harbor. Ms. Riley said monitoring recreational shellfishers coming out of the water is a good way. Mr. Bossi said the honor system applies for recreational fishers. Mr. Sjolund and Ms. Riley said recreational shellfishers need to find a better way to display their buttons. Mr. Bossi asked if the wardens check buttons on the water. Ms. confirmed that the warden does patrol with his boat during recreational scallop season.

Ms. Riley switched to the commercial violations section. Mr. Sjolund suggested reworking the cumulative enforcement of multiple shellfish violations. Mr. Lowell read this just applying to each season. Mr. Herr recalled how when he was on the HSAB when the board revised the shellfish regulations, they wrote this section to make offences cumulative transcending multiple seasons so repeat offenders wouldn't get to keep abusing the regulations season after season. Mr. Herr questioned why this wasn't still in the regulations. Ms. Andrews said the regulations used to allow percent scallops close to being

seed or adults there will always scallopers trying to slip by and “game the system”. Mr. Lowell said the shellfish warden should try to exercise a little understanding and discretion. Mr. Herr agreed with Ms. Andrews and implied that the discretion should translate into some wiggle room. Ms. Riley shifted the discussion to the flying of the red flag on iffy 28-degree days.

Ms. Riley called out “poaching” of oyster farm leases for discussion. Mr. Brace asked how poaching would happen short of actually removing oysters from cages and how loose shellfish not in cages are determined to belong to a given shellfish farmer. Ms. Riley said each aquaculture lease needs to be clearly marked so shellfish out of cages within given boundaries aren’t poached.

Ms. Riley moved on to box tags on bushel boxes. Mr. Sjolund suggested more durable possibly waterproof tags. Ms. Riley added a comment to this item, a reminder that the board wants to discuss further whether the tag violation should be per box or for all at once.

Ms. Riley initiated a discussion on scallop dredge weight and penalties for being over the 35-pound limit. Mr. Brace suggested handing out brochures detailing need-to-know essential commercial scalloping regulations to scallopers when they get their boat safety checks done by the harbormaster.

Ms. Riley took up mounding and broken, altered bushel boxes. Mr. Lowell said mounding is common practice. Ms. Riley asked if this is a per box situation or a blanket violation. Mr. Herr said he always advocated for no mounding but six boxes instead of five because it would probably solve a lot of the arguing.

Ms. Riley detailed the four new regulations for the conch fishery including fines per conch trap, \$100. Mr. Pronk said he didn't have a problem with these regulations except for the high fine amount. Mr. Brace asked what Mr. Johnson's rationale was for adding these new conch regulations was. Ms. Riley didn't have an answer. Ms. Riley said she'd make a note that the HSAB wanted the fines more in line with violation enforcement of other shellfish species. Ms. Riley began detailing three aquaculture violations including not having a logbook, culling outside of approved areas without a permit and adherence to state vibrio protocols. Ms. Riley said she would be emailing her proposed amendments to aquaculture regulations to the aquaculture lease holders to get their feedback.

Harbor watershed public information outreach ideas – Report by Scott Anderson

Mr. Anderson reported that he was still trying to connect with Jennifer Christiansen at the Nantucket Public Schools. Mr. Brace suggested contacting the Nantucket New School's ecology teacher, Matt Liddle. Mr. Bossi suggested Mr. Anderson contact Sustainable Nantucket to get help connecting with high school teachers.

Harbors Action Plan Committee HSAB recommendations

-Removing Marine Department from Police Department administrative jurisdiction

No discussion

-Petrel Landing

Having recently spoken with Nantucket Land Bank executive director Jesse Bell, Mr. Brace reported that the Land Bank had filed its application for its Chapter 91 license and that its immediate abutter to the east had not appealed the latest court decision on its plans for the property. He added that the Land Bank is working with the Woods Hole Group on making the site resilient. He explained that the Land Bank's mission of conservation, recreation and agriculture doesn't include a commercial marine use at Petrel Landing, according to Ms. Bell.

-Ferry embarkation fee increase

No discussion

-Alternate pier/boat ramp at West Jetty

Ms. Riley noted she found a sketch of such a pier proposed this location from several decades ago and noted that the idea was not a new one.

Final clarification of official harbor thermometer and red flag - Update

Mr. Lowell said Mr. Johnson told him the official app used to check the air temperature will be Weatherunderground. Ms. Riley explained that the data for air temperature would come from the National Oceanographic & Atmospheric Administration (NOAA) sensors at Steamboat Wharf as reported by Weatherunderground. Since the refresh delay for NOAA is six minutes, Mr. Brace asked how much additional time would there be for a refresh of the data on Weatherunderground.

Mr. Lowell said Mr. Johnson is looking into getting the red flag pole erected again at the Marine Department office. Mr. Lowell said he would get clarification from Mr. Johnson on which town pier the pole would be set up; the pier on Washington Street or the pier at the Brant Point Shellfish Hatchery.

Scallop shell pile hazards at landfill – Update

No report.

HEALTH OF THE HARBORS

NEW BUSINESS

Conch harvesting – Discussion

Mr. Pronk, one of Nantucket's three commercially licensed conch fishermen explained that he'd like to have Nantucket Harbor open to conch fishing for these three fishermen on even years, closed on odd years and have Madaket open to fishing in the odd years and closed in the even years. Mr. Pronk said he'd also like to add a regulation requiring conch fishermen to buy their licenses before being able to determine which other licensed conch fishermen might get their tags for the season. Mr. Pronk also recommended increasing the total number of conch traps allowed to be set to 150 from 90. Mr. Herr said he liked Mr. Pronk's proposal, however, he felt that 90 traps should be the limit because if all three conch fishermen fished Nantucket Harbor during the same season with each setting 50 traps, the season would be over very quickly. Mr. Herr up until now, Nantucket's conch fishermen haven't worked the

number of conch traps set into Madaket and that the 90 traps should be set only in Nantucket Harbor with Madaket possibly being a separate amount. Mr. Herr said this number can always be changed if all three fishermen agreed to do so. Mr. Lowell agreed that Mr. Pronk's recommendation of codifying the ability of conch fishermen to self-regulated the fishery through cooperative agreements is a good idea. Ms. Riley said she plans compare conch landings with data she and her staff collects during their annual spring and fall harbor bottom surveys. Mr. Pronk said he isn't totally committed to 150 traps, but if the fishing slows down in the harbor, he can always set his traps outside of the harbor. Mr. Pronk and Mr. Herr agreed that the waters between the west end of Nantucket and Muskeget for conch trap fishing can only be in a smaller, shallow draft boat. Mr. Pronk added that he would like this area to be included as part of the Madaket Harbor conch fishing area. Mr. Herr proposed that he and Mr. Pronk meet to work out the details of all of this. Mr. Sjolund made a motion to add Mr. Pronk's three proposed conch fishing changes to the regulations. Mr. Brace seconded that motion. The HSAB voted 6-0 to approve Mr. Sjolund's motion.

Proposed dinghy regulations at Town Pier – Sheila Lucey – Discussion

With Ms. Lucey not in attendance, the HSAB agreed to continue this item to a meeting that Ms. Lucey is able to attend.

PUBLIC QUESTIONS AND COMMENT

RECAP and ITEMS FOR NEXT MEETING

ADJOURN

Mr. Lowell called for a motion to adjourn. Mr. Anderson made a motion to adjourn. Mr. Sjolund seconded that motion. The HSAB voted 6-0 to adjourn the meeting at 7:04 p.m.

YOUTUBE LINK

<https://www.youtube.com/watch?v=fqbMBLkTrZw&list=P L49sKqpy7VAj6nJnAlrlKlxWm6VQTfuXg&index=3>

Future Meetings:

April 16 and May 7

Respectfully Submitted,
Peter B. Brace, Secretary