

Harbor and Shellfish Advisory Board
Tuesday, June 18, 2024 at 5:00 p.m.
Via Zoom
***HSAB meeting are video-recorded**

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

Members Absent: Dave Fronzuto, Bobby DeCosta

Marine Dept:

Natural Resources Dept: Tara Riley

Others: Kona Hosier, John Logan, Sean Fitzgibbon,

CALL TO ORDER

Mr. Lowell called the meeting to order at 5:02 p.m.

APPROVAL OF AGENDA

Mr. Lowell called for a motion to approve the agenda. Mr. Anderson made a motion to approved the agenda. Mr. Bossi seconded that motion. The HSAB voted 4-0 to approve the agenda

APPROVAL OF MINUTES

Draft minutes of June 4, 2024

Mr. Brace reported that he had not completed the minutes in time for this meeting.

CHAIRMAN'S REPORT

No report.

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 hatchery would be doing its first bay scallop larval release on June 5 at 5:30 a.m., which would be around 25 million larvae to be released. She added that the hatchery would be doing a bay scallop spawn on June 7. Ms. Riley anticipates doing larval releases in Madaket Harbor later in June. Ms. Riley reported that the hatchery again this year collaborated with the Nantucket Land & Water Council to collect eelgrass in Nantucket Harbor. They harvested 20,000 shoots equaling around 200,000 seeds.

She reported that the hatchery pulled in its first spat lines put out in early May, which as expected, were empty.

Ms. Riley reported that Water Quality Specialist Emma Morgan is continuing her sampling of the harbors and also the ponds for harmful algae blooms (HABS) and running the samples through the new flow cam at hatchery, which speeds up the sampling, monitoring and analysis procedure.

Mr. Brace said there should be signs at all island ponds warning of possible HABS. Ms. Riley said they do post signs depending on the severity of the HABS.

Mr. Logan asked if the results of the state's most recent water quality testing of Nantucket Harbor. Ms. Riley said the results of the sampling of the results for the end of May is on the Town's website. Mr. Logan also asked when the hatchery would releasing bay scallop larvae into Madaket Harbor. Ms. Riley said it would be as many as possible, and it would be in July.

PUBLIC COMMENT ON MARINE DEPARTMENT / NATURAL RESOURCES REPORT

OLD BUSINESS

Continued review and update of shellfish regulations - Broken scallop box definitions and scalloper compensation for seed relocation – Jim Sjolund

Mr. Lowell said he wants to revisit voucher idea. Ms. Riley said paying money from the town could be challenging. She added that she would support the voucher. She said she'd like to have a dedicated bay scallop seed manager in charge of seed protection. Mr. Anderson said he would support the vouchers. Mr. Sjolund suggested a shellfish tag that goes on the extra box scallopers would get for their voucher for helping move/rescue seed, which would be cut off by the shellfish warden after that extra bushel was harvested. Mr. Lowell suggested an hourly rate be worked into the formula for fisher compensation. Mr. Logan suggested that the voucher have a time limit on it so it would be invalid after a certain period of time. Mr. Bossi suggested working out the monetary value seed rescue/distribution and then doing cash payments to the scallopers rather than a voucher for an extra bushel of scallops. Mr. Logan said the scallopers should carry the responsibility of maintaining the fishery and seed protection is part of this. Ms. Riley and the board discussed possible deadlines for completing the revisions of the shellfish regulations in time for the upcoming bay scallop seasons in 2024. Mr. Brace suggested holding a workshop meeting July to complete this process. Ms. Riley said she'd like to have the work done by the end of August. Ms. Riley said she'd create a timeline of dates for wrapping of review of the regulations and securing a public hearing at a near future Select Board meeting. Mr. Sjolund defined his idea of what constitutes a broken plastic scallop bushel box and when they should be replaced. Mr. Logan said there should be a standard for a broken box that is adhered to by the shellfish warden. Mr. Lowell agreed. Mr. Brace suggested photos of what constitutes a broken box in the bylaw and handed out to scallopers as an informational document. He agreed that there needs to be a clear, universally accepted definition of a broken bushel box.

Proposed dinghy regulations at Town Pier – Sheila Lucey – Discussion

No discussion due to Ms. Lucey's absence at the meeting.

Conch harvesting – Continued discussion

No discussion. Ms. Riley said the board will have a chance to review the final version of this section in the revised shellfish regulations before an eventual Select Board public hearing.

Revised HSAB letter to Nantucket Land Bank on commercial use of Petrel Landing – Dave Bossi

Mr. Lowell said the joint meeting idea of the Land Bank Commission and the HSAB is a good one to pursue. Mr. Anderson made a motion that after he added this idea into his letter, Mr. Brace would send the letter to Land Bank Executive Director Jesse Bell. Mr. Bossi seconded that motion. The HSAB voted 6-0 to approve this motion.

Aquaculture lease – Sean Fitzgibbon - Discussion

In referencing a letter sent to Mr. Fitzgibbon from Natural Resources Department (NRD) Director Jeff Carlson alerting him that he has until July 1 to remove his gear from the subtidal overwintering area just south of the mouth of Coskata Pond, Mr. Lowell asked Mr. Fitzgibbon if this was enough time to get the work done. Mr. Lowell added that this is probably not enough time to do the work. Mr. Lowell acknowledged the misinformation between the NRD and Mr. Fitzgibbon that he felt probably led to the current situation. Mr. Fitzgibbon said he doesn't think moving his gear to the deep water plot he has is financially viable. Mr. Brace said the July 1 deadline for removal of all of Mr. Fitzgibbon's gear from the overwintering area is not enough time to get the work done and that he should get more time. Mr. Bossi said there are state grants to help aquaculture farmers. He added that he's concerned about Mr. Fitzgibbon's assessment that he can't make his operation work with his total lease acreage. He urged Mr. Fitzgibbon to check out the state's low interest loans that could be available to him. Ms. Riley said there is acreage

available in Polpis Harbor and that getting new areas approved in the harbor. She added that there currently a moratorium on new leases but that this can be revisited with the Select Board if there is a legitimate proposal for use of the currently available lease acreage. She further added that the NRD needs to explore location of new aquaculture areas in the harbors. Mr. Sjolund said he thought there would be space in Madaket Harbor for oyster growout. Mr. Lowell posited an idea that one of the other oyster farmers might share some of his acreage with Mr. Fitzgibbon. Ms. Riley said the state permit allows aquaculture lease holders to have 10 acres in their name with two of those acres at an overwintering site.

Mr. Fitzgibbon said he's recently been in touch with staff at DMF from which he learned that an oyster farmer cannot hold any oysters on another oyster farmer's lease site. Mr. Fitzgibbon noted that there a couple of oyster farmers in the Head of the Harbor currently utilizing another farmer's site in his absence and that Mr. Fitzgibbon might pursue this with the shellfish warden. Mr. Fitzgibbon said he's only getting his answers from the DMF and has had difficulty getting answers from Mr. Carlson, but he did say that Mr. Carlson said he had the "green light to do grow out up in the subtidal area but that it was the Select Board that had the final say. Mr. Fitzgibbon asked if the overwintering area is in a Town bylaw or regulation. Ms. Riley said the Select Board approved this area as only for overwintering. She added that individual lease agreements should spell out what is allowed on what acreage in the harbor and that the farmer has to have a production plan that shows how much gear per acre and configuration of the gear on each acre, and if it's different and if it changes, then the farmer needs to come back with an update for the NRD. Mr. Brace said that the HSAB needed Mr. Carlson present to help with clarification of this matter. He added that the HSAB and Mr. Fitzgibbon needed more time than the July 1 deadline affords to get this issue clarified and to allow Mr. Fitzgibbon enough time to remove his gear. Mr. Lowell agreed, saying there are some unanswered questions that needed

answering. He added that the HSAB needed to be thorough in its investigation and in trying to help Mr. Fitzgibbon. Mr. Anderson asked if Mr. Fitzgibbon had anything in writing from when the DMF inspected his site and saying that having as much in writing corroborating his testimony to the HSAB would help him a lot. Mr. Lowell urged Mr. Fitzgibbon to track down all of the paperwork from the various agencies regarding his situation. Mr. Lowell also suggested that Mr. Fitzgibbon appeal to the Nantucket Shellfish Association (NSA) for help, financial and otherwise.

Mr. Fitzgibbon said he has no place to hold his existing oysters now at the overwintering area because doesn't have the funds to buy more floating cages for his deep water plot. He said getting an extension to achieve his goal of transferring his oysters to the deep water site, he could start selling oysters again and get this situation resolved.

Mr. Bossi left the meeting at approximately 6:15 p.m.

Ms. Riley and Mr. Sjolund asked how much time Mr. Fitzgibbon would need to get this work done. Mr. Fitzgibbon said by Sept. 1 would work great for him. He also acknowledged he was in the wrong but that he is working diligently toward making it right. Mr. Brace recommended that Mr. Fitzgibbon get an extension to Sept. 1. Mr. Sjolund made a motion that Mr. Fitzgibbon get an extension to Sept. 1 to move his oysters to his deep water site. Mr. Anderson seconded that motion. Mr. Brace asked Mr. Sjolund and Mr. Anderson to agree to add getting clarifications from Mr. Carlson to this motion. Both agreed. The HSAB voted 5-0 to approve this motion.

Mr. Lowell asked Mr. Fitzgibbon if he had anything else to add. Mr. Fitzgibbon said he wanted to keep working on his lease despite this being a major setback. He said he appreciated the help of the HSAB and the NRD. Mr. Brace stressed that Mr. Fitzgibbon actually come to meetings of the HSAB the next time he has an issue to resolve because not showing up for his own issue doesn't help him at all. Mr. Fitzgibbon admitted that he felt bad he didn't attend the last meeting.

Mr. Brace asked who would inform Mr. Carlson of this vote. Ms. Riley said she would contact Mr. Carlson on this and he would be watching this meeting.

HEALTH OF THE HARBORS

Pollutants and microplastics – Scott Anderson

Mr. Anderson said he needed to do a lot more research on this, but he added that he found that by 2050 there would be more metric tons of plastics in the oceans than fish. He added that other chemicals bond with plastics making this combination more toxic for the marine environment. Mr. Lowell asked if these contaminated recycled plastics are being shipped from the U.S. to countries that are then dumping them into the oceans. Mr. Lowell added that this needs to go into some sort of public outreach efforts.

NEW BUSINESS

PUBLIC QUESTIONS AND COMMENT

RECAP and ITEMS FOR NEXT MEETING

Mr. Lowell said he wanted to add Adam Dread's request for an item on blue crab trapping to the July 16 HSAB meeting agenda. Mr. Lowell said Aug. 6 works for a workshop on revisions to shellfish regulations

ADJOURN

Mr. Lowell called for a motion to adjourn the meeting. Mr. Anderson made a motion to adjourn the meeting. Mr. Sjolund seconded that motion. The HSAB voted 5-0 to adjourn the meeting at 6:40 p.m.

YOUTUBE LINK

<https://www.youtube.com/watch?v=hwFSgzRgF7c&t=7s>

Respectfully Submitted,
Peter B. Brace, Secretary