

Harbor and Shellfish Advisory Board
Tuesday, Sept. 3, 2024 at 5:00 p.m.
Via Zoom
***HSAB meeting are video-recorded**

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

Members Absent: Dave Fronzuto, Jim Sjolund, Bobby DeCosta

Marine Dept:

Natural Resources Dept: Tara Riley, Jeff Carlson

Others: Sean Fitzgibbon, Kona Hosier, Matt Herr, Dan Pronk, Simon Edwards, Mac Reith, John Logan, Brooks Robbie

CALL TO ORDER

Mr. Lowell called the meeting to order at 5:05 p.m.

APPROVAL OF AGENDA

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

APPROVAL OF MINUTES

Draft minutes of Aug. 6, 2024

Mr. Lowell called for a motion to approve these minutes. Mr. Brace made a motion to approve the minutes. Mr. Anderson seconded that motion. The HSAB voted 4-0 to approve the Aug. 6, 2024 minutes.

Draft minutes July 16, 2024

Mr. Lowell moved the vote on these minutes to a future meeting.

CHAIRMAN'S REPORT

Announcement – Draft Sediment Transport Study and Dredging Plan open house

Mr. Lowell made this announcement.

Announcement – Aug. 19, 2024 Nantucket & Madaket Harbors Action Plan Update public forum -

https://www.youtube.com/watch?v=Vc1-Lh5BR_4&list=PL49sKqpy7VAhtfTnajKC38HEDIJx7asi0&index=33

Mr. Lowell made this announcement.

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 is working on an eelgrass management plan. She reported that the hatchery is holding eelgrass seed until October and then will do a coordinated planting with the Nantucket Land & Water Council. Ms. Riley reported that she and her staff are working on collecting spat bags from the harbors. She added that on Sept, 6, she and her staff will be starting three weeks of bottom surveys in the harbors.

Mr. Carlson explained what the sediment transport study is, what the upcoming open house is all about and what the aim of the dredging plan is.

PUBLIC COMMENT ON MARINE DEPARTMENT / NATURAL RESOURCES REPORT

No public comments.

OLD BUSINESS

Continued review and update of shellfish regulations - Tara Riley

Ms. Riley said she sent a request to the Select Board for a public hearing on creating the ability to raise or lower bushel limits and that the Select Board had sent this proposed shellfish regulation amendment to Town Counsel for its opinion. She said the public hearing needed to be posted for three weeks. She said she wanted to get a sense of the Select Board to see if they would approve this change before she got the process rolling. Mr. Carlson explained that what is being proposed would allow the Select Board to adjust the limit on the fly, giving the Select Board the flexibility respond to alter the bushel limit with a recommendation from the HSAB.

Mr. Brace asked Ms. Riley if she felt that she and the HSAB were on track to meet her schedule to complete the amendments to the regulations that she'd laid out earlier in the summer. Ms. Riley said she thought so but that the process would work better if the amendments would get done faster if they were grouped together in blocks. Ms. Riley said the aquaculture section of the shellfish regulations still needs to be reviewed by the HSAB at a future meeting. Mr. Brace suggest doing this in a one-topic workshop meeting of the HSAB. Ms. Riley said this would work.

Nantucket Health Department report on Nantucket oyster-caused illnesses in Summer 2024 - Sean Reid, Nantucket Public Health Inspector

Mr. Brace said Mr. Reid would not be attending this meeting. Mr. Herr said he was hoping to get an update on this situation and that he was concerned that the oyster fishery might be shut down. He lamented that Mr. Reid didn't make the meeting. Mr. Brace suggested that Mr. Herr go speak with Mr. Reid at the Health Department office.

Discussion on Sean Fitzgibbon's oyster lease and aquaculture leases in general

Mr. Fitzgibbon explained his intent to grow oysters in the current overwintering site at the head of the harbor in the subtidal zone in front of Haulover Pond. Mr. Fitzgibbon read into the record a letter from the Massachusetts Division of Marine Fisheries (DMF) stating it positive feeling on Mr. Fitzgibbon's proposal

Mr. Lowell, noting the other Nantucket oyster growers at the meeting and questioning Mr. Fitzgibbon on whether his gear would be exposed at low tide, asked Mr. Carlson for regulatory clarification on what Mr. Fitzgibbon is proposing.

Mr. Carlson explained the supporting materials he handed out regarding aquaculture leases given out by the Town in Nantucket Harbor. He also detailed the history of the program including the designated harbor areas that can be used for aquaculture including the northeast end of the head of the harbor, Coskata Pond and Pocomo West. He noted that land owned by the Nantucket Conservation Foundation (NCF) is off limits until the NCF gives its approval. Mr. Brace reported that he spoke with Jen Karberg at the NCF about this proposal and Ms. Karberg said Cormac Collier, NCF's executive director, would want to know about this.

Mr. Brace also mentioned the strategic plan by NCF and the Trustees of Reservations (TTOR) to, using natural materials, shore up four locations in the Coskata-Coatue Wildlife Refuge vulnerable to sea level rise including the beach and dune habitat between the ocean and Haulover Pond. Mr. Fitzgibbon stated that his proposed area is on TTOR land and that TTOR Coskata-Coatue Wildlife Refuge property superintendent Diane Lang approves of proposal and its location on TTOR land. Mr. Brace acknowledged that NCF had to have signed off on this site in 2013 when the Town delineated aquaculture growout sites in Nantucket Harbor.

Mr. Carlson explained that the Town has maintained this area where Mr. Fitzgibbon is proposing to grow out oysters year-round as an overwintering site for all of Nantucket's oyster growers. The overwintering site is broken up into two-acre parcels. Mr. Fitzgibbon said his is on the north end of this area.

Mr. Edwards said that his concern about what Mr. Fitzgibbon is proposing is the DMF having to re-survey the bottom in this area as part of the application process and potentially finding healthy marine habitat there with scallops living there, which would cause the DMF to close the site for all aquaculture use including overwintering. Mr. Carlson clarified that while the DMF does re-survey previously approved aquaculture sites, it didn't seem like a common thing to him. Ms. Riley said that not only would immediate abutters that be given the chance review Mr. Fitzgibbon's proposal during the public hearing process, but property owners around the head of the harbor could comment as well. Mr. Brace asked for the other oyster growers in attendance to share their thoughts on Mr. Fitzgibbon's proposal. Mr. Herr said he was concerned about what the DMF might find if it had to re-survey the site for viable shellfish on the bottom there. He added that the risk of losing this designated overwintering area is too great. He added that if all the growers wanted grow year-round in this area, this become a big problem for members of the public already resistant to aquaculture in the harbor. Mr. Fitzgibbon asked the group if he couldn't grow his oysters in this location, how would be able to sell his oysters in the winter. Mr. Brace asked, given that at previous recent HSAB meetings, Mr. Fitzgibbon had told the HSAB he was moving all his oysters to his deep-water site and also that he requests that the Town award him the additional four acres of his lease in the deep water, what his plan for growing out oysters in the head of the harbor actually is. Mr. Fitzgibbon said, as other of the oyster growers have learned, it's advantageous to grow seed oysters in the deep water and then move them to shallower water to finish growing them out, adding that this is his growout goal for his oysters. He said that maybe there might be such growout areas in Madaket or along Coatue. Mr. Brace asked Mr. Carlson and Ms. Riley if there is any more approved open harbor bottom in either harbor. Both said there wasn't. Mr. Carlson and encouraged Mr. Fitzgibbon to do the legwork and find other shallow sites on his own. Mr. Anderson

asked what was status of Mr. Fitzgibbon getting the addition four acres at his deep-water site. Mr. Carlson said he is still reviewing this request and reported that Mr. Fitzgibbon did submit his production plan.

Mr. Logan asked the other growers at the meeting if all of them are using them their overwintering sites. Mr. Reith and Mr. Edwards said they all were. Mr. Logan also asked when another survey of abutters was done. Ms. Riley said she thought it was in 2014.

Mr. Herr said he wanted to revisit the process of site selection. He encouraged Mr. Fitzgibbon to research the abutter-related reason why former Harborlife director Rob Garrison was unable to grow oysters in Shimmo Creek.

Mr. Brace asked Mr. Fitzgibbon if he would still keep working his deep-water acreage regardless of whether he could grow out oysters year-round in the overwintering location. Mr. Fitzgibbon replied he would. Mr. Brace asked if there was space in Coskata Pond. Mr. Carlson said Jamie Marks is using the pond to grow quahogs in. Mr. Herr, speaking from his experience of being the only grower working solely a deep-water site, said it's a very challenging method of growing oysters.

Mr. Logan asked how many abutters against an aquaculture farm does it take for the DMF not approve an application. Mr. Carlson said it is subjective and based on each unique set of circumstances. Mr. Brace asked the other growers if Mr. Fitzgibbon was approved to grow oysters year-round in the overwintering site would they too want the ability to do so. Mr. Herr said absolutely. Mr. Edwards offered a cautious yes but was still concerned about the DMF having to re-survey the bottom in that location. For clarification, Mr. Carlson said the site would be re-surveyed by DMF if a request to them by growers seeking to grow there year-round. Mr. Carlson said he could get clarification from DMF to see if this request would trigger a survey just for the two-acre site for Mr. Fitzgibbon or the whole site. Mr. Brace suggested that someone could go dive survey the site. Mr. Fitzgibbon said the site is devoid of shellfish and eelgrass.

The board and Mr. Fitzgibbon discussed property lines of the conservation groups that own property where he wants to grow oysters in shallow water. Mr. Fitzgibbon noted again that TTOR was in support of this effort.

Mr. Brace urged Mr. Fitzgibbon to get all of his required information on paper. Ms. Riley and Mr. Carlson recommended that Mr. Fitzgibbon research possible sites in the harbors and dive them.

Vineyard Wind and offshore wind in general - Discussion

No discussion

HEALTH OF THE HARBORS

NEW BUSINESS

PUBLIC QUESTIONS AND COMMENT

RECAP and ITEMS FOR NEXT MEETING

ADJOURN

Mr. Lowell asked for a motion to adjourn the meeting. Mr. Anderson made a motion to adjourn the meeting. Mr. Brace seconded that motion. The HSAB voted 4-0 to adjourn the meeting at 7:10 p.m.

YOUTUBE LINK

<https://www.youtube.com/watch?v=c0VMUXVuGyU&list=PL49sKqpy7VAj6nJnAlrlKlxWm6VQTfuXg&index=3&t=5s>

Future Meetings:

Sept. 17 and Oct. 1

Respectfully Submitted,
Peter B. Brace, Secretary

