

## **Harbor and Shellfish Advisory Board**

**Tuesday, Oct. 15, 2024 at 5:00 p.m.**

**Via Zoom**

**\*HSAB meeting are video-recorded**

**Members present:** Andy Lowell, Peter Brace, Scott Anderson, Bobby DeCosta, Jim Sjolund, Dave Fronzuto, Dave Bossi

**Members Absent:**

**Marine Dept:**

**Natural Resources Dept:** Tara Riley

**Others:**

### **CALL TO ORDER**

Mr. Lowell called the meeting to order at 5:01 p.m.

### **APPROVAL OF AGENDA**

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

### **APPROVAL OF MINUTES**

#### **Draft minutes of Oct. 1, 2024**

Mr. Lowell called for a motion to approve the minutes. Mr. Lowell continued the vote on the minutes to later in the give the HSAB time to review them.

### **CHAIRMAN'S REPORT**

**Select Board public hearing on proposed amendment to shellfish regulations to allow the lowering or raising of the commercial bay scallop bushel limit.**

Mr. Lowell made this announcement.

**MARINE DEPARTMENT REPORT:**

**General Marine Department report – Sheila Lucey**

No report

**NATURAL RESOURCES REPORT**

Ms. Riley reported that she and her staff are wrapping up their 2024 field season. She reported that UMass Dartmouth personnel led a workshop on microplastic identification today in preparation for identifying plastics from the damaged wind turbine blade that broke off of one of Vineyard Wind's turbine during the summer.

Ms. Riley reported that she, Natural Resources Department (NRD) director Jeff Carlson and shellfish warden JC Johnson worked getting the next block of proposed amendments to the Town's shellfish regulations ready for a Select Board public hearing. She added that she is also getting ready for the commercial scallop season.

Mr. Brace asked if during the recent four-day nor'easter there were any scallop strandings reported. Riley said she did have staff walking beaches, but there were no stranded scallops.

Mr. Lowell said he found a lot of "wool" in the water in Second Bend while pushraking for scallops on opening day.

Mr. Brace asked when the ponds would be opened. Ms. Riley said Town water quality specialist Emma Morgan is still working on scheduling the pond openings with the contractor.

## **PUBLIC COMMENT ON MARINE DEPARTMENT / NATURAL RESOURCES REPORT**

### **OLD BUSINESS**

#### **Continued review and update of shellfish regulations - Tara Riley**

Mr. DeCosta said the discussion on increasing or decreasing the commercial bushel limit should be held after the first week or so after the opening day of the commercial season.

Mr. Lowell asked for clarification on what money-related topics the HSAB could discuss at its meetings. Mr.

DeCosta indicated through an explanation of the size of scallop meats harvested during the recent recreational season that the HSAB can discuss money as it relates to scallop size. He and Ms. Riley noted seeing a lot of third-year scallops this year early in the recreational season.

Ms. Riley said whether or not the bushel limit should be raised or lowered should depend a lot on what her recent call bottom dive surveys at 40 sites in Nantucket Harbor and eight sites in Madaket Harbor found as well as what scallopers are finding during the commercial season. Mr. Sjolund added these bottom surveys don't represent the entirety of the harbors nor what is actually on the bottom when the commercial scallop season gets going.

## **Advisory to Select Board on Vineyard Wind and offshore wind in general – Discussion**

Mr. Lowell read into the minutes a statement from Will Cook and Greg Werkheiser, two attorneys for Cultural Heritage Partners as follows: “Greg and I regret that we will be traveling during today’s meeting of the Harbor & Shellfish Advisory Board, but appreciate the invitation to join you. We hope the following information is helpful. As we discussed, the Town is engaged in ongoing and regular conversations with Vineyard Wind and GE Vernova to discuss potential harm to Nantucket arising from the blade failure. Both companies have offered to make the Town and its citizens whole, so we have been collecting information related to environmental harm and how to quantify that harm. Please share with us any information about potential harm to water quality and shellfish beds if this information becomes available. In addition, the Town is engaged in ongoing and regular conversations with Vineyard Wind about ways to supplement, clarify and strengthen the existing community benefit agreement to provide more assurances to the Town to address future turbine blade failures, which were not anticipated during the permitting for the project. We cannot provide details right now about these conversations to preserve the Town’s attorney-client privilege, but we’ll keep you updated about our progress. Finally, in addition to working with Vineyard Wind, GE Vernova, the Bureau of Ocean Energy Management and the Bureau of Safety & Environmental Enforcement, Brook Mohr has been working around the clock these past months with

Nantucket's legislative delegation to help Nantucket with answers to the Town's questions and to ensure better safeguards are in place in the future. In the meantime, please feel free to contact us directly with questions or concerns," Will Cook.

Mr. Lowell said the HSAB's focus needs to be on impacts on the harbors. He added that he didn't want to send a recommendation prematurely with discussions between the Town and Vineyard Wind happening now.

Mr. Anderson decried the Good Neighbor agreement, which he said is defective, between the Town and Vineyard Wind, noting that it benefits Vineyard Wind much more than Nantucket and that the Town needs to have the environmental impact revisions added to the agreement.

Mr. DeCosta noted that Vineyard Wind is anticipating more turbine blade failures. He added that because of this, he doesn't trust Cultural Heritage Partners, the Town's lawyers representing Nantucket's interests regarding Vineyard Wind and the Good Neighbor agreement. He said the Town should pull out of this agreement.

Mr. Fronzuto asked how long it would take get the results of the micro plastic test results from UMass Dartmouth.

Ms. Riley indicated around two weeks.

Mr. Anderson said surety bonding and escrow accounts should be added to the good neighbor agreement. He added that Ms. Riley needs to examine the long-term impact of micro plastics in Nantucket's harbors.

Mr. Fronzuto said he agreed with having an escrow account for future wind turbine failure impacts on Nantucket.

The HSAB members expressed their various environmental impact concerns directly related to Vineyard Wind's wind

turbine project. Ms. Riley noted that plastic pollution is greater in Nantucket Harbor than along the south shore of the island, but it's not yet known if this harbor pollution is from the failed wind turbine blade. Mr. Lowell said likely contributors are sunken boats in the harbor. Mr. Bossi said he agreed with everything already said. He said he didn't agree with trying to revise the Good Neighbor agreement. He added that getting Nantucket's issue solved should happen on the state level to effect actual, tangible change. Mr. Brace said a letter to the Select Board should include all of the points the HSAB disagrees with regarding Vineyard Wind. He added that this letter would serve as statement on how the HSAB's stance on Vineyard Wind and the Good Neighbor agreement.

Mr. Fronzuto said the letter should be supportive of the Select Board but that the HSAB should hold off writing//sending it until the HSAB had more complete information on micro plastics in the harbors and whether or not they're from the wind turbine blades.

Mr. DeCosta said the Select Board isn't informed about just how many Nantucketers are against wind turbine project south of the island. He said that the HSAB should represent this sentiment in its letter to the Select Board and he added that the south shore of the island, in his view, is within the HSAB's jurisdiction.

Mr. Fronzuto said the letter should be written soon than later and that all of the relevant information and grievances should be included in it. Mr. Brace said that the HSAB pointing out what's bad about the agreement is in fact supporting the Select Board in the long run because our board represents a lot of the Select Board's constituents. He

said he agreed with Mr. DeCosta's feeling about the HSAB's jurisdiction south of the island.

Mr. DeCosta suggested working on a draft version of the letter over the next few months.

Mr. Anderson stressed the importance of going on the record on this issue.

Mr. Brace asked what the next step is. Mr. Lowell said Mr. Lowell and Mr. DeCosta recommended that the HSAB come up with issue point for the Nov. 5 meeting in preparation for the writing of an advisory letter to the Select Board. Mr. Bossi suggested that the letter contain one thing in this letter requesting that one member of the HSAB be allowed to attend wind turbine project discussions held by the Select Board in their executive session meetings. If the Select Board doesn't agree to this, then the HSAB would follow up with the aforementioned advisory letter. Mr. Lowell agreed with this idea. Mr. Anderson said this HSAB representative should sign a nondisclosure agreement. Mr. Bossi made a motion to have Mr. Brace write a letter to the Select Board on behalf of the HSAB requesting a seat at the table during Select Board executive sessions on wind turbine project in Nantucket waters. Mr. Brace seconded that motion for discussion. He asked the group how this helps the HSAB. Mr. DeCosta, Mr. Lowell and Mr. Bossi said it would be useful to the HSAB because this person could bring the HSAB's message directly to the Select Board. The HSAB voted 7-0 to have Mr. Brace write this letter for review at the Nov. 5 meeting.

**Sediment Transport Study and Dredge Plan –  
Continued discussion with Town Sustainability  
Coordinator Vincent Murphy**

Mr. Murphy asked the HSAB for suggested dredging locations in the harbors. Mr. Murphy recapped the dredging location recommendations from the HSAB's Oct. 1 meeting. Mr. Fronzuto said Mr. Murphy should investigate taking over dredging of the cut in the east jetty from the Army Corps of Engineers.

Mr. DeCosta suggested the east of the channel going to Madaket Harbor by Eel Point because that end of the channel shoals up a lot. Mr. Murphy. The HSAB and Mr. Murphy discussed various potential sites on the west end of Nantucket and on Tuckernuck for putting the dredging spoils.

Mr. Lowell asked if dredging could be done at the entrance to The Creeks for access to a future boat ramp location on Land Bank property. He also suggested dredging in front of Petrel Landing if a boat ramp might be possible at this location. Mr. Murphy said dredging in the marsh is not likely because of the damage to the marsh the dredging would cause. On Petrel Landing Mr. Murphy said this is something he can explore with the Land Bank. He added that dredging the channel to the Town Pier takes priority.

**HEALTH OF THE HARBORS**

**NEW BUSINESS**

**PUBLIC QUESTIONS AND COMMENT**

## **RECAP and ITEMS FOR NEXT MEETING**

### **ADJOURN**

Mr. Lowell called for a motion to adjourn the meeting. Mr. Anderson made a motion to adjourn the meeting. Mr. DeCosta seconded that motion. The HSAB voted 7-0 at 6:45 p.m. to adjourn the meeting.

### **YOUTUBE LINK**

<https://www.youtube.com/watch?v=0Zi4SmvbvSI&list=PL49sKqpy7VAj6nJnAlrlKlxWm6VQTfuXg&index=1>

### **Future Meetings:**

Nov. 5 and Nov. 19

Respectfully Submitted,  
Peter B. Brace, Secretary