

Shellfish Committee Minutes of the Meeting

DATE: November 19, 2014
TIME: 7:30 P.M. to 9:20 P.M.
LOCATION: MEAD Building

Shellfish Committee Members present: Stuart Rapp, Gerard Ganey, Les Hemmila, Kevin Flaherty, Linda Romano, Robert Lancaster, Richard Haskell, Andre Sampou, Al Surprenant

General Public present: Chris Freeman, Lenny Clark, Carl Carlson, Mark Bagley

Town Council Liaison not present: Phil Wallace

Town Staff present: Doug Kalweit, Terri McDonald, Elizabeth Lewis, Nicolette Mariano

Chairman's Report: 1- 3

Stuart Rapp chaired the November 19th, 2014 meeting of the Shellfish Committee.

Stuart Rapp took a roll call of members present at the meeting.

Stuart Rapp read a notice at the beginning of the meeting:

NOTICE OF RECORDING

"Please note that tonight's meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s. 20, I must inquire whether anyone is taping this meeting and to please make their presence known."

The Shellfish Committee approved a motion made by Les Hemmila and seconded by Robert Lancaster to approve the October 15th meeting minutes with the following changes:

"Page 8, Piers, Dredging and Shellfish Habitat Issue: 5, Applicant: Daniel A. & Wendy J. Kraft.

Arlene Wilson presented various aspects of the proposal to the Shellfish Committee. The Shellfish Committee ~~remove~~ :**unanimously approved** insert: **approved by all committee members but one committee member who abstained** a motion that Stuart Rapp send a letter to the Conservation Commission stating that the Shellfish Committee has no objection to the proposed pier project, subject to the installation of access stairs in the vicinity of the mean low water line and no motorized vessels allowed.

Insert: Discussion was also made regarding consultants providing the Shellfish Committee with copies of all NOIs in .pdf form prior to Shellfish Committee meetings."

Natural Resource Office Report: 4

Propagation Report:

Elizabeth Lewis provided the Shellfish Committee with the following updates:

1. Oyster Season opened November 1, 2014, last week 532 permit holders were checked at the landings each harvested the limit of one half peck of oysters.
2. Shellfish staff has been cleaning nets, checking quahogs, preparing for winter.
3. We hosted the Shellfish Volunteer Appreciation Luncheon, it was well received.

Doug Kalweit provided Revolving Fund balance which is currently \$148,000.

Questions for Natural Resource Office:

Les Hemmila stated that the Blish Point Ramp has been backed up this week and Mill Way Ramp has been blocked by construction fencing for the repair of the Barnstable Harbor Bulkhead repair. He has requested that they remove all obstructions when they are not working on the project so that the ramp can be used by commercial shellfishers and grant holders during this busy time of preparing for winter. Doug Kalweit stated he would pass on the information to the DPW.

Gerard Ganey asked why there is only one oyster spot on the south side and will that be continuing in future years. Elizabeth Lewis stated she can not say that it is going to continue in years to come because it is stock dependent. The reason Bridge Street was not stocked this year is because the stock used for that area is raised in the Mills River, and did not thrive well. All gear has been removed and the River is not being used for the raising of stock in order to give it a rest. The stock for Bay Street is grown across the way and is a great growing area and easily relayed. It will be stock dependent whether or not Bridge Street is stocked again.

Stuart Rapp questioned what NR is doing about Woolly Grass. Elizabeth Lewis stated that currently we are removing it from the nets, and not much else can be done until a storm blows it out of the area.

Piers, Dredging and Shellfish Habitat Issues: 5

NONE

Old Business: 6

A) Report by the Aquaculture Sub-Committee regarding transferability of Aquaculture licenses.

Les Hemmila stated that this was resolved last meeting and that the Aquaculture Sub-Committee recommended no changes to the current local regulation (407-54) as stated in the minutes from the October 15, 2014 meeting. .

B) Further discussion of amending Article IX §§ 407-47 and 407-57 of the Aquaculture License Regulations.

EXISTING REGULATION:

§ 407-47. Proof of residency required.

Aquaculture grant licenses, hereinafter referred to as the "license," will be issued to Town of Barnstable residents only who can prove to the satisfaction of the Licensing Authority that they are a bona fide, domiciled resident of the Town of Barnstable and have been domiciled within the Town for at least 12 consecutive months prior to the date of application. Two forms of written proof of residency is required; tax bills, rent receipts, utility bills, driver's license, car registration, etc., may serve as proof. All local tax obligations must be paid in full in order for an application to be considered in accordance with MGL C. 40, § 57, which was adopted by Town Meeting 11/86. Any licensed area so licensed subsequent to the adoption of these rules and regulations shall be forfeited if the holder of the license, hereinafter referred to as the "licensee," ceases to be a bona fide domiciled resident of the Town of Barnstable.

Discussion: Further Discussion of LLC and Sole Proprietors need to be residents. All Directors and Officers of corporation need to be residents, not majority shareholders due to possibility of the majority shareholder are silent partners.

EXISTING REGULATION:

§ 407-57. Acreage limitation.

The maximum total acreage licensed to any licensee shall not exceed two acres on the Northside and two acres on the Southside within the Town of Barnstable inner bays. This acreage limitation does not apply to any existing so-called grant (now referred to as a "license") which is in excess of four acres and will not prevent the grant holder (now referred to as the "licensee") from future renewals, provided that said licensee abides by all other applicable regulations set forth herewith.

Discussion:

Shellfish Committee discussed at great lengths which recommendation should go to Town Council. It was decided that the Shellfish Committee would submit a separate proposal from the Natural Resource Office with the following recommendations:

The maximum total acreage licensed to any licensee shall not exceed ten (10) within the Town of Barnstable inner bays. This acreage limitation does not apply to any existing so-called grant (now referred to as a "license") which is in excess of ten (10) acres and will not prevent the grant holder (now referred to as the "licensee") from future renewals, provided that said licensee abides by all other applicable regulations set forth herewith.

New Business: 7

A) Renewal of Shellfish Aquaculture License 99-02 issued to Albert Surprenant.

Albert Surprenant recused himself from discussion and vote. A motion was made by Robert Lancaster and seconded Kevin Flaherty to recommend approval of the renewal. The remaining Shellfish Committee unanimously approved the recommendation of renewal.

B) Renewal of Shellfish Aquaculture License 10-08 issued to Cape Cod Oyster Company.

Albert Surprenant recused himself from discussion and vote. A motion was made by Kevin Flaherty and seconded by Richard Haskell to recommend approval of the renewal. The remaining Shellfish Committee unanimously approved the recommendation of renewal.

C) The Natural Resource Office proposal to amend the Shellfish Regulations to eliminate Cordwood Landing Recreational Shellfishing Area Article IX § 407-45B(1) and replace with Handy Point Recreational Shellfishing Area in Cotuit Bay.

Discussion: Elizabeth Lewis stated that Cordwood landing has not been very productive for growing whereas Handy Point has been exceptional. Twenty-nine nets are currently being cultivated at Handy Point. Also, that the Cordwood area may benefit from Commercial Shellfishing in the area from the deep turning up of the bottom. Andre Sampou had a concern regarding piers being permitted after the elimination of the Recreational area at Cordwood. Elizabeth Lewis stated that even though the recreational area is being eliminated it is still a Relay Area and pier construction would still not be permitted in the area.

A motion was made by Kevin Flaherty and seconded by Richard Haskell to approve the removal of Cordwood Landing Recreational Shellfishing area and to create the Handy Point Recreational Shellfishing area. The Shellfish Committee unanimously approved the change.

D) The Natural Resource Office review of the Shellfish Committee's new 28 acre aquaculture site proposed in Barnstable Harbor.

Natural Resource Office has no objections but has the following recommendations: remove 2 acres from corner for navigational issues. Change the triangular lot from 2 acres to 1.5 acres to allow for better access to the inside grant numbered 3 and 4. The total area is 23.5 acres.

A motion was made by Albert Surprenant and seconded by Linda Romano to approve the new aquaculture site in Barnstable Harbor. The Shellfish Committee approved the changes with the exception of Richard Haskell.

Albert Surprenant made a motion, seconded by Richard Haskell to adjourn.