

Minutes
Shellfish Advisory Board
March 30, 2016
Town Hall

Present: Tom Siggia, Rebecca Taylor Barbara Austin, Jacob Puffer, Zack Dixon, Jim O'Connell

Regrets: John Duane

Others in Attendance: Andy Koch (constable), John Mankevetch (assistant constable), Fred Richard, Michelle Insley, Helen Miranda Wilson, Michelle Insley, Curt Felix

Meeting called to order, 7: 10 p.m.

1. MINUTES

Barbara Austin motion to accept minutes from January 20, 2016, Jacob Puffer seconded. Motion accepted, 6-0

2. HELEN WILSON: ANNUAL TOWN MEETING ARTICLE ON RESTRICTING USE OF PESTICIDES IN WELLFLEET

Helen Wilson presented a draft bylaw on the Restriction on the Use of Pesticides. She told the board that according to state law sensitive or vulnerable sites are named, but that pesticide use is permitted in those areas as long as it is done in a specific way and that it is a very complicated process.

The proposed bylaw would establish specific, outdoor areas which, if registered with the town's Health and Conservation Department, would declare a ban on the use of pesticides on the property, at the owners discretion.

This is just a statement by the property owner. It is not enforceable. The state pesticide board will not allow it. Helen said that the AG's office may not allow this even if it passes town meeting. However, at least the town will be on record as opposing spraying certain pesticides in certain areas. That way, if unwanted pesticides are used at a later date we will have more than just a reactive measure. This bylaw is basically expressing a wish. It is a step in further action/change regarding municipalities not being allowed to create bylaws like this.

Helen is presenting this to SAB because there is language in the bylaw regarding farms.

Curt Felix expressed his opposition to this regulation, not because he is in favor of the use of all pesticides, but because it does not distinguish between types of pesticides. There are some compounds that are not harmful to people or the environment and these are very important to public health (Lyme, Zika, etc.). Also, the AG is likely to declare this bylaw illegal. We need to be specific with the compounds that will be banned. We should not throw the baby out with the bathwater. If we are to do something like this we have to be very specific. Pesticides are regulated by the Feds and that law is implemented by the states regulated by a board and a director. This board can request that labels be changed or request that certain compounds be banned.

Helen - I tried to go down that road of being specific, but it is too complicated and the pharma companies are too wily with their labeling and relabeling to do it this way.

Jacob Puffer commented that he does not feel educated enough to make a decision at this time. Jim agreed.

Helen said that this is not about who to use or not use, but rather the right of the property owner to declare that they do not want pesticides used on their property. Also, property owners do not have to disallow the use of pesticides on their property.

Curt mentioned that the other thing he doesn't like about this is that it overrides the judgement of the experts. Although there have been errors in the past, the process is much more highly regulated now. This type of bylaw would put an additional burden on people/businesses like his that are there to protect public health.

Barbara stated that she likes this because it allows her to do what she wants on her property.

Tom suggested that this should be approached more from an educational standpoint. Bring the topic to peoples attention.

Barbara motioned that SAB support the bylaw on Restriction on use of Pesticide in Certain Areas. The motion failed 2 in favor, 4 abstain.

3. CURT FELIX, MICHELE INSLEY, ANDY KOCH

- **SALT WATER ICE MACHINE** - Michelle reported that Curt and Fred did a lot of research on this topic and gave the info to Michelle. She will write a federal grant with support from DMF and the state for funding for this machine at the marines. Mike Flanagan supports it and is willing to maintain the machine. Grant deadline is April 8. If we do not get that one, SEC also has a grant available (requires 20% matching funds). Mike Flanagan says if that is the case, the marina may be able to match the funds. Cost is \$30,000.00.

Jake asked how much it produces per day - Michelle said 8400 lbs per day.

Curt said that there is a lot of risk . . . no one else in Massachusetts has one (untested)

Jim said that he uses about 1200 lbs on harvest days. Curt said that the recommended is 3-5 tons. Curt said that if it is a success, the system can be expanded.

Zack, how is the ice purchased? Michelle, card reader.

Helen said that she is for the project, but her concern is VOC's. Curt stated that VOC's are generally not he surface and if there was an incident (spill) the harbormaster would shut the machine off.

• CULTCH PERMITTING AND REEF RESTORATION

The usual cultch areas are permitted, but if we want to do other areas we will need some more time.

Barbara, how are we with the actual physical cultch?

Andy, Linda Noons, who has done our hauling for 20 years, is no longer in the business. Silva was going to do it, but backed out. Andy got bids from three different haulers, but they have not gotten back to him. Getting the cultch is no problem, hauling it is the issue. A hauler will be starting next week. We are behind, but are asking for as much as they can bring. the North Shore company may be able to truck and barge cultch just for the cost of transport.

Barbara - talked to Hillary who we owe a huge thanks. Permitting cost \$15,000.00. Very specific places we can clutch this year. No National

Seashore. That means no River, no Smalley's. Hillary had to do a ton of paperwork, letters and permitting.

Curt - this permitting process began because Hillary believes that it is necessary under Chapter 91. Curt thinks that cultch may be exempted from Chapter 91. In addition this may be a blanket permit extending for a number of years. Also, Curt said that National Seashore is in conflict with Federal Law on this matter. They cannot come up with this edict. The issue is that cultch may be considered "fill" and not "maintenance of the resource" (maintenance of the resource is allowed, fill is not).

Barbara read a letter from the National Seashore commenting on the use of cultch in the National Seashore. Curt reiterated that they do not have jurisdiction of the tidelands. They can not regulate what the town does to maintenance shellfishing areas.

Helen - someone needs to interface with the Park in a diplomatic way.

Barbara - This is coming up at the 4/6/16 ConcCom meeting. Andy should go to this meeting. Andy said that he will go.

Curt said that there is one person at the Park that is driving this. She is studying water quality and introducing cultch encourages oyster growth which improves water quality and skews the data. Curt contends that the study is not taking into account oyster harvest in the first place.

Helen wants us to get clear with the Park before any clutching so that it does not become a legal issue.

Curt - at the end of the day, it is just a matter of whether it is legal or not. We need clarification on this.

4. ANNUAL BEACH CLEAN UP

Barbara - beaches look very clean! Andy and John agree.

Barbara asked when to do beach cleanup this year? The board discussed and agreed on April 30. DUMPSTER WILL BE AT MAYO BEACH FROM 9:00 A.M. - 4:00 P.M. Helen will send the form letter to Jake to send out to the various newspapers etc.

Next Meeting will include Friends of Herring River on April 27 at 7:00 p.m.

