

Minutes  
Shellfish Advisory Board  
August 31, 2016  
Town Hall

Present: Barbara Austin, Jacob Puffer, Zack Dixon, Rebecca Taylor, John Duane, Jim O'Connell

Regrets: Tom Siggia

Others in Attendance: Andy Koch (constable), Fred Richard, Helen Miranda Wilson, Will Berrio, Ralph Bassett, Dan Hoort, Ethan Estey, Brent Valli, Sandy Mitchell

Meeting called to order, 9:09 a.m.

## 1. MINUTES

Jake motioned to accept minutes from April 27, 2016, Barbara seconded. Motion accepted, 5-0.

Jake motioned to accept minutes from June 27, 2016, John seconded. Motion accepted, 5-0.

## 2. DISCUSSION OF POSSIBLE DATE CHANGE FOR REMOVAL OF SPAT COLLECTING DEVICES AS REQUIRED BY SECTION 7.15.3

Ethan Estey - It seems that the paperwork is insurmountable for this year. So, if SAB recommends to BOS that Andy not confiscate the hats for this year. Next year, we can go through the paperwork.

Jake - isn't it the state that is involved? Ethan - the state has never gotten involved.

Helen - The select board can not tell Andy not to enforce. I worked hard to find any regs or laws on this, but I could not find anything. Mike Hickey explained that there aren't any (some have it on their individual licenses). Because hats go up into the water column it comes under DEP. About 20 years ago, Mike H. negotiated with DEP for hats to be used during the spawning season. They set the dates at June 15 - Sept. 15.

Helen asked Mike H. if there is anything we can do this year. She asked if a temporary extension would work. He said it may. So, Helen drafted this temporary extension to 7.15.3.

Mike H. added that if you don't have collection devices on your permit, you may not put out hats.

When did DEP and Army Corp get involved, because last year it was Chris Scillacci who put pressure on the town to enforce? Helen - 20 years ago.

Brent Valli - when we did this originally, it was negotiated with DMF and the dates were June 15 - Oct 15 (get hats out before Cove opens). Brent said that there is no mention of dates anywhere in the paperwork going all the way back.

Brent - To move the hats out early is a huge project, and that is why it was left to the town. I don't know why DEP or Army Corp. is involved at all. It should be only the town and DMF involved.

Barbara - In our regs, we do have the dates as June 15 - Sept 15. IT's embarrassing to me that we did not change these dates. When were these dates added in the first place? Helen pointed out that these dates are in the regs as the usual spawning season, not as hard and fast dates.

Brent - There were never dates.

Helen - respectfully to Brent: When you were dealing with DMF back then, they were acting on behalf of the town in conveying our actions to DEP.

Helen - So, we have something to propose (temporary extension), but Mike Hickey has to go to DEP and come back to BOS by Sept 13 (BOS meeting). Mike will make an effort this week to contact DEP.

Brent - what is DEP's problem with the hats?

Helen - They are in the water column, so DEP has to approve them. Additionally, some may consider the gear propagation gear once it has stopped catching.

Brent - There is evidence of double sets.

Fred - Is it going to get done this year? It has been going on for many years. There is a precedent.

Jim - If we talk to Sarah Peake or other reps we may have a better/quicker response.

Brent - Maybe someone with more of a status needs to talk to her office.

Jim - All budgets go across Sarah's desk. We should go through her.

Helen - If we go for the long term fix, then we should get Sarah involved.

John D. - We need to have a good reason, from a scientist or fisherman that the date should be extended.

Zack - Diane Murphy told us in March that there have been sets documented as late as October.

Barbara A. - now we need a short term solution.

Zack - Let's recommend to BOS that we approve the extension language to 7.15.3.

Ethan - We should follow the laws as best we can, however these laws have not been enforced in 20 years. It is unlikely that these agencies are going to coordinate and enforce.

Sandy - Last year was the first time on any paperwork that I saw any dates on the permits.

Barbara A. - The last two years are the first two years that any dates regarding spat collection have been on the propagation permits.

Ethan - is there any way to classify those hats as something else if this extension doesn't go through?

Zack made a motion to recommend to BOS the language in the 2016 extension to shellfish regulation 7.15.3. Jake seconded, approved 5-0.

John D. - We need documentation from people who know (scientists and fishermen).

Helen - It is better coming from SAB with science because there is no conflict of interest. Pictures of the hats on Sept. 15 would be helpful.

Ethan - There is not a lot of science. It is more common sense.

Helen - anecdotal evidence can be helpful too.

### 3. JOHN DUANE'S MENHADEN LETTER

The letter is a thank you from WNRAB and SAB to DMF.

Barbara motioned to approve John's letter to DMF. Rebecca seconded. Approved 5-0.

### 4. REVIEW MAIL AND FUTURE AGENDA ITEMS

- continued discussion of how to propose changes to the dates for spat collection. Make an action plan.
- recycling committee letter to SAB, will we participate and how?

**Next meeting October 5, at 7:00 p.m.**

Meeting adjourned at 10:38 p.m.