

## Oak Bluffs Shellfish Committee Meeting Minutes

May 22, 2008

Members present: Earl Peters, Mark Landers, Joseph Leonardo, Paul Humber

Others present: David Grunden, Nicole L Morey and Steve Amaral

Meeting opened at 6:03 PM.

### Previous Minutes

Minutes from February 21, 2008 were read by Nicole L Morey.

**Motion: To approve minutes of February 21, 2008. By: Member Humber. Second: Vice-chairman Landers. Motion passed unanimously 4-0.**

### Constables' Report

Constable Grunden read his May 2008 report.

**Motion: To approve minutes of February 21, 2008. By: Member Humber. Second: Vice-chairman Landers. Motion passed unanimously 4-0.**

### Beach closure - Sengekontacket Pond

Vice-chairman Landers asked about the closure for the oyster catchers.

Constable Grunden said that usually when the beach area is closed for birds nesting, a different section is open according to the management plan. He stated that they have closed areas before but as those areas were also closed for shellfishing there wasn't a conflict.

Steve Amaral asked if Constable Grunden coordinates the closure with them or do they do it on his own?

Constable Grunden advised that in past years they have notified him before the closure but this year they didn't. He has spoken and emailed them and their supervisor is off island with Mass Audubon.

Mr Amaral said he felt it was part of the Constable's job and that they should be working together. He asked how many nests and who determines the area to be closed?

Constable Grunden replied that there is one oyster catcher nest and almost 300 yards closed.

Mr Amaral said in all his 70 plus years he has never seen an oyster catcher been run over. He feels that if you don't sit on them about closures, they would close the whole beach.

Constable Grunden responded that in previous years they have hired someone that is on island.

Mr Amaral is concerned that it will set a precedent and they will close the beach for any kind of use for the whole summer.

Vice-chairman Landers said it didn't seem right to limit access so much.

Constable Grunden stated that they have gotten grants to plant beach grass to stabilize the beach but had to get permission from Nature Heritage who didn't want to take away habitat from the piping plover but they pushed the point.

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He reiterated that in past years due to only one or two sections along the beach being open, the nesting closures did not conflict with what was open for shellfishing due to management plan. This year is different because Sengekontacket Pond was going to be closed for the summer; the Committee recommended opening the entire pond.

He added that the State owns the beach and County manages it for them; the County pays the bill for the bird monitors. The bird monitoring program is administered by someone at the Audubon Society in Lincoln, Mass. He continued that he met them after they put up the fence and told them that they suppose to call him; he gave them his business card and asked that they call before putting up anymore fences. He said that they did close off the maximum amount that they are allowed to, they have worked with them more cooperatively in previous years but these two people don't want to cooperate as much and he has contacted their supervisor in Lincoln, MA.

Mr Amaral felt that families will lose access to beach area and they should have contacted the Town and the Constable.

Constable Grunden replied that he did ask them to contact him out of courtesy and their response was to contact their supervisor who then left a terse message for him stating that they were just doing their job according to state guidelines. He has since emailed and phoned the supervisor asking for common courtesy that the Town should be informed.

Member Leonardo stated at Cape Pogue they left room for vehicles to get by the nesting areas and posted signs, he felt it could have been easily done at Sengekontacket Pond site.

### Sengekontacket Pond closure

Mr Amaral is upset that Sengekontacket Pond is going to close; the channel's last major dredge was over 20 years ago and every year do some section. He felt it should have been dredged regularly.

Chairman Peters wanted to know why June 1<sup>st</sup> samples cannot be taken again and he didn't want to hear about the State is going to take so long to take the tests.

Constable Grunden replied that the joint committee for Sengekontacket Pond is trying to deal with and work with the State on the issue; identified funding so they will be taking bacteria samples from eight sites every other week this year to build a data base to take to the State; also DNA samples to identify which animal is polluting the pond.

Chairman Peters stated that he would like to see the pond to be open in June for recreational people as the pond might be okay.

Vice-chairman Landers asked if the volunteers are going to be trained on taking samples.

Constable Grunden said the answer was yes and the sites are identified and match what the DMF test and only tests taken on Oak Bluffs side of Oak Bluffs but the entire pond will be closed June 1<sup>st</sup>.

Mr Amaral said that what Chairman Peters is saying is the water will probably be still okay until late June and they could keep the pond longer into June.

Constable Grunden agreed and added that in 2003 there was a spike and the State did not close the pond but in 2007 after the spike they decided to close the pond. He added that they have been taking samples once a month which is more than the five times a year as required.

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Chairman Peters asked where Michael Syslo came into the picture?

Constable Grunden answered that he is chief tester for the State on the island.

Chairman Peters said it is not going as he would like to see it.

Constable Grunden stated that Syslo is now testing by boat but on the ebb tide.

### Quahog Relay

Vice-chairman Landers asked how many more bushels?

Constable Grunden replied about 100.

Chairman Peters asked why they still want to keep on getting contaminated quahogs.

Vice-chairman Landers answered that they did the relay because it was working on the closed areas; they would go into the rotation and didn't matter about the clean out.

Constable Grunden said that a few years ago he proposed weaning the Town of the relay program and spend the money on large clean quahogs but the Committee discussed it and decided to stay with the relay program; he would be very happy to reduce the relay in subsequent years or even eliminate it and buy large field plant seed.

Chairman Peters asked if they would be available.

Constable Grunden replied yes, they are almost the size of a quarter which means two seasons before legal size.

Vice-chairman Landers was concerned that putting such stock in might get damaged if people were digging in the same area.

Constable Grunden answered that they would still have rotation areas so they can protect the seed.

Steve Amaral asked if they could get bigger seed.

Vice-chairman Landers replied then you just get a put & take system.

Steve Amaral asked what areas are there for the tax payers this summer. He thought only from the hatchery to the drawbridge was open.

Constable Grunden answered that the area from the Lagoon Pond Road to the herring run was open. He added that Lagoon Pond does have access issues and it has not been actively managed because they had Sengekontacket Pond which came to an end last year and now in a transition period with Lagoon Pond.

Steve Amaral said that 20 years ago when he was on the Shellfish Committee, he tried to get the constable to seed Lagoon Pond but he did it himself. He didn't think it was right to put the contaminated quahogs from the hatchery to Lagoon Pond Rd this year.

Vice-chairman Landers asked when the earliest it could be opened.

Constable Grunden replied that they can ask the State to test the meats in mid-September.

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Steve Amaral felt that the Shellfish Department could have been digging out quahogs from Sengekontacket Pond and moving them to Lagoon Pond so that there would be clean stock for the people.

Vice-chairman Landers answered that the Department is not set up to dig quahogs. He asked about getting clean stock and if Sengekontacket Pond closure was going to be an on going occurrence.

Constable Grunden replied that it depends on the results and they take an average for three—four years; to date the samples taken on a monthly basis have come back clean and the State has also started using a more precise test where they get exact numbers instead of a range.

Chairman Peters said that the Oak Bluffs Harbor is full of quahogs.

*Vice-chairman Landers left at 6:50 PM.*

Constable Grunden said he has asked the State to open Sunset Lake at least conditionally but they won't.

Chairman Peters said that there are going to be a lot of disappointed summer residents.

Steve Amaral wanted to know if they could buy scallop seed and stated that Constable Grunden was after a raise and wanted to know if the Deputy was going to get a part of it.

Constable Grunden replied that they get their scallop seed from MVSG usually 1.5 million as well as putting out spat collectors to catch wild spat scallop seed which then get planted out in the fall. He added that the problem with buying scallop seed is that there are very few hatcheries that produce them. He continued that the raise was all done through the Town's compensation and reclassification study and called for raises across the board in the Shellfish Department; brings wages for the Department to the mid point of the 15-20 towns that were surveyed.

Steve Amaral asked if Peter Estrella was getting a raise.

The answer was yes.

Steve Amaral wanted to know if Constable Grunden had let someone else take care of the predator traps when he felt it was part of Constable Grunden's and his staff's job.

Constable Grunden answered that they don't pay anyone; Jeff Clements thought he could create a market with the green crabs and he brought a proposal to the Committee three or four years ago and a letter of memorandum was drawn up by the Board of Selectmen. The Town supplies him with the traps, he has to buy the bait, tend them and give a report at the end of each year as to an estimate on how many crabs he caught and he is allowed to try make money on.

Steve Amaral felt it was part of the Shellfish Department's job and that all previous Constables were hired as working constables and the public could see them out doing the work to deserve the raises.

Constable Grunden advised that they are now raising more animals than ever before; between 3.5-4 million seed each year and no longer just scallop and quahogs but steamer seed as well, which has gone from 50 bushels in 2000 to 249 bushels last year. He felt that he was doing a lot more than what his predecessors had done. They are actively trying to get funding for storm water mitigation; facilitating and encouraging researchers from Woods Hole or EPA to come to Oak Bluffs to study Lagoon Pond so it can be managed better.

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He added they have received almost \$900,000 in outside funding for such projects over the last six years.

Steve Amaral had issues with where the relay quahogs were placed in Lagoon Pond.

Constable Grunden advised that at the February meeting the Committee decided to continue with the relay and to put it one section in Lagoon Pond, which was hit the hardest year before due to its easy accessibility. He added that if clean stock had gone in there, it would become a “put & take” fishery.

Steve Amaral countered that if it was clean stock then the taxpayers and the people who come to the island for that sort of recreation would have a place to go.

Chairman Peters responded have something in there for the summer people to get something out the pond because the Department’s revenue comes from their licenses.

Constable Grunden acknowledged that it has been brought up before and he has asked for the Committee’s advice on the matter.

Member Leonardo said it can be fixed; it will just take a little time.

### Dredging

Steve Amaral asked about the dredging of Sengekontacket Pond.

Constable Grunden replied that they working with the Edgartown Dredge Committee to re-authorize the permit and include a maintenance clause this time so they can maintain the channel. He felt that they can get at re-authorized and are starting to look for funding with the most likely source being the Sea Port Bond bill which hopefully be authorized by State Legislation in the fall.

Steve Amaral wanted to know why they couldn’t dredge the other side under an “emergency.”

Constable Grunden said unfortunately now they have to prove to the State it is an emergency while only a few years ago that wasn’t necessary, only had to have local Conservation Commission say it is an emergency.

Steve Amaral said a lot of people would be willing to donate money to have the dredging done.

Constable Grunden advised that the Friends of Sengekontacket have a “Save Senge” campaign and will start accepting donations for dredging, monitoring, etc. He reiterated that the new permit to dredge will also have a maintenance clause so it can be maintained; that was not in the original dredge permit. He continued that a mapping of the pond will also be done so they know where to dredge for maximum circulation within the pond.

### Day & Time

Nicole L Morey brought up the fact that they didn’t have meetings in March and April and wasn’t sure if it was because people could not attend the meetings at the scheduled times.

Chairman Peters said to delay any decision until there was a full committee in attendance.

**Motion: To close the meeting. By: Member Humber. Second: Member Leonardo. Motion passed unanimously 3-0.**

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Meeting closed at 7:25 PM.

Respectfully submitted,

Nicole L Morey  
Shellfish Secretary