

Members present: Mark Landers, Paul Humber, Frederick Huss, William Alwardt and Elizabeth Mansure

Others present: David Grunden, Nicole Morey, Earl Peters, Jeffrey Clements and Luke DePriest

Meeting opened at 6:00 PM

Commercial Shellfish Application

Committee members reviewed and unanimously approved the following commercial shellfish license applications:

- Luke DePriest

Previous Minutes

Previous minutes of October 18, 2011 and November 15, 2011 were read.

Motion: To accept minutes as read. By: Vice-chairman Landers. Second: Member Humber. Motion passed unanimously 5-0.

Shellfish Constable's Report

Constable Grunden read his December 2011 report.

He advised that he met with the interim Town Administrator about the FY13 budget; he has requested that all funding be reinstated but if he had to make a choice he would choose fully funding the MVSG.

Member Alwardt said that Department Heads were meeting with the interim Town Administrator then the BoS have to okay the budget and after that there will be a workshop with everyone meeting at one time.

Constable Grunden said that he has not met with FinCom in the past two years to discuss the budget cuts that were made despite his requests to do so.

Chairman Landers asked Member Alwardt to request that the FinCom meet with the Shellfish Constable to discuss the FY13 Shellfish budget.

Members were advised that not all the money for the dredging has been spent but still have to pay \$25,000 to demobilize dredge, \$12,000 for post-dredge archeological review and also money will be needed for the replanting of grass.

Constable Grunden said the channel is connected and that they will be working in Little Bridge area.

Motion: To accept the report. By: Chairman Landers. Second: Member Humber. Motion passed 5-0.

Cormorants

Member Alwardt said Gus BenDavid suggested speaking with Tom French of Natural Heritage Foundation and ask him to come down and meet with the Committee onsite. He added that Gus didn't think they could get a permit to euthanize cormorants but perhaps they could addle the eggs.

Committee discussed the current program in place to addle goose eggs.

Member Alwardt stated that they need to show that the pond closure is affecting income for both the Town and the fishermen.

Constable Grunden said he would try to get Mr French to come to the island and he would speak with Friends of Sengekontacket.

Gear

Constable Grunden informed the Committee that not a lot has been done due to the scallop season; he only gets a couple hours in the morning before he has to check the ponds for fishermen coming in with their catches.

He said that Albie Clements has not been around and he likes the boat to be brought to him in order to work on the rigging and the metal base section. He has also spoken with Don Edgar about getting the annual maintenance done.

He added that there are about six crab traps that need to be repaired, the cages need to be cleaned and prepped to go out in April, the upweller needs a lot work on the raft section and the nursery rafts also need prepping. He did ask the Deputy to fix the cleat but it has not been done yet.

Vice-Chairman Humber offered his help and Constable Grunden should contact him.

Regulation Review

Chairman Landers stated that he didn't see any point going over all the regulations, if someone wants something amended it can be discussed and decided if it warrants an amendment. He asked if anyone had anything to amend or add.

Constable Grunden requested that all amendments to be presented to the BoS to be done at one time.

Member Alwardt said he would like the time for the temperature to reach 28 degrees changed to 10:00 AM.

Vice-Chairman Humber said he would like to add that any veteran that has been honorably discharged and is an Oak Bluffs resident that he/she receives a recreational permit at no charge. He added that they would have to show their DD214 or DD215 as well as their proof of Oak Bluffs residency when they go to Town Hall to get their license.

Committee members and the Constable were all in agreement with his suggestion and Constable Grunden said he would work on wording for the next meeting.

Member Mansure would like to limit boats to three recreational permits per day.

Constable Grunden clarified that if Mark Landers went out on Mike Mazza's boat with him and they got their limits plus their mothers that would be four and the change in the regulation would not allowed that to happen anymore.

Member Huss asked if it would be enforceable.

Constable Grunden replied yes but he would not be strict about the change should it happen until everybody is informed about it.

Vice-Chairman Humber read from the regulations:

8. *A shellfish licensee may be allowed to dig one (1) additional family shellfish limit per week for another family licensee who is mentally and/or physically handicapped and/or suffering from an illness and/or is a senior citizen. A letter from the person for whom the shellfish will be collected must be submitted, at least annually, to the Shellfish Committee for approval/disapproval. The committee will then advise the Shellfish Constable, in writing, of the authorization. All shellfish for this permit shall be turned over to the absentee licensee for their consumption. Either or both permits may be revoked for a period of up to three hundred sixty five (365) days for just cause.*

Member Alwardt said that he has never seen any letters.

Constable Grunden said it was fine if the Committee wants to assume that responsibility.

Members discussed whether they should start reading the letters but decided to leave the current practice of them being turned over the Constable.

Constable Grunden said he would make sure that the Deputy checks that people aren't coming in with anything on their culling boards, etc.

Members discussed dragging across the flat area near the drawbridge.

Constable Grunden stated the only area closed to dragging is the area at the end of Lagoon Road for the first few weeks of scallop season so dip net people can get at them without boats mudding the water but it could be changed.

Chairman Landers felt that Lagoon Road area should be closed every year.

Earl Peters said it should be left to the constable's discretion regarding the drawbridge flat but he felt that dragging or digging in that area doesn't help the eel grass that is there.

Member Alwardt stated that commercial fishermen have lost 2/3s of Sengekontacket to divers, lost ability to tow off Lagoon Road and was concerned that about creating a third area.

Chairman Landers responded that no one was asking for another area to be closed to commercial draggers.

Vice-Chairman Humber said that he had been approached by a recreational permit holder who was getting scallops in Lagoon Pond using a snorkel, mask and flag when he was told that he could not do that, to review the regulations and to get out of the water.

Members Alwardt and Mansure replied that it was them who told the person to leave the pond and they let him take the scallops.

Member Alwardt said that the regulations state weekends only.

Chairman Landers asked Nicole Morey to read the regulation regarding the issue:

SCUBA DIVING

- 23. a) *No commercial diving of any type is allowed in Lagoon Pond.*
- b) *Only recreational diving, snorkeling or swimming will be allowed in Lagoon Pond.*
- c) *All methods of diving, both commercial and recreational, will be allowed in Sengekontacket Pond in Sections 1, 2 & 3 only. No dragging will be allowed in these sections.*
- d) *Boats shall stay at least 100 feet from diver's flag.*
- e) *Anyone harvesting shellfish by swimming, snorkeling or scuba diving shall have a diver's flag.*

It was determined that the regulation does not refer what day of the week it is allowed or not allowed.

Member Mansure said that they had problems with people coming out into areas where they are dragging; she added that swimmers can go deeper areas than dip netters and that it was a misunderstanding as she thought the regulation stated it wasn't allowed on weekdays.

Member Alwardt was sure that older regulations state weekends only and both he and Member Mansure would like to see it changed to no diving during commercial time.

Constable Grunden replied that the person they spoke with works on weekends and therefore would not be able to go if the regulation was weekends only.

Member Mansure said it was their mistake and to please apologize to him.

Meeting closed at 7:20 PM.

Respectfully submitted,

Nicole L Morey
Shellfish Secretary