

## **NATURAL RESOURCES ADVISORY COMMITTEE MINUTES**

Thursday, November 9th, 2023, at 5:00pm

**In Attendance:** Tom Robinson, Greg Martino, Matt Hobart, Roger Moffat, and David Reed  
(Alternates: John Packer and Lynn Fraker attended).  
Noah Mayrand and Michael Baptiste not present

**Also Present:** John Crocker, Kim Elias, Danielle Ewart, Morgan Reitzas, John Cahill, and Ben Robinson.  
Jeffrey Canha, Thomas Humphrey, and Janet Packer (via zoom).

**1) Call to Order 05:00pm:** Tom Robinson called the meeting to order.

**2) Public Comment:** No public comments were made.

**3) Previous Minutes:**

**Minutes from 5/11/23 and 6/8/2023 were approved, Packer made a motion to approve minutes and Martino 2<sup>nd</sup>.**

**(Voted 4-0)**

**(Original Waterways Committee Members)**

**Minutes from 10/12/23 were approved, Hobart made a motion to approve minutes and Packer 2<sup>nd</sup>.**

**(Voted 7-0)**

**4) Greg Martino Presentation of Proposed Aquaculture Regulations:**

*-Tisbury Supports Aquaculture*

*-Adopted Regs where passed as working Regs*

*-Shellfish can not grow on the bottom of sites we currently have*

*-Proposed needs, not demands to be successful*

Mr. Martino starts off the discussion about how to save paper and resources but not having 5 hard copies and keeping changes and such through email only. Proposed changes start with Section 2. Eligibility as Martino wants to eliminate having a Tisbury shellfish permit for three years to acquire an aquaculture permit. Changes to 7G are just wording. David Reed spoke about his concern that an incomplete application shouldn't be thrown out and that the applicant should have time to fix such an application within 30 days. Ms. Ewart, the shellfish constable explained that applicants in the past have had incomplete applications, and that the applicant was able to fix this and not forfeit their application and associated fees. Hobart and Packer stated the rule should be written this way to not deter someone from possibly losing an application due to an oversight. Mr. Reed asked about conservation commission reviews and how to get a follow-up on regulations. Martino responded that during the process they must go through con com, and they approved the method of grow out. Martino stated that he had a

conversation with the Oak Bluffs Constable and that con com should not make these decisions it is up to the constable to decide what type of grow outs are permissible. The shellfish constable is to make decisions on changes without having to go back through con com. Tom Robinson stated that DMF wants con com to review but will be abstaining from any of these conversations due to him being the con com chair. Section 7 about Identifying Abutters and who are the abutters by law. The town is responsible for contacting all abutters, not the licensee. The board covering body would send out notices to abutters who reside within 300 feet of site. Section 15, Site Marking and type of gear used. Section 17, enforcement of taking site samples. Martino stated that licensees would like to be on site when samples are taken for potential disease with 24-hour notice. Ms. Ewart stated that generally she would not just go to a licensee site and take shellfish. If the state (DMF) or there is a potential emergency to public health, then yes, a sample would be taken without licensee present and without 24-hour notice. Section 19, site gear being permissible to be able to use all surface, suspended and bottom gear. Currently Licensees are limited to bottom gear and its not working. Suggesting Raft Culture with suspended gear, surface gear and not to limit how not grow product. Current sites are being used because of lack of boat traffic and the public doesn't use these areas for fishing and recreational activities. Boats are capable of navigating through the farm. Packer stated that most wouldn't drive through unless they did not know. Martino discussed the pros of suspended gear under rafts by being able to maximize the water column by being able to diversify and not just grow oysters, for example mussels. Ms. Ewart noted for clarification that we have always allowed suspended gear just not floating gear on the top. The major concern with surface gear is the birds defecating and the health risk. If DMF was to come out and sample these areas and shut them down, then that is the risk the grower would take. Martino stated again that it is up to the individual grower to deter those birds because the future of Aquaculture is using top gear. Using top gear does not limit the depth of water for growers. DMF's opinion is to leave up to the towns and wants to see bird deterrents. Bird deterrent plan must be submitted with application. Rafts used in Aquaculture sites could be 16x32x2 and need to be reflected in Waterways Regs. Currently Licensees are using 1 acre for grow area but allowed up to 2. If this were the case, then DMF would have to go out and reevaluate an area to make sure the new area would be suitable.

## **5) Mooring Fees:**

Martino pointed out that the Aquaculture moorings are used as work moorings, not boat moorings therefore in his opinion there should be no fee. If the town was looking to make up the \$ somewhere else, he suggested the town charge an Aquaculture fee instead of a mooring fee. Packer stated that on Land in Massachusetts we have Chapter 61 A to not access farmland at the full tax rate because the state recognizes the value of Aquaculture. He feels this mindset should be transferred over to the water as well. Aquaculture moorings need to be included in the Waterways Regs designed to follow general mooring regs. Jefferey Canha stated the 5 working commercial mooring permits for rafts in Lake Tashmoo are not on DMF, Army Core or town

approved Aquaculture Sites. Those rafts are substantial to the Lobster Industry to keep their gear of the docks.

**John Packer made a motion, Matt Hobart 2<sup>nd</sup> to recommend to the Select Board that aquaculture moorings are exempt from fees. (Voted 6-1)**

**6) Recap of Aquaculture Regulations:**

**After a brief discussion John Packer made a motion and Roger Moffat 2<sup>nd</sup> to recommend the draft Aquaculture Regulations to the Select Board with amendments with a final review at the next Natural Resource Committee meeting on December 14, 2023 before submission. (Voted 6-0)**

**The following amendments – listed below:**

- Visual Examples**
- 10% surface gear and rafts**
- Redo section 19, what's allowed**
- 24-hour rule Wording**
- Square foot of rafts**
- Estimate 4 8x16 rafts per acre Max 10%**

**7) Items not anticipated by Chair:**

John Crocker made a brief statement concerning marine-related issues that was discussed with the Town Attorney. We cannot charge different fees for resident and non-resident dinghy fees.

**TOM ROBINSON ASKS FOR A MOTION TO ADJOURN:  
John Packer made that motion and Matt Hobart 2<sup>nd</sup>.**

**(Voted 6-1)**

Documents:

Minutes 5/11/23, 6/8/23 and 10/12/23

Draft Aquaculture Regs

Draft Aquaculture Mooring Regs

