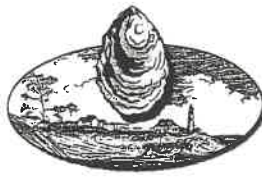


RECEIVED
MAY 16 2023
J. Hillary Conklin
Tisbury Town Clerk

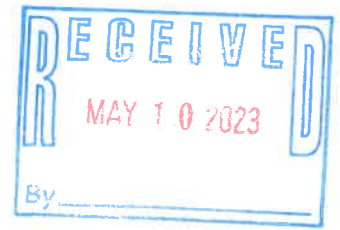
Tisbury Public Hearing Notice

The Tisbury Select Board will hold a public hearing on Wednesday, June 28, 2023, at 4:15PM to consider an application for an amendment to an approved Aquaculture License for Hussenon Head Oysters, Jeffrey Canha. This public hearing will be held in a Hybrid Format. The Public can attend and participate in the hearing by joining scheduled Zoom meeting via <https://us06web.zoom.us/j/89026259964> Meeting ID: 890 2625 9964 Passcode: 022081 One tap mobile +1 646 876 9923 US (New York) and in person at Katharine Cornell Theater, 51 Spring Street, Tisbury.

Full hearing materials are available for public inspection at the Select Board Office, 115 High Point Lane during regular business hours and online at: <https://www.tisburyma.gov/board-selectmen/pages/public-hearings>. If you are unable to attend the hearing, please feel free to address your comments and/or concerns to the Tisbury Select Board, Box 1239, Vineyard Haven, MA 02568 or via email to edefoe@tisburyma.gov.



HUSSELTON HEAD OYSTERS



April 30, 2023

Select Board
P.O. Box 1239
Vineyard Haven, MA 02568

RE: Relocation of Aquaculture lease site LP-1

Town of Tisbury Select Board,

I am writing to request the relocation of our prior approved shellfish aquaculture lease agreement, LP-1, with the Town of Tisbury. This application is being submitted on April 30, 2023. As reported in earlier annual reports and applications, the existing site seemed viable. However, as we have continued to utilize more of the site, we have found it to be non-conducive for a viable shellfish habitat.

Our early efforts to move the current site shoreward were met with resistance, which prevented us from utilizing the best possible area.

With the support of the Cape Cod Cooperative Extension Service, we have done extensive dissolved oxygen testing around the current site and have found it to have a dangerous to deadly oxygen level. This environment does not allow for the cultivating of healthy aquatic life. Therefore, we strongly request that the Town of Tisbury support relocating of this lease as it is in the best interest of all parties.

Regarding the proposed new site, we have conducted preliminary surface and diving operations which have indicated there to be no eel grass or scallops on the bottom. Reports from commercial shell fishermen, on the location, have indicated little to no quahogs in the area. Looking forward to your support to move this application to public hearing and onto Massachusetts DMF for a site survey to make the final determination of viability of the proposed site for aquaculture.

The new proposed site has a hard bottom with an average depth of 10 feet, in contrast to the current site which has a depth of 15 to 27 feet with a bottom that has sulfidic mud 6 feet in depth. With the regulation approved bottom cages, the sulfidic mud does not allow for the appropriate oxygen levels necessary to sustain healthy shellfish.

We understand the importance of maintaining high water quality standards in Tisbury's waterways and we believe that the relocation of our lease site is necessary for the achievement of this objective.

Thank you for considering our request.

Best Regards,

Jeffrey P. Canha, owner

Enc

HUSSELTON HEAD OYSTERS

Post Office Box 1410 • Vineyard Haven, MA 02568 • 508-737-5717 • husseltonheadoysters.com



Town of Tisbury
 51 Spring Street
 PO Box 1239
 Vineyard Haven, MA 02568

Aquaculture License Application

Name of Applicant: JEFFREY P. CANHA
 Address: P.O. Box 1410 Vineyard Haven MA 02568
 Telephone: 508 737 5717
 Email: reelucky@gmail.com
 Date of Application: 4/30/23
 Commercial Shellfish License in Tisbury: Y N
 Massachusetts State Commercial Shellfish Permit Number: MA 86264C
 Type of Application: New: (\$100 application fee + \$25.00/acre) Renewal: (\$25/acre)

Species to be cultured (check all that are appropriate)

- Soft-shell Clams (*Mya arenaria*)
- Quahogs (*Mercenaria mercenaria*)
- American Oysters (*Crassostrea virginica*)
- Bay Scallops (*Argopecten irradians*)
- Sea Scallops (*Placopecten magellanicus*)
- Blue Mussels (*Mytilus edulis*)
- Sea Clams (*Spisula solidissima*)
- Other, be specific _____

Describe the proposed culture and harvest methods for each species (rafts, cages, lantern net, etc.):

After purchasing seed from a DMF approved hatchery or seed distributor (1mm-12mm) we will bring oyster seed from our DMF-permitted intermediate land based grow out operation (12mm-25mm) to be planted in oyster bags in bottom cages. This lease site will be used for bottom cages for oysters and bay scallops. Harvest methods will include hauling, aulme, sorting, tumbling bagging topping and icing on site.

Describe the proposed area being applied for (include dimensions, latitude and longitude of site boundaries, abutting properties, etc. attach a map (drawn to scale) of the area:

NE 41° 26.676' N SE 41° 26.597' N NW 41° 26.685' N SW 41° 26.606' N
70° 35.758' W 70° 35.843' W 70° 35.775' W 70° 35.860' W

Total acreage applied for this project: 1.33 Acres

Boat- name/registration number: OYSTER CATCHER MS43240

Vehicle- make/model and registration number: N/A

Describe how you intend to limit the physical and ecological impacts of your operation. Include any anticipated or possible adverse effects: We will be using industry-standard bottom cages and returning all fin fish and aquatic life to the pond as soon as possible.

The ecological impact, to the contrary, is positive as this lease site will pump and filter 50 million gallons of pond water a day at full capacity annually. These types of sites become their own ecological marine aquatic biospheres providing habitat for a variety of species such as blacksea bass, monkfish etc. They also help.

Number of abutters within (300ft of outside boundaries of proposed area) as certified by Assessor: 5 *with Invasive Species.*

List of abutters:

- 13-D-15 Brian + Mary Alden 299 Lagoon Rd. (CT)
 - 13D11+12 Earle + Diann Ray 66 Weaver Lane. (VT)
 - 13-D-9 Michael Weston + Mary Jones 86 Weaver Lane. (FL)
 - 13-D-8 Jane Puethoff 94 Weaver Lane. (VT)
- (Certified list attached)

On a separate sheet:

Describe in detail, your plans for the development of the proposed site over the next five years. This should include the number of rafts, cages, nets, etc., as well as the size and construction of each (include schematics with dimensions where possible). Include specifications and location for any moorings or anchors. Total square footage of the area to be licensed and the amount and size (by species) of all species to be placed on the site must be included Please attach these plans to the application form.

Declaration and Signature:

By signing this form, I certify that I am eligible to apply for an aquaculture site licensed in the Town of Tisbury, and that I am familiar with the laws, rules, and regulations in the Town of Tisbury and the Commonwealth of Massachusetts pertaining to Aquaculture.

Name (print or type): JEFFREY CAWHA

Signature: 

Date: 4-30-23

Date of application received: _____ Time _____

Application fee paid: _____ Date _____

Hearing Date _____ Time _____ Place _____

Approved/denied Date _____

License fee paid (\$25.00 per acre) _____

Project proposal:

This project proposal is for the relocation of our existing lease site, LP-1. We have found that the area we are currently farming is not suitable for aquaculture. We have conducted several dissolved oxygen monitoring periods, and $\frac{3}{4}$ of our current square footage experiences hypoxic conditions 50% of the time due to its sulfidic bottom. We knew that the deep-water lease site would be challenging to farm, as we tried to relocate it five times before final approval. The site we are now applying for has an average depth of 10 feet with a hard bottom, allowing for greater exchange of water and less mortality. We will be continuing our operation as described in our original application dated November 20, 2019. This new location will have two working rafts on the south end, each on a two-ton block. One raft will measure 15 feet by 24 feet, while the other will measure 16 feet by 32 feet. The new location will primarily serve as a nursery and grow out area for raising oysters and bay scallops. At full capacity the site will have 300 bottom cages, each individually buoyed with sinking rope and marked lines held under tension to the cages with shock cord (See Exhibit A)

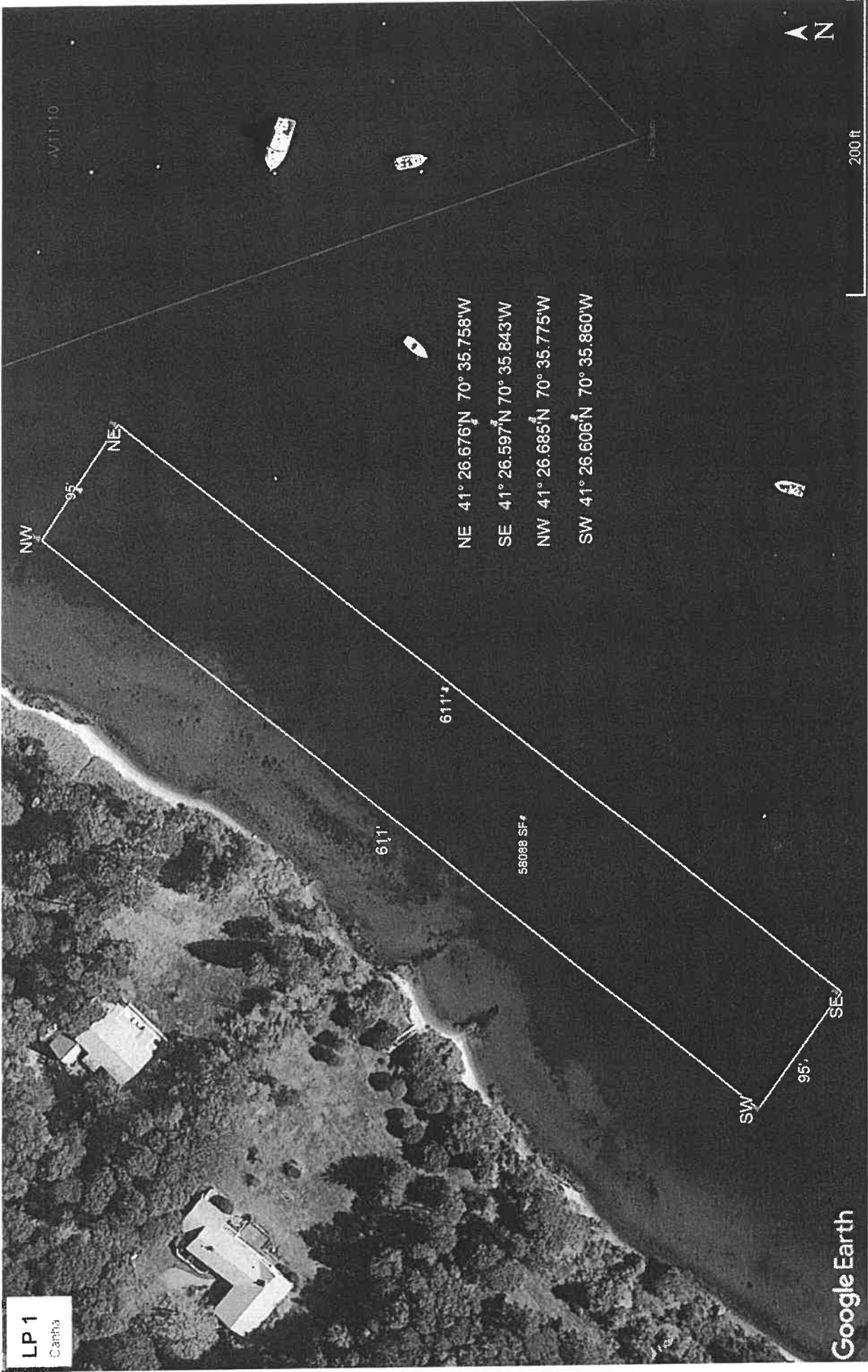
New LP1

NE $41^{\circ} 26.676''^N$
 $70^{\circ} 35.758''^W$

SE $41^{\circ} 26.597''^N$
 $70^{\circ} 35.843''^W$

NW $41^{\circ} 26.685''^N$
 $70^{\circ} 35.775''^W$

SW $41^{\circ} 26.606''^N$
 $70^{\circ} 35.860''^W$



AV11.10



200 ft

NW

NE

95°

NE 41° 26.676'N 70° 35.758'W

SE 41° 26.597'N 70° 35.843'W

NW 41° 26.685'N 70° 35.775'W

SW 41° 26.606'N 70° 35.860'W

611'

611'

58088 SF

SW

SE

95°

LP 1
Canha

Google Earth



LP 1 Locus

Carthage

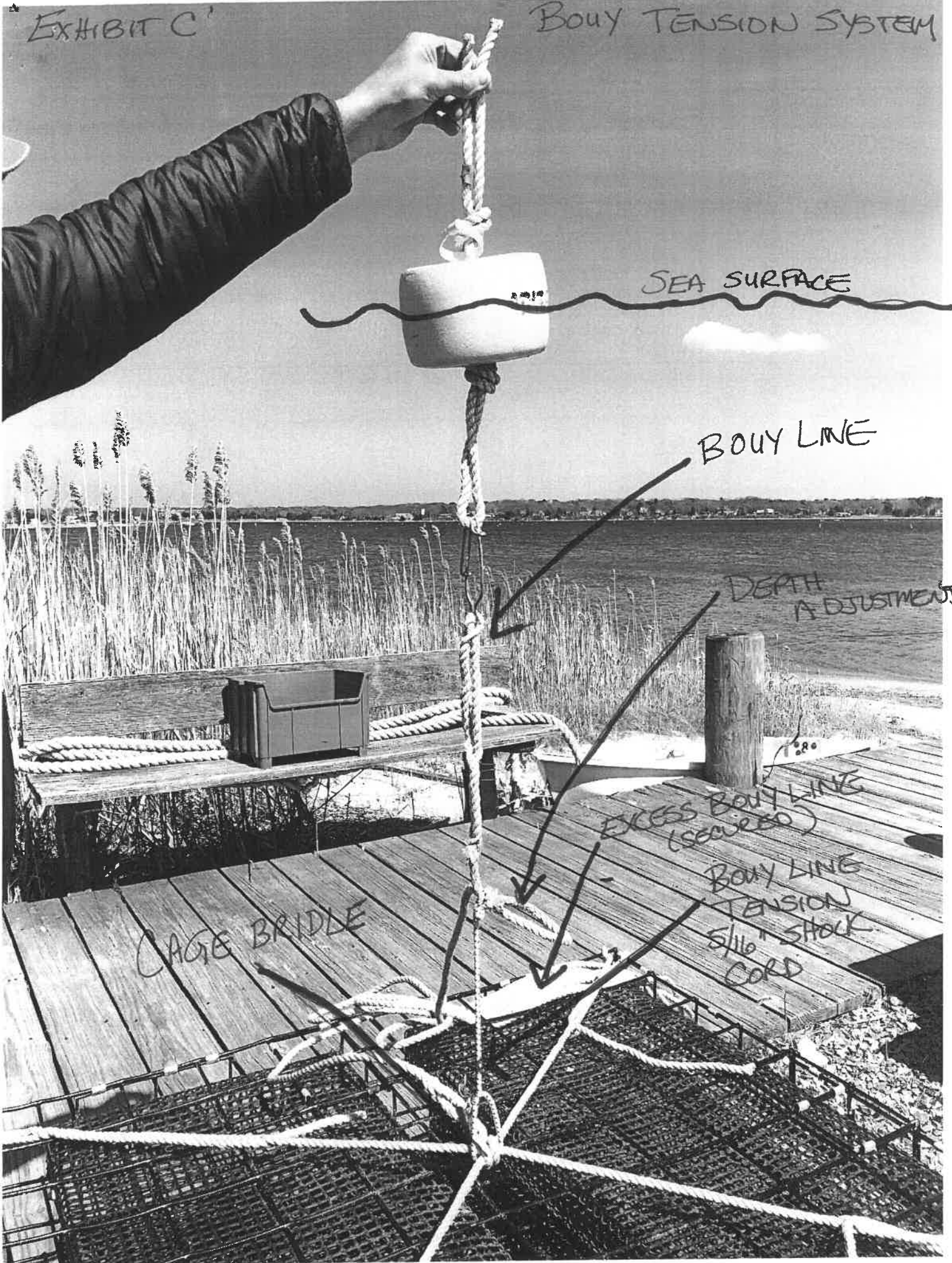
NE 41° 26.676'N 70° 35.758'W
 SE 41° 26.597'N 70° 35.843'W
 NW 41° 26.685'N 70° 35.775'W
 SW 41° 26.606'N 70° 35.860'W

2000 ft

Google Earth

EXHIBIT C

BOUY TENSION SYSTEM



SEA SURFACE

BOUY LINE

DEPTH ADJUSTMENT

EXCESS BOUY LINE (SECURED)

BOUY LINE TENSION 5/16" SHOCK CORD

CAGE BRIDLE



TOWN OF TISBURY
OFFICE OF THE SELECTMEN
P.O. BOX 1239 – 51 SPRING STREET
VINEYARD HAVEN, MASSACHUSETTS 02568
TEL: (508) 696-4200
FAX: (508) 693-5876
www.tisburyma.gov

TISBURY AQUACULTURE LICENSE

On November 20, 2019, the Select Board received the Application Submittal for Aquaculture License dated November 13, 2019, revised on January 27, 2020, by Jeffrey Canha of Hesselton Head Oysters, Tisbury, Massachusetts 02568. On November 8, 2021, The Select Board received an amended application for LP-1 expansion. Following the advertising and posting of a legal hearing notice and mailing of said notice to interested parties, the Select Board opened the public hearing on Wednesday, January 19, 2022, to consider said request and hear public testimony. After hearing evidence, the Select Board closed the public hearing on January 19, 2022 DMF submitted new coordinates and after Advertising and posting of legal notice a hearing was held on Wednesday, August 10, 2022 to consider the revised coordinates took the following action.

Pursuant to M.G.L., Chapter 130, Section 57 Shellfish Aquaculture Licenses and the Tisbury Aquaculture Regulations dated October 1, 2019, the Tisbury Board of Selectmen vote to approve the Application Submittal for Aquaculture License dated November 8, 2021 for the expansion of LP-1 Lagoon pond site by adding 2 moorings to accommodate an upweller and a work raft with an area of 14,400 square feet just outside the original coordinates. Coordinates indicated below given by Mass. Division of Marine Fisheries.

LP-1 Existing License Coordinates:
NW 41.442186°, -70.599269°
SE 41.441378°, -70.599392°

NE 41.441831°, -70.598822°
SW 41.441772°, -70.599797°

LP-1 Expansion Coordinates:
NE Extension: 41.441506°, -70.598698

SE 41.441232°, -70.599065°

Any change to the coordinates approved herein shall require prior approval from the Select Board. Further, the license is subject to all applicable requirements of the Massachusetts Division of Marine Fisheries. The term of the license is three years.

The Vote was 2 in favor, 0 opposed. 1 absent.

License Expiration: 8/10/2025

Attachment: Select Board Minutes Motion from 8/10/2022, agenda and hearing notice

Attachment: letter from DMF including coordinates

DocuSigned by:

John W. Grande
Town Administrator

8/15/2022
Date



Tisbury Shellfish Department

PO Box 1239
Vineyard Haven, MA 02568
508-774-1279

May 12, 2023

To Jeffery Canha,

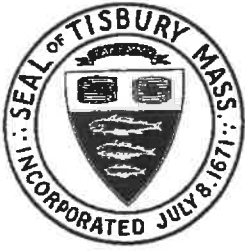
RE the LP-1 Move,

We see that you are in an unfortunate situation and want to move your entire Lagoon site due to low dissolved oxygen. However, the area you indicated in your recent aquaculture application received May 10, 2023, shows an area to the North of LP-1 along the Lagoon Pond coastline that measures 611 feet in length by 95 feet wide and is in roughly 10 feet of water. This area is adjacent to our seasonal closure site (V11.10). It should be noted that this is a current Tisbury Shellfish Department management area and for the past 10+ years we have been seeding juvenile quahogs and bay scallops. In the past permit holders have been able to go out bay scalloping, and though recent years have been slim, we've been working on reestablishing this area for bay scalloping. Meanwhile, quahog seed have been planted from the shoreline towards the osprey nest, and this is currently open to quahogging year-round. Public funds have been used for propagation within this area, and therefore we cannot allow the exclusivity for shellfish aquaculture. The Tisbury Shellfish Department's permits and annual reports are submitted to the Division of Marine Fisheries, because it is a management area this is enough to deny this application.

To gain a better perspective of the DO limits, I have reached out to Joshua Rietsma, of the Cape Cod Cooperative Extension, who went out to take some initial readings last summer, he explained that the data was collected only on the bottom. Joshua expects that there may be some stratification of the dissolved oxygen within the site and says further investigation may help with maximizing gear placement. Joshua and I are willing to help you gather this information so you can adjust your gear with respect to the Shellfish Aquaculture regulations. Considering all of this, because this new area that is part of our propagation permit's management area, it would be wise to further investigate the DO within the permitted LP-1 and think about gear alterations to obtain better results. In addition, if you wish, I could work with you by looking into alternative areas.

Sincerely,

Danielle Ewart
Tisbury Shellfish Constable



TOWN OF TISBURY
HARBORMASTER'S OFFICE
JOHN CROCKER, HARBORMASTER
BOX 1239 - 51 SPRING STREET
VINEYARD HAVEN, MASSACHUSETTS 02568
TEL: (508) 696-4249
CELL (617) 803-4760
FAX: (508) 693-5876

June 1, 2023

Mr. Jay Grande, Town Administrator
Town of Tisbury
PO Box 1239
Vineyard Haven, MA 02568

Mr. Grande,

I inspected Mr. Canha's proposed replacement aquaculture site today in the Harbor Department skiff. The proposed site is a long rectangle located close to the shore east of his current site on Hines Point. The proposed site has been marked by the Shellfish Constable with a buoy on each corner. There are no moorings located within the site, however there are three moorings within very close proximity to the site. Two of these moorings are located just south of the site. A third mooring is located very near the Southwest corner of the site.

During the boating season, the prevailing wind direction is from the South, Southwest. To access any mooring the vessel normally approaches upwind. This necessitates the three vessels transiting the proposed site to reach their moorings.

In theory, aquaculture sites are supposed to be navigable by vessels. In practice aquaculture sites can present a hazard because of the number of buoys marking shellfish cages. Each one of these buoys holds a line that can easily get caught in the propeller of a transiting vessel.

As the appointed Harbormaster I believe the proposed site will cause a hazard to navigation for the vessels trying to access their moorings and a hazard for the aquaculture site when the vessel operator cuts the buoy line out of their propeller.

Following are the moorings and their owners referenced above. I recommend the Town notify the mooring permit holders so they may participate in the public hearing regarding this matter.

L-145 Adam Riggs

L-43 Michael Weston

L-28 Tom McCurdy

Sincerely,
John Crocker, Harbormaster

