

Minutes
Harbor Committee Public Meeting January 22, 2020
Judge Welsh Room, Town Hall

5:12pm David Flattery, Chair, called meeting to order. Members present: Laura Ludwig, Susan Avellar, David Flattery, Wendy Loughlin, John Santos (on phone), Elise Cozzi (arr. 5:20); Rex McKinsey & Don German, town staff. Shellfish committee also in attendance: Alex Brown called their meeting to order – members present included Bob Hazard, Nancy Ann Meads, David Flattery & Lory Santos (on phone); Steve Wisbauer, Shellfish Constable.

David Flattery opened the hearing with an introduction and recused himself as he is on both committees, he handed the meeting over to Susan Avellar, Vice Chair and left the room. Susan read aloud the language for each proposed regulation change. Public statements were heard.

2-2-10 Mooring Permit – Carlos Verde (public) – wondered if mooring can be used past the date of November 15 or does the vessel need to come out of the water – some fisheries last beyond that date. Rex explained that it ties in with other permit renewal dates and there is a provision for annual use for commercial vessels. Carlos asked that be considered in the decision.

Alex Brown also asked about leaving a working skiff in the water after November 15, since all activities are weather dependent. He said the state registration lays out whether the vessel is rec or commercial and mooring permits could tie in with that.

Joni Johnson, a shellfisherwoman, spoke to the small amount of space available for even skiffs to do any kind of economic development at the pier, and suggested that shellfish boats have a different mooring/access. She feels that the Nov. date does a disservice to locals.

Jamie Staniscia, shellfisherman, agreed with the other speakers, stating it would be difficult to haul vessels by Nov. 15th. He also knows others who use non-commercial vessels to work their shellfish grants.

Andrew Czyoski asked if during winter storms, would commercial lobstermen be required to get a waiver to use their moorings? Rex said there is a provision for that in their permits.

2-3-2 Insurance certificate language and related 3-4-6, Insurance Requirements – Alex Brown questioned whether the \$500,000 limit applies for “all commercial vessels” including skiffs. It would be exorbitant for small commercial skiffs. Commercial vessels already carry \$100,000 policies (including his 17’ commercial skiff).

Carlos Verde agreed with Alex that the levels listed for rec vs. commercial are too high and disproportionate and that they should be pulled back a little bit. A small boat would have a hard time causing that level of damage. He is in full support of imposing insurance requirements but they shouldn't be that high. He also thinks there should be an affidavit for the mooring permit stating that proper inspections take place.

Andrew Czyzoski spoke re mooring markings – if boat must be out of the water by November 15th, it will make it hard to mark or maintain the mooring during the winter season. Rex clarified that mooring maintenance is the responsibility of the permit holder.

3-4-2 a & b Harbor Wake/speed Regulation (two options)

As a point of order, Don clarified that the language in both options should delineate size (50 gross tons) and not weight (50 tons).

Susan read aloud letters from Lory Santos (1) and the Shellfish Committee (2) in support of option 2.

Carolos Verde (public) is in support of option 1. He spoke of the stakeholder meeting held on one of the ferry vessels where a test run was made using the route indicated on the chartlet and everyone said it went well. In addition to the ferries and whale watch boats, there are large yachts that enter, and how would they be informed of the regulation? Would the PHM need to be staged at the breakwater to enforce it? Slowing the entire harbor down at the green buoy would actually slow down the entire town and that may not be good for the town. Many schedules would have to be changed if a long, slow approach were required.

JP Veiga & John Stasinos of Boston Harbor Cruises, spoke in favor of option 1. JP agreed that safety is paramount for their company and others. They transport over 150k people to Provincetown, and the economic input is significant. He recalled the concern expressed in August 2019 about wakes, and how they responded immediately to that with a stakeholder meeting hosted on their vessel. At that time it appeared that the criteria laid out in option 1 worked, whereas option 2 would significantly impact their operations and their customers. John referenced the stakeholder meeting and who was in attendance, and noted that follow-through was positive, and that both Lory and John Santos were supportive at that time.

Mike Glasfeld, owner of Bay State Cruises, stated they perform over 1000 transits per year and have not over all their years of operation received a wake complaint. He spoke in support of option 1. When the trial referenced earlier was conducted, stakeholders stationed at strategic observation points agreed that the wake was "fine". He spoke to the speed that would be imposed with option 2, stating it would add over 20 minutes to the travel time.

Alex Brown, in support of option 2, referenced the Rules of the Road, which is followed by ferry captains, and that they don't mention wakes. He read from a Boat US article regarding boat wake damage liability, where a court case set a precedent addressing wake impacts, citing the "inland rule". He has been hit with very hard wakes while out on his grant. He is quite sure that someone will be drowned or hurt. He feels the ferries can adjust their schedules to provide greater safety.

Steve Wisbauer, shellfish constable, feels this shouldn't just be a shellfish industry problem, since most of the complaints he has heard were not aquaculture based and that many other stakeholders have complained about the safety issue.

Andrew Walls is a new resident who has applied for a shellfish grant. He fishes out of a kayak in the harbor, and last summer he had to constantly pay attention to the wakes, adjusting the kayak to face them. It was disconcerting ("scary"). He is concerned the wakes may affect his fledgling operation in the grants.

Nancy Ann Meads spoke as a member of the general public about the need for safety, stating that it was especially dangerous out at Long Point, mostly from the fast ferry and the whale watches. Children playing in calm water have been topped by sudden "rogue waves". It's getting very difficult to use the water out there. She doesn't think it's a big issue for ferry passengers to arrive 10 or 15 minutes later; consider what the delays when an accident happens on Route 6. There is a lot more vessel traffic now than ever in the small harbor.

Andrew Czyzoski doesn't see wakes from the fast ferries, but does from the whale watch boats.

Susan declared at this time that the public comment period for this hearing is closed. Committee members made these comments –

Wendy Loughlin stated that a week after the meeting on the Salacia she and her husband were out at Long Point in their 16' whaler on a very calm day. They anchored at low tide, had a picnic, and then as they loaded the boat in hip-waist deep water, a whale watch boat left the harbor so quickly and close to the point that it knocked her over and flooded the boat with water. They were both rattled by the experience. Later, strangely, her husband suffered A-fib – they called an ambulance at 10pm and he was transported at the hospital. After investigating what happened over the next couple of months, a cardiologist determined that the marine battery must have shocked him. It was an expensive experience, and though they both suffered no long-term injuries, the damage would have been a lot worse had there been a child involved.

Laura noted that the issue is not confined to whale watches and ferries, and that large commercial fishing vessels also contribute to the wake issue in the fairway.

Susan called the meeting to a close, though the public hearing will continue at the next HC meeting on February 6th at 5pm. Meeting adjourned at 6:22pm.