

Feb 5 ,2019

Regular monthly Provincetown Shellfish Committee Meeting

Called to Order: 5:10 pm **Members present:** Alex Brown, Dave Flattery, Bob Hazard and Rick Macara (acting chair).

Also present: Stephen Wisbauer (shellfish Constable), Owen Nichos (Center for Costal Studies), Dave Straznitskas, Mark Nossiter Nathan Davis and Melissa Sanderson (Cape Cod Fishing Alliance/ MSI).

Public Comments: none

Consent Agenda:

- Discussions revealed disapproval of minutes of Nov 6 and Dec 11 meetings as part of consent agenda.

Motion by B. Hazard, Seconded by D. Flattery to approve Jan 2 meeting minutes plus renewal and changes to grants as follows:

- ADA 10-Famiglietti/Stansiscia/Conway-2 yr.
- Tidal 5-Santos-7/11/18-5 yr.
- Tidal 105- Famiglietti/Stansiscia/Conway change to Famiglietti/Stansiscia only.
- Tidal 106-Stewart-10/24/18-2 yr.
- Tidal 108-Flattery-10/24/18-2 yr.
- Tidal 111- Famiglietti/Stansiscia/Conway-4/24/19 -2 yr. change to Cormay only.
- Tidal 112-Horner-4/24/19-2 yr.

Vote 4-0 Approve.

Old Business:

- **Shellfish Constable Report**— Shellfish Department February 5, 2019 update:
- **2018-19 Recreational Shellfishing Season** • A “bonus” day is scheduled for the East End area on Monday, February 18, 2019. • Oyster and quahog stock is holding up well in “East of the Breakwater” area from the far oyster bed on out. The inner oyster bed and clamming area is depleted. • Bay scallops continue to be abundant off of the boat ramp. As stranding
- **CONCOM:** Notice of intent for the large historic aquaculture area in the cove • It appears we are still working towards an agreement with NHESP: Natural Heritage & Endangered Species Program. Most recent conversations indicate that no expansion will be approved to the south or west without a study being made of Roseate and Common Turn staging areas. Mr. Dennis Minsky has the necessary background to conduct such a study and I have been in discussion with him about how and when that would be possible. Until the results from such a study are analyzed we are not able to expect approvals needed for successful applications in the traditionally best quahog grant area. Please see the attached edited map for the area we hope to receive a “no take” determination from NHESP and move forward with a NOI with our CONCOM.

- 2019 Agenda Request Public Hearing Shellfish Aquaculture License Areas, Renewals, Transfers and Applications:
- Provincetown Select Board AGENDA ACTION REQUEST TBD
 - PUBLIC HEARING: Shellfish Aquaculture License Areas, Renewals, Transfers and Applications Requested by: Stephen Wisbauer, Shellfish Constable on behalf of the Shellfish Committee Action Sought: Approval Proposed Motion(s)
 - MOVE that the Select Board vote to redefine the recreational shellfishing area labeled on maps as “East End – Area in Provincetown Harbor from Allerton St. to the Truro town line” to “East End – Area in Provincetown Harbor from Allerton St. to Harbour Drive.
 - MOVE that the Select Board vote to renew the following aquaculture licenses and permit for two (2) years as per Town regulations: Tidal Grant #106 issued to Loretta Stewart Tidal Grant #108 issued to David Flattery Tidal Grant #111 issued to Ted Cormay Tidal Grant #112 issued to Jean Horner ADA Grant #10 issued to A.Famiglietti/J.Stanisclia/T.Cormay
 - MOVE that the Select Board vote to renew the following aquaculture license and permit for five (5) years as per Town regulations: Tidal Grant #5 issued to John Francis Santos
 - MOVE that the Select Board vote to transfer the following aquaculture licenses as per Town regulations: Tidal Grant #105 transferred from Famiglietti/Stanisclia/Cormay to Famiglietti/Stanisclia Tidal Grant #111 transferred from Famiglietti/Stanisclia/Cormay to Cormay
 - MOVE that the Select Board vote to approve the following aquaculture license applications for two (2) years as per Town regulations: Tidal Grant #116 approve for George Hitchcock Tidal Grant #117 approve for Ryan PremDas Tidal Grant #118 approve for Daniel DeGruttola Tidal Grant #119 approve for David Flattery East End Area Grant #201 approve for David Flattery ADA Grant #9 approve for A.Famiglietti/J.Stanisclia
- Commercial aquaculture grant boundary markers: D. Flattery deferred definitive comment to later date.
- Surveillance Camera on shellfish grants: B. Hazard referred to Jan 2 minutes citing L. Santos as task person to sort out funding, location and equipment required then report back by April.

New Business:

- **Presentation by Melisa Sanderson (re Shellfish Initiative{ MSI}):**
 - During report S. Wisbauer asked why aquaculture shellfishing is a threat to wild harvesting in New Bedford. M. Sanderson replied because the added supply of oyster lowers market value. B. Hazard commented he thought raised oysters were of a higher quality.
 - After the presentation M. Nossiter commented that local community or harbor areas have their own unique requirements, rules and regulation and that all encompassing state requirements might not be a good fit locally. N. Davis voiced a somewhat similar argument the communities should look at this carefully and decide for themselves.
- **Copy of Presentation Attached at end**

Motion to Adjourn: by B. Hazard, seconded by D. Flattery to adjourn at 7:10 PM. Vote 4-0 to approve

B. Hazard, Secretary

THE MASSACHUSETTS SHELLFISH INITIATIVE

www.MassShellfishInitiative.org

• Member of the MSI Task Force • Member of the MSI Steering Committee and the MSI Assessment Committee • Investor in ARC Hatchery (2 board seats) • Industry members include wild shellfish harvesters and aquaculturists, along with a diversity of federal and state fisheries

and gear types • Staff appointments to NEFMC, ASMFC, Mass. Fisheries Commission • CEO sits on board of Blue Economy Foundation • Owns and leases groundfish & scallop quota at discounted rates to maintain Cape Cod access

Mission: Cape Cod Commercial Fishermen's Alliance is fishermen, community members, public officials and scientists working together to build creative strategies, advocate for improved marine policies, protect the ocean ecosystem, and ensure the viability and future of Cape Cod's fisheries

Fishermen's Alliance is involved in MSI because we believe: • Shellfish is a critical piece of the Cape's Blue Economy that should be celebrated and supported (wild and farmed, commercial and recreational) • Wild harvest of shellfish is at the core of the Cape's maritime traditions and should not be jeopardized for the sake of increased aquaculture • Predicted aquaculture growth (i.e., New Bedford) and the towns' use of shellfish to mitigate nitrogen has the potential to hurt the current industry (farmed and wild) if not done in a thoughtful way

• Recent growth of the shellfish industry (and any future growth) requires corresponding resources at state and town level to support water quality monitoring, constables/enforcement, shellfish research, etc.

Fishermen's Alliance is involved in MSI because we believe: • There should be input from current stakeholders to create guidelines for future oyster reef restoration and nitrogen mitigation projects • The shellfish community would benefit from public outreach activities to raise awareness and support across the state • Bringing opposing sides together for discussion is the best way to identify and advance solutions to common problems • Sharing solutions among towns prevents re-inventing the wheel • Fishermen's Alliance does NOT yet have policy positions related to nearshore shellfish. • Fishermen's Alliance has NOT endorsed MAA's proposed legislation to allow the transfer/sale of aquaculture leases.

MSI 2019-2020 Targeting two outcomes:

1. Build capacity for shellfish • Increase stakeholder participation in management and community planning • Improve stakeholder information sharing and collaboration among resource user groups
2. Develop a strategic state-wide plan and guidance document for how the state and towns can balance growing demands for shellfish resources, including strategies and tactics that can be implemented in the first 5 years to improve shellfish resources.

What MSI is and what MSI isn't...

NO: Off shore Federal and State regulated shellfish resources. •e.g. Sea Scallop

YES: Near shore State and Municipal regulated shellfish resources and resource areas; wild harvest, habitat restoration, aquaculture. •e.g. Oysters, Hard Clams (Quahogs), Softshell Clams (Steamers), Mussels, Bay Scallops, Razor Clams, Surf Clams

What MSI is and what MSI isn't... • MSI is an opportunity for stakeholders to come together to have constructive discussions, propose solutions and refine proposals. • MSI hopes to balance growing demands among restoration, nitrogen mitigation, aquaculture, and wild harvest – can we discuss opposing views and find consensus and a path forward?

• MSI is NOT a regulatory body. It cannot change the regulations, but it might make recommendations to the state and towns if that is the result of public input and discussion.

MSI GOAL Maximize the economic, environmental, and social benefits of Massachusetts' near shore shellfish resources

The MSI is meant to enhance opportunities for ALL stakeholders, including municipal programs, aquaculturists, wild commercial harvesters, recreational harvesters, and the restoration community.

WHY NOW for MA? • Increased demand for more monitoring due to increased frequency in closures • Norovirus • Vibrio • Harmful algal blooms • Complex and sometimes redundant permitting (DMF proposed MAPP and SRP)

• State & federal legislative initiatives (e.g. Wicker's AQUAA Act, several state Acts)

WHY NOW? • Many towns have a wait list for residents interested in receiving a lease to start an aquaculture business. • Towns around the Commonwealth are turning to shellfish to clean up estuaries and mitigate nitrogen problems. • Increased demand for restoration sites to restore oyster reefs • Increased demand for research Neoplasia, QPX, Vibrio, ocean acidification

WHY NOW?

SOURCE: SAFIS Dealer Database some numbers converted (uses a 75lb bushel)

\$

\$500,000

\$1,000,000

\$1,500,000

\$2,000,000

\$2,500,000

\$3,000,000

\$3,500,000

\$4,000,000

\$4,500,000

\$5,000,000

2011 2012 2013 2014 2015 2016 2017

50,000

52,000

54,000

56,000

58,000

60,000

62,000

64,000

66,000

68,000

70,000

Mass. Quahog Fishery 2011-2017

Bushels of Quahogs Landings Value (\$)

WHY NOW?

SOURCE: SAFIS Dealer Database

0

10,000,000

20,000,000

30,000,000

40,000,000

50,000,000

60,000,000

2011 2012 2013 2014 2015 2016 2017

Mass. Oyster Fishery 2011-2017

Pieces of Oysters Landings Value (\$)

WHY NOW?

WHY NOW? • Predicted growth in shellfish supply could further soften oyster prices

• Growing perception of wild harvesters vs. shellfish farmers vs. reef restoration vs. town nitrogen mitigation

Voluntary national initiative introduced in 2011 to increase populations of bivalve shellfish in our nation's coastal waters— including oysters, clams, abalone, and mussels—through both sustainable commercial production and restoration activities.

8 Shellfish Initiatives across the country

NATIONAL SHELLFISH INITIATIVE

Initial Scoping and Survey Cape Cod Commercial Fishermen's Alliance, Massachusetts Aquaculture Association, The Nature Conservancy and UMass Boston surveyed 389 shellfish stakeholders in 2017 to identify issues, concerns, interests, and commonalities, and to confirm broad support for the MSI concept.

Survey Results available <https://tinyurl.com/2017MSISurvey>

• Increase shellfish resources in the Commonwealth

More than 50% of participants surveyed believed that a grassroots approach to creating a state-wide plan has the potential to...

• Raise visibility and 'status' of shellfish for the broad benefits they contribute • Increase credibility, cooperation, communication and coordination among stakeholders • Leverage support from other sectors • Update and provide for comprehensive management for shellfish resources

•77% are concerned with water quality •71% support more funding for DMF to expand water quality monitoring •62% support expanded propagation programs •25% support additional field monitoring of shellfish disease, HAB, etc. •53% believe there should be more shellfish industry training •73% support expanding shellfish hatcheries in the state •50% support mentoring of newly appointed grant holders

2017 Survey Results

• Expanding shellfish resource for both harvest and restoration • The use of shellfish to improve water quality • More resources dedicated to opening more closed areas to shellfishing

2017 Survey Results More than 70% of the General Public Support (n=72)

MSI Task Force Responsibilities •Shape and guide the MSI process •Identify, appoint and oversee any MSI committees •Convey MSI information and opportunities to participate to stakeholders, to ensure broad and equitable representation •To the extent practicable, see that the MSI serves as a common resource for proposed and existing private, municipal and state shellfish related activities •Refine and finalize strategic plan and recommendations •Utilize networks and relationships to advance MSI goals and recommendations

MSI Task Force Composition •Executive Office of Energy & Environmental Affairs •Woods Hole Sea Grant •Towns, represented by Chatham, Duxbury, Gloucester, New Bedford •Mass. Shell-

fish Officers Association (constables) • State agencies: Division of Marine Fisheries, Environmental Law Enforcement, Dept. Public Health, Mass. Environmental Policy Act Office, Coastal Zone Mgmt, Dept. Agriculture Resources, Dept. of Environmental Protection • Senator Vinny deMacedo & Representative Sarah Peake • The Nature Conservancy • Mass. Aquaculture Association • Cape Cod Commercial Fishermen's Alliance

MSI Task Force • First meeting was January 2, 2019 • Has not yet determined MSI objectives or narrowed down list of topics MSI will focus on • Has not yet finalized the MSI process, but is committed to focusing on community and stakeholder input • Determined that it needed more research and input on the current resources, challenges, and needs before proceeding • Created an Assessment Committee to complete research and report back to the Task Force, comprised of Task Force appointees and volunteers • Created a Steering Committee to organize meetings and take direction from Task Force

MSI Assessment Committee Responsible for developing a situational analysis that will be completed by April 3rd and include the following: • Assessment of the capacity and status of state and town government and NGO support and programming for shellfish including but not limited to current staffing, labs, hatcheries, research, monitoring, education, outreach, town programs and economic impacts of shellfish in Mass.

- Assessment of the status of existing strategic goals related to Mass. shellfish, across state agencies, nonprofit organizations and municipalities
- Compilation of public input that has been collected through surveys and agency requests for public comment associated with shellfish in Mass., as well as informal feedback gathered by the committee

MSI Assessment Committee Brent Valli Chris Manulla Diane Murphy Ed Anthes-Washburn Ginny Parker Jeff Kennedy Lindsey Williams Liz Lewis Mark Begley Melissa Sanderson Nancy Civetta Nathan Davis Renee Gagne Ron Bergstrom Steve Kirk Suzanne (Phil) Phillips Todd Callaghan *as of 2/1/2019

Immediate Timeline January – March: Situational assessment: • Research and initial community outreach

April: Task Force Meeting #2 • Review Assessment Committee results • Determine next steps for MSI process • Draft MSI objectives • Create additional committee(s) comprised of stakeholders

After April: • Process will be defined by the Task Force • There will be ample opportunity for public conversation, input and comment over the next year.

MSI is not a gov't entity and is not bound by open meeting law. In the interest of transparency, MSI hearings will follow the state's public meeting notification and minutes requirements. MSI calendar and documents are available online: www.massshellfishinitiative.org/msi-meetings-calendar.html

Immediate Timeline

Examples of issues MSI has heard proposed by the state and stakeholders • Guidelines for restoration and nitrogen mitigation projects • Education and outreach to increase community support for shellfish • Solutions for softening oyster prices • Reducing interagency regulatory conflicts • Maintaining healthy ecosystems while allowing growth • Identifying resources necessary to accommodate growing demands for monitoring, permitting, propagation, etc. (i.e. funds for SEMAC, DMF) • Codifying existing aquaculture permit conditions into regulation •

DMF Massachusetts Aquaculture Permitting Plan (MAPP) and Special Review Procedure (SRP) • Mass. Aqua. Assoc. proposal to allow for statewide continuity of transferability of shellfish leases

FINAL MSI TOPIC SELECTION WILL BE DRIVEN BY YOUR INPUT

MSI will hopefully... • Provide the support and commitment across stakeholder groups that is needed to promote the environmental, economic, and cultural importance of shellfish • Provide credibility to existing and future shellfish projects, to earn funding or community support • Improve communications and relationships among stakeholder groups • Provide stakeholder-driven recommendations for possible future shellfish policy, regulation or legislative changes • Build a foundation to support the growth that has already occurred • Provide a framework for how to handle increasing shellfish supply in the state

Requested from each town: • List what your town considers the 3 most critical challenges related to shellfishing and your top 3 recommendations for how the MSI could improve your shellfish resources. • If your town chooses to identify volunteers that want to serve on an MSI committee as a representative of your town's shellfish stakeholders, please submit their names and contact information. • If your town has additional input at this time, please contact MSI directly. Please note that there will be additional opportunities in the coming months for providing formal input on MSI recommendations. • After the Assessment Committee meeting tomorrow, there will likely be an additional request for town specific shellfish data.

Opportunities for All to Participate • Sign up for MSI updates and meeting notices: MassShellfishInitiative.org/participate

- Attend MSI public meetings, provide written comment
- Volunteer for an MSI Committee
- Provide your input, suggestions, concerns to: MassShellfishInitiative@gmail.com
- Questions? melissa@capecodfishermen.org 508-945-2432 x103

THANK YOU

Massachusetts Aquaculture Permitting Plan (MAPP)

Environmental permitting of aquaculture and propagation activities is often considered cumbersome and confusing by municipalities and private proponents. Projects undergo rigorous individual review by multiple agencies under a number of local bylaws, and State and Federal statutes and regulations.

- DMF, DEP, BUAR, CZM, NHESP, Conservation Commission, Harbormaster, ACOE, NMFS, USCG, EPA. Projects may also be required to undergo MEPA review based on their size and location.
- This is particularly important for spatial planning efforts and comprehensive management plans that involve aquaculture where cumulatively projects may exceed ENF/EIR thresholds (i.e. aquaculture in 208 plans, municipal aquaculture development areas).
- Due to the structure of the individual agency review process, often aquaculture projects do not trigger MEPA thresholds when reviewed individually, but would when considered cumulatively. Many projects use similar gear types with common and predictable impacts and alternatives.
- The similarities in the type of gear, impacts, and benefits associated with many shellfish aquaculture and propagation activities provides an opportunity for enhanced coordination of the permitting process and a common impact and alternatives assessment.
- DMF in coordination with UMASS Boston and partner EEA agencies is proposing to develop the MAPP, to encourage sustainable growth in the Commonwealth's private marine aquacul-

ture industry and the responsible implementation of municipal shellfish propagation and restoration activities through the development of environmental and public use standards for aquaculture projects, and by expanding opportunities for agency, industry and public input on future aquaculture development in the Commonwealth

Massachusetts Aquaculture Permitting Plan (MAPP)

Under MAPP, DMF intends to: •Develop guidance on permitting process for common aquaculture and propagation activities, •Conduct an impact and alternative assessment for common aquaculture and propagation activities; and, •Work with stakeholders to establish performance metrics that minimize environmental impacts and user group conflicts associated with these activities (BMPs).

MAPP does not eliminate individual agency review requirements; however, •If proposed projects adopt established metrics, they would likely have predictable permit conditions and review agencies could easily identify that alternatives have been considered. •By coupling the MAPP with the MEPA Special Review Procedure (SRP) it is possible to streamline MEPA review of projects that minimize damage to the environment by demonstrating consistency with siting criteria, conditions, and other measures established through an SRP; and, •Through their participation in the MAPP-SRP process, agencies can evaluate options for coordinated and expedited agency review through the development of formal policies, administrative guidance, or potential regulatory revisions.

What is a MEPA Special Review Procedure?

A MEPA Special Review Procedure (SRP) is a regulatory process appropriate for reviewing proposed projects in which there is more than one proponent, more than one participating agency with a significant role,... and that may have similar environmental impacts...

A SRP serves the purposes of MEPA, by providing : •Meaningful opportunities for public review, •Analysis of alternatives; and, •Consideration of cumulative environmental impacts

Under an approved MAPP- SRP, aquaculture and propagation projects that exceed MEPA thresholds will continue to receive adequate and robust review; however, •If the proponent is proposing activities included in the scope of the SRP, and adopts the relevant environmental and public use standards, they may be eligible for an alternative MEPA review process established by the SRP and tailored specifically for aquaculture projects. •Many projects already avoiding impacts under individual agency regulations and policies.

MEPA - SRP

When establishing an SRP the Secretary generally establishes a Community Advisory Committee (CAC). The CAC shall be diverse in affiliation and experience and fairly represent a range of viewpoints. The CAC's main role is to advise the Secretary's establishment of the SRP, by:

- Assisting in the determination of the scope of activities to be included in the MAPP SRP
- Assisting in the identification of siting and performance criteria that an aquaculture or propagation project proponent could follow to avoid and minimize damage to the environment and impacts on other user groups.
- Reviewing documents and other deliverables called for in the SRP Certificate

DMF submitted request to Secretary Beaton to establish aquaculture SRP process •Request letter posted in MEPA monitor for comment, •A number of comment letters were submitted in support of establishing the SRP, and suggested connecting the SRP- CAC with the MSI process, •Secretary Beaton and MEPA reviewing request and comment letters