

Title: MSI Scoping Committee Public Meeting #1

Date: September 18, 2019

Location: Chatham Community Center

Type: DRAFT Meeting Minutes

Time: 7-8:30PM

Attendance:

*As listed by sign in sheet

Terry Gallagher, Jeff Haner, Renee Gagne, Ann Ryan, Tom Shields, Mike Dunsan, Edmund Janiunas, Damian Parkington, Steven Pickard, Iris Pickard, Terry O'Neil, Mike Hickey, Eric Waldron, Ernie Eldredge, Barry Greco, Domenic Santoro, John _____, Suzanne Phillips, Craig Poosikian, Kiersten Frederick, Melissa Sanderson, Ed _____, Jude Ahern, _____, Brett Moore, _____, Michele Insley, Doren Leggett, Nick Muto, Steve Kirk, Brandan Adams, Dan Roy, Lynn Emerson, Scott Soares, Dan Campanaro, Dan Morton, _____, Abigail Archer, Robert Davis, William Barrio, Justin Dalby, Heather McElroy, Michael DeVasto, Nathan _____, Gayle Ashton, Walter _____, Sean McNally, Chris Schillaci, Jeff Kennedy, Rob O'Leary

1. Introductions and Ground Rules

Overview:

Rob O'Leary thanked the audience for being in attendance and introduced himself and affiliation as a member of the scoping committee. He then opened the floor to the other scoping committee member in attendance to introduce themselves.

Chris Schillaci, Dan McKiernan, Jeff Kennedy, Sean McNally, Damian Parkington, Iris Pickard, and Steve Kirk introduced themselves and affiliations.

Schillaci introduced the meeting providing context to the comment period and provided a brief background on the MSI itself. The MSI is meant to develop a strategic plan for the state as a whole. MSI is not a regulatory body and cannot change regulations or policy. The MSI is here to put things on the record to show what the viewpoints of the different stakeholders involved in ALL shellfish resources throughout the state.

Schillaci further addressed funding from the NFWF and how it is used to manage the process, describing the task force and the members they serve on the voluntary committee. Schillaci then went into detail about the task force and the specific tasks that they would like seen done in order to develop a strategic framework for the state.

Schillaci described the formation of the Assessment committee and the initial charge in order to understand what is already going on, what do we need more of and what are we doing already as it relates to shellfish resources throughout the state. The assessment committee and developed report is objective in its task and to look at capacity and status of the state.

The assessment committee report is to be used by the scoping committee to initiate a conversation around the findings and to get input and to summarize what we have heard throughout the state. It is up to the taskforce in what the next steps are. The public comment period is the first of many steps in order to determine what concerns are already out there.

Schillaci encouraged the audience in addition to sharing their thoughts tonight in person to also submit written comment. Input tonight will help the committee understand the resources. Massachusetts has a very unique maritime identity. Understanding what that means to the people the live it every day, will help ensure that management grows with the resources to allow for the sustainability of the process and maintain the historic and societal value.

Schillaci closes his introductory remarks by reviewing the other public meetings location and the extension of the public comment period. He then points the audience members that O'leary is the person who is organizing the comments and to email him with any of written comments about the MSI.

Mckiernan thanked Schillaci for his presentation and asked him to go over the AC municipal survey.

Schillaci provided an overview of the goal of the survey and how it was used by the AC report. Reiterating that the report is a comprehensive situational analysis of the statewide resources as it relates to all thing's shellfish. The goal and objective of the report was to identify challenges that exist in certain communities and how other communities have overcome those challenges.

O'leary thanks Schillaci for the overview and further informs the audience about the other meeting locations on the North Shore and on the islands. O'leary described how the comment process will work and asked the audience to focus comments on the issues that are here before us and to limit individual comments to around five minutes each to ensure that everyone will be heard.

O'leary thanked the audience and opened the room to public comment around 7:17PM

2. Public Comments/Questions:

Kiersten addressed the committee and asked the group to summarize the assessment committee report and data with the specific question of how was the new assessment report was any different than the first MSI survey report?

Schillaci addressed the concerns about the initial data collection highlighting how this process was/is different. The MSI at the early stage was created with the help of a UMass Boston class and was set up to solely initiate the conversation. The first report helped start a conversation and the creation of the MSI taskforce and then the AC committee then followed. The direction and the idea of the assessment committee report were different from the original data collection process. Goal was very different. Goal is to compile, categorize, and report. The first survey was to gauge the interest in the process and the feasibility under NOAA's shellfish initiative goals.

Kiersten then followed her question asking if there a was a specific 'Aha moment' by the authors during the data analysis while compiling the assessment committee report?

Schillaci replied that there were a few but primarily the moment that stuck out to him was that without comprehensive involvement from all municipalities we will miss the differences between communities and getting everyone to be involved and provide the data.

Schillaci also pointed out that the goal of the data was not to point out specific problems in specific towns but to realize what were the common challenges throughout the state. This is one of the only if not the first time the state compiled that data in a meaningful way.

Phil Philips addressed the committee next, first thanking DMF and Chatham for organizing the meeting. She highlighted that she understood that the meeting is to collect input from public but regretted that she had no specific comment to make at the time and will provide written comment.

Philips continued to describe that she has been involved in MSI since inception and was appointed to the assessment committee. As an assessment committee member, she understands why the AC didn't write the report she however does not understand why the committee wasn't asked to review the report before it was disseminated to public -

She was shocked when she first heard of the 199-page report. She could not read and review the whole report in time for meeting and pointed out that it is impossible to make thoughtful comments due to report release timing. She then made a point of being troubled by process, lots of concern, misperceptions, etc. The MSI is getting difficult to defend. Phil made note that it is important for fishermen have a chance to respond and will continue to facilitate getting the report to people and asked the committee to extend the comment period.

Brett Morse followed Philips comment and identified himself as a shellfishermen for the past 40 years. Morse expressed concern with the MSI process. He thought DMF had his back, but now believes he was wrong about that. Morse expressed frustration with the Cutler bill and noted that if the goal of the MSI is not confuse why does the report highlight mistruths and specifically referred to Vibrio.

Schillaci responded to Morse that Vibrio challenges and cases are not a mistruth and that there are many vibrio challenges in this state. DMF has to fight to get funds and to provide the basic tools to address those challenges. The division at the table because the collective we are concerned about the sustainability of this industry. We have to deal with real things, and we are not getting the resources to do our jobs.

Morse followed his comments with asking DMF how much money that have taken from NGOS and nonprofit organizations?

Schillaci responded stating we didn't say anything about where the money was going into those specific projects.

Morse closed his statement identifying that the report was hard to follow, and he feels like shellfishermen are being 'snowed' and as far as the Culter bill, that there are big problems with the bill especially on the lower Cape. The best thing to do is to shut this whole thing down.

Jude Ahern followed Morse's comments. Jude is a private resident of Wellfleet who printed the and reviewed the report before the meeting. Ahern had concerns regarding data and how/who had access to confidential data at the state level.

Kennedy responded to Ahern's question and highlighted that no one is seeing confidential data and that the data is secure in the SAFIS database. Staff members cannot identify or share the data publicly. Confidentiality is of great importance to the states many departments.

Ahern requested that the report make a clear distinction regarding confidentiality of data. She then made reference to concerns about NGO involvement in the MSI process. Referencing Scott Soares involvement specifically. Ahern made mention of Soares presence at UMass Boston UHI harbors working group and asked why there was no mention of this report in the Assessment Committee's report.

Ahern closed her comments with the request to record all the meetings of the MSI outside of the public comment period.

Damian Parkington followed Ahern's comment period. Parkington stated that it seems that a lot of this conversation is a result of the need to compile data and the specific lack of funding in the issues that the state is facing. He was impressed about the DMF strategic goal and feels that addressed the shellfish needs of the communities and was sensitive. He asked that this process be flipped and that DMF comes to the communities to tell them what they need in order to be successful in the state.

Michael Devasto a member of the AC and of the task force followed Parkington's comment. Devasto mentioned that MSI in the beginning was flawed and pointed out that it's good that DMF is at the table. There is a perception that DMF has taken over the process and stated that there is an opportunity for the community to provide feedback and have a voice. Devasto made the point that it is more important that people tell the MSI what problems are – obviously the cutler bill is a huge issue – but industry has other issues – need to be able to work through these problems, money comes from NGOs people need to understand that no strings are attached to funding from NGOs.

Schillaci responded again to the Cutler bill discussion and reiterated that DMF doesn't take a stand on legislation we are told about them, it would be great if people put concerns down on the Cutler Bill and what specifically they have issues with.

Walter North was next to provide comment. North is a conservation commissioner. He mentioned the Cutler bill issues – it takes home rule away from the communities and gives it to the State. He brought forward commercial engagement fears and that the thrust of the bill to take the management of these resources to take it away from the people and give it to these organizations.

North commented that the process has generated concerns in part of our community. Without all stakeholders involved it is very hard to develop a process that is accepted. North made mention that tonight, was a good example of those. In the development of the initiative there have been large gaps. There haven't been pauses when people get reports. As a public agency we need to be extremely careful in taking money. The process looks like it has been tainted. Overcoming that is on DMF. He ended his comment with asking to extend deadline for comments, make the report more understandable, and explain to layman what real problems are.

O'leary addressed North's comments Rob and stated that we are here to listen, to open those lines of communication. We're here to improve the process. O'leary provided insight on legislation and noted that a lot of bills are filed, not many become law

Nathan Sears followed O'leary's response. Sears identified himself as the Orleans shellfish constable. He addressed the audience and believes that DMF has our back and he was frustrated to hear that DMF does not have the resources they need to promote the suitability of the shellfish in our communities. Sears made comment that he would like to hear from DMF what specific resources are lacking from DMF's perspective. He would like to see the needs come out of this process.

Schillaci responded to Sears's comment stating that we don't want to do this in a vacuum, we want to hear what you have to say. A lot of agencies and municipalities are in the position of not having enough resources to address these issues. The division puts energy and time into this process because we want to hear from you. Every time we put out a report we know we will get attacked from every angle. We have slowed this process down dramatically. We will continue to slow this process down. We will meet with you and put your statements into comment.

Kiersten followed Schillaci's response with providing feedback and insight to the vibe on the lower Cape. She stated that the bigger concerns are at the farm level. There is concern that the larger businesses – have the ability to have infrastructure upland – small farmers don't – concerned about farmers wanting to sell their farms – farmers market meeting – should be able to sell at farmers markets. Smaller growers are concerned about keeping up with standards set by the Federal government. Sanitation laws quick solution to keep the feds happy. Smaller growers don't want to be out priced. Passing of the rights of grants and leases and the next generation of taking over. People want a chance to get involved but bottom is limited.

Mckiernan responded to Kiersten's comment on the farmers market permit. He stated that the permit is trying to craft something that works under current rules DPH and local BOH. The state is talking about creating a specific permit that would allow the activity of a specific retail truck permit.

Devasto followed up his initial comment with a key concern of his, shellfish for wastewater management. He stated that it is a huge issue that will catch us off guard. The opportunity to offset nitrogen credits. Wellfleet harbor is taking 21 million additional oysters and for wellfleet that only produces 10 million. We should all be highly aware of this issue and he would like to see the state protect the fishery and the economic value that it has especially on the outer cape and what it allows in permitting of these wastewater projects. The economy that is provided by our shellfish resources is worth protecting and I hope the state looks at that. It is not a good idea to rely on shellfish and it is enticing to municipalities.

Devasto closed his comment by addressing the audience in the collective 'we' need to make our voices heard about these issues and hopes that the rest of the cape really looks into that.

Renee Gagnee followed Devasto's comments. Gagnee is the Chatham shellfish constable. She outlined her understanding of the shellfish initiative process and asked if becoming a certified initiative would provide money to DMF.

Schillaci responded nothing that the federal government has not provided any specific funds to the initiative, but hopeful that funds in the future would help support deficits that have been identified in assessment committee report.

Philips came forward with additional comment and stated that she will flush this out in written comment. She strongly supports towns and is concerned about environmental changes. Philips

specifically made comment on closures related to environmental conditions and her concern about towns ability to do much about. She noted that towns need help from state to identify and help with problems. Specifically, making references to remote sensing/monitoring that can help address reaction to HAB.

Schillaci responded to Philips and agreed, limited resources for DMF – need partnership with towns.

Tim ___ followed Philips comment. Tim identified himself as a Chatham resident and recreational permit holder. He highlighted the need to do a better job on outreach and advertising. Specifically made reference to very comprehensive report well in advance of public hearings in the future and the need to be certain that the report gets out to public. He also suggested the committee generate a summarized version.

Bob Davis followed Tim ___ comment. Davis stated that this meeting was not intended to focus on assessment committee report – hoped that attendees would comment specifically on their needs/concerns.

Damien Parkington made comment and asked about the potential for public awareness campaign on water run-off - long overdue to educate the public about impact of run-off.

Kennedy responded that as DMF primarily deals with public health concerns. He noted that DEP responsible for campaigns that Parkington pointed out. Kennedy stated that DEP does provide information/outreach and that there is no question that nitrogen is a problem.

Jude Ahern made comment that there are two major gaps in response to the MSI AC request for NGO response from DPH and DEP.

Schillaci and Kennedy responded that both DPH and DEP have made commitments to respond but have not yet responded to date.

Ahern requested that DMF talk to DPH and to look into Laney's pond issues. She stated that those are the issues you should be asking about.

Nathan Davis followed Ahern's comments and commented that he believed the MSI only supports aquaculture. He asked if there has been any analysis on economic impact. He stated that he primarily concerned about industrialization and that he sees this effort as a way to fast forward process for more oysters.

Davis commented that he is part of the assessment committee but doesn't like process. He stated that he is very concerned with change in coastal management and environmental impacts. Specifically with more structures in water. He questioned how much research has been done to execute environmental impact studies? Is DMF working on enforceable metrics – for aquaculture?

Davis also commented on DMF is requesting more and the need to develop consistency and his concern of the "blanket regulation approach by MSI". He stated he wanted to be more involved with assessment committee and was disappointed by the only two meetings scheduled by the AC. He questioned why the committee was not more involved and the need for more meetings. Davis stated that the task force should have identified committees from get go and his mistrust with NGOs being involved

Davis closed his comment and requested that there be more transparency and more input from the public.

Schillaci responded to Davis and stated that at this stage the MSI doesn't support anything. We are trying to understand where the concerns are. The next step could be to do more of this scoping. He further stated that what we were trying to do with the AC was to put the objective information. We are constantly pushing back on these issues. We proposed that. We started with the AC to get the information and to get the analysis. It wasn't because we didn't like the information.

[Go pro died at 8:30 started a recording of the meeting.]

O'Leary addressed the audience and asked if anyone else would like to make a public comment.

Schillaci followed O'Leary's address and stated that DMF will likely extend the public comment period. What we are hearing is this need to be a longer public comment period. We will work on a summary of the AC report.

Mckiernan commented on the AC report and how the report was intended to provide resources to help public support their comments and concerns i.e. a resource tool.

Kiersten addressed the committee and proposed a question on how DMF sees MSI as helping the agency

Schillaci responded that from DMF's perspective the hope is folks talk about the benefits of the process. We want to identify how we can meet the needs of all groups. SO much of this is contingent on being able to respond to changing environmental conditions, changing legislatively, taking complex stuff and making it available to the public.

Kiersten responded stating the MSI needs a social media page dedicated to comment on the cause.

O'Leary provided closing statement and informed the audience of upcoming meetings. He reiterated that legislators are looking for perspective and that they want to hear what the communities have to say. It informs how they react to specific bills.

Meeting closed at 8:46PM