

Title: MSI Scoping Committee Public Meeting #3

Date: September 30, 2019

Location: Kathrine Cornell Theater

Type: DRAFT Meeting Minutes

Time: 7-8:30PM

Attendance:

*As listed by sign in sheet

Paul Bagnall, Chris Schillaci, Sean McNally, Robert O’Leary, Danielle Ewart, Charles Fisher, Isaiah Scheffer, Amandine Hall, Dan Martino, Stephen Pickard, Rich Saltzberg, _____, _____

1. Introductions and Ground Rules

O’Leary introduced himself and discussed why we are here tonight. People around the state have a perspective that we need and want to hear.

O’Leary introduced Schillaci to the audience. Schillaci introduced the MSI to the audience and gave a brief overview of the MSI process to date. Discussing the MSI task force and the objectives of the MSI (what it is and what it is not).

The presentation of the MSI process is to better provide the context to the comment period and clarify the background on the MSI itself. The MSI is not a regulator body. Schillaci addressed the audience stating that there needs to be a forum for discussions around shellfish and start to look at how we are going to address the future and ensure the opportunities that exist now will continue to exist.

Schillaci added that, we might not all agree on the process itself, but it is important that we get it on paper and understand the reality of the situation. Trying to understand what resources are out there and starting and understanding what how can use them to better the various shellfish communities around the commonwealth.

Schillaci made mention of the extension of the comment period and asked the audience to submit written comment to O’Leary. O’Leary added, how can we do better? Schillaci closed the presentation and made mention of the next public hearing at Mass Maritime.

O’Leary opened the floor to general comments from the audience.

2. Public Comments/Questions:

Rich Saltzberg opened the comment period and asked for an elementary explanation of relevant legislation surrounding the MSI and the possibility of removing home rule.

Schillaci addressed Saltzberg’s question and stated there is a house bill that Representative Cutler has

put forward. The bill primarily deals with transferability and that the division doesn't have specific position on the bill itself. Schillaci stated and clarified that the MSI is not associated with putting the bill forward. The bill is a Massachusetts Aquaculture Association (MAA) initiative. MAA sees it as a way/opportunity to increase transferability to allow growers that have worked a number of years on their farm can transfer the lease to someone that has worked the lease and not someone on the waiting list. Schillaci stated that as far as he knows that specific legislation has not been confirmed to committee.

O'Leary addressed Saltzberg after Schillaci and reiterated the point that DMF does not take a position on a particular piece of legislation. The Cutler bill happens to run parallel with the MSI initiative, but it is not connected in any direct way.

O'Leary made comment that the bill has come up at virtually every MSI meeting to date and communicated to the audience that he has heard and is aware of the concerns that are out there.

O'Leary stated two observations as formal legislator. The whole process is talking about issues related to that legislation (i.e. the Cutler bill) and in a way this public comment period is an alternative. This whole process that we are in the middle of is providing feedback to legislators about what communities want to see or not see happen. O'Leary recognized that thousands of bills get filled in the state house and it is rare for one of them to become law. A bill like the Cutler bill would take a lot of support and right now this is pretty early on. Filing a bill begins a debate it does not become a law.

Saltzberg followed O'Leary's statement and questioned if the Cutler Bill is only relevant to shellfish aquaculture or also to fish farms?

Schillaci and O'Leary commented that the bill is only relevant to shellfish aquaculture and that it again bumps up against home rule and that is tough place to be.

Paul Bagnall reiterated Schillaci and O'Leary's comments by introducing himself as the shellfish constable on Edgartown and the head of the Massachusetts Shellfish Officers Association (MSOA).

Bagnall mentioned that the MSOA subcommittee will be meeting about the Cutler bill and made clear that there are not many constables that are in support to the bill. Bagnall closed his comment and mentioned that MSOA will be request that MAA will withdraw that bill and informed Saltzberg that he can track the bill online and if there is hearing he can find out more information that way.

Dan Martino followed Bagnall and brought up the point of shellfish relaying contaminated quahogs and the high cost of the activity. Martino commented that in Oaks bluff specifically, it takes a lot of money to bring crappy product from one place (i.e. contaminated waters) and place them in our pristine pond. We shouldn't have to pay to do that. We are doing a public service in a sense.

O'Leary asked Martino how much does the relay specifically cost?

Martino responded with an estimate of within the thousands of dollars at least.

Bagnall reiterated Martino's point and mentioned that the Vineyard is a unique case in relay in that there is both a boat coast for relay and a town cost. It cost the town somewhere between \$18 a bag plus the cost of enforcement of the area.

Martino followed Bagnall's statement and stated that, were doing 50,000 quahogs at sometimes

Schillaci responded and mentioned that it is something that the state does. In Tauton the state pays boats to dredge clams and is provided to towns for propagation efforts. Recent legislation provided and increased fee for the municipality to cover that and it had an impact on towns. This is something that pays in dividends in the municipalities and it is certainly something that there is a massive benefit but there are also challenges.

Martino responded why are we even doing that, bringing a contaminated quahog into pristine waters?

Schillaci commented that the relay helps supports propagation efforts in towns and that the division tests the quahogs for disease. It is not a legacy contamination issue; it is a bacterial contamination of the shellfish that does not directly affect the waterbody

Martino closed his comment and mentioned that he would like to see the towns not be charged as much to do that. Sure, call it an investment but I would like to see that number lessen.

Bagnall followed Martino's relay concerns and stated that the state should start funding section 20 of chapter 130 in order to lessen the cost burden on towns. The last time we got state funding from that vehicle was a long time ago. It is a vehicle that is open and would get funds to many towns.

Schillaci stated that there was a bit of reimbursement to towns through section 20 but none of the reimbursement has continued and it was worth making a comment and discussing what that would take.

Martino asked why did the funding stop?

Bagnall responded that it was part of cutbacks unfortunately It is less important than hospitals and schools.

Schillaci made comment on how the state aquaculture centers were in the bond bill and how the centers receive funding. The aquaculture industry is growing and the resources to those centers has increased. But we have a fraction of the disease monitoring capacity. We are kind of growing but we are not making sure we have the framework in place.

Martino commented that last year when we had a HAB issue we had to send samples to Florida. We should have that testing in state. There is no reason to be paying other states to do that for us. It be nice to have testing facilities.

Schillaci responded that Martino was absolutely right.

Steven Pickard commented that the state should figure out how to run a lab with the capabilities to do that.

Schillaci responded that the state does have the specific instruments to run samples, but the state does not have an employ to run the instrument. He stated that we do not have the resources to run the instrument. Those are the things that small changes can make a difference. Just the very past/presence

of the disease the state has to begin to test for it. We cannot allow it to get to the point where there is illness. Due to the lack of resources we had to completely rewrite our plan and thankfully we have someone on staff to do the plankton monitoring. But we do not have resources to run biotoxin monitoring in house.

Martino commented on the opening of trade in the EU and that the state should have a marketing plan ready to go when the market finally opens.

Schillaci responded that the legislative has been passed by FDA and EU. However, NOAA issues trade certificates but none have been issued yet and how this will be implemented is still an ongoing project. I believe that there is funding to deal with these questions from USDA funds. Schillaci told Martino that he will find the announcement and send it to him and stated that certainly any market would be good to get into. Shellfish growers are growing more shellfish and we need to take advantage of that. We do not enjoy the same kind of market as ag and there is little opportunity and they are kind of all over the place.

Martino followed his EU comment and stated that as a local grower he has to pay a ton of money just to get a local booth at the Boston seafood expo. The state should give growers funds to get in the show at no cost.

Saltzberg commented that this process is limited to bivalves but is there brainstorming going on with kelp aquaculture and how to manage that at the state level?

Schillaci replied that there are management efforts at DMF. Within the state the process has moved from from research farms to for market farms however, there are a few farms in the state. Schillaci made mention that he believed most farms growing kelp are still waiting on the return from investment stage and mentioned that there are both production and market challenges to growing kelp in the state. Schillaci finished his response and mentioned the framework in place in the state and how the state is supportive of well cited aquaculture, kelp in particular.

Saltzberg proposed the question of black sea bass effecting shellfish population in the state?

Schillaci responded that he did not know anything about that. But 99% of shellfish are there to be food for other species and reproductive history less than 1% survive. And they play a role in ecosystem.

O'Leary wanted to clarify Saltzberg's question and stated it as, the arrival of more seabass is decreasing numbers of shellfish populations?

Saltzberg confirmed and stated that people in the lobster industry seem to be affected by this

Bagnall responded that he hasn't seen any seabass in some areas – if they are eating shellfish, they are eating things we do not harvest.

Schillaci commented to Saltzberg that he could refer him to a state biologist that could better answer his question. Schillaci followed his comment and encouraged the audience to submit written comment.

Saltzberg asked Schillaci and O'Leary if there will be a formal presentation once the comments are put together?

Schillaci responded absolutely – the task force will be presented the overall comments and then we will approach the public presentation.

Martino asked about implementation of the MSI.

Schillaci commented that implementation and recommendation is up to the task force. Through this comment period we will have composed a laundry list of challenges to the task force and they will lay out a plan for recommendations. Once the task force put those recommendations together, we would go back out for public comment. If there is an issue that does not have a lot of comment, we will go out and get that comment on those issues. We need and want the viewpoints across the different groups.

Saltzberg commented on the growing of the green crab and asked if there is any federal funding available to mitigate predator issues.

Schillaci responded that green crabs are invasive, and they have caused an issue for 100 years or so. There has been some legislative funding for trapping. DMF has provided some funds for marketing them for bait. There has been talks about processing. The state has provided some funding to increase trapping. Schillaci mentioned he would refer Saltzberg o folks on the North shore to discuss the topic further.

Marinto mentioned traps for oyster drill traps. He stated the need for a lot of oyster drill traps and if the state could figure that it would be very helpful. Martion commented that oyster drills also wipe out the states wild stock too – It's a huge problem – 20 % of mortality is oyster drills

Schillaci replied that is something between predators and disease and we rely on community groups to provide education to growers and towns to help out with that. Schillaci commented that there is no comprehensive plan for predators and disease across shellfish in the state. He mentioned that he hoped it will be stated as a desire or need by communities.

O'Leary thanked everyone in attendance and closed the meeting around 8PM.