

**Harbor and Shellfish Advisory Board
Tuesday, March 2, 2021 at 5:00 p.m.
Community Room, 4 Fairgrounds Road
*HSAB meeting are video-recorded and
available at Nantucket Government TV on YouTube**

Members present: Andy Lowell, Tom Szydowski, Dave Fronzuto, Dave Bossi, Ginger Andrews, Peter Brace, Dank Pronk

Members Absent:

Marine Dept:

Natural Resources Dept: Tara Riley, Jeff Carlson

Others: Kona Hosier

CALL TO ORDER

5:01 p.m.

APPROVAL OF AGENDA

Unanimously approved 7-0.

APPROVAL OF MINUTES

Draft minutes of Feb. 16, 2021

Unanimously approved 6-0.

CHAIRMAN'S REPORT

Eelgrass summit reminder

Mr. Lowell confirmed the date of this event at March 31.

Town elections

Mr. Lowell listed the dates for which nominations papers could be picked up at the Town Clerk's office and the filing deadline.

Youtube link for HSAB meetings:

<https://www.youtube.com/playlist?list=PL49sKqpy7VAj6nJnAlrlKlxWm6VQTfuXg>

MARINE DEPARTMENT REPORT:

General Marine Department report – Sheila Lucey

No report.

NATURAL RESOURCES REPORT

General Natural Resources Department report – NRD staff

Ms. Riley spoke about several conferences she hopes to attend. She reported that the shellfish hatchery is operating at capacity including algae production and scallop spawning. She added that on March 1, they did their first spawn of the season. Ms. Riley reported that on March 5, she would be meeting with the Nantucket Land Council on both entities' eelgrass projects for 2021. Ms. Riley reported that the Conservation Commission approved the Nantucket Conservation Foundation's Polpis Harbor oyster reef project.

Ms. Riley reported that she would closing her hiring window for seasonal interns and that she would be starting interviews soon. Mr. Carlson reported that the NRD is applying for a state grant to continue eelgrass and bay scallop surveys in the harbors in 2021. He also reported that the Coastal Resilience Plan is continuing to be developed.

Mr. Carlson updated the board on the shellfish-taking closure in Madaket east of a line from Jackson Point to Warren's Landing. He said the NRD will increase the amount water quality testing it does in this part of Madaket Harbor and that the NRD is working on some amendments to the current shellfish regulations that allows shellfish-taking of species not included in this closure. Mr. Carlson said the likely culprits are septic systems, waterfowl guano and outfall pipe discharges. He added that the NRD has reached

out to area property owners to urge them to have their septic systems inspected and if need be, repaired or replaced.

Mr. Carlson said there are some scallops to be caught in this area and that on good weather days, there are five to seven commercial bay scallop boats working Nantucket and Madaket harbors. Mr. Brace asked if seasonal property owners living in their houses during the pandemic might be contributing to higher fecal coliform counts in the harbors. He also asked how enforcement of this closure is working. Mr. Carlson said that the closure can't be attributed to one pollutant source. For enforcement, Mr. Carlson said the shellfish warden patrols all of his jurisdiction randomly and that this method works well.

Mr. Lowell asked Mr. Carlson about the success of the Great Harbor Yacht Club's (GHYC) harbor health enhancement program. Mr. Carlson reported that the GHYC has helped a great deal with the eelgrass planting project going on in the harbor. He said that the NRD hopes to collect annual data on these projects going forward.

PUBLIC COMMENT ON MARINE DEPARTMENT / NATURAL RESOURCES REPORT

OLD BUSINESS

Oyster lease permit review – Discussion

Mr. Carlson reported that he met with Ted Lambrecht recently and said Mr. Lambrecht's boat is a month away from being ready for use and noted that this process had been going on for a year. He added that he doesn't have any confidence in Mr. Lambrecht bringing his oyster lease into compliance and that he felt the NRD and the board had given Mr. Lambrecht plenty of time show progress in keeping with the parameters of his lease. Mr. Szydlowski said he shared Mr. Carlson's sentiment.

Mr. Lambrecht joined the meeting at 5:31 p.m. Mr. Lowell updated Mr. Lambrecht on the proceedings on the status of his lease.

Mr. Lambrecht reiterated his efforts to get his boat ready having sustained a shoulder injury and resultant surgery 10 days prior to the meeting. He also repeated his commitment to continue working his lease and to remove his oyster gear from the bottom of the harbor.

Mr. Brace asked when the boat would be going into the water and Mr. Lambrecht said he hoped by the end of March. Mr. Brace floated the idea of allowing Mr. Lambrecht a bit more time. Mr. Carlson said there were two people on the waiting aquaculture waiting list. Mr. Lambrecht said he couldn't get his boat ready by the end of March.

Mr. Carlson said in answer to Mr. Lambrecht's query on the subject that there wasn't any more harbor qualified bottom for the two people on the waiting list. Mr. Brace asked when the oyster gear had to be off the bottom for a new oyster lease fisher to start working it. Mr. Carlson indicated spring time. Mr. Carlson recapped two prior leases that the NRD revoked, the difficulties endured doing this and how some of the gear remains in the water today.

Ms. Riley explained that active oyster fishers bring up their gear from the bottom around April 15 and set it down around Oct. 15. She also explained the ideal time to buy so they can deploy oyster seed in the spring or after the August rust tide algae bloom.

Mr. Lambrecht reiterated that he would've removed his gear last spring and summer if the NRD had allowed him to do so. Mr. Carlson explained that the NRD sent a notice of possible revocation to Mr. Lambrecht in the spring of 2020 instructing him to leave his lease as it was. Mr. Lambrecht said his boat was fully functional in April of 2020 and that he could've removed the gear then if the NRD had let him. Mr. Bossi asked how Mr. Lambrecht had not moved the gear out of the water prior to last spring. Mr. Lambrecht explained having to move several times during that period and having a difficult time securing housing.

Mr. Carlson explained that the NRD ordered Mr. Lambrecht to stop all work on the advice of Town Counsel. Mr. Brace said it

seemed that each revocation process is different and that in Mr. Lambrecht's case, maybe a bit more latitude is warranted. Mr. Pronk suggested Mr. Lambrecht have until April 15 to show active progress in removing his gear and if not, that his lease be revoked. Mr. Bossi said he agreed with Mr. Pronk.

Mr. Lowell said he supported this deadline, acknowledging all of Mr. Carlson's and Ms. Riley's advice. He asked for comments from the rest of the board.

Mr. Brace said Mr. Lambrecht can't have just one cage out by April 15. He must be well into removing them. Mr. Brace asked if April 15 was too late for a new lease holder to get going. Ms. Riley said new potential lease holders would probably be psyched to get their lease at any time of the year. Mr. Carlson reminded the HSAB that the Select Board rules on aquaculture leases. He added that the new lease holder will have a lot of permits to secure, so April 15 won't be too late.

Mr. Fronzuto asked Mr. Lambrecht when last time he harvested. Mr. Lambrecht said three years ago. Mr. Pronk agreed with Ms. Riley. Mr. Lowell clarified that the HSAB and Mr. Lambrecht shouldn't be concerned with the fisher to follow Mr. Lambrecht. Mr. Fronzuto agreed with Mr. Lowell.

Mr. Carlson allowed that the April 15 deadline works but this would be it if Mr. Lambrecht hadn't made any progress by then.

Ms. Andrews said she supported the April 15 deadline while expressing frustration with this process dragging on.

Mr. Carlson, though he said the April 15 deadline would work for the NRD, said that he hasn't seen much progress in the last year.

Mr. Lowell asked Mr. Lambrecht if he could make this work. Mr. Lambrecht said if need be, he'd hire a diver to help him get his gear off of the bottom.

Mr. Bossi made a motion that Mr. Lambrecht have until April 15 to be actively engaged in removing his gear from the harbor. Mr. Pronk seconded that motion. Mr. Fronzuto said sufficient progress must be determined by the NRD. Mr. Brace stressed the importance of the vote to have a record of the board's actions. Mr.

Szydowski said issuing repeated extensions put the Town in jeopardy in regards to enforcing future aquaculture leases. The HSAB voted 6-1, Mr. Szydowski voting no, to give Mr. Lambrecht until April 15 to be actively engaged in removing his oyster cages from the bottom of the harbor, showing real progress and with the NRD to determine if sufficient progress is made to halt the revocation of Mr. Lambrecht's license.

Excessive sand in scallops/dredging plan - Discussion

Mr. Lowell asked for Mr. Carlson's comments on the possibility of a pilot micro-dredging project in which excess sand would be removed from eelgrass beds to enhance their growth and keep sand out of bay scallops. Mr. Fronzuto spoke first, commenting that such a pilot program could be permitted and that the eelgrass experts he spoke with said that although this is a new idea that's never been tried, it could work. Mr. Carlson liked this idea, but said that it should be part of a larger dredging plan and study. Mr. Lowell asked where the dredging spoils would go. Mr. Carlson hinted at uses related to coastal resilience projects. Mr. Fronzuto said the sand could also be stored on land for later use.

Abandoned boats in the harbor - discussion

Mr. Carlson informed the HSAB that the abandoned boat on the beach at Quaise would be removed within a few weeks pending necessary Conservation Commission permits.

HEALTH OF THE HARBORS

Excessive lawn fertilizer use – Discussion

Mr. Lowell said he didn't have an update on the hazardous waste dumpster stickers. Mr. Carlson said he would provide the board with a written update on where the Town's fertilizer regulation program was.

Mr. Brace asked that Mr. Lowell add to this part of the agenda the Food & Drug Administration's planned closure of mooring fields

in Nantucket's harbors to the taking of shellfish. Mr. Lowell agreed. Ms. Riley agreed this item should remain on the HSAB agenda.

NEW BUSINESS

PUBLIC QUESTIONS AND COMMENT

RECAP and ITEMS FOR NEXT MEETING

ADJOURN

Unanimously approved, 7-0, at 6:42 p.m.

YOUTUBE MEETING LINK

<https://bit.ly/3cWMDMz>

Future Meetings:

March 16 and April 6

Respectfully Submitted,
Peter B. Brace, Secretary