

TOWN OF IPSWICH - MASSACHUSETTS

Ipswich Shellfish Advisory Subcommittee to the Select Board  
Meeting Minutes  
April 6, 2021

A meeting of the Shellfish Advisory Subcommittee to the Select Board was held on Tuesday, April 6, 2021 at 7:00 p.m. Members participated remotely utilizing Zoom in accordance with the Governor's March 12 Order suspending provisions of Open Meeting Law and to promote public health and social distancing.

Members present were Chairperson Linda Alexson, Nishan Mootafian, Brenda Turner, Charlie Surpitski and Wayne Castonguay, Peter Soffron and Sandi Corning. Also present were Chief Nikas and Shellfish Constable LaPreste, and Recording Secretary Rodgers. This meeting was recorded by the host.

Chairperson Alexson introduced the members of the Shellfish Advisory Subcommittee and attending guests; State Representative Brad Hill, Jeff Kennedy, DMF North Shore Regional Supervisor, Story Reed, Permitting and Statistical Program Manager and Dan McKiernan, Director.

**Citizen's Queries:** There were none

**Discussion with the Division of Marine Fisheries**

Discussion: transaction cards issued by DMF to recreational clambers. The Town of Ipswich requires a commercial clammer to obtain a transaction card from the State, prior to obtaining a local commercial shellfish license. The issue is that recreational licensed clambers are obtaining a transaction card and selling their catch. What options are there for the town to prevent this from happening?

Mr. Kennedy noted that transaction cards are issued for many reasons, to meet traceability rules. Lengthy discussion took place concerning the state issuing transaction cards to anyone and recreational diggers selling their catch; it is a misuse of the transaction card. Options for resolution were discussed. Constable LaPreste described his observations of recreational clambers and his enforcement strategy. Licensing procedures and dates were reviewed. Mr. Story offered to provide the list of safest records to see who is selling; dealers could be notified. Mr. Mc Kiernan indicated that he would prefer tracking, rather than revamping the whole procedural process.

Mr. McKiernan suggested comparing the safest list and with the Town's list and tease out illegal activity. Ms. Alexson confirmed that the Constable and Chief Nikas will follow up with DMF and compare lists to see if there's a problem. All agreed. Mr. Reed offered to look at the language on the application for transaction cards, currently there's an affidavit for shellfish handling, which language could be made stronger.

Mr. McKiernan suggested comparing the state list and town's list to determine if there is abuse of the transaction cards. Mr. Castonguay opined that it was a good first step in addressing the issue. He opined that the town sells a ton of non-resident recreational permits and its likely non-resident recreational license holders are the biggest offenders. Additionally, Ipswich has a hand full of dealers and we could work with them.

► Ms. Alexson turned discussion to Ch130 section 55; non-US citizens. Local regulations follow state regulations and meet requirements under the state law. Why are New Bedford residents exempt? What are other communities doing?

Mr. McKiernan questioned the legality and constitutionality of the statute.

Mr. Kennedy spoke to the law enacted in 1935 and amended in 1941; the city of New Bedford was exempt in 1950's. He acknowledged it is a perplexing reading. More time was requested to follow up with legal counsel.

► Ms. Turner questioned the state requirement of calibrating rain gauges and discussion followed.

Constable LaPreste spoke to the different kinds of rain gauges and opined that the local Constable's should be calibrating the rain gauges, because they interact with them every day. Ms. Turner stressed that it should be the states' responsibility. Mr. Kennedy spoke to a research grant that provided a certain brand of rain gauge and the Constable said it was the same type he uses. Mr. Kennedy spoke to his process of setting rainfall policy back in 2011. Any number over 14 indicates pollution impacts resulting from rain. He elaborated on the timing of closures with a few extra days added, to allow for natural depuration to take place. Mr. Kennedy agreed to review water samples from the town; the Constable should coordinates with the state.

► Peter Soffron initiated discussion regarding the harbor management plan and asked if help was available. Mr. Kennedy indicated that DMF staff could provide assistance. Mr. McKiernan asked Mr. Kennedy to look into the bill sponsored by Senator Moran; Mr. Kennedy opined it was the perfect vehicle to help the town. Chief Nikas noted UMass is writing the plan and will pass the information along to the Waterways Advisory Board.

Ms. Alexson extended thanks to Representative Brad Hill, Jeff Kennedy Dan McKiernan, and Story Reed for attending this meeting; the rest of the members echoed her appreciation.

### **Constable Report:**

Constable provided an overview of the green crab eradication program in Ipswich; timing is delayed this spring, due to the current DMF rules to protect Right Whales; funding provided for FY22 is \$27,000. This is the eight year and he opined that the population of green crabs has diminished.

Mr. McKeirnan spoke to federal standards for commercial fishing with DPW employees removing crabs for shellfish propagation for at least the first month of the season. Mr. Reed will look into it; Mr. LaPreste will follow up.

Constable LaPreste related his interest in holding another regional meeting regarding green crabs trapping; sometime in the fall. He expressed hope that DMF could attend. He spoke to the success of the program and the recent emergency regulations to protect endangered northern right whales. Mr. McKiernan confirmed that Ipswich owns three miles on the other side of Plum Island; he will make a case to NOAA for an exemption from the recent emergency regulations, in order for Ipswich to trap green crabs.

### **► Clark Beach Summer 2021 ~**

After a brief discussion. Mr. Castonguy moved to recommend to the Select Board to open Clark Beach (Richard's Grounds) on Sundays to recreational clambers for summer of 2021. Ms. Turner seconded the motion passed unanimously with a roll call vote.

► Discussion of the definition of '**resident**' in the shellfish regulations was tabled to the June meeting.

► Ms Alexson announced this was Mr. Mootafian's last meeting; she thanked him for his time and service, the rest of the members echoed her appreciation.

### **Approval of Minutes:**

Mr. Mootafin moved to approve the March 9, 2021 meeting minutes. Mr. Castonguy seconded, the motion passed with a roll call vote.

► Mr. Surpitski initiated discussion concerning the installation of natural filters behind Farley Brook. Mr. Castoguy confirmed that the State cannot use a derogated wetland for a filtration treatment system.

It was moved, seconded and unanimously passed with a roll call vote to adjourn at 8:40 p.m.

Respectfully submitted,  
Marie Rodgers

These minutes were approved by the Shellfish Committee on June 1, 2021 with minor edits.

Pursuant to the 'Open Meeting Law' the approval of these minutes by the Board constitutes a certification of the date, time and place of the meeting; the members present or absent; the findings made and actions taken. Any other description of statements made by any person, or the summary of the discussion on any matter, is included for the purpose of context only, and no certification, express or implied, is made by the Board as to the completeness or accuracy of such statements.