



Scituate Shellfish Advisory Committee

Wednesday May 6, 2021 7:00 pm

Via Zoom Audio Conference

Meeting called to order at 7:01 pm

Susan Harrison read the following: In response to Governor Baker's declaration of a public health emergency and the related Emergency Executive Order dated March 12, 2020, the Town of Scituate public meetings shall meet remotely until further notice.

Meeting called to order at 7:01 pm

Roll Call:

Friedman: Yes

Palmer: Yes

Connolly: Yes

DiMeo: Yes

Harrison: Yes

Approve 5:0

Committee Members in Attendance: Susan Harrison, Mike DiMeo, Jeff Palmer, Scott Connolly David Friedman, and Adam Bisol

Update on Discussion of North and South River Closure:

Mike DiMeo updated the group that DMF has been testing the treatment plant weekly on Mondays and fecal coliform testing has been ongoing in Scituate and Cohasset Harbor.

We are working on an agreement with Scituate and Marshfield on an agreement to share boat resources.

Testing for sewer plant has come back really good. DMF is partnering with UMASS Dartmouth on modeling, and they hope to get some financial support from the legislature and included in the state budget for DMF. Right now the DMF is working on Plymouth and Duxbury. DMF has indicated that we are next on the list for modeling/testing.

Mike stated that he is confident that the DMF is doing what they can to obtain funding to test and model. While they are working on it, Mike is not confident that the North River will be open. However, he does not see why the South River could be open. There are over 300 acres in the South River that could be open and planted.

Susan Harrison offered that she has been in contact with DMF. They were unable to attend this meeting due to a training they had scheduled but that they agreed to attend the next Shellfish Advisory Meeting to answer questions on the closure. In addition, she understands that DMF is under resourced for this new requirement. But that the DMF is working with UMASS Dartmouth and the state on funding additional testing and modeling.

Mike also updated the group that DMF is also testing Scituate Harbor and the goal is to get a portion of Scituate Harbor open to shellfishing. All of the cliffs have sewer now. There will be a sanitation study for Scituate Harbor so there could be a potential for shellfishing in the harbor as well. He is confident that DMF is doing what they can to get things open. We are ahead of a lot of other towns. He also noted that our state representatives are working to open the beds.

He is hopeful that we can get some of the rivers open. Hopefully half of the rivers back- 50 or 60% especially the South River.

Questions from the Shellfish Advisory Committee:

Question: Friedman: What does "next on the list" mean?

DiMeo: DMF is working in Plymouth now and Scituate is next on the list which is why the funding for UMASS Dartmouth is so important. Also, the Seaport Initiatives gave DMF some money.

Question: Friedman: What is the timeline?

DiMeo: Hopefully in the fall.

Harrison: I was told by DMF it would be late summer. When we invite them to our meeting we can have them elaborate on the timeline.

DiMeo: There was also a meeting recently on shellfishing at the state regarding mooring and boats. Questions were asked regarding how many boats are overnight boats verses day trip boats. Also the river was open in the winter when there are not a lot of boats anywhere in the rivers.

Question: Palmer: How will we retain area and what area will be retained and what area closed?

DiMeo: The dye study will determine this. He suspects that the area near the inlet would be closed. He thinks that the South River could be open and we could start propagation projects in the South River. Maybe we could start seeking grants for propagation projects.

Question: Friedman: What is Briggs Harbor and areas North look like.

DiMeo: It would be up to the dye studies there.

Questions from the Public:

Question: Dave Dauphinee: Asked about the letter he sent to the group. He is not ready to surrender any of the shellfishing area in the rivers. He also suggested that the Shellfish Advisory Committee should meet monthly in order to keep this ball rolling. He asked why we are being held to a commercial standard when we are a recreational area? The Model Ordinance has to do with commercial interstate commerce. The rivers are heavily tested.

DiMeo: The reason the river was closed is based on health issues.

Question: Dave Dauphinee: We are being closed based on a commercial food standard and not a recreational standard. Rep. Kearney filed legislation to dispute this standard. House bill 436. Why is the area closed based on FDA standards?

Harrison: First point on meeting more frequently, we can commit to meeting more frequently. Regarding your second question, you have a very good question. When I asked DMF about this their response was because other states tried to have two different standards for commercial and recreational and DMF stated that it did not work out well. We can invite DMF here to elaborate on why.

Question: Dave Dauphinee: It is not two standards. He believes it is a commercial standard applied to recreational.

Question: Katie Baxter, Rep Kearney's Office. Wanted to follow up with Dave Dauphinee's comments. Rep. Kearney worked with House Counsel who came to the same conclusion. That the model ordinance pertains to commercial fishing. What is happening in the DMF can be explored. In addition, a budget amendment was filed. She does believe that we should look into the model ordinance and how DMF is using it to manage recreational shellfish. Attended press conference of Mass Shellfish where it was said that the data being gathered is a black hole. Was Mike on the conference call?

DiMeo: Catch reports have not been filed in some time for recreational shellfishing and he thinks that is what the black hole comment referred to.

Question: Friedman: Who has shut the river down?

DiMeo: If you talk to DMF, they say FDA wanted the closure and DMF is enforcing it.

Question: Dave Dauphinee: Spoke with the FDA in Florida and they are concerned with intrastate commerce. Why would you use a commercial standard with recreation? The model ordinance is based on the sale of oysters and we do not even have oysters in the river.

DiMeo: We are being held to the same standard that commercial shellfishing. Back to Dave's point. No one is giving away anything. If we can get something back we should consider it a win. We are curious to see what comes out of Plymouth and lets see if there is some push back on the FDA.

Question: Dave Dauphinee: The difference between Plymouth and the rivers is that they have a commercial component. DMF told him that they have no idea when they will do a dye study based on the FDA travel ban. We should support Rep. Kearney's amendment to the budget. We need the control of shellfish beds in Scituate. Plymouth was closed for 3 and one half years.

Harrison: Dave brings up some good points and we should invite DMF to the next meeting so that they can address all of these questions.

Question: Craig Rosenquist, Scituate: All of this is based on the consumption of raw shellfish. When we dig in the rivers we are digging for soft shell clams which are then cooked. Can we carve out an exception for that.

DiMeo: We can ask.

Question: Dave Dauphinee: That question has been asked to DMF. They are not able to specify an area. They think it is a public health issue but then other conversations he is uncomfortable treating the areas

separately based on being called out on it. You are getting two stories. On the North Shore the entire area is closed. His opinion is that we need to keep fighting this.

Question: Jamie Davenport, Scituate: Regarding a percentage of a river being open, what are the chances that the back side of the Spit is open?

DiMeo: That section is adjacent to the Herring River and would likely be closed. It is likely that close to the Herring River will be closed. If portions were closed, that location is close to the outflow. But he can not answer definitely until the study is closed.

Question: Jamie Davenport: We are moving forward with the opinion that the DMF is doing what they can and we will move forward to maintain some shellfishing in Scituate. Regarding the Tri Bay system, they believe they need to fight this and that is what Dave is talking about- pushing and fighting back. Has there been headway on that?

DiMeo: Plymouth Study is almost done and we are next in line and then Cohasset will be done. Then DMF is planning to challenge the study since all of the tests coming out of the plants have been good. Discussions are happening and a solution is being worked on. In addition, an MOU needs to be drafted regarding using Marshfield boats.

Question: Dave Dauphinee: In addition, there was discussion on conditionally approving and taking shellfish offshore to purify and then be retrieved and sold. Situation of potential risk and not actual risk. We need to support the amendment to the budget and address the differences of commercial and recreational shellfishing.

DiMeo: Believes that talks are happening and that Scituate is after the Tri-Bay area. Wants to see what Plymouth comes back with and what is proposed as a solution.

Question: Dave Dauphinee: If the South River is a place to open, we should start getting grants. In addition it is more difficult to get there from the Scituate side. MSI meeting does not fully understand the value of recreational shellfish and they have not answered questions nor do they represent recreational shellfishing.

Harrison: We appreciate that you don't quit and you bring really good information and insight. Would the first Thursday of the month work for a next shellfish meeting pending the DMF availability.

Group: Yes that would work.

Question: Katie Baxter, Rep Kearney's Office: Will check and follow up if there is something filed in the senate.

DiMeo: Will follow up with O'Connor's office.

Harrison: Propose that the Shellfish Support HB432 to encourage our senator to file similar legislation on the Senate side and draft a letter in support.

Friedman: Yes

Palmer: Yes

Connolly: Yes
DiMeo: Yes
Harrison: Yes
Approve (5:0)

Make first Thursday of month Shellfish Advisory meeting cadence:

Friedman: Yes
Palmer: Yes
Connolly: Yes
DiMeo: Yes
Harrison: Yes
Approve (5:0)

Motion to Adjourn

Friedman: Yes
Palmer: Yes
Connolly: Yes
DiMeo: Yes
Harrison: Yes
Approve (5:0)