



Town of Barnstable

Shellfish Committee

1189 Phinneys Lane, Centerville MA 02632



SHELLFISH COMMITTEE MINUTES OF THE MEETING DATE: August 9, 2023 TIME: 6:30-8:30 PM

Shellfish Committee Members present: Stuart Rapp, Al Surprenant, Patricia Farinha, Jake Angelo, Robert Lancaster, Gloriann Hurwitz, Paul Hendricks

Shellfish Committee Members absent: Bill Cherepon, Douglas Crook

General Public present: Mark Begley, Theresa Hendricks, Tyler Hagenstein, Christopher Gargiulo

Town Council Liaison present: Paul Cusack

Town Staff present: Amy Croteau, Senior Natural Resource Officer/Shellfish Constable; Alicia Lauzon, MEA Administrative Assistant

Stuart Rapp called the meeting to order at 6:30 PM, as August 9, 2023 meeting of the Shellfish Committee. Stuart read a notice at the beginning of the meeting:

NOTICE OF RECORDING "Please note that tonight's meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s. 20, I must inquire whether anyone is taping this meeting and to please make their presence known."

TOPICS FOR DISCUSSION

1. Approve Meeting Minutes: Patricia Farinha moved to approve the June 14, 2023 meeting minutes and Robert Lancaster seconded. There was a unanimous vote in favor of approving minutes as written.

2. Chairman's Comments: N/A

3. Natural Resources Report / Correspondence:

1. Shellfish Growing Area Updates

Effective July 1st the Cotuit Oyster Company mooring field is closed. July 21st there was a 21 day emergency closure outside Loop Beach due to a porta potty in the ocean that would reopen August 10th if not for the 4.5 inches of rain causing a complete closure. Shellfishing is 100% closed until testing is done to reopen. Weather permitting, DMF will be water quality sampling August 10th.

2. Conditionally Approved Area Water Quality Sampling Barnstable Harbor YEAR 2

September 15th annual conditionally closed areas in Barnstable Harbor. Margaret Leary will be testing conditionally approved areas while in their closed status to potentially open some/all year round.

4. New Business:

1. Proposed Changes to recreational shellfish fines for vote

Patricia motioned to accept proposed changes and Jacob seconded. Unanimous vote in favor.

2. Proposed changes to shellfish regulations-address razor clam scientific name change for vote

Robert motioned to accept proposed changes and Paul seconded. Unanimous vote in favor.

5. Upcoming (and Old) Renewal & Transfer Hearings:

1. Hearing for the transfer of aquaculture licensed site ng001 from Margaret Hill, 8 Bow Lane, Barnstable, MA 02630 to Tyler Hagenstein, 28 Derby Drive, West Barnstable, MA 02668 and issuance of a new license to Tyler Hagenstein for a period of five years. Public hearing 07/26/2023 at 9:00AM via Zoom

The only change that will be happening will be the name on the grant, from Margaret to Tyler. Tyler has been working on Margaret Hill's site for 5 years. Primarily oysters will be grown. Al motioned to recommend approval of the transfer and Robert seconded.

2. Hearing for the renewal of aquaculture licensed siteng017 in Barnstable Harbor for Richard Scott Laurie, 158 Lakeside Lane, Marstons Mills, MA 02648 for a period of 10 years. Public hearing 07/26/2023 at 9:00AM via Zoom

This is the first time Richard is up for a 10 year renewal on this site. His site is around 2 acres with mostly oysters, hardshell clams, and potentially steamers. Natural Resource Division had no opposition. Jake motioned to recommend approval and Robert seconded.

6. Upcoming (and old) Proposed Coastal Projects:

1. Applicant: Charles M and Janet M Daley
Project Location: 280 North Bay Rd, Osterville, MA 02655 (map 072 parcel 007)
Representative: Charles Rowland, Sullivan Engineering and Consulting, Inc.
Proposed Project: To repair or replace the existing timber bulkhead
Conservation Hearing Date: July 18, 2023 3:00PM via Zoom

Approval was given subject to a pre-construction meeting with Christopher Gargiulo, Natural Resource Division, and Conservation.

2. Applicant: Craig S. & Maria T. Cornwall
Project Location: 40 Waterman Farm Rd, Centerville, MA 02632 (map 207 parcel 091-005)
Representative: Charles Rowland, Sullivan Engineering and Consulting, Inc.

Proposed Project: To re-permit, construct and maintain a boardwalk, ramp and float.
Conservation Hearing Date: August 22, 2023 6:30PM via Zoom

No opposition from the Natural Resource Division as it is in a prohibited area with no shellfish resources. No opposition from the committee.

7. Old Business:

1. Status of the repair of Scudder Lane Town Landing

There was supposed to be a meeting in the spring and another meeting is yet to be scheduled for the fall.

2. Corporate Leasing of Aquaculture Licenses- originally brought to Committee by Al Surprenant
continued discussion

Seven of the original fourteen comments were read at the May meeting and an additionally three comments have been sent in since then. Jake motioned to attach to the minutes the rest of the comments sent to Constable Croteau and Gloriann seconded. There will be a vote next month if an entity can hold a grant in their name. Chairman Stuart Rapp suggested there be a vote at the next meeting in September. Further discussion ensued. Unanimous vote in favor to have a vote next month.

“Hello Amy

Thank you for the update and emails regarding the oyster grant discussions. You may not know me but my name is Ian waaramaa and live in centerville. I would love to get a shot at the north side one day. Kinda scary the town would entertain a hearing concerning the corp ownership. Wouldn't that make me never get called on the list? Once a piece of land like that is in a corporation it would make almost impossible for the up and comers!

I'm sure our children would be the ones to curse us lol! Hopefully our town protects the locals and takes care of its own first. Thanks for the update, I have watched some recorded meetings and try to stay in the loop. I'm pretty sure I'm on bottom of list but hey I'm on! I will say I don't have much experience on the flats but know some good people out there who could help newbies. I like the Orleans regulation on experience they seem pretty solid over there. Did I hear of a aquaculture class?

Thanks for the updates Amy

–Ian”

“I completely disagree with having grants being placed under a business name. It does not benefit anyone but a large corporation to monopolize land that is that is a town resource. The difference between it being under a person's name and a business is that a business does not expire as a human ultimately does. I DO think that should in passing a grant should be able to be transferred to a relative but with regulations. By allowing the grants to be under a company name or entity allows for there never to be a release of any acreage to a waitlist holder as they will never become available. I believe everyone who has a current grant must have agreed to these rules before acquiring and the sudden urgency to change seems very questionable. I would hate to see just the highest bidder able to overwhelm the bay. We see how that has happened with all the small businesses that are currently out of business due to big companies taking over and thus allowing no choice to the consumer. At some point the rules before must have been sufficient for those that have a grant or many. Where does that leave the people who have been on the list that actually plan on working the farm not just visiting in the prime months. Bottom line is we don't need corporate entities controlling a town resource. I am a taxpayer and have lived in Barnstable pretty much 50 years to decide that corporations can control leased Barnstable Town

Resources is ridiculous. Any company could create a base in the town or shell company thus making it nearly impossible for a person on the Waitlist to acquire a chance at 2 acres. The fact that the waitlist people are barely mentioned in this discussion is mind boggling to me. The sheer greed in multiple acreage grant holders is up hauling to me. This is not owned land it is leased by the town and regardless of how many years they have had (not necessarily even worked) doesn't make it right to disregard people who are on the list that intend to actually work the land. If anything, they should be thankful for having that opportunity to thrive and make a living.

Theresa Hendricks”

“Hey Amy!

Looking forward to tonights meeting. Just wanted to take a minute to put in my two cents on the possible aquaculture regulatory changes.

As you know, my family and I have been apart of the shellfish/aquaculture industry in Barnstable Harbor for well over 20 years. Throughout the years we have invested countless hours and 100's of thousands of dollars into building a profitable farming business. We started with just a 1 acre grant and since then have acquired multiple grant sites in each of our names along with the names of friends totaling 8 acres. In my opinion, I believe the regulations that the town has for aquaculture are outdated. Since the regulations were first put in place the aquaculture industry in Barnstable has grown significantly. It has gone from basically an experimental hobby or small farm operations to now large businesses with employees that people and families depend on. Personally, the business that have painstakingly created over the last 20 years is my only source of income. There has been a massive learning curve to this business and I have had to adjust my operation many times and get through many setbacks to get it to the point it is at now. I believe that the town needs to adjust their regulations to match the growth of the industry. I strongly suggest that the businesses that want to, be able to combine the aquaculture licenses that they have into one license held by their business entity. I believe this will not only make the clerical/organizational aspect of the businesses more streamlined but it will also help secure the future of these businesses that have worked so hard to create the aquaculture industry that now exists in Barnstable. I know there are many issues/concerns with changing these regulations but I am sure there is a way to accommodate everyone and rules will need to be put in place, i.e. acreage limits, annual fee increase, residential requirements, etc. In the long run, I believe that these regulatory updates will benefit the aquaculture industry as well as the local economy. Regardless of what happens with these changes, I am confident that the businesses that have been created will continue to thrive. Feel free to reach out with any questions. Thanks Amy see you at the meeting!

Paul Hamblin

Spring Creek Shellfish Inc.”

“Hi Amy,

I hope this email find you well. My dad let me know of the proposed rule changes to aquaculture regulations. They seem like they will be beneficial to my situation and will ensure the continued input from Cape Cod oyster company into the local cape cod economy and the health of our local oceans. In the past I have worked on the oyster farm while attending high school and college during summer and winter breaks. After I graduated college in 2020 I began working full time as a solar engineer and seldom have time to assist or visit the oyster farm. The oyster farm was a great opportunity for myself and a is currently a necessity for others to provide a reliable source of income year round.

At the moment Dave Ryan, my dad, completes 100% of the paperwork for the site and always has. I would like to have the ability to transfer my aquaculture permit to Cape Cod oyster company. I think that it is important that Cape Cod oyster company is able to continue to operate as it has for many years to come. Barnstable has become one of the largest producers of oyster in the state and Cape Cod Oyster Company is largely responsible for this. I believe having my permit in the name of Cape Cod Oyster company will streamline paperwork and help ensure that the company can continue to operate as it has

for many more years which helps the local economy, provides year round reliable job opportunities for many people and helps keep our ocean healthy, regardless of who is running the business.

Regards

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Nathan Ryan
Solar Engineer
he/they”

“April 30, 2023

Dear Amy & Shellfish Committee,

Thank you for inviting comments on recently proposed aquaculture regulation changes.

In regard to the question of licensing aquaculture sites to corporations, we support this change. Our situation at Scorton Creek Oysters, Inc. is unique in that not only do we hold 3 lease sites, two of the lease sites are utilized by more than one oyster farmer in the harbor - at the request of DNR. While the lease for our upweller is in Scott Mullin’s name, it is used by 5 lease holders. The lease for our oyster barge is in Jennifer Mullin’s name, it is also used by 5 lease holders. In both of these situations, DNR requested that multiple farms be a part of the plans as they did not want every farm placing a barge on their site nor every farm to pursue licensing an upweller. It seems interesting that while a collective is permissible for these situations, the town does not want to see the same for the farms that use them. Despite those constraints, at the recommendation of our accountant many years ago, we incorporated our business, but with the limitations of the current aquaculture regulations, our licenses are still in our names - not that of our business. Finally, it is a reality that running a shellfish farm to support a family who lives in Barnstable requires more than a two acre lease site. All these thoughts considered, it is our opinion that the single most important issue that needs to be addressed and updated is to allow any Barnstable aquaculture license to be held by a Barnstable based business entity.

In the 27 years we have worked our farm in Barnstable Harbor, we have invested well over a million dollars to build it to what it is today - both in quality of product and reputation. We are an integral part of the Cape’s Blue Economy - we operate an environmentally sustainable business, offer employment to local Cape Codders, and support other local small businesses. We fully support modernizing our aquaculture lease regulations but recognize that there are valid concerns that would need to be addressed. Given the concern around the number of lease sites a corporation could hold, additional limitations and regulations could be put in place. Additionally, the license agreements could be written to limit aquaculture licenses to businesses that are incorporated in Barnstable, to residents of Barnstable.

As to the increased per acre rate proposed, to impose a rate based on the price of a commercial shellfish license is unreasonable given the vastly different nature of each endeavor. A commercial shellfisher simply harvests a resource and their presence in our waters and on our sandbars provides no benefit to the environment. Aquaculture license holders purchase and plant shellfish each year that improves the quality of our waters via filtration and the spawn our shellfish produce repopulates wild shellfish stocks wherever they end up landing. Further, the investment we make in our farm far outpaces the investment of a commercial shellfisher. The \$25 per acre fee set by the Commonwealth of Massachusetts might need to be revisited, but to jump to \$500 per lease site is unreasonable. Again, Scorton Creek Oysters might be in a unique situation but, under this proposal, a 2 acre lease site would pay \$500 per year, a 1 acre lease site would pay \$500, a 0.1 acre site would also pay \$500 per year. So essentially, our farm which consists of a 1 acre lease site, 0.1 acre barge, and 0.1 acre upweller would collectively pay \$1500 per year versus a 2 acre farm paying \$500 per year. Where is the equity in that? To compound this inequity, our partner in Scorton Creek Oysters, LLC - Robert Delaney - has a 2 acre lease site, which brings our collective 3.2 acre farm to a yearly lease fee of \$2000.

As to the notary requirement, when the administrative assistants at DNR were notaries, the requirement was not a problem. With the new staff not being notaries, it is an impediment for those of us who work other jobs to try to find a notary at a bank, for example, with their ever decreasing hours of operation. Related to the idea of leases being permitted to business/corporations, I would think a streamlined reporting process of multiple lease sites in one report would be beneficial to the staff at DNR.

To conclude, we again thank you for soliciting feedback from shellfish farms. We feel strongly that the most important issue is allowing aquaculture licenses to be issued to a Barnstable based business - if the license holder chooses to do so.

Best regards,
Scott & Jennifer Mullin
Scorton Creek Oysters, Inc.

Robert Delaney & Scott Mullin
Scorton Creek Oysters, LLC

cc: Barnstable Shellfish Committee
Barnstable Town Council
Mark Ells, Town Manager”

“Dear Amy Croteau,

Thank you for requesting our input on possible changes to aquaculture regulations and how they may affect both our business and the future of aquaculture in the Town of Barnstable.

I was a wild shellfisherman in the Town for several years when I was approached by the County to consider getting into aquaculture. It took me most of my first three years to actually turn a profit. I continued the wild fishery for several more years before I was able to derive a living income through aquaculture.

Over the last 25 years we have grown our business to the point that we are providing oysters to about 12 local restaurants as well as shipping to wholesalers in New Bedford, New York and New Hampshire. After getting their degrees in Business and Communication, my sons, Jared and Aaron, joined the company and we have grown the company exponentially. My sons both own homes in Barnstable and have children in local schools. We have a federal and state inspected HACCP facility, two refrigerated vans, several trucks and several boats for working the three sites totaling 7.25 acres that we farm. We are not presently looking to enlarge our farm, but to structure it to operate more efficiently. If we could incorporate our three sites under one business, it would make our reporting much simpler and more accurate. We have numerous insurance policies that could all be put under one umbrella and protect each of our members more completely.

At some point in the future when I pass, my holdings would simply remain in the company without a lot of legal ramifications. It would greatly help our viability to form some type of entity, whether it is corporate, LLC, or whatever our advisors suggest.”

“Dear Amy,

I appreciate the invitation to comment on proposed aquaculture regulation changes.

I have held a license for a grant in the Town of Barnstable for several years, holding that permit in support of David Ryan and Cape Cod Oyster Co. I am proud of my association with Cape Cod Oyster, which provides year-round employment with full benefits for fourteen employees, many of whom are young workers, and is a cornerstone of the Cape Blue Economy.

While I am pleased to support Cape Cod Oyster and its good work in our community, it makes more sense for this grant to be held by Cape Cod Oyster for efficiency and transparency. Most importantly, it would allow Cape Cod Oyster to continue to provide jobs in the Town of Barnstable and play an important role in building a vibrant, resilient water economy on Cape Cod.

Thank you,
Virginia Ryan”

“Topics of Discussion

In regards to the increase on the acreage fee maybe it should be fair that the companies that have multiple acreage and significantly more revenue should pay more. At the current status they are paying the same as a person with less income and acreage. Maybe prorate per acreage. Also note that individuals who don't actually work the farm but hire management should pay more because they are getting income without actually working.

The waitlist for grants should definitely require some kind of training but most on the list have either had the training or work currently on an aquaculture site. An idea that seems fair would be for every transfer made two people should have to come off the waitlist. To my current knowledge people are acquiring grants that are not on the list. Seems unfair that the transfers are happening and people are under an assumption that they will acquire a grant someday by being on a list and paying, but that has not been the case. Seems to be a lot of work arounds happening under the radar. I also think that a grant licensee should absolutely be a tax payer in the town of Barnstable for at least 2 years not just an employee of a said Company, LLC etc.

By having a member of a company obtain a grant seems to be just a work around to acquire more acreage than allotted. The list is for taxpayers to get a chance to receive a benefit in their town that they have lived in and paid dues.

We completely disagree with having grants being placed under a business name. It does not benefit anyone but a large corporation to monopolize land that is that is a town resource. The difference between it being under a person's name and a business is that a business does not expire as a human ultimately does. I do think that should in passing a grant should be able to be transferred to a relative but with regulations. By allowing the grants to be under a company name or entity allows for there never to be a release of any acreage to a waitlist holder as they will never become available. I believe everyone who has a current grant must have agreed to these rules before acquiring and the sudden urgency to change seems very questionable. I would hate to see just the highest bidder able to overwhelm the bay. We see how that has happened with all the small businesses that are currently out of business due to big companies taking over and thus allowing no choice to the consumer.”

“Engage in discussion allowing for the name of the business, LLC, etc. and their position within that business, LLC, etc. to be added to the aquaculture license issued to the individual.

In regards to corporate ownership of grants:

Although it's beneficial to all of the businesses in Barnstable Aquaculture, I believe replacing someone's name with a business can cause for future loop holes that we are currently trying to fix. It's easier to start another business to gain another four grants, for example, than it is to have four kids with four grants. If you allow owner ship of the grants, you might as well throw the waiting list out the window because the public wouldn't be able to compete with the big farmers who know the value, and are prepared to use it quickly. To be honest, it wouldn't be the worst-case scenario for my operation, however, being the small business I am compared to others, I'm worried about being pushed out by bigger companies. The same thing MSI proposed.

In regards to corporate grouping of grants:

Many variations of grants are run by families who are serious about the industry. I do think allowing a business to be a subtitle of multiple grants can clean up somethings out in the harbor and in the paperwork. By still keeping the individual name on the grants, but also combining some of the grants under a business for licensing purposes makes sense.

Engage in discussion around a modest increase in maximum acreage issued to any individual on the Northside of Town.

I think increasing northside acreage to 4 acres per name is the best option to come of this. However, I would still want each grant to be individualized by a name, and to set a limit on the

corporate grouping of grants to eight or 10 acres (current farms over be grandfathered). This would clean up the sub-leasing issues that the harbor deals with today and allows farmers to expand their businesses when more space is needed, under their name. Four acres is plenty for most individuals, but the corporate grouping also can allow for expansion when the business grows over the years.

3. Engage in discussion around experience and/or education requirements for those who enter the industry potentially as novices.

I don't think it's necessary. Each grant is unique with its own variables that an education course can't teach. A simple "good luck" or "I hope you know what you're getting into" is enough.

4. Engage in discussion to address untimely death situations.

I believe that there should be an opportunity for family or a friend (to whom is stated by a will) to take over when there is a tragedy. The amount of investment and time spent of an individual warrants the family to have the ability to make a decision whether they do or don't want to have the grant transferred to them. A year or two is reasonable. Especially if they need to accommodate the home rule.

5. Engage in discussion around the annual fee of \$25/acre/year. Currently, the aquaculture industry pays forward less than 3% of the costs of service provided to the industry by the Town of Barnstable.

Although I would like to say hike up the bill for us farmers, the town still likes to charge us for fifteen different types of parking passes for us to go to work. However, I do think if a 4 acre increase and corporate grouping were to occur, the annual fee should increase. To what number I am not sure.

6. Engage in discussion regarding changes to annual reports. We plan on removing the notary requirement as it is unnecessary and burdensome to the growers and welcome suggestions for changes to the annual reports for those growers operating more than one site to streamline annual reporting while still showing compliance with minimum production requirements.

The notary isn't necessary. The adjustments I stated on first discussion correlate to this discussion as far as justifying the ease of paperwork for multiple grants. I do think production requirements should change. If you are to have multiple grants grouped under a corporation, they are to produce say an additional \$10,000 per acre for example. I've also thought that seed is a good judgement of the grants being used to deter any issue of natural disaster effecting a farmers income. Can't farm without seed. (unless you solely do steamers)

For example:

a grant holder abide by the current reg

a 4-acre holder must buy 400,000 seed per year

a subtitled corporation (say 10 acres) must buy 1,000,000 seed per year"

"Amy, I appreciate the opportunity to comment on the current DNR proposals.

The Town of Barnstable has had Corporate ownership for over 100 years. In the early eighties, when Al and I founded Cape Cod Oyster Company, there was only one lease in the Town and that was corporately owned, Cotuit Oyster. All of Cape Cod Oyster Co. leases were held in the corporate name.

Why did the DNR change its position on corporate ownership? There has never been an explanation.

There is currently a framework in place to regulate corporate ownership. All these other proposed regulations have no bearing on the issue of corporate ownership.

When Cape Cod Oyster Company was founded, no one knew if oyster aquaculture could be successful.

It took 20 years of hard work and many failures, but in the end, biotechnology made the difference. Now the Barnstable oyster industry is the largest producer in the state. From one company doing a few thousand dollars in sales per year to an industry producing millions of dollars in sales, millions of dollars in payroll, and year-round employment. All in the Town of Barnstable.

1. Engage in discussion, allowing for the name of the business, LLC, etc., and their position within that business, LLC, etc. to be added to the aquaculture license issued to the individual.

This is no change to the current regulation.

2. Engage in discussion around a modest increase in maximum acreage issued to any individual on the Northside of Town.

This is a good discussion to have for individuals and corporate ownership. Keep in mind for many growers 50% of the acreage is not utilized in a growing season due to husbandry practices.

3. Engage in discussion around experience and/or education requirements for those who enter the industry potentially as novices. Example: Orleans regulation- The applicant is required to have a minimum of one-year prior experience working in the aquaculture field or must complete the Cape Cod Cooperative Extension Shellfish Farming Course (or equivalent as approved by the Shellfish Constable) within 2 years of issuance.

Good idea

4. Engage in discussion to address untimely death situations. Example: Nantucket regulation Any license issued under the provisions of MGL Chapter 130, Section 57 shall, upon the death of the sole licensee, continue in full force and effect, subject to the same terms, conditions and regulations imposed by the original license, for the balance of the unexpired term or one year, whichever is longer. This is for the use and benefit of the immediate family of the deceased licensee. For purposes of this section the term immediate family shall mean spouse, son, daughter, mother, father, brother and sister of deceased licensee.

In this unlikely event, the leases currently can be sold by trustees of an estate.

5. Engage in discussion around the annual fee of \$25/acre/year. Currently, the aquaculture industry pays forward less than 3% of the costs of service provided to the industry by the Town of Barnstable.

6. Engage in discussion regarding changes to annual reports. We plan on removing the notary requirement as it is unnecessary and burdensome to the growers and welcome suggestions for changes to the annual reports for those growers operating more than one site to streamline annual reporting while still showing compliance with minimum production requirements.

I would like to see the math on the 3%.

6. Engage in discussion regarding changes to annual reports. We plan on removing the notary requirement as it is unnecessary and burdensome to the growers and welcome suggestions for changes to the annual reports for those growers operating more than one site to streamline annual reporting while still showing compliance with minimum production requirements.

I support the streamlining of any regulation.

Aquaculture is a business. There is no good reason why the Town Of Barnstable should no allow corporate ownership. These discussion points have nothing to do with the proposal of corporate ownership.

**Thank you,
Robyn Peterson”**

“Hi Amy,

I was thinking item 4 is specifically written address members of a family. I’m pretty sure you and I discussed how the regs indicate the grants are heritable. I’ve made provisions in my will to leave my grant to someone. I think I may have even provided you with a copy of that for your use should I die. I did the same leaving my gear, and product to a few people.

That being said I’d ask that the language be written so that anyone inheriting a grant have the same rights.

This is a rather personal and private matter so I’d rather remain anonymous if possible.”

“Hello Amy, My name is Pam Howard and I am a resident of the Town of Barnstable. I am on the waitlist for an aquaculture lease and have been following the Shellfish Committee Meetings and discussions. Your participation and oversight of the entire process is most appreciated. I am confident that expertise, passion, and commitment to shellfish farming is within our resident population and share your goal of ensuring that regulations are equitable and in the best interest of the Town of Barnstable. As I stated when I submitted my application at the Marine and Environmental Affairs Office, I am saddened by the length of the aquaculture waitlist and would like to see increased opportunities for participation. We all share the goal of integrity in the process that will ensure the inclusion of residents

managing and working leases within the limited available coastline. Thank you for your email, ongoing communications, and support of our community.”

“Thank you for taking a public comment on the recent shellfish committee meeting topic. My brother Jared and I have attended several meetings talking about aquaculture licenses. I’m sure you would understand that the most important issue for me and my family is to allow any Barnstable aquaculture license to be held by a Barnstable business entity. My dad started this business a long time ago. He was very involved in helping to pave this new industry. I’ll say it’s a little confusing at times because our business operates using three sites. Each one held under one of our names. For many reasons including the continuity of the business, financing, and personal risk, these licenses should be able to be held by a local business entity. A large percentage of the town’s aquaculture sites are already held by local corporations. I’m concerned about the future of my business and my livelihood. I think that allowing this would be the right step to help us and to protect my family’s business. The way our operation works, we don’t have any interest in gaining any more acreage and would be open to instilling a cap on the allowed amount. Our business works well with the space we have, and that’s why we want to protect it. And we’d be out of business if we lost it. We just want the licenses under our business name, Barnstable Seafarms

Thank you,
Aaron and Jared Hemmila”

“Dear Amy,

First, thank you for your email of April 18 on "Topics of Discussion the DNR is Open to Further Discussion" and the email's attached list of topics. Below are our comments following your list format. On your first listed topic "Engage in discussion allowing for the name of the business, LLC, etc. and their position within that business, LLC, etc. to be added to the aquaculture license issued to the individual," While adding the licensed individual's position within a company to the license is a significant step in the right direction, we suggest it is too early to give up on the possibility of finding a mutually agreeable way to find wording that the Town would feel comfortable without the license ultimately still being issued to only an individual.

On the second listed topic "Engage in discussion around a modest increase in maximum acreage issued to any individual on the Northside of Town." Clearly productive discussions around a reasonable increase in maximum acreage issued by the Town is of utmost importance to many of the shellfish farmers working in Barnstable.

On the third point, we believe discussion around experience and/or education requirements for new shellfish farmers is appropriate.

On the fourth point, engaging in discussions to address untimely death situations, as in the Nantucket regulation example, makes sense too.

On the fifth point, we suggest the fees discussion include not placing the shellfish farmers in Barnstable at an economic disadvantage to other Massachusetts shellfish farming communities while exploring better ways to support essential DNR oversight services.

On the sixth point, streamlining some of the reporting requirements should be an easy discussion. We wish we could have said all of the above points would be an easy discussion, but clearly they will not be quick nor easy.

DNR needs to continue to protect the resources. Shellfish farmers also have to protect the resources as well as minimize unnecessary liability and the associated insurance costs to stay in business in Barnstable. Shellfish farms/business provide jobs and support the blue economy in Barnstable. Last year, Beach Point Shellfish, LLC had five employees, all five were residents of Barnstable.

Peer reviewed research has shown aquaculture is good for the environment. Oysters are considered one of the most sustainable forms of protein in the world. Oysters from Barnstable are considered one of the best on the east coast, they taste great and they are good for you.

These are just some of the reasons we need to have prioritized and detailed discussions ultimately on all of the listed points. As always, the devil will be in the details that need to be worked out. It has been too long since these hard issues have been jointly discussed with an aim of trying to reach a consensus. Bottom line, portions of the aquaculture regulations need to be updated, it is long overdue. Thanks again Amy for your willingness to listen to local business needs and your continued participation in these discussion that should lead to a more sustainable shellfish farming community in Barnstable.

Sincerely,

Mark Begley, Manager, Beach Point Shellfish, LLC

Linda Begley, Manager, Beach Point Shellfish, LLC”

“I am aware of the discussions taking place about rule changes to the aquaculture regulations.

As you are aware, my license site is managed by Dave and Cape Cod Oyster Co. Dave Ryan and Cape Cod Oyster Co. are listed on my Mass DMF permit. Dave prepares and submits all paperwork related to my permit.

I visit the site once or twice a year if Dave is giving a tour as part of a fundraising effort. Dave and Al Surprenant are generous in their support of local groups including but not limited to Cape Cod Hospital VNA and the Barnstable Land Trust. Dave chose this career many years ago. It is an extremely challenging business. Our family struggled with unsteady income for many years. As the business has grown, Cape Cod Oyster Co has created year round employment for 14 people with a generous benefits package. I can assure you Dave gets paid only after all the employees are paid. Cape Cod Oyster Co has built a state of the art facility that supports other area farmers by assisting them in processing and selling market oysters and supplying them with oyster seed.

Cape Cod Oyster Co is still a very small business. I believe it is in the best interest of the Town of Barnstable that Cape Cod Oyster Co. continues after Dave and Al Surprenant are no longer part of the business. Transferring existing Ryan family aquaculture licenses to Cape Cod Oyster Co. is crucial in the continuity of the business. I believe rule changes should be made to allow an aquaculture license to be held by a business entity. All other discussion points in your email from April 23 are secondary to this important change.

Thank you .

Cheryl Ryan”

“Hi Amy,

Sorry for the last minute response. Here are my comments on the regulatory changes based on your 6 topics. I will be happy to read them at the meeting if that is easier for you.

1. I am totally against a business holding the licences. Many licenses are held by people who let a larger company manage them as is. This change would be detrimental to not only the price of oysters but to the natural resource as outside companies may be able to move in that do not have the town's best interest in mind. This would add another unwanted stakeholder which would be big business.

2. I would suggest an increase to 4acres. This is reasonable considering many licenses are held by multiple family ties. This would now allow a husband and wife to acquire 8 acres which could earn up to 600k+ dollars a year off. I believe this is plenty of land and profit. A family with 3 members could potentially run 12 acres. Any more than this is unfair to any list holders. (i also believe new farms should be open to only list holders who do not currently hold a license in their name)

5. I believe the 250 increase should only apply to people who have had a license for 25years or licenses that larger companies manage. It is unfair to a small farm like myself to add more cost to the daunting task of acquiring seed gear and paying Massachusetts fees on an LLC(500 per year). After 25 year or if a business is large enough to manage other areas they should be the ones to pay an increased fee. These large companies only have to pay for llc once but have multiple farms. As far as I know those large companies do not have individual LLC for each license which is a requirement in your first 5 years of acquiring a lease.(I may be unclear on my understanding of that rule)

6. The paperwork should be able to be filled out by companies managing multiple licenses. But these companies should have to declare which licenses they manage and pay an extra fee for acreage not in households name. Many Largest companies are not utilizing the farm space they manage and the licence holders have little to nothing to do with said plots. These farms should be public knowledge of who is actually working farms considering there is a lengthy wait list of taxpayers looking to get into this industry.

Thank you for listening to my suggestions and i am in full support of whatever DNR believes is fair. I just believe there should be more transparency on the larger farms who are constantly exchanging farms and managing other leases that are not seeded or do not have gear. Lack of business preparation or lack of knowledge to change gear to avoid erosion should not be the town's issue. Many people would solve these problems if they had to utilize farm space they already lease.

Respectfully,

Corey Hendricks

Duck Island Shellfish Co.”

“Hi Amy,

Thank you for inviting comments on recently proposed aquaculture regulation changes. I am aware of all the discussions that have taken place by the Shellfish Committee since January 2023. I have attended or watched all Shellfish Committee meetings this year.

#1. In my opinion, the single most important issue that needs to be addressed and updated is to allow a Barnstable aquaculture license to be held by a Barnstable business entity. As part of the local Blue Economy, I have invested almost 30 years in building an aquaculture business. At this time, our business supports year round employment for 14 young people., with the equivalent of 4 additional full time positions in part time employment. We pay excellent benefits, and a good percentage of our employees are homeowners. Other small family businesses in town have done the same. According to landings data from the Mass Division of Marine Fisheries, Barnstable has become the leading oyster producing town in Massachusetts in 4 out of the 5 past years. I firmly believe it's in the best long-term interest of the town to allow a business entity to hold an aquaculture license. As you know, the majority of acreage that we work on is licensed to Cape Cod Oyster Co., Inc. There should be a mechanism in place that enables the 4 Ryan sites and 2 Surprenant sites at Barnstable Harbor be transferred to Cape Cod Oyster Co.. Cape Cod Oyster Company would never try to acquire additional acreage to the sites that we currently work. We would agree to put this limitation in place with binding language in our permits upon transfer of the existing Ryan and Surprenant family sites.

For many reasons, including but not limited to the continuity of the business, financing, and personal risk, these licenses should be able to be held by a local business entity. The town of Barnstable already has a large percentage of its aquaculture sites held by local corporations. Opening this business format to additional licensed domiciled residents of Barnstable will support their businesses and ultimately the local economy.

All other discussion points are secondary to this important change.

#2 I understand the concern of DNR and others of a few businesses controlling the majority of the aquaculture sites in Barnstable Harbor. Limitations can be put in place to prevent this from happening by limiting total acreage held by one business.

#3 and #4 both are valid issues that can be addressed but of much lesser importance than the licensing change addressed in #1.

#5 I don't understand how you came up with 3% cost of service and don't have any comment on it.

People in the aquaculture industry have offered to have a rate increase when licensed as a business. I would support a rate increase if I was able to have my business licensed as such. The \$25 per acre rate is set by the Commonwealth of Massachusetts as they recognize the myriad of benefits of having an active and productive aquaculture industry.

#6 I am glad you see the need to make the annual reporting more efficient and remove the notary requirement. Cost of service from #3 would go down, as you would improve efficiency both on your end

and the producers end compared to using the current forms. Aquaculture farms working on multiple sites should report the activity for the entire farm.

In summary, The most important issue is allowing aquaculture licenses to be issued to a business if the license holder chooses to. Language in the rule change can include residency requirements related to the business being located in the town of Barnstable with a manager or executive being a domiciled resident. I should be able to transfer my license to Cape Cod Oyster Co. if I so choose. Respectfully submitted,

Dave Ryan

Director of Operations

179 Old Falmouth Rd Marstons Mills, MA 02648”

“TO AMY CROTEAU,

Thank you for inviting comments on recently proposed aquaculture regulation changes. I am aware of all the discussions that have taken place by the Shellfish Committee since January 2023.

#1. I think the most important issue is allowing Barnstable aquaculture licenses to be held by a Barnstable business. I’ve spent over \$200,000 and almost 15 years building my oyster farm (it’s 2 sites, for a total of 3 acres). Not being able to have the licenses held by a business has significant repercussions. It has limited my options for growth, opened me up to personal financial risk (because my liability risk can’t be firewalled, and I could lose all my assets), and makes my business less attractive to a potential buyer. But it has repercussions for the entire community, too. We happen to have conditions to grow world-class oysters, and for that business to thrive- and buy services, and pay taxes here in Barnstable- it shouldn’t be hamstrung by this regulation. Given that many aquaculture licenses are already held by local corporations, it seems viable to make the change.

#2 I know the issue of increasing consolidation, resulting in a just a few businesses controlling most of the sites, is an issue. I think it would be perfectly appropriate to have limits on total acreage to prevent this.

#3 and #4 both are valid issues that can be addressed but of much lesser importance than licensing changes.

#5 I don’t understand how you came up with 3% cost of service and don’t have any comment on it. People in the aquaculture industry have offered to have a rate increase when licensed as a business. I would support a rate increase if I was able to have my business licensed as such. The \$25 per acre rate is set by the Commonwealth of Massachusetts as they recognize the myriad of benefits of having an active and productive aquaculture industry.

#6 I am glad you see the need to make the annual reporting more efficient and remove the notary requirement. Aquaculture farms working on multiple sites should report the activity for the entire farm. In summary, The most important issue is allowing aquaculture licenses to be issued to a business if the license holder chooses to. Language in the rule change can include residency requirements related to the business being located in the town of Barnstable with a manager or business representative being a domiciled resident.

Regards,

Kevin Flaherty”

8. Matters not reasonably anticipated by the Chair: None

The Shellfish Committee unanimously voted to approve a motion made by Robert and seconded by Paul at 7:58 PM to adjourn.

Respectfully Submitted: Alicia Lauzon – MEA administrative assistant