

October 3, 2005

Public Meeting Notes

Topic: Commercial and Recreational Fishing/Harbor Safety, Navigation and Moorings

**Presenters: David Fronzuto, Nantucket Marine Superintendent;
Steve Bliven, Sarah Oktay, Chris Sweeney, Dan Hellin, Kristin Mallek of the
University of Massachusetts Boston**

Twenty-three people attended the meeting

Introduction by Dave Fronzuto:

- Last week, Jack Wiggin and Truman Henson (Cape Cod Regional Coordinator for Massachusetts Coastal Zone Management) presented information to the Board of Selectmen regarding the different possible ways to approve the Harbor Plan Update. The Board of Selectmen will decide how the plan should be adopted by the end of the month.
- Please use the website (www.nantucketharborplan.com) to get information and to send in your comments

Presentation by Steve Bliven (UHI)

- Please note that the Harbor Plan will focus on issues directly within the study areas. Issues beyond the study areas may be addressed if appropriate, but a detailed investigation would likely be beyond the scope of this report.
- The purpose of this meeting is to get input about current issues with regard to the specific topics

Topic I -- Commercial and Recreational Fishing: (Please see the 1993 Plan on the website for a specific and complete review of the issues, goals, objectives, and action items)

- The 1993 Harbor Plan identified 2 main issues – Lack of access and lack of supporting infrastructure.
- Goal from 1993 Plan: To adopt policies, and take actions to ensure the continued viability and to promote the revitalization of the historically and economically important fishing activities in Nantucket's Harbors
- Scalloping is important to the island's economy

Comments from the Public Regarding Commercial and Recreational Fishing:

- Question: What specifically has been done in terms of the 1993 action items? This information would be helpful in terms of guiding public participation.
 - Response: UHI is working on identifying what was and was not accomplished
- Dave Fronzuto provided an overview of his knowledge regarding the status of the action items listed in the 1993 plan:

- *Prepare a fish and shellfish management plan:* There is a shellfish management plan. It needs to be updated with research, science, and input from the community
- *Implement the fish and shellfish management plan:* No comment made
- *Secure funding for shellfish resource and infrastructure enhancement:* This has been accomplished by raising fees. Commercial fees and recreational fees are used for propagation efforts. Martha's Vineyard and Nantucket also have a line item in the state budget related to shellfish propagation (\$45,000 divided equally among the islands)
- *Develop a program to improve, maintain, and locate additional boat ramps and launches:* Funding was provided by the Town of Nantucket to improve the ramp at Children's Beach, but an additional \$200,000 is needed to complete the project per bid estimates (total bid \$495,000). The Town and Marine Department investigated several alternate sites for a new boat ramp, but in the final analysis, it was determined that none of these sites were as suitable as simply widening and improving the Children's Beach ramp (including dredging to allow for larger boats to be unload/loaded). Recent work includes dredging in 2004 by Winthrop and repairs made in 2004. Funds are being sought to make the final improvements. Also, a boat ramp was built at Jackson Point in Madaket (not with local dollars, state funded), and the F Street Pier was rebuilt (cost of \$84,000 including the addition of new pilings, new caps, and new storm drains).
- *Include conditions for commercial fishing boat slips and off-loading accessibility through local special permits:* There has been talk of a commercial pier. Environmental concerns have prevented past attempts. The existing town pier was built in 1976 and is need of improvements. The Seaport Advisory Panel will fund the project to rebuild the end of the pier -- including stand-alone bulkheads, steel H-Head batter piles, and repairs to the structure behind it. The project will include loading and off-loading and guidelines to accommodate more commercial activity. The expansion will include 15 commercial slips allocated via a lottery system (permits good for 1, 3, or 5 years). In addition, recent SHAB meetings have brought up the need to have an area for commercial boats to load and unload ice, people, equipment. One possible solution is to have a dock assigned for short-term unloading and loading during the day and overnight dockage at night (dual use). Also, the Land Bank bought the Walker property, which may provide additional loading and unloading opportunities.
- *Place more dinghy docks:* Since 1993, dinghy space has increased by 600%, but that is still not enough
- *Determine the need for a commercial fishing pier:* Town feels a commercial pier is needed. Need to secure funding for it and obtain permits
- Public comment: Dave's review is very helpful, but would like to see documentation of these things

Chapter 91:

- Question: Local special permits – did any projects happen? If so, what were they?
 - Answer: Old North Wharf was required to have one commercial fishing slip. There are several Chapter 91 licenses on residential Old North Wharf – but a cash settlement was paid to the town instead. At Brant Point Marine there is a walkway. Any piers also require public access
- Chapter 91 activity along the shoreline – tries to obtain public benefit from private projects. UHI will be looking for these public benefits by inventorying the Chapter 91 licenses and by talking with planners

Commercial Wharf:

- Was there any sort of documentation showing town support for the commercial wharf?
- A commercial wharf is especially needed for ground-fishing. The high fee structure makes people less interested in fishing in Nantucket. NMFS has created regulations that encourage people not to come into port frequently, resulting in loss of life. If the town's fee structure was reasonable for fishermen, and the town had a commercial pier, it would make Nantucket Harbor more attractive to other fishermen. Gloucester and New Bedford are working hard to minimize loss of life at sea. Nantucket would be looked upon favorably in terms of securing money to build a pier.
 - Look at New Bedford's fee structure as an example. Changing fees, building a commercial pier, and adding infrastructure could make Nantucket more friendly to outside fishermen and also encourage Nantucket's young to be involved in the industry

Fisheries Management:

- It would be helpful if UHI could provide ideas on how a management plan and resource enhancement could be accomplished. UHI can make specific recommendations for research and management
- There is a shellfish management plan from the early 1990s that deals with research – UHI should put that on-line
- Aquaculture/Shellfish propagation – An expanded propagation program could be used to supplement the natural stock. Some people feel the current shellfish situation could have been avoided with greater propagation efforts. Also need to be concerned with invasive species to prevent disease and genetic mutation. A private company would probably be best suited for this work – with town support.
 - Important clarification: “Aquaculture” is different from “propagation.” Propagation is for the purpose of enhancing the natural set. Aquaculture permits are given to individuals only in areas not considered “productive”. Most of Nantucket Harbor is still productive. Aquaculture permits have

been assigned for areas such as Polpis Harbor; and Coskata Pond (Oysters)

- The 1993 Plan is missing research efforts in terms of the behavior of scallops, spawning, times. Many people are doing scallop research (alone or affiliated). Should put forth a coordinated effort – would attract people from off-island who would bring in new money and resources
- Plan should ensure environmental quality of the harbors to protect the fisheries – UHI should make that link. Protection of eelgrass beds should be included. The revised plan needs to address the inter-relatedness of all of these topics.

General:

- The website will include more specific information in these areas as it is gathered
- Dockage – the commercial fishermen cannot compete financially with the wealthy summer people, and feel disadvantaged by the fees. A study in 1979 showed that fisheries had a much higher financial return to the town than did tourism (10 times versus 4 times the return) – showing that fisheries is important to the town. Perhaps this importance could be considered when developing new fees.
- Relationship between moorings and eelgrass – there is usually a ten foot radius around moorings where eelgrass is stripped away. Can current moorings be phased out in favor of more eelgrass-friendly technologies?

Topic II -- Harbor Safety, Navigation, and Moorings: (Please see the power-point presentation or the 1993 Plan on the website for a specific and complete review of the issues, goals, objectives, and action items)

- Issues from the 1993 Plan include: Increased number of boats, overcrowded mooring areas, substandard mooring tackle, derelict boats, and unskilled people piloting at unsafe speeds
- Goals from the 1993 Plan: To manage harbors for boating safety and efficiency of navigation, and to safely accommodate multiple uses in Nantucket's harbors.

Comments from the Public Regarding Harbor Safety, Navigation, and Moorings:

- Dave Fronzuto provided an overview of his knowledge regarding the status of the action items listed in the 1993 plan:
 - *Modify and /or establish official mooring fields and anchorages using grids:* In 1994, the Army Corps of Engineers approved 11 mooring fields. Most have been gridded, taking into consideration water depth as well as types and sizes of vessels.
 - *Consider classifying types of mooring users, and charging fees based on user-types, vessel footage, or mooring weight:* There are different fee structures based on length – broken down into 25' or less; 26'-32', 33'-49', 50' and longer
 - *Develop a harbor guide/chart to illustrate mooring fields, channels, hazards, etc.:* There is an existing Harbor Guide which is very good. It will be re-printed.

- *Explore instituting a harbor and watershed overlay management plan to regulate conflicting uses:* The conflicting uses have changed since 1993
- *Enforce laws and regulations pertaining to harbor safety and navigation:* There has not been a boating fatality in the harbor due to an accident since 1990 – largely because of improved enforcement
- *Recommend mooring tackle as outlined in Chapter 137 of the Town Code, and inspect tackle at least once every three years:* Tackle is inspected every three years. The storm in 1991 and Hurricane Bob sunk many boats in the harbors, encouraging improvements to the moorings in order to minimize future storm damage.
- *Support the enforcement of Nantucket Code 137-7: Abandonment of Vessels, Moorings:* The SHAB and Board of Selectmen passed by-laws. Owners are put on notice before the boat is hauled. If the boat is removed by the town, the owners are expected to pay.
- *Change Chapter 137 of Town Code to improve safety, control, enforcement and environmental conditions of wharves and waterways:* Should change as needed
- *Cooperation of relevant agencies to maintain the federal navigation channel:* Should also include raising jetties.
- *Maintain channel markers and siting buoys:* The red light has been helpful. 85 channel markers have been set (up from 50 in past years) to mark all channels and rocks
- *Quantify the mooring-related carrying capacity of each harbor in light of the potential impacts on the environment and other users:* Hopefully UHI can help with this aspect. Currently there is no more space for additional moorings, so numbers are capped – with about 500 people on the wait list for boats 25’ or less.
- *Minimize the use of jet skis by prohibiting commercial rentals:* A by-law greatly reduced the areas in which a jet-ski company could operate, effectively halting the use of jet skis in the harbor.

Moorings and Capacity:

- Can UHI make maps and grids available on-line for public review?
- There is no action item in the 1993 Plan related to moorings and eelgrass
- Information on moorings and specific areas is not advertised well enough. The pump-out boat could provide more information when it goes to greet boats coming into the harbor
- Wood Property – you can put in moorings, but what about cars, etc? Warren’s Landing should be added to a list of sites worth expanding
- The grid did not increase capacity in the mooring fields. Should the new plan make recommendations on the harbor’s capacity?
- Process for designating new mooring field: The Army Corps of Engineers would need to accept a deep water site. They have legal jurisdiction and there is already an existing project

- Do people want additional boats allowed in the harbor? What about fewer boats?
- The formulas from the 1993 plan should be evaluated
- Does ownership of waterfront land entitle you to a dock?
- Capacity – The town should be ready and willing to make decisions about capacity without considering the pressure of having so many people on the waitlist
- Transfer of moorings – Is it right that a person could buy a junk boat in order to get the mooring that goes along with it? The current plan allows for moorings to be transferred to immediate family or transferred with the sale of a boat.
- Moorings off of houses – if you own waterfront property, you are allowed to moor your boat in front of your house. This policy helps make more moorings available for those who do not own waterfront property. Is there an actual code for this policy? Can 20 people buy waterfront property together and then have 20 moorings?

Moorings Waitlist:

- Might be beneficial to have the waitlist posted on-line
- Could there be a fee to be on the waitlist in order to show a person's commitment and to keep the list updated and accurate? Past efforts to contact people have been frustrating because they don't keep their information current.

Environmental Impacts of Moorings:

- Alternative moorings – Helix might improve/maintain eelgrass beds. Could enforce it by requiring upgrades in 3 years (for example) or risk losing your mooring
- It is possible to add 1000 moorings in the Head of the Harbor as well as at Quaise Basin -- but how would you provide access, and what would the environmental impacts be?
- Did the 1993 Plan consider environmental impacts of boats on the harbor? UHI will try to get more specific information on adverse impact issues, but the town will make the ultimate decision as to how many boats they allow
- Need to consider how large boats with deep drafts impact the eelgrass beds
- If people can't moor their boats, then they will likely trailer them in – meaning there will still be environmental impacts from those boats, as well as access issues. You can't make limits in one area without making limits in another

General:

- Nantucket is a Harbor of Refuge, meaning that boats cannot be turned away in bad weather. They don't have to be able to dock, but they should be allowed

to at least drop anchor. This is a federally designated status. UHI should put federal standards for Harbors of Refuge on the website. Dave should add this to his as well.

- There is a moratorium on piers in the RC zone. This should be addressed in the new plan
- Derelict Boats -- Many stayed in all winter long. Some sank or washed ashore. It takes a lot of money to remove boats from the water, but it might be even more expensive to remove them from shore. There is a legal mechanism in place to enforce removal, but it becomes a cost issue. The community needs to give clear guidance and take more responsibility to improve efficiency. Timely removal would allow boats to be auctioned off in order to generate funds.
- Many action items have been dealt with, but safety and balance should be maintained within the revised plan. UHI should evaluate safety as an objective, and allow the topic to maintain visibility to avoid future problems.
- How does the island plan for the harbors' futures? Are issues here comparable to issues in other harbors in terms of anchorage, capacity, and access?
- Party boats and small ships – who will be bringing people to shore? Will cruise ships be allowed?
- Could the town create a provision to require public access that goes beyond the capabilities of Chapter 91? – This is probably unlikely because of the takings claims that would arise, but UHI will look into it.
- UHI will put related regulations on-line