

**NEW BEDFORD, MASSACHUSETTS**

**MEETING: COMMITTEE ON FISHERIES**  
**DATE: AUGUST 09, 2022**  
**TIME: 7:02 P.M.**  
**PLACE: CITY COUNCIL CHAMBER, ROOM 214, MUNICIPAL BUILDING**

**PRESENT: COUNCILLORS MARIA GIESTA, CHAIRPERSON; HUGH DUNN, VICE CHAIRMAN (7:09); IAN ABREU; DEREK BAPTISTE (7:09); SHANE BURGO**

**ABSENT: NO ONE**

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Councillor Giesta called the Fisheries Committee Meeting to order and took attendance; there was no one absent. Councillor Giesta announced the presence of Councillor Brian Gomes and Councillor Scott Lima at this meeting.

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Notice, City Clerk of reference of a WRITTEN MOTION, Councillor Gomes, requesting that the Committee on Fisheries meet with the Division of Marine Fisheries Director Daniel J. McKiernan, Biologist Matt Camisa, the Department of Infrastructure Commissioner Jamie Ponte and the Superintendent of the Wastewater Treatment Facility, for the purpose of discussing the Clark's Cove shellfish areas that have been closed to commercial fishermen; and further requesting, information on the action already taken by the City to deal with the CSO (Combined Sewer Overflow) requested by the State's Department of Marine Fisheries so these shellfish areas can be reopened and what action still needs to be taken so that our commercial fishermen can go back to work immediately with the thousands of pounds of shellfish that line Clark's Cove (To be Referred to the Committee on Fisheries.) (Ref'd 06/09/2022); and a COMMUNICATION, Councillor Gomes, submitting a copy of a letter sent to DMF Director McKiernan from Jeff Kennedy, Shellfish Program Lead regarding the New Bedford Shellfish Area Closures (To be Referred to the Committee on Fisheries.) (Ref'd 06/09/2022) were received and placed on file by Councillor Burgo and seconded by Councillor Abreu. (1, 1a)

Daniel McKiernan, Director of Marine Fisheries was present and introduced other members of Marine Fisheries who were also present, which included Jeff Kennedy, Shellfish Program Lead Director, Matt Camisa, Senior Shellfish Biologist, and Dr. Christian Petitpas, New Bedford Division of Marine Fisheries.

Mr. Kennedy was asked why the shellfish beds in New Bedford have been shut down for so long and when they may be able to be opened again. Mr. Kennedy explained that in late 2019 through January 2020, there was several CSO leaks into the shellfish bed areas, which overlapped each other, that this forced the Department of Marine and Fisheries to close the beds for harvesting. He explained that normally when there is a discharge a shellfish bed can be closed from 9 to 21 days. Because of the frequency of the CSO leaks they were unable to determine when they occurred and how long based on the information provided by the city to the state. So, because of this lack of information and due to the frequency of the leaks the state closed the beds indefinitely. The closure remains in force today.

The shellfish beds remain closed pending further and more accurate information from the city. The city would manually record CSO discharges and report them to the state, but the information was insufficient and did not allow the state to determine when each leakage occurred and for how long. Mr. Kennedy explained there were two types of leakages that occurred, the ones when there is rainfall in the area, and dry leakages. The dry leakages came to a surprise of the state and were unable to determine why they were occurring.

Since this time the city has installed new technology that will record CSO leakages and store information as they occur as well as the length of time they occurred. This will allow the city to provide more accurate information which will allow them to set proper closure times if needed. The new software went online with the city in March of 2022. However, to date, there has not been enough rain which would create data to allow the department the ability to review and decide as to when the beds may reopen.

Mr. Kennedy explained that to assist with the recording of these incidents they are currently working with SMASS to create a discharge plan with the city's water treatment facility. He explained there are two issues keeping the department from deciding as to when the shellfish beds may reopen. The first is they need to get enough rainfall information of CSO releases. If there isn't any rain it makes it difficult to create a management plan. The second is coming up with an appropriate model to utilize as a management plan.

Justin Chicca of DPI was present and explained that due to the way they recorded information in the past, which resulted in the shellfish beds being closed, the city made the decision to improve the technology on recording CSO discharges. The city currently has 27 permitted CSO outfalls and 12 of them are on the peninsula. The city never had to report the discharge volume to the state, but where this has been required, they have placed meters online to record the dates and volume of CSO spillage. The city has invested nearly \$200,000 in equipment.

Dr. Christian Petitpas told the Committee she works for the Department of Marine and Fisheries as the Manager of Aqua Culture in the state. Dr. Petitpas resides in New Bedford. She explained that because of the contamination in the shellfish beds, it is not harvestable, it is not safe. She sympathizes with the commercial and private quahog fishermen, but it is not safe to harvest until the state has enough information to make an educated decision as to when the shellfish beds may be reopened.

Mr. Kennedy was asked if the shellfish in the contaminated areas could be moved to clean water areas. He stated yes, that could happen, and the city would need to petition the Department to do this. They would have to provide them with a plan which would include the clean water area they would be moved to. He explained that after the shellfish were relocated it would take approximately ninety (90) days before they could be harvested.

On motion by Councillor Abreu and seconded by Councillor Burgo, the Committee VOTED: To recommend that the City Council ask the Administration to petition the States Division of Marine Fisheries to consider allowing the transfer of contaminated shellfish to clean water areas. This motion passed on a voice vote.

On motion by Councillor Abreu and seconded by Councillor Burgo, the Committee VOTED: To table this matter at this time. This motion passed on a voice vote.

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On motion by Councillor Burgo and seconded by Councillor Baptiste, the Committee VOTED: To waive the reading and recommend to the City Council to take "No Further Action" on items two (2) through four (a) (4a). This motion passed on a voice vote. They are as follows:

Notice, City Clerk of reference of a WRITTEN MOTION, Council President Lopes, requesting that the New Bedford Port Authority provide the members of the City Council with status report for aquaculture farming in New Bedford. (Ref'd 01/28/2021) (2)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Giesta, submitting a copy of a letter regarding the large turnover of employees at the New Bedford Port Authority. (To be Referred to the Committee on Fisheries.) (Ref'd 01/28/2021) (3)


Notice, City Clerk of reference of a COMMUNICATION, Councillor Giesta, submitting a copy of the Department of Environmental Protection's Written Determination and Draft Waterways License for Map 53, Parcels 255, 254, 253, 252 and 120 (Co-Op and Fisherman's Wharves) MacArthur Drive, New Bedford, MA; the Black Whale and the New Bedford Harbor Development Commission request to maintain changes in use of two existing buildings and accessory use areas and for construction and maintenance of an enclosed deck for a restaurant dining area and appurtenant walkways. (Copy all Councillors, February 26, 2021, and Referred to the Committee on Fisheries.) (Ref'd 03/11/2021) (4)

Notice, City Clerk of reference of a COMMUNICATION, Councillor Giesta, submitting a Department of Environmental Protection's Letter of Clarification to the Written Determination and Draft Waterways License for Map 53, Parcels 255, 254, 253, 252 and 120 (Co-Op and Fisherman's Wharves) MacArthur Drive, New Bedford, MA; this letter affirms that the Written Determination and Draft License on this matter does not include or advance the issuance of a License for the Whale's Tail Clam Shack or related uses. (Copy all Councillors February 25, 2021; Referred to Committee on Fisheries.) (Ref'd 03/11/2021) (4a)

Councillor Abreu made a motion to adjourn, which was seconded by Councillor Burgo.

This meeting adjourned @ 7:52 p.m.

ATTEST:



Denis Lawrence, Jr.  
Clerk of Committees