

The Martha's Vineyard Times

Aquinnah closes Indian oyster project

By Steve Myrick

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For several years shoreline property owners have complained that the Wampanoag Tribe of Gay Head (Aquinnah) has poorly managed its oyster aquaculture project and allowed plastic mesh bags and other material to litter Menemsha Pond.

Last week, following a public hearing, Aquinnah selectmen voted not to renew the Tribe's ground lease and gave the Tribe 60 days to clean its sprawling oyster farm, or return with a viable plan to continue the project.

The project has been costly. The Tribe spent considerable money trying to get the project off the ground and sustain it. The town has had to give tax abatements to property owners deprived of their right to use the shoreline.



Photos by Steve Myrick

In 2002 the Tribe, operating under the name of the Wampanoag Aquinnah Shellfish Hatchery, Inc., began an ambitious aquaculture project that was intended to provide oysters for markets around the country. The Tribe built a shellfish hatchery and anchored rafts of floating black plastic mesh grow bags in Menemsha Pond.

A walk along the otherwise pristine shoreline of Menemsha Pond last week revealed hundreds of abandoned oyster bags, littering the beach and water. Some are filled with dead oysters, at various stages of development all the way up to mature shellfish. Some of the bags contain live mature oysters. It is unclear whether those oysters are still marketable. Bags and lines were tangled in shoreline vegetation, scattered along the beach, and clumped in shallow waters. The wind and tides have pushed them into unsightly piles.

On its web site and in various publications, the Wampanoag Tribe promotes goals of careful development and protection of ancestral lands, preserving and enhancing wildlife and natural resources, and sustaining their environment.



Mesh oyster bags, some still containing live shellfish, littered the shore along Menemsha Pond last week.

In a phone conversation with The Times yesterday, Tribal administrator Tobias Vanderhoop was asked whether the remnants of the project strewn along the western side of the pond are a direct contradiction to those goals. "We do our absolute best to fulfill the expectations and responsibility we have to our homeland," he said. "It is certainly not our intention to disrespect our lands in any way. Yes, we can do better, and we have to do better, and it is our intention to work harder."

The issue goes beyond stewardship of the land and water. The town of Aquinnah has issued \$16,000 in tax abatements in each of the last two years to property owners along the Menemsha Pond shoreline, because they have been unable to enjoy their rights to the beach and water.

"We have lost \$32,000 in tax revenue," Aquinnah selectman Camille Rose told The Times. "That is a lot of money for us. It can make the difference in a Proposition 2.5 override."

Ms. Rose and selectman James Newman conducted the public hearing and voted not to renew the lease. Selectman Spencer Booker recused himself from the hearing because of a conflict of interest. He is an employee of the Tribe's Natural Resources Department, and was president of the Wampanoag Shellfish Hatchery Corporation during the term of the lease.

Under the conditions of the agreement with the town, the Tribe's hatchery was to pay an annual license fee of \$125 for a five-year lease on a surveyed five-acre section of Menemsha Pond. The license holder was required to submit quarterly reports for the first three years of the lease, detailing the quantity of shellfish harvested and sold, the rate of growth, and certify that the shellfish was disease-free. According to town officials, the Tribe did not pay the fees, and did not submit the reports. The lease also required the licensee to abide by all state laws governing shellfish licenses, including the regulation that says "the licensee shall keep all gear used in connection with the license orderly, secure, properly

marked, and within the licensed premises at all times."

"They weren't compliant with a lot of the terms," said Ms. Rose.



Many bags found along the Menemsha Pond shoreline were full of dead oysters.
Photo by Steve Myrick

The licensee had the right to renew the lease with proper notice, except in the case of default on any of its provisions.

The town is concerned about a work barge with mechanical equipment aboard, abandoned along with the project. They fear the wooden barge is rapidly deteriorating, and could cost as much as \$25,000 to remove.

"We would not like to have equipment that might have oil or gasoline in it end up in the pond. We would not be happy," said Sara Thulin, speaking as a member of the town's Conservation Commission, which is responsible for protecting wetlands. Ms. Thulin also lives on the Menemsha shoreline near the abandoned project.

Selectmen gave the Tribe 60 days, 30 days more than required by the lease, to remove the barge and other equipment. They plan to meet with representatives of the Tribe on May 19, to continue the public hearing. At that time they will assess the status of the cleanup, and ask the Tribe whether it intends to seek a new lease.

Tobias Vanderhoop said it is reasonable for the selectmen to step back and think about the needs of the town and the pond. "The selectmen have stated that they are willing to revisit the issue in 60 days," he said. "The board of directors of the shellfish hatchery is creating a new plan, and addressing the concerns the selectmen had. I have full faith in the board of directors."

Dead in the water

The tribe began raising oysters in its new solar shellfish hatchery in 2002, under the direction of Hatchery director Rob Garrison.

The oyster farming operation consisted of a work barge and rafts of floating plastic mesh bags. Juvenile oysters were placed in the bags and allowed to grow to a marketable size. The bags, tethered together and individually suspended in the water with foam floatation on the sides, rested in the westernmost side of Menemsha Pond, an area where currents are not nearly as strong as the eastern side near the channel.

In the spring of 2004, the hatchery began shipping out shellfish marketed as "Tomahawk Oysters" that had been raised to maturity in Menemsha Pond.

But ambitious plans to ship oysters around the country never worked out. As the operation faltered, shore side clutter and floating debris became the source of growing complaints. Ms. Thulin says each spring, the Conservation Commission receives 8 to 12 complaints about the mess, and selectmen receive many more.

Over the years, oyster bags and other gear has floated out of the pond on the tides, to wash up on other town's beaches, as far away as the Elizabeth Islands. Following a meeting with Aquinnah residents in the summer of 2005, the tribe promised to redouble its cleanup efforts.

In September 2007 Mr. Garrison left. Later that year Mr. Booker announced the suspension of hatchery operations as part of a needed restructuring. He said at the time that the Tribe had decided that after six years, going on seven, it was time for the shellfish operation to become a self-sustaining entity and stand on its feet financially. There was an ample supply of oysters currently in the growing bags at that time, he added, enough to sustain operations for the next few years.

In an interview with The Times last July, following a new round of complaints, tribal administrator Tobias Vanderhoop said a work crew had recovered 260 oyster bags and returned them to the aquaculture site. He said the hatchery was taking inventory of the remaining oysters, and would present the tribal council with a plan for the future.

Tribal grantsman and planner Durwood Vanderhoop said yesterday that funding for the project comes from a variety sources, but he could not say how much taxpayer-funded grant money has gone into the project. "I don't have a firm tally at all," he said. "There's been a lot of different funds. That's something that would take a lot of time." He added that he has helped in obtaining some grants, but is not the primary grant writer.

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