



# *The M.A.A. Newsletter*

*Massachusetts Aquaculture Association*

*"Massachusetts' Aquaculture Trade Association"*

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## *Important Notice For Paid MAA Members...*

The MAA Board of Trustees has voted to change the expiration date on yearly dues to the end of the calendar year. The expiration date was previously October 31<sup>st</sup>. Members who's membership card reads "Expires October 31, 2003", have been extended to December 31, 2003. The dues drive for 2004 will begin January 1, 2004.

## *Next MAA Annual Meeting*

The next MAA Annual Meeting is in the planning stages, and a special flyer will be sent to notify you of the place and time. Plans are to have the meeting sometime in November.

## *Web Site Growers Directory Up and Running for Paid MAA Members*

Paid MAA Members can advertise their business free of charge on the MAA Growers Directory on our web site. This will enable interested parties to contact you with a direct link to your web site, email, or by telephone or mail. See the enclosed application.

## ***Farmers Can Receive Disaster Aid***

The Farm Service Agency, an agency of the U.S. Department of Agriculture, has announced that effective April 14, Administrator James R. Little declared an Administrator's Physical Loss for 10 counties in Massachusetts based on damages and losses caused by abnormally high snowfalls, ice buildup, heavy rains and extremely cold temperatures that occurred from Dec. 1, 2002 through Feb. 28, 2003.

As a result of this major disaster, the counties of Barnstable, Berkshire, Bristol, Essex, Franklin, Hampden, Hampshire, Norfolk, Plymouth and Worcester were declared eligible for Federal disaster assistance, including FSA emergency loans for eligible family farmers.

Also in accordance with section 321(a) of the Consolidated Farm and Rural Development Act, contiguous counties that are adjacent to one or more of the primary Massachusetts counties are named as contiguous counties where eligible family farmers may qualify for FSA EM loan assistance. This notification authorizes the counties where eligible family farmers may qualify for FSA EM loan assistance. This notification authorizes the FSA Emergency Loan program for eligible family-sized farmers whose operations had severe physical losses only.

The announcement was made by Sandra D. Adams, state executive director of the FSA for Massachusetts Family farmers who suffered qualifying physical losses (crop and farm products) from the disaster, and demonstrate an inability to get affordable credit elsewhere, may qualify for reduced interest loans up to \$500,000 or the extent of the loss, whichever is less. The loans carry a 3.75 percent interest rate.

EM loan applications will be accepted through December 15, 2003. Farmers may obtain detailed application information by contacting their local FSA County Office.

Contact the Massachusetts State USDA Farm Service Agency Office for more details and contact information for your county's FSA office:

Massachusetts State FSA Office  
455 West Street  
Amherst, MA 01002  
Phone: 413-253-4500  
Fax: 413-253-4540

## ***Insurance***

### ***Deadline for Massachusetts Clams***

The final date to obtain insurance on clams in Massachusetts is **November 30th, 2003**. Current policyholders likewise have until November 30 to make any changes to their existing contracts. Clam insurance is currently available under a pilot program in Barnstable, Bristol, Dukes, Nantucket, and Plymouth counties. The amount of coverage is based upon an inventory value of your clam beds with a price election of \$.18 per clam. Crop insurance provides effective protection against losses due to oxygen depletion, disease, freeze, hurricane, decrease of salinity, tidal wave, storm surge and ice floe. Clam producers are strongly urged to contact a local crop insurance agent as soon as possible for more detailed information and premium quotes. For a list of crop insurance agents, contact the local USDA Farm Service Agency office or log on to the following Risk Management Agency web site: [www.3.rma.usda.gov/tools/agents/](http://www.3.rma.usda.gov/tools/agents/)

## Web Site Instructions

Growers should be aware that there have been substantial changes in the crop insurance program for 2004. Check the web site listed, click on pilot programs, then click 2004, scroll down the list of crops to Cultivated clam, which is several below Cotton, click the number 2004-0116 to the right. Here you will see a summary of modifications and the Policy provisions.

### ***BATTLE OVER THE BEACHFRONT – Cape Shellfishermen Beat Back Homeowner’s Bid To Ban Them.***

*(Excerpts from an article published in the Boston Globe, August 31, 2003 by Anthony Flint)*

In a case regarded as a triumph for Cape Cod’s non-tourist economy, Toby Storer, Todd Mindrebo and Todd Lebart of Wellfleet, fought off an attempt by an out-of-town beachfront property owner to use a 362-year old Colonial law to oust them from the beach and flats stretching out from the bayside coastline.

Skirmishes between shellfishermen and owners of beachfront vacation homes have become a common occurrence on the Cape. As towns encourage aquaculture to boost the local economy, owners of waterfront property jealously guard their views and beach access.

Storer and his colleagues won their battle because of a legal glitch, and the situation is still precarious for other Cape shellfishermen who practice aquaculture.

A court ruling nine years ago classified aquaculture as farming, not fishing – an important distinction because fishing is a protected activity on private property under the Colonial-era law, and private property for beachfront homeowners in Massachusetts extends all the way out to the low tide mark. Navigation and waterfowl hunting is also allowed under the 362-year old law.

Many in the fledgling industry fear the beachfront property owners could shut down operations from Barnstable to Truro, simply by showing they owned the tidal flats that were turned into private property in the 17<sup>th</sup> century.

After the 1994 Supreme Judicial Court ruling, the Wellfleet homeowner, Anthony Massari, whose hilltop property overlooks the aquaculture operation at Indian Neck Beach accused the shellfishermen of trespassing, believing that he owned the beach and flats out to low tide. But the men hired a lawyer, proved he didn’t own the land, and then swiftly bought it themselves. Their lawyer, Edward Englander, informed them of a key discovery; the beach, and thus the flats, in the 1950’s subdivision that included Massari’s house, was not officially registered in Land Court. A Superior Court judge agreed that the homeowners did not, in this case, own out to the extreme low-water mark. Englander helped the shellfishermen track down the heir to the defunct real estate company that sold the original subdivision, and bought the unregistered beach for \$25,000. They called the company they formed to buy the land, HDYLTA Realty Trust, which stands for “*How Do You Like Them Apples?*”

He could have had fresh shellfish every day for the rest of his life,” Mindrebo said, referring to a common component of such arrangements. “Instead, I had a sheriff showing up on my door serving me for trespass. We were a blight to him, a pimple. He just wanted us off. But

he was running up against a guy who just got out of the Marines and didn't like being told he can't do something."

The shellfishermen acknowledge they were lucky, because of the legal technicality that allowed them to buy the land. But they hope that colleagues across the Cape won't give up if a beachfront property owner attempts to use the 362-year old law to oust them. "What our case signals is, if they want to assert property rights, they have to do a good deed search and make sure they have title to the land," Storer said.

They find it ironic that a Colonial law designed to encourage commerce on the water is today being used to inhibit it.

"This is all I do, shellfish. I live and breathe it," said Mindrebo, who came to Wellfleet to help build a house and never left. Storer was a carpenter who worked on a scallop boat for one tough period when it looked like Massari would prevail.

"I'm not a vindictive guy," Mindrebo said, gazing up to the Massari home up on the bluff. "I just like to grow stuff."

***Mark Your Calendar!***

***AQUACULTURE 2004***

***In Honolulu, Hawaii***

***Mark the dates – March 1 – 5, 2004 – to be at the Hawaii Convention Center!***

***Don't forget to register early by Jan. 16<sup>th</sup> and save!***

Aquaculture 2004 Conference Manager

Tel: (760) 432-4270 Fax: (760) 432-4275

Email: [worldaqua@aol.com](mailto:worldaqua@aol.com) Online Registration: [www.was.org](http://www.was.org)

***Wellfleet's S.P.A.T., a Good Act To Follow***

*(Submitted By Bob Wallace)*

Wellfleet celebrated its 3<sup>rd</sup> Annual Wellfleet Oysterfest on the 18<sup>th</sup> and 19<sup>th</sup> of October. A non-profit group called S.P.A.T. - Shellfish Promotion and Tasting, puts on this event. This event gets bigger and better every year.

S.P.A.T.'s mission is two-fold: To promote the Wellfleet oyster and to raise money for a scholarship fund. To qualify for the scholarship you must be a Wellfleet resident and the money must be connected to the oyster. This could be anything from culinary arts school (cooking with the oyster) to money growing oysters on a shellfish bed to studying marine biology in college.

S.P.A.T. applied for and was awarded a \$2,500.00 grant from SEMAC's marketing fund this past year. This is a perfect fit for both causes. SPAT also has developed a website: [www.wellfleetoysterfest.org](http://www.wellfleetoysterfest.org). Check it out.

Having been on the SPAT committee I have seen first-hand how much work needs to be done to pull the "Fest" off. A very dedicated and fun group of people put in countless hours of behind the scenes work to ensure all bases are covered. I encourage other Towns that have a shellfish industry to develop something that keeps them in the public's eye in a positive light. It can only be a win-win situation. If you missed this one keep the weekend after Columbus Day open on your calendars next year! It's a great party!!!

***Members Classifieds***  
***(Available to all paid members free of charge)***

**FREE** – Lead Line. Plenty of line that can be spliced, some needs to be stripped. Ready to pick up. Contact Alan Gallo at (508) 240-0957.

***Good News! A Use For All Our Dead Shells!***  
***(Submitted By Heidi Gallo)***

Things may be looking up in the future for demand for our littlenecks.

Cisco Systems (A computer network Company) ran this ad to promote their network systems. There was a large image of a clam shell, and the ad read like this;

**I AM A SHELL.**

**I CAN FIGHT CANCER. I AM MERCENARIA MERCENARIA. I HAVE AN EXTRACT IN MY SHELL THAT HAS THE POWER TO SLOW THE GROWTH OF CANCERS IN MICE. I HAVE THE POWER TO BE THE NEXT PENICILLIN.**

**I AM MORE THAN A SHELL.**

**I AM A NETWORK.**

**I CAN TURN SHELLS INTO MEDICINE. I HAVE THE POWER TO MOVE CLINICAL TRIALS ONLINE SO NEW DRUGS GET TO MARKET FASTER. I HAVE THE POWER TO PROTECT A PATIENT'S PRIVACY. I CAN USE THE POWER OF E-LEARNING TO LET DOCTORS SHARE RESEARCH WITH OTHER DOCTORS. I THINK SHARING IS CARING. I AM MORE THAN A NETWORK.**

We are looking into this for you, so stay tuned to future issues of this newsletter for further news about this subject.