

Bay State Council of Divers - Meeting for the “Dive Industry”

< Meeting Minutes for October 11, 2006 >

The meeting was held at the Crowne Plaza Hotel in Natick, MA. The meeting came to order at 7:45 PM. (Minutes taken by Mary Howard)

Angelo Correnti welcomed those in attendance and gave a brief **AGENDA:**

1. History and update – Angelo Correnti
2. Steve Coren to fill in regarding meeting with the City of Gloucester on the first Wednesday of October
3. Matthew Lawrence to update on SBNMS Management Plan and review.
4. Other updates and comments

1 - HISTORY:

Dave Stillman, owner of Cape Ann Divers in Gloucester, had received informational leaflets with the Gloucester ordinance relative to SCUBA diving regulations. He called Angelo 3-4 months ago after going back and forth with the City of Gloucester to try to reconcile the situation on his own.

The Bay State Council met 2 months ago and retained Steve Coren as legal counsel for the BSC to work on behalf of divers in this case. (Mr. Coren worked with the BSC on a previous case in Nahant in 1983.)

Fred Calhoun met with the Gloucester Waterways Board after that meeting. State Police, the City attorney and Charter Boat captains were at the meeting, as was Mr. Coren. Mr. Calhoun tried to get the point across to the committee that requiring each diver to carry a flag was dangerous for divers and unhelpful to lobstermen.

On October 3, 2006, Angelo Correnti attended a meeting of the Atlantic Marine Fisheries Committee. Angelo is a member of the board of that Committee. During a break of the meeting, Angelo talked with a Marshfield lobsterman, also on the committee, who asked why this issue has come up now. It was explained that a lobsterman in Gloucester went to the harbor master and asked why the ordinance, which has been on the books for a while, was not being enforced, and requested that it be enforced.

To date the BSC had raised about \$4200 from individual divers, dive clubs and shops. This is a start, but will not be enough if we need to go to court. – It was noted that Mr. Coren had reduced his fee for the BSC to less than half his normal rate. (Approximately \$1300 more was raised at the meeting.)

2 - STEVE COREN, UPDATE:

On Wednesday, October 4, Steve Coren met with representatives of the City of Gloucester and the Waterways Board.

A lot has happened since the last BSC meeting. Mr. Coren has proposed that the City of Gloucester withdraw from their current position on enforcing the dive flag ordinance to require each diver to tow a flag.

On September 25th, there was a meeting with three members of the Waterways Board. The meeting was packed with divers, and the committee members were very polite and listened to the position put forward.

Steve Coren attended a meeting of the Waterways Board on October 4th. This time someone had made sure there were lobstermen present. Mr. Crossen (??) of the Board was in favor of keeping the ordinance enforced, as were 6 other members. Mr. Coren described the risks of the ordinance, and the risks to the city if they continued enforcing the ordinance, i.e. that they could be sued for restricting access to the water, which would be expensive for them. He also reviewed the change in the state law in 1978, which changed the wording from “*Every scuba diver*” to “*Every scuba diver or group of scuba divers*” in order to improve safety.

The Board was not interested in these arguments, but the Chairman of the Waterways Board was extremely interested in the facts of the Nahant case. Mr. Coren believes the town will not enforce the ordinance if it can be shown that a similar ordinance was previously struck down.

There was discussion of why the ordinance which was not previously enforced is now being enforced. Lobstermen have complained to the harbormaster; now divers may be cited.

Mr. Coren’s sense is that the ordinance will not be rescinded, but that Gloucester may cease to enforce it.

Mr. Coren has agreed to get copies of the 1983 Nahant case for the Waterways Board.

QUESTIONS/DISCUSSION included:

- How long to get the files from Salem District Court and what happens if they cannot be found?
Answer: That depends.
- What is the Lobstermen’s issue? Answer: They are under a lot of pressure (competition, shell disease, collapsed stock), and yes, they *do* think divers steal from their traps.
- What is the status of the ordinance? Answer: It is possible that someone may be cited, in which case we will have a “test case”.
- What areas are under Gloucester jurisdiction in terms of the ordinance? Answer: Three miles.
- Issues of personal and property safety? Answer: You need to report all incidents of vandalism or threats to the police for the record. Get photos or videos if possible.

John Blackadar made a motion to give leeway to Mr. Coren to proceed as he sees fit. Motion was seconded and passed by a vote of those present. Angelo Correnti noted that this was not really an “industry” issue, and the next meeting of the BSC will be held on October 25 in Quincy.

4 - STELLWAGEN BANK NMS UPDATE - MATTHEW LAWRENCE

Matthew Lawrence, archeologist with the Stellwagen Bank National Marine Sanctuary, gave an update on the SBNMS Draft Management Plan. The Draft Management Plan is now underway and should be available for a public comment period soon. The Plan provides a framework for shipwreck management, and is non-regulatory. The public comment period on the draft plan will be a minimum of 30 days, allowing for comment from all concerned. It was noted that prior to any regulations, there would be a second public comment period specifically for gathering comments on proposed regulations. The upcoming public comment period will be for the draft

management plan. After the sanctuary reviews the public comments and revises the draft plan based upon those comments the final management plan will be released. If you are an interested diver, please consider reading the Plan when it becomes available and offering your comments. For more information about the Draft Management Plan, and to send your contact information for notices, please check out the website at www.stellwagen.noaa.gov.

Several divers in the audience expressed a concern that the changes could be very restrictive for divers. For details on how to learn more about this, contact info@shipwreckdivers.org.

5 - OTHER UPDATES AND COMMENTS

Fred Calhoun (Easy Diver) spoke briefly about his meeting with the Gloucester Waterways Board and the City of Gloucester. He noted that funding for basic services is a higher priority for Gloucester city officials at this time than discussing enforcement of a dive flag ordinance. Mr. Calhoun did note that if dive flags could be 25 feet from lobster buoys, and boats had to stay 50 feet away from dive flags, it could be difficult for lobstermen to pull traps if all divers had to tow a dive flag.

John Blackadar (SSN) noted that it is important for all those in attendance at this meeting to take the information back to their clubs and dive communities in order to keep divers informed about the Gloucester dive flag situation.

Wally Westphal (past president of BSC) has been in contact with the New Jersey reef people who have been able to put reefs and wrecks off their shores, adding over 3500 "reefs". Wildlife HAS increased because of the added reef materials. Check out Wreck News publication.

Paul Adler (East Coast Divers) reminded divers to please support the Bay State Council's Treasure Hunt Dive held every May at Stage Fort Park. All dive clubs, dive shops and individual divers should get together and be involved in this event.

THE NEXT MEETING OF THE BAY STATE COUNCIL WILL BE HELD ON OCTOBER 25, at the South Shore Neptunes' Clubhouse in Quincy (at the corner of Quarry Street and Joyce Road) at 7:30PM.

ADDRESS FOR MAILING DONATIONS TO "THE CAUSE"

Bay State Council of Divers
c/o South Shore Neptunes
PO Box 518
Quincy, MA 02169