

## Cohasset Select Board Statement on the Lawsuit filed by Cohasset

On August 18, 2023, the Town of Cohasset (Cohasset) Select Board filed a lawsuit in Norfolk Superior Court appealing the actions of the Division of Marine Fisheries (DMF) and Town of Scituate (Scituate) in connection with the recent certification and issuance of shellfish farming licenses in Cohasset Harbor. The three Scituate Aquaculture Licensees are necessary parties named in the lawsuit. Cohasset is and has been concerned about the safety consequences of Scituate's plans to locate oyster farms in Cohasset Harbor. Beyond jeopardizing the safe navigation of the many who navigate these waters, Cohasset is further concerned about the environmental and food safety consequences posed by DMF and Scituate approving oyster farms in this area without fully considering the factors required under applicable rules and regulations. The well-known pollution bacteria emanating from the Gulf River into Cohasset Harbor, combined with Cohasset's wastewater treatment plant that is permitted to discharge into the Harbor, further exacerbates Cohasset's concern. Indeed, in recent weeks, there has been at least one reported death in Connecticut from contaminated oysters with bacteria. Nevertheless, DMF and Scituate proceeded to approve the licenses in question without involving Cohasset in the process for doing so and without implementing a federally-required management plan, to which Cohasset must sign on. Cohasset does not and will not accept responsibility or indemnify DMF, Scituate, their officials, or the oyster farmers from these environmental and food safety risks posed by farming oysters in Cohasset Harbor.

Cohasset is disappointed that DMF and Scituate have chosen to elevate the commercial interests of a few over the safety, environmental, regional, and public interests. Although Cohasset was required to file this lawsuit to meet certain legal deadlines, the Select Board remains open to finding a path forward with these entities about how best to alleviate these serious concerns without the need for continued litigation. It is necessary, however, to timely file these lawsuits to preserve Cohasset's rights and protect the public.

Further, we acknowledge the Attorney General's July 3, 2023 Opinion ("Opinion") disapproving of the Navigation Bylaw proposed by a citizens' petition at Town Meeting. While we respectfully disagree with several assumptions and conclusions in the Opinion about basis for the Navigation Bylaw, we noted that the Attorney General indicated that her Opinion "in no way implies any agreement or disagreement with the policy views" or is a "determination of disputed factual issues" regarding the oyster farms. Thus, we recognize she took no position on the health or safety concerns related to oyster farms in Cohasset Harbor. Following that, the Select Board believes we must now pursue this litigation to protect the Town, its interests, Cohasset Harbor, and the public relating to the potential harm from farming oysters in Cohasset Harbor.