

Shellfish Committee Minutes of the Meeting

DATE: March 19, 2008
TIME: 7:30 P.M. to 9:30 P.M.
LOCATION: MEAD Building

Shellfish Committee Members present:

Stuart Rapp, Les Hemmila, Matt Ostrowski, Andre Sampou

General Public present:

Dave Barry, Bob Lewsen, James Tinsley, Norman White, David Ryan, Bill Korkuch, Bob Lister, Bob W. Lister

NR Staff present:

Doug Kalweit, Tom Marcotti

Chairman's Report:

Stuart Rapp chaired the March 19, 2008 meeting of the Shellfish Committee. The Shellfish Committee adopted the minutes of the February 20th, 2008 meeting of the committee.

Stuart Rapp introduced the new Town Council co-liaison, Mr. James Tinsley, to the Shellfish Committee.

Natural Resources Report

Shellfish Area Closures

- **Shoestring Bay Closure:**

The lower portion of Shoestring Bay closed to all shellfishing as of April 1, 2008 per order of DMF. **The lower portion of Shoestring Bay is defined as:** The waters, flats and all tributaries of Shoestring Bay in the Towns of Mashpee and Barnstable, easterly of a line drawn south from the southernmost point of Mashpee Neck to Punkhorn Point; northerly of a line drawn from Punkhorn Point to Ryefield Point and southerly of a line drawn from Simons Narrows Road in the Town of Mashpee to the "Public Way to Water" in the Town of Barnstable. (DMF/SC20.3; classified as conditionally approved; **status: Closed to shellfishing April 1 through December 31, all dates inclusive. The area shall not automatically reopen to shellfishing on January 1 and will remain closed until examined and shellfishing is allowed by DMF.**)

- **Scudder Lane Recreational Shellfishing Area Seasonal Closure:**

Effective Saturday, April 1, 2008, the Scudder Lane Recreational Shellfishing Area (as defined) in Barnstable Harbor is closed to the harvest of all shellfish. Opening dates for the Scudder Lane Recreational Shellfishing Area will be posted annually.

- **DMF Scallop Season Closure:**

The harvest of scallops shall be closed, (prohibited) effective April 1st annually, MGL CH 130 sec. 71. Open season will be posted annually.

The Natural Resources Office is contracting for the removal of contaminated shellfish (i.e., quahogs) from designated portions of the Bumps River and Centerville River. The quahogs will be relayed and free planted in the Bay Street Relay Area located in North Bay. Pending testing and certification by DMF, the relay area is scheduled to reopen for harvest during the Fall of 2008. Contractors are being paid \$40 per 40 quart tote basket for harvested quahogs. Sample quahogs from the river are in the process of being analyzed for shellfish pathogens at a testing laboratory, as required by DMF, prior to any harvests and relays. Contact the Natural Resources Office for further information.

Natural Resources planned participating in the DMF contaminated quahog relay program. Certified contaminated quahogs would be harvested from certified areas of Mount Hope Bay and relayed to Town of Barnstable shellfish relay areas for a period of natural depuration before direct harvesting by the public was allowed. Tom Marcotti explained some of the aspects of the DMF contaminated quahog relay program. The Shellfish Committee recommended using the Hyannis Harbor Relay Area (DMF/SC:27.22) and the Cotuit Bay Relay Area (DMF/SC:21.22) for this Spring's out-of-town contaminated quahog relays.

The Shellfish Committee reviewed the offer of Cape Cod Oyster Company to donate 20,000 oysters to the Town for shellfish enhancement purposes. A discussion of possible oyster habitat sites, located in the Three Bays, suitable for free planting, long term survival and recreational access were discussed. Tom Marcotti said he would like to experimentally culture a percentage of the gift oysters in the Marstons Mills River to compare survival and growth rates.

Shellfish Overlay District

The Shellfish Committee discussed various aspects of the proposed Shellfish Overlay District that seeks to protect shellfish habitat in defined Shellfish Relay Areas and Recreational Shellfish Areas. Town Council co-liaison to the Shellfish Committee, James Tinsley, discussed the latest version of the proposed Shellfish Overlay District with the Shellfish Committee and notified the committee of the upcoming Town Council/Planning Commission hearing and vote on the issue, scheduled for March 20, 2008. The amended proposal prohibiting piers in selected shellfish relay areas and recreational shellfishing areas would essentially have a sunset clause of 18 months (with an extension allowance if needed) for the purpose of developing a "Harbor Management Plan" (HMP) for the Three Bays Area. Selected user group participants would be involved in any study procedure to address the multi-user group conflicts/issues that are integral to the HMP.

Piers, Dredging and Shellfish Habitat Issues:

The Shellfish Committee reviewed and discussed the following proposed modifications to existing piers:

Applicant: C. William Carey

Application: Proposed modifications to the existing licensed pier to include realignment of the existing floats and piles, and add four (4) new tie off piles.

Location: 986 Sea View Avenue, Osterville, MA 02655

Applicant: G. Wade & Mary C. Staniar

Application: Proposed modifications to the existing licensed pier to include: replace an existing permitted 2 ft. X 12 ft. ramp and 5 ft. X 20 ft. float with a 3 ft. X 4 ft. cantilevered platform, 3 ft. X 12 ft. ramp, and 8 ft. X 16 ft. float.

The Shellfish Committee reviewed and discussed the following notification and plans to construct a seasonal pier:

Licensee: Bruce & Lynn Wallin

License: Constructing and maintaining a seasonal timber pier in Shoestring Bay

Location: 562 Popponesset Road, Cotuit, MA 02635

Soft Shell Clam Management for Little Huckins Island

Natural Resources informed the Shellfish Committee of the interests of some commercial shellfishermen to open a portion of "Little Huckins Island" to commercial soft shell clamming. The Shellfish Committee reviewed the various aspects of the issue such as resource allocation between recreational and commercial, enforcement, limited season, etc.. The Shellfish Committee approved a motion to open the western end of little Huckins Island for the commercial harvest of soft shell clams. Natural Resources supported the opening.

Commercial Shellfish Licenses

During the February 2008 meeting of the Shellfish Committee, Dave Barry and Bob Lewsen presented a proposal to create a new class of commercial shellfishing permit for town residents 62 years of age or older. The Shellfish Committee took up a review and discussion on the proposal. The proposal is included below:

To Whom It May Concern:

I am requesting that there be an additional class of license for Commercial permits, said change would be to Article III, Commercial Shellfishing, paragraph 407-12, a new subparagraph "D" inserted between the present "C" and "D". This paragraph would be for senior persons who have reached an age of 62 [Social Security first age] or older as of the date of application. The rationale for said license is to allow seniors to supplement their incomes. This category of license would be an experimental license for a period not to exceed three (3) years to allow for the fisheries personnel to evaluate the impact upon the overall shell fishing industry and health of the shellfish. At the end of 3 years, if there is a proven adverse affect to the shellfish population, this class of license could be revoked or amended depending on the analysis of impact on various types of shellfish populations. A suggested language would be:

- D. Senior Commercial Shellfishing Permit. The Town Manager or Shellfish Constable may issue a senior commercial shellfishing permit to a resident senior. Said senior must be considered mentally competent and be at least 62 years of age. The senior shellfish permit holder would have the same authorizations as a basic permit holder with the exception that this category of permit would be subject to review at the end of the initial three year period and every two years thereafter due to possible deteriorating shellfish populations. The senior applicant must have successfully completed a Coast Guard boaters safety course prior to applying for the senior permit. All other provisions of the 407-12 Classes of permits and permit conditions." Shall apply.*

*I respectfully submit this for consideration, thank you,
Robert F. Lewsen*

Matt Ostrowski noted that the committee has reviewed hardship cases before, and would have to consider numerous hardship categories and discrimination issues in any circumstance. Stuart asked if a cap on the issuance of permits should be considered and how much commercial shellfishing the resource can handle. Les Hemmila asked if the shellfish licenses should be transferable. Norm White mentioned that a number of commercially licensed shellfishermen do not use their permits and that new permits be issued to account for the existing permits not actively used. Tom Marcotti submitted a statistical compilation of the current ages of existing commercial shellfish licensees for the committee to review. Stuart put the commercial license shellfishery topic on the agenda of the April, 2008 meeting of the Shellfish Committee.

Proposed Shellfish Aquaculture Methods in Barnstable Harbor

Dave Ryan informed the Shellfish Committee, in detail, of proposed changes to various shellfish culturing methods and material investments on a number of shellfish aquaculture licensed sites in Barnstable Harbor.

Doug Kalweit informed the committee of existing Town of Barnstable shellfish aquaculture regulation 407-55 and that Dave Ryan's proposal to change his shellfish culturing methods and material investments would be heard at Town Manager's public hearing.

The Shellfish Committee reviewed and discussed the interpretation of the regulation and David Ryan's presentation of his proposed methods. The Shellfish Committee approved a motion to send a letter to the Town Manager supporting Dave Ryan's request to change working plans and materials methods on requested shellfish aquaculture sites.