

## Shellfish Committee Minutes of the Meeting

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**DATE:** January 20, 2010  
**TIME:** 7:30 P.M. to 9:30 P.M.  
**LOCATION:** MEAD Building

**Shellfish Committee Members present:**

Stuart Rapp, Gerard Ganey, Matt Ostrowski, Les Hemmila, Andre Sampou, Richard Haskell

**General Public present:**

John Nawoichik

**NR Staff present:**

Doug Kalweit, Tom Marcotti

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### Chairman's Report:

Stuart Rapp chaired the January 20th, 2010 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the November 18th 2009 meeting of the Shellfish Committee. Stuart acknowledged the cancellation of the Shellfish Committee's December 16<sup>th</sup>, 2009 meeting.

Stuart Rapp informed the Shellfish committee that the Conservation Commission Chairman, Dennis Gould, responded to the Shellfish Committee's inquiry about "out-haul posts" situated in Town coastal waters. Stuart explained that the Conservation Commission will attend to the issue and draft permitting regulations. Stuart explained that he and the Water Ways Chairman will meet with the Conservation Commission to clarify the issue for permitting.

Stuart informed the committee that the topic of commercial shellfishing licensing procedure would be taken off of the January 2010 meeting agenda.

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### Natural Resources Report:

• **Barnstable Harbor DMF Shellfish Area Openings:**

The Division of Marine Fisheries reopened seasonally closed shellfishing areas in Barnstable Harbor (listed below) as of December 15, 2009. This opening is due to approved water quality as part of a management protocol for this area.

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| - Barnstable Harbor, North (DMF/CCB:31.1) | Section 2.1, page 27 |
| - Barnstable Harbor (DMF/CCB:31.2)        | Section 2.2, page 27 |
| - Barnstable Marshes (DMF/CCB:33.0)       | Section 2.3, page 27 |
| - Upper Scorton Creek (DMF/CCB:34.1)      | Section 2.4, page 27 |

• **Barnstable Harbor Shellfish Area Closures:**

Under authority of Town of Barnstable Shellfish Regulation 407-19, commercial shellfishing is prohibited on the western most portion of Great Thatch Island and related flats as posted by the town of Barnstable Natural Resources Office. Effective as of July 5, 2005.

**TOWN OF BARNSTABLE SHELLFISH MANAGEMENT CLOSURE  
UNDER THE AUTHORITY OF BARNSTABLE SHELLFISH REGULATION 407-8G and 407-15F**

**CLOSED PORTION OF BARNSTABLE HARBOR  
FOR OYSTER SEED PROTECTION:**

**Effective Tuesday, December 15th, 2009 the waters, foreshores and tidal flats from the signpost located at Calves Pasture Point west of the Scudder Lane landing to the last signpost located approx. 300 yards south of Calves Pasture Point and seaward in a westerly direction for 250 feet from said signposts is indefinitely closed to the harvest of all shellfish and seaworms. (see maps)**

The Natural Resources Program and Aquacultural Research Corporation of Dennis, Ma. in a cooperative effort are implementing an experimental shellfish propagation project in Barnstable Harbor. The project entails the remote setting of oysters, the nursery culture of juvenile oysters and the seeding of an oyster habitat within the area defined above. The nursery phase of the project has been successfully completed and juvenile oysters have been seeded in the area. The demarcated area as defined above will remain closed indefinitely to allow for continued protection of the seed oysters. It is the hope of all those involved in this project that any inconvenience to anyone's use of the public lands and resources in the harbor is compensated by the successful enhancement of the natural resources of the harbor for the benefit of all. Thank you for your cooperation. For more information please contact the Natural Resources Office.

Tom Marcotti informed the committee of the occurrence of a natural set of oysters that occurred in Barnstable Harbor during the summer of 2009. Tom explained the discretionary NR management closure of a portion of the shoreline along Calves Pasture in Barnstable Harbor for the purposes of creating an oyster spawning sanctuary.

**CLOSED PORTION OF BARNSTABLE HARBOR  
FOR SOFT SHELL CLAM SEED PROTECTION:**

**Effective Tuesday, December 15th, 2009 the waters and tidal flats of the westernmost portion of Broad Sound located in the Barnstable Marshes as posted by the Town of Barnstable Natural Resources Office is indefinitely closed to the harvest of all shellfish and seaworms. (see maps)**

Soft shell clams are required to be at least 2 inches in longest length to be legally harvested by State law. This management closure is based on the protection of a significant set of sub-legal soft shell clam seed in the area described above. Thank you for your cooperation. For more information please contact the Natural Resources Office.

- **Oyster Season Closure**

**SHELLFISH MANAGEMENT NOTICE**

**OYSTER SEASON CLOSURE**

Effective Monday, January 4th, 2010 the harvest of oysters in the Town of Barnstable is prohibited.
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Oysters are required to be at least 3 inches in longest length to be legally harvested by State law. Recent recreational harvesting has removed many legal size oysters from the existing local town propagated oyster populations, leaving a large percentage of "seed" oysters. This prohibition is based on oyster seed management criteria to protect the oyster seed for long term survival and to prevent the potential unlawful harvest of seed oysters.

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## Piers, Dredging and Shellfish Habitat Issues:

The Shellfish Committee reviewed and discussed the following proposed coastal development projects:

Applicant: Ray D. Leoni, Tr. / Ray D. Leoni Nom. Trust  
 Application: (N.O.I.) Proposed pier, ramp and float.  
 Location: 47 Ladd Road, Centerville, MA 02632  
 (as shown on Assessors Map 206, Parcel 059-001)

Applicant: Christopher Outwin  
 Application: (N.O.I.) For the proposed razing of a single-family dwelling and garage, and construction of a single-family dwelling, deck, porch, retaining walls, shed and parking area; and upgrade of existing septic system. Proposed construction of a boardwalk / pier, ramp and floats with kayak rack.  
 Location: 25 Ladd Road, Centerville, MA. 02632  
 (as shown on Assessors Map 186, Parcel 53)

Applicant: Joseph Huckemeyer  
 Application: (N.O.I.) Pile installation to improve berthing.  
 Location: 149 Pleasant Street, Hyannis, MA 02601  
 (as shown on Assessors Map 326, Parcel 053)

Applicant: Joseph Huckemeyer  
 Application: (N.O.I.) Reconstruction of existing bulkhead.  
 Location: 137 Pleasant Street, Hyannis, MA 02601  
 (as shown on Assessors Map 326, Parcel 055)

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## Old Business Shellfishing License Fees and Shellfish Propagation Budget

The Shellfish Committee revisited the issue of the budgetary aspects of commercial and recreational shellfishing permit fees. The committee unanimously approved a motion to raise the annual fees for the following classes of recreational shellfishing permits:

Town of Barnstable Shellfish Regulation 407-3

A. Resident recreational permits: Those who pay real estate taxes or are residents, as defined, of the Town of Barnstable are entitled to a Town of Barnstable recreational shellfishing permit. This permit also allows the taking of sea worms, herring and eels for noncommercial purposes.

**Raise the current fee from \$20 to \$30.**

(1) Family recreational permit: issued on the basis of one per resident family, as defined.

(2) Individual recreational permit: issued to unmarried resident individuals over the age of 18.

B. Nonresident recreational permit: issued to a citizen who is resident and domiciled in the Commonwealth of Massachusetts; the same conditions as resident recreational permits apply, with the exception of Town of Barnstable residency. **Raise the current fee from \$100 to \$120.**

C. Senior citizen recreational permit: issued to a citizen who has attained the age of 65 and is a legal resident of, or pays real estate taxes to, the Town of Barnstable; one permit per family.

**Raise the current fee from \$10 to \$20.**

D. Seasonal recreational permit: issued to a citizen who is resident and domiciled in the Commonwealth of Massachusetts. The permit shall be effective from June 1 through August 31 for the year it was issued. The same conditions as resident recreational permits apply. **Raise the current fee from \$50 to \$60.** The permit may be upgraded to a nonresident recreational permit, for the year it was issued, for an additional **\$60.**

The Shellfish Committee considered deleting the Commonwealth of Massachusetts residency requirement as it applies to shellfish regulation 407-3B and 407-3D. The Shellfish Committee discussed the issue of the lack and/or prohibition of parking for out-of-town recreational shellfishermen.

Doug Kalweit reviewed the details of the shellfish program budget as supplied to the committee by Dan Horn at the committee's November 2009 meeting. Doug outlined the Town Manager Shellfish Enhancement Infusion Fund. Doug said that the Town Manager has made \$100,000 available annually for shellfish propagation programs. The Infusion Fund can only be used for the purchase of shellstock and private labor.

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### **Coastal Resources Management Committee Report**

The Shellfish Committee reviewed and discussed the proceedings of the Coastal Resource Management Committee (CRMC). Andre Sampou informed the committee that a final draft of a management plan completed by the CRMC and submitted to the Town Council for review and approval is available for public review. Town Council public hearings of the CRMC management plan will occur in the coming months.

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#### **Other Business**

The Shellfish Committee discussed and approved a motion to accept the schedule for the place, date and time for the 2010 meetings of the Shellfish Committee.

The Shellfish Committee reviewed the consolidation of information and data acquired by a recreational shellfishing permittee questionnaire. Natural Resources questionnaire forms were made available to recreational shellfishermen to ascertain shellfishing interests and harvest data for the 2007 and 2008 recreational shellfishing seasons. The committee requested Doug Kalweit implement another informational survey for 2009 recreation shellfishing activities.

Doug Kalweit informed the committee that interviews for the Shellfish Propagation Technician position are currently ongoing.

Doug Kalweit also mentioned that meetings between the Town and the Wampanoag Tribe as well as the State and the Wampanoag Tribe are currently ongoing in regards to Native American shellfishing rights.