

## Shellfish Committee Minutes of the Meeting

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

**Shellfish Committee Members present:**

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

**General Public present:**

Dave Ryan, Christopher Wood, Norman White

**NR Staff present:**

Doug Kalweit, Tom Marcotti

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### Chairman's Report:

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

Stuart requested that the September 15<sup>th</sup>, 2010 minutes of the Shellfish Committee note that the Shellfish Committee unanimously voted to send a letter (to the Conservation Commission) regarding the conditions the committee recommends for "out-haul posts".

The Shellfish Committee applauded Andre Sampou's efforts to protect shellfish habitats and resources over the years, particularly the recent Town Council vote to protect shellfish relay and recreational shellfish areas.

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### Natural Resources Report

Doug Kalweit noted that there is currently \$78,700 in the Shellfish Propagation Revolving Account. \$29,424 has been spent year to date with \$673 encumbered.

- **Shellfishing Area Status**

**The shellfish areas listed below are scheduled to reopen on November 1<sup>st</sup> pending approval by the Massachusetts Division of Marine Fisheries:**

**2.5 North Bay:** The waters, flats and all tributaries of that portion of North Bay, northeasterly of a line drawn from Point Isabella to the north tip of Grand Island; north of the Bridge Street Bridge and south of a line drawn across the mouth of the Marstons Mills River (DMF/SC:23.2; classified as conditionally approved; **status: Closed to shellfishing May 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on November 1 and will remain closed until examined and shellfishing is allowed by DMF.**).

**2.9 Harbor Bluff, Lewis Bay:** The waters and flats and all tributaries thereto in Lewis Bay northwest of a line drawn from the southern end of Harbor Bluff in the Town of Barnstable to the end of Glenwood Street in the Town of Yarmouth and southerly of a line drawn from the end of Channel Point Road Way in the Town of Barnstable to the end of Columbus Avenue in the Town of Yarmouth. (DMF/SC:28.2; classified as conditionally approved; **status: Closed to shellfishing June 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on November 1 and will remain closed until examined and shellfishing is allowed by DMF.**).

**2.10 Lewis Bay:** The waters and flats of that portion of Lewis Bay in the Town of Barnstable, west of a line drawn from the Town Way at Harbor Bluff in a southwest direction to the Hyannis Yacht Club Pier and east of a line drawn from the end of the stone jetty at Snow's Creek to the "No Shellfishing" sign on

the opposite shore. (DMF/SC:28.8; classified as conditionally approved; **status: Closed to shellfishing June 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on November 1 and will remain closed until examined and shellfishing is allowed by DMF.**)

2.11 **Pirate’s Cove, Seapuit River:** The waters and flats and all tributaries thereto of that portion of Seapuit River and Pirates Cove in the Town of Barnstable, west of a line north from the “NO SHELLFISHING” sign at the westerly end of Dead Neck to the “NO SHELLFISHING” sign on Grand Island and east of a line drawn northeasterly from the northeast tip of Sampson’s Island to the “NO SHELLFISHING” sign on the southwest end of Grand Island (DMF/SC:21.2; classified as conditionally approved; **status: Closed to shellfishing May 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on November 1 and will remain closed until examined and shellfishing is allowed by DMF.**)

2.12 **Cotuit Narrows:** The waters, flats and all tributaries of Cotuit Bay in the Town of Barnstable, south of a line drawn from Point Isabella to the north tip of Grand Island and north of a line drawn between the two “NO SHELLFISHING” signs (DMF/SC21.1; classified as conditionally approved; **status: Closed to shellfishing May 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on November 1 and will remain closed until examined and shellfishing is allowed by DMF.**)

2.12 **Shoestring Bay:** 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 October 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.**

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• **Scudder Lane Recreational Shellfishing Area Opening**

Effective Wednesday, **November 3, 2010**, the Scudder Lane Recreational Shellfishing Area in Barnstable Harbor is open for the **recreational** harvest of shellfish, except for a portion(s) of the area defined and marked by yellow buoys, which will remain closed for shellfish propagation project protection and/or scientific research project protection. (For more details see related notices of shellfish management closure for said projects.)

Effective Friday, **April 1, 2011**, the Scudder Lane Recreational Shellfishing Area in Barnstable Harbor is closed to the harvest of all shellfish unless closed sooner for management or public health purposes.

The Scudder Lane Recreational Shellfishing Area extends from the sign post near the beach house west of the Scudder Lane Landing to the Barnstable Yacht Club pier, and extends to the Huckins Island tidal flat.

**Closed portions of the Scudder Lane Recreational Shellfishing Area for shellfish project protection:**

**Those portions of the Scudder Lane Recreational Shellfishing Area within an area(s) defined by yellow buoys are indefinitely closed to the harvest of all shellfish.**

The Natural Resources Program, Aquacultural Research Corporation of Dennis, Ma. And the Southeast Massachusetts Aquaculture Center 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.

Marine Biological Laboratory (MBL) staff is performing scientific studies of quahogs at the Scudder Lane Recreational Shellfishing Area. MBL staff has deployed predator exclusion netting to protect their quahogs in the area. Please do not disturb the netting or the project quahogs.

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• **Oysters**

Effective Wednesday, **November 3, 2010**, Town of Barnstable waters currently open to the harvest of soft shell clams and quahogs are open for the **recreational** harvest of oysters (The Bay Street Relay Area and Wianno Oyster Area are scheduled to open November 3, 2010 pending DMF approval. See "Contaminated Oyster and Quahog Relay Area Openings" below).

Effective Friday, **April 1, 2011**, the harvest of oysters is prohibited throughout the Town of Barnstable unless closed sooner for management or public health purposes.

**LEGAL SIZE OYSTER:** Minimum legal harvest size is three (3) inches longest length.

**RECREATIONAL HARVEST LIMIT:** Not more than 1/2 peck (5 quarts dry measure) per calendar week.

**SHELLFISH MANAGEMENT:** The Natural Resources Office reserves the right to prohibit the harvest of shellfish at any time in any area of the Town for management purposes.

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• **Scallop Season**

Effective **Sunday, October 31, 2010** scallops may be harvested **recreationally** subject to existing scallop regulations.

Effective **Monday, November 1, 2010** scallops may be harvested **commercially** subject to existing scallop regulations. Harvest by commercial permit on Sunday is prohibited.

**LEGAL SIZE SCALLOP: CMR 322 6.11**

**Prohibition on harvest and possession of seed scallops.**

No person shall land or possess scallops without a well-defined growth line and that growth line shall measure at least 10 millimeters from the hinge of the shell.

**Exception.** Bay Scallops that have a well-defined raised annual growth line located less than 10 millimeters (mm) from the hinge of the shell, shall be lawful to harvest and possess if the shell height is at least 63.5 millimeters or 2.5 inches.

**RECREATIONAL HARVEST LIMIT:** One (1) level tote basket, as defined, per week, may be harvested daily.

**COMMERCIAL HARVEST LIMIT:** Not more than four (4) level tote baskets, as defined, per day.

**CLOSED SEASON:** April 1 to opening date in October or November as regulated by the Town.

• **Contaminated Oyster and Quahog Relay Area Openings:**

**The areas listed below are scheduled to reopen on November 3, 2010 pending approval by the Massachusetts Division of Marine Fisheries, subject to state and local rules and regulations.**

North Bay:

The **Bay Street Relay Area** is defined as: the waters, flats and tributaries of that portion of North Bay from the Town landing at Bay Street to the sign at the tip of the salt marsh at 237 Seapuit Road and extending to the offshore sign/buoys. Effective until Monday January 3<sup>rd</sup>, 2011, commercial shellfishing is prohibited within the Bay Street Relay Area.

**(DMF/SC23.20)**

West Bay:

The **Wianno Oyster Area** is defined as: the waters and flats of that portion of West Bay between the signs at #141 Eel River Road and #239 Eel River Road and seaward for 150 ft.

**(DMF/SC22.24)**

Tom Marcotti informed the committee that recent tests of oysters at the Bay Street Relay Area, as performed by the Division of Marine Fisheries, revealed high counts of fecal coliform indicator bacteria. The area and oysters will undergo further testing by DMF.

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• **Thank You**

The NR wishes to thank the Barnstable Association for Recreational Shellfishing, Aquacultural Research Corporation, Barnstable County, the Southeast Massachusetts Aquaculture Center, Three Bays Preservation Inc., Americorps Cape Cod and all those volunteers who contributed their efforts to implement shellfish propagation and management projects during 2010.

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**Shellfish Aquaculture License Applications**

The following shellfish aquaculture license applications were reviewed by the Shellfish Committee.

The Shellfish Committee reviewed, discussed and approved a motion recommending that the shellfish aquaculture licensed site application of Albert Suprenant be approved by the Town Manager. Christopher Wood proposes to transfer his site (ng034) to the applicant. The applicant's proposed shellfish aquaculture site is located in Barnstable Harbor (site ng034; 2.0 acres). A public hearing for the proposed transfer application will be held on Monday, October 25, 2010 in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

The Shellfish Committee reviewed, discussed and approved a motion recommending that the shellfish aquaculture licensed site application of Christopher Wood be approved by the Town Manager. Albert Suprenant proposes to transfer his site (ng051) to the applicant. The applicant's proposed shellfish aquaculture site is located in Barnstable Harbor (site ng051; 2.0 acres). A public hearing for the proposed transfer application will be held on Monday, October 25, 2010 in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

The Shellfish Committee reviewed, discussed and approved a motion recommending that the shellfish aquaculture licensed site application of Dudley Thomas be conditionally approved by the Town Manager subject to the determination of the Natural Resources Office. The applicant's proposed shellfish aquaculture site is located in Barnstable Harbor (site ng038; 1.2 acres). A public hearing for the proposed transfer application will be held on Monday, October 25, 2010 in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

The Shellfish Committee reviewed, discussed and approved a motion recommending that the shellfish aquaculture licensed site application of Paul Hendricks be conditionally approved by the Town Manager subject to the determination of the Natural Resources Office. The applicant's proposed shellfish

aquaculture site is located in Barnstable Harbor (site ng036; 2.0 acres). A public hearing for the proposed transfer application will be held on Monday, October 25, 2010 in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

Mr. Thomas nor Mr. Hendricks were present to answer questions from the Shellfish Committee. The Shellfish Committee recommends that the applicant of a shellfish aquaculture licensed site attend the Shellfish Committee meeting when their application is on the Shellfish Committee agenda.

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**Other Business:**

The Shellfish Committee discussed various aspects of Native American shellfishing rights. The Shellfish Committee undertook a review of the Harris Meadows Road "way to water"