

Shellfish Committee Minutes of the Meeting

DATE: October 17, 2012
TIME: 7:30 P.M. to 9:30 P.M.
LOCATION: Barnstable Senior Center

Shellfish Committee Members present:

Stuart Rapp, Andre Sampou, Gerard Ganey, Les Hemilla, Robert Lancaster, Richard Haskell, Matt Ostrowski, Linda Romano

General Public present:

Fred Dempsey, Arlene Wilson, Tom Burgess, Randy Emmons, Norman White, Thomas White, Scott Blazis, John Nawoichik, Lynn Poyant, Eric Hildreth, Wally Watson

Town Council Liaison: June Daley

Town Staff present:

Doug Kalweit, Amy Raitto, Dan Horn

Chairman's Report:

Stuart Rapp chaired the October 17th, 2012 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the September 19th, 2012 meeting of the Shellfish Committee.

Stuart informed the committee and the general public that membership positions are available on the Shellfish Committee for the interested public.

Natural Resources Report

- **Shellfishing Area Status**

The shellfish areas listed below are scheduled to reopen on November 1st 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 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.**

- **Scudder Lane Recreational Shellfishing Area Opening**

Effective Saturday, **November 3rd, 2012**, 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 Monday, **April 1, 2013**, 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 Town of Barnstable Natural Resources Program, Aquacultural Research Corporation of Dennis, Ma., the Southeast Massachusetts Aquaculture Center, Barnstable County, the Division of Marine Fisheries with the assistance of the Barnstable Association for Recreational Shellfishing and Americorps Cape Cod 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 eventual seeding of suitable oyster habitats within Barnstable Harbor.

Yellow buoys mark the boundary of the project site. Oyster culture nursery racks and trays are located within the above defined area. Boating, shellfishing and fishing is prohibited within the project site boundary, indefinitely. Please do not jeopardize the project by tampering with the deployed gear and equipment. Abiding by these conditions will insure the integrity of the project equipment and the safety of the public. 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.

Natural Resources has also deployed predator exclusion netting to protect quahog seed planted in the area, Please do not disturb the project netting or quahogs. Yellow buoys mark the boundaries of the project sites.

- **Oysters**

Effective Saturday, **November 3rd, 2012**, 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 is scheduled to open November 3rd, 2012 pending DMF approval. See "Contaminated Oyster and Quahog Relay Area Openings" below).

Effective Monday, **April 1st, 2013**, 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.

• **Scallop Season**

Effective **Sunday, October 28, 2012** scallops may be harvested **recreationally** subject to existing scallop regulations.

Effective **Monday, October 29, 2012** 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 area listed below is scheduled to reopen on November 1st, 2012 pending approval by the Massachusetts Division of Marine Fisheries, subject to state and local rules and regulations.

North Bay:

North Bay Relay Area (DMF/SC23.22) The North Bay Relay Area is defined as: the waters, flats and shoreline of that portion of North Bay from the pier at 79 Sand Point Road to the pier at 86 Sand Point Road extending to the navigational channel at the northern entrance to Cotuit Bay and to the offshore sign/buoys in North Bay.

The areas listed below are scheduled to reopen on November 3rd, 2012 pending approval by the Massachusetts Division of Marine Fisheries, subject to state and local rules and regulations.

West Bay:

The **Wianno Oyster Area (DMF/SC22.24)** 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.

Effective until Wednesday, January 2nd, 2013, commercial shellfishing is prohibited within the Bay Street Relay Area.

North Bay:

The **Bay Street Relay Area (DMF/SC23.20)** 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 Wednesday, January 2rd, 2013, commercial shellfishing is prohibited within the Bay Street Relay Area.

- **West Bay Recreational Shellfishing Area Closure:**

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

**CLOSED PORTION OF WEST BAY
FOR QUAHOG SEED PROTECTION:**

Effective **Saturday, November 3rd, 2012** The West Bay Recreational Shellfishing Area as defined is closed to the harvest of all shellfish and seaworms.

West Bay:

The **West Bay Recreational Shellfishing Area (DMF/SC 22.11)** is defined as the waters, flats and shoreline within an area beginning from the West Bay Landing at Bridge Street to the Wianno Yacht Club pier to the "NR / No Shellfishing" sign/buoys located offshore.

- **Shellfish Propagation Revolving Fund and Shellfish Licenses**

Doug Kalweit presented an update of the following fund and shellfish license status.

The Shellfish Propagation Revolving Fund Status as of 10/17/2012

Balance: \$154,904.41

Expenditures: \$27,007.00

Encumbered: \$1,363

Resident Recreational Licenses issued: 2,207

Non-Resident Recreational Licenses issued: 160

Commercial Shellfish Licenses issued: 47

Piers, Dredging and Shellfish Habitat Issues:

The Shellfish Committee reviewed the following proposed pier application (N.O.I.):

Applicant: George and Kristen Williams Haseotes
Application: Construction of pile supported timber pier with ramp, float and jet ski storage.
Location: 218 Long Beach Road, Centerville, MA 02632, Map 205 / Parcel 3.

The applicant's representative, Arlene Wilson, presented details of the application. The Shellfish Committee had no objections to the application.

New Business

Members of the Cotuit-Santuit Civic Association made a presentation regarding observed incidents of non-residents shellfishing in Town waters without a Town of Barnstable Shellfish license. The Shellfish Committee and the general public discussed Native American shellfishing activity in the Town of Barnstable. Many expressed their concern and displeasure with the alleged excessive taking of shellfish. MEA staff noted that the current agreement with the local Native Americans is that Native Americans are allowed to harvest shellfish equivalent to the commercial limit. Stuart noted that the concept of "sustenance" in respect to these issues needs to be reviewed and defined.

Natural Resources Office submitted proposed amendments to the Town of Barnstable Shellfish, Eel, Herring and Aquaculture Regulations and proposed changes to the Town of Barnstable Shellfish Ordinances Chapter 1; Article 1; Section 5 and Fine Schedule. The proposed amendments pertain to regulations: 407-5:A(11), 407-6:G, 407-8:B, 407-15:B, 407-39:A, 407-62.

The proposed amendment to the fine schedule is:

Commercial possession of more than 5% seed per batch of shellfish	\$300
Recreational possession of more than 5% seed per batch of shellfish	\$300 \$100

Amy Raitto presented and reviewed in detail each proposed regulation amendment and the fine schedule change. The Shellfish Committee approved a motion recommending to amend the fine schedule as stated above.

The Shellfish Committee discussed the proposal from commercial shellfishermen to allow commercial razor clamming within the Scudder Lane Recreational Shellfishing Area. Commercial shellfishermen informed the committee that the resource is wasted because the population in the area is more than the recreational licensees can utilize. Commercial interests would make use of the population. The Shellfish Committee approved a motion allowing the commercial harvest of razor clams in the Scudder Lane Recreational Shellfishing Area as managed by the Natural Resources Office in terms of harvest amount, harvest place and harvest times.