



**Town of Barnstable**  
**Marine and Environmental Affairs Department**  
1189 Phinney's Lane, Centerville, MA 02632  
Derek Lawson, Director  
508-790-6273 / Fax 508-790-6275  
[www.townofbarnstable.us](http://www.townofbarnstable.us)

Animal Control 508-790-6274  
Harbormaster 508-790-6273  
Marinas 508-790-6273  
Moorings 508-790-6273

Natural Resources 508-790-6272  
Sandy Neck 508-790-6272  
Sandy Neck Gatehouse 508-362-8300

**SHELLFISH COMMITTEE**  
**MINUTES OF THE MEETING**  
**DATE: August 14<sup>th</sup>, 2024**  
**TIME: 6:31 PM to 7:47 P.M.**

**Shellfish Committee Members present:** Stuart Rapp, Patricia Farinha, Bill Cherepon, Jake Angelo, Paul Hendricks, Doug Crook, Gloriann Hurwitz, Robert Lancaster

**Shellfish Committee Members absent:**

**General Public present:** Jill Nawoichik, Tim Hamel, Jason French, Joe Huckemeyer, Tom Ryshavy, Joe Weinberg, Jeremy Packard, Connor Rogan

**Town Council Liaison absent:** Gordon Starr

**Town Staff present:** Amy Croteau, Senior Natural Resource Officer/Shellfish Constable, Tyler Ranauro, Office Manager

Stuart Rapp called the meeting to order at 6:31pm August 14<sup>th</sup>, 2024, meeting of the Shellfish Committee. Stuart read a notice at the beginning of the meeting:

*NOTICE OF RECORDING "Please note that tonight's meeting is recorded and broadcast on Channel 18 and, in accordance with MGL Chapter 30A, s. 20, I must inquire whether anyone is taping this meeting and to please make their presence known."*

- 1. Approve Meeting Minutes:** July 10<sup>th</sup>, 2024 minutes  
A motion was made by Mr. Cherepon and seconded by Ms. Hurwitz all in favor by unanimous roll call vote.
- 2. Chairman's Comments:** None
- 3. Natural Resources Report / Correspondence:**  
1-Monthly Propagation Report:  
**Constable Croteau cites Shellfish Technician Ryan Henry that staff working hours are allocated to cleaning and maintenance of the oyster and quahog seed in the floating upwellers. The last of the oyster seed has been put out in bags in Barnstable Harbor. The cultch bags at Barnstable Harbor and East Bay have been cut and spread out into trays. The East Bay experimental remote set has grown extremely well with no issues of predators. An addition,**

**another 73 bushels of legal and seed quahogs have been planted in various locations along the South side of the Town. Planting of the flupsy quahogs will begin in the next few weeks. Staff also reported that the recent 'Learn to shellfish' class was a huge success with a large group in attendance.**

**Constable Croteau also states that a recent accident resulted in the fiberglass for the flupsy in Prince Cove Marina failed and fell to the bottom of the Marina. Staff was able to get the silos and equipment out of the water. 10% +/- of the seed was lost, which is deemed a small lose compared to the amount recovered.**

**Constable Croteau reviews the year-to-date recreational shellfish permit numbers for 2023 and 2024. The '24 sales are about 220 permits behind previous year, but the budget is still healthy. Pending upcoming oyster season, the sales can pick up this fall.**

## **2. Campylobacter Closure Lewis Bay**

**Constable Croteau explains the ongoing closure in Hyannis Harbor. In July, there was a report of 4 people who got sick due to oyster consumption with campylobacter jejuni. Recall of the shellfish happened and resulted in the closed area for investigation. It was determined by Department of Marine Fisheries that 2 sets of water quality sampling that the meat within the oysters that jejuni was not present, but campylobacter species was. Constable Croteau continues to state that of the 200,000 oysters harvested in the area and marketed that week, no other parties have gotten ill. As a result, cross contamination can be presumed present. The Food and Drug Administration put a cautious advisory out that labels 'Cape Cod oysters' to be potentially contaminated.**

**Moving forward, DMF does not have an action plan. FDA has a strict tolerance policy for campylobacter sample testing to re-open and at this point in the season, reopening could be unachievable. As a result, the larger oyster grower/seller community is at risk. In follow up communication with the State, Constable Croteau has had minimal response, but did indicate that the State had a recent meeting with the Cooperative Extension and have a tentative plan moving forward to confront FDA with any new results coming forward.**

**Mr. Angelo asks "These natural occurring bacteria, could it have been a result of temperature abuse. Example of the bacteria within the oyster is always present, but the handling of the species created the issue." Constable Croteau states that the FDA did have issue with the trace back process including tagging issues. Testing was done in the floating suspended species bag which resulted in minimal campylobacter present, but not the jejuni type that made the reporting party sick. Nonetheless, the closure is still in place indefinitely.**

### 3. Update on Dry Dragging Management Plan

Constable Croteau presents the topic as a public comment period. A “Quahog Dry Dragging (also known as Power Dredging) regulations of other MA Towns” email that Croteau generated was sent out to the Natural Resources department, Commercial Shellfish permit holders, Shellfish Committee members, as well as wild harvesters to generate discussion for this potential opportunity within the Town. The purpose is to outline the management plan of a fishery outside of the Town embayment and should that fishery have its own regulations.

Constable Croteau states a common comment has been about the opportunity for hydraulic dragging in the Bays. Noting that it cannot happen in Barnstable Harbor as it is a designated ACEC area, there is opportunity in the Three Bays, Popponesset, and East Bay areas. Croteau offers to reach out to the Conservation Department to inquire.

Ideas, thoughts and concerns are encouraged to ultimately generate a larger forum for discussion. Mr. Ryshavy expresses there should be a daily limit for the number of bushels harvested. Mr. Rapp asks how the Town will be able to manage a dragger amount collected. Constable Croteau states that every harvester that is permitted in the Town must land at a Town landing.

Mr. Ryshavy asks if a Town permit holder finds a bed within the Town waters, what prevents Town harvest areas from other Town coming in to harvest the beds. Constable Croteau states that it will be regulated to Town permit holders to be able to work within the jurisdictions. Shoreline out to the mile marker falls under the Town by law. Mr. Ryshavy comments that there should be a modification to the regulations to prevent out of Town State License holders to dredge and be exclusive to Town of Barnstable.

Mr. Rapp states there should be a regulation to allow the Town of Barnstable to manage the ocean within the Town jurisdiction. Constable Croteau agrees, stating that allowing the permit holders to access particular Town regulated areas in a different way than it has historically been done, then there will be something in place to protect that community of harvesters- ultimately managed by the Town.

Mr. Hamel asks if the 1-mile mark considered in the embayment, Croteau states that it is inside of the sound from the shoreline out. Mr. Rapp states that it is important to expressly write out the determination of a (1) mile mark to ensure proper enforcement.

**Additional comments and concerns regarding defining and determining important facets of this management outline were discussed. Defining sizes and limitations of State vs Town waters, boats, engine type, harvest limit, breakage limit, dredge type, and dredgable area were all discussed. Mr. Angelo, Mr. Ryshavy, Mr. Huckemeyer, Mr. French, Mr. Rogan, Mr. Hamel, and Mr. Weinberg all offered various views and opinions. The comments and opinions were noted and added to the forum to be digested for consideration over the next few SFC meetings before November.**

**4. New Business:**

1. Vote for Chair and Vice Chair

**Mr. Lancaster suggested to postpone the voting to the September meeting. Lancaster suggested uploading the list of candidates to the Town site for the public and allow the committee time to ponder. Mr. Lancaster motioned to postpone the vote; Mr. Crook seconded. All in favor of unanimous roll call.**

2. Proposed Regulation Changes for Discussion: §407-17(B)- Southside Harvest Restrictions, §407-18(A)- Northside Harvest Restrictions, §407-22(A)- Northside Commercial Quahog Harvest Restrictions.

**Constable Croteau was to address the restrictions of wild harvesting during certain times of the year. These regulations made sense when written in the past, but currently do not. These adjustments create less prohibition throughout the summer months. Monday- Saturday year-round, exclude Sunday. Mr. French asks in favor of including Sunday. Constable Croteau states Monday-Saturday is sufficient, Mr. Ryshavy agrees. Mr. Rapp offers to put the regulation changes up to vote in the September meeting.**

**5. Upcoming (and Old) Renewal & Transfer Hearings: None**

**6. Upcoming (and old) Proposed Coastal Projects:**

1. Applicant: Griffin Beaudoin, Town of Barnstable DPW

Project Location: 180 Ocean Street, Hyannis, MA 02601 (map 326, parcel 068)

Representative: Jeramy Packard, Foth Infrastructure & Environment, LLC

Proposed Project: The Town is proposing to perform maintenance repairs to the existing licensed 680-foot steel bulkhead located along the shoreline of Bismore Park on Hyannis Inner Harbor in Barnstable, MA. Bulkhead repairs include steel plating, epoxy recoating and anode replacement.

There is no anticipated permanent resource area impacts associated with this project.

Conservation Hearing: August 8, 2024, 6:30PM via Zoom

**Mr. Packard of FOTH Infrastructure and Environment, on behalf of the Town of Barnstable DPW proposes the project at 180 Ocean Street. The project has already been in front of the Committee and approved. Mr. Packard is on hand to clarify and discuss and final questions.**

**2. Applicant: Anthony Pelletier, Anthony F. Pelletier 1994 Trust**  
Project Location: 18 Nelberth Terrace, Hyannis, MA 02601 (map 325, parcel 091)  
Representative: Roy Okurowski, WRS Engineering  
Proposed Project: Proposed reconstruction and replacement of licensed rock jetty, concrete ramp, rock revetment platform with piles and native plantings  
Conservation Hearing: July 9, 2024 6:30PM via Zoom  
**The project was moved to the Conservation hearing on July 23<sup>rd</sup> and was approved.**

**7. Special Presentations:**

**8. Old Business:**

1. Status of the repair of Scudder Lane Town landing
- 2.

**9. Matters not reasonably anticipated by the Chair: None**

The Shellfish Committee unanimously voted to approve a motion made by Angelo and seconded by Farinha at 7:47 PM to adjourn.

Respectfully submitted-MEA Office Manager Tyler Ranauro