

Shellfish Committee Minutes of the Meeting

DATE: October 15, 2008
TIME: 7:30 P.M. to 9:30 P.M.
LOCATION: MEAD Building

Shellfish Committee Members present:

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

General Public present:

Dolores Lowe, King Lowe, Spero Piantes, Jean Crocker, Ken Ward

NR Staff present:

Doug Kalweit, Tom Marcotti

Chairman's Report:

Stuart Rapp chaired the October 15th, 2008 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the August 20th, 2008 meeting of the committee. Gerard Ganey requested revisions of the minutes of the September 17th, 2008 meeting of the Shellfish Committee to include the names of the general public in attendance and the comments they made regarding the issue of shellfish propagation and the prohibition of access to the Crocker's Neck Road area of Popponeset Bay.

Natural Resources Report:

- **Scudder Lane Recreational Shellfishing Area Opening / Oyster Season Opening Dates:**

Effective Sunday, **October 19, 2008**, 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 Wednesday, **April 1, 2009**, the Scudder Lane Recreational Shellfishing Area in Barnstable Harbor is closed to the harvest of all shellfish.

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.

OYSTERS

Effective Sunday, **October 19, 2008**, Town of Barnstable waters currently open to the harvest of soft shell clams and quahogs are open for the **recreational** harvest of oysters.

Effective Wednesday, **April 1, 2009**, the harvest of oysters is prohibited throughout the Town of Barnstable.

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.

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

Effective **Sunday, October 19, 2008** 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.

- **Scallop Season**

Effective **Sunday, November 2, 2008** scallops may be harvested **recreationally** subject to existing scallop regulations.

Effective **Monday, November 3, 2008** scallops may be harvested **commercially** subject to existing scallop regulations. Harvest by commercial permit on Sunday is prohibited.

LEGAL SIZE SCALLOP: Must have a well defined annual growth ring.

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.

- **Shellfishing Area Status**

The 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 **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.**).

- **Thank You**

The NR wishes to thank the Aquacultural Research Corporation, Barnstable County, the Southeast Massachusetts Aquaculture Center, Three Bays Preservation Group, the Barnstable Association for Recreational Shellfishermen, Americorps Cape Cod, Cape Cod Academy interns Eric and Chelsea, seasonal assistants Amy Raitto and Mark Babson and all those volunteers who contributed their efforts to projects during 2008.

Piers, Dredging and Shellfish Habitat Issues:

The Shellfish Committee reviewed and discussed the following proposed pier application:

Applicant: **Richard M. & Anna Tocci**

Application: (N.O.I.) Construct and maintain a timber pier, ramp, and float in North Bay.

Location: 80 Great Bay Road, Osterville, MA. (as shown on Assessors Map 093-074)

The Shellfish Committee approved a motion to send a letter to the Conservation Commission stating that the value of the proposed project area (Tocci application) is so great (10) that the Shellfish Committee cannot support any structure(s) or boating activity in the area that would negatively affect the shellfish habitat.

Applicant: **Steven C. & Jennifer M. Walske**

Application: (N.O.I.) Construct and maintain a timber pier, ramp, and float in Cotuit Bay.

Location: 47 Sunset Point, Osterville, MA. 02655 (as shown on Assessors Map 051-015)

Applicant: **Barry Lehman, Trs.**

Application: (N.O.I.) Construct a fixed pier, ramp, float boardwalk and stairway at Prince Cove.

Location: 240 Baxter's Neck Road, Marstons Mills, MA. 02648

(as shown on Assessors Map 075-024).

Applicant: **William Cloutier, Steamship Authority**

Application: (N.O.I.) The scope of work for this N.O.I. cover dredging approx. 2300 yards of material between the existing slips at the terminal. This dredging is necessary in order to install the slip #2 new transfer bridge in a different alignment as permitted under Order of Conditions SE3-4642.

Location: 71 South Street, Hyannis, MA. 02601 (as shown on Assessors Map 326-130).

Applicant: **Wayne G. Kurker**

Application: (N.O.I.) To maintain and construct/dredge all previously authorized improvements in accordance with previous approvals and dredge limits in accordance with licensed drawings. Installation of a power wash system.

Location: 1 Willow Street, Hyannis, MA 02601 (as shown on Assessors Map 326)

Stuart Rapp noted that, in general, pier applications that are denied at the local level are usually approved by the Department of Environmental Protection at the State level.

The Shellfish Committee discussed that many N.O.I.'s, proposals, etc for coastal projects, i.e., piers, are applied for and publicly heard in between scheduled Shellfish Committee and other committee meetings. This application and submittal procedure bypasses any review by various committees. Stuart Rapp suggested that a sub-committee of the Shellfish Committee be formed to meet as needed to address coastal development applications as they are filed, or that the Shellfish committee hold extra meetings as necessary.

Ways to Water

Stuart Rapp informed the committee that the Town has hired Ms. Alicia Parker to research and compile listings of Town "ways to water".

Shellfish Aquaculture License Renewal Application

The Shellfish Committee reviewed, discussed and recommended that the shellfish aquaculture license renewal application of Cheryl Ryan be approved by the Town Manager. Ms. Cheryl Ryan's shellfish aquaculture site is located in Barnstable Harbor (Area 1; site ng031; 2.0 acres). A public hearing for the proposed transfer application will be held on Thursday, October 30th, 2008 at 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.