

Shellfish Committee Minutes of the Meeting

DATE: October 21, 2009
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, Andre Sampou, Les Hemmila, Richard Haskell,

General Public present:

Norman White

NR Staff present:

Tom Marcotti

Chairman's Report:

Stuart Rapp chaired the October 21st, 2009 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the September 16th, 2009 meeting of the Shellfish Committee.

Stuart informed the Shellfish Committee that 2 members are needed to fill the membership of the Shellfish Committee; one knowledgeable in the category of commercial shellfishing and the other in shellfish biology.

Stuart received authorization from the Shellfish Committee to send a letter to the Town Council in regards to the issue of street/ landing parking without a residence shellfishing permit.

Stuart received authorization from the Shellfish Committee to send a letter to the Town Council in regards to the issue of shellfishing without a license.

Stuart will also send a letter to the Town Council requesting that the Shellfish Committee be properly notified of proposed pier hearings (coastal development projects) by copy of N.O.I.'s.

Natural Resources Report:

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

Effective Wednesday, **November 4, 2009**, 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 Thursday, **April 1, 2010**, 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.

Effective Wednesday, **November 4, 2009**, Town of Barnstable waters currently open to the harvest of soft shell clams and quahogs are open for the recreational harvest of oysters.

Effective Thursday, **April 1, 2010**, 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:**

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 1, 2009** scallops may be harvested recreationally subject to existing scallop regulations.

Effective **Monday, November 2, 2009** 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.

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.**).

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

The following shellfish relay areas have been approved for the harvest of shellfish by the Division of Marine Fisheries and shall open for the harvest of shellfish as of **Wednesday, November 4, 2009** (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.

(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)

- **Thank You**

The NR wishes to thank the Aquacultural Research Corporation, Barnstable County, the Southeast Massachusetts Aquaculture Center, and Americorps Cape Cod and all those volunteers who contributed their efforts to implement projects during 2009.

Piers, Dredging and Shellfish Habitat Issues:

Andre Sampou and Gerard Ganey requested that the following excerpt from a letter from Paul J. Diodati, Director of the Massachusetts Division of Marine Fisheries, to the Barnstable Conservation Commission be read into the minutes of the Shellfish Committee meeting. The letter (dated September 24, 2009) was sent in regards to the N.O.I. of an applicant, Diane L. Currier Tr., 1071 Old Post Realty Trust, for a proposed timber boardwalk, pier, ramp and float at 1071 Old Post Road, Cotuit, MA:

Dear Board and Committee Member,

....."The continued proliferation of piers in Barnstable and other Cape towns could have a cumulative detrimental impact on the Commonwealth's marine resources and could in time result in a much-diminished population of marine species in these embayments. The Commission should carefully consider the cumulative impacts this structure could have on the Town's natural resources. Paul J. Diodati, Director

Gerard said he would further research the findings of DMF in regard to their comments on this N.O.I.

The Shellfish Committee reviewed and discussed the following proposed bulkhead replacement project:

Applicant: Frank & Nancy Selldorff
 Application: (N.O.I.) Proposed replacement of timber bulkhead
 Location: 102 Bluff Point Drive, Cotuit, MA. 02635
 (as shown on Assessors Map 034, Parcel 071)

Stuart Rapp was concerned about the protection of the Bluff Point Shellfish Relay Area (DMF/SC21.20) from barges and proposed methods and materials for the proposed project. Stuart requested more information on the work protocols for the proposed project.

The Shellfish Committee reviewed and discussed the continuation of the following previously permitted dredging project (SE3-3743):

Applicant: Three Bays Preservation, Inc.
 Application and
 Location: Dredging of the lower Cotuit Bay navigational channel with beach nourishment of Dead Neck barrier beach (as shown on Assessors Map 050, Parcel 001 and 002).

The Shellfish Committee previously discussed the budgetary aspects of commercial and recreational shellfishing permit fees at their September 2009 meeting. The committee was inclined to consider raising the permit fees to support the established shellfish propagation revolving fund. At the committee's request, Natural Resources compiled a list of the current license fees of other Cape Cod towns and submitted the list to the committee at their October meeting. In consideration of the current economic hardships of the times, the committee determined to take the issue of increasing the fees for shellfishing permits off its agenda.

New Business**Commercial Shellfishermen's Anchor Permits**

The Shellfish Committee discussed the allowance of boat anchorage for commercial shellfishermen in the bays. Commercial shellfishermen have recently received citations for anchoring their boats in specific areas of the Town's bays. Les Hemmila noted that commercial shellfishermen have been anchoring their boats intermittently at various locations in the Town's bays for years. Les stated that commercial shellfishermen change their anchoring locations according to their shellfishing activities. Stuart requested Les Hemmila to research the anchoring regulations for neighboring towns so the committee could submit a request to the harbormaster to consider the allowance of commercial shellfishermen to anchor their boats according to their needs.

Appreciation for Kris Clark

The Shellfish Committee thanked Kris Clark for all her tireless efforts to enhance the shellfish resources of the Town and her years of dedicated service as the Seasonal Shellfish Technician for the Natural Resources Office.