



Town of Barnstable
Shellfish Committee
1189 Phinneys Lane, Centerville MA 02632



SHELLFISH COMMITTEE
MINUTES OF THE MEETING
DATE: January 8, 2025
TIME: 6:00-7:00 PM

Shellfish Committee Members present: Jacob Angelo, Timothy Hamel, Patricia Farinha, Douglas Crook, Bill Cherepon, Gloriann Hurwitz.

Shellfish Committee Members absent: Stuart Rapp, Bob Lancaster, Paul Hendricks

General Public present: Jason French, Jill Nawoichik, Mark Begley, Paul Hamblin, Olivia Weinberg, Joe Weinberg, Lenny Clark, Jared Hemmila, Aaron Hemmila, David Cranshaw, Tyler Hagensten, Dennis Konary, Henry Cenzalli, Shelley Cenzalli, Clarissa Cenzalli, Glorya Cenzalli.

Town Council Liaison absent:

Town Staff present: Amy Croteau, Senior Natural Resource Officer/Shellfish Constable; Polina Plucinski, MEA Administrative Assistant

Douglas Crook called the meeting to order at 6:00 PM, as January 8, 2025 meeting of the Shellfish Committee. Crook read a notice at the beginning of the meeting:

NOTICE OF RECORDING "Please note that tonight's meeting is recorded and broadcast on the Town of Barnstable's Government Access Channel 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."

TOPICS FOR DISCUSSION

1. Approve Meeting Minutes: December 11, 2024 minutes

Chairman Crook entertained a motion to approve the December 11, 2024 meeting minutes, Bill Cherepon made a motion to approve the minutes as submitted, seconded by Gloriann Hurwitz. There was a unanimous vote in favor of approving minutes as written.

2. Chairman's Comments: Chairman Crook introduced a new member of the committee – Tim Hamel.

3. Natural Resources Report / Correspondence:

1. Shellfish Growing Area Updates

Constable Croteau – no growing area updates at this time.

2. Monthly Propagation Report

Constable Croteau read the report submitted by Shellfish Technicians Amanda Lee which stated the following:

“Our seasonal Aydan has left us, his contribution and craftsmanship skills will be sorely missed.

We planted oysters, that were bought through the commercial ugly program and planted those at Scudder. We had seven participants in the uglies program, totaling 22,900 pieces which were bought at 35 cents a piece. We went a little over budget and spent \$8,015. Our recreational fisherman have been happy with the increased number of oysters available.

We have continued routine maintenance on our quahog predator exclusion nets to reduce algal growth. This winter has given us time to repair some of our broken gear. This includes reworking a new trash pump, repairing the holes in our FLUPSY cavity tank as well as our silos. We have been systematically replacing old oyster bags with new suitcase bags. In addition, we have also been working on repairing our old oyster trays in preparation for the new growing season.

As we look forward to spring, we are gearing up to create a new education program that will bring shellfishing to students in Hyannis. We are excited about this new endeavor and opportunity to share aquaculture with a new population.

Orders for next year’s stock have already been placed. We will be growing quahogs, oysters, and scallops next year.”

3. Year to Date Shellfish Numbers:

Constable Croteau stated that due to the Office Manager absence at the time, no report was prepared. The shellfish renewal season is going well.

4. New Business:

1. Review of Apprentice Commercial Shellfishing Permit Application and Documentation of Hours

Constable Croteau stated that she currently has 6 Commercial Permit holders offered to be sponsors for a total of 4 children. Up to this point no actual application for this program was established, therefore there was an issue documenting the required 400 hours to complete the program. Constable Croteau then presented a new Apprentice Commercial Shellfishing Permit Application which explains how the actual program works, who is eligible for it, and what you have to do to participate in it.

Application also states that “Due to the minimum age requirement for a commercial state permit and transaction card, no Town of Barnstable commercial shellfish permit shall be issued to an individual who has completed the apprentice program and is under the age of 14. If the individual who has

completed the apprenticeship is under the age of 14, a Town of Barnstable commercial permit shall be issued upon the 14th birthday of the individual.”

Documentation of 400 hours to Natural Resources Requirements: When a sponsor will be taking out an apprentice the sponsor must call Natural Resources 508-790-6272 and either relay to staff or leave a voicemail stating what date and time the sponsor is taking the apprentice out, where the apprentice will be working with them that day and what species of shellfish are being targeted for harvest. When the apprentice is done working with a sponsor or sponsors for the day, the sponsor(s) must again call Natural Resources 508-790-6272 and either relay to staff or leave a voicemail stating what time work stopped and how many hours were completed. A record of completed hours will be kept by Natural Resources and shared with the sponsor(s) electronically until the 400 hours is completed. Failure to call in to Natural Resources as stated above will result in those hours not being logged towards the 400 for that day.

Constable Croteau then introduced a new apprentice: Conzalli Clarissa and Gloria, Weinberg Olivia, Hamel Gemma.

Jake Angelo introduced some concerns on the matter. The main concern was the “life” of a permit. The question of Special Permit for life → doesn’t increase number of Commercial Permits in the pool.

Constable Croteau once again explained the program and stated that she will entertain the proposal of putting extra regulations for the program if things will go “out of hand.”

2. Proposed Regulation Changes pertaining to commercial quahog limits in CCB30 and SC18; §407- 21 and §407-22 for discussion and possible vote.

The following regulation changes were proposed by Constable Croteau:

- 1: Proposal: Section 407-21; Amend the existing regulation by adding the wording **highlighted in bold**.

§407-21. Southside commercial quahog harvest restrictions.

A. Harvest days. The commercial harvest of quahogs on the Southside of the Town of Barnstable shall be allowed on Monday through Saturday. Harvest by commercial permit on Sunday is prohibited.

B. Commercial quahog harvest limit **within south side embayments (SC19-SC28)**. The total daily limit of littleneck, cherrystone or mixed (littleneck/cherrystone) shall not exceed three level tote baskets, as defined. The total daily limit of all quahogs (i.e., littlenecks, cherrystones and chowders) shall not exceed 5 level tote baskets in any combination. Chowder quahogs shall be culled and bagged separately from littlenecks and cherrystones prior to landing, if the total catch exceeds three tote baskets.

C. Commercial quahog limit outside south side embayments (SC18). The total daily limit of all quahogs from SC18 shall not exceed 20 level tote baskets. Commercially harvested quahogs from SC18 cannot be combined with commercially harvested quahogs from within SC19-SC28 to exceed 20 level tote baskets.

Rationale: gives opportunity for higher commercial daily quahog harvest limits from those areas that were not historically managed by the Town. Recommendation is consistent with how other towns manage their outer CCB and SC fisheries but is more restrictive than the amount that would be allowed by the state.

- 2: Proposal: Section 407-22; Amend the existing regulation by removing the wording ~~crossed-out~~ and **highlighted in bold** and adding the wording **highlighted in bold**.

§407-22. Northside commercial quahog harvest restrictions.

A. Harvest days. The commercial harvest of quahogs on the Northside of the Town of Barnstable shall be allowed Monday through Saturday.

B. Commercial quahog harvest limit **within Barnstable Harbor (CCB29 and CCB31-CCB34)**. The total daily limit of commercially harvested quahogs **from within Barnstable Harbor (CCB29 and CCB31-CCB34)** shall not exceed two level tote baskets, as defined.

C. Commercial quahog limit outside Northside embayments (CCB30). The total daily limit of all quahogs from CCB30 shall not exceed 20 level tote baskets. Commercially harvested quahogs from CCB30 cannot be combined with commercially harvested quahogs from within CCB29 and CCB31-CCB34 to exceed 20 level tote baskets.

~~C~~ **D. Commercial quahog harvest area restriction.** The commercial harvest of quahogs shall be allowed in all areas of Barnstable Harbor open to the harvest of shellfish, with the exception of the Scudder Lane Recreational Area, as defined under Article VII §407-44(A)1 **and the Barnstable Harbor closed to commercial zone as defined under Article VII §407-45(A)2.**

Rationale: gives opportunity for higher commercial daily quahog harvest limits from those areas that were not historically managed by the Town. Recommendation is consistent with how other towns manage their outer CCB and SC fisheries but is more restrictive than the amount that would be allowed by the state.

Jacob Angelo with the motion to approve Section 407-21; Amend the existing regulation by adding the wording and Section 407-22; Amend the existing regulation by removing the wording and adding the wording.

Second: Bill Cherepon

All in favor.

3. Proposed Regulation Changes pertaining to commercial quahog limits in CCB30 and SC18; §407- 21 and §407-22 for discussion and possible vote.

3: Proposal: Section 407-45; Amend the existing regulation by removing the adding the wording ~~crossed-out~~ and **highlighted in bold** and by adding the wording **highlighted in bold**.

§407-45. Areas Closed to Commercial Shellfishing:

A. Northside:

- (1) Scudder Lane Recreational Shellfishing Area as defined above.
- (2) **Barnstable Harbor: except as otherwise noted. Closed to Commercial Zone Barnstable Harbor: the waters, flats and all tributaries of that portion of Barnstable Harbor drawn northwest from a pole at Harris Meadow Lane 41°42'35"N, 70°18'57"W to a closed to commercial shellfishing sign located on the northwest tip of Huckins Island 41°43'01"N, 70°18'57"W, southeast around Huckins Island to a closed to commercial shellfishing sign on the southern flat of Huckins Island with a line drawn south to a closed to commercial shellfishing sign at Calves Pasture Point.**

B. Southside:

- (1) The Handy Point Quahog Propagation Area is defined as the waters and intertidal flat within an area marked by yellow "NR" marker buoys and/or signposts as deployed near Handy Point in Cotuit Bay.
- (2) The West Bay Recreational Shellfishing Area: 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" buoys located offshore (DMF/SC22.11).

Note: For current information on the above listed areas, phone Natural Resources at 508-790-6272 or the Division of Marine Fisheries.

Periodically, updated shellfish area maps and shellfish area opening and closures are available online at:

<http://town.barnstable.ma.us> <https://www.townofbarnstable.us/ispol.asp>

Rationale- addresses the need for the scaled back Closed to Commercial Zone in Barnstable Harbor to be defined. Also addresses the change in the Town of Barnstable main website address.

Jacob Angelo with the motion to approve Proposed Regulation Changes pertaining to commercial quahog limits in CCB30 and SC18.

Second: Bill Cherepon

All in favor.

5. Upcoming (and Old) Renewal & Transfer Hearings:

1. Hearing for the renewal of aquaculture licensed site ng002 for Dennis Konary, 751 Main St, Cotuit, MA 02635 for a period of 10 years. Public hearing 1/22/2025 at 9:00AM via Zoom.

Natural Resources does not have any opposition for renewal.

Chairman Crook entertained a motion to recommend to the Town Manager to approve the renewal of aquaculture licensed site ng002 for Dennis Konary.

Motion: Jacob Angelo

Second: Gloriann Hurwitz

All in favor.

2. Hearing for the issuance of an aquaculture license for site ng035 to Leonard Clark, 398 Woodside Rd, West Barnstable, MA 02668 for a period of 5 years. Public hearing 1/22/2025 at 9:30AM via Zoom.

Constable Croteau stated that the site was offered to the Waitlist.

Natural Resources does not have any opposition for the issuance of an aquaculture license.

Chairman Crook entertained a motion to recommend to the Town Manager the issuance of aquaculture license ng035 for Leonard Clark.

Motion: Jacob Angelo

Second: Patricia Farinha

All in favor.

3. Hearing for the renewal of aquaculture licensed site ng056 for Aaron Hemmila, 126 Peach Tree Rd, Marstons Mills, MA 02648 for a period of 10 years. Public hearing 1/22/2025 at 10:00AM via Zoom.

Natural Resources does not have any opposition for renewal.

Chairman Crook entertained a motion to recommend to the Town Manager to approve the renewal of aquaculture licensed site ng056 for Aaron Hemmila.

Motion: Gloriann Hurwitz

Second: Timothy Hamel

All in favor.

4. Hearing for the renewal of aquaculture licensed site ng024 for Paul Hamblin, owner, Spring Creek Shellfish Inc., 76 John Maki Rd, West Barnstable, MA 02668 for a period of 10 years. Public hearing 1/28/2025 at 11:00AM, Selectmen's Conference Room, 2nd floor, Town Hall, 367 Main St, Hyannis, MA 02601.

Natural Resources does not have any opposition for renewal.

Chairman Crook entertained a motion to recommend to the Town Manager to approve the renewal of aquaculture licensed site ng024 for Paul Hamblin.

Motion: Jacob Angelo

Second: Bill Cherepon

All in favor.

5. Hearing for the transfer of aquaculture licensed site ng016 from Christina Laurie, 158 Lakeside Dr, Marstons Mills, MA 02648 to Paul Hamblin, owner, Spring Creek Shellfish Inc., 76 John Maki Rd, West Barnstable, MA 02668 and issuance of a new license to Paul Hamblin for a period of 5 years. Public hearing 1/28/2025 at 11:00AM, Selectmen's Conference Room, 2nd floor, Town Hall, 367 Main St, Hyannis, MA 02601.

Natural Resources does not have any opposition to this transfer.

Chairman Crook entertained a motion to recommend to the Town Manager to approve the transfer of the aquaculture licensed site ng016 from Christina Laurie to Paul Hamblin.

Motion: Timothy Hamel

Second: Bill Cherepon; Jacob Angelo

All in favor.

6. Hearing for the transfer of aquaculture licensed site ng046 from Christopher Van Duzer, 281 Commerce Rd Barnstable, MA 02630 to Kimberly Hamblin, manager, Spring Creek Shellfish Inc., 76 John Maki Rd, West Barnstable, MA 02668 and issuance of a new license to Kimberly Hamblin for a period of 5 years. Public hearing 1/28/2025 at 11:00AM, Selectmen's Conference Room, 2nd floor, Town Hall, 367 Main St, Hyannis, MA 02601.

Natural Resources does not have any opposition to this transfer.

Chairman Crook entertained a motion to recommend to the Town Manager to approve the transfer of the aquaculture licensed site ng046 from Christopher Van Duzer to Kimberly Hamblin.

Motion: Timothy Hamel

Second: Bill Cherepon

All in favor.

6. Upcoming (and old) Proposed Coastal Projects: None

7. Special Presentations: None

8. Old Business:

1. Proposed Razor Clamming Regulations- Temperature Restrictions §407-8, §407-15, Minimum Size Limits §407-6, 407-36-A for vote.

The following regulation changes were proposed by Constable Croteau:

1: Proposal: Section 407-6; Amend the existing regulation by removing the ~~crossed-out~~ wording **highlighted in bold** and adding the wording **highlighted in bold**.

§407-6. Minimum size limits.

Shellfish shall be culled and all seed returned to the waters and flats immediately. Persons shall not take or have in their possession (in basket, bucket, bag, or other container):

- A. Soft shell clams less than two inches in longest **shell** diameter to the amount of more than 5% of any batch.
- B. Quahogs less than one inch shell thickness (hinge width) to the amount of more than 5% of any batch.
- C. Bay scallops without a well-defined raised annual growth ring to the amount of more than 5% of the total catch remaining. (See scallop regulations).
- D. Sea scallops less than 3 1/2 inches in diameter from the hinge to the outer edge to the amount of more than 10% of the entire lot. This tolerance of 10% shall be determined by numerical count taken at random of not less than one peck nor more than four pecks of the entire lot.
- E. Sea clams less than five inches in longest diameter to the amount of more than 5% of any batch.
- F. Oysters less than three inches in longest diameter to the amount of more than 5% of any batch.

G. Jackknife razor clams (*Ensis leei*) less than four inches in total shell length to the amount of more than 5% of any batch.

G. H. Eels or elvers less than nine inches in total length.

Rationale: addresses the need for protection of razor clams that have not yet had an opportunity to spawn in recognition that the state does not have an established minimum size limit for this species.

2: Proposal: Section 407-8; Amend the existing regulation by removing the adding the wording **highlighted in bold.**

§407-8. Shellfishery conservation and management.

A. Temperature restriction. Dry digging for soft shell clams and quahogs is prohibited when the air temperature is 28F or below. **Dry digging and/or dry salting for razor clams is prohibited when the air temperature is 28F or below. Real time temperature will be determined by the National Weather Service Station located at the Barnstable Municipal-Boardman Airport (KHYA) <https://forecast.weather.gov/MapClick.php?lat=41.6534&lon=-70.2976>**

B. Backfilling of dig holes. All dig sites shall be backfilled when dry digging **all** shellfish.

C. Mainland thatch conservation. The digging of shellfish in the thatch (grass) on the mainland shore is prohibited. Dig sites in the thatch on flats and islands shall be repaired.

D. Shucking restriction. All shellfish harvested shall be brought ashore in the shell.

E. Wet storage prohibition. The wet storage of shellfish in the Town of Barnstable waters is prohibited.

F. Transport of seed restriction. No person shall transport or move seed ~~clams, quahogs, oysters or scallops~~ **shellfish of any species**, except that a five percent (by count) of seed shall be allowed as a margin of error.

G. Area closures. No person shall take or attempt to take shellfish from a closed area with the exception of scallops. Shellfishing for any purpose is prohibited in these areas (See also Shellfish Area Status). Areas may be posted closed from time to time by Natural Resources or the Board of Health due to high concentrations of seed, point source pollution or health hazard, propagation projects or other purpose. The taking of shellfish from these areas is prohibited. Also, the taking of shellfish from any shellfish culturing gear or tampering with said gear deployed by public and/or private entities on approved designated areas is prohibited. Said approved designated areas shall be considered closed areas.

H. Inspections. All shellfish and sea worms harvested in the Town of Barnstable are subject to inspection. Failure to display shellfish upon demand of enforcement personnel shall be a violation.

I. Destruction of shellfish or shellfish habitat. The willful destruction of shellfish and/or shellfish habitat is prohibited and shall be punishable by a fine not to exceed \$1,000 per incident, and \$1,000 per day for any such destruction which continues over more than a twenty-four hour period of time.

Rationale- addresses establishment of a temperature restriction related to razor clamming to protect smaller animals from unnecessary death as a result of exposure to low temperatures. Also addresses the need for a location where temperature can be defined and therefore enforceable if infractions occur.

Constable Croteau stated that the temperature displayed at the Airport will be the temperature used for enforcement purposes in the field.

3: Proposal: Section 407-15; Amend the existing regulation by removing the ~~crossed-out~~ wording **highlighted in bold** and adding the wording **highlighted in bold**.

§407-15. Shellfish conservation and management.

A. Temperature restrictions. Dry digging for sot shell clams and quahogs is prohibited when the air temperature is 28F or below. **Dry digging and/or dry salting for razor clams is prohibited when the air temperature is 28F or below. Real time temperature will be determined by the National Weather Service Station located at the Barnstable Municipal-Boardman Airport (KHYA)**

<https://forecast.weather.gov/MapClick.php?lat=41.6534&lon=-70.2976> However, the commercial harvest of mussels, the subtidal harvest of quahogs and the use of hydraulic method or a hand plunger to subtidally harvest soft shell clams, jackknife clams (*Ensis leei*) and common razor clams (*Tagelus plebeius*) on the Southside will be allowed.

B. Backfilling of dig holes. All dig sites shall be backfilled when dry digging **all** shellfish.

C. Mainland thatch conservation. The digging of shellfish in the thatch (grass) on the mainland shore is prohibited. Dig sites in the thatch on flats and islands shall be repaired.

D. Shucking restriction. All shellfish harvested shall be brought ashore in the shell.

E. Transport of seed restriction. No person shall transport or move seed ~~elams, quahogs, oysters or scallops~~ **shellfish of any species**, except that a five percent (by count) of seed shall be allowed as a margin of error.

F. Area closures. No person shall take or attempt to take shellfish from a closed area with the exception of scallops. Shellfishing for any purpose is prohibited in these areas (See also Shellfish Area Status). Areas may be posted closed from time to time by Natural Resources or the Board of Health due to high concentrations of seed, point source pollution or health hazard, propagation projects or other purpose. The taking of shellfish from these areas is prohibited. Also, the taking of shellfish from any shellfish culturing gear or tampering with said gear deployed by public and/or private entities on approved designated areas is prohibited. Said approved designated areas shall be considered closed areas.

G. Inspections. All shellfish and sea worms harvested in the Town of Barnstable are subject to inspection. Failure to display shellfish upon demand of enforcement personnel shall be a violation.

H. Destruction of shellfish or shellfish habitat. The willful destruction of shellfish and/or shellfish habitat is prohibited **and shall be punishable by a fine not to exceed \$1,000 per incident, and \$1,000 per day for any such destruction which continues over more than a twenty-four hour period of time.**

Rationale- addresses establishment of a temperature restriction related to razor clamming to protect smaller animals from unnecessary death as a result of exposure to low temperatures. Also addresses the need for a location where temperature can be defined and therefore enforceable if infractions occur. Also addresses consistency needed between recreational and commercial regulations pertaining to destruction of shellfish habitat now that the \$1,000 fine has bene removed from §1-5 of the Town Code.

4: Proposal: Section 407-36; Amend the existing regulation by removing the ~~crossed-out~~ wording **highlighted in bold** and adding the wording **highlighted in bold**.

§407-36. Commercial jackknife clam and common razor clam shellfishing.

A. Commercial jackknife clams (*Ensis leei*) and common razor clam (*Tagelus plebeius*) harvest limit. The total commercially harvested daily limit of either species shall not exceed four level tote baskets, as defined, whether harvested in the Northside or Southside areas open for commercial harvest.

B. Minimum size limit. Shellfish shall be culled and all seed returned to the waters and flats immediately. Persons shall not take or have in their possession (in basket, bucket, bag or other container) jackknife razor clams (*Ensis leei*) less than four inches in shell length to the amount of more than 5% of any batch.

C. ~~B.~~ Southside harvest restrictions.

(1) Harvest area restriction in the intertidal zone. The commercial harvest of jackknife clams and common razor clams by dry digging on the Southside of Town of Barnstable is prohibited. The commercial harvest of jackknife clams and common razor clams from the intertidal area, that area between ~~the~~ mean low-water line and the mean high-water line, or any flat or beach area which is exposed at low tide, is strictly prohibited, unless otherwise stated.

(2) Harvest method. Jackknife clams and common razor clams may be commercially harvested on the Southside by hydraulic method or hand plunger. No other devices or materials shall be used, unless approved by the Natural Resources Office. All hydraulic method and hand plunger rules and regulations as defined for the commercial harvest of soft shell clams pertain to the commercial harvest of jackknife clams and common razor clams. (Refer to commercial soft shell clams shellfishing rules and regulations).

(3) Harvest days/hours. Refer to commercial soft shell clams shellfishing rules and regulations.

D. ~~C.~~ Northside harvest restrictions.

(1) Harvest days. The commercial harvest of jackknife clams and common razor clams shall be allowed Monday through Saturday.

(2) Harvest area restriction. The commercial harvest of jackknife clams and common razor clams shall be prohibited in the Scudder Lane Recreational Shellfishing Area, Huckins Island and all tidal flats associated with the island and areas closed for management and/or pollution closures. The commercial harvest of jackknife clams and common razor clams in the area stated above shall be effective Tuesday January 1, 2019 through December 31, 2019. Beginning January 1, 2020, the opening and closing of the above mentioned area shall be governed by Section 188-4(A)2 of the Town of Barnstable Code.

(3) The commercial harvest of jackknife clams and common razor clams shall be allowed west of a line extending north from Calves Pasture Point, excluding Huckins Island and all tidal flats associated with the island, commercial harvest is prohibited on this island. Harvest method: razor clams may be taken with a standard clam hoe (rake) in areas designated by the Town Manager. No shovels, forks, or other devices or materials shall be used, unless approved by the Natural Resources Office.

(4) All helpers actively helping a commercially licensed shellfisherman, harvesting razor clams, shall be required to hold a valid Mass. commercial shellfish and seaworms permit. However, no such permit is required to operate the boat. All helpers must present their valid Mass. commercial shellfish and seaworms permit, in person, to the Natural Resources Office prior to initially helping a commercially licensed shellfisherman.

Rationale- addresses the need for protection of razor clams that have not yet had an opportunity to spawn in recognition that the state does not have an established minimum size limit for this species.

Timothy Hamel entertained the motion to approve.

Second: Gloriann Hurwitz

All in favor.

9. Matters not reasonably anticipated by the Chair: None

10. Jacob Angelo with the motion to adjourn the meeting. Chairman Crook – second. All in favor.

Respectfully Submitted: Polina Plucinski – MEA Administrative Assistant