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Amy Croteau
Natural Resources Department
Town of Barnstable
367 Main Street
Hyannis, MA 02601

Temporary Authorization Regarding Primary Sale of Shellfish at Barnstable Harbor

The Division of Marine Fisheries (DMF) is authorizing commercial shellfish fishers operating in Barnstable Harbor and landing at the Blish Point Landing or Millway Marina to immediately transport shellfish to the adjacent to the Barnstable Harbor Marina parking area located at 110 Freezer Road, Barnstable, MA ("Parking Area") for purposes of primary sale to a wholesale dealer authorized as a primary buyer. DMF is issuing this temporary authorization to alleviate local congestion and public safety and nuisance issues related to state requirements that commercial shellfish fishers conduct the primary sale of shellfish at point of landing or at a wholesale dealer facility. This authorization is being granted with consideration that the Parking Area is a municipal property that is immediately adjacent to the Blish Point Landing or Millway Marina landing sites and is regularly monitored by the Barnstable Natural Resources Department through electronic surveillance and routine patrols.

For the purposes of this temporary authorization, and in order to comply with 322 CMR 16.04(6), all commercial shellfish fishers: (1) shall directly transport shellfish from the landing site at Blish Point or Millway Marina to the Parking Area; (2) are prohibited from making any stops during transit from the landing site at Blish Point or Millway Marina and the Parking Area unless explicitly authorized by the Division of Marine Fisheries or directed to so by the Massachusetts Environmental Police or the Barnstable Natural Resources Department; and (3) remain prohibited from handling or storing shellfish at any unauthorized facility. This does not prevent the lawful transport of shellfish directly from the landing site directly to a wholesale dealer facility for primary sale.

For the purposes of compliance with the *Vibrio* Control plan and implementing regulations at 322 CMR 16.07, the Parking Area will be considered the point of landing and all lots of oysters must be adequately iced prior to leaving this point of landing or within 2 hours of time of harvest or exposure, whichever occurs first.

This authorization is valid through December 31, 2026.

Sincerely,

Daniel J. McKiernan, Director

cc: Massachusetts Environmental Police; Department of Public Health Food Protection Program;
Division of Marine Fisheries Shellfish Program