

## Shellfish Committee Minutes of the Meeting

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**DATE:** November 16, 2011  
**TIME:** 7:30 P.M. to 9:30 P.M.  
**LOCATION:** MEAD Building

**Shellfish Committee Members present:**

Stuart Rapp, Andre Sampou, Gerard Ganey, Matt Ostrowski, Richard Haskell, Les Hemmila

**General Public present:**

Peter Sullivan, John O'Dea, Robert Popeo, Norman White, Max Kumin, Peter Purdocki,

**Town Staff present:**

Doug Kalweit, Tom Marcotti

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### Chairman's Report:

Stuart Rapp chaired the November 16, 2011 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the September 21, 2011 meeting of the Shellfish Committee.

Stuart informed the Shellfish Committee that he sent a letter to the Town Highway Division requesting that the shrubbery at Scudder Lane be cut back for oyster season traffic, parking and safety concerns. The Meyers sent a letter to the committee thanking the Shellfish Committee for their assistance in tending to the issue.

Stuart suggested that Shellfish Committee members who need to renew their membership on the Shellfish Committee please do so.

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### Natural Resources Report

- **Shellfishing Area Status**

**The shellfish areas listed below are scheduled to reopen on November 1<sup>st</sup> 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.)**

**2.12 Shoestring Bay:** The waters, flats and all tributaries of Shoestring Bay in the Towns of Mashpee and Barnstable, easterly of a line drawn south from the southernmost point of Mashpee Neck to Punkhorn Point; northerly of a line drawn from Punkhorn Point to Ryefield Point and southerly of a line drawn from Simons Narrows Road in the Town of Mashpee to the "Public Way to Water" in the Town of Barnstable. (DMF/SC20.3; classified as conditionally approved; **status: Closed to shellfishing April 1 through October 31, all dates inclusive. The area shall not automatically reopen to shellfishing on January 1 and will remain closed until examined and shellfishing is allowed by DMF.**

- **Scudder Lane Recreational Shellfishing Area Opening**

Effective Sunday, **October 30, 2011**, 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 Sunday, **April 1, 2012**, the Scudder Lane Recreational Shellfishing Area in Barnstable Harbor is closed to the harvest of all shellfish unless closed sooner for management or public health purposes.

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.

**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 Town of Barnstable Natural Resources Program, Aquacultural Research Corporation of Dennis, Ma., the Southeast Massachusetts Aquaculture Center, Barnstable County, the Division of Marine Fisheries with the assistance of the Barnstable Association for Recreational Shellfishing and Americorps Cape Cod 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 eventual seeding of suitable oyster habitats within Barnstable Harbor.

Yellow buoys mark the boundary of the project site. Oyster culture nursery racks and trays are located within the above defined area. Boating, shellfishing and fishing is prohibited within the project site boundary, indefinitely. Please do not jeopardize the project by tampering with the deployed gear and equipment. Abiding by these conditions will insure the integrity of the project equipment and the safety of the public. 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.

- **Oysters**

Effective Sunday, **October 30, 2011**, Town of Barnstable waters currently open to the harvest of soft shell clams and quahogs are open for the **recreational** harvest of oysters (The Bay Street Relay Area is scheduled to open November 2, 2011 pending DMF approval. See "Contaminated Oyster and Quahog Relay Area Openings" below).

Effective Sunday, **April 1, 2012**, the harvest of oysters is prohibited throughout the Town of Barnstable unless closed sooner for management or public health purposes.

**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.

• **Scallop Season**

Effective **Sunday, October 30, 2011** scallops may be harvested recreationally subject to existing scallop regulations.

Effective **Monday, October 31, 2011** 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.

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

**The area listed below is scheduled to reopen on October 30, 2011 pending approval by the Massachusetts Division of Marine Fisheries, subject to state and local rules and regulations.**

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.. Effective until Monday January 2nd, 2012, commercial shellfishing is prohibited within the Bay Street Relay Area.  
**(DMF/SC22.24)**

**The area listed below is scheduled to reopen on November 2, 2011 pending approval by the Massachusetts Division of Marine Fisheries, 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. Effective until Monday January 2nd, 2012, commercial shellfishing is prohibited within the Bay Street Relay Area.  
**(DMF/SC23.20)**

• **West Bay Recreational Shellfishing Area Closure:**

**TOWN OF BARNSTABLE SHELLFISH MANAGEMENT CLOSURE  
UNDER THE AUTHORITY OF BARNSTABLE SHELLFISH REGULATION 407-8G and 407-15F**

**CLOSED PORTION OF WEST BAY  
FOR QUAHOG SEED PROTECTION:**

**Effective Wednesday, November 2, 2011 The West Bay Recreational Shellfishing Area as defined is closed to the harvest of all shellfish and seaworms.**

**West Bay:**

The **West Bay Recreational Shellfishing Area** is defined as 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" sign/buoys located offshore. DMF/SC 22.11

- Doug Kalweit informed the committee of the Shellfish Propagation Revolving Fund budget status.  
Expenditures since July 1, 2010: \$44,192                      Balance: \$71,287

**Piers, Dredging and Shellfish Habitat Issues:**

The Shellfish Committee reviewed the following proposed pier application (N.O.I.):

Applicant:        **R Robert & Brenda H Popeo**  
Application:      Construct and maintain a timber boardwalk, pier, ramp, and float; clear and maintain a pathway. to the boardwalk.  
Location:         120 Carriage Road, Osterville, MA, 02655

Peter Sullivan and John O'Dea presented Robert and Brenda Popeo's proposed application to the Shellfish Committee and described details of the shellfish habitat, the proposed boat and placement of the boat at the pier, environmental effects of the boat at the pier and other considerations and details of the proposal. The Shellfish Committee also considered the Significant Shellfish Habitat Rating Maps as used by the Conservation Commission in their review. Mr. Robert Popeo, the applicant, was at the meeting to answer any questions of the Shellfish Committee. The Shellfish Committee offered recommendations to the applicant and the applicant's representatives that would minimize any deleterious impacts on the shellfish resources or habitat in the proposed project area. The Shellfish Committee approved a motion to send a letter of their recommendations to the Conservation Commission.

The Shellfish Committee reviewed the following proposed coastal development project application (N.O.I.):

Applicant:        **Millway Realty Trust**  
Application:      Proposed repair of foundation pilings supporting existing building.  
Location:         277 Millway Road, Barnstable, MA 02630

**Old Business**

The Shellfish Committee briefly reviewed the issue of commercial shellfishermen's temporary anchorage at Town landings.

**New Business**

The following shellfish aquaculture license application was reviewed by the Shellfish Committee.

The Shellfish Committee reviewed, discussed and approved a motion recommending that the shellfish aquaculture license application of Max Kumin be approved by the Town Manager. Max Kumin explained his proposal and answered questions of the Shellfish Committee. Robert Bangs proposes to transfer his site (ng030) to the applicant. The applicant's proposed shellfish aquaculture site is located in Barnstable Harbor (site ng030; 1.99 acres). A public hearing for the proposed transfer application will be held on Monday, December 5, 2011 @ 9:00 A.M. in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

The Shellfish Committee reviewed the proposal to create a shellfish relay area in Popponesset Bay that was introduced by the committee in 2008.

Doug Kalweit informed the committee that State Environmental Police Officers will be enforcing regulations pertaining to shellfish aquaculture licenses throughout the state.

