

## Shellfish Committee Minutes of the Meeting

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**DATE:** January 16, 2008  
**TIME:** 7:30 P.M. to 9:00 P.M.  
**LOCATION:** MEAD Building

**Shellfish Committee Members present:**

Stuart Rapp, Les Hemmila, Matt Ostrowski, Andre Sampou

**General Public present:**

Carol Horgan, Dave Barry, Bob Lewsen, William Korkuch, Lenny Clark, Max Kumin, Richard DeFrancisci

**NR Staff present:**

Doug Kalweit

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### Chairman's Report:

Stuart Rapp chaired the January 16, 2008 meeting of the Shellfish Committee. The Shellfish Committee adopted the minutes of the December 19<sup>th</sup>, 2007 meeting of the committee.

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### Natural Resources Report

**Shoestring Bay Shellfish Area Opening and Management Notice:**

The Division of Marine Fisheries reopened seasonally closed shellfishing areas in Shoestring Bay as of January 1, 2008.

"The waters, flats and all tributaries of that portion of Shoestring Bay in the Towns of Mashpee and Barnstable, easterly of a line drawn south from the southern most 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."

The status of these areas shall automatically change to "Closed to Shellfishing" on April 1, 2008 unless DMF changes the status prior to said date (DMF/SC20.3; classified as conditionally approved).

The commercial harvest of soft shell clams is prohibited on two recreational shellfishing flats in Shoestring Bay as posted by Natural Resources.

**Oyster Season Closure**

### SHELLFISH MANAGEMENT NOTICE

#### OYSTER SEASON CLOSURE

Effective Sunday, January 13, 2008 the harvest of oysters in the Town of Barnstable is prohibited.
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Oysters are required to be at least 3 inches in longest length to be legally harvested by State law. Recent recreational harvesting has removed many legal size oysters from the existing local town propagated oyster populations, leaving a large percentage of "seed" oysters. This prohibition is based on oyster seed management criteria to protect the oyster seed for long term survival and to prevent the potential unlawful harvest of seed oysters.

### Recreational Shellfishing Questionnaire

Doug Kalweit informed the committee that a questionnaire was mailed out by Natural Resources to each recreational shellfisherman to ascertain certain parameters regarding the status of recreational shellfishing activity.

### Commercial Shellfishing Permit Lottery

Doug informed the Shellfish Committee that the deadline for applying for the Commercial Shellfishing Permit Lottery is January 31<sup>st</sup> 2008. The lottery drawing will take place at Town Hall on February 1<sup>st</sup>, 2008. Stuart noted that the allotment of commercial shellfish permits functions on a one out - one in basis.

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### **Ways to Water**

Stuart Rapp presented a letter, which he received from Lindsey Counsel, to the committee that addresses the differentiation of ways to water within the Town. Lindsey's letter states that the current Town Ways to Water map only lists "Town owned" ways to water. Stuart and Andre Sampou noted that there is continuing controversy regarding the status of the Ocean View Avenue way to water in Cotuit.

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### **Shellfish Overlay District**

The Shellfish Committee discussed various aspects of the proposed Shellfish Overlay District that seeks to protect shellfish habitat in defined Shellfish Relay Areas and Recreational Shellfish Areas. Andre Sampou noted that the first reading of the revised "Recreational Shellfish Area and Shellfish Relay Area Overlay District" is on the Town Council / Planning Board public hearing agenda on Thursday, January 17<sup>th</sup>, 2008. Andre stated that the proposal's implementation will protect shellfish resources and habitat and asked that the proposal be widely supported.

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### **Native American Shellfishing in Town Waters**

The Shellfish Committee discussed the issue of Native Americans shellfishing in the Town of Barnstable. Stuart informed the committee that he contacted Town Attorney Ruth Weil to understand the status of any communication between the Wampanoag Nation and the Town of Barnstable regarding Native American shellfishing rights.

Stuart reiterated Doug Kalweit's experiences in dealing with Native Americans shellfishing in Barnstable. He said that nothing was ever clarified by the Town, State or courts regarding the issue other than Native American have rights to shellfish in the Commonwealth. Doug Kalweit said that he will contact the legal representatives of the Wampanoag Nation to continue discussions on these matters.

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

Les Hemmilla noted that the navigational channel maintenance dredging currently performed at the mouth of Dam Pond has destroyed shellfish habitat and resources. Les suggested that the committee seek the assistance of the Conservation Law Foundation to protect habitat and resources in such cases.