

## Shellfish Committee Minutes of the Meeting

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**DATE:** November 28, 2012  
**TIME:** 7:30 P.M. to 9:30 P.M.  
**LOCATION:** Barnstable Senior Center

**Shellfish Committee Members present:**

Stuart Rapp, Gerard Ganey, Robert Lancaster, Andre Sampou, Les Hemmila, Richard Haskell, Linda Romano

**General Public present:**

Lynn Poyant, Ann Canedy, Ben Emory, Jared Hemmila, Ryan Romano, Laura Reckford, David Still III

**Town Council Liaison:** June Daley

**Town Staff present:**

Doug Kalweit, Martin Wunderly, Tom Marcotti

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### Chairman's Report:

Stuart Rapp chaired the November 28th, 2012 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the October 17th, 2012 meeting of the Shellfish Committee.

Stuart informed the committee and the general public that Al Suprenant has been appointed as a member of the Shellfish Committee and will introduce Mr. Suprenant at the next committee meeting

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### Natural Resources Report

- **Shellfish Propagation Revolving Fund Status as of November 28, 2012:**

Expenditures (fiscal year 2013 to date): approx. \$48,035  
Encumbered: \$2,800  
Balance: \$133,014

- After DMF certified the water quality, the following shellfish area reopened to shellfishing as of November 21, 2012:

**Pirate's Cove / Seapuit River (located at Sampson's Island):**

**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.**).

- **Commercial Shellfish Catch Reports:**

Commercial shellfish catch reports to the Town will be reported in "counts" and "pounds" instead of bushels for the 2012 commercial shellfishing season.

- **Commercial Razor Clamming Amendment:**

Amendment to the Town of Barnstable Shellfish  
Rules and Regulations

The regulation listed below is made by the Town Manager of the Town of Barnstable, under the authority of General Laws, Chapter 130, and the Charter of the Town of Barnstable. This said regulation shall supersede any

former shellfish regulations and shall continue in force until rescinded or replaced by the Town Manager, or until the authority to make and enforce shellfish regulations has been repealed.

**NORTHSIDE COMMERCIAL RAZOR CLAM HARVEST AMENDMENTS**

407-36C(1): Harvest days. The commercial harvest of jackknife clams and common razor clams shall be allowed Monday through Saturday. **(Exception: The commercial harvest of jackknife clams and common razor clams only shall be allowed east of Scudder Lane Landing and west of the Barnstable Yacht Club pier within the Scudder Lane Recreational Shellfishing Area (DMF/CCB:31.20), as defined, on Mondays, Tuesdays, Thursdays and Fridays only, effective November 21, 2012 through December 31, 2012. The harvest of jackknife clams and common razor clams is prohibited from two hours after low tide to two hours prior to the next low tide, based on the Boston Tide Calendar issued by Natural Resources. All other commercial jackknife clam and common razor clam shellfishing regulations remain in effect.)**

407-45A: Scudder Lane Recreational Shellfishing Area, as defined, **(Exception: for commercial jackknife clam and common razor clam shellfishing between November 21, 2012 and December 31, 2012. as defined in regulation 407-36C(1) above.)**

- **Management Closure for Oyster Seed Protection:**

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

**CLOSED PORTION OF BARNSTABLE HARBOR  
FOR OYSTER SEED PROTECTION:**

Effective Saturday, December 15, 2012 the waters, foreshores and tidal flats between the signposts located at Calves Pasture Point west of the Scudder Lane landing to the NR "No Shellfishing" buoys located seaward from said signposts is indefinitely **closed** to the harvest of **all** shellfish and seaworms. (see maps)

The Natural Resources Program and Aquacultural Research Corporation of Dennis, Ma. and Barnstable County 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.

**Shellfish Aquaculture License Application**

The Shellfish Committee reviewed, discussed and approved a motion recommending that the shellfish aquaculture license application of Jared Hemmila be approved by the Town Manager. Les Hemmila recused himself from the discussion. Jared explained his proposal and answered questions of the Shellfish Committee. Aaron Hemmila proposed to transfer his site (ng025) to the applicant. The applicant's proposed shellfish aquaculture site is located in Barnstable Harbor (site ng025; 2.0 acres). A public hearing for the proposed transfer application was held on Wednesday, November 21st, 2012 in the Selectman's Conference Room, Town Hall Building, 367 Main Street, Hyannis, MA.

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

Tom Marcotti informed the Shellfish Committee of the following dredging projects.

**Applicant:** 235 & 237 Seapuit Road Realty Trust  
**Application:** Amendment request to allow for an expanded maintenance dredge foot print area of +/- 1,754 square feet within the turning basin and for dredging an additional +/- 300 feet of the 40 foot wide channel resulting in the removal of an additional +/- 1,300 cubic yards of sediment.

Location: 235 & 237 Seapuit Road, Osterville, MA 02655, Map 095, Parcel 014/014001

The Town of Barnstable is currently dredging around the Cotuit Town pier and depositing the sediments on Sampson's Island.

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### Old Business

Natural Resources Office submitted proposed changes to the Town of Barnstable Shellfish Ordinances Chapter 1; Article 1; Section 5 and Fine Schedule.

Proposal: Section 1.5; Amend the Town of Barnstable Ordinances Chapter 1; Article 1; Section 5 by deleting the crossed out fines and adding the fines highlighted in **bold**.

#### § 1-5. General Provisions.

| Offense  | Fine                          |
|--|-------------------------------|
| Shellfishing without a valid permit  | \$50 <b>\$100</b>             |
| Taking of shellfish during a closed season   | \$50 <b>\$100</b>             |
| Taking of shellfish on a closed day  | \$75 <b>\$100</b>             |
| Removing shell from shellfish before coming ashore   | \$75                          |
| Taking shellfish in excess of family weekly limit or the amount allowed on a special family permit | \$75 <b>\$100</b>             |
| <del>Taking scallops in excess of family weekly limit</del>  | <del>\$75</del>               |
| <del>Taking scallops in other than designated area</del>   | <del>\$75</del>               |
| <del>Taking sea worms on a Saturday</del>  | <del>\$15</del>               |
| Taking sea worms in excess of 100 per family per week  | \$15                          |
| Selling shellfish, sea worms or eels with a family permit  | \$75 <b>\$200</b>             |
| Failure to visibly display permit while shellfishing   | \$15                          |
| Transfer of family permit  | \$15                          |
| <del>Shellfishing under 12 years old without licensed adult</del>                                  | <del>\$15</del>               |
| Shellfishing in closed area and/or damaging public and/or private culturing gear in a closed area  | \$100                         |
| Taking shellfish in excess of commercial daily limit   | \$300                         |
| More than two commercial permits per boat  | \$75                          |
| Commercial possession of more than 5% seed per batch of shellfish                                  | \$300                         |
| Recreational possession of more than 5% seed per batch of shellfish                                | <b>\$300 \$100</b>            |
| <del>Taking scallops without a well-defined annual growth ring</del>                               | <del>\$25</del>               |
| Using other than tools permitted for shellfishing  | \$75                          |
| Use of scallop dredge in excess of 32 inches width   | \$75                          |
| Dredging scallops in air temperature below 28°F.   | \$15                          |
| Diving for shellfish without displaying proper flag  | \$75                          |
| Taking of shellfish from any shellfish grant   | <del>\$100</del> <b>\$300</b> |
| Shellfishing during nighttime hours as defined   | \$300                         |

Natural Resources Officer, Martin Wunderly presented and reviewed in detail each proposed regulation amendment and the fine schedule change. The Shellfish Committee approved a motion to add a change to one of the fines (Taking of shellfish from any shellfish grant ~~\$100~~ **\$300**). The Shellfish Committee approved a motion recommending to amend the fine schedule as proposed by the Natural Resources Office as stated above.

The Shellfish Committee further discussed the request by William Clark on behalf of Barnstable County to have the Town pay the County a fee of \$10.00 per recreational license and \$50.00 per commercial and aquaculture license sold per year which monies would help the County pay for the purchase of the property known as 99 Chapin Beach Rd., Dennis consisting of some 39 acres of land and the buildings located thereon. The Shellfish Committee agreed note to vote on the matter.

The Shellfish Committee unanimously approved a motion that the Shellfish Committee meet on the third Wednesday of each month during 2013.

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### Other Business

The Shellfish Committee discussed Matt Ostrowski's concept of making town shellfishing permits mandatory for harvesting shellfish specifically from Town "shellfish relay areas" in order to eliminate the harvest by Native Americans in these areas. The discussion involved the debate and definitions regarding "value added", "cultured"

and “wild” shellfish. Stuart Rapp noted that this issue warrants review by the legal department. The committee forwarded the issue to the committee’s next meeting and requested town staff input on the issue.