



Town of Barnstable
Community Services Department
Marine and Environmental Affairs Division
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Shellfish Committee Minutes of the Meeting

DATE: October 19, 2016

TIME: 7:35 P.M. to 8:35 P.M.

LOCATION: Senior Center, 825 Falmouth Road, Hyannis

Shellfish Committee Members present: Chairman: Stuart Rapp, Gerard Ganey, Richard Haskell, Ron Glanz, Robert Lancaster, Al Surprenant, Andre Sampou, Linda Romano, and William Shumway

Shellfish Committee Members absent: None.

General Public present: Christopher Freeman, Kevin Flaherty, Lindsey Counsell, Sia Karplus, John Nawoichik, Mike Moynihan

Town Council Liaison present: Phil Wallace

Town Staff present: Tom Marcotti, Liz Lewis, Devon Harrington

Stuart Rapp chaired the October 19, 2016 meeting of the Shellfish Committee. Stuart Rapp took a roll call of members present at the meeting. Stuart Rapp read a notice at the beginning of the meeting: *NOTICE OF RECORDING "Please note that tonight's meeting is recorded and broadcast on Channel 18 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."*

1.) Meeting minutes:

The Shellfish Committee unanimously approved a Motion made Ron Glantz and seconded by Al Surprenant by to approve the Meeting Minutes from August 17, 2016 and September 21, 2016.

2.) Chairman's comments:

None.

3.) Natural Resource Propagation Report:

Tom Marcotti announced the upcoming openings and closures.

NRD Report October 2016

Shellfish Closures and Openings: October, November 2016

- **Shellfishing Area Status**

The shellfish areas listed below are scheduled to reopen on November 1st 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 **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 November 1 and will remain closed until examined and shellfishing is allowed by DMF.**)

- **Scudder Lane Recreational Shellfishing Area Opening**

Effective Wednesday, **November 2nd, 2016**, 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 Saturday, **April 1, 2017**, 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.

Natural Resources has deployed predator exclusion netting to protect quahog seed planted in the area. Natural Resources has also deployed racks and trays to culture oysters in the area. Please do not disturb the project netting or quahogs. Yellow buoys mark the boundaries of the project sites.

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 Wednesday, **November 2nd, 2016**, Town of Barnstable waters currently open to the harvest of soft shell clams and quahogs are open for the **recreational** harvest of oysters.

Effective Saturday, **April 1st, 2017**, 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 2, 2016** scallops may be harvested **recreationally** subject to existing scallop regulations.

Effective **Monday, October 3, 2016** 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.

• **Bay Street Relay Area Opening:**

Effective **Wednesday, November 2, 2016** the following Shellfish Relay Area is **open** for the **recreational** harvest of shellfish and seaworms only, except as other rules and regulations apply:

North Bay:

The **Bay Street Relay Area (DMF/SC23.20)** 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.

• **Northside Commercial Razor Clam Harvest Amendment**

Emergency 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(2) Harvest Area restriction. The commercial harvest of jackknife clams and common razor clams shall be allowed in Barnstable Harbor West of Beach Point, Sandy Neck excluding the Scudder Lane Recreational Shellfishing Area and areas closed for management and/or pollution closures. The commercial harvest of jackknife clams and common razor clams in the area, as defined above, shall be effective **Saturday, October 15, 2016 through Saturday December 10, 2016.**

South Side Shellfish Closure

October 11, 2016 – Effective immediately, the Division of Marine Fisheries (DMF) has expanded its recently announced shellfish harvest closures to include all waters south of Cape Cod due to a substantial bloom of a potentially toxic kind of phytoplankton termed Pseudo-Nitzschia. As a result of the expanded closure, digging, harvesting, collecting and/or attempting to dig, harvest or collect shellfish, and the possession of shellfish, is prohibited in all waters from the Rhode Island border east to Nantucket Sound, including all of Vineyard and Nantucket Sounds and waters surrounding the islands. This closure complements the state of Rhode Island’s shellfish harvest closures.

Pseudo-Nitzschia can produce domoic acid, a biotoxin that concentrates in filter feeding shellfish. Shellfish containing high concentrations of domoic acid can cause Amnesic Shellfish Poisoning (ASP) with symptoms that include vomiting, cramps, diarrhea and incapacitating headaches followed by confusion, disorientation, permanent loss of short-term memory, and in severe cases, seizures and coma.

Throughout the weekend, DMF staff collected shellfish samples in closed areas and in areas that remain open, like Cape Cod Bay. These samples are being analyzed by an independent laboratory for toxin to determine whether it is necessary to maintain or possibly expand the closures. If shellfish are found to be non-toxic, the waters will be reopened.

To better understand the ongoing algae bloom event, DMF is cooperating with experts in the field of toxic algae from other states, its federal partners and private research institutions. DMF will continue monitoring the phytoplankton bloom and possible shellfish toxins and work with state partners to document this unusual plankton event.

None of the closures to date have affected the harvest of whelks, or the harvest of scallops for purposes of extracting and selling or consuming the adductor muscle.

Gerard Gainey mentioned that he did not notice a "Shellfish Closed" sign at Crockers Neck, Tom and Liz stated that they will get down there tomorrow to make sure a sign is posted.

Wellfleet has had its own issues with closures, not due to the Algae bloom. Massachusetts Division of Marine Fisheries and the Board of Health shut down all Shellfishing beds in the Wellfleet Harbor area due to a suspected outbreak of Norovirus that was traced back to functions that served raw shellfish harvested from this area.

Tom Marcotti outlined the Town of Barnstable's "Draft Shellfish Aquaculture Management Plan for North Bay". This project is being developed to assist with the mitigation of nitrogen in Three Bays by permitting current Shellfish Grant holders in that area additional acreage in North Bay for oyster nurseries to be present from May 1st through November 1st. This time frame is when North Bay is closed to all Shellfishing due to a DMF water quality closure. By allowing for these nurseries in floating bags, the Town is hopeful that some quantity of nitrogen will be mitigated.

4.) Status of pending pier applications before the Conservation Committee

None.

5.) Old Business

None.

6.) New Business

Presentation from Three Bays Preservation, by Sia Kapson

Sia Kapson presented a powerpoint presentation titled: "Three Bay Preservation DRAFT Shellfish Plan for review and discussion "this presentation mirrors the Town of Barnstable's "Draft Shellfish Aquaculture Management Plan for North Bay"

Discussion followed. Questions that were brought up included:

How much nitrogen is removed by an oyster?

.26 gram per 3-inch oyster.

What percent is coming from septic systems? Would it be helpful for people to empty their septic systems more?

Eighty to ninety percent of nitrogen comes from Septic Systems. Septic systems only retain the solids and that is what is pumped out. The liquid contains ammonia and the nitrate which is leached right into the ground through the leaching pits. Expelled as ammonia nitrate, can only be removed by de-nitrification septic systems.

What is the projected input of nitrogen in the Three Bay area?

The nitrogen load in North Bay is 11,000 kg, West Bay 5,000 kg, and Cotuit Bay 8,000 kg per year. There is a total of 54,000 kg of nitrogen per year in the Three Bay area that includes all the rivers and estuaries

Do you project any reduction in nitrogen loading in the Three Bay area in the coming years?

Not from anything that is obvious. As some sources decrease others are offsetting that decrease by increasing. The Bay quality is declining at 1% per year.

Is the damage done and no turning back?

Nitrogen has a ten year travel time. Installing innovative de-nitrification septic systems in all homes in a 300 feet radius around the shoreline would help. Removing the nitrogen loading down to single digits of mg/l at the shoreline may help because the travel time is shorter from these systems. Ground water travels at a rate of .one foot per day, so these homes may have a greater impact than is realized and there may be attenuation that is not accounted for. So with as many oysters as the watershed can handle, in addition to the shoreline homes installing innovative de-nitrification septic systems this may reduce the nitrogen loads.

As an analysis you have all these studies over the years, how is the progress evaluated?

All the testing will be based at the sentinel station 19 by the Cow Yard in Cotuit Bay. All of the testing done there will be for the nitrogen levels, if we see a decrease then we will know its working. The recent Pseudo-Nitzschia bloom really woke a lot of people up. To see brown water outside their homes or from their boats, really gave them a scare.

A Pseudo-Nitzschia bloom has the potential to kill all the shellfish in our area. If we continue to have these blooms in the years to come we have a great potential to loose all shellfish in the all the embayments. This would produce an even bigger problem.

7). Matters not anticipated by the Chair.

None.

Next Meeting will be held at the Senior Center, 825 Falmouth Road, Hyannis on November 16, 2016 at 7:30 p.m.

Respectfully Submitted:

Terri McDonald, Administrative Assistant