



Town of Barnstable
Community Services Department
Marine and Environmental Affairs Division
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TO: Mark S. Ells, Town Manager
FROM: Douglas M. Kalweit, Supervisor, Natural Resources
THROUGH: Daniel J. Horn, Director, Marine and Environmental Affairs Division
DATE: November 18, 2016

SUBJECT: Changes to the Town of Barnstable Shellfishing, Eel, Herring and Aquaculture rules and regulations as proposed by the Natural Resources Program of the Marine and Environmental Affairs Division after consultation with the Shellfish Committee.

BACKGROUND:

The Town of Barnstable maintains a comprehensive compilation of rules and regulations for the management of town shellfish, eel and herring natural resources as well as town shellfish aquaculture licenses. An annual review of these regulations is conducted by staff to ensure that the regulations meet the current needs of the community. Changes in the regulations are recommended by staff to the Town Manager. The Shellfish Committee is invited to discuss the proposed changes and also to provide recommendation to staff and the Town Manager. The Town Manager holds a public hearing on any proposed revision to the regulations and the public is invited to comment on the proposed changes. The Town Manager's approval of shellfish, eel, herring and aquaculture regulations shall become effective upon the expiration of thirty (30) days from the date the Town Council is notified, in writing, of said regulation approval unless the Town Council votes within said time to disapprove of the said regulation(s).

SHELLFISH COMMITTEE REVIEW: After review, discussion and comment, a motion to approve this proposed amendment was unanimously adopted at the November 16, 2016 meeting of the shellfish committee.

PUBLIC HEARING: November/December 2016

ANALYSIS:

The following list represents the proposed changes and the rationale therefore. The regulations have been reformatted to include the proposed changes. The entire regulation is outlined and changes are highlighted in **bold** for ease of identification.

1: Proposal: Section 407-36(C)2; Amend the existing regulation by adding the wording highlighted in bold and italicized. This proposed regulation would be in effect through December 30, 2017. After that date the existing regulation will be reinstated.

(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 stated above shall be effective Thursday, December 15, 2016 through Saturday December 30, 2017.

Rationale

At the September 28th 2016 staff meeting of the Natural Resources Office, staff discussed the proposal of opening a designated portion of the “Recreational Shellfishing Area” in the mid-section of Barnstable Harbor to the commercial harvest of razor clams only.

Natural Resources recommends to open the said area based upon management criteria seeking to utilize the standing population for commercial purposes. Based on reports to the office and staff observations sporadic populations are currently dying off due to unknown causes.

Natural Resources supports the advantageous, efficient, bountiful and economically fortuitous commercial harvest of the standing razor clam set within a designated portion of the Barnstable Harbor Recreational Shellfishing Area as proposed in the amendments to Town of Barnstable shellfish regulations 407-36C(2).