

Shellfish Committee Minutes of the Meeting

DATE: December 19, 2012
TIME: 7:30 P.M. to 9:30 P.M.
LOCATION: MEAD Building

Shellfish Committee Members present:

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

General Public present:

David Still III, Lenny Clark, Lindsey Counsel,

Town Council Liaison: June Daley

Town Staff present:

Doug Kalweit, Amy Raitto

Chairman's Report:

Stuart Rapp chaired the December 19th, 2012 meeting of the Shellfish Committee.

The Shellfish Committee adopted the minutes of the November 28th, 2012 meeting of the Shellfish Committee to include the following amendments:

Matt Ostrowski be added to the committee members present at the November 28th, 2012 meeting of the Shellfish Committee.

In the "Other Business" section the committee requested that Matt Ostrowski's proposal designating Town shellfish relay areas as "grants" be included verbatim in the minutes of the committee's meeting for clarity. Matt Ostrowski proposed:

"The committee would ask the Town of Barnstable to designate our (shellfish) relay areas as "grants" and give (the Dept. of) Natural Resources complete control of said grants for the propagation of shellfish. Money received from the sale of permits or licenses etc., would be used to grow or purchase shellfish for these grants. Person or persons harvesting shellfish from these grants would be required to purchase a Town license or permit, and be bound by all Town shellfish regulations. Person or persons harvesting shellfish from these grants without said license or permits would be charged with theft, and will be prosecuted. The amount of the fine would be determined. I feel that this will not interfere with any Native American rights, for they can still shellfish all the wild areas or purchase a Town license or permit."

The committee also requested that the November minutes reflect that the committee requested Dan Horn and Doug Kalweit attend the next meeting (December 19, 2012) to explain the "verbal agreement" arranged between the Town of Barnstable and the Mashpee Wampanoag tribe regarding shellfishing in the Town of Barnstable.

The committee requested that the minutes be amended to include the correct spelling of Jared Hemmila.

Stuart contacted the Town Attorney's office about the proposal and received comment that Matt's proposal would not comply with Massachusetts General Law Chapter 130 Section 57. M.G.L. 130, Sec: 57 states that "grants" are licensed to individuals / entities for commercial purposes and that the licensed site must be naturally unproductive (barren) for shellfish. Municipalities are excluded from acquiring a license for a site.

Stuart indicated to the committee that there is currently a vacancy on the Shellfish Committee for a member trained in biology.

- The Division of Marine Fisheries reopened seasonally closed shellfishing areas in Barnstable Harbor (listed below) as of December 15, 2012. This opening is due to approved water quality as part of a management protocol for this area.
 - **Barnstable Harbor, North** (DMF/CCB:31.1) Section 2.1, page 26
 - **Barnstable Harbor** (DMF/CCB:31.2) Section 2.2, page 27
 - **Barnstable Marshes** (DMF/CCB:33.0) Section 2.3, page 27
 - **Upper Scorton Creek** (DMF/CCB:34.1) Section 2.4, page 27

The area listed below remains closed to all shellfishing:

1.3 **Upper Scorton Creek (West):** the waters, flats and all tributaries of Scorton Creek in the Town of Barnstable, west of a line drawn southerly from the "NO SHELLFISHING" sign posted at the entrance to Great Island Creek to the "NO SHELLFISHING" sign posted at the entrance sign of the unnamed creek on the opposite shore (DMF/CCB:34.2; **classified as prohibited**).

- **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.

Natural Resources Officer, Amy Raitto, informed the committee of the use of video surveillance cameras in the field as an NR tool for enforcement of the shellfish regulations.

Piers, Dredging and Shellfish Habitat Issues:

Applicant: Three Bays Preservation, Inc. & Mass. Audubon Society, Inc.
Application: Proposed Barrier Beach Management Plan to include maintenance dredging and beach nourishment, and other activities aimed at enhancing wildlife habitat and maintaining the integrity of the barrier beach.

Location: Dead Neck / Sampson's Island

Public Hearing: Date: January 8, 2013
 Time: 6:30 P.M.
 Place: Barnstable Town Hall,
 367 Main Street, Hyannis MA
 Town Council Hearing Room, 2nd floor

Lindsey Counsel, the director of Three Bays Preservation Inc., presented the proposed Sampson's Island / Dead Neck Barrier Beach Management Plan to the Shellfish Committee. The proposed maintenance dredging project would take approx. 800 feet off of the westernmost portion of Sampson's Island and redeposit the sand on Dead Neck. One third of the project would be completed each year by the Barnstable County dredge. The Shellfish Committee asked Lindsey questions about the project including spoils, flocculent material, siltation, bay flushing,

water quality, shellfish resources and surveys, sources of funding, amongst others. The committee decided to put the proposed project on the agenda of the committee's next meeting. Stuart noted he would write a letter to the Conservation Commission reserving review and comment on the project.

Applicant: Stuart Bornstein
Application: Remove existing wharf, construct a private docking facility to include maintenance dredging, removal of fill, bulkheads, repair of an existing bulkhead with protective stone revetment, and the placement of a pier, ramp and floats over the waters.

Location: 153 Freezer Road, Barnstable, MA 02601, Map 301 / Parcel 6

Public Hearing: Date: December 18, 2012
Time: 6:30 P.M.
Place: Barnstable Town Hall,
367 Main Street, Hyannis MA
Town Council Hearing Room, 2nd floor

The Shellfish Committee passed a motion that the committee has no objection to the above proposed project.

Other Business

The Shellfish Committee agreed to write a letter to Dan Horn recommending that the Whale Watch boat perform its 180 degrees turnaround in a counter clockwise direction whenever it leaves the inner harbor in order to minimize siltation of the public boat ramps.

Amy Raitto informed the Shellfish Committee of the recreational oyster harvest yields for the first 8 weeks of the 2011 and 2012 oyster seasons.

2011: 1145 pecks
2012: 970 pecks