

Town of Barnstable
Marine and Environmental Affairs Department
1189 Phinney's Lane, Centerville, MA 02632
Derek Lawson, Director
508-790-6273 / Fax 508-790-6275
www.townofbarnstable.us



Animal Control 508-790-6274
Harbormaster 508-790-6273
Marinas 508-790-6273
Moorings 508-790-6273

Natural Resources 508-790-6272
Sandy Neck 508-790-6272
Sandy Neck Gatehouse 508-362-8300

SUBJECT: Changes to the Town of Barnstable Shellfishing, Eel, Herring and Aquaculture rules and regulations as proposed by the Natural Resources Division of the Marine and Environmental Affairs Department 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: Discussion 08/14/2024, unanimous vote in favor 9/11/2024
7 committee members present

PUBLIC HEARING: Tuesday October 8, 2024 via Zoom
<https://townofbarnstable-us.zoom.us/j/85760486274>
Meeting ID: 857 6048 6274

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 407-17; Amend the existing regulation by removing the **crossed out**-wording **highlighted in bold**.

§407-17. Southside harvest restrictions.

A. Harvest restrictions in the intertidal zones. The commercial harvest of soft shell clams by dry digging on the Southside of the Town of Barnstable is prohibited. The commercial harvest of soft shell clams from the intertidal area, that area between mean low-water line and the high mean low-water line, or any flat or beach area which is exposed at low tide, is strictly prohibited, unless otherwise stated.

B. Harvest days/hours. The commercial harvest of soft shell clams on the Southside of the Town of Barnstable shall be allowed Monday through Saturday, **November 1 through May 31; and Monday through Friday, June 1 through October 31. The harvest of shellfish by the hydraulic method is prohibited from ½ hour before sunset until 7:30 the following morning.**

C. Hydraulic method or hand plunger shall be used for the commercial subtidal harvest of soft shell clams, jackknife clams and common razor clams only on the Southside of Town. The harvest of other species of shellfish utilizing this method is prohibited.

(1) Tide/depth restriction. The harvest of soft shell clams by either method is prohibited from two hours after low tide to two hours prior to the next low tide, based on Boston Tide Calendar issued by Natural Resources. The harvest of subtidal soft shell clams is prohibited in less than two-foot depth of water, unless otherwise stated.

(2) Harvest of subtidal soft shell clams: Shoestring Bay, Popponesset Bay and the Marstons Mills River (subject to state closures). Subject to current hydraulic/plunging regulations, except that the harvest of subtidal soft shell clams is prohibited in less than one-foot depth of water and is prohibited on any flat or beach area which is exposed at low tide or posted by Natural Resources. The harvest by either method is prohibited from two hours after low tide to two hours prior to the next low tide, based on Boston Tide Calendar issued by Natural Resources,

(3) Hydraulic method helper. Commercial permit holders utilizing the hydraulic method to harvest subtidal soft shell clams shall be allowed one helper. Said helper shall at all times be in the immediate company of and under the direct supervision of the hydraulic permit holder while harvesting shellfish. The helper shall be required to hold a Commonwealth of Massachusetts commercial shellfish and sea worm permit. All helpers must present their valid mass. Commercial shellfish and sea worm permit, in person, to the Natural Resources Office prior to initially helping a commercially licensed shellfisherman.

(4) Gear restriction (Southside). Pumps shall not exceed eight horsepower and shall be equipped with proper muffler and exhaust system. Pumps shall be mounted low in the boat to limit noise.

Rationale: addresses current size of fishery and offers more waterfront working days to a shrinking industry.

2: Proposal: Section 407-18; Amend the existing regulation by removing the **crossed out**-wording **highlighted in bold**.

§407-18. Northside harvest restrictions.

A. Harvest days. The commercial harvest of soft shell clams on the Northside of the Town of Barnstable shall be allowed Monday through **Friday Saturday. However, commercial harvest is prohibited on Wednesdays, May 1 through October 15 annually. Beginning January 1, 2021 the opening and closing of the commercial harvest of soft shell clams on the Northside of the Town of Barnstable on Wednesdays, May 1 through October 15, shall be governed by Section 188-4(a)2 of the Town of Barnstable Code.**

B. Harvest method. Shellfish to be taken by hand rake only. The intertidal harvest of soft shell clams is permitted in those areas open to commercial harvest in Barnstable Harbor. The possession of plunging or hydraulic pumping equipment while harvesting shellfish in Barnstable Harbor is prohibited without the written permission of the Shellfish Constable.

Rationale- addresses current size of fishery and offers more waterfront working days to a shrinking industry.

3: Proposal: Section 407-22; Amend the existing regulation by removing the **crossed out**-wording **highlighted in bold** and adding the wording **highlighted in bold**.

§407-22. Northside commercial quahog restrictions.

A. Harvest days. The commercial harvest of quahogs on the Northside **of the Town of Barnstable** shall be allowed on Monday through **Friday Saturday. However, commercial harvest is prohibited Wednesdays, May 1 through October 15 annually.**

B. Commercial quahog harvest limit. The total daily limit of commercially harvested quahogs shall not exceed two level tote baskets, as defined.

C. Commercial quahog harvest area restriction. The commercial harvest of quahogs shall be allowed **east of a line extending north from the Barnstable Yacht Club pier. in all areas of Barnstable Harbor open to the harvest of shellfish, with the exception of the Scudder Lane Recreational Area, as defined under Article VII §407-44(A)1**

Rationale- addresses current size of fishery and offers more waterfront working days to a shrinking industry, also better defines area in which commercial shellfishing is allowed in Barnstable Harbor.

