

November 10, 2003

Board of Selectmen
Town Hall
Marion, MA 02738

Ladies and Gentlemen:

In accordance with Chapter 130, Section 74A of the Massachusetts General Laws, The Division of Marine Fisheries has re-examined the area listed below in the Town of Marion, closed on April 30, 2003 due to the release of oil from Bouchard Barge #120.

As a result of this examination which included advice from the Massachusetts Department of Public Health, Bureau of Environmental Health Assessment and the Food Protection Program and consultation with the Massachusetts Department of Environmental Protection, the Division has determined that the ban on shellfish harvesting due to oil contamination may be rescinded in the area listed below. **All bacterial closures in effect prior to the oil spill closure of April 30, 2003 in any portions of the area listed below shall remain in full force and effect.**

Therefore, the below-listed area, **provided it is not closed due to bacterial contamination as noted above**, is open to the harvest of shellfish for direct human consumption, effective at sunrise November 12, 2003 and further subject to local rules and regulations under the authority of Massachusetts General Laws, Chapter 130, Section 52.

STATUS; OIL BAN RESCINED

The ban on shellfishing due to oil has been rescinded in the portion of the following state designated shellfish area as described below.

BB:32 Sippican Harbor, Marion

“All of Sippican Harbor in the Town of Marion, except that area 100 yards seaward of the Mean High Water Mark, between the “NO SHELLFISHING” sign at the northern tip of Planting Island to the “NO SHELLFISHING” sign at the southernmost tip of Sippican Neck located at Butler Point.”

Sincerely,

Paul J. Diodati
Director

Cc: R. Murray, J. Hanlon, K. Dolan, P. Hanlon, DELE
D. McKiernan, M. Hickey, DMF
R. Packard, WPC, DEP
S. Condon, E. Krueger, P. Tierney, DPH
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Kevin Snow, Marion Shellfish Constable