

November 10, 2003

Boards of Selectmen of the following Towns: Westport, Dartmouth, Fairhaven, Mattapoisett, Marion Wareham, Bourne, Falmouth and Gosnold and the Mayor of the City of New Bedford.

Ladies and Gentlemen:

In accordance with Chapter 130, Section 74A of the Massachusetts General Laws, The Division of Marine Fisheries has re-examined the areas listed below in the Towns of Dartmouth, Fairhaven, Mattapoisett, Marion Wareham, Bourne and Falmouth and the City of New Bedford, closed on April 28 and/or 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Protection, the Division has determined that the ban on shellfish harvesting due to oil contamination may be rescinded in the areas listed below. **All bacterial closures in effect prior to the oil spill closures of April 28 and April 30, 2003 in any portions of the areas listed below shall remain in full force and effect.**

Therefore, the below-listed areas, **provided they are not closed due to bacterial contamination as noted above**, are 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The ban on shellfishing due to oil has been rescinded in the following state designated shellfish areas in their entirety.

- BB:11** Dartmouth East Coastal, **Dartmouth, New Bedford**
- BB:16** Fairhaven South Coastal, **Fairhaven, New Bedford**
- BB:24** Mattapoisett South Coastal, **Mattapoisett, Marion**
- BB:26** Mattapoisett River, **Mattapoisett**
- BB:27** Eel Pond, **Mattapoisett**
- BB:28** North Buzzards Bay, **Marion, Falmouth, Bourne**

OVER

BB:29 Point Connett, **Mattapoisett**
BB:30 Hillar Cove, **Mattapoisett**
BB:31 Aucoot Cove, **Marion, Mattapoisett**

The ban on shellfishing has been rescinded in the portion or portions of the following state designated shellfish areas described below.

BB:25 That portion of BB:25 in the Town of **Mattapoisett** at the head of Mattapoisett Harbor north of a line from the “NO SHELLFISHING” sign located on Shining Tide Beach halfway between the southern end of Reservation Road and the mouth of Eel Pond to the “NO SHELLFISHING” sign at the western end of Ship Street.

BB:50 That portion of BB:50 in the Towns of **Bourne** and **Falmouth** east of a line drawn from the day marker at the westernmost point of Scraggy Neck in the Town of Bourne to the tip of Nyes Neck in the Town of Falmouth; and west of a line drawn from the mouth of Fiddlers Cove at Waterside Avenue in the Town of Falmouth to the southernmost tip of Scraggy Neck in the Town of Bourne.

STATUS; OIL BAN IN EFFECT

The ban on shellfishing due to oil remains in effect in the following state designated shellfish area in its entirety. This area remains closed to the harvesting of shellfish.

BB:17 West Island South, **Fairhaven**

The ban on shellfishing remains in effect in the portion or portions of the following state designated shellfish areas described below. All of these areas shall remain closed to the harvesting of shellfish.

BB:5 That portion of BB:5 in the Town of **Dartmouth** north of a line from the “NO SHELLFISHING” sign at the end of Horseneck Road on the eastern end of East Horseneck Beach at the Westport/Dartmouth town line to the “NO SHELLFISHING” sign at Barney’s Joy Point.

BB:7 That portion of BB:7 on the west side of Smith Neck in the Town of **Dartmouth**, east of line for the “NO SHELLFISHING” sign at the Cow Yard to the NO SHELLFISHING” sign at Mishaum Point.

BB:10 That portion of BB:10 in the Town of **Dartmouth** north of a line from the “No Shellfishing” sign at Salters Point to the “NO SHELLFISHING sign at Round Hill Point.

BB:15 That portion of BB:15 in the Town of **Fairhaven** northeast of a line from the “NO SHELLFISHING” sign at the southernmost tip of Scoticut Neck at Wilbur Point to the “NO SHELLFISHING” sign at the westernmost beach at Fort Phoenix.

BB:21 That portion of BB:21 in the Town of **Mattapoissett** northerly of a line from the “NO SHELLFISHING” sign at the southern tip of Brandt Island to the “NO SHELLFISHING” sign on the westernmost end of Howard Beach.

BB:20,21,25 Those portions of BB:20, 21, and 25 in the area of Mattapoissett Neck known as Antassawamock in the Town of **Mattapoissett** 100 yards seaward of the Mean High-Water Mark between the “NO SHELLFISHING” signs located at the western end of Narragansett Road and the eastern end of Pleasant View Avenue.

BB:50 That portion of Scraggy Neck in the Town of **Bourne** 100 yards seaward of the Mean High Water mark between the “NO SHELLFISHING” sign located at the westernmost point of Scraggy Neck and the “NO SHELLFISHING” sign at the southeasternmost tip of Scraggy Neck.

E:1 That portion of the western shoreline of Naushon Island in the Town of **Gosnold** seaward 100 yards from the Mean High Water Mark.

E:4 That portion of the western shoreline of Pasque Island in the Town of **Gosnold** seaward for 100 yards from the Mean High Water Mark.

E:4 That portion of Penikese Island in the Town of **Gosnold** seaward 100 yards from the Mean High Water Mark.

Under the authority of Massachusetts General Laws, Chapter 130, Section 74A and 75, digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish from closed areas is prohibited.

Under authority of 322 CMR 7.01 (7), all permits issued there-under are hereby conditioned to prohibit the taking, selling or possession of shellfish from closed areas.

Sincerely,

Paul J. Diodati
Director

Cc: R. Murray, J. Hanlon, K. Dolan, P. Hanlon, DELE
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