

October 15, 2004

Boards of Selectmen of the following Towns: Dartmouth, Fairhaven, Mattapoisett, and Bourne.

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, and Bourne, 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Protection, the Division has determined that the ban on shellfish harvesting due to oil contamination may be rescinded in the areas listed below.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 October 18, 2004 and further subject to local rules and regulations under the authority of Massachusetts General Laws, Chapter 130, Section 52.

STATUS; OIL BAN RESCINDED

The ban on shellfishing due to oil has been rescinded in the following portions of the state designated shellfish areas as described below.

BB:5 Little Beach Coastal

“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 the barbed wire fence on Barney’s Joy Beach.”

BB:10 Smith Neck South Coastal

“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:21 Nasketucket Bay

“That portion of BB:21 in the Town of **Mattapoissett** from the “NO SHELLFISHING” sign at the northern end of the Brandt Island Causeway to Brandt Island Point.”

BB:50 Megansett Harbor

“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.”

STATUS: OIL BAN IN EFFECT

Pending satisfactory cleanup and sign-off by appropriate agencies, 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 Little Beach Coastal (A.K.A. Barneys Joy Beach)

“That portion of BB:5 in the Town of **Dartmouth** 100 yards seaward of the Mean High-Water Mark between the “NO SHELLFISHING” sign at the barbed wire fence on Barney’s Joy Beach and the “NO SHELLFISHING” sign at Barney’s Joy Point.”

BB:17 West Island South (A.K.A. Hoppy’s Landing and adjacent area)

“That portion of BB:17 in the Town of **Fairhaven** south of the Goulart Memorial Causeway and north of a line drawn from the “NO SHELLFISHING” sign on the beach at 3 Nakata Avenue on Sconticut Neck to the “NO SHELLFISHING” sign on the beach at the western end of Fishermen Road on West Island.”

BB:21 Nasketucket Bay (A.K.A. Leisure Shores and Howard Beach)

“That portion of BB:21 in the Town of **Mattapoissett** 100 yards seaward of the Mean High-Water Mark between the “NO SHELLFISHING” sign at the north end of Brandt Island Causeway and the “NO SHELLFISHING” sign on the westernmost end of Howard Beach.”

BB:20,21,25 Fairhaven East Coastal, Nasketucket Bay, Mattapoissett Harbor (A.K.A. Antassawamock)

“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.”

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: J. Hanlon, K. Dolan, P. Hanlon, DELE
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Shellfish Constables of: Westport, Dartmouth, New Bedford, Fairhaven,
Mattapoisett, Marion, Bourne and Falmouth