

October 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 Westport, Dartmouth, Fairhaven, Mattapoisett 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Protection, the Division has determined that the ban on shellfish harvesting due to oil contamination may be rescinded in the areas listed below.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/or 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 13, 2003 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#### **STATUS; OIL BAN RESCINDED**

**The ban on shellfishing due to oil has been rescinded in the following state designated shellfish areas in their entirety.**

BB:1 Westport South Coastal, **Westport**  
BB:8 Slocums River, **Dartmouth**  
BB:9 Little River, **Dartmouth**  
BB:18 West Island North, **Fairhaven**  
BB:19 West Island East Coastal, **Fairhaven, Mattapoisett**  
BB:22 Little Bay, **Fairhaven**  
BB:23 Brandt Island Cove, **Mattapoisett**  
BB:52 Wild Harbor/Wild Harbor River, **Falmouth**

**The ban on shellfishing due to oil has been rescinded in the following state designated shellfish areas; except in the portion or portions of each of those areas, as described below, which shall remain closed to the harvesting of shellfish.**

**BB:5** "That portion of BB:5 in the Town of Dartmouth north of 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 a line from

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 western end of Fort Phoenix Beach to the "NO SHELLFISHING" sign at the southernmost tip of Sconticut Neck at Wilbur Point."

**BB:21.** "That portion of 118:21 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:25** "That portion of BB:25 in the Town of Mattapoissett at the head of Mattapoissett 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."

**All other areas in Buzzards Bay closed due to the oil spill on April 28 and/or April 30, 2003 not re-opened above or re-opened on May 21, 2003, shall remain closed until further notice.**

**The following areas remain closed:**

BB:11 Dartmouth East Coastal, **Dartmouth, New Bedford**

BB:16 Fairhaven South Coastal, **Fairhaven, New Bedford**

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

BB:24 Mattapoissett South Coastal, **Fairhaven, Mattapoissett**

BB:26 Mattapoissett River, **Mattapoissett**

BB:27 Eel Pond, **Mattapoissett**

BB:28 North Buzzards Bay, **Marion, Mattapoissett, Bourne, Falmouth**

BB:29 Point Connett, **Mattapoissett**

BB:30 Hiller Cove, **Mattapoissett**

BB:31 Aucoot Cove, **Mattapoissett, Marion**

BB:32 Sippican Harbor, **Marion**

BB:36 Wareham River, **Wareham**

BB:50\* Megansett Harbor, **Bourne, Falmouth**

E1 \* Naushon Island West Coastal, **Gosnold**

E:4\* Gosnold West Coastal, **Gosnold**

\* These areas represent partial closures and are defined in the May 21,2003 closure notice.

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, W. MeKeon, J. Hanlon, K. Dolan, P. Hanlon, DELE  
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Shellfish Constables of above City and Towns