



David E. Pierce
Director

Commonwealth of Massachusetts

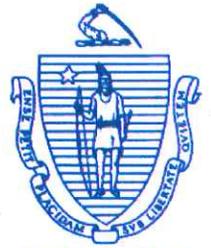
Division of Marine Fisheries

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October 25, 2016

Board of Selectmen
Town of Wellfleet
Town Hall
Wellfleet, MA 02667

Ladies & Gentlemen:

MODIFIED NOROVIRUS CLOSURE NOTICE

The shellfish closure notice dated October 13, 2016 prohibited the removal of any shellfish (seed or market size) from aquaculture sites for offsite culling, **this has been modified effective at sunrise October 26, 2016 to allow aquaculturists endorsed for off-site culling to transport seed oysters and quahogs (hard clams) to their permitted off-site culling location as conditioned below.**

In accordance with Chapter 130, section 74A of the Massachusetts General Laws, the Division of Marine Fisheries (DMF) has determined that the below defined shellfish growing areas, CCB11 through CCB14 in the Town of Wellfleet continues to not meet the established criteria for the harvest of shellfish.

Therefore under authority of MGL Chapter 130, sections 74A and 75, the status of the below defined areas remain "CLOSED TO SHELLFISHING". Digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish from the below defined areas are prohibited except as conditioned below to allow off-site culling.

CLASSIFICATION: APPROVED AND CONDITIONALLY APPROVED

Status: Closed To Shellfishing with the exception of bay and sea scallop adductor muscles and carnivorous snails including conchs and whelks

Wellfleet Harbor
CCB11 – CCB14

" The waters, flats and all tributaries of Wellfleet Harbor in the Town of Wellfleet, northerly of a line drawn from Jeremy Point to the Eastham/Wellfleet Town Marker."

This closure will remain in effect until DMF determines the shellfish is safe to harvest for human consumption.

Under authority of 322 CMR 7.01 (7) all permits issued hereunder are hereby conditioned to prohibit the digging, harvesting or collecting and/or attempting to dig, harvest or collect shellfish and the possession of shellfish from the above defined area except as outlined below.

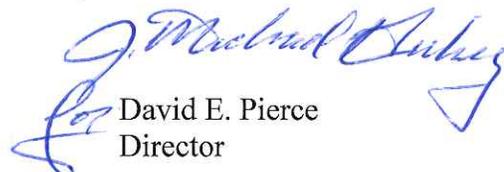
Licensed aquaculturists permitted by DMF may maintain gear and shellfish on licensed sites provided the grower gives prior notice to the town shellfish department who shall maintain a list.

Sale of seed shellfish for aquaculture will be allowed only within Wellfleet Harbor.

Offsite culling will be authorized with the following conditions:

- I. For purposes of this authorization seed shall mean oysters less than 2.5 inches in shell length and hard clams less than 5/8 inches in hinge width.
- II. Off-site culling of oysters or hard clams greater than the sizes established under this authorization, to the amount of more than five percent of any batch, is prohibited and such shellfish are subject to embargo and destruction.
- III. Prior to removing seed from the license site Aquaculturists must obtain authorization daily from the Wellfleet Shellfish Department who will maintain a daily log of individuals authorized to conduct off-site culling.
- IV. Aquaculturists shall maintain a record in a bound logbook of all seed removed from the license site. The logbook shall be filled out by the permit holder prior to the removal of seed from the licensed site with the date of removal and the quantity (containers or pieces) of seed removed. Upon returning seed to the license site the aquaculturists shall record the date and quantity (containers or pieces) of shellfish returned.
- V. Aquaculturists transporting seed for off-site culling must have in their possession their propagation permit and bound logbook. Only the permitted aquaculturist is allowed to transport seed for off-site culling.
- VI. Aquaculturists must tag each individual container of seed in transport with a waterproof tag to and from the off-site culling location. One of the following statements must be on the tag: 1. *Aquaculturally Reared :To be culled* 2. *Aquaculturally Reared: Culled, for return to license site.* Or, bulk tagging of seed may be employed as allowed at General Condition number 10 of the Shellfish Aquaculture Permit.
- VII. Any oysters or hard clams greater than the seed sizes established under this authorization that are incidentally removed from the licensed site for off-site culling shall be returned to the license site and segregated into containers. Containers of segregated shellfish shall be marked with a waterproof tag and legibly labeled in indelible ink with the date the shellfish were returned to the license site. This tag is required to stay with the segregated shellfish until released by the Division of Marine Fisheries.

Sincerely,


David E. Pierce
Director

cc: J. McGinn, B. Perrin, P. Moran, G. Duncan, OLE
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FDA, & DPH
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