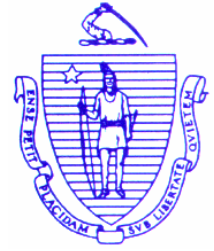




Paul J. Diodati
Director

Commonwealth of Massachusetts
Division of Marine Fisheries
251 Causeway Street, Suite 400
Boston, MA 02114
(617) 626.1520
Fax (617) 626.1509



July 9, 2005

Boards of Selectmen of : Chatham, Harwich, Orleans, Nantucket, Sandwich, Bourne, Plymouth, and Duxbury

Ladies & Gentlemen:

The Division of Marine Fisheries has determined that shellfish and conchs (*Busycon carica*, and *Busycotypus canaliculatu*), except for surf clams (*Spisula solidissima*), ocean quahogs (*Arctica islandica*), the carnivorous moon snails (*Polinices duplicatus* and *Lunatia heros*) and whole sea scallops (*Placopecten magellanicus*) (the adductor muscle of the sea scallop may be landed), from the below-defined portions of Pleasant Bay, Nantucket and Nantucket Sound **no longer contain biotoxins (PSP)** from the phytoplankton Alexandrium (spp) in excess of established standards.

Therefore, under authority of Massachusetts General Laws, Chapter 130, Section 74A, 75 and 322 CMR 7.01 (7) **at sunrise on July 9, 2005**, these below-defined areas will revert to their former status prior to the PSP closure of May 27, 2005 in Pleasant Bay in the Towns of Chatham, Orleans and Harwich and the PSP closure of June 3, 2005 in Nantucket Sound and Nantucket. Those areas classified as APPROVED and in the "open" status to shellfish harvesting are now open to the harvest of shellfish, **except surf clams, ocean quahogs, carnivorous moon snails and whole sea scallops (sea scallop adductor muscles may be landed)**, for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws Chapter 130, section 52. Similarly, those areas classified as CONDITIONALLY APPROVED are open subject to the classification conditions.

STATUS: OPEN TO SHELLFISHING

Pleasant Bay

SC:53 to SC:64

"The waters, flats and all tributaries within that portion of Pleasant Bay in the Towns of Orleans, Harwich and Chatham north of a line drawn from the north tip of Strong Island along the Chatham/Orleans Town Line to the marker on Nauset Beach; and west of a line drawn from Allens Point to the southeast tip of Strong Island." (**Note: This opening does not include area SC:52N in Pleasant Bay**)

Nantucket Sound

NS:1 to NS:4

NS:1 Nantucket Sound Northeast Center

“The waters and flats of that portion of Nantucket Sound northerly of the Loran C line 9960-Y-43900; southerly and westerly of the Barnstable County Line; easterly of the Loran C line 9960-W-14000.”

NS:2 Nantucket Sound Southeast Center

“The waters and flats of that portion of Nantucket Sound southerly of the Loran C line 9960-Y-43900; westerly of the Barnstable County Line; easterly of the Loran C line 9960-W-14000; northerly of the Nantucket County Line and west of a line drawn across the entrance to Nantucket Sound from the southern tip of the Barnstable County Line to the northern tip of the Nantucket County Line.”

NS:3 Nantucket Sound Southwest Center

“The waters and flats of that portion of Nantucket Sound southerly of the Loran C line 9960-Y-43900; easterly of the Dukes County Line; westerly of the Loran C line 9960-W-14000; and northerly of the Nantucket County Line.”

NS:4 Nantucket Sound Northwest Center

“The waters and flats of that portion of Nantucket Sound southerly of the Barnstable County Line; easterly of the Dukes County Line; westerly of the Loran C line 9960-W-14000; and northerly of the Loran C line 9960-Y-43900.”

Nantucket

NT:1 to NT:14

“The waters, flats and all tributaries of Nantucket Island seaward out to three miles.”

In addition, Monomoy Island area SC:47, previously opened on July 1, 2005 to shellfishing, except for surf clams, ocean quahogs, carnivorous snails and whole sea scallops, is now open to the harvest of conchs (*Busycon carica*, *Busycotypus canaliculatus*).

Monomoy Island (Open to harvesting of conch)

SC:47

“The waters and flats of that portion of Nantucket Sound in the Town of Chatham, easterly of a line drawn southwesterly [230 degrees true] from the west breakwater at the entrance to Stage Harbor in the Town of Chatham to the Barnstable County Line; westerly of a line drawn from the south end of Morris Island to the north tip of Monomoy Island; south of a line drawn across the Stage Harbor jetties; and westerly of a line drawn due south from Monomoy Point to the Barnstable County Line.”

The Division of Marine Fisheries has determined that shellfish, except for surf clams (*Spisula solidissima*), ocean quahogs (*Arctica islandica*) and the carnivorous snails including conchs (*Busycon carica*, *Busycotypus canaliculatus*) and moon snails (*Polinices duplicatus* and *Lunatia heros*), and whole sea scallops (*Placopecten magellanicus*) (the adductor muscle of the sea scallop may be landed), from the below-defined portions of Cape Cod Bay and Massachusetts

Bay **no longer contain biotoxins (PSP)** from the phytoplankton Alexandrium (spp) in excess of established standards.

Therefore, under authority of Massachusetts General Laws, Chapter 130, Section 74A, 75 and 322 CMR 7.01 (7) **at sunrise on July 9, 2005**, these below-defined areas in the Towns of Sandwich, Bourne, Plymouth and Duxbury will revert to their former status prior to the PSP closure of May 20, 2005. Those areas classified as APPROVED and in the “open “ status to shellfish harvesting are now open to the harvest of shellfish, **except surf clams, ocean quahogs, carnivorous snails and whole sea scallops (sea scallop adductor muscles may be landed)**, for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws Chapter 130, section 52. Similarly, those areas classified as CONDITIONALLY APPROVED are open subject to the classification conditions.

Cape Cod Canal and Portions of Cape Cod Bay and Massachusetts Bay

BB:45

CCB:35 to CCB:41

MB:1 and Southeast Portion MB:2

“The waters, flats and all tributaries of that portion of the Cape Cod Canal east of a line drawn from the southeastern corner of the Massachusetts Maritime Academy pier to the Cape Cod Canal lighted aid to navigation buoy # 18; and, Cape Cod Bay and Massachusetts Bay out three miles from the Barnstable/Sandwich Town Line to the Duxbury/Marshfield Town Line.”

Sincerely,



Paul J. Diodati
Director

cc: J. Hanlon, K. Dolan, DELE
D. McKiernan, M. Hickey, DMF
WPC, DEP
FDA
DPH
Constables of: Chatham, Harwich, Orleans, Nantucket, Sandwich, Bourne, Plymouth, and
Duxbury