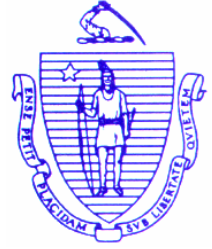




**Paul J. Diodati**  
*Director*

*Commonwealth of Massachusetts*  
**Division of Marine Fisheries**  
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August 18, 2005

Boards of Selectmen of : Barnstable, Yarmouth, Dennis, Brewster, Orleans, Eastham, Wellfleet, Truro and Provincetown

Ladies & Gentlemen:

The Division of Marine Fisheries has determined that shellfish, **except for Ocean quahogs (*Arctica islandica*), Sea scallops (*Placopecten magellanicus*), Channeled and Knobbed whelks and Moon snails (*Polinices duplicatus* and *Lunatia heros*)**, from the below-defined eastern portion of Cape Cod 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 August 18, 2005**, the below-defined portion of Cape Cod Bay will revert to its former status prior to the PSP closures of May 26, 2005. Those shellfish areas classified as APPROVED and in the "open" status to shellfish harvesting are now open to the harvest of shellfish, **except Ocean quahogs, Sea scallops and carnivorous snails, (*Surf clams are now open to harvest in the below-defined area*)** for direct human consumption subject to local rules and regulations under authority of Massachusetts General Laws Chapter 130, section 52. Commercial surf clamming is also open subject to provisions of 322 CMR, section 6.08. Similarly, those shellfish areas classified as CONDITIONALLY APPROVED are open subject to the classification conditions.

**EASTERN PORTION OF CAPE COD BAY**  
**Status: Open to Shellfishing**

"The waters, flats and all tributaries of those areas in Cape Cod Bay easterly of a line drawn from Beach Point on the eastern end of Sandy Neck in the Town of Barnstable to the tip of Long Point in the Town of Provincetown."

Sincerely,

Paul J. Diodati  
Director

cc: J. Hanlon, K. Dolan, R. Chausse, DELE  
D. McKiernan, M. Hickey, DMF  
WPC, DEP  
FDA  
DPH

Constables of: Barnstable, Yarmouth, Dennis, Brewster, Orleans, Eastham, Wellfleet, Truro and Provincetown