



David E. Pierce, PhD
Director

Commonwealth of Massachusetts

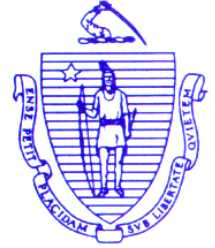
Division of Marine Fisheries

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December 28, 2018

Public Hearing Notice Shellfish Regulations

Under the provisions of M.G.L. c. 30A and pursuant to the authority found at M.G.L. c. 130 §§ 2, 17A, 52, 80, 81, 82 and 104, the Division of Marine Fisheries (DMF) is proposing draft regulatory amendments to 322 CMR §16.00.

1. **Shellfish Recodification and Reorganization.** To enhance compliance with the National Shellfish Sanitation Program's Model Ordinance, DMF is proposing to amend its shellfish regulations:
 - a. At 322 CMR §§16.03, 16.04 and 16.08, DMF is proposing to adopt longstanding permit conditions, practices and policies as regulations. This proposal includes regulations describing adopting shellfish growing area classifications and growing area status designations; adopting by regulation those shellfish harvest, handling and transport permit conditions set forth annually in an affidavit; and implementing regulations that describe how the municipal contaminated shellfish relay and transplant program is to be conducted.
 - b. At 322 CMR §§ 16.01, 16.02, 16.05, 16.07, and 16.10, DMF is proposing nominal refinements to the existing regulatory language to improve clarity and organization.
 - c. At 322 CMR §§ 16.06 and 16.09, DMF is proposing to reserve sections of regulations where in the future DMF may codify rules affecting shellfish aquaculture or recodify rules affecting the harvest of moderately contaminated shellfish.
2. **Municipal Contaminated Shellfish Relay and Transplant Fee (322 CMR 16.08).** In accordance with c. 47, §112 of the Acts of 2017 DMF is required to establish a per bag fee for contaminated shellfish harvested as part of the so-called "contaminated relay" program. This fee is to be paid by the receiving municipality through DMF to the harvest source municipality. DMF is proposing that this fee be set at a cost of \$1.00 per bushel.

Public Hearing Schedule

The Division of Marine Fisheries has scheduled two public hearings to take comment on these proposals. The public hearings will be held on:

6PM
January 30, 2019
Hotel 1620
180 Water Street
Plymouth, MA 02360

6PM
January 31, 2019
DMF's Annisquam River Station
30 Emerson Avenue
Gloucester, MA 01930

Public Comment Instructions

The Division of Marine Fisheries will also accept public comment through 5PM on Friday, February 8, 2019. Please address all written comments to Director Dr. David Pierce and submit to DMF by e-mail at marine.fish@state.ma.us or by post to 251 Causeway Street, Suite 400, Boston, MA 02114. A full copy of the draft regulations may be found on DMF's [website](#) or by contacting Jared Silva (jared.silva@state.ma.us; 617-626-1534).