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Governor
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Commissioner

June 17, 2009

Board of Selectmen
Town Hall
Eastham, MA 02642

Board of Selectmen
Town Hall
Orleans, MA 02653

Ladies & Gentlemen:

The Division of Marine Fisheries has determined that **bivalve shellfish** from areas OC:2 through OC:5 defined below **no longer contain biotoxins (Paralytic Shellfish Poison-(PSP))** from the phytoplankton *Alexandrium (spp.)* in excess of established standards. Area **OC:6, Salt Pond** in Eastham, remains **closed** to all shellfish harvesting. All areas OC:2 through OC:6 remain closed to the harvesting of **Moon snails (*Polinices duplicatus* and *Lunatia heros*)**.

Therefore, under authority of Massachusetts General Laws, Chapter 130, sections 74A and 75 and 322 CMR sections 7.01 (7), 7.02 and 10.00, the PSP closures for **bivalve shellfish** on May 6, 2009 **will be rescinded at sunrise on June 18, 2009** in areas OC:2 through OC:5 (area **OC:6, Salt Pond** in Eastham, remains **closed** to all shellfish harvesting). Bivalve shellfish in areas currently classified as APPROVED and in the "open" status may now be harvested 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 and in the "open" status are subject to the classification conditions. All areas OC:2 through OC:6 remain closed to the harvesting of **Moon snails (*Polinices duplicatus* and *Lunatia heros*)**.

Status: Open to Bivalve Shellfish Harvesting. These areas remain closed to the harvesting of Moon snails (*Polinices duplicatus* and *Lunatia heros*).

NAUSET SYSTEM OC:2 – OC:5

OC:2 NAUSET HARBOR, EASTHAM/ORLEANS

The waters, flats and all tributaries of Nauset Harbor in the Towns of Eastham and Orleans, northerly of a line drawn across the mouth of Mill Pond in the Town of Orleans; southerly of a line drawn across the Middle Channel at the Eastham/Orleans town line; southerly of a line drawn across the southern mouth of the Hemenway River in the Town of Eastham; and easterly of a line drawn across the mouth of Town Cove.

OC:3 MILL POND, ORLEANS

The waters, flats and all tributaries of Mill Pond in the Town of Orleans , southerly of a line drawn across the mouth of Roberts Cove.

OC:4 TOWN COVE, ORLEANS/EASTHAM

The waters, flats and all tributaries of Town Cove in the Towns of Eastham and Orleans, southwesterly of a line drawn from Snow Point in the Town of Orleans to the western side of the mouth to the Hemenway River at Fort Hill in the Town of Eastham.

OC:5 NAUSET MARSH, EASTHAM

The waters, flats and all tributaries of Nauset Marsh in the Town of Eastham, northerly of a line drawn across the Middle Channel at the Eastham/Orleans Town Line; westerly of a line drawn across the mouth of Nauset Harbor; northerly of a line drawn across the mouth of the Hemenway River at Fort Hill in the Town of Eastham; and easterly of a line drawn across the entrance of Salt Pond in the Town of Eastham.

Status: Closed to the harvest of all bivalve shellfish. Closed to Moon snails

OC:6 SALT POND, EASTHAM

The waters, flats and all tributaries of Salt Pond in the Town of Eastham , westerly of a line drawn across the mouth of Salt Pond.

Sincerely,

Paul J. Diodati
Director

cc: A. Gross, G. Santos, E. Burns, DELE
D. McKiernan, M. Hickey, DMF
WPC, DEP
FDA
DPH

M. O'Connor, Eastham Shellfish Constable
D. Farber, Orleans Shellfish Constable