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Deval Patrick
Governor
Ian Bowles
Secretary
Mary B.
Griffin
Commissioner

July 2, 2008

To the selectmen of the towns of Eastham and Orleans:

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 except Blue mussels. 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75 and 322 CMR sections 7.01 (7), 7.02 and 10.00, the PSP closures for **bivalve shellfish** on May 14, 2008 **will be rescinded at sunrise on July 3, 2008** in areas OC2 through OC:5 (area **OC:6, Salt Pond** in Eastham, remains **closed** to all shellfish harvesting except Blue mussels). 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 OC2- OC6

OC2 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.

OC3 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.

OC4 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.

OC5 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 except Blue mussels. Closed to Moon snails

OC6 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

c: J. Hanlon, R. Arduini, K. Dolan, P. Hanlon, DELE
D. McKiernan, M. Hickey, J. Kennedy, D. Whittaker, DMF
WPC, DEP
FDA
DPH
Constables of the above-listed towns