



Paul J. Diodati
Director

Commonwealth of Massachusetts
Division of Marine Fisheries
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Deval Patrick
Governor
Ian Bowles
Secretary
Mary B.
Griffin
Commissioner

August 21, 2008

Mayor and Selectboard members of New Bedford , Dartmouth , Fairhaven and Mattapoisett

Ladies and Gentlemen:

In accordance with Chapter 130, section 74A of the Massachusetts General Laws, the Division of Marine Fisheries has determined that Clark Cove, BB:13 and New Bedford Outer Harbor, BB:15 in the City of New Bedford and the Towns of Dartmouth and Fairhaven that were closed due to very heavy rains on August 12, 2008 now meet the National Shellfish Sanitation Program guidelines for an **“OPEN”** status. Areas BB:5, 7, 10, 11, 14 and 16 through 22 will **remain closed** due to continued unacceptable bacteria levels.

Under authority of Massachusetts General Laws, Chapter 130, Section 74A, 75 and 322 CMR 7.01 (7) the below-defined areas, BB:13 and BB:15, will revert to their former status prior to the rainfall closure of August 12, 2008. Those areas classified as **CONDITIONALLY APPROVED** are now open to the harvest of shellfish for direct human consumption subject to classification conditions and local rules and regulations under authority of Massachusetts General Laws Chapter 130, section 52. Areas BB:5, 7, 10, 11, 14 and 16 through 22 will **remain closed** due to continued unacceptable bacteria levels.

**STATUS: OPEN TO THE TAKING OF ALL SHELLFISH AS DEFINED BELOW
(except for areas BB:5, 7, 10, 11, 14 and 16 through 22)**

“The waters, flats and all tributaries in the New Bedford Outer Harbor, BB:15.2, north of a line drawn from Clark Point in the City of New Bedford to Wilbur’s Point in the Town of Fairhaven; and Clark Cove, BB:13, north of a line drawn from Ricketson’s Point in the Town of Dartmouth to Clark Point in the City of New Bedford.”

Areas BB:5, 7, 10, 11, 14 and 16 through 22 will remain closed due to continued unacceptable bacteria levels and will continue in the closed status until such time as these levels are found by the Division to be within standard limits.

Sincerely,

Paul J. Diodati
Director

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