



Draft Shellfish Planting Guidelines

This list of questions was developed to help provide answers to anticipated questions and concerns regarding the Marine Fisheries Draft Shellfish Planting Guidelines.

Anticipated Questions

1. Why is the Division of Marine Fisheries holding the listening sessions for the Shellfish Planting Guidelines?

Marine Fisheries, with the assistance of The Nature Conservancy (TNC), is holding the Sessions to solicit public input for the draft guidelines and clearly define the shellfish planting oversight process within the Commonwealth's coastal waters. The Nature Conservancy (TNC) is hosting these sessions as part of a grant received by MA Bay Estuary Program. The mission of TNC is to protect biological diversity and its interests include partnering with shellfish harvesters to support long-term sustainability of shellfish resources.

2. Why are these Guidelines being issued?

These guidelines contain *Marine Fisheries'* definitions and policy framework relative to all types of shellfish planting, including shellfish propagation and enhancement, restoration, mitigation, and aquaculture in state managed waters. The intent is to clarify and enumerate considerations for review of shellfish planting projects to benefit project applicants, as well as local, state and federal resource and permitting agencies. The guidance outlined is intended as a supplement to regular reviews and consultations with resource and permitting agencies.

3. What is new or different from previous Guidelines? Are these new regulations?

These are not new regulations. The guidelines are a compendium of *Marine Fisheries* shellfish planting policies. Because there is increasing interest in planting shellfish to improve water

quality in degraded coastal waterbodies, DMF is interested in balancing the interest in shellfish restoration with the important goals of protecting human health and local shellfish stocks, and enabling opportunities for Massachusetts commercial and recreational shellfishermen.

4. What shellfish species are covered by these guidelines?

These guidelines pertain to bivalve molluscan shellfish, including clams, mussels, oysters, quahogs, ocean quahogs, razor clams, surf clams, bay scallops and sea scallops.

5. How do I apply for a permit and who do I contact, the town or the state?

Permits to possess and plant shellfish are issued by *Marine Fisheries*. All activities must be approved by the municipality and meet the provisions of the Planting Guidelines. Depending on the activity, permits may be issued to individuals, institutions or municipalities. Questions on permitting should be addressed to the *Marine Fisheries* Shellfish Program (Address: 1213 Purchase Street, New Bedford MA 02740).

6. Why would a planting site be closed for “up to three years”?

A planting site in publicly controlled beds may or may not be closed at the discretion of the municipality under local management authority. If the area is closed, it cannot be kept closed for more than three years under state statute. The purpose of the closure is to allow undisturbed growth and spawning. The limitation on the closure is to ensure that the area is returned to the public fishery.

7. When/how is aquaculture permitted/licensed? Who issues the license?

Private aquaculture sites are licensed by the municipalities with the approval of *Marine Fisheries*. Holders of a licensed site are also required to obtain an Aquaculture Permit annually from *Marine Fisheries* to possess seed and plant shellfish at their licensed site.

The site licensing process varies between local jurisdictions but must at a minimum conform to Chapter 130, sections 57 – 68, MGL. Municipalities have local regulatory authority over aquaculture and can also condition licenses. Site selection must be done with the cooperation of the local shellfish Department and approved by the selectmen or city council and mayor. Areas considered for private aquaculture must not contain substantial amounts of natural shellfish, submerged aquatic vegetation, endangered species or other fisheries as determined by *Marine Fisheries*; who must also certify that license and operation of the site will not have an adverse effect on shellfish or other natural resources.

8. What will be done with the information gathered at the listening sessions and who will receive it?

Bill Logue, the listening session facilitator, will assemble feedback from the public listening sessions and comments submitted by mail or email. He will present his findings to *Marine Fisheries*, who will in turn review and edit the Draft Guidelines. *Marine Fisheries* plans to release the Final Guidelines in December to MA shellfish stakeholders, other MA agencies and other interested parties.

9. Where can I find more information on shellfish planting?

Your local shellfish department is an excellent resource and a good place to start. The Division of Marine Fisheries Shellfish Program is also available to answer questions.

10. Where can I submit my comments regarding the Draft Shellfish Planting Guidelines?

Comments and/or concerns regarding the *Marine Fisheries* Draft Shellfish Planting Guidelines can be submitted online using the following link: MAshellfishguidelines@gmail.com
The deadline for submitting comments is October 3, 2011.