



# The Commonwealth of Massachusetts

## Division of Marine Fisheries

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[www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



CHARLES D. BAKER  
Governor

KARYN E. POLITO  
Lt. Governor

KATHLEEN A. THEOHARIDES  
Secretary

RONALD S. AMIDON  
Commissioner

DANIEL J. MCKIERNAN  
Director

Fee EXEMPT

Date Issued May 25, 2021

### **SPECIAL PERMIT FOR TRANSPLANTING CONTAMINATED SHELLFISH**

PERMIT NO. 161520

Acting under authority of General Laws, Chapter 130, Section 17, paragraph 2, 3, and 4, Section 69, 75, 80 and 83, permission is hereby granted to:

BOARD OF SELECTMEN  
TOWN OF WESTPORT  
TOWN HALL  
WESTPORT, MA 02790

to take, possess and transplant for propagation and natural purification purposes QUAHOGS from the waters of the TAUNTON RIVER as further described in restriction #2,

to the waters of the EAST BRANCH OF THE WESTPORT RIVER IN THE TOWN OF WESTPORT as further described in restriction #3,

and in accordance with all of the following permit restrictions:

#### PERMIT RESTRICTIONS:

1. This permit shall be effective MAY 28, 2021 to NOVEMBER 19, 2021 provided that bottom water temperature in the transplant area or areas remains above 45°F. These dates are inclusive and upon expiration, all harvesting, transport and transplanting shall cease. Not more than 3,000 BUSHELS OF QUAHOGS shall be transplanted.
2. All QUAHOGS harvested for transplanting under authority of this permit shall be obtained only from the area or areas shown on the "harvest site" map accompanying this permit; namely, THAT PORTION OF THE TAUNTON RIVER THAT PORTION OF THE TAUNTON RIVER SOUTH OF A LINE DRAWN FROM THE END OF #2890 PLEASANT STREET TO PIERCES POINT, SOUTH OF A LINE ACROSS THE MOUTH OF THE ASSONET RIVER AND NORTH OF THE BRIGHTMAN STREET BRIDGE (ATTACHED MAP).
3. All QUAHOGS shall be transplanted only in the area or areas shown on the "transplant site" maps accompanying this permit; namely, THAT PORTION OF THE EAST BRANCH KNOWN AS HALFMOON FLAT SOUTH OF A LINE DRAWN FROM THE SOUTHERN END OF THE ROUTE 88 BRIDGE TO THE NORTHEASTERN END OF HALFMOON FLAT AND THAT PORTION KNOWN AS BIG RAM ISLAND SOUTH OF A LINE DRAWN FROM THE NORTHEASTERN END OF THE COVE TO THE NORTHWESTERN AND OF THE COVE (ATTACHED MAP).

4. All QUAHOGS harvested for transplanting under authority of this permit shall be removed and transported under the immediate supervision of the SWANSEA SHELLFISH CONSTABLE.
5. Only harvesters or shellfishermen hired for the specific purpose of the transplanting operation by the shellfish constable or other holder of this permit, as the case may be, shall be used in the transplanting operation. The Permit holder shall maintain a list of those individuals involved on a day to day basis.

Applicable  X  **ONLY THE FOLLOWING BOAT OR BOATS ARE TO BE USED IN THE TRANSPLANTING OPERATION.**

Not Applicable

BOAT NAME	NUMBER	OWNER/OPERATOR	ADDRESS
<u>OCEAN RANCHER</u>	<u>595899</u>	<u>B. INGHAM</u>	<u>P.O. BOX 291</u> <u>FAIRHAVEN, MA 02719</u>

6. **The Swansea Shellfish Constable shall hold any commercial fishing licenses of the boat, captain and crew involved in the transplanting operation during the period of the transplant.**
7. Harvesting shall be conducted only during periods of good visibility between the hours of SUNRISE and 4:00 PM **Monday through Saturday**. Shellfish will be placed loosely on the Town barge. No shellfish may remain aboard the boats involved upon completion of the day's work.
8. All shellfish harvested for transplanting under authority of this permit shall be transported from the harvest site to the transplant site by means of the following conveyance:
 

Town DNR trucks and boats
9. All shellfish shall be transplanted (planted) in the designated area or areas (as shown on the attached map) on the day they were taken under the direct supervision of the WESTPORT Shellfish Constable or his deputies.
10. The area to be planted with contaminated shellfish shall be posted prior to the commencement of transplanting operations. Signs shall be placed so as to provide a buffer of at least 50 feet around the contaminated shellfish. The signs shall include the following:

**"CLOSED TO SHELLFISHING"**  
**"AREA PLANTED WITH CONTAMINATED SHELLFISH"**

11. Before any of the transplanted shellfish are harvested (not before DEC. 2021) overlying water and shellfish samples shall be taken and examined by the Massachusetts Division Marine Fisheries and the status of the area is changed to "OPEN" to shellfishing.

12. An accurate account of the shellfish transplanted under authority of this permit shall be maintained by the enforcement authority and the dredge boat operators. Such record shall show dates, dredge boat captain, the number of bushels or other units from each donor municipality. A copy of this record shall be sent at the end of the transplant to the Shellfish Program, 706 S. Rodney French Blvd. Street, New Bedford, MA.
13. All vessels, boats and vehicles involved in the harvest, transport and planting of contaminated shellfish, under the provisions of this permit, shall be subject to inspection at any time by Massachusetts Environmental Police Officers, local shellfish constables and/or personnel from the Division of Marine Fisheries.
14. A copy of this permit shall be on hand and in the possession of the person or persons in charge of supervising and/or conducting various aspects of the transplanting operations during such activities.
15. **All shellfish shall be unloaded at Arc Bait or any other location as specified by the enforcement officer between 11 a.m. and 1 p.m. unless otherwise authorized by the enforcement officer.**
16. All Quahogs harvested under the provisions of this permit shall be placed in bags and must be tagged. The tag shall state: the date of harvest, the DMF permit number, the receiving town, the harvest vessel name, and the words "CONTAMINATED SHELLFISH".
17. The vessel captains shall contact the Division of Law Enforcement Radio Room (Tel: 800-632-8075) each morning prior to the start of harvesting and leave a message on the answering machine stating the time, date, vessel name, contaminated permit number, and area fished.
18. The Director of The Division of Marine Fisheries reserves the right to revoke this permit at any time for failure to comply with any or all permit restrictions, or for causes he deems sufficient.
20. At the completion of the harvest day, the enforcement officer or his deputy shall inspect the vessels to insure that no shellfish remain on the vessel and prepare standard Bills of Laden listing the date, time of departure and number of full and partial bags of shellfish. The enforcement officer or his deputy and the Westport Shellfish Constable shall count the number of full or partial bags and counter sign the Bills of Laden. The Westport Shellfish Constable shall return the Bills of Laden to the Division of Marine Fisheries upon completion of the Transplant. 21. Upon completion of the transplant, the Division of Marine Fisheries shall prepare an invoice to you as the receiving municipality in the amount of \$1/bushel for the total number of bushels transplanted. The Division of Marine Fisheries will then disburse the monies to the donor municipalities at the end of the relaying season.
21. Upon completion of the transplant, the Division of Marine Fisheries shall prepare an invoice to you as the receiving municipality in the amount of \$1/bushel for the total number of bushels transplanted. The Division of Marine Fisheries will then disburse the monies to the donor municipalities at the end of the relaying season.

Sincerely,



Daniel J. McKiernan,  
Director

cc:

Division of Environmental Law Enforcement:

- 1) Lt. Col., P. Moran
- 2) Lt. K. Clayton
- 3) Sgt. J. Cullen

Division of Marine Fisheries:

- 1) Chief Biologist, J. Kennedy
- 2) DMF, C. Petitpas

DPH; Food Protection Program:

- 1) Director, M. Moore

U.S. Food & Drug Administration:

- 1) Regional Shellfish Specialist, A. Fitzpatrick

Town of Westport:

- 1) Shellfish Constable, C. Leonard

Town of Somerset:

- 1) Board of Selectmen

Town of Dighton:

- 1) Board of Selectmen

Town of Berkley:

- 1) Board of Selectmen

City of Fall River:

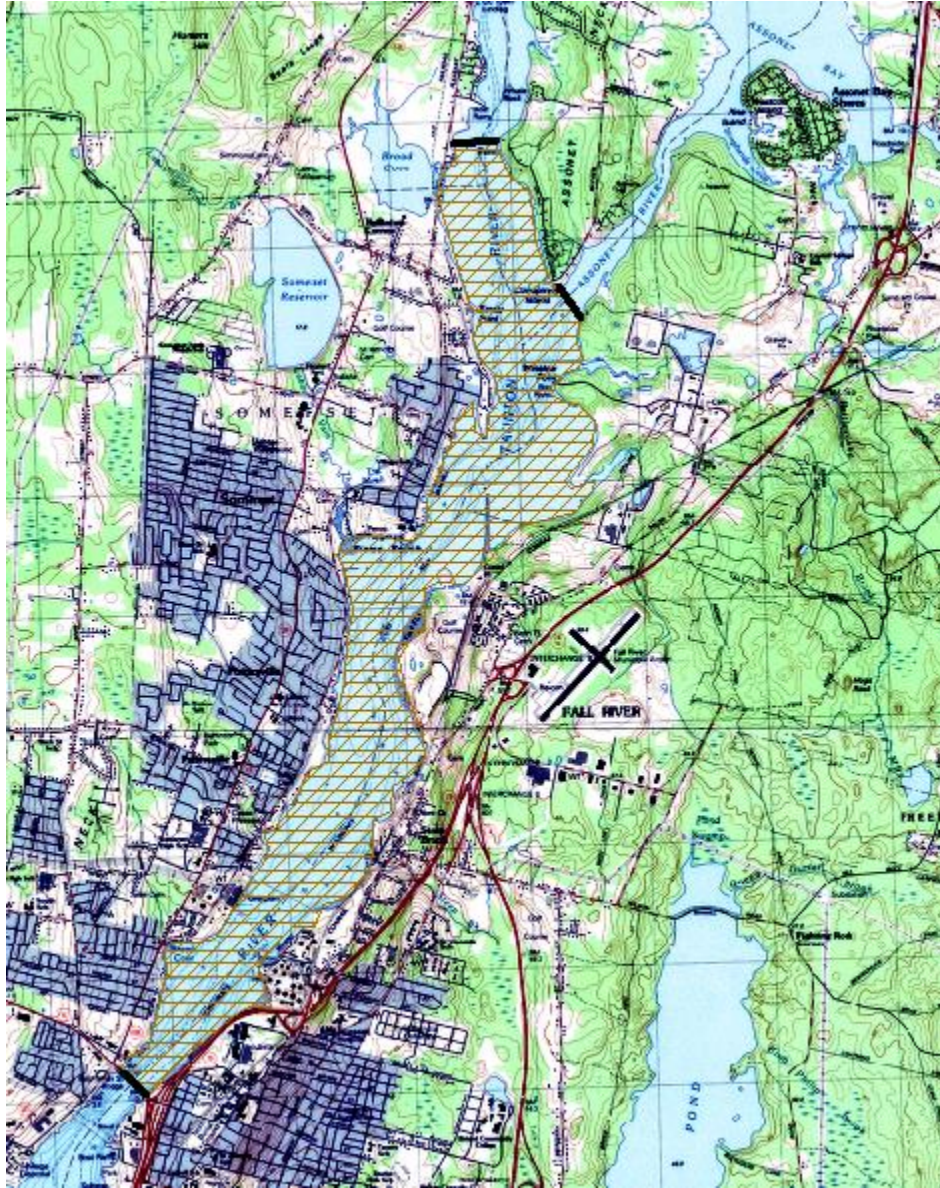
- 1) Mayor. P. Coogan
- 2) Shellfish Constable, R. Smith

Town of Swansea:

- 1) Shellfish Constable, S. Mello

Vessel Captain: B. Ingham

# HARVEST SITE MAP



**TRANSPLANT SITE MAP**

