

2012 SEP 28



Paul J. Diodati
Director

Commonwealth of Massachusetts

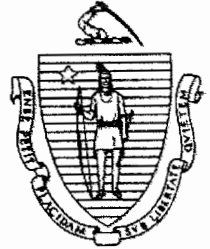
Division of Marine Fisheries

251 Causeway Street, Suite 400

Boston, Massachusetts 02114

(617)626-1520

fax (617)626-1509



Deval Patrick
Governor

Timothy P. Murray
Lt. Governor

Richard K. Sullivan, Jr.
Secretary

Mary B. Griffin
Commissioner

Shellfish Propagation Permit No. 155947

Class 3

Type 1

FEE: \$0.00

DATE OF ISSUE:

5/9/2012

TO WHOM IT MAY CONCERN:

Pursuant to Paragraphs 2 and 3, Section 17; Sections 69, 75, 80 and 83 of Chapter 130 of the Massachusetts General Laws and 322 CMR 3.03; 6.05; 6.08; 6.10; 6.20; 7.01(4)(d) and 15:00, permission is hereby given, subject to the attached Shellfish Aquaculture Permit Conditions to:

*Selectmen Town of Chilmark
P.O. Box 119
Chilmark, MA 02535
DBA:*

To possess naturally occurring seed shellfish, seed shellfish transplanted under previously issued permits and to transplant seed and/or adult shellfish from Division of Marine Fisheries approved sources at and to the permit holders private shellfish aquaculture site, licensed under authority of Chapter 130, Section 57 of the Massachusetts General Laws; or at other locations authorized by endorsements made part of this permit; or to municipal propagation sites maintained under authority of Chapter 130, section 52 and 54 for cultivation of shellfish by coastal municipalities.

LOCATION OF AQUACULTURE SITE(S)

Waterbody: Menemsha Pond Town: Chilmark

DSGA: V2

Location: Menemsha Pond

Waterbody: Tisbury Great Pon Town: Chilmark

DSGA: V31

Location:

Waterbody: Nashaquiitsa Pon Town: Chilmark

DSGA: V3

Location:

A. GROWOUT

Type of Shellfish:	Source
Oyster	Marthas Vineyard Shelfish Grou
Quahog	Marthas Vineyard Shelfish Grou
Bay scallop	Marthas Vineyard Shelfish Grou

B. INTERMEDIATE GROW-OUT

On-Site Yes No Off-Site Yes No

Location:

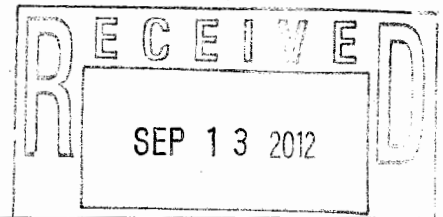
C. CULLING

Off-site Culling Allowed: Yes No

Off-site location:

D. SEED SALES

Seed Sales Allowed: Yes No



CHILMARK BOARD OF SELECTMEN

E. OVERWINTERING

Overwintering Allowed: Yes No

Location:

F. SPAT COLLECTION

Spat Collection Allowed: Yes No Yes No

Location *Menemsha and Great Pond*

Method

Shell

On-Site

Off-Site

Yes No

G. SALE OF UNDER-SIZED (SEED) SHELLFISH FOR CONSUMPTION

Sale of Under-Size Shellfish Allowed: Yes No Out of State: Yes No

In State: Yes No

- A. Quahog not less than 7/8 inch thick
- B. Oysters not less than 2.5 inches longest diameter
- C. Surf Clams not less than 1.5 inches longest diameter
- D. Other

H. SPECIAL CONDITIONS APPLY Yes No

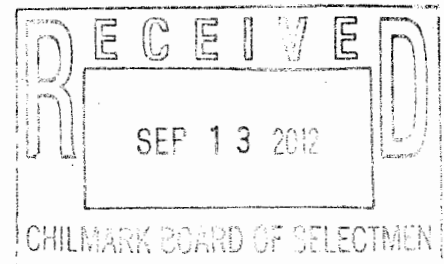
J. Michael Hickey

Approved By:
J. Michael Hickey
Chief Biologist

Paul J. Diodati

Paul J. Diodati
Director

Cc to: Division of Environmental Law Enforcement (1)
Regional Supervisor, DELE (1)
Division of Marine Fisheries (1)
Shellfish Constable(s): Chilmark
Board of Selectmen: Chilmark



2012SEP28



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Director

Commonwealth of Massachusetts

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Waterbody: Nashaquiitsa Pon Town: Chilmark

DSGA: V2 Location: Menemsha Pond
DSGA: V31 Location:
DSGA: V3 Location:

A. GROWOUT

Type of Shellfish:	Source
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Bay scallop	Marthas Vineyard Shelfish Grou

B. INTERMEDIATE GROW-OUT

On-Site Yes No Off-Site Yes No

Location:

C. CULLING

Off-site Culling Allowed: Yes No

Off-site location:

D. SEED SALES

Seed Sales Allowed: Yes No

E. OVERWINTERING

Overwintering Allowed: Yes No

Location:

F. SPAT COLLECTION

On-Site

Spat Collection Allowed: Yes No Yes No

Location *Menemsha and Great Pond*

Off-Site

Method
Shell

Yes No

G. SALE OF UNDER-SIZED (SEED) SHELLFISH FOR CONSUMPTION

Sale of Under-Size Shellfish Allowed: Yes No Out of State: Yes No

In State: Yes No

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J. Michael Hickey

Approved By:
J. Michael Hickey
Chief Biologist

Paul J. Diodati

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Cc to: Division of Environmental Law Enforcement (1)
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Shellfish Constable(s): Chilmark
Board of Selectmen: Chilmark

2012SEP28



Commonwealth of Massachusetts
Department of Fish and Game
DIVISION OF MARINE FISHERIES
**COMMERCIAL PERMIT
SHELLFISH PROPAGATION**

Permit ID: 155947 **EXPIRES: 12-31-2012**

TOWN OF CHILMARK DOB:
15 STATE ROAD ISSUED: 09-07-2012
CHILMARK, MA 02535 (-)

Signature: _____

The two sections above are your Division of Marine Fisheries permit. **Do not tear the top two pieces apart.** You may separate the top two sections from the rest of the form, and fold it in half. If you choose to laminate your permit, be sure to fold the two halves together so that all your permit information faces out. Your permit is not valid until you sign the Signature line above. You must carry your permit while engaged in the activity that this permit authorizes.

Deval L. Patrick, Governor
Commonwealth of Massachusetts

Rick Sullivan, Secretary
Executive Office of Environmental Affairs

Mary B. Griffin, Commissioner
Department of Fish and Game

**SHELLFISH PROPAGATION
TOWN OF CHILMARK**

Fold Here

DIRECTOR: Paul J. Diodati
Paul J. Diodati

CUSTOMER RECEIPT
This is your receipt. Retain receipt and store in a safe place.

TOWN OF CHILMARK FTN: 000172374
15 STATE ROAD ISSUED: 09-07-2012
CHILMARK, MA 02535 PAY TYPE: CHECK

DMF - CAUSEWAY STREET, BOSTON
SHELLFISH PROPAGATION, RESIDENT - NO F \$ 0.00
SHELLFISH PROPAGATION, RESIDENT \$ 0.00
FEES PAID THIS PAGE \$.00

Note: The fees listed above apply to this page only. If you purchased additional items, they will appear on supplemental pages with fees listed on those pages.

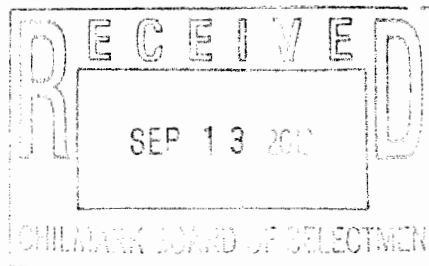
Division of Marine Fisheries (617) 626-1520
PAUL J. DIODATI, DIRECTOR



Quota Monitored Species:

Quota information is available by phone 24 hours a day. Call (978) 282-0308, and listen carefully for the menu options. In addition, DMF will fax notices to all authorized dealers while providing fishermen access to the information over the Internet at:
(www.mass.gov/marinefisheries),
or by e-mail directly from DMF. To receive e-mails, see instructions on the reverse of this license.

TOWN OF CHILMARK
PO BOX 119
CHILMARK, MA 02535



v2.0

FOR MORE INFORMATION

about our Department and Divisions,
visit our web site at

www.state.ma.us/dfwele

Join DMF's e-mail service to be notified
of any regulatory changes or pertinent information.
Send an e-mail (with nothing in the subject or body) to
join-marinefisheries@listserv.state.ma.us

--- Fold Here ---

REPORT ALL VIOLATIONS!
Massachusetts Environmental Police
1-800-632-8075



To receive the Division's newsletter
send a postcard with your name and address to
DMF News
251 Causeway Street, Suite 400
Boston, MA 02114

MASSACHUSETTS DIVISION OF MARINE FISHERIES

SHELLFISH AQUACULTURE PERMIT CONDITIONS

April 16, 2012/April 15, 2013

General Conditions

1. All activities conducted under authority of this permit shall be conducted in accordance with the provisions of **322 CMR 15.00, Management of Marine Aquaculture** and all other *Marine Fisheries* regulations and statutes pertaining to shellfish and shellfisheries unless exempted by this permit.
2. Any violations of the conditions of this permit may result in fines, suspensions, revocation or prosecution under pertinent sections of Chapter 130, MGL and 322 CMR (Code of Massachusetts Regulations).
3. All activities conducted under authority of this permit are subject to inspection at any reasonable time by *Marine Fisheries* employees, *Office of Law Enforcement* officers and local shellfish constables (Chapter 130, section 98, MGL).
4. An annual report must be filed with *Marine Fisheries* indicating the amount and source of shellfish obtained, grown and the amount of seed sold.
5. All shellfish obtained for transport and propagation must be of a species and from a source approved by *Marine Fisheries*.
6. The sale of shellfish for consumption must comply with the provisions of Chapter 130, sections 2, 80, 81, 82, and 83; 322 CMR, 7.00 and 105 CMR 533.000 (*Department of Public Health*).
7. This permit is valid until midnight April 15, 2013 for the possession of seed shellfish on the aquaculture site and for culling, if endorsed, unless sooner revoked for cause.
8. In the event of shellfish closures to protect public health under authority of Chapter 130, section 74A, MGL such as those resulting from unusual rainfall, red tide or oil spills, no activity other than emergency maintenance of gear and shellfish shall be conducted without prior permission from the Division of *Marine Fisheries* or the local shellfish constable who must notify *Marine Fisheries*.
9. All permit holders are required to maintain a list of individuals authorized to work on the permit holders licensed aquaculture site. Permit holders are required to update the list regularly and to provide a copy of the most recent list of authorized individuals to their local Shellfish Constable. Non-permitted individuals who are authorized to work on an aquaculture site are not authorized to transport seed or other shellfish from the license site unless accompanied by the permit holder.

Endorsement Conditions

A. Grow out

The permit holder is authorized to grow the shellfish as endorsed at A. from sources approved by *Marine Fisheries*.

B. Intermediate Grow-out

This permit authorizes the intermediate grow out of seed in an upweller, downweller, flupsy or other device as endorsed in B. *The upweller, downweller flupsy or other device must be located on a privately licensed aquaculture site or an alternate site licensed by the city or town municipality to contain these devices.*

C. Culling

Permitted shellfish seed may be transported to an off site location from the permit holder's private shellfish aquaculture site as endorsed at C. for the purpose of culling subject to the following conditions:

1. The local shellfish constable is notified weekly prior to removal and transport.
2. All containers of shellfish being transported for culling shall bear a green water proof tag legibly marked with the permit holders name and permit number, date harvested and the location of the license site (town and water body) and the statement "**Aquaculturally Reared, To Be Culled**".
3. All culled seed shall be labeled with a green tag with the same information in condition two and marked "**Culled, For Return to License Site**".

MASSACHUSETTS DIVISION OF MARINE FISHERIES

4. The permit holder shall have a bound book listing the number of containers of mixed (unculled) shellfish leaving the license site and the number of containers of culled seed being returned. Each entry shall be dated in ink and the book shall be kept with the shellfish in the cargo area and not in the driving compartment of the motor vehicle.
5. This permit does not authorize the possession or transport of seed shellfish of any kind other than provided for in this permit.

D. Seed Sales

This permit authorizes the sale of seed shellfish as endorsed at **B.** subject to the following conditions:

1. Sale of seed shellfish shall be made only to persons holding a valid aquaculture or propagation permit from *Marine Fisheries* or to persons holding a similar permit from other states or provinces.
2. Prior to the transplant of any species of seed or adult shellfish from a licensed aquaculture site, upweller or other location, shellfish must be tested for diseases and/or permission must be obtained from *Marine Fisheries* through an amendment to this permit.

E. Over Wintering

This permit authorizes the over wintering of seed shellfish at other than the aquaculture site as endorsed at **E.** subject to the following conditions:

1. Over wintering of seed shellfish only; for the purpose of replanting on the permit holder's aquaculture site is authorized.
2. Seed may be over wintered in the water at the aquaculture site only or an approved town designated over wintering licensed site.
3. This permit does not authorize the storage of adult (legal sized) shellfish for the purpose of marketing for human consumption at other than the aquaculture site.

F. Spat Collection

The permit holder is authorized to conduct shellfish spat collection as endorsed in **F.** subject to the following conditions:

1. Off site spat collection if endorsed shall commence on June, 15 or later and cease on or before September, 15. No gear shall be placed in the water, prior to or remain in the water after the inclusive dates.
2. On site spat collection shall be in accordance with the provisions of the *Aquaculture Guidelines of the Department of the Army Programmatic General Permit for the Commonwealth of Massachusetts*.

G. Sale of Undersized (Seed) Shellfish for Market Consumption

This permit allows the sale of sub-legal "aquaculturally reared" shellfish also known as "Seed" for market consumption as endorsed at **G.** subject to the following conditions:

1. Only **aquaculturally reared** shellfish seed from the permit holders licensed private aquaculture site may be sold. **No naturally occurring shellfish seed from public beds may be harvested and sold under this endorsement.**
2. All lots of sub-legal or seed shellfish for market consumption shall be identified by **Red Tags** during transit and that state "**Aquaculturally reared**". All records and tagging information shall be kept and marked in **red ink** in a bound logbook separate from those records pertaining to legal size shellfish.
3. Sub-legal or seed shellfish may not be sold in any other state, province or jurisdiction that has a minimum legal size unless they have an aquaculture exemption.
4. All records concerning this activity shall be open to inspection by **Marine Fisheries** at any time, and areas utilized for storage and packing of same shall be open to inspection by any officer authorized to enforce the shellfish rules and regulations of the Commonwealth.