



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

Permit ID: 155947      **EXPIRES: 12-31-2011**

TOWN OF CHILMARK      **DOB:**  
 15 STATE ROAD      **ISSUED: 05-19-2011**  
 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

**Richard K. Sullivan Jr., Secretary**  
 Executive Office of Environmental Affairs

**Mary B. Griffin, Commissioner**  
 Department of Fish and Game

**SHELLFISH PROPAGATION**  
 TOWN OF CHILMARK

**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: 000158645**  
 15 STATE ROAD      **ISSUED: 05-19-2011**  
 CHILMARK, MA 02535      **PAY TYPE: CHECK**

**DMF - CAUSEWAY STREET, BOSTON**

SHELLFISH PROPAGATION, RESIDENT - NO FEE	\$ 0.00
SHELLFISH PROPAGATION, RESIDENT	\$ 0.00
<b>FEES PAID THIS PAGE</b>	<b>\$ .00</b>

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

**RECEIVED**  
**JUN 1 2011**  
 CHILMARK BOARD OF SELECTMEN

**FOR MORE INFORMATION**

about our Department and Divisions,  
visit our web site at

**[www.state.ma.us/dfwele](http://www.state.ma.us/dfwele)**

Join DMI's e-mail service to be notified  
of any regulatory changes or permit information.  
Send an e-mail (with nothing in the subject or body) to  
[join\\_marinefishery@stfishserv.state.ma.us](mailto:join_marinefishery@stfishserv.state.ma.us)

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**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  
**DMI News**  
251 Causeway Street, Suite 400  
Boston, MA 02111



Commonwealth of Massachusetts

Division of Marine Fisheries

251 Causeway Street • Suite 400
Boston, Massachusetts 02114
(617) 626-1520
Fax: (617) 626-1509



Paul J. Diodati
Director

Shellfish Propagation Permit No. 155947

Class 3 Type 1

FEE: \$0.00 DATE OF ISSUE: 3/1/2011

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::

Board of 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 [checked] No Off-Site [checked] Yes No

Location: Flat Point Farm Tisbury Great Pond West Tisbury

Intermediate Grow-out Method(s)

Floating

C. CULLING

Off-site Culling Allowed: Yes [checked] No

Off-site location:

D. SEED SALES

Seed Sales Allowed: Yes [checked] No

**E. OVERWINTERING**

Overwintering Allowed:  Yes  No

**Location:**

Species	Method	In-Water	Cooler	Pit	Other
Oyster		<input checked="" type="checkbox"/> V2	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bay scallop		<input checked="" type="checkbox"/> V31	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**F. SPAT COLLECTION**

Spat Collection Allowed:  Yes  No  Yes  No

Location *Menemsha and Great Pond*

**Method**

Shell  
Other

On-Site  
Off-Site  
 Yes  No

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

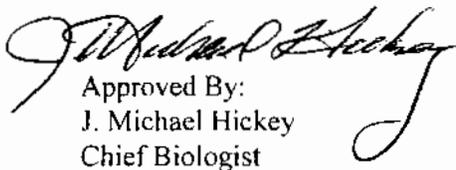
Sale of Under-Size Shellfish Allowed:  Yes  No

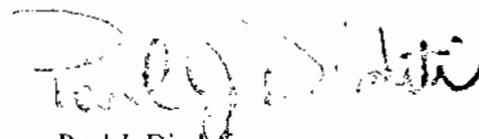
Out of State:  Yes  No

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

  
 Approved By:  
 J. Michael Hickey  
 Chief Biologist

  
 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

# MASSACHUSETTS DIVISION OF MARINE FISHERIES

## SHELLFISH AQUACULTURE PERMIT CONDITIONS

April 16, 2011/April 15, 2012

### 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 harvested.
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, 2011 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.

### 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 at *B.*

#### *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**".
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.

## MASSACHUSETTS DIVISION OF MARINE FISHERIES

### *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 over wintered in the water at a location other than the aquaculture site shall be relocated to the aquaculture site no later than March 15.
3. This permit does not authorize the storage of adult (legal sized) shellfish for the purpose of marketing for human consumption at other than 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.
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.