

Commonwealth of Massachusetts

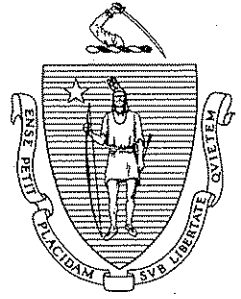
Division of Marine Fisheries

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Paul J. Diodati
Director

May 25, 2010

Paul Bagnall
Shellfish Constable
Town of Edgartown
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David Grunden
Shellfish Constable
Town of Oak Bluffs
P.O. Box 1327
Oak Bluffs, MA 02557

Re: Conditionally Approved Classification and Status of Sengekontacket Pond (V:16.0)

Gentlemen,

As we discussed on the phone last Friday afternoon, with the anticipated June 1st extension of the "Open Status to Shellfishing" for Sengekontacket Pond through the summer months approaching; Shellfish Program staff recently undertook another review of the pond's water quality data. Upon closer examination of three years of data, it has become evident that an insufficient number of water samples have been collected during periods of dry weather to support the continuation of the Open Status to Shellfishing during the summer months for this year. In the interest of public health, *Marine Fisheries* will have to conduct additional work in order to comply with National Shellfish Sanitation Program (NSSP) guidelines.

Shellfish Program staff have designed an Action Plan which includes a sample protocol that will provide the information necessary to comply with NSSP requirements associated with the Conditionally Approved Classification of shellfish growing areas based on rain events. We will reassess the status of Sengekontacket Pond in the spring 2011. Depending on weather patterns, it could take up to two years to collect the water quality data required to allow *Marine Fisheries* to establish a seasonal, rainfall based Conditionally Approved Classification for Sengekontacket Pond in the Open status during the summer months.

This in no way changes the current classification of Sengekontacket and the areas closed for the summer should re-open to shellfishing during the period October 1, 2010 through May 31, 2011.

Please contact me should you have any questions regarding this matter. Mike Syslo will be making arrangements with you to discuss and begin implementation of the Action Plan.

Sincerely,

J. Michael Hickey
Chief Biologist
Shellfish Program

cc. Dan Mckiernan DMF
encl: Action Plan