

# The Town of Barnstable

## Office of Town Manager

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John C. Klimm, Town Manager

December 4, 2007

Albert H. Suprenant, President  
Cape Cod Oyster Co.  
262 Bridge Street  
Osterville, MA 02655

Dear Mr. Suprenant:

Having reviewed the record, I approve renewal of your company's aquaculture licenses for grant numbers 101 and 102 in North Bay and 201, 202 and 203 in West Bay for a period of ten (10) years, subject to any conditions set forth herein.

Your applications were filed in my office on October 4, 2007 and a public hearing held on November 27, 2007. The licenses have been held and renewed by your company since 1982. During that time, the grants have been actively and properly cultivated.

Letters attesting to the de-nitrification effects of shellfish in the grants and in support of renewal were submitted at the hearing from William Walton and Robert Birmingham, respectively. Testimony in support of renewal was given at the hearing by fellow grant holders Les Hemila and John (Jack) Kelly attesting to your willingness to share your expertise. Town Councilor Jim Crocker spoke in favor of renewal if floating culture methods were excluded from the West Bay grants which you agreed to on the record and are addressed in the renewal conditions imposed below.

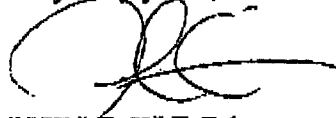
Opposition to renewal was voiced at the hearing and submitted in writing by a representative of Three Bays Preservation, Inc., principally on the assertion that the statutes governing aquaculture licenses require that renewal action be taken prior to license expiration, which in your case is November 6, 2007. However, in the opinion of the legal department, those statutes do not contain express provisions for constructive denial. The other objections raised relating to planning objectives involve many other parties, processes and timelines and at this point are too speculative to form a basis for non-renewal of your applications.

Renewal is hereby made subject to an express condition of the licenses with respect to the West Bay grants (201, 202, 203) limiting cultivation methods to bottom planting only,

with or without the use of a bottom protective barrier for predation control; prohibiting and excluding all floating cultivation methods and/or other cultivation methods not described in your renewal application dated Oct. 4, 2007; and further submission of your written agreement waiving any rights or privileges to seek modification of these conditions during the entire renewal period. No conditions are imposed with respect to the North Bay grants subject to the cultivation and use as described in the renewal application dated October 4, 2007.

If the above is acceptable to you, please ask your Attorney to contact the legal department for the submission of the required agreement. Upon completion of same, I will forward this approval to the Town Council. Renewal will become effective thirty (30) days after my submission to the Town Council unless the Council within that time disapproves.

Very truly yours,



JOHN C. KLIMM,  
Town Manager

Cc: Legal Department  
Lynne Poyant, Director of Community Services  
Dan Horn, Natural Resources Director