

**COMMONWEALTH OF MASSACHUSETTS
SHELLFISH REGULATIONS
TOWN OF WAREHAM**

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REGULATIONS COVERING OYSTERS ARE TO BE PUBLISHED UNDER SEPARATE COVER DURING OCTOBER OF EACH YEAR.

LICENSING AUTHORITY:

At a regular meeting of the Board of Selectmen held on **JANUARY 17, 2006** the following rules and regulations superseding those previously adopted, which cover the taking of shellfish, eels, and seaworms from the waters and flats of the Commonwealth within the limits of the Town of Wareham. Effective **JANUARY 17, 2006**, the following regulations are hereby adopted by the Authority of M.G.L., Chapter 130, Section 52 and Town Meeting vote passed March 2, 1942, December 16, 1946 and March 2, 1953.

SEVERABILITY CLAUSE:

In the event that any provisions, section or clause of these regulations is hereafter found to be invalid, such invalidity shall not affect the validity of the remaining portions of these regulations.

SECTION I - DEFINITIONS

BATCH - The word batch as used herein shall mean all shellfish in each separate container.

BOARD - The Board of Selectmen of the Town of Wareham

BOAT - Water craft of every description used, or capable of being used, as a means of transportation on water.

BUSHEL - The word "BUSHEL" whenever used herein shall mean the quantity contained in a Bushel tote, measuring not more than 18"L x 12"W x 10 3/4"D inside dimension. Shellfish shall be level with the top of said tote.(note: these dimensions equal 2,322 cubic inches, 1BU. dry measure = 2,150.42 cubic inches). Therefore, the maximum cubic inches of said tote shall not exceed 2,322 cubic inches.

CALENDAR WEEK - Any period of seven (7) full days beginning on any Sunday at dawn.

CLAM - A marine mollusk of the species Mya arenaria commonly called the soft-shell clam or steamer.

CLOSED AREA - Specified shellfish area where the harvesting of shellfish has been prohibited by the Board of Selectmen and/or the Massachusetts Division of Marine Fisheries.

CMR - Code of Massachusetts Regulations

COMMERCIAL FISHERMAN PERMIT - The permit issued by the Division of Marine Fisheries expressly for the purpose of harvesting shellfish for commercial purposes.

COMMERCIAL SHELLFISH PERMIT - A permit issued by the Town to an individual for the taking of a specific type of shellfish for commercial purposes.

COMMERCIAL STUDENT PERMIT - A permit issued to a student (who meets certain criteria) for the taking of a specific type of shellfish for commercial purposes.

CONCH - That species of whelk known as Busycan carica (knobbed whelk) and Busycotypus canaliculatus (channeled whelk).

CONTAINER - Refers to legal wire peck basket or Town approved legal Commercial tote.

DOMICILE - Shall be a fixed, permanent and principal home for legal purposes.

EEL - A catadromous marine animal of the species Anguilla rostrata, commonly known as the American Eel.

FAMILY - Shall mean, and include, the head of a household, spouse and dependents, under the age of eighteen (18) years of age, who are domiciled and living under the same roof.

HINGE WIDTH - Hinge width means the distance between the convex apex of the right shell and the convex apex of the left shell.

HYDRAULIC METHOD - The term Hydraulic Method, wherever used in the following regulations, shall mean: the taking or attempt to take shellfish by means of water pressure pumped through a single pipe (wand), manifold or other device, said pressure being supplied by a mechanical pump. The hydraulic method includes the raking or collection of shellfish dislodged from the bottom via said water pressure.

INTERTIDAL - That area between the mean low-water (low tide) line and the mean high-water (high tide) line or any flat, beach or sand bar which is exposed at low tide.

NON-RESIDENT - Any person who neither resides in, nor owns real estate in, the Town of Wareham, but who is an inhabitant of the Commonwealth of Massachusetts.

OYSTER - A marine mollusk of the species Crassostrea virginica and any other species of oyster commonly known as the American oyster.

PECK - The work "PECK" whenever used herein shall mean the quantity contained in a metal peck basket, level with the top of said basket. Said quantity shall not exceed 10 quarts dry measure.

QUAHAUG - A marine mollusk of the species Venus mercenaria commonly called the hard-shelled clam, little neck and cherrystone.

RECREATIONAL PERMIT - A permit issued by the Town for sustenance purposes, to an individual for the taking of shellfish for non-commercial purpose.

SCALLOP - A marine mollusk of the species Aequipecten irradians commonly know as the cape scallop or bay scallop.

The verb, "to scallop" in all of its moods and tenses. To take, or attempt to take or harvest scallops by any method or means, whether or not such method or means results in their capture.

SEED CLAM - A soft-shelled clam of a size less than two (2) inches in the longest length.

SEED OYSTER - An American oyster of a size less than three (3) inches in the longest length.

SEED QUAHAUG - A quahaug of less than one (1) inch shell thickness (hinge width).

SEED SCALLOP - A cape or bay scallop without a well defined raised annulus or growth ring.

SHELLFISH - Shall mean and include clams, eels, marine worms, oysters, quahogs and scallops.

The verb "to shellfish", in all of its moods and tenses. To take, or attempt to take or harvest shellfish by any methods or means, whether or not such method or means results in their capture.

TOWN - The Town of Wareham

SECTION II - TYPES OF PERMITS

-Unless otherwise specified, all Recreational shellfish permits are issued for the period of January 1st thru December 31st.

1. RECREATIONAL:

Issued to a qualified person for the sole purpose of harvesting shellfish, eels and seaworms, for use by him/her and his/her immediate family. Immediate family shall mean the holder of the permit, spouse and children under eighteen (18) years of age. Shellfish, eels and seaworms harvested with a Recreational Permit ARE NOT TO BE SOLD. Recreational Permits shall be issued in accordance with the following:

A. Resident Permit - Issued to persons who prove they are either legally domiciled or own taxable real estate with a habitable dwelling occupied by the applicant in the Town of Wareham.

“Domicile” shall be a fixed, permanent and principal home for legal purposes.

B. Non-Resident Permit - This permit may be granted to any resident of the Commonwealth of Massachusetts who can show to the satisfaction of the licensing authorities that they are domiciled within the Commonwealth.

C. Senior Citizen Permit - This permit may be granted to those persons that have attained the age of sixty-five (65) and can show to the licensing authorities that they are domiciled or own taxable real estate with a habitable dwelling occupied by the applicant in the Town of Wareham.

D. Temporary Two-Week Permit (June 1-September 15) - This permit may be granted to non-residents for a period of two (2) weeks for recreational purposes only. All rules and regulations of the Commonwealth and Town of Wareham shall apply.

2. COMMERCIAL:

Issued to an individual, over seventeen (17) years of age, for the commercial harvesting of a specific type (i.e.-quahaugs, scallops, eels) of shellfish.

A. No person shall be entitled to a Commercial Permit to take eels, shellfish or seaworms unless he/she submits satisfactory proof of residency in the Town of Wareham. Proof of residency shall consist of real estate bills, a copy of a lease, drivers license and/or picture I.D.card with social security number, and/or automobile registration or any other proof deemed necessary by the Shellfish Constable. Commercial permits shall be valid only for the period of time that the holder maintains residency in the Town of Wareham.

B. All applicants must have a current Commercial Fisherman Permit issued by the Division of Marine Fisheries.

C. Applications for Commercial permits, shall only be accepted during the period specified in Section V.

2.1 COMMERCIAL STUDENT PERMIT:

Issued to a student, who is twelve (12) years of age but who has not attained the age of seventeen (17), at a fee of half the fee charged for a Commercial Permit, under the following provisions:

A. The provisions of Article 2, Section 2, 2A, and 2B are satisfied.

B. A notarized letter of permission from a parent or parents or legal guardian granting permission for the applicant to receive said permit must accompany the required commercial shellfish permit application form.

C. The holder of such permit must be enrolled in a school at all times the permit is in effect.

D. Said permit shall not be valid during school hours.

E. The catch limit shall be half that allowed the holder of a Commercial Shellfish Permit.

F. The holder of such permit must, for the first year, be accompanied by a holder of a Commercial Shellfish Permit, who shall be responsible for all acts of the permit holder.

G. To renew a Commercial Student Permit, the applicant must submit a notarized letter from a Commercial Permit holder stating that the student has demonstrated the knowledge and ability to shellfish without supervision.

SECTION III - GENERAL REGULATIONS

1. Permits shall be issued subject to any changes in the rules and regulations and any amendments thereto that the Board may deem necessary or expedient and so adopt under the provisions of Chapter 130 of the General Laws.

2. Permits shall not be transferable.

3. No person shall take shellfish from shellfish beds without first obtaining a permit from the Town.

A. Harvesting (taking) of shellfish on **SUNDAYS is prohibited.**

4. Age Limit - no child under the age of fifteen(15) years shall take shellfish unless accompanied by an adult holding a permit, in which case, said adult will be held responsible for all acts of said child.

5. No person harvesting shellfish, under the provisions of this authority, shall come ashore with shellfish and thereafter on the same day return to the waters of the Town for the purpose of additional shellfishing.

6. Predators - Whoever catches or takes from the waters any starfish or drills and winkles and their egg cases or green crabs shall deposit same in trash containers provided at Town Landings or at the Regional Landfill. EXCEPTION - Green crabs harvested may be contained in secure storage cages while waiting for market or personal use. Location of such storage cages is subject to approval of the Shellfish Constable.

7. Seasonal Restrictions -

A. June 1st thru September 15th of each year

1. The harvest of soft-shell clams is restricted to designated areas, to be determined by the Board of Selectmen and posted in the Town Hall, Dockmasters Office on the Onset Pier and Tempest Knob Boat Ramp.

B. The taking of Oysters from May 1st thru September 30th of each year is prohibited.

C. The taking of Scallops from April 1st thru September 30th of each year is prohibited.

NOTE: The Board of Selectmen may extend this restriction thru October 30th, when it is determined to be in the best interest of the fishery.

8. Allowable Harvest Hours - Unless otherwise specified, shellfish may be harvested only during the following hours:

A. Sunrise to one-half hour before sunset as published in local newspapers.

B. Harvesting of Shellfish on Thanksgiving Day/Christmas Day/New Years Day **is prohibited.**

C. The allowable hours for the taking of Scallops (during Scallop season) shall be 7:00 AM to 4:00 PM.

D. All shellfish to be landed no later than thirty (30) minutes after the stated closing times.

9. Shellfish Grants/Aquaculture Areas:

A. Shellfish Grants/Aquaculture Areas shall be clearly marked (minimum of four (4)

corners) at all times The licensee is responsible for maintaining such markers and shall replace any such marker destroyed by ice or storms, as soon as weather conditions allow.

B. The harvesting of shellfish from a Shellfish Grant/Aquaculture Area by persons other than the licensee, without notarized written approval of the licensee, is prohibited. A copy of any written approval must be filed with the Shellfish Constable and Board of Selectmen.

10. Closed Areas and Shellfish Grants/Aquaculture Areas:

A. It shall be the responsibility of the permit holder to be cognizant of closed areas and Shellfish Grants/Aquaculture areas.

B. Closures and locations of Shellfish Grants/Aquaculture Areas shall be posted at the Wareham Town Hall and the Dockmasters Office on the Onset Pier, when such office is open.

11. Recreational Shellfish Permit holders shall display the issued Shellfish Permit at all times they are engaged in shellfishing. Every person shall have the issued Shellfish Permit in his/her possession while shellfishing and while transporting shellfish from their beds to shore and shall on demand forthwith display the same along with positive identification and catch to any Wareham Shellfish Constable, Deputy Shellfish Constable, Police Officer and such other officials as the Board may designate as enforcing persons.

12. Shellfish Sizes & Measurements:

- a. Clams - Must be a minimum of two (2) inches in longest diameter.
 - b. Quahaug -Must be a minimum of one (1) inch in shell thickness (hinge width).
 - c. Oysters - Must be a minimum of three (3) inches in longest diameter.
 - d. Scallops - Must have a well defined raised annulus or growth ring.
 - e. Eels - Must be a minimum of six (6) inches in length.
 - f. Conchs - Must be a minimum of two and three-quarter (2 3/4) inches in shell width.
- (322 CMR 6.21)

13. Catch Limits:

A. Recreational permit holders may harvest no more than one (1) peck of quahaugs or clams (or combination of), one (1) peck of oysters, and (during Scallop season) one bushel of scallops per calendar week.

Recreational permit holders may harvest no more than fifty (50) eels per calendar day for personal use, or possess more than fifty (50) eels while eel fishing, by means of spears or no more than two (2) eel pots. All such eel pots shall be identified by a yellow styrofoam or rubber buoy with the permit number clearly displayed. Eel pots shall be no longer than thirty-six (36) inches and fifteen (15) inches wide. Eels less than six (6) inches long shall **not** be taken.

B. Commercial catch limits shall be stated on the commercial permit required for the type shellfish for which the permit is issued.

Commercial shellfish permit holders shall not be allowed to harvest more than one (1) species of shellfish on any one (1) day.

14. Prohibited:

A. The use of shovels, spades, pitchforks or similar type equipment for the harvesting of shellfish shall be prohibited.

B. The use of tongs and bull rakes by recreational permit holders for the purpose of harvesting shellfish shall be prohibited.

C. Hydraulic Equipment-The use of mechanized hydraulic equipment for the harvest of soft-shell clams, quahaugs and oysters by commercial and recreational permit holders shall be prohibited in or upon open public shellfish beds.

D. No person shall transplant any type of shellfish, seed or adult, without first obtaining a permit to do so from the Division of Marine Fisheries (Does not apply to seed shellfish being immediately returned to the area from which it was harvested.)

15. All shellfish harvested under a Town of Wareham permit shall be landed in the Town unless otherwise authorized by the Shellfish Constable.

16. All Shellfish harvested shall be brought ashore whole and in the shell.

17. Display of Catch - All persons taking or carrying or having in their possession any type of shellfish, eels, or seaworms shall display such if requested to do so by any officer authorized to enforce these regulations.

18. Required Shellfish Container and Gauge - Recreational permit holders shall be required to utilize a standard "**one-peck wire basket**" while taking clams, quahaugs, or oysters. Only one (1) basket per permit is allowed.

Unless otherwise stated, commercial permit holders shall be required to utilize standard one (1) bushel totes to transport all shellfish harvested.

Each permit holder must have in his/her possession a standard shellfish gauge, sold at most Bait and Tackle Shops, at all times while harvesting clams, quahaugs, or oysters.

19. Removal of Beach/Marsh Grass or Peat Banks - The removal of Beach/Marsh Grass or Peat for the harvesting of shellfish is prohibited.

20. Forfeiture of Shellfish - Whoever violates any provision of Massachusetts General Law, Chapter 130 or rules or regulations established there under, shall, in addition to any fine imposed, forfeit any and all shellfish in their possession.

21. Temperature Restrictions - Shellfish shall not be harvested in areas containing less than two (2) feet of water at mean low tide when the air temperature is less than 32 degrees Fahrenheit.

22. Wet Storage - The wet storage of shellfish in the Town of Wareham is prohibited unless authorized by special permit issued by the Division of Marine Fisheries.

23. Areas Closed to Commercial Shellfish Harvest -

A. Sunset Cove - designated recreational shellfish area.

B. Inner Marks Cove, Swifts Neck, Swifts Beach, designated recreational shellfish areas.

C. Additional area(s) may be designated by the Board of Selectmen.

24. Temporary Physically Incapable Persons - Recreational permit holders who are determined by the Shellfish Constable to be Handicapped and unable to harvest their allowable shellfish limits, may arrange for another person on a temporary basis to harvest their shellfish, subject to the following conditions and approval of the Shellfish Constable.

1. Physical Handicap, with **recent** Medical Documentation required.

2. The Shellfish permit holder Shall accompany the person harvesting shellfish for him/her and Shall be responsible for any violation of the shellfish regulations.

(No person shall harvest shellfish for more than one (1) physically incapable person).

25. Scuba Diving - The taking of shellfish for recreational purposes only, by the use of scuba or snorkel equipment shall be limited to the following conditions:

A. Shellfish Permit shall be displayed on the diver's flag in a visible manner.

B. The taking of shellfish shall be prohibited in water depths less than seven (7) feet.

C. Shellfish may be harvested by hand only and the use of any suction and/or air tank device for the purpose of disrupting the sea bottom to expose shellfish shall be prohibited.

D. A diving flag must be displayed at all times the diver is in the water and a diving flag will be physically attached to the diver by a line not to exceed 100 feet.

E. During scallop season diving shall be prohibited in any area where boats using scallop drags are operating.

26. Seed Shellfish - All seed shellfish is to be immediately returned to the area from which it was harvested.

27. ALL HOLES CREATED WHILE HARVESTING SHELLFISH OR SEAWORMS MUST BE FILLED IN AND SMOOTHED OVER PRIOR TO CHANGING LOCATIONS.

28. **TRESPASS ON PRIVATE LAND:** Whoever, without written authorization, enters upon the private land of another, whether, or not such land be posted against trespass, shall be punished by a fine and/or suspension of his/her shellfish permit.

(Refer to Property Rights inside front cover)

SECTION IV - ENFORCEMENT & PENALTIES

The foregoing regulations shall be enforced by the Shellfish Constable, the Deputy Shellfish Constable and any Police Officer of the Town. The enforcing persons may, in their discretion, initiate criminal proceedings for any violation thereof, in which case the penalties shall be as provided in Chapter 130 of the General Laws. Alternatively, enforcing persons may utilize the method on non-criminal disposition procedures of M.G.L.c.40,s21D, as authorized by Article 26 of the Wareham Town Meeting of October 27, 1983. Fines for citations under the non-criminal disposition procedure, be as established by the April 28, 1997 Town Meeting, shall be:

First Offense	\$ 50.00
Second Offense	\$100.00
Subsequent Offense	\$250.00

In addition to criminal or non-criminal proceedings for any and all violations of these provisions, rules and regulations, violations may result in suspension or revocation of shellfish privileges.

REVOCAION - SUSPENSION OF TOWN PERMIT - A Town of Wareham shellfish permit, recreational or commercial, is a privilege, granted by the Town, and as such may be revoked or suspended for any violation of the Town Shellfish regulations or applicable laws of the Commonwealth. The following policies shall apply:

A. **FIRST OFFENSE-** The Shellfish Constable, after due notice to the offender relative to any violation of shellfish regulations or laws within a two (2) year period, may suspend any commercial or recreational permit issued by the Town for a period of time not to exceed thirty (30) days, in which case said violator shall be prohibited from any/all shellfishing. (In such case, the individual has the right to appeal the decision of the Shellfish Constable to the Board of Selectmen).

B. **SECOND OFFENSE -** Shall mean a second violation, of any type, of shellfish rules, regulations or laws within a two (2) year period of time. Second Offenses shall be addressed in the following manner:

1. **Violation by Recreational Permit Holder -** The Shellfish Constable, after due notice to the offender relative to the violator(s), may suspend the recreational permit issued by the Town for a period not to exceed three (3) months, in which case the permittee shall be prohibited from Shellfishing of any type during such period.(In such case, the individual has the right to appeal the decision of the Shellfish Constable to the Board of Selectmen).

2. Violation by Commercial Permit Holders - In all cases involving a second violation within a two (2) year period by a holder of a commercial shellfish permit, the Shellfish Constable and Town Administrator (or designee), after due notice to the offender, shall, within fourteen (14) days of the offense, conduct a hearing relative to the violation. If such hearing determines that a second violation of the rules, regulations or laws occurred, the violator's permit(s) shall be suspended for a period of six (6) months, during which time said permittee shall be prohibited from shellfishing of any type within the Town. (Any person aggrieved by the results of such hearing may appeal such decision to the Board of Selectmen).

C. THIRD OFFENSE - In the event a third offense has occurred within a two (2) year period or the permit holder shows total disregard for these regulations, the Shellfish Constable shall notify the Board of Selectmen, who, shall, within thirty (30) days of such notice, conduct a hearing relative to the violation. If, as a result of such hearing, it is determined such violation occurred, the Board of Selectmen shall revoke said permit holders rights to shellfish, or obtain any such permits, within the Town, for a period of not less than one (1) year nor more than five (5) years.

PERMIT FEES ARE NON-REFUNDABLE
SECTION V - COMMERCIAL SHELLFISH REGULATIONS
(In addition to the provisions of Section 3)
General Regulations

1. SHELLFISH PERMITS

PERMIT: No person shall take or attempt to take shellfish for sale or other commercial purpose, unless said person is the holder of a valid Town of Wareham Commercial Shellfish Permit. This shall not apply to grant holders while on their licensed grant.

APPLICATION PROCEDURE:

Each applicant for a Town of Wareham Commercial Shellfish Permit shall fill out and submit an application form, provided by the Shellfish Department, and an application fee of \$50.00. Said fee shall be applied to the permit fee and shall only be refunded in cases where the applicant is denied by the Town.

Attached to the application shall be a copy of:

A. Commercial Fisherman Permit, valid for the year being applied for.

B. Documentation to verify the applicant is domiciled in the Town of Wareham.

Proof of domicile may be a current real estate tax bill, lease, automobile registration, Massachusetts Automobile Driver's License and/or any other proof deemed necessary by the Shellfish Constable. **The burden of proof is on the applicant.**

C. An applicant who did not have a Town of Wareham Commercial Shellfish Permit issued to him/her during the prior year must submit proof he/she has knowledge of the shellfishery being applied for, applicable rules and regulations, and the waters of the Town.

The application package should be submitted to the Shellfish Constable's Office, located within the Wareham Town Hall, 54 Marion Road, Wareham, MA. 02571. Generally the permit will be available in three (3) working days, however, the Shellfish Constable and/or Town Administrator may take up to thirty (30) days to issue or deny said permit.

Applications will not be processed for renewal of Commercial Permits if the applicant has failed to submit the required annual catch reports.

Applications will not be processed if the applicant has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges after having received notification to do so by the proper authority.

“All permits approved must be paid in full no more than three (3) days **after** the closing date of the application period or said permit shall not be issued and the application fee forfeited”.

PERMIT FEES ARE NON REFUNDABLE

Applications for Commercial permits* shall only be accepted during the periods indicated :

- a. Quahaug February 1st through March 31st
- b. Clam October 1st through October 31st
- c. Scallop February 1st through March 31st
- d. Oyster October 1st through October 31st
- e. Eel February 1st through March 31st

*Does not apply to Student Permit Applications

Master Digger permit would be for all Commercial species listed above, **excluding** Eels.
(Application period - February 1st through March 31st)

2. COMMERCIAL REGULATIONS: (applicable to all commercial permits)

1. Commercial Shellfish Permit Holders' shall not be allowed to fish more than one(1) species on any one day unless otherwise approved.

2. Containers: Unless otherwise stated, all shellfish harvested under a commercial shellfish permit shall be contained in one bushel totes. (Totes measuring not more than 18"L x 12"W x 10 3/4"D inside dimensions) (bushel totes are available at the Shellfish office - Town Hall for a fee)

3. Tagging and Display of Shellfish permit: All Shellfish harvested under a commercial shellfish permit shall be placed in containers during transport. The container shall bear a label or tag legibly marked with:

- 1. Date of Harvest
- 2. Place of Harvest
- 3. Diggers State Permit Number
- 4. Name and Address of permit holder

4. All shellfish and commercial permits shall be displayed upon demand of any officer empowered to enforce the Shellfish Regulations of the Town.
5. All shellfish harvested shall be landed no later than thirty (30) minutes after the closing times at either a Town Boat Ramp or Public Landing.
6. Whenever an application for a permit of any kind shall require by the provisions of said Chapter 130 of the General Laws, a Commercial Fisherman Permit (Shellfish) as defined therein, said permit shall be issued only to an applicant therefor who has in his/her possession a currently valid Commercial Fisherman Permit (Shellfish) which has been issued to said applicant by the Division of Marine Fisheries.
7. No Commercial Permit holder shall employ for wages, or shares, or for any other considerations, or permit to assist him/her in the taking of shellfish, any person not possessing in his/her own name a current and valid commercial permit for the species being harvested.
8. A Commercial Permit holder may not use a Recreational Permit on any day he/she is, or has been, engaged in commercial shellfishing of any type, unless specifically authorized by the Shellfish Constable.

CATCH REPORTS: Holders of Commercial Shellfish Permits shall submit a quarterly catch report to the Shellfish Constable, on forms provided. Such forms shall be mailed to each commercial permit holder quarterly. It shall be the responsibility of the permit holder to insure that he/she submits the required Catch Report no later than the fifteenth (15) day of the month following the quarter for which such report is being made:(i.e. April 15th, July 15th, October 15th, January 15th)

Failure to submit a quarterly Catch Report shall be a violation of the Town of Wareham Rules for Taking of Shellfish, Eels and Seaworms and may result in suspension/revocation of any/all permits issued under this authority in addition to any fine imposed.

3. COMMERCIAL QUAHAUG

In addition to the Town of Wareham Rules for Taking Shellfish, Eels, and Seaworms the following regulations shall apply to Commercial Quahaug Permits:

1. The taking of quahaugs other than by manpower (hands, hand rakes/tongs) is **prohibited**.
2. Daily Limit - Littlenecks - Cherrystones or combination of (Littleneck/Cherrystones) - NOT TO EXCEED THREE (3) bushels. Total daily limit of Quahaugs shall not exceed four (4) bushels in any combination. Chowder Quahaugs to be culled and in a separate tote prior to landing, if total catch exceeds three (3) bushels.

3. Authorized Fishing Days-

Harvesting (taking) of shellfish on Sundays is **prohibited**.

Shellfishing on Thanksgiving Day/Christmas Day/New Years Day is **prohibited**.

4. All designated Recreational Shellfish Areas are closed to the commercial harvesting of shellfish.

5. All seed quahaugs shall be broadcast back into the immediate area from which they were harvested prior to changing the digging location.

6. Management Areas - Open on days authorized by the Board of Selectmen.

4. COMMERCIAL EEL REGULATIONS

1. All eel pots to be marked by a rubber or styrofoam type buoy, such buoys to be color coded and identified by permit numbers. (Permit number must be burnt or carved into the buoy). Pots will be no longer than 36 inches and no wider than 15 inches with ½ inch wire mesh. Wooden buoys and plastic bottles are prohibited.

2. No eel pots to be set in navigable channels* or fairways.

3. No eel pots to be set within any established mooring area from April 1 thru November 1.

4. Only one eel pot may be affixed to each buoy.

5. Eel lines must be capable of sinking on their own. (No polypropylene line to be used).

6. Eel pots are not to be set on any Shellfish Grant or Aquaculture Area without written permission from the holder of such area. A copy of the written permission must be filed with the Shellfish Constable.

7. All eel storage cans are to be clearly marked with the permit number.

8. All eel storage cans are to have six (6) escape holes in each end of can, size to be ½ inch by ½ inch wire mesh.

9. Commercial Eel Permits are limited to no more than twenty (20) pots.

10. Eels less than six (6) inches shall **not** be taken.

11. Holders of a Commercial Eel Permit shall file an annual catch report of the number of pounds of eels harvested for the calendar year. This information must be submitted to the Shellfish Department prior to January 31st each year.

*Any channel which is normally used to navigate an area, whether such channel is marked or not marked. (i.e.: East River, Weweantic River)

5. COMMERCIAL OYSTER REGULATIONS

1. Oyster Regulations shall be established each October by the Board of Selectmen and shall be posted in the Town Hall.

2. The Oyster fishery is subject to closure by the Shellfish Constable, due to depletion of stock. (Permit fees are non refundable)

6. COMMERCIAL CLAM REGULATIONS - SAME AS OYSTER

CHANGES: These regulations are subject to change by the Board of Selectmen. Special regulations will be posted at the offices of the Town Clerk, Selectmen, Harbormaster/ Shellfish Office and in three (3) or more public places in the Town of Wareham or in a one time general circulation newspaper.

SECTION VI - SCALLOP REGULATIONS

These regulations are in addition to the General Regulations, and will go into effect when published pursuant to the Massachusetts General Laws, Chapter 130, Section 52.

1. Scallop Season: Effective October 1 through March 31 Scallops may be harvested in all Town waterways except North of the Narrows (Nicholson Bridge).

No harvesting of Scallops on Sundays/Thanksgiving Day/Christmas Day/New Years Day.

2. All Scallops must be taken ashore in the shell.

3. Restricted Areas: The use of drags shall be prohibited in the following: (Unless otherwise authorized by the Board of Selectmen).

- a) North and West of an imaginary line drawn from Shell Point to Over Jordan, (Sunset Cove).

4. Scallop Drag Size: Scallop drag frames shall not exceed 36" in width.

5. Scallop Drag Type: Only bar or chain sweep drags shall be used. The use of toothed scallop drags is prohibited.

6. Landing Areas: Unless otherwise approved by the Shellfish Constable, all scallops harvested by boat and drags shall be landed at:

- a. ONSET BOAT RAMP
- b. TEMPEST KNOB BOAT RAMP
- c. SWIFTS NECK BOAT RAMP

7. Shellfishing Days: Recreational and Commercial Permit Holders shall be allowed to scallop Monday thru Saturday. No Scalloping on Sundays/Thanksgiving Day/Christmas Day/New Years Day. Scallops may only be harvested between the hours of 7:00 A.M. and 4:00 P.M.. All scallops harvested are to be landed no later than 4:30P.M..

8. Method of Recreational Shellfishing: Recreational permit holders may shellfish Monday thru Saturday during the season by use of dip nets or bag rake. The use of drags by Recreational permit holders shall be limited to Fridays and Saturdays and only two (2) drags per boat. No more than two recreational permits per boat.

9. Authorized Limits: Recreational permit holders shall be entitled to take no more than one level bushel per calendar week, Monday thru Saturday. Commercial permit holders shall be entitled to a daily limit of not more than five (5) bushels.

10. Commercial Boat Limit: Any one boat shall be limited to not more than ten (10) bushels of Scallops per day for Commercial purposes, with no more than two (2) Commercially licensed persons on board.

11. Divers: The taking of Scallops by means of diving, shall be limited to recreational use only and this method shall be prohibited for Commercial Permit Holders. Divers shall be prohibited in areas where scallop dragging is in progress.

12. Scallop Permits issued to Commercial Fishermen shall be in holders provided and affixed to the outer clothing in plain view.

13. Culling Practice: In the interest of maximum seed survival, it is recommended that seed and shack be removed from culling boards into deep water. This practice may improve the survival rate of seed for future years.

