**TOWN OF WAREHAM**

**SHELLFISH REGULATIONS**

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**PERMITTING AUTHORITY:**

At a regular meeting of the Board of Selectmen held on November 14, 2017 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 November 14, 2017, the following regulations are hereby adopted by the Authority of MGL, 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**.**

**All shellfishing permits are non-refundable and shellfish beds are subject to closures at any time by the Division of Marine Fisheries.**

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**Section I - Recreational Shellfish Permits**

Issued to a qualified citizen for the sole purpose of harvesting shellfish, eels, and sea worms within the Town of Wareham by the permit holder and his or her immediate family. Immediate family shall mean the permit holder, spouse or partner whom is legally domiciled at the same address as the permit holder, and children under the age of eighteen (18). The use of this permit is limited to personal, non-commercial purposes including sustenance.

The permit applicant must show to the satisfaction of the permitting authority, such as a valid photo ID and/or a Town of Wareham real estate tax bill, that they are entitled to a permit. An application form may be required to be submitted and approved before the issuance of the permit. “Permitting Authority” shall mean the Department of Natural Resources. Shellfish permits are non-transferrable.

**Recreational Permit Types:**

1. **Resident Permit –** Issued to a person who proves to the permitting authority 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 principle home for legal purposes.
2. **Massachusetts Resident Permit –** This permit may be issued to any resident of the Commonwealth of Massachusetts who can show to the satisfaction of the permitting authority that the applicant is legally domiciled within the Commonwealth of Massachusetts.
3. **Senior Resident Permit –** This permit may be issued to a resident that is age sixty-five (65) or older and can prove to the permitting authority that they are domiciled or own taxable real estate with a habitable dwelling occupied by the applicant in the Town of Wareham.
4. **Temporary Shellfish Permit –** This permit may be issued to a non-resident for a limited period of time. Permit options are one (1) calendar week, two (2) calendar weeks, or a one (1) month permit. The one month permit shall only be issued for four consecutive weeks.
5. **One Day Educational Outreach Permit –** Issued to a person ten (10) years of age or older for harvesting shellfish while taking part in an Educational Outreach Program sponsored by the Department of Natural Resources. The Educational Outreach Permit shall allow the permit holder to harvest up to one-half (1/2) peck of shellfish while actively involved in an educational outreach program. The permit is only good for the day of the sponsored event. No refund will be issued if the event is cancelled, however it will be honored for a future event.
6. **Disabled Person –** A permit holder who is physically disabled and unable to reasonably harvest shellfish may request approval for another person to assist in harvesting shellfish for the permit holder. Satisfactory medical documentation must be submitted and meet the satisfaction of the permitting authority for approval. No person shall be allowed to harvest shellfish for more than one disabled person.

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**Section II – General Regulations**

All shellfish permits issued are subject to changes within the Rules and Regulations as well as amendments thereto that the Board of Selectmen may deem necessary or expedient and so adopt under the provisions of Chapter 130 of the Massachusetts General Laws.

1. No person shall harvest shellfish from any shellfish bed within the Town of Wareham without first obtaining a shellfish permit from the Town of Wareham.
2. No minor under the age of fifteen (15) years of age shall take shellfish unless accompanied by a Town of Wareham shellfish permit holder, in which case, the permit holder shall be responsible for all acts of said minor.
3. Recreational shellfish permit holders shall review the shellfish designation maps prior to shellfishing. Shellfish designation maps are located at the Onset Town Pier Harbormaster Building, The Tempest Knob Boat Ramp, The Department of Natural Resources Office located at 48 Marion Road, Wareham MA, or online at www.wareham.ma.us. Shellfish designation maps are subject to change unexpectedly per order of the Massachusetts Division of Marine Fisheries.
4. Shellfish permit shall be visibly worn at all times during the harvesting and when in possession of shellfish.
5. Recreational shellfish permit holders or any person actively engaged in shellfishing or having in their possession shellfish -- whether in a boat, vehicle or other container -- shall present the shellfish permit along with positive identification and shall display all shellfish catch upon request from any Natural Resource officer, Shellfish Constable, Deputy Shellfish Constable, Wareham Police Officer or such officials as the Board of Selectmen may designate as enforcement authority for the Town of Wareham Shellfish Regulations.
6. All shellfish shall be properly measured and culled by recreational shellfish permit holders. Only single oysters without juvenile oysters or seed attached shall be recreationally harvested. Allowing the attached oysters to stay intact to the shell increases the survivability of the attached oysters.
7. All holes created while harvesting shellfish above the mean low water mark shall be back-filled before leaving the area, taking care not to break or crush any shellfish seed.
8. No shellfish permit holder shall come ashore with shellfish and thereafter on the same day return to the waters of the Town of Wareham for the purpose of harvesting additional shellfish.
9. All shellfish harvested under the Town of Wareham permit shall be landed in the town unless approved by the Director of Natural Resources or Shellfish Constable.
10. All shellfish shall be brought ashore whole and in the shell.
11. Harvesting of shellfish is prohibited on Thanksgiving, Christmas Day, and New Year’s Day.
12. The recreational permit holder shall be cognizant of closed areas and shellfish grants. Recreational harvesting is prohibited within these areas.
13. The removal of beach grass, marsh grass, or peat banking is prohibited.
14. Wet storage of shellfish is prohibited unless authorized by the Division of Marine Fisheries.
15. Shellfish gardening and private aquaculture sites for personal use are prohibited.
16. Anyone who violates any provision of the Massachusetts General Laws, Chapter 130, or the Town of Wareham Shellfish Rules and Regulations established there under, shall, in additional to any fines imposed, forfeit any and all shellfish in their possession.

**Required Recreational Harvesting Equipment**

1. Recreational permit holders shall be required to utilize a standard one (1) peck wire basket designed for shellfish harvesting while harvesting clams, quahogs or oysters. Only one (1) basket is allowed per recreational permit.
2. Recreational permit holders shall have a standard shellfish gauge in their possession at all times while harvesting soft shell clams, quahogs or oysters.
3. Shellfish shall be harvested by hand, standard basket or basketless rakes, short handle clam rakes or plunger with an attached dip net.

**Prohibited Recreational Harvesting Equipment**

1. The use of shovels, spades, pitchforks or any similar type equipment for harvesting shellfish is prohibited.
2. Commercial harvesting equipment such as tongs, jerk-rakes, or bull rakes for recreational harvesting of shellfish is prohibited.
3. The use of any mechanical hydraulic harvesting equipment is prohibited.

**Recreational Scallop Harvesting**

1. Effective October 1st through March 31st, scallops may be harvested in all town waters except North of the Narrows (Nicholson Bridge).
2. During scallop season, recreational permit holders shall utilize dip nets or bag rakes to harvest scallops.
3. The use of scallop drags by recreational permit holders shall be limited to Fridays and Saturdays. Only two (2) drags are allowed per boat and no more than two (2) recreational shellfish permit holders are allowed per boat.
4. Only bar or chain sweep scallop drags are permitted and frames shall not exceed thirty-six (36”) inches in width. Lead rollers, teeth and scoops on drags are prohibited.
5. At no time shall scallop drags be used in areas that may interfere, cause damage or endanger people or property.
6. Scallop drags are prohibited within the Sunset Cove Rainfall Management/Recreational Area.
7. Diving for scallops or shellfish shall be prohibited in areas where boats using scallop drags are operating.

**Recreational Permit Holder - Scuba Diving or Snorkeling for Shellfish**

1. Recreational permit holders may harvest shellfish while using scuba or snorkel equipment.
2. In accordance with the laws of the Commonwealth of Massachusetts, diving flags of proper size shall be displayed at all times when divers are in the waters. Divers must stay within one hundred feet (100’) of the dive flag.
3. The recreational shellfish permit number shall be displayed on the diver’s flag in a visible manner.
4. The taking of shellfish from water depths less than six (6’) feet is prohibited.
5. Shellfish shall be harvested by hand or short rake.
6. The use of any suction and/or air tank device for the purpose of disrupting the sea bottom to expose shellfish is prohibited.
7. Diving for scallops or shellfish shall be prohibited in areas where boats using scallop drags are operating.

**Shellfish Sizes and Measurements**

1. **Soft Shell Clams:** Minimum of two inches (2”) in longest diameter.
2. **Oysters: (Recreational Harvesting Only)** Minimum of three inches (3”) in longest diameter.
3. **Quahogs:** Minimum of one inch (1”) in shell thickness (hinge width).
4. **Scallops:** Well defined, raised annulus or growth ring shall be present.
5. **Eels:** Review the Massachusetts Division of Marine Fisheries abstract for size and limits.
6. **Conch:** Review the Massachusetts Division of Marine Fisheries abstract for size and limits.

**Recreational Catch Limits**

1. Recreational Shellfish Permit Holders shall not harvest more than one (1) level peck of shellfish (quahogs, clams or oyster or combination of) per week.
2. During scallop season a recreational shellfish permit holder may elect to harvest up to one bushel of scallops per week in lieu of the one (1) peck of shellfish as defined in the “**Recreational Catch Limits”** – Section 1)
3. Recreational shellfish permit holders shall not harvest more eels than the amount determined by the Massachusetts Division of Marine Fisheries per calendar day for personal use, or possess more than allowed by the Division of Marine Fisheries 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 recreational shellfish permit number clearly displayed. The floatation device shall be a minimum of six inches (6”) by four inches (4”), capable of floating three (3) lbs. eleven (11) ounces. Wooden buoys and plastic bottles are prohibited. Eel pots shall not be longer than thirty-six inches (36”) and fifteen inches (15”) wide.

**Seasonal Shellfish Restrictions**

1. The harvesting of soft shell clams is restricted to designated areas to be determined by the Board of Selectmen, June 1st through September 15th.
2. Recreational Shellfishing is prohibited on Sundays, June 1st through September 15th.
3. The taking of scallops is prohibited from April 1st through September 30th.
4. Recreational taking of oysters is prohibited from May 1st through September 30th.

**Allowable Harvest Hours – (unless otherwise specified, shellfish may be harvested only during the following hours)**

1. All shellfish shall be harvested, culled and landed above the mean high water line only during the following times:
* Daylight Savings Time – Sunrise to 6:00 PM
* Standard Time – Sunrise to 4:30 PM
* Scallop Season – Sunrise to 4:30 PM, October 1st through March 31st.

**Recreational Only - Management Areas** *Note: The Board of Selectmen may designate additional areas.*

1. Commercial Harvesting is prohibited in:
* Sunset Cove
* Agawam Beach Management Area
* Inner Marks Cove
* Swifts Beach and Neck

**Rainfall Management Area**

Areas are subject to temporary closures due to rainfall per order of The Division of Marine Fisheries. The shellfish permit holder shall be responsible for confirming the harvesting status prior to harvesting shellfish in a Rainfall Management Area by calling the automated message system at 508-291-3100 x 3180.

1. Broad Marsh River
2. Sunset Cove Recreational Management Area (Seasonal Closure)
3. Millers Cove

**Recreational Temperature Restrictions**

1. The recreational harvesting of shellfish is prohibited when air temperature is 32 degrees Fahrenheit or less.

**Shellfish Predator Control, Shell Management, Seed Shellfish**

1. Predators such as green crabs and starfish caught shall be placed above the mean high water line. With the exception that green crabs harvested may be contained in a secure storage cage while waiting for market or personal fishing use. The location of storage cages, cars, or rafts are subject to written approval of the Director of Natural Resources.
2. Shells of shucked shellfish are requested to be recycled by the Department of Natural Resources and may be delivered to a shell collection site located at 99 Charge Pond Road, Wareham, MA 02571. Shells shall not be disposed of at Town landings, docks, beaches, or shallow waters where they may be otherwise considered a hazard.
3. Transplanting any type or size of shellfish is prohibited without first obtaining a permit to do so from the Division of Marine Fisheries. NOTE: This does not apply to seed shellfish that is being immediately returned to the area from which it was harvested during a legal harvest of shellfish.

**Trespassing on Private Property**

1. Whoever, without written authorization, enters upon private land of another, whether, or not such land be posted against trespass, shall be punished by fine and/or suspension of the recreational shellfish permit.



**Section III - Commercial Permits**

Issued to a citizen who is legally domiciled in the Town of Wareham and is seventeen (17) years of age or older for the purpose of commercially harvesting shellfish of a specific type (i.e. quahogs, soft shell clam, scallops and additionally eels). “Domicile” shall be a true, fixed, permanent home and principle establishment. Domiciled tenants shall be determined by a valid and notarized lease, major utility bill and/or picture ID.

**Commercial Apprentice Permit**

Issued to a minor citizen who is twelve (12) to sixteen (16) years of age inclusive who is domiciled in the Town of Wareham. The permit shall only be issued for the purposes of harvesting shellfish provided that the commercial apprentice is sponsored by a commercial shellfish permit holder. 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 permit application. The applicant must be enrolled in a school at all time the permit is in effect and said permit shall not be valid during normal school operating hours. Commercial Apprentice Permit holders shall only be allowed to harvest one (1) bushel of shellfish per day they elect to harvest with a Commercial Permit Holder. The Commercial Apprentice Permit fee shall be assessed by the Board of Selectmen.

**Commercial Permit Type – Fees are non-refundable**

1. Applications for commercial permits shall be accepted by the Department of Natural Resources during any portion of the calendar year.
2. Commercial permits are only active for the calendar year for which they were issued.
3. Early applications for the following calendar year will be accepted starting September 1.
4. Commercial permit prices shall be set by the Board of Selectmen.
5. No commercial permit will be issued until paid in full.
* **Commercial Quahog Permit –** Shall only be issued to a citizen resident.
* **Commercial Soft Shell Clam Permit –** Shall only be issued to a resident citizen that has previously held a Town of Wareham Commercial Shellfish Permit within the last two (2) consecutive years.
* **Commercial Scallop Permit –** Shall only be issued to a resident citizen that has previously held a Town of Wareham Commercial Shellfish Permit within the last two (2) consecutive years.
* **Commercial Eel Permit –** Shall only be issued to a resident citizen.
* **Master Shellfish Permit –** Shall only be issued to a resident citizen that has previously held a Town of Wareham Commercial Shellfish Permit within the last two (2) consecutive years. All allowable species.
* **Commercial Apprentice Permit –** Shall only be issued to a resident citizen, excludes the master shellfish permit benefits.

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**Section IV - General Commercial Regulations**

All shellfish permits issued are subject to changes within the Rules and Regulations as well as amendments thereto that the Board of Selectmen may deem necessary or expedient and so adopt under the provisions of Chapter 130 of the Massachusetts General Laws.

1. No person shall take or attempt to take any shellfish for sale or other commercial purpose, unless said person is the holder of a valid Town of Wareham Commercial Shellfish Permit. (This permit shall not apply to licensed grant holders).
2. Each applicant shall provide to the permitting authority a completed application, a copy of a valid Commonwealth of Massachusetts Commercial Shellfish Permit with a shellfish endorsement, a valid shellfish transaction card from the Division of Marine Fisheries, current photo ID, a town real estate tax bill or notarized lease agreement. The Department of Natural Resources shall be notified immediately of any change in the application information. “Permitting Authority” shall mean the Wareham Department of Natural Resources.
3. No application for renewal will be approved if the applicant has failed to submit any catch reports in addition to any fines imposed.
4. No commercial shellfish permit will be issued 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.
5. The Director of Natural Resources reserves the right to review the application prior to being issued and a decision shall be rendered within fourteen (14) days of the application submission.
6. Commercial shellfish permit holders shall review the shellfish designation maps prior to shellfishing. Shellfish designation maps are located at the Onset Town Pier Harbormaster Building, The Tempest Knob Boat Ramp, The Department of Natural Resources Office located at 48 Marion Road, Wareham MA, or online at [www.wareham.ma.us](http://www.wareham.ma.us). Shellfish designation maps are subject to change unexpectedly per order of the Division of Marine Fisheries.
7. Shellfish permit shall be visibly worn at all times during the harvesting and when in possession of shellfish.
8. Commercial shellfish permit holders or any person actively engaged in shellfishing or having in their possession shellfish in a boat, vehicle or container shall present the shellfish permit along with positive identification and shall display all shellfish catch upon request from any Natural Resource officer, Shellfish Constable, Deputy Shellfish Constable, Wareham Police Officer or such officials as the Board of Selectmen may designate as enforcement authority for the Town of Wareham Shellfish Regulations.
9. All holes created while harvesting shellfish above the mean low water mark shall be back-filled before leaving the area, taking care not to break or crush any shellfish seed.
10. The harvesting of different shellfish species on the same day is prohibited regardless of the commercial permit types held.
11. No shellfish permit holder shall come ashore with shellfish and thereafter, on the same day, return to the waters of the Town of Wareham for the purpose of harvesting additional shellfish.
12. All shellfish harvested under the Town of Wareham permit shall be landed in the town unless approved by the Director of Natural Resources or Shellfish Constable.
13. All shellfish shall be brought ashore whole and in the shell.
14. All shellfish in containers once landed and in transit shall be properly tagged stating the Date of Harvest, Place of Harvest, State Permit Number and name of harvester.
15. Commercial Harvesting of shellfish is prohibited on Sundays year round, Thanksgiving, Christmas Day and New Year’s Day.
16. Commercial shellfish harvesting is prohibited within designated recreational areas and shellfish grants:
* Sunset Cove Recreational Area
* Inner Marks Cove Recreational Area
* Swifts Neck and Beach Recreational Area
* The Board of Selectmen may designate additional areas
1. The removal of beach grass, marsh grass or peat banking is prohibited.
2. Wet storage of shellfish is prohibited unless authorized by the Division of Marine Fisheries.
3. No commercial permit holder shall employ an individual for wages, shares, or for any other consideration, or permit to assist the commercial permit holder in taking shellfish.
4. A commercial permit holder shall not use a recreational shellfish permit on any day the commercial permit holder has been engaged in commercial shellfish harvesting of any type.
5. All shellfish harvested shall be landed at a public landing or boat ramp upon closing time.
6. All shellfish shall be properly handled and stored through methods determined by the Division of Marine Fisheries, Department of Public Health, FDA and local Board of Health.
7. Whoever violates any provision of the Massachusetts General Laws, Chapter 130 or the Town of Wareham Shellfish Rules and Regulations established there under, shall, in addition to any fines imposed, forfeit any and all shellfish in their possession.

**Commercial Harvesting Equipment**

1. Commercial permit holders shall be required to contain shellfish in one bushel totes. A bushel is 2,150.42 cubic inches, commonly measured level to the top edge of the container
2. Commercial permit holders shall have a standard shellfish gauge in their possession at all times while harvesting soft shell clams, quahogs or oysters.
3. Shellfish shall be permitted to harvest by hand, standard quahog basket rake or basketless quahog rakes, short handle clam rakes, jerk rakes, bull rakes, plunger with an attached dip net, described scallop drags, dip nets or bag rakes.

**Prohibited Commercial Harvesting Equipment**

1. The use of shovels, spades, pitchforks or any similar type equipment for harvesting shellfish is prohibited.
2. Onion or burlap bags for measurement purposes.
3. The use of any mechanical hydraulic harvesting equipment is prohibited.

**Allowable Harvest Hours – (unless otherwise specified, shellfish may be harvested only during the following hours)**

1. All shellfish shall be harvested and culled during the following times. All shellfish shall be landed above the mean high water line within 30 minutes of the following times except scalloping:
	* + Daylight Savings Time – Sunrise to 6:00 PM
		+ Standard Time – Sunrise to 4:30 PM
		+ Scallop Season – Sunrise to 4:30 PM, October 1st through March 31st.

**Commercial Temperature Restrictions**

1. Commercial harvesting of shellfish is prohibited in waters less than two (2’) feet when the air temperature is 32 degrees Fahrenheit or less.
2. All commercial shellfishing is prohibited when air temperature is 28 degrees Fahrenheit or less.

**Shellfish Predator Control, Shell Management, Seed Shellfish**

1. Predators such as green crabs and starfish caught shall be placed above the mean high water line. With the exception that green crabs harvested may be contained in a secure storage cage while waiting for market or personal fishing use. The location of storage cages, cars, or rafts are subject to written approval of the Director of Natural Resources.
2. Shells of shucked shellfish are requested to be recycled by the Department of Natural Resources and may be delivered to a shell collection site located at 99 Charge Pond Road, Wareham, MA 02571. Shells shall not be disposed of at Town landings, docks, beaches, or shallow waters where they may be otherwise considered a hazard.
3. Transplanting any type or size of shellfish is prohibited without first obtaining a permit to do so from the Division of Marine Fisheries. NOTE: This does not apply to seed shellfish that is being immediately returned to the area from which it was harvested during a legal harvest of shellfish.

**Trespassing on Private Property**

1. Whoever, without written authorization, enters upon private land of another, whether, or not such land be posted against trespass, shall be punished with a fine and/or suspension of the recreational shellfish permit.

**Commercial Quahog Regulations**

In addition to the Town of Wareham rules and regulations for harvesting shellfish the following regulations shall apply to commercial quahog harvesting.

1. Harvesting quahogs other than by manpower (hands, rakes or tong) is prohibited.
2. The daily commercial harvesting limit of quahogs shall not exceed three (3) level bushels of littlenecks and/or cherrystones and one (1) additional level bushel of chowders. Chowders shall be culled into a separate bushel tote prior to landing.
3. Management areas shall only be harvested on days authorized by the Board of Selectmen.

**Commercial Eel Regulations**

1. All eel pots shall be marked with the permit number assigned at the time of issuance. The floatation device shall be a minimum of six inches (6”) long by four inches (4”) in diameter and capable of floating three (3) pounds eleven (11) ounces. The buoy shall be painted in colors assigned at issuance, the use of sinking line, and have the permit number visible on the buoy. Wooden buoys and plastic bottles are prohibited.
2. Eel pots shall not be set in navigable, established channels or where they may otherwise pose a hazard.
3. Eels less than nine inches (9”) in length shall not be taken.

**Commercial Soft Shell Clam Regulations**

1. The commercial harvesting of soft shell clams shall be allowed from October 1st to April 30th.
2. Any designated area that is subject to the Massachusetts Division of Marine Fisheries seasonal closures will close upon notification from the Division.
3. In the best interest of the fishery, the Director of Natural Resources may request the Board of Selectmen to modify the catch limit, harvest season and designated areas.
4. Commercial harvesting of soft shell clams shall only be permitted on Monday, Wednesday and Friday.
5. Commercial harvesting of soft shell clams shall only be harvested by means of hands, rakes or manual plungers with an attached dip net.
6. Commercial harvesting by means of manual plunging shall only be performed six feet (6’) beyond the mean low water line.
7. The use of hydraulic equipment, jet pumping, shovels, spades, pitchforks or similar equipment is prohibited.
8. The daily commercial harvesting limit for soft shell clams shall not exceed two (2) level bushels per allowed harvesting day.
9. All seed shellfish shall be immediately replanted within the area harvested.
10. All excavated holes above the mean low water line shall be re-covered.
11. The transfer from one person or vessel to another is prohibited.
12. All approved areas are subject to change per the Division of Marine Fisheries or the Board of Selectmen.

**Allowable Commercial Soft Shell Clam Harvesting Areas**

* **East River/Broad Cove –** All areas north of the Onset Avenues Stone Bridge, excluding any areas listed as closed to the harvesting of shellfish.
* **Muddy Cove –** All areas west of Main Avenues Dummy Bridge, excluding any areas listed as closed to the harvesting of shellfish.
* **Onset Pier East –** The beach and waterway between the Onset Pier to the West side bridge abutment of the Stone Bridge on Onset Avenue, excluding any areas listed as closed to the harvesting of shellfish.
* **Point Independence Beach –** All areas between an orange sign at the southwest mean high water mark heading east to the Point Independence Yacht Club located at the end of Independence Lane.
* **Shell Point Bay –** From the northeast point of Lydia’s Island sand bar heading southwest along the shoreline to the entrance of Sunset Cove at Over Jordan. Excluding the Onset Beach section of Shell Point Bay and any areas listed as closed to the harvesting of shellfish.
* **Butlers Cove/Widows Cove/Stoney Point Dike –** Excluding any areas listed as closed to the harvesting of shellfish.
* **Broad Marsh River –** All areas within the boundaries of Rainfall Management Area #1. Area is subject to periodic closures due to rain event. An automated recording of the harvesting status shall be checked prior to harvesting any shellfish by calling 508-291-3100 x 3180.
* **Weweantic River –** All areas on the west side of Cromesett Point and heading north up the Weweantic River, excluding any areas listed as closed to the harvesting of shellfish.

**Commercial Scallop Regulations**

1. Commercial scallop harvesting shall be permitted from October 1st to March 31st.
2. All scallops shall be taken ashore in the shell.
3. Unless otherwise approved by the Director of Natural Resources, all scallops shall be landed by 4:30 PM at:
* Onset Boat Ramp
* Onset Pier
* Swifts Neck Boat Ramp
* Tempest Knob Boat Ramp
* Besse Park
1. Commercial harvesting shall be prohibited in designated recreational areas.
2. No harvesting of scallops shall take place north of the Nicholson Bridge located at the Narrows near Wareham Center.
3. Commercial scallop permit holders shall be entitled to a daily limit of not more than five (5) level bushels.
4. A vessel used to commercially harvest scallops shall not exceed two (2) commercial permits per boat and not exceed ten (10) level bushels.
5. Commercial diving or snorkeling for scallops is prohibited.
6. In the interest of maximum scallop seed survival it is recommended that seed and shack be removed from the culling boards to deeper water.

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**V. Enforcement and Penalties**

The Director of Naturals Resources, Deputy Director of Natural Resources, Natural Resource Officer, Shellfish Constable, Deputy Shellfish Constable, and Police Officer of the Town of Wareham shall enforce the foregoing regulations. The enforcing official 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 Massachusetts General Laws. Alternatively, the enforcing official may utilize the method of non-criminal disposition procedure of Massachusetts General Laws, Chapter 40 – Section 21D, as authorized by Article 26 of the Wareham Town Meeting of October 27th, 1983. Fines for citations under the non-criminal disposition are as established by the April 28, 1997 Town Meeting shall be as follows:

* 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 the suspension or revocation of shellfish privileges.

**Revocation-Suspension of Town Shellfish Permits**

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

1. **First Offense –** The Director of Natural Resources/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 of Wareham for a period of time not to exceed thirty (30) days, in which case said violator shall be prohibited from any and all shellfishing. (In such case, the individual has the right to appeal the decision of the Director of Natural Resources/Shellfish Constable to the Board of Selectmen).
2. **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:
* **Violation of Recreational Shellfish Permit Holder –** The Director of Natural Resources/Shellfish Constable, after due notice to the offender relative to the violator (s), may suspend the recreational permit issued by the Town of Wareham for a period not to exceed three (3) months, in which case the permittee shall be prohibited from harvesting shellfish of any type during such period. (In such cases, the individual has the right to appeal the decision of the Director of Natural Resources/Shellfish Constable to the Board of Selectmen).
* **Violation of Commercial Permit Holder –** In all cases involving a second violation within a two (2) year period by a holder of a commercial shellfish permit, the Director of Natural Resources/Shellfish Constable and the 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 harvesting shellfish of any type within the Town of Wareham. (Any person aggrieved by the results of such hearing may appeal such decision to the Board of Selectmen).
1. **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 Director of Natural Resources/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 of Wareham, for a period of not less than one (1) year nor more than five (5) years.
2. **All permits are non-refundable**

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