



## Town of Mashpee

16 Great Neck Road North  
Mashpee, MA 02649  
[www.mashpeema.gov](http://www.mashpeema.gov)

### MASHPEE SHELLFISH REGULATIONS 2017-2018

The Mashpee Board of Selectmen do hereby issue the following policies and regulations for shellfishing in the Town of Mashpee as authorized by Massachusetts General Laws, Chapter 130, Section 52. These regulations are effective as of June 15, 2010 and remain in effect until further notice. These regulations supersede all previous regulations.

#### ARTICLE I. GENERAL POLICIES

All regulations, rules, special conditions, closures and actions taken by the Board of Selectmen will be posted in the Office of the Town Clerk, the Office of the Board of Selectmen, and Police Department a minimum of 48 hours before they are to go into effect unless designated as an emergency action in which case they may be effective immediately and posted as soon as possible. All actions will be published in the Mashpee Enterprise newspaper at the earliest possible date after the actions have been taken.

Any person who violates any provisions of the Mashpee Shellfish Regulations may be punished by a written warning or a fine of fifty dollars (\$50.00). In the event of the imposition of a fine of fifty dollars, the provisions of MGL, Chapter 40, Section 21D, providing for the non-criminal disposition of violations, shall be applicable as an alternative to criminal enforcement. Each separate violation may be punishable by a written warning or a fine of fifty dollars (\$50.00). Penalties for contaminated closure area violations include fines of \$300.00 to \$2,000.00 and up to 3 years in State Prison (MGL Ch. 130, Sec. 75).

The privilege of obtaining and possessing a Mashpee Shellfish Permit issued by the Board of Selectmen under the authority granted to them by the Commonwealth of Massachusetts may be suspended or revoked by the Board of Selectmen for any violation of the Mashpee Shellfish Regulations. A public hearing with the Board of Selectmen will be held to determine such a course of action. The Board of Selectmen shall consider recommendations from the Shellfish Constable and/or Shellfish Commission.

Information regarding the availability of or the application procedure for a Shellfish Aquaculture License (Grant) may be obtained from the Town Clerk or Shellfish Constable by calling 508-539-1439.

All shellfishing areas are open seven days a week unless specified otherwise by any other provision or designation found elsewhere in these regulations or by special designation of the Board of Selectmen. Contaminated areas are closed to shellfishing by the Massachusetts Division of Marine Fisheries (DMF) as authorized by MGL Ch. 130, Sec. 74.

Under the authority of MGL Chapter 130, Section 52, the Towns of Falmouth and Mashpee have a long-standing agreement to share Waquoit Bay for shellfishing. Town of Falmouth shellfish permit holders are allowed to shellfish in the Mashpee side of Waquoit Bay as long as the Town of Falmouth allows Mashpee shellfish permit holders to shellfish in the Falmouth side of the bay. (If the Falmouth Side of the Waquoit Bay is closed to the taking of a species of shellfish, then Falmouth Permit holders cannot take that species on the Mashpee side of the bay. If the Mashpee side of Waquoit Bay is closed to the taking of a species of shellfish, then Mashpee Shellfish Permit holders cannot take that species on the Falmouth side of the bay.) This applies to all of Waquoit Bay, but not the rivers, creeks or salt ponds. Persons shellfishing shall abide by the regulations of the town that they are shellfishing in. If the catch limits in both towns are not the same, then persons shellfishing shall not exceed the catch limit of the town that issued their permit or the town that they are shellfishing in whichever is less.

The Shellfish Constable will make every attempt to post and maintain signage along the shoreline regarding special status designations or regulations for specific areas. However, lack of signs due to vandalism or other factors will not excuse anyone for violations of properly posted and published actions or designations made by the Board of Selectmen.

The Mashpee Shellfish Commission was formed to advise and assist the Board of Selectmen and other town boards and commissions in their decisions with regard to the marine resources of the Town of Mashpee. Public attendance and participation are encouraged by the Town of Mashpee.

## ARTICLE II. PERMIT FEES AND CLASSIFICATIONS

### Non-commercial (Family) Permits:

Resident/Taxpayer Family Permit	\$25.00
Senior Citizen Resident/Taxpayer Family Permit	6.00
Non-resident/Taxpayer Family Permit	80.00

### Commercial Permits:

Commercial Shellfish Permit	125.00
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1. Shellfish Permits are not transferable to persons other than those allowed under the following definitions:

- A. NON-COMMERCIAL (FAMILY) SHELLFISH PERMITS are issued to single or married individuals 16 years of age or older for the express use of obtaining shellfish for personal use. Shellfish obtained under this permit may not be sold or traded for other considerations.

A Non-commercial (family) permit is for the use of the permit holder, his or her spouse, and their minor-aged children (under 18 years old) living and domiciled under the same roof. Children under the age of 16 must be accompanied by an adult member of the family.

RESIDENT/TAXPAYER (FAMILY) SHELLFISH PERMITS are issued to persons who are residents and domiciled in Mashpee, or own a home, condominium, or property in the Town of Mashpee and pay taxes to the Town. Proof of residency or ownership is required to obtain a permit.

SENIOR CITIZEN RESIDENT/TAXPAYER (FAMILY) SHELLFISH PERMITS are issued to persons who are eligible under the above requirements and who reach the age of sixty-two (62) before March 1 of the year the permit is issued.

NON-RESIDENT/TAXPAYER (FAMILY) SHELLFISH PERMITS are issued to persons who are residents and domiciled in the Commonwealth of Massachusetts. Proof of Massachusetts residency will be required.

- B. COMMERCIAL SHELLFISH PERMITS are issued to individuals to harvest shellfish for the purpose of sale or other consideration. Said individual must be sixteen years of age or older and be domiciled and a full-time resident of the Town of Mashpee. A completed Mashpee Commercial Shellfish Permit Application form shall be submitted to the Mashpee Town Clerk from March 1 to 31 for new applications, and from March 1 to April 30 for renewals. Applications will not be accepted at other times of the year. Applicants shall have been residents of the Town of Mashpee for at least 6 months prior to submitting their application. Proof of residency will be required to obtain a permit. A copy of the completed Massachusetts Commercial Fisherman Permit or Application, and Massachusetts Driver's License or Massachusetts Photo ID shall be included. The applicant must present their Massachusetts Commercial Fisherman Permit, Massachusetts Shellfish Transaction Card, and their Massachusetts Driver's License or Massachusetts Photo ID at the Office of the Town Clerk to obtain a Mashpee Commercial Shellfish Permit.

Quahogs, soft-shell clams, surf clams, scallops (in season), razor clams, and mussels can be taken on a Commercial Shellfish Permit. From December 1 through the following March 31, persons holding both Commercial and Non-commercial permits can use the Non-commercial permit for scallops only (not other species).

### ARTICLE III. GENERAL REGULATIONS

1. No shellfishing activity or landing of shellfish may occur during the hours after sunset and before sunrise on the following day.
2. Any person engaged in shellfishing or having shellfish in their possession must have on their person their valid Mashpee Shellfish Permit or Wampanoag Tribal Identification Card, and a two-inch shellfish-measuring ring or gauge.
3. Shellfish Permits or Wampanoag Tribal Identification Cards must be worn in a visible location on the permit holder's clothing or be immediately available to the permit holder while engaged in shellfishing or having shellfish in their possession.
4. Any person engaged in shellfishing or having shellfish in their possession must present their valid Mashpee Shellfish Permit or Wampanoag Tribal Identification Card, and a two inch shellfish-measuring ring or gauge to any Mashpee Shellfish Constable, Deputy Shellfish Constable or Police Officer on demand.
5. Any person engaged in shellfishing or having shellfish in their possession must display their catch for inspection to any Mashpee Shellfish Constable, Deputy Shellfish Constable or Police Officer on demand.
6. Shellfishing is prohibited in any area designated as an "Area Closed to Shellfishing" by the Board of Selectmen, or "Contaminated" by the DMF.
7. Shellfishing is prohibited in any area designated as a Shellfish Aquaculture License ("Shellfish Grant") area by the Board of Selectmen and other local, state and federal permits except for the aquaculture license holder and his or her employees or designees unless regulated or stipulated otherwise by the Board of Selectmen. Mashpee Shellfish Permit or Wampanoag Tribal Identification Card holders are allowed to harvest wild scallops in Shellfish Aquaculture License (Grant) areas in season in accordance with the Mashpee Scallop Regulations. Penalties for violations in these areas include fines up to \$100, imprisonment up to 6 months, and/or damages sought by the aquaculture license holder (MGL Ch.130, Sec. 68).

8. No person shall have in their possession or take amounts of shellfish in excess of the daily or weekly limits set forth by the Board of Selectmen. Those limits are set forth as follows:

A. NON-COMMERCIAL CATCH LIMITS:

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|-------------------------|---------------------|
| 1) Soft-shell clams     | One peck per week   |
| 2) Quahogs              | Two pecks per week  |
| 3) Scallops (in season) | One bushel per week |
| 4) Razor clams          | One peck per week   |
| 5) Mussels              | One peck per week   |
| 6) Surf clams           | One bushel per week |
| 7) Oysters              | One peck per week   |

B. COMMERCIAL CATCH LIMITS:

- |                         |   |
|-------------------------|---|
| 1) Soft-shell clams     | Two bushels per day   |
| 2) Quahogs              | Three bushels per day   |
| 3) Scallops (in season) | Ten bushels per day except in<br>Waquoit Bay 1 bushel per week Oct. 1-Oct. 15<br>5 bushels per day Oct. 16 - March 31 |
| 4) Razor clams          | One bushel per day  |
| 5) Mussels              | One bushel per day  |
| 6) Surf clams           | (Limit set by the DMF)  |

9. A non-commercial (family) shellfishing week begins at sunrise on Sunday and ends at sunset the following Saturday (7 days/week).

10. A commercial shellfishing week begins at sunrise on Sunday and ends at sunset the following Saturday (7 days/week) from December 1 through the following March 31, except for the commercial scalloping week which begins at sunrise on Monday and ends at sunset the following Saturday (6 days/week). A commercial shellfishing week begins at sunrise on Monday and ends at sunset the following Saturday (6 days/week) from April 1 through November 30.

11. SEED SHELLFISH - Shellfish are defined as seed if they measure less than the minimum harvesting size or other determination as set forth by the Commonwealth of Massachusetts. Those sizes are as follows:

A. Soft-shell clams and mussels - two inches in the longest dimension of the shell.

B. Oysters - three inches in the longest dimension of the shell.

- C. Scallops - must have a well-defined annual growth ring on the shell, regardless of the dimensions of the shell or the weight of the individual scallop.
- D. Quahogs - one inch shell thickness (seed can be put through a 1" gauge).
- E. Razor clams – 2 inches in the longest dimension of the shell
- F. Mussels – 2 inches in the longest dimension of the shell
- G. Surf clams – 5 inches in the longest dimension of the shell

All shellfish are to be culled immediately after being taken and seed must be immediately returned to the immediate area from which it was taken. No person shall possess seed or transport seed without written permission of the Massachusetts DMF Director.

- 12. When using any basket rake or approved harvesting tool, all natural cull material must be removed and returned to the waters from which it was taken, preferably below the low water mark. All man-made debris such as bottles, cans, glass, etc. must be removed from the area and disposed of in a proper place and manner. At no time should any cull materials be placed above the high water mark on public or private property.
- 13. All holes made by dry-digging shall be filled in and seed replanted before moving to another area.
- 14. The harvesting of shellfish by any means or methods other than those approved by the Board of Selectmen is prohibited. Shellfish may be taken by hand, short-handled clam rake, hand trowel (garden variety), spade fork, plunger, dip net, scratcher or "potato rake", basket rake or bull rake, or scallop drags (see Scallop Regulations for drag restrictions). Mechanical or hydraulic harvesting tools or methods, or use of approved harvesting tools from a vessel under power or sail is prohibited unless allowed under a special permit or regulation issued by the Board of Selectmen except in Nantucket Sound where harvest methods approved by the Massachusetts DMF are allowed. Rakes wider than 15 inches and harness rakes are prohibited in designated Family (Non-commercial) shellfishing areas.
- 15. All persons shall read or listen to a reading of, and understand the Mashpee Shellfish Regulations before shellfishing.
- 16. Cockles and nuisance shellfish predators such as spider crabs should be harvested for food or bait, fed to seagulls, or crushed and returned to the water.
- 17. Digging or plunging shellfish within two feet of marsh grass or marsh root structure is prohibited. Digging or displacing marsh grass is prohibited.

18. SCUBA diving for the purpose of taking shellfish is prohibited in all areas except Nantucket Sound. Snorkeling or skin diving for shellfish is allowed in all approved swimming areas of the Town of Mashpee. (Skin divers are subject to Mashpee Bylaws, Ch. 170-8)
19. All shellfish shall be brought ashore in the shell.
20. No person shall plant, transplant or introduce seed or adult shellfish into any waters of the Town of Mashpee without first obtaining a special permit from the Director of the Massachusetts Division of Marine Fisheries.

#### ARTICLE IV. SPECIAL PERMITS, SEASONS AND REGULATIONS

##### 1. EEL REGULATIONS

- A. The waters of the Town of Mashpee are closed to the taking of eels by any means other than single hook and line, spearing, or eel pot. The use of multi-hook rigs is prohibited until further notice.
  - B. Persons taking eels must have a Mashpee Non-commercial Shellfish Permit, or Wampanoag Tribal Identification Card.
  - C. One eel pot for each Mashpee Non-commercial Shellfish Permit or Wampanoag Tribal Identification Card is allowed.
  - D. Eel pots shall be constructed with a mesh size of ½ inch or larger, and shall not be larger than 14 x 14 x 24 inches with a 6 inch yellow plastic or rubber marker float displaying the owner's name and address.
  - E. Eel pots shall not be placed farther than 50 feet from shore, in navigation channels, or in mooring areas. In Shellfish Aquaculture License (grant) areas, no eel pots other than those of the License holder are allowed.
  - F. The Harbormaster may move eel pots if necessary (Mashpee Bylaws Ch. 170-9) .
  - G. Eel pots can be used from May 1 through November 30, no other times.
  - H. The minimum size and possession limits of eels that can be taken is set by the Massachusetts DMF.
2. OYSTER REGULATIONS: Oysters may be harvested year-round for noncommercial purposes only.

##### 3. SCALLOP REGULATIONS:

- A. SEASON - All waters of the Town of Mashpee except those areas classified as “closed to all shellfishing” will be open for the taking of scallops from October 1 through March 31 the of the next year. Taking of scallops is prohibited from April 1 through September 30.

- B. Shellfish Aquaculture License (grant) areas will be open for the taking of wild scallops in season by hand or dip net only in a manner that does not disturb the aquaculture gear or cultured shellfish.
- C. Scallops can be taken on non-commercial permits seven days a week. Scallops can be taken on commercial permits six days a week from Monday through Saturday.
- D. All scallops are to be landed in the shell. Shucking scallops or possession of shucked scallops before coming ashore is PROHIBITED.
- E. SEED - Taking or possession of seed scallops is PROHIBITED. A seed scallop is defined as one that does not have a well-defined annual growth ring, regardless of the size or weight of the individual scallop.
- F. CATCH LIMITS- A Non-commercial permit holder is allowed to take up to one bushel of scallops per week. A Commercial permit holder is allowed to take up to ten bushels of scallops per day Monday through Saturday, except in Waquoit Bay. From October 1 through October 15, a commercial permit holder may take 1 bushel per week in Waquoit Bay. From October 16 through March 31, a commercial permit holder is allowed to take up to 5 (five) bushels per day in Waquoit Bay. The total individual commercial catch shall not exceed 10 bushels per day including other areas. A commercial permit holder also holding a non-commercial permit is allowed to take up to ten bushels per day Monday through Saturday, and one bushel on Sunday. A bushel is defined as equal to four pecks, or forty quarts dry measure. A standard five gallon plastic bucket equals twenty quarts, or one-half bushel.
- G. HARVEST METHODS - From October 1 through the following March 31, scallops may be taken by hand, dip net or rake. Shellfish Aquaculture (grant) areas are limited to hand or dip net only in a manner that does not disturb the aquaculture gear or cultured shellfish. Dragging or SCUBA diving for scallops is allowed in Nantucket Sound. Skin diving or snorkeling for scallops is allowed in approved swimming areas. SCUBA and skin divers or snorkelers must display a diver's flag. The blue and white Alpha flag of the International Code of Signals, the commonly used red flag with the diagonal white stripe are both acceptable. Under no circumstances should any vessel approach within 100 feet of any craft or object displaying either flag.



From November 1 through March 31, dragging for scallops is allowed under the following restrictions:

- 1) Dragging is allowed only in Nantucket Sound, and the main channels of Popponeset Bay and Waquoit Bay.
- 2) Dragging is PROHIBITED in Great River, Little River, Hamblin Pond, Jehu Pond and areas other than those listed in IV.3.G.1) above.
- 3) Scallop drags are limited to a maximum width of 36 inches except in Nantucket Sound scallop drags are limited to a maximum width of 60 inches.
- 4) No more than two drags per boat are to be in the water at any time.
- 5) No more than two permit holders shall fish from any one boat at any time.
- 6) All cull material shall be returned to the channels from which it was removed. No cull material shall be deposited on the flats or shallows, or deposited on shore except for the shellfish predators as defined in Article III, Section 16 of the Mashpee Shellfish Regulations.
- 7) No dragging for scallops is allowed when the air temperature falls below 28 degrees Fahrenheit. This is to prevent seed scallops from freezing.