



Harwich Commercial Shellfish Regulations

1. **Applicability:** No person shall take any species of shellfish or eels from within the waters of the Town of Harwich and sell same without a Commercial Shellfish Permit issued to the individual by the Town of Harwich. A commercial shellfish permit holder may not fish on a family permit for any commercially harvestable species in a family designated area. The applicant must already have been issued a State Commercial Fishermen identification license number.
2. **Permanent Residency Requirement:** The applicant must be a year-round resident of the Town of Harwich and shall furnish proof to verify the applicant is domiciled in the Town of Harwich. Proof of residency shall include: a current real estate tax, mortgage or lease, a copy of motor vehicle registration, a valid motor vehicle operators license and/or Harwich voter registration card.
3. **Age Requirement:** The applicant shall have reached the age of sixteen (16) years. A birth certificate may be accepted as proof.
4. **Permit Fees:** Fee for
14. **Culling Limitations:** All shellfish shall be culled and the seed returned to the water immediately after taking. The amount of uncultured shellfish upon any culling board shall not exceed one(1) level bushel. Quahog seed must be broadcast, lump dumping of seed is forbidden.
15. **Tagging:** All shellfish harvested commercially must be tagged with the name, address, date, area and State License Identification #. The smallest container must be tagged. This means all bags and sub-bags require individual tags.
16. **Temperature Restriction:** No commercial shellfishing shall be allowed when the shaded air temperature falls below 25o F (-3.9 C).
17. **Gear Restrictions:** Quahogs may be taken by rakes, tongs, bull rake (mud rake) or box rake. Oysters may be taken by tongs or box rake. No shovels, forks or mechanical hydraulic pump other devices shall be used. Skin or scuba diving for shellfish is prohibited. Eels may be speared or a total of forty (40) clearly marked (state license #) eel pots per permit may be set. No eel pot

Commercial Shellfish Permit is \$50.00. Permit replacement fee \$2.00.

5. **Renewal:** Permits shall be issued from January 1st to the following December 31st, at the Selectmen's Office. The applicant shall submit a prior year catch report.
6. **Measuring Tools:** Permit holders must have in their possession a Harwich Commercial Shellfish Permit, an open peck basket, or calibrated bucket and make use of a 1", 2", 3" standardized shellfish measuring device as a tool in determining legality of catch.
7. **Commercial Species:** Shellfish which may be harvested commercially in Harwich are quahogs, oysters, bay scallops and mussels,. Commercial harvest of sea clams requires a State regulatory permit. Oysters may be taken September 1st through April 30th only; Bay Scallop regulations shall be made effective November 1st.
8. **How and Where:** All commercial fishing for quahogs in the Town of Harwich shall be done by the long rake or tong method and the shellfish person shall stand in a boat or on a floating platform, raft or barge. Oysters must be taken by box rake or tongs only. Commercial shellfishing by wading (scratching) shall be allowed only in Pleasant Bay. Commercial shellfishing by dry digging at Pleasant Bay or Muddy Creek is prohibited. Commercial shellfishing may be allowed subject to Selectmen proviso at Round Cove, Allen shall be set in the middle of any navigable channel.
18. **Wet Storage:** The wet storage of shellfish is prohibited, except with the written permission of the Natural Resources Department.
19. **Predator Control:** As a means of controlling the losses of shellfish to natural means, starfish, wrinkles, cockles, green, calico and spider crabs, shall be deposited above the high water mark.
20. **Inspection:** All persons taking shellfish shall land at any place designated by the Shellfish Constable to allow for inspection.. Commercial shellfishermen shall land their days catch at designated Harwich Town Landings. Shellfish harvested in Pleasant Bay must be landed through Round Cove Town Landing.
21. **Penalties:** The penalties for violation of any of these regulations shall be a fine of not less than \$10.00 and not more than \$50.00 for each offense or the revocation of license or permit by the Selectmen or both. The revenue of any said fine shall be paid to the Town of Harwich. Town ordinance provides that any license or permit may be denied, revoked or suspended for non-payment of taxes, fees, assessments, betterments or other municipal charges, Chapter 40 sec.57.
22. **Contaminated Areas:** Under General Law the penalty for taking shellfish from any contaminated /closed area is between \$50.00 and \$300.00 or by imprisonment of not more

Harbor, Wychmere Harbor, Herring River or Nantucket Sound where water is more than 3 ½ feet deep at mean low water. Check with Natural Resources Department (508-430-7532) on special commercial area openings and the status of conditionally approved areas.

9. **Assignment:** Shellfish permits cannot be reassigned or transferred.
10. **Open Days:** There shall be no commercial shellfishing on Sunday.
11. **Area Closures:** No person shall take or attempt to take shellfish from an area under a "closed status", a prohibited area or a "Resource Propagation Zone". Areas may be closed from time to time by the Natural Resources Department for the protection and development of juvenile shellfish populations. Development areas will be designated by signs or buoys reading "Resource Propagation Zone".
12. **Daylight Hours:** The harvest of any shellfish is prohibited during night time hours, sunset to ½ hour before sunrise.
13. **Limits:** Shellfish shall be culled and all seed shall be returned to the waters and flats immediately. Unless posted otherwise at the Selectmen's Office, the commercial limit: on littlenecks shall be 100 lbs (five level pecks) per day; on oysters shall be two (2) level bushels per day. All shellfish must be landed in the shell. Persons shall not take or have in their possession (in basket, bucket or sack):

than sixty days, or both.

23. **Enforcement:** The foregoing regulations shall be enforced by the Shellfish Constables, Deputy Shellfish Constables, Natural Resources Officers and any Police Officer of the Town of Harwich, hereinafter called "enforcing persons". Permits may be suspended for violation of the regulations by the enforcing person. A hearing may be scheduled for reinstatement +of the permit at the next meeting of the Board of Selectmen. Enforcing persons may in their discretion, initiate criminal proceedings for any violation thereof. Alternatively, enforcing persons may utilize the method of non-criminal disposition established by Chapter 40, sec.21D. MGL.

The foregoing regulations are hereby authorized by the vote of the Selectmen on this the Fifteenth day of December, 1997 and shall become effective upon adoption.

Sandra Daniels, Chairman (acting)
Dana A. DeCosta
Peter J. Luddy
Allin P. Thompson, Jr.
Board of Selectmen

(rates adjusted by the Board of Selectmen at their meeting 3/30/09))



Quahogs less than one (1) inch
in shell thickness (hinge width);
Oysters less than three (3)
inches in the longest diameter;
Sea clams less than five (5)
inches in the longest diameter;
Eels or elvers less than four (4)
inches in total length.