

Harwich Shellfish Regulations

1. Applicability: Persons taking shellfish and/or eels in the Harwich waters must have a valid Harwich Family Shellfish Permit, a valid Resident Senior Citizen Permit, or a Harwich Commercial Shellfish Permit. These regulations apply to the taking of shellfish and eels by holders of Harwich Family Shellfish Permits and Resident Individual Senior Citizen Permits. Resident individual senior citizen permits are not for family member use.

2. Availability and Cost: Permits can be obtained at the Harwich Harbormaster's Office during normal business hours. Permit fees are as follows: Resident Family \$20.00; Non-Resident Family \$60.00; One-Day Non-Resident \$20.00; Resident Individual Senior Citizen (age 65 years) \$6.00; replacement fee \$2.00.

3. Assignment: Shellfish permits cannot be reassigned or transferred. Persons entitled to use a Resident Family Shellfish Permit shall include the immediate members of the permit holder's family only. ("Immediate" in this context means family members living with and/or supported by the permit holder on a year-around basis.) Any person who pays real estate taxes to the Town of Harwich, regardless of residency designation, is entitled to a Family or a Senior Permit subject to the above conditions. Resident Individual Senior Citizen Permits cannot be used by family members.

4. Allowed Limit: Individuals and families with Harwich permits may take quahogs, mussels, razorfish, sea clams and soft shell clams on open days up to the total of one (1) ten quart pail of shellfish per week from any classified open area. The shellfishing week runs from Monday through the following Sunday. During times when oysters may be taken, the ten-quart limit given above shall include their taking also.

5. Mandatory Permits and Equipment: Permit holders must have in their possession a Harwich Family Shellfish Permit, an open peck basket, mesh bag or calibrated bucket and make use of a standardized shellfish measuring device appropriate for determining legality of catch.

6. Legal Time and Days: The harvesting of shellfish is allowed from one-half hour before sunrise until sunset on open days. Family shellfishing is allowed in approved open areas for all shellfish except scallops and oysters on the following open-day schedule. Oysters may only be taken September 1st through April 30th only on open days as given above. Bay scallops may not be taken before November 1st at which time regulations will be issued governing their taking.

Family From - Through	Shellfishing Days			
	Wed	Thurs	Sat	Sun
January 1 st - March 31 st	(Conditional any day)			
April 1 st - April 30 th	X	X	X	X
May 1 st - May 30 th	X		X	X
Jun 1 st - Sep 30 th	X		X	
Oct 1 st - Oct 31 st	X		X	X
Nov 1 st - Dec 31 st	X	X	X	X

7. Open Areas and Area Closures: A commercial shellfish permit holder may not shellfish on a family permit for any commercially harvestable species in a family designated area. No person shall take or attempt to take shellfish from an area under a "closed status", a prohibited area or any "Resource Propagation Zone". No digging of shellfish shall be allowed in vegetated areas in accordance with the Massachusetts Wetlands Protection Act and the Harwich Wetlands Protection By-Law. Areas of the shoreline or flats 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 reading "Resource Propagation Zone". Since many locations are effected by seasonal restrictions permit holders should check with the Selectmen's Office or Natural Resources Department (telephone 508-430-7532) on the status of conditionally approved areas before venturing out.

8. Size Limit: Shellfish shall be culled and all seed shall be returned to the waters and flats immediately. All shellfish must be brought home in the shell. Persons shall not take or have in their possession (in basket, bucket, bag or other container): Soft-shell clams less than two (2) inches in the longest diameter; 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.

9. Temperature Restriction: Dry digging quahogs and dry taking of soft-shell clams shall not be allowed when the shaded air temperature falls below 30 o F (-1°C). All holes shall be filled and seed clams replanted with the "neck" of the clam up at the time and place where dug. The restriction for all sub-tidal shellfish harvesting shall take effect when the shaded air temperature falls below 25 o F (-3.9°C).

10. Gear Restrictions: Soft-shell clams and razorfish clams may be taken by hand, with standard clam hoe (rake) or hand plunger and dipnet; Quahogs may be taken by hand, rakes, tongs or bull rake. Oysters may be taken by tongs and box rake. No shovels, forks, mechanical hydraulic pump or other devices shall be used. Skin or scuba diving for shellfish is prohibited. Eels may be speared or a total of three clearly marked (last name) eel pots per permit may be set.

11. Wet Storage: The wet storage of shellfish is prohibited, except with the written permission of the Natural Resources Department.

12. 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.

13. 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 as part of the application.

14. Inspection: All persons taking shellfish shall land or walk ashore at any place designated by the Shellfish Constable to allow for inspection.

15. 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 MGL.

16. 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 than sixty days, or both.

17. 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 may be held 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.

<p>How many days did you shellfish in 2012? _____</p> <p>How many 10 qt buckets harvested?</p> <p>Quahogs _____ Oysters _____ Soft Shell Clams _____ Scallops _____</p>
