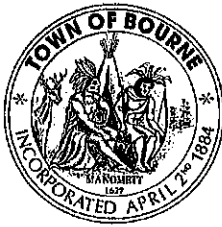


Sundman, Nancy

From: Southwood Christopher
Sent: Wednesday, September 30, 2020 10:00 AM
To: Sundman, Nancy
Cc: Schiavi, Anthony; Cannon, Glenn
Subject: 2021 Shellfish Regulations
Attachments: Memo Selectmen 20.doc; 2021 Shellfish Regs Red Print.docx; 2021AllCloseLG 20191016.doc

Hi Nancy,
Attached are the proposed Shellfish Regulations for 2021 for the Selectmen packets.
Let me know if you need additional info.
Thanks,
Chris



Department of Natural Resources

Memorandum

To: Board of Selectmen
From: Chris Southwood
Date: October 6, 2020
Subject: **2021 Shellfish Regulations**

Selectmen,

As per MGL Chapter 130 Sec 52, for this Public Hearing any regulations made hereunder shall take effect as therein stated, shall be published by posting a copy of the same in the office of the aldermen, city council or selectmen making the same, and in the office of the city or town clerk, and in three or more public places in said city or town. These postings include, Town Hall and three Post Offices (Buzzards Bay, Pocasset, Monument Beach) as well as the Town of Sandwich Clerk's Office.

Attached are the recommendations for the 2021 Recreational and Commercial Shellfish Regulations as submitted by this department. The changes from the current 2020 regulations include all of the applicable dates and the change of 4 shellfish growing areas by the Division of Marine Fisheries. Two (2) shellfish propagation closures were added: Toby's Island/Phinney's Harbor BB:46.20, this quahog relay site was transplanted with approximately 800 bushels and Little Buttermilk Bay BB:44.20 was transplanted with 75,000 oysters. The Division of Marine Fisheries is requesting 1-2 year closure for additional spawning seasons. Two (2) shellfish propagation closures have been re-opened by the Division of Marine Fisheries based on shellfish testing results (Barlows Landing BB:49.20 and Emmons Road Bridge BB:46.23. All changes are highlighted in the draft.

COMMONWEALTH OF MASSACHUSETTS

TOWN OF BOURNE

Barnstable, ss.

2021

SHELLFISH REGULATIONS

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NOTE: Special regulations or amendments covering shellfish bed closures, the harvesting of herring and temporary experimental programs for shellfish grants are published separately and are available upon request. Information is also posted on the Town web site at <http://www.townofbourne.com>.

LICENSING AUTHORITY

At a regular meeting of the Board of Selectmen held , 2020, the following rules and regulations, which were previously adopted on December 3, 2019, were amended covering the harvesting of shellfish, herring, eels and sea worms from the waters and flats of the Commonwealth within the limits of the Town of Bourne, effective January 1, 2021. Under the authority of Massachusetts General Laws, Chapter 130, Section 52 and Town Meeting vote passed in February of 1959, the Town hereby adopts the following regulations:

1 GENERAL REGULATIONS (Applies To All Permits)

1.1 GENERAL PROVISIONS & HARVESTING: Under the provisions of the aforementioned laws, all persons are prohibited from harvesting eels, herring (presently prohibited), sea worms, and any shellfish, including, but not limited to, clams, quahogs, mussels, oysters or scallops, from the coastal waters or flats of the Town without a current permit issued by the Town of Bourne, available at the Department of Natural Resources in Room 102 of Town Hall, located at 24 Perry Avenue in the village of Buzzards Bay, during the regular business hours of 8:30 AM to 4:30 PM, Monday-Friday, excluding holidays. "Harvest" means to catch, dig, take, or attempt to catch, dig or take, or otherwise have in possession any species covered by these regulations or amendments. The harvesting of eels, herring, shellfish or sea worms shall be limited to the regulations set forth herein. All permits shall be valid from January 1st through December 31st of each calendar year. Unless otherwise noted, any violation of these regulations or amendments shall be subject to a fine of one hundred dollars (\$100.00).

1.2 RECREATIONAL PERMITS: No more than one (1) Recreational permit will be issued per family, irrespective of the number of parcels of taxable real property owned by the family or the individual members thereof. In this context, a "family" is a person or group of persons, whether or not related by blood or marriage, which share a common domicile. "Domicile" shall be a true, fixed, permanent home and principal establishment. With the exception of Paragraph 1.2.2, the use of this permit is limited to the person to whom the permit was issued or any member of the family as defined herein. Use of this permit is limited to personal, non-commercial purposes, including sustenance. The customer must show to the satisfaction of the licensing authority, such as a valid photo ID and/or a Town real estate tax bill, that they are entitled to a permit and an application form may be required to be submitted and approved before the issuance of the permit. Recreational permit types are as follows:

1.2.1 RESIDENT PERMIT: Issued to a citizen who is domiciled or owns taxable real property in the Towns of Bourne or Sandwich. FEE: \$35.00

1.2.2 SENIOR CITIZEN PERMIT: Issued to a citizen who has attained the age of sixty-five (65) years and is domiciled or owns taxable real property in the Towns of Bourne or Sandwich. *NOTE: The Senior Citizen permit holder must be present and actively harvesting shellfish. If other domiciled family members also wish to shellfish independently, then a Resident permit must be obtained instead of a Senior Citizen permit.* FEE: \$10.00

1.2.3 MASSACHUSETTS RESIDENT PERMITS: Issued to a citizen who is domiciled within the Commonwealth. FEE: \$175.00

1.2.4 NATIVE AMERICAN PERMIT: Issued to a citizen who is of Native American heritage and domiciled or owns taxable real property in the Towns of Bourne or Sandwich. FEE: None

1.2.5 VETERAN RECREATIONAL PERMIT: Issued to a citizen who is domiciled within the Commonwealth. Valid documentation will be required as proof of Veteran status. FEE: \$35.00

1.2.6 SENIOR VETERAN RECREATIONAL PERMIT: Issued to a citizen who has attained the age of sixty-five (65) years old and is domiciled within the Commonwealth. Valid documentation will be required as proof of Veteran status. FEE: \$10.00

1.3 PERMIT DISPLAY: Permits must be in the possession of the permit holder and in plain view on outer clothing or posted on the boat in a visible manner while harvesting any species. (Fine: \$25.00)

1.4 AGE LIMIT: No child under the age of twelve (12) years shall harvest any species unless accompanied by an adult holding a valid permit, in which case said adult shall be held responsible for all acts of the child.

1.5 SHELLFISH SIZE LIMITS: No person shall harvest quahogs less than one inch (1") shell thickness (hinge width), soft shelled clams less than two inches (2") in the longest shell length, oysters less than three inches (3") in the longest shell length, or scallops without a well-defined annual growth ring. Any other shellfish not listed shall be in compliance with State Regulations. The harvesting of seed shellfish more than three percent (3%) of any batch is prohibited. *NOTE: Under Paragraph 1.7 below, all shellfish must be measured and realistically no seed should be taken!*

1.6 SHELLFISH GAUGE: A legal gauge for shellfish measurements shall be used while harvesting. (Fine: \$25.00)

1.7 DISPOSITION OF SEED: All shellfish shall be measured prior to placement in harvest containers and all seed shall be immediately returned to the same location from which it was harvested. Quahog seed shall be broadcast back into the water, or lightly covered with soil when dry digging. Clam seed shall be placed in the substrate in an upright position and lightly covered with soil, except that those harvested by Commercial clamming seaward of Mean Low Water shall be broadcast back into the water. Oyster seed longer than one inch (1") attached to adults shall be separated and broadcast below the Mean Low Water line. Oyster seed smaller than one inch (1") must be left on the adult shell, broadcast below the Mean Low Water line and shall not be harvested.

1.8 REMOVAL OF BEACH/MARSH GRASS OR PEAT BANKS: The removal of any grasses or peat for the purposes of harvesting shellfish shall be prohibited.

1.9 ALLOWABLE HARVEST HOURS: All shellfish shall be harvested, culled and landed above the Mean High Water line only during the following hours (Fine: \$50.00):

Daylight Saving Time:	March 14 th through November 6 th	Sunrise to Sunset
Standard Time:	November 7 th through March 12 th :	Sunrise to Sunset
Scallop Season:	October 1 st through March 31 st :	Sunrise to Sunset

1.10 SHOVELS and STANDARD GARDEN PITCH FORKS: The use of a shovel or

standard garden pitch fork or any similar tool for the harvesting of shellfish is prohibited. (Fine: \$25.00)

1.11 **CLOSED AREAS:** Some areas are permanently closed, other areas are seasonally closed, and some areas may be temporarily closed on a random basis. Always note official signs along the shoreline, check the Town web site, review the closure list, or contact the Department of Natural Resources.

1.11.1 **CLOSED:** June through September, all Town public bathing beaches, a portion of the southeasterly side of Scraggy Neck known as "Sunrise Beach", a portion of Cedar Point Cove (swim beach) defined by two jetties, and all designated oyster beds, as noted in Paragraph 1.12.2, except during the oyster season, as noted in Paragraph 2.3.

1.12 **RECREATIONAL AREAS:** The following areas are restricted for the exclusive use of Recreational shellfishing and Commercial fishing in these areas is prohibited. At no time shall a fisherman be in possession of shellfish in excess of the Recreational limit while utilizing a Recreational area. *Note: Some of the following Recreational Areas may be temporarily closed - See closed area list under separate cover.*

Barlows Landing: All waters and flats north of a line drawn from stone jetty located north of pier (Swim Area) to a shellfish marker on the easterly shoreline by 39/43 Harbor Drive.

Cedar Point: From the end of Cedar Point Drive to stake thence northerly to stone jetty located on northeast side of Cedar Point Cove.

Eel Pond (Seasonal Restriction): During the months of June, July, and August Commercial shellfishing in this area shall be prohibited.

Hen Cove: All waterways and flats landward of shellfish boundary markers positioned at end of Pequot Avenue southerly around entire Cove to marker positioned approximately 400 feet south of Cedar Road on the easterly shoreline of Hen Cove.

Little Bay: All waters and flats north of a line drawn from the sign at 8 Briarwood Lane, which will align with the driveway and large tree at the southern end of the property, to the marker located on the opposite shore.

Queen Sewell Cove: All waterways and flats west (landward) of a line drawn from the sign at the end of Cranberry Road Extension to the sign at the sand spit at the end of Quamhasset Road, and east (landward) of a line drawn from the sign at the end of Cranberry Road Extension to the sign by 27 Lewis Point Road (Cape Cod Nursing Home).

Tahanto Flats: All flats landward of a line beginning at the east jetty of the Pocasset River and running northeasterly to Salt Pond inlet located just southeasterly of Monks Park.

Taylor Point: All waters and flats south of a line drawn westerly from #39 Buttermilk Way to a line drawn westerly from the pilings at the State Pier at the Massachusetts Maritime

Academy.

Tobey Island, North Side: All waters and flats south of an imaginary line running from the Monument Beach Ramp northwesterly to a shellfish marker placed on the most northerly end of the sand bar off the north shore of Tobey Island, thence by an imaginary line running in a southerly direction to the wooden pier located on the northerly shoreline point of Tobey Island.

Winsor Cove: All waters and flats easterly of an imaginary line drawn from shellfish boundary post located on Winsor Point to shellfish boundary post located on Long Point.

1.12.1 SENIOR CITIZEN AREAS: Recommended for use by those persons issued a Senior Citizen Permit or disabled persons approved by the Shellfish Constable (See Paragraph 2.7).

Buzzards Bay (Electric Avenue): All waters landward from a fixed marker located on the Town Pier at the Electric Avenue boat ramp to a fixed shellfish sign at the end of the private pier south of the ramp.

Monument Beach: All waterways landward of markers posted between the Tobey Island Bridge and the Town Pier.

Pocasset (Barlows Landing): All waters from a fixed shellfish marker on Salt Marsh Lane to a painted cement marker on the end of the pier at Barlows Landing.

1.12.2 DESIGNATED OYSTER BEDS: The following designated oyster beds are CLOSED, except during the oyster season (unless closed for propagation), as noted in Paragraph 2.3:

- a) Taylor Point: The waters and flats along the western shore of Taylor Point at Cohasset Narrows north of a line drawn westerly from the beach way at #17 Buttermilk Way and south of a line drawn westerly from the beach way at #39 Buttermilk Way and thence seaward.

1.13 BOATS ON OYSTER BEDS: The use of dredges, tongs, bull rakes, or boats for the purposes of harvesting shellfish on designated oyster beds, as noted in Paragraph 1.12.2, shall be prohibited. (Fine: \$50.00)

1.14 PERMITS NON-TRANSFERABLE: Permits are not transferable and may be suspended or revoked by the Board of Selectmen for any violation of the shellfish rules and regulations, Massachusetts General Laws, Chapter 130, or amendments thereto and subject to rules and regulations of the Town of Bourne, by authority of the vote of this Town passed in February of 1959. Due notice in writing shall be given or mailed to the permit holder of such suspension or revocation.

1.15 PERMIT VIOLATION HEARING: Shellfish permits may be suspended or revoked for violations of these regulations following a public hearing by the Board of Selectmen.

1.16 **SHELLFISH INSPECTION:** All persons harvesting or having in their possession shellfish or fish of any kind, in boat or container, shall exhibit such shellfish or fish for inspection upon demand of any Shellfish Constable, Natural Resources Officer or Police Officer.

1.17 **DISPOSAL OF PREDATORS & SHELLS:** All starfish or green crabs caught shall be placed above the Mean High Water line. Except that green crabs harvested may be contained in secure storage cages while waiting for market or personal use. Location of storage cages, cars or rafts are subject to written approval of the Harbor Master. Scallop shells may be disposed of in deep water (six feet {6'} or more at Mean Low Water); but in no case shall shells be disposed of at Town landings, off the end of Town docks, at Town swim beaches, where they may be otherwise considered a hazard, or in any other shallow water. (Fine: \$50.00)

1.18 **TRANSFER OF SHELLFISH:** With the exception of replacing seed shellfish into the waterways or flats as required by Paragraph 1.7, no person other than the appointed Shellfish Constable or his assistants shall plant, relocate, store or transplant shellfish within any waterways or flats of the Town without written approval from the Shellfish Constable.

1.19 **PENALTIES & FINES:** Whoever violates any rule or regulation made under authority of Massachusetts General Laws, Chapter 130, including the regulations established herein or amendments, shall be subject to a fine or not less than ten dollars (\$10.00) nor more than one thousand dollars (\$1,000.00), or have their permit suspended or revoked, or both, subject to appeal of such suspension or revocation as provided in Paragraph 1.14. Additionally, Natural Resources Officers (NROs) assigned to the Town of Bourne Department of Natural Resources may, upon observing a violation of said regulations, issue a citation ticket to the offender in accordance with non-criminal process as authorized by MGL Chapter 40, Section 21-D and Town meeting vote of Article 52 of the 1986 Town Meeting and Town By-law Section 6.1.2. Specific fines were established in Special Shellfish Regulations 86-4 and are further stipulated, as amended, herein in parentheses following each appropriate paragraph. Unless otherwise noted, any violation of these regulations or amendments shall be subject to a fine of one hundred dollars (\$100.00).

1.20 **CHANGES & POSTINGS:** These regulations are subject to change by the Board of Selectmen, or in exigent circumstances, by the Town Administrator. Regulations and amendments will be posted at the offices of Town Clerk, Selectmen, Department of Natural Resources and at least three post offices of the Town, or in newspaper having general circulation, and a copy mailed to the Town Clerk of the Town of Sandwich for posting in Sandwich and to the Division of Marine Fisheries.

1.21 **CHANGES & EXIGENCY:** These regulations and any amendments shall remain in effect and in full force unless modified, changed, or revoked by the Board of Selectmen, or in exigent circumstances, by the Town Administrator.

1.22 **TEMPERATURE RESTRICTIONS:** Clams and scallops shall not be harvested and the dry digging of quahogs shall be prohibited when the air temperature is below twenty-eight degrees Fahrenheit (28F), as determined by the Department of Natural Resources.

1.23 SCALLOP SEASON: Effective October 1st scallops may be harvested in all Town waters through March 31st.

1.23.1 HARVESTING: All scallops taken must be an adult scallop with a well-defined, raised, annual growth line, and any scallop without such a line shall be deemed a "seed" scallop (also see Paragraph 1.23.6 below).

1.23.2 RESTRICTED AREAS: The use of drags shall be prohibited in the following areas until the dates indicated:

a) Hen Cove: All waters and flats northeasterly of an imaginary line drawn from Handy Point to the most Southerly point of land on Patuisset Island until December 1st.

b) Recreational Areas: All designated Recreational areas listed in Paragraph 1.12 until January 1st. However, at no time shall the use of drags interfere with or endanger Recreational fishermen in the water who are using bag rakes, dip nets, or diving.

c) Oyster Beds & Senior Areas: All designated oyster beds and Senior Citizen areas, throughout the season.

1.23.3 SCALLOP DRAG RESTRICTIONS:

a) Frames shall not exceed 36" in width

b) Lead rollers are prohibited.

c) Teeth or scoops on drags are prohibited.

1.23.4 LANDING AREAS: All scallops harvested by use of boat and drags shall be landed only at authorized Town Landings: Barlows Landing Ramp, Bourne Marina Ramp, Eel Pond Beach Way, Electric Avenue Ramp, Gray Gables Beach Way, Hen Cove Ramp, Massasoit Avenue Ramp, Monks Park Ramp, Monument Beach Ramp, Ocean Avenue Beach Way, Parker's Boat Yard Ramp, Pocasset River Ramp, and Squeteague Harbor Beach Way (no vehicles allowed on the beach). "Landed" shall mean that location where shellfish are removed from the shoreline to any point of land above the Mean High Water line. When circumstances warrant it, shellfish may be landed at other areas with prior approval from the Director of the Department of Natural Resources.

1.23.5 DIVERS: Taking of scallops by means of diving shall be limited to Recreational permit holders only and this method shall be prohibited for Commercial permit holders. Divers shall be prohibited in areas where the use of drags is already in progress and must comply with Paragraph 2.6 of the Shellfish Regulations.

1.23.6 CULLING PRACTICE: In the interest of maximum seed survival, it is recommended that seed and by-catch be removed from culling boards into deep water. *NOTE: This practice improves the survival rate of seed.*

1.24 SHELLFISH CONTAINERS: A peck is 537.605 cubic inches, a bushel is 2,150.42 cubic inches, commonly measured level to the top edge of the container, unless otherwise designed/indicated.

1.25 DIG HOLES: All holes created above the Mean Low Water Line while shellfishing shall be back-filled before leaving the area, taking care to not break or crush any seed shellfish.

2 RECREATIONAL PERMIT REGULATIONS (Also See Section 1)

2.1 NON-COMMERCIAL USE: Shellfish taken by the use of this permit are personal, non-commercial use only and are not to be sold.

2.2 AUTHORIZED HARVEST SEASON/DAYS/LIMITS: Total weekly catch not to exceed one (1) peck per species, Sunday through Saturday, nor shall it exceed one (1) bushel of any or all kinds of shellfish. *NOTE: This must be kept in mind during scallop season, when clams, oysters and quahogs may also be harvested.* On days where more than one species may be harvested, catch may be mixed species, but total day's catch is not to exceed one (1) peck.

2.2.1 Summer Season: June through September

Sundays:	Total Limit:	1 peck of quahogs
Wednesdays:	Total Limit:	1 peck of quahogs
Saturdays:	Total Limit:	1 peck of quahogs or clams

2.2.2 Standard Season: October through May

Sundays:	Total Limit:	1 peck of quahogs or oysters during oyster season.
Wednesdays:	Total Limit:	1 peck of quahogs or clams
Saturdays:	Total Limit:	1 peck of quahogs or clams

2.2.3 SCALLOP HARVEST DAYS: Recreational permit holders shall be allowed to shellfish any day of the week.

2.2.4 SCALLOP METHOD OF RECREATIONAL SHELLFISHING: Recreational permit holders may shellfish any day during the season by use of bag rake, dip net, diving or drags.

2.2.5 SCALLOP AUTHORIZED CATCH LIMITS: Recreational permit holders shall be entitled to take not more than one (1) bushel per calendar week, during the season, Sunday through Saturday.

2.3 OYSTER HARVEST DAYS: Oysters may be harvested on Sundays only from first Sunday of November through the last Sunday of December.

2.4 EELS, SEAWORMS & OTHER SHELLFISH: Eels, sea worms and other shellfish may be harvested any day throughout the year. The permit entitles the holder to set up to three (3) eel pots for personal, non-commercial use. Pots shall be marked with the Recreational permit number. The flotation device shall be a minimum of six inches (6") by four inches (4"), capable of floating three (3) pounds eleven (11) ounces, be painted yellow, use only sinking line, and must also have the permit number affixed thereto. Wooden buoys and plastic bottles are prohibited. The harvesting of eels less than nine inches (9") long and in excess of 25 total are prohibited. The placement of eel pots in navigable channels or where they may otherwise create a hazard is prohibited. (Fine: \$50.00)

2.5 REQUIRED SHELLFISH CONTAINER: Permit holders must utilize a standard "one peck wire basket" while harvesting shellfish. Only one basket per permit holder is permitted and no other containers may be utilized. (Fine: \$25.00)

2.6 DIVING: Permit holders may harvest shellfish while using scuba or snorkel equipment, subject to the following conditions:

- a) In accordance with the Laws of the Commonwealth, diving flags of proper size must be displayed at all times when divers are in the water. Divers must stay within one hundred feet (100') of the diving flag at all times.
- b) The permit shall be displayed on the diver's flag in a visible manner.
- c) The harvesting of shellfish shall be prohibited in water depths less than six feet (6').
- d) Shellfish shall be harvested by hand only and the use of any mechanical, suction, or air device for the purposes of disrupting the sea bottom to expose shellfish shall be prohibited.

2.7 DISABLED PERSON: Permit holders who are physically disabled and are unable to harvest shellfish at all because of such a disability may request approval for another person to harvest their shellfish for them. Sufficient medical documentation that meets the satisfaction of the licensing authority must be submitted to the Director of the Department of Natural Resources for approval. No person shall be allowed to harvest shellfish for more than one disabled person.

3 COMMERCIAL PERMIT REGULATIONS (Also See Section 1)

3.1 COMMERCIAL PERMITS: Issued to a citizen who is domiciled in the Towns of Bourne or Sandwich, and valid only for the period that the holder maintains the said domicile.

Domiciled tenants must submit a current, valid, notarized lease. "Domicile" shall be a true, fixed, permanent home and principal establishment. The use of this permit is limited to the person to whom the permit was issued. The citizen must show to the satisfaction of the licensing authority, such as a valid photo ID and/or a Town real estate tax bill, that he/she is entitled to a permit. A Commonwealth of Massachusetts Commercial Shellfish Permit and an application form shall be submitted, which shall be approved prior to the issuance of the permit. The Department of Natural Resources must be notified immediately of any change of application information.

3.1.1 AUTHORIZED HARVESTERS: Citizens who wish to participate in a Commercial fishery must hold a current, applicable Commercial Permit.

3.2 COMMERCIAL APPRENTICE PERMIT: Subject to Paragraph 1.2, issued to a minor citizen twelve (12) to sixteen (16) years old inclusive who is domiciled in the Towns of Bourne or Sandwich. The permit may be issued for the purposes of harvesting shellfish provided that an adult member of his immediate family (i.e., parent, grandparent, legal guardian, etc.) is a current holder of a Commercial permit of the same species. Said adult Commercial permit holder shall directly supervise all activities of and shall be held responsible for all acts of the apprentice. Only two (2) Commercial Apprentice permits per domiciled family shall be permitted at any time.

3.3 COMMERCIAL PERMIT TYPES:

a) Clam Permit:	FEE: \$250.00
b) Eel Permit:	FEE: \$100.00
c) Quahog Permit:	FEE: \$250.00
d) Scallop Permit:	FEE: \$250.00
e) Master Permit: (For all Commercial species above)	FEE: \$625.00
f) Apprentice Permit:	FEE: \$100.00

3.4 LANDING AREAS: All shellfish harvested shall be landed at one of the following Town landing areas: Barlows Landing Ramp, Bourne Marina Ramp, Eel Pond Beach Way, Electric Avenue Ramp, Gray Gables Beach Way, Hen Cove Ramp, Massasoit Avenue Ramp, Monks Park Ramp, Monument Beach Ramp, Ocean Avenue Beach Way, Parker's Boat Yard Ramp, Pocasset River Ramp, and Squeteague Harbor Beach Way (no vehicles allowed on the beach). "Landed" shall mean that location where shellfish are removed from the shoreline to any point of land above the Mean High Water line. When circumstances warrant it, shellfish may be landed at other areas with prior approval from the Director of the Department of Natural Resources.

3.5 TAGGING: Once landed and while in transit, all shellfish containers shall be marked clearly by a tag stating date of harvest, place of harvest, State permit number, and name of the harvester. (Fine: \$50.00)

3.6 MIXING OF CATCH: The harvesting of different shellfish species on the same day is prohibited. Regardless of the different types of Commercial Permits held, fishermen shall not harvest more than one (1) species on any one (1) day.

3.7 RECREATIONAL PERMIT USE: Commercial fishermen must stay in compliance with Section 1, Paragraph 1.12 and abide by the Recreational Shellfish Regulations at all times.

3.8 ANNUAL CATCH REPORT: All permit holders must submit a copy of the Commonwealth's Annual Catch Report indicating the number of pounds and types of shellfish and eels harvested during previous twelve months. This report must be submitted to the Director of the Department of Natural Resources before the issuance of a new permit.

4 COMMERCIAL QUAHOG PERMIT REGULATIONS

4.1 MANPOWER ONLY: The taking of quahogs other than by manpower is prohibited.

4.2 AUTHORIZED HARVEST DAYS: Quahogs may be harvested Monday through Saturday only. No fishing is allowed on Sundays, or the Thanksgiving and Christmas holidays.

4.3 DAILY LIMIT: Shall not exceed three (3) level U.S. bushels - Bushel – U.S. dry measure; 2,150.42 cubic inches, or 32 quarts.

4.3.1 APPRENTICE DAILY LIMIT: Shall not exceed one (1) level U.S. bushel of quahogs, as defined.

4.4 METHOD RESTRICTIONS: Quahogs shall not be taken by means of skin-diving, snorkels, scuba gear, or shadow box.

4.5 RESTRICTED AREAS: Specific areas are closed to all commercial shellfishing. See Paragraph 1.12 and closure list published separately.

5 COMMERCIAL EEL PERMIT REGULATIONS

5.1 POTS/TRAPS: All eel pots shall be marked with the permit number assigned at the time of issuance. The flotation device shall be a minimum of six inches (6") by four inches (4"), capable of floating three (3) pounds eleven (11) ounces; be painted the colors assigned at issuance, use only sinking line, and have the permit number affixed thereto. Wooden buoys and plastic bottles are prohibited.

5.2 SETTING: Eel pots shall not be set in navigable established channels or where they may otherwise pose a hazard.

5.3 SIZE: Eels less than nine inches (9") in length shall not be taken.

6 COMMERCIAL CLAM PERMIT REGULATIONS

6.1 AUTHORIZED HARVEST SEASON: The harvesting of (soft-shelled) clams shall

be allowed only from May 1st until the first day of Scallop Season each year, with the following exception: Any areas under State mandated seasonal closures (i.e., Red Brook Harbor) will be opened March 1st, provided that the State has approved the opening of such closures.

6.1.1 AUTHORIZED HARVEST DAYS/HOURS: Clams may be harvested only on Mondays through Saturdays between the hours of Sunrise to Sunset.

6.2 AUTHORIZED HARVEST EQUIPMENT: Clams may be harvested by means of plunger or jet pump (manifold) which must not exceed four feet (4') in width with two inch (2") long one-quarter inch (1/4") nozzles at three inch (3") spacing along the width of the manifold which shall be restricted to only penetrate nine inches (9") below the bottom surface. This manifold specification may be altered with prior approval of the Director of the Department of Natural Resources. Clams are to be removed from the waters by hand or hand held rakes with a three-quarter inch (3/4") mesh opening to allow for free passage of seed clams. Pump engines shall be equipped with adequate muffler device to ensure that noise levels are kept to an absolute minimum and in no case shall noise levels exceed Federal or State minimum standards. The pump shall be rated at no more than five and one half (5.5) HP.

6.3 AUTHORIZED HARVEST AREAS: The harvesting of clams shall be restricted to the following areas, and shall be "Sub-Tidal" only, meaning six feet (6') seaward of the Mean Low Water line, or as otherwise noted below:

Back River East: That portion of Back River east of the Shore Road bridge up to the outer mouth of the Eel Pond inlet.

Bassetts Island East: From the stream located mid-island southerly to southern end of island.

Bassetts Island West: The entire westerly shoreline of Bassetts Island.

Buttermilk Bay: All of Buttermilk Bay.

Hen Cove: All of inner Hen Cove, outside of the Recreational shellfish markers and in deep water only.

Hospital Cove: All of Hospital Cove.

Little Buttermilk Bay: All of Little Buttermilk Bay.

Mashnee Dike West: The entire West Side of Mashnee Dike.

Phinney's Harbor: From the ramp at Chester Park to shellfish marker located at the house on stilts.

Red Brook Harbor: From Handy Point to most seaward portion of Long Point.

Scraggy Neck: The entire shoreline of Scraggy Neck.

Squeteague Harbor: All of Squeteague Harbor, excluding that portion north of a line drawn from a stationary marker on the westerly side of Squeteague Harbor to the end of Ocean Avenue.

Tobey Island East: The easterly shoreline of Tobey Island southerly from a marker at the beginning of Emmons Cove to sand spit at the south end.

Tobey Island West: The entire westerly shoreline of Tobey Island south to the sand spit.

Wings Neck: The southeasterly shoreline of Wings Neck, excluding Barlows Landing (see Closure BB: 49.3).

6.4 DAILY LIMIT: Shall not exceed three (3) level U.S. bushels, as defined.

6.4.1 APPRENTICE DAILY LIMIT: Shall not exceed one (1) level U.S. bushel of clams, as defined.

6.5 BOAT RESTRICTION: No more than two (2) Commercial Clam or Master Permit and one (1) Apprentice Permit holders per boat shall be permitted. The term "boat" as used herein shall mean a registered boat fully equipped with motor, jet pump and associated equipment capable of jet clamming independently of another boat.

6.6 HARVESTING: In Sub-Tidal areas, clams dislodged by means of jet pumping or hand plunger may be harvested inside the six foot (6') seaward Mean Low Water line by hand or hand held rakes, as outlined in Paragraph 6.2, provided that the pump motor has been shut off and the manifold and/or plunger unit has been placed on board the boat.

7 COMMERCIAL SCALLOP PERMIT REGULATIONS

7.1 RESTRICTED DAYS: Commercial permit holders shall be allowed to shellfish every day during the scallop season, as noted in Paragraph 1.23 except Sundays, Thanksgiving and Christmas.

7.2 DAILY LIMIT: Commercial permit holders shall be entitled to a daily limit of not more than five (5) level bushels, as defined.

7.2.1 APPRENTICE DAILY LIMIT: Shall not exceed one (1) level U.S. bushel of scallops, as defined.

7.3 BOAT RESTRICTION: Any one (1) boat shall be limited to not more than ten (10) level bushels of scallops per day for Commercial purposes.

*The Board of Selectmen adopted these Shellfish Rules and Regulations on , 2020.

PER ORDER OF THE BOARD OF SELECTMEN

Judith MacLeod Froman, Chair

James L. Potter, Vice Chair

George G. Slade, Jr.

Peter J. Meier

Jared P. MacDonald

Statement of method and time of publication, as required by Chapter 130, Section 52:

These regulations were duly posted at the Office of the Board of Selectmen, Buzzards Bay, Monument Beach and Pocasset Post Offices, and a certified copy was mailed to the Division of Marine Fisheries Director and to the Town of Sandwich Town Clerk.

-==> CONDITIONALLY STATE APPROVED SHELLFISH BEDS <==-
(Selectively Open/Closed – Opening Dates Always Subject To State Approval)

BACK RIVER - BB:47.1
November 1 - April 15 {Closed April 16}

The waters and flats of that portion of Back River, in the Town of Bourne, northeast of a line drawn from Rocky Point across to Maryland Avenue and west of the railroad bridge.

BACK RIVER & EEL POND - BB:47.2
November 1 - April 15 {Closed April 16}

The waters and flats of that portion of Back River and Eel Pond, in the Town of Bourne, east of the Shore Road Bridge.

HIAWATHA ROAD - BB:44.14
August 1 – May 31 {Closed June 1}

The waters and flats and all tributaries of Buttermilk Bay, in the Towns of Wareham and Bourne, southeast of a line drawn southwesterly from the orange "NO SHELLFISHING" sign located on the eastern shore at the entrance to Red Brook to the "NO SHELLFISHING" sign located approximately 50' south of the storm drain at Indian Heights Beach and northwest of a line drawn from the shellfishing sign on the beach at the southern end of #14 Hiawatha Road to the shellfishing sign at the southern end of the Leary property approximately 200' east of Red Brook.

LITTLE BAY – BB:46.2
November 1 – June 30 {Closed July 1}

The waters and flats of that portion of Phinney's Harbor north of a line drawn across the jetties at the Pocasset River, south of the Toby's Island Bridge and east of a line drawn from the western jetty at the mouth of the Pocasset River to the "NO SHELLFISHING" sign at the southern end of Toby's Island.

MACOS AND BUDDS - BB:43.4
November 1 – April 30 {Closed May 1}

The waters and flats of that portion of Fisherman's Cove, in the Towns of Wareham and Bourne, south of a line drawn across the Route 6 Bridge and north of a line drawn from the "NO SHELLFISHING" sign at #39 Buttermilk Way to the "NO SHELLFISHING" sign at the western end of the stone wall approximately 300 feet southwest of the railroad bridge.

MASHNEE ROAD – BB:46.3
September 1 – July 31 {Closed August 1}

The waters and flats of that portion of Phinney's Harbor north of a line drawn from the "NO SHELLFISHING" sign at the Mashnee Island Association Pier to the "NO SHELLFISHING" sign at the southern end of Rocky Point.

MONUMENT BEACH - BB:46.1
November 1 - May 31 {Closed June 1}

The waters and flats of Phinney's Harbor, in the Town of Bourne, east of a line drawn in a northeasterly direction from the most westerly pier on Toby's Island posted with a "NO SHELLFISHING" sign, to the "NO SHELLFISHING" sign at the end of Worcester Avenue.

POCASSET HARBOR - BB:49.3 (Barlows Landing)
November 1 – May 31 {Closed June 1}

The waters and flats of Pocasset Harbor in the Town of Bourne, north of a line drawn south from the house at 45 Harbor Drive on the western shore to the northern most tip of Bassett's Island thence east to the foot of Massasoit Avenue.

RED BROOK HARBOR - BB:49.1
November 1 - May 31 {Closed June 1}

The waters and flats of Red Brook Harbor in the Town of Bourne, east of a line drawn in a southeasterly direction from the end of the breakwater at 87 Elgin Road (large white house) to the end the breakwater of the Dorothy Bisbee house.

SQUETEAGUE HARBOR - BB:50.3
October 1 – June 30 {Closed July 1}

The waters and flats of Squetegue Harbor in the Towns of Bourne & Falmouth south and east of a line drawn from the end of the breakwater in Megansett Harbor to the Town marker on Lawrence Island.

-==> STATE PROHIBITED SHELLFISH BEDS <==-
(Closed At All Times)

BACK RIVER - BB:47.3

The waters and flats of Back River in the Town of Bourne located between Shore Road and the Railroad Bridge.

*** Discharge & Drainage Issues ***

BOURNE MARINA - BB:43.6

The waters and flats of the Bourne Marina in the Town of Bourne east of a line drawn across the mouth of the entrance.

*** Marina & Road Runoff ***

THE BROOK - BB:44.8 (Buttermilk Bay North)

The waters and flats of that portion of Buttermilk Bay, in the Town of Bourne, within the "NO SHELLFISHING" signs located approximately 50 feet on each side of the brook (at Hideaway Village) and extending seaward for 150 feet.

*** Brook Discharge & Road Runoff ***

CAPE COD CANAL EAST - BB:45.4

The waters and flats of the Cape Cod Canal easterly of a line drawn northerly across the Canal from Pole 100; westerly of a line drawn from the end of the Sandwich Breakwater to the end of the Scusset Beach Breakwater and northerly of a line drawn across the entrance to the Sandwich Boat Basin (BB:45.5).

*** Drainage Culverts & Boat Traffic ***

CAPE COD CANAL SAGAMORE BRIDGE - BB:45.3

The waters and flats of the Cape Cod Canal, east of Pole 100 and west of a line drawn north across the Canal at Pole 160.

*** Drainage Culverts & Boat Traffic ***

CAPE COD CANAL WEST - BB:45.1 (Also see BB:43.8 - Extension)

The waters and flats of the Cape Cod Canal, westerly of the Railroad Bridge and easterly of a line drawn from the southeast tip of the Massachusetts Maritime Academy Pier to the Cape Cod Canal Navigation Light #18 at the end of Jefferson Road.

*** Drainage Culverts & Boat Traffic ***

CRANBERRY BOG CREEK - BB:44.13 (Little Buttermilk Bay East)

The waters and flats of that portion of Little Buttermilk Bay, southeast of a line drawn from the "NO SHELLFISHING" sign located approximately 50' north of the mouth of the creek on the eastern shoreline to the "NO SHELLFISHING" sign located approximately 50' west of the mouth of the creek on the southern shoreline and extending seaward for 150 feet.

*** Bog Runoff ***

CREEK @ GARLAND PROPERTY - BB:44.12 (Little Buttermilk Bay East)

The waters and flats of that portion of Little Buttermilk Bay, northeast of a line drawn from the "NO SHELLFISHING" sign located approximately 50' from the mouth of the creek on the northern shoreline to the "NO SHELLFISHING" sign located approximately 50' south of the mouth of the creek on the eastern shoreline and extending seaward for 150 feet.

*** Farm Runoff ***

GRAY GABLES - BB:43.3

The waters and flats of that portion of Butler Cove known as Gray Gables in the Town of Bourne, northeast of a line drawn northwest from the "NO SHELLFISHING" sign at the wooden fence at the southern end of #7 Bryant Road to the "NO SHELLFISHING" sign at the west end of the stone jetty at the end of Presidents Road.

*** Drainage Culvert ***

HEN COVE - BB:49.5

The waters and of Hen Cove in the Town of Bourne, northeast of a line drawn southeast from the orange "NO SHELLFISHING" sign at the foot of Wabash Avenue to the orange "NO SHELLFISHING" sign at the foot of Hill Road.

*** Drainage Culvert & Salt Pond Drainage ***

JEFFERSON ROAD - BB:43.8 (Extension of BB:45.1)

The waters and flats of that portion of Fisherman's Cove, in the Town of Bourne, from the "NO SHELLFISHING" sign at the end of Jefferson Road to Red Canal Buoy "26", thence to Green Canal Buoy "27" and continuing to the "NO SHELLFISHING" sign at the northern most piling along the southern side of the Massachusetts Maritime Academy.

*** Culvert Pipe ***

PLOW PENNY ROAD – BB:47.4

The waters and flats and all tributaries of that portion of Back River from the "NO SHELLFISHING" sign at the southern end of the marsh system south of Plow Penny Road to the "NO SHELLFISHING" sign at the dock at #70 Old Dam Road.

POCASSET RIVER - BB:48

The waters and flats of Pocasset River in the Town of Bourne, southeast of a line drawn across the jetties at the entrance of Pocasset River.

* Drainage Culverts & Road Runoff *

QUEEN SEWELL COVE - BB:44.7

The waters and flats of Queen Sewell Cove in the Town of Bourne, south of a line drawn from the "NO SHELLFISHING" sign at #2 Cranberry Road Extension to the "NO SHELLFISHING" sign at #6 Quamhasset Road.

* Road Runoff *

RED BROOK RIVER - BB:44.4

The waters and flats of Red Brook River in the Towns of Wareham and Bourne, north of a line drawn west from the orange "NO SHELLFISHING" sign located on the eastern shore of Red Brook River to the orange "NO SHELLFISHING" sign located approximately 50 feet south of the storm drain and Indian Heights Beach.

* Road Runoff & Stream Outlet *

WINGS NECK CREEK - BB:49.4

The waters and flats of Wings Neck Creek north of a line drawn across the mouth of the creek.

* Road Runoff & Stream Outlet *

-=> SHELLFISH PROPAGATION CLOSURES <=- (Seed, Transplant & Contaminated Relay Areas)

~~BARLOW'S LANDING – BB:49.20~~

~~The waters and flats of that portion of Pocasset Harbor northeast of a line drawn from the end of the Barlow's Landing pier to the "NO SHELLFISHING" sign at the northeast corner of Thatch Island to the "NO SHELLFISHING" sign on the opposite shoreline.~~

~~* Relay Area *~~

~~EMMONS ROAD BRIDGE – BB:46.23~~

~~The waters and flats of that portion of Phinney's Harbor north of a line drawn from the "NO SHELLFISHING" sign at the driveway at #8 Briarwood Lane to the "NO SHELLFISHING" sign on the opposite shore on Toby's Island and south of the Emmons Road Bridge.~~

~~* Relay Area *~~

LITTLE BUTTERMILK BAY BB:44.20

"The waters and flats of that portion of Little Buttermilk Bay in the Town of Bourne Harbor within the following coordinates;
41045.992N/70036.490W (North) 41045.970N/70036.504W (Northwest) 41045.961N/70036.442W (East) 41045.937N/70036.455W (South)

* Relay Area *

TOBY'S ISLAND - BB:46.20

"The waters and flats of that portion of Phinney's Harbor within the following coordinates; from the "NO SHELLFISHING" sign on the road at 41.71389/-70.61849 northerly to the "NO SHELLFISHING" buoy at 41.71471/-70.61842 and westerly to the "NO SHELLFISHING" buoy 41.71475/-70.61973 and southerly to the "NO SHELLFISHING" sign on the road at 41.71397/-70.61975."

* Relay Area *

PENGUIN HOLE

The waters and flats of what is commonly known as Penguin Hole, located off Shore Road and across from Bennetts Neck Drive.

~~ VALID AS OF DECEMBER 11, 2019 **~~**

NOTE: **REGARDLESS OF DATES SHOWN, NO CLOSED AREAS AUTOMATICALLY RE-OPEN UNTIL TESTED AND APPROVED BY THE STATE! Always check with the Department of Natural Resources before harvesting shellfish in a previously closed area to ensure that the closure has been lifted.**
www.townofbourne.com