

TOWN OF WEST TISBURY
OFFICE OF THE SELECTMEN (508) 696-0102
Box 278 West Tisbury, Massachusetts 02575

SHELLFISH REGULATIONS

By authority vested in the Selectmen of the Town of West Tisbury by Chapter 130 Section 52 of the General Laws, and by vote of the Town authorizing the Selectmen to control, regulate or prohibit the taking of eels, oysters, clams, quahogs, and scallops within the Town of West Tisbury, the Selectmen of said town hereby adopt the following regulations effective May 1, 1981 amended April 1, 1993, December 2, 1995 and January 29, 2014

SECTION I - GENERAL

1. All persons are prohibited from taking any eels, clams, quahogs, sea clams, razor clams, oysters, or scallops from the waters of the Town without a valid permit, said permit to be issued and used only in accordance with the terms, conditions, and restrictions herein set forth
2. Permits shall be issued for a period of one year from July first.
3. Anyone setting pots for the purpose of taking eels must obtain a permit. Non-residents may not obtain a permit to set six or more pots.
4. No person shall dig, pile, take, or carry away shellfish or shells by any method whatever from any waters, flats, or creeks between the time limits of one half hour after sunset and one half hour before sunrise.
5. No starfish or winkles shall be returned to the water but placed upon the shore substantially above the water line at high tide.
6. No persons shall take or have in his possession seed shellfish, soft shell clams, or quahogs less than two inches in the longest diameter or seed oysters less than three inches in the longest diameter. Any so taken shall be returned to the waters and flats from which they were taken. This shall not apply to those who hold a special permit to move seed during specific periods under the supervision of the Shellfish Constable. A special permit from the Director of Marine Fisheries is required for such work.
7. All persons taking or carrying away or having in possession shellfish of any kind, in boat or container, shall exhibit same for inspection on demand from the Shellfish Constable or Police officer.
8. The Selectmen may suspend, for cause, any permit granted by them for such time as they deem proper. Due notice, in writing, shall be given the permit holder of such

suspension. Any person whose permit has been suspended shall surrender same to the office of Selectmen until the period for which it was suspended has expired.

9. The Selectmen will set the daily limits for shellfishing, as well as the number of days within any week and the number of weeks within any season in which shellfishing is allowed.

10. No persons shall plant, place or transplant shellfish into or onto any waters or shellfish areas within the Town without first obtaining a special permit therefor from the Selectmen and the Department of Marine Fisheries.

10. No clamming shall be carried on when the air temperature is below 32 degrees F.

11. No oystering shall be carried on when the air temperature is below 28 degrees F.

12. There will be no fishing in closed areas. From time to time areas in the Great Pond, as well as James Pond, may be closed because of water quality (pollution).

SECTION II - FAMILY PERMITS

1. All adults over 18 years of age shall have a permit. No more than one permit may be issued to a family. The definition of family being a person or group of persons, whether or not related by blood or marriage, residing under the same roof in a dwelling unit. The use of the permit is limited to whom it was issued and any member of his family as defined herein. In order to be eligible for a family permit to take eels and shellfish, applicant must be able to provide, to the satisfaction of the Board of Selectmen, information or documentation necessary to demonstrate eligibility.

2. Permits must be made available by the permit holder upon request of the Shellfish Constable, his deputies, or a police officer.

3. The use of a shovel for taking shellfish is prohibited.

4. People fifteen years of age or younger shall not harvest shellfish unless accompanied by an adult holding a valid permit. Said adult will be held responsible for all actions of the non-licensed person.

5. Permits may be obtained to harvest shellfish in the waters of James Pond for family purposes only.

6. This permit does not allow the taking of shellfish of a size, or during a season, prohibited by law; and the amount therefor taken for any family shall not exceed in anyone week one bushel of oysters or one half bushel of clams. Family shellfish permits include one half bushel per week per family for quahogs at Lamberts Cove.

7. Definitions

- TENANT PERMITS may be issued to tenants by lease who can demonstrate to the Board of Selectmen/s satisfaction that their tenancy in the Town of West Tisbury is for a minimum of thirty consecutive days. The tenant is subject to the guidelines as defined in Section II. 1. The permit is valid for the period of time the person resides in West Tisbury.

- FAMILY PERMITS may be issued to a person (resident and/or taxpayer) to take eels and shellfish. Applicants must be able to provide, upon request and to the satisfaction of the Selectmen, any information and/or documentation they deem necessary to prove that he or she is domiciled in West Tisbury. A domicile shall be a fixed permanent location and permanent home for legal purposes.

SECTION III - COMMERCIAL PERMITS

1. In order to be eligible for the issuance of a commercial permit to take shellfish and eels, an applicant must be, eighteen years of age or older and be a permanent full-time resident of the Town. The applicant shall complete the permit application and submit it to the Board of Selectmen and to the Shellfish Constable for review, together with any additional information or documentation requested by the Selectmen to demonstrate eligibility. The applicant has the burden of demonstrating eligibility to the satisfaction of the Selectmen. Upon receipt of a completed application, the Board of Selectmen shall, within seven business days, make a determination with respect to the issuance of the permit

2. The applicant may not have a Commercial Permit if he or she holds a valid (commercial) permit in another town. The permit is valid only for that period of time that the permit holder maintains residence in this Town.

3. The number of bushels of soft-shell clams taken per week by commercial permit holders will be set by the Selectmen.

4. Commercial shellfishing is not allowed on Sundays.

5. Every commercial permit holder must submit a catch report before January 5 each year; failure to do so will result in denial of issuance of a shellfish permit to the applicant (family and/or commercial) until such report has been received by the Selectmen. It is the permit holder's responsibility to verify his report if so asked.

6. There may be closings of clam and oyster seasons at the discretion of the Selectmen.

7. There shall be no oysters taken commercially which are under three inches in length.

8. No commercial shellfishing permit holder shall come ashore with his catch and then return to the waters for additional shellfish in excess of established limits without the permission of the Shellfish Warden or one of his deputies.

9. No shellfish shall be left in bags or other containers in the water after harvesting. All shellfish must be removed and inspected by the Shellfish Constable at a designated site to be named at the beginning of each season.

10. Off-Shore commercial limits are as follows:

Sea scallops - 200 bushels per day Sea clams - 100 bushels per day Mahoganies - no limit

SECTION IV. - COMMERCIAL EEL and HERRING PERMITS

1. All holders of commercial eel permits are entitled to employ not less than six, but not more than thirty pots.
2. All pots shall be equipped with a styrofoam type buoy which is identified by colors painted on it at the time of the issuance of a permit and the permit number shall be clearly printed on the buoy.
3. Pots shall not be set in established navigable channels.
4. Eels less than ten inches in length shall not be taken.
5. Commercial eel and herring fishermen are required to submit a catch report.
6. The length of the season is from April 1 to November 30.
7. Herring nets maximum length is 100 feet.

SECTION V. FEES & SEASONS

1. Fees

A. Commercial

Oysters	\$150
Clams	250
Eels (resident)	50
Eels (non-resident)	125
Herring*	50
Sea scallops	200

B. Family (Oysters and clams)

Over 65 years old	\$-0-
Under 55	25
Tenant	50
Non-resident	125

c. Family (Other)

Eels 5 pots or less	\$ 10
Sea scallops	50
Herring*	10

*see Herring regulations

2. Seasons

Clams - Family and Commercial:

March 1st thru November 30th

Oysters - Family:

November 1st – April 30th

Oysters - Commercial~

November 1st thru April 30th

SECTION VI - ENFORCEMENT & PENALTIES

1. These regulations and specifications shall remain in full force and effect until revoked by a vote of the Board of Selectmen or the voters of the Town.

2. All sections of M.G.L. Chapter 130 that apply to shellfish shall be enforced.

3. Whosoever violates any of the above rules, regulations or laws shall be punished by a fine of not less than ten dollars nor more than one thousand dollars in addition to the suspension or revocation of any license at the discretion of the Board of Selectmen.

4. The penalty upon conviction of poaching or stealing shellfish shall be the loss of license for six-months for the first offense and/or a fine of not less than ten dollars nor more than one hundred dollars. Those who molest or otherwise misuse pots for crab, lobster or eel belonging to others shall be subject to these penalties.

5. Whoever takes or has in possession quahogs or soft-shelled clams less than two inches in longest diameter or oysters less than three inches in the longest diameter, hereinafter referred to as seed quahogs, seed clams, or seed oysters, to the amount of more than five percent of any batch, shall be punished by a fine of not less than five nor more than fifty dollars or by imprisonment for not more than thirty days; provided, that it shall not be unlawful to take seed quahogs, seed clams, or seed oysters, or have the same in possession under authority of a permit therefor, which the director is hereby authorized to grant, for replanting in waters or flats within the Commonwealth. M.G.L. Chapter 130 Section 69

The foregoing regulations are hereby approved by the Board of Selectmen this day,

January 29 2014

West Tisbury Board of Selectmen