



SHELLFISH REGULATIONS

TOWN OF TISBURY

By authority vested in the Selectmen of the Town of Tisbury by Chapter 130 of the Massachusetts General Laws as amended, and by vote of the Town, at the Annual Town Meeting, held February 13, 1945, specifically Article 11, authorizing the Selectmen to control, regulate or prohibit the taking of eels, clams, quahogs and scallops within the Town of Tisbury, the Selectmen of said Town hereby make regulations as follows:

1. No person, without a permit from the Selectmen, shall take from the waters of said Town any eels, clams, quahogs, or scallops except as specifically allowed by law. Before receiving a resident family permit or commercial license, the applicant shall provide three (3) proofs of residency requirements such as current tax bills, voter registration, listing on annual street list, utility bills stating location of service, MA State issued identification card and drivers' license.
2. No person shall be granted any such permit for the taking of quahogs and clams or scallops unless he/she agrees (and the acceptance of such permit shall constitute such an agreement) that he/she will at any time or place, when requested to do so by the Selectmen or by their authorized agent, or by any Constable of said Town, open such building, boat, barrel, tub, crate, or other receptacle belonging to him/her, or being under his/her control, and fully expose to him/her the contents thereof for inspection. Failure to do so upon request by any Shellfish Constable or appointed Deputy may result in revocation or suspension of shellfish licenses or permit..
3. Any person is obligated, on request of the Constable or his/her assistants to land his/her catch that it may be inspected, or display his/her license. The landing places are as follows:
 - *Tashmoo Pond at the foot of Lake Street
 - *Vineyard Haven Harbor at the Town Pier
 - *Lagoon Pond at the Ramp
4. Every license, permit or certificate issued under the provisions of this Chapter or any provision of law relating to marine fish or fisheries, or rules and regulations made under authority thereof, held by any person convicted of a violation of any of the laws relating to marine fish and fisheries or any regulations made under authority thereof by a court of competent jurisdiction, shall be suspended and inoperative for one month for the first offense, three months for the second offense and for one year for any subsequent offenses. (Chapter 130, section 2)
5. Any person taking seed scallops, quahogs, or clams from the flats or tidewaters of said Town is subject to a fine not exceeding twenty-five dollars for each offense unless he/she immediately returns them to tidewater which is at least three feet deep at mean low water (A seed scallop is any scallop which does not show a well-defined growth line, regardless of size; quahogs must be 1" thick and clams are no less than 2" in diameter). Whoever has in his/her possession more than 5% seed shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00) or imprisonment for thirty days, or both. All shellfishermen must have in their possession an official shellfish gauge when harvesting quahogs or clams.
6. All shellfish must be landed in the shell.
7. Dredging may be prohibited, with the approval of the Board of Selectmen in any area where, in the Constable's opinion, too much seed is endangered. Hydraulic jetting, including propeller dredging, for any species of shellfish in Tisbury waters is prohibited.

All quahog and clam dredging or jetting is strictly prohibited in Lake Tashmoo and Lagoon Pond. Hand digging or raking are allowed in the ponds Quahog dredging may be allowed in the harbor with written permission from the constable.
8. Whoever catches or takes from the coastal waters any green crabs, spider crabs, mud crabs, starfish, winkles, or their egg strings, or cockles, and codium, shall deposit the same at some place above high water mark, at one of the official landing places. (Chapter 130, Section 103).
9. Whoever violates any provisions of Paragraph 8 above, shall be punished by a fine of five dollars and, in addition thereto, all permits and licenses issued to such person under the authority of this Chapter shall be void and no new permit or license shall be issued to him/her under such authority within the six months next following the date of his/her conviction except upon approval of the Director.
10. Commercial taking of shellfish shall be prohibited in the area described as follows: In Lagoon Pond from behind Wind's Up between Packer's pier towards the landing, just short of Derek Cimeno's Memorial Bench, as marked by the Shellfish Constable; in Lake Tashmoo, the north end the pond, going from East to West of inside red buoy as marked by the Shellfish Constable.

11. No person shall take scallops for either family use or for commercial use from April 1 of any calendar year until a date after October 1st set for opening the scallop season by the Selectmen, for family or commercial use for the following areas: Tashmoo Pond, Lagoon Pond, Vineyard Haven Inner and Outer Harbor.

12. The shellfish constable with consultation from the shellfish advisory committee may designate an area each scallop season for dip-netting only. The area will be marked with buoys set out by shellfish personnel. No dragging will be allowed.

13. No boat used for the taking of scallops shall exceed twenty-four feet (24') in length at the water line in Lagoon Pond and Lake Tashmoo.

14. Scallop dredges must not have any lead in their construction and must be individually tied to the boat, gang dredges are prohibited. (Gang dredges are more than two dredges fasten together) Drags with teeth, tines, rakes, scoops, fingers or any other extension, attachment, or device the constable finds harmful or damaging to eelgrass or any other benthic zone vegetation are strictly prohibited. No boat shall use more than four (4) drags, at any one time. No drag shall exceed thirty- six inches (36") in width.

15. Any person holding a valid resident license may obtain one and only one bushel of scallops per week, per boat, for an elderly resident or a disabled resident who is unable to fish but who holds a valid permit, provided that the person for whom the scallops are obtained first notifies the shellfish warden in person or in writing and that the fisherman carry that person's shellfish license when fishing. All shellfish permit holders shall be physically present for the entire duration of the time required to catch the daily limit with the exception as noted above in paragraph 15.

16. All areas shall be open to shellfishing with the exception of the following: Vineyard Haven Harbor is closed from May 1 - October 31 each calendar year. In Tashmoo the area from Packers dock across the pond by the Herring run is closed permanently.

17. The posting of these regulations shall in no way prohibit the Selectmen from making the changes after notice and public hearing. Changes in Shellfish Regulations will be posted and will, immediately thereafter, be applicable.

18. The Statutes of the Commonwealth and all general regulations of the Town shall apply to the family permit.

19. Violation of any part of the Town regulations shall be subject to punishment as follows: Fifty Dollar (\$50.00) fine and suspension of license for **one month** for the first offense, One Hundred Dollar (\$100.00) fine and suspension of license for **3 months** for the second offense and Five Hundred Dollar (\$500.00) fine and suspension of license for **one year** for the third offense. If there are no subsequent offenses during a three (3) year period starting with the date of the last offense, the individual will be considered to have a clean slate.

a. License suspensions: violators of these regulations must appear before the Board of Selectmen and said Board may call upon the recommendations of the Shellfish Constable or Deputy Shellfish Constable and Shellfish Committee to have such license suspended.

20. Temperature must be at least 29 degrees Fahrenheit scallopers have until noon for it to reach temperature. If it doesn't then the Constable and Assistant Constable have authority to suspend scalloping. The link to the temperature can be found on the Town's website or at <http://sailflow.com/map#41.427,-70.634,10,1,46182,2> In addition there will be a red flag flown at the landing areas for Lagoon, Vineyard Haven Harbor and Lake Tashmoo if the temperature is below 29°F.

21. No Shellfishing shall be allowed where an abundance of scallop seed and/or broodstock is prevalent as determined by the Shellfish Constable, and will be marked with black buoys and/or signs.

22. The transfer of shellfish from one licensee to another is strictly prohibited.

23. Thanksgiving – Open for recreational family licenses only.

Christmas – Closed for all shellfishing.

COMMERCIAL SHELLFISH PERMITS

1. Whoever takes any shellfish from their beds in said Tisbury without such permit, except for family use or for bait as aforesaid or contrary to the provisions of such permit, is liable to a penalty of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

2. No person shall be entitled to receive such permit for commercial use unless he/she can satisfy the conditions listed as follows:

a. Shall be at least 16 years of age

b. No permit for the taking of shellfish for commercial purposes shall be issued by the Selectmen to an alien unless he has resided in the Town of Tisbury for at least five years preceding the date of his/her application therefore, or has been a resident of the country in which the town lies for at least five years next preceding the date of such application and has taken shellfish commercially there from for such period. (Chapter 130, Section 55).

c. Shall be domiciled in the Town of Tisbury for at least one (1) year before making application. Domicile shall mean the place where a citizen of the United States of America has his/her true, fixed, and permanent home which is his/her principal residence and to which he/she, when absent, regularly returns. Domicile is also the dwelling place he/she inhabits more frequently and for longer periods than any other (excluding business or government service temporary duty assignments) during the course of the calendar year. Before receiving a commercial permit the applicant shall provide three (3) proofs of residency requirements such as current tax bills, voter registration, listing on annual street list, utility bills stating location of service, MA State issued identification car and drivers' license.

d. Show the number of his State license or a copy of a money order made out to the Division of Marine Fisheries as proof that the State

license has been applied for.

3. The Commercial Permit fee is Three Hundred fifty Dollars (\$350.00) per calendar year. A commercial license is valid upon payment of the fee of \$350.00 and completion of a signed statement by the applicant that he/she has received a copy of the Tisbury Shellfish Regulations and agrees to read and abide by those Regulations.

4. All Commercial Permits have to be purchased January 1- March 31. Unless applying for Hardship:

a. Hardship: a condition that is difficult to endure; suffering; deprivation; oppression; misfortune. E.g.: financial difficulty, medical problems, military service or some other problem.

A person may apply for hardship if they are unable to make the March 31 deadline for a commercial license in the Town of Tisbury they must fulfill the said commercial license requirements and then meet with the shellfish committee for a vote of approval at their next meeting. Meetings will be held every third Thursday of the month at the Tisbury Annex building at 6pm.

5. No person shall be granted a commercial license for shellfishing unless he/she uses standard bushel boxes or baskets as a measure.

6. No person shall take in any one day from the shellfish beds of the waters of the Town of Tisbury more than THREE LEVEL BUSHEL boxes or THREE LEVEL baskets of scallops, or TWO LEVEL BUSHEL boxes or TWO LEVEL baskets of quahogs of which only ONE LEVEL box or ONE LEVEL basket shall be known as littlenecks, or ONE LEVEL box or ONE LEVEL basket of soft-shell clams in their shells. All shellfish must be landed in standard bushel boxes or baskets. Standard bushel boxes measuring 18" x 10 1/2" x 12 1/4" +/- 1/4" or a wire bushel basket holding 32 quarts. Any person leaving the ponds before his/her limit is taken must have his/her boat inspected upon leaving the first time; have his/her boat inspected if and when he/she returns to complete his/her limit and have any additional catch inspected when he/she leaves the ponds.

Notwithstanding the above, persons are permitted a maximum of five (5) bushel boxes or baskets of quahogs in their shells of which no more than two (2) bushels shall be known as littlenecks, in any one day from the inner and outer harbor of the Town of Tisbury, no more than two (2) commercial shellfish licensees are allowed in a boat for commercial use. There shall be no more than two (2) shellfish limits landed per boat per day.

7. No person shall loan his/her boat or let it to another for commercial use without first notifying the Shellfish Constable.

8. Scallops shall be taken commercially Monday through Friday from seven o'clock a.m. to four o'clock p.m. No person shall take from the waters of said Town any eels, clams, quahogs or scallops for commercial use on Saturday or Sunday, with the exception of 8a.

a. Commercial licensees are permitted to fish for scallops on Monday through Friday only, except if it is too cold to fish on one or more weekdays, then they may fish on Saturday of that week. Commercial licensees shall not fish on Sunday of any week.

9. Quahogs and clams may be taken, for commercial use, during the period from one-half hour before sunrise until one-half hour after sunset.

10. Missing signs: The harvesting of shellfish is prohibited in areas so posted by the Shellfish Constable, regardless of the fact that weather or other circumstances may from time to time remove signage, it is the responsibility of each Commercial License holder to become familiar with all closed areas. Missing signage should be reported to the Shellfish Department.

11. No scuba diving for Commercial Licensees.

12. Commercial permits will be issued at the discretion of Shellfish Constable.

13. All new commercial applicants shall meet with the Shellfish Constable prior to receiving their commercial shellfishing permit.

FAMILY SHELLFISH PERMITS

Family permits will be issued at the discretion of the Selectmen. Before receiving a family permit the applicant shall provide three (3) proofs of residency requirements such as current tax bills, voter registration, listing on annual street list, utility bills stating location of service, MA State issued identification card and drivers' license.

1. Legal residents and their immediate family, (husband, wife, and children under 18 years of age), of the Town of Tisbury for at least six months, and/or municipal taxpayers of the Town of Tisbury holding a family permit; also non-residents holding a family permit may take the following species and amounts of shellfish for personal use only, not to be sold:

One half bushel of mixed species: Steamer clams and/or quahogs

SCALLOPS - One bushel in any one week, including shells. No scallops shall be taken between April 1 and the date set each year by the Selectmen. Family scallops may be taken only between 7:00 a.m. and 4:00 p.m.

2. This permit does not allow the taking of shellfish of a size or during a season prohibited by law and the amount therefore taken for any family shall not exceed in any one week one bushel of any kinds of shellfish.

3. Family catch is limited to three limits per boat per week.

4. Scuba diving to be allowed on Saturdays and Sundays for Family licensees.

5. A one (1) week non-resident family shellfish permit, a two (2) week non-resident family shellfish permit and a one (1) month non-resident family shellfish permit shall not be valid between the date of September 30th and the date of April 1st.

6. The Family Permit Fees are as follows:

Resident - \$40.00 (Calendar year)

Senior (65+) Resident - \$5.00 (Calendar year)

Non-resident - \$400.00 (Calendar year)

Non-resident - \$75.00 (One Month)

Non-resident - \$50.00 (Two Weeks)

Non-resident - \$25.00 (One Week)

Given under our hands this Seventh day of June in the year Two Thousand and Sixteen.

Tisbury Board of Selectmen

Larry J. Gomez Chairman

Tristan R. Israel

Melinda F. Loberg

AMENDED THROUGH

September 25, 2012

December 11, 2012

June 3, 2014

June 7, 2016

March 6, 2018

A True Copy Attest:

_____ Date: _____
Alexandria Kral, Executive Assistant to the Board of Selectmen

Attest:

_____ Date: _____
J. Hillary Conklin, Tisbury Town Clerk

Posted at:

Tisbury Town Hall

New Town Hall Annex

Vineyard Haven Public Library

Tisbury Senior Center

Tisbury Police Department

_____ Date: _____
Constable

