

TOWN OF COHASSET

SHELLFISH REGULATIONS

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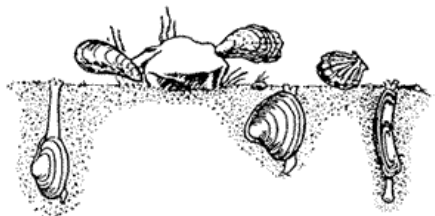
PERMITTING AUTHORITY:

{THIS IS WHERE WE WOULD PUT} At a regular meeting of the Select Board **held on (DATE)** the following rules and regulations superseding those previously adopted, which cover the taking of shellfish, eels and seaworms from the waters and flats of the Commonwealth within the limits of the Town of Cohasset. **Effective (DATE), the following regulations are hereby adopted by the authority of MGL, Chapter 130, Section 52 and Town Meeting vote passed (DATE)**

SEVERABILITY CLAUSE:

In the event that any provisions, section or clause of these regulations are hereafter found to be invalid, such invalidity shall not affect the validity of the remaining portions of these regulations.

All shellfish permits are non-refundable and shellfish beds are subject to closures at any time by the Division of Marine Fisheries or the Natural Resources Officer.



Section I - Recreational Shellfish Permits

Issued to a qualified citizen for the sole purpose of harvesting shellfish, eels, and sea worms within the Town of Cohasset by the permit holder and his or her immediate family. Immediate family shall mean the permit holder, spouse or partner who is legally domiciled at the same address as the permit holder, and children under the age of eighteen (18). The use of this permit is limited to personal, non-commercial purposes including sustenance.

The permit applicant must show to the satisfaction of the permitting authority, such as a valid photo ID and/or a Town of Cohasset real estate tax bill, that they are entitled to a permit. An application form may be required to be submitted and approved before the issuance of the permit. "Permitting Authority" shall mean the Cohasset Police Department Natural Resources Officer or authorized designee. Shellfish permits are non-transferrable.

Recreational Permit Types:

- 1) **Resident Permit** – Issued to a person who proves to the permitting authority they are either legally domiciled or own taxable real estate with a habitable dwelling, occupied by the applicant for at least 3 months in the Town of Cohasset. "Domicile" shall be a fixed, permanent, and principal home for legal purposes.
- 2) **Massachusetts Resident Permit** – This permit may be issued to any resident of the Commonwealth of Massachusetts who can show to the satisfaction of the permitting authority that the applicant is legally domiciled within the Commonwealth of Massachusetts.
- 3) **Senior Resident Permit** – This permit may be issued to a resident that is age sixty-five (65) or older and can prove to the permitting authority that they are domiciled or own taxable real estate with a habitable dwelling occupied for at least 3 months by the applicant in the Town of Cohasset.
- 4) **Temporary Shellfish Permit** – This permit may be issued to a non-resident for a limited period of time. Permit options are one (1) calendar week, two (2) calendar weeks, or a one (1) month permit. The one-month permit shall only be issued for four consecutive weeks.
- 5) **One Day Educational Outreach Permit** – Issued to a person ten (10) years of age or older for harvesting shellfish while taking part in an Educational Outreach Program sponsored by the Cohasset Police Department, or authorized agency. The Educational Outreach Permit shall allow the permit holder to harvest up to one-half (1/2) peck of shellfish while actively involved in an educational outreach program. The permit is only good for the day of the sponsored event. No refund will be issued if the event is cancelled, however it will be honored for a future event.
- 6) **Disabled Person** – A permit holder who is physically disabled and unable to reasonably harvest shellfish may request approval for another person to assist in harvesting shellfish for the permit holder. Satisfactory medical documentation must be submitted and meet the satisfaction of the permitting authority for approval. No person shall be allowed to harvest shellfish for more than one disabled person.



Section II – General Regulations

All shellfish permits issued are subject to changes within the Rules and Regulations as well as amendments thereto that the Cohasset Select Board may deem necessary or expedient and so adopt under the provisions of Chapter 130 of the Massachusetts General Laws.

- 1) No person shall harvest or attempt to harvest shellfish from any shellfish bed within the Town of Cohasset without first obtaining a shellfish permit from the Town of Cohasset.
- 2) No minor under the age of fifteen (15) years of age shall take shellfish unless accompanied by a Town of Cohasset shellfish permit holder, in which case, the permit holder shall be responsible for all acts of said minor.
- 3) Recreational shellfish permit holders shall review the shellfish designation maps prior to shellfishing. Shellfish designation maps are located online at www.cohassetma.gov. Shellfish designation maps are subject to change unexpectedly per order of the Massachusetts Division of Marine Fisheries.
- 4) Shellfish permit shall be visibly worn at all times during the harvesting and when in possession of shellfish.
- 5) Recreational shellfish permit holders or any person actively engaged in shellfishing or having in their possession shellfish in a boat, vehicle or container shall present the shellfish permit along with positive identification and shall display all shellfish catch upon request from any Natural Resource Officer, Shellfish Constable, Deputy Shellfish Constable, Cohasset Police Officer, Massachusetts Environmental Police Officer the Cohasset Harbormaster or such officials as the Select Board or Town Manager may designate as enforcement authority for the Town of Cohasset Shellfish Regulations.
- 6) All shellfish shall be properly measured and culled by recreational shellfish permit holders. Only single oysters without juvenile oysters or seed attached shall be recreationally harvested. Allowing the attached oysters to stay intact to the shell increases the survivability of the attached oysters.
- 7) All holes created while harvesting shellfish above the mean low water mark shall be back-filled before leaving the area, taking care not to break or crush any shellfish seed.

- 8) No shellfish permit holder shall come ashore with shellfish and thereafter on the same day return to the waters of the Town of Cohasset for the purpose of harvesting additional shellfish.
- 9) All shellfish harvested under the Town of Cohasset permit shall be landed in the town unless approved by the Cohasset Police Department Natural Resources Officer. Shellfish harvested from other Towns shall not be landed in the Town of Cohasset without permission from the Natural Resources Officer.
- 10) All shellfish shall be brought ashore whole and in the shell.
- 11) Harvesting of shellfish is prohibited on Thanksgiving, Christmas Day, and New Year's Day.
- 12) The recreational permit holder shall be cognizant of closed areas and shellfish grants. Recreational harvesting is prohibited within these areas.
- 13) The removal of beach grass, marsh grass, or peat banking is prohibited.
- 14) Wet storage of shellfish is prohibited unless authorized by the Division of Marine Fisheries.
- 15) Shellfish gardening and private aquaculture sites for personal use are prohibited.
- 16) Anyone who violates any provision of the Massachusetts General Laws, Chapter 130, or the Town of Cohasset Shellfish Rules and Regulations established there under, shall, in addition to any fines imposed, forfeit any and all shellfish in their possession.

Required Recreational Harvesting Equipment

- 1) Recreational permit holders shall be required to utilize a standard one (1) peck wire basket designed for shellfish harvesting while harvesting clams, quahogs or oysters. Only one (1) basket is allowed per recreational permit.
- 2) Recreational permit holders shall have a standard shellfish gauge in their possession at all times while harvesting soft shell clams, quahogs or oysters.
- 3) Shellfish shall be harvested by hand, standard basket or basketless rakes, short handle clam rakes or plunger with an attached dip net.

Prohibited Recreational Harvesting Equipment

- 1) The use of shovels, spades, pitchforks or any similar type of equipment for harvesting shellfish is prohibited.
- 2) Commercial harvesting equipment such as tongs, jerk-rakes, or bull rakes for recreational harvesting of shellfish is prohibited.

- 3) The use of any mechanical hydraulic harvesting equipment is prohibited.

Recreational Scallop Harvesting

- 1) Effective October 1st through March 31st, scallops may be harvested in all town waters.
- 2) During scallop season, recreational permit holders shall utilize dip nets or bag rakes to harvest scallops.
- 3) The use of scallop drags by recreational permit holders shall be limited to Fridays and Saturdays. Only two (2) drags are allowed per boat and no more than two (2) recreational shellfish permit holders are allowed per boat.
- 4) Only bar or chain sweep scallop drags are permitted, and frames shall not exceed thirty-six (36") inches in width. Lead rollers, teeth and scoops on drags are prohibited.
- 5) At no time shall scallop drags be used in areas that may interfere, cause damage or endanger people or property.
- 6) Scallop drags are prohibited within Little Harbor.
- 7) Diving for scallops or shellfish shall be prohibited in areas where boats using scallop drags are operating.

Recreational Permit Holder - Scuba Diving or Snorkeling for Shellfish

- 1) Recreational permit holders may harvest shellfish while using scuba or snorkel equipment.
- 2) In accordance with the laws of the Commonwealth of Massachusetts, diving flags of proper size shall be displayed at all times when divers are in the waters. Divers must stay within one hundred feet (100') of the dive flag.
- 3) The recreational shellfish permit number shall be displayed on the diver's flag in a visible manner.
- 4) The taking of shellfish from water depths less than six (6') feet is prohibited.
- 5) Shellfish shall be harvested by hand or short rake.
- 6) The use of any suction and/or air tank device for the purpose of disrupting the sea bottom to expose shellfish is prohibited.
- 7) Diving for scallops or shellfish shall be prohibited in areas where boats using scallop drags are operating.

Shellfish Sizes and Measurements

- a. **Soft Shell Clams:** Minimum of two inches (2") in longest diameter.
- b. **Oysters:** means a marine mollusk of the species *Crassostrea virginica* commonly known as the American oyster. Minimum of three inches (3") in longest diameter.
- c. **Quahogs:** means a marine mollusk of the species *Mercenaria mercenaria*, commonly known as a hardshelled clam, little neck or cherrystone. Minimum of one inch (1") in shell thickness (hinge width).
- d. **Scallops:** means a marine mollusk of the species *Argopectin irradian*, commonly known as the Cape scallop, Bay scallop or blue-eyed scallop. Well defined, raised annulus or growth ring shall be present.
- e. **Eels:** means a catadromous marine animal of the species *Anguilla rostrata*, commonly known as the American Eel. Review the Massachusetts Division of Marine Fisheries abstract for size and limits.
- f. **Conch:** means those species known as *Busycon carica* (knobbed whelk) and *Busycotypus canaliculatus* (channeled whelk). Review the Massachusetts Division of Marine Fisheries abstract for size and limits.
- g. **Mussels:** a marine mollusk of the species *Mytilus edulis*, commonly known as the blue mussel, or of the species *Modiolus demissus*, commonly known as the brown, ribbed mussel. Equipment variations and size as follows: 1. No larger than 36" in width, traditional scallop dredge (no hydraulics). 2. No larger than a 36" tooth mussel dredge (no hydraulics). 3. No larger than a 24" cutting bar sea clam dredge (no hydraulics). 4. Regular pitchfork (mussels only).

Recreational Catch Limits

- 1) Recreational Shellfish Permit Holders shall not harvest more than one (1) level peck of shellfish (quahogs, clams or oyster or combination of) per week.
- 2) During scallop season a recreational shellfish permit holder may elect to harvest up to one bushel of scallops per week in lieu of the one (1) peck of shellfish as defined in the "**Recreational Catch Limits**" – Section 1)
- 3) Recreational shellfish permit holders shall not harvest more eels than the amount determined by the Massachusetts Division of Marine Fisheries per calendar day for personal use or possess more than allowed by the Division of Marine Fisheries while eel fishing, by means of spears

or no more than two (2) eel pots. All such eel pots shall be identified by a yellow Styrofoam or rubber buoy with the recreational shellfish permit number and phone number of permit holder clearly displayed. The floatation device shall be a minimum of six inches (6") by four inches (4"), capable of floating three (3) lbs. eleven (11) ounces. Wooden buoys and plastic bottles are prohibited. Eel pots shall not be longer than thirty-six inches (36") and fifteen inches (15") wide.

Seasonal Shellfish Restrictions

- 1) The harvesting of soft shell clams is restricted to designated areas to be determined by the Select Board with consultation from the Natural Resources Officer, June 1st through September 15th.
- 2) Recreational Shellfishing is prohibited on Sundays.
- 3) The taking of scallops is prohibited from April 1st through September 30th.
- 4) Recreational taking of oysters is prohibited from May 1st through September 30th.

Allowable Harvest Hours – (unless otherwise specified, shellfish may be harvested only during the following hours)

- 1) All shellfish shall be harvested, culled and landed above the mean high water line only during the following times:
 - Daylight Savings Time – Sunrise to 6:00 PM
 - Standard Time – Sunrise to 4:30 PM
 - Scallop Season – Sunrise to 4:30 PM, October 1st through March 31st.

Recreational Only - Management Areas *Note: The Board of Selectmen may designate additional areas.*

- 1) Commercial Harvesting is prohibited in:
 - Little Harbor

Rainfall Management Area

Areas are subject to temporary closures due to rainfall per order of The Division of Marine Fisheries. The shellfish permit holder shall be responsible for confirming the harvesting status prior to harvesting shellfish

in a Rainfall Management Area by calling the automated message system at **(will need a designated phone line if the DMF put in a RFM AREA. If they don't... we can scratch this out)**

Recreational Temperature Restrictions

- 1) The recreational harvesting of shellfish is prohibited when air temperature is 32 degrees Fahrenheit or less.

Shellfish Predator Control, Shell Management, Seed Shellfish

- 1) Predators such as green crabs and starfish caught shall be placed above the mean high-water line. With the exception that green crabs harvested may be contained in a secure storage cage while waiting for market or personal fishing use. The location of storage cages, cars, or rafts are subject to written approval of the Cohasset Police Natural Resources Officer.
- 2) Transplanting any type or size of shellfish is prohibited without first obtaining a permit to do so from the Division of Marine Fisheries. NOTE: This does not apply to seed shellfish that is being immediately returned to the area from which it was harvested during a legal harvest of shellfish.

Trespassing on Private Property

- 1) Whoever, without written authorization, enters upon private land of another, whether, or not such land be posted against trespass, shall be punished by fine and/or suspension of the recreational shellfish permit. This shall not apply to any person, commercial or recreational, that has lawfully entered the coastal property by means of boat and is walking, harvesting, or travelling along the intertidal zone.



Section III - Commercial Permits

Issued to a citizen who is legally domiciled in the Town of Cohasset and is seventeen (17) years of age or older for the purpose of commercially harvesting shellfish of a specific type (i.e., quahogs, soft shell clam,

scallops and additionally eels). “Domicile” shall be a true, fixed, permanent home and principal establishment. Domiciled tenants shall be determined by a valid and notarized lease, major utility bill and/or picture ID. The Cohasset Select Board may determine at any time to open or close the commercial fishery.

Commercial Apprentice Permit

Issued to a minor citizen who is twelve (12) to sixteen (16) years of age inclusive who is domiciled in the Town of Cohasset. The permit shall only be issued for the purposes of harvesting shellfish provided that the commercial apprentice is sponsored by a commercial shellfish permit holder. A notarized letter of permission from a parent or parents or legal guardian granting permission for the applicant to receive said permit must accompany the required permit application. The applicant must be enrolled in a school at all times the permit is in effect and said permit shall not be valid during normal school operating hours. Commercial Apprentice Permit holders shall only be allowed to harvest one (1) bushel of shellfish per day they elect to harvest with a Commercial Permit Holder. The Commercial Apprentice Permit fee shall be assessed by the Select Board.

Commercial Permit Type – Fees are non-refundable

- 1) Applications for commercial permits shall be accepted by the Cohasset Police Natural Resources Officer during any portion of the calendar year.
- 2) Commercial permits are only active for the calendar year for which they were issued.
- 3) Early applications for the following calendar year will be accepted starting September 1.
- 4) Commercial permit prices shall be set by the Select Board.
- 5) No commercial permit will be issued until paid in full.
 - **Commercial Quahog Permit** – Shall only be issued to a resident citizen.
 - **Commercial Soft Shell Clam Permit** – Shall only be issued to a resident citizen that has previously held a Town of Cohasset Commercial Shellfish Permit within the last two (2) consecutive years.
 - **Commercial Scallop Permit** – Shall only be issued to a resident citizen that has previously held a Town of Cohasset Commercial Shellfish Permit within the last two (2) consecutive years.
 - **Commercial Eel Permit** – Shall only be issued to a resident citizen.
 - **Master Shellfish Permit** – Shall only be issued to a resident citizen that has previously held a Town of Cohasset Commercial Shellfish Permit within the last two (2) consecutive years. All allowable species.
 - **Commercial Apprentice Permit** – Shall only be issued to a resident citizen, excludes the master shellfish permit benefits.



Section IV - General Commercial Regulations

All shellfish permits issued are subject to changes within the Rules and Regulations as well as amendments thereto that the Select Board may deem necessary or expedient and so adopt under the provisions of Chapter 130 of the Massachusetts General Laws.

- 1) No person shall take or attempt to take any shellfish for sale or other commercial purpose, unless said person is the holder of a valid Town of Cohasset Commercial Shellfish Permit. (This permit section shall not apply to licensed grant holders).
- 2) Each applicant shall provide to the permitting authority a completed application, a copy of a valid Commonwealth of Massachusetts Commercial Shellfish Permit with a shellfish endorsement, a valid shellfish transaction card from the Division of Marine Fisheries, current photo ID, a town real estate tax bill or notarized lease agreement. The Cohasset Police Department Natural Resources Officer shall be notified immediately of any change in the application information. "Permitting Authority" shall mean the Cohasset Police Department Natural Resources Officer or other designee.
- 3) No application for renewal will be approved if the applicant has failed to submit any catch reports in addition to any fines imposed.
- 4) No commercial shellfish permit will be issued if the applicant has neglected or refused to pay any local taxes, fees, assessments, betterments, or any other municipal charges after having received notification to do so by the proper authority.
- 5) The Cohasset Police Department reserves the right to review the application prior to being issued and a decision shall be rendered within fourteen (14) days of the application submission. The commercial fishery may be closed or open at any time by order of the Select Board.

- 6) Commercial shellfish permit holders shall review the shellfish designation maps prior to shellfishing. Shellfish designation maps are subject to change unexpectedly per order of the Division of Marine Fisheries.
- 7) Shellfish permit shall be visibly worn or displayed on a vessel at all times during the harvesting and when in possession of shellfish.
- 8) Commercial shellfish permit holders or any person actively engaged in shellfishing or having in their possession shellfish in a boat, vehicle or container shall present the shellfish permit along with positive identification and shall display all shellfish catch upon request from any Natural Resource Officer, Shellfish Constable, Deputy Shellfish Constable, Cohasset Police Officer, Massachusetts Environmental Police Officer, the Cohasset Harbormaster or such officials as the Select Board or Town Manager may designate as enforcement authority for the Town of Cohasset Shellfish Regulations.
- 9) All shellfish harvested under the Town of Cohasset permit shall be landed in the town unless approved by the Cohasset Police Department Natural Resources Officer. Shellfish harvested from other Towns shall not be landed in the Town of Cohasset without permission from the Natural Resources Officer.
- 10) All holes created while harvesting shellfish above the mean low water mark shall be back-filled before leaving the area, taking care not to break or crush any shellfish seed.
- 11) The harvesting of different shellfish species on the same day is prohibited regardless of the commercial permit types held.
- 12) No shellfish permit holder shall come ashore with shellfish and thereafter, on the same day, return to the waters of the Town of Cohasset for the purpose of harvesting additional shellfish except for permitted aquaculture facilities.
- 13) All shellfish harvested under the Town of Cohasset permit shall be landed in the town unless approved by the Cohasset Police Department Natural Resources Officer.
- 14) All shellfish shall be brought ashore whole and in the shell.
- 15) All shellfish in containers once landed and in transit shall be properly tagged stating the Date of Harvest, Place of Harvest, State Permit Number and name of harvester.
- 16) Commercial Harvesting of shellfish is prohibited on Sundays year-round, Thanksgiving, Christmas Day, and New Year's Day.
- 17) Commercial shellfish harvesting is prohibited within shellfish grants
- 18) The removal of beach grass, marsh grass or peat banking is prohibited.

- 19) Wet storage of shellfish is prohibited unless authorized by the Division of Marine Fisheries and the Cohasset Police Natural Resources Officer
- 20) No commercial permit holder shall employ an individual for wages, shares, or for any other consideration, or permit to assist the commercial permit holder in taking shellfish.
- 21) A commercial permit holder shall not use a recreational shellfish permit on any day the commercial permit holder has been engaged in commercial shellfish harvesting of any type.
- 22) All shellfish harvested shall be landed at a public landing or boat ramp within the Town of Cohasset upon closing time.
- 23) All shellfish shall be properly handled and stored through methods determined by the Division of Marine Fisheries, Department of Public Health, FDA and local Board of Health.
- 24) Whoever violates any provision of the Massachusetts General Laws, Chapter 130 or the Town of Cohasset Shellfish Rules and Regulations established there under, shall, in addition to any fines imposed, forfeit any and all shellfish in their possession.

Commercial Harvesting Equipment

- 1) Commercial permit holders shall be required to contain shellfish in one-bushel totes. A bushel is 2,150.42 cubic inches, commonly measured level to the top edge of the container
- 2) Commercial permit holders shall have a standard shellfish gauge in their possession at all times while harvesting soft shell clams, quahogs or oysters.
- 3) Shellfish shall be permitted to harvest by hand, standard quahog basket rake or basketless quahog rakes, short handle clam rakes, jerk rakes, bull rakes, plunger with an attached dip net, described scallop drags, dip nets or bag rakes.

Prohibited Commercial Harvesting Equipment

- 1) The use of shovels, spades, pitchforks, or any similar type of equipment for harvesting shellfish is prohibited.
- 2) Onion or burlap bags for measurement purposes.
- 3) The use of any mechanical hydraulic harvesting equipment is prohibited.

Allowable Harvest Hours – (unless otherwise specified, shellfish may be harvested only during the following hours)

- 1) All shellfish shall be harvested and culled during the following times. All shellfish shall be landed above the mean high water line within 30 minutes of the following times except scalloping:
 - Daylight Savings Time – Sunrise to 6:00 PM
 - Standard Time – Sunrise to 4:30 PM
 - Scallop Season – Sunrise to 4:30 PM, October 1st through March 31st.

Commercial Temperature Restrictions

- 1) Commercial harvesting of shellfish is prohibited in waters less than two (2') feet when the air temperature is 32 degrees Fahrenheit or less.
- 2) All commercial shellfishing is prohibited when air temperature is 28 degrees Fahrenheit or less.

Shellfish Predator Control, Shell Management, Seed Shellfish

- 1) Predators such as green crabs and starfish caught shall be placed above the mean high water line. With the exception that green crabs harvested may be contained in a secure storage cage while waiting for market or personal fishing use. The location of storage cages, cars, or rafts are subject to written approval of the Cohasset Police Department Natural Resources Officer.
- 2) Transplanting any type or size of shellfish is prohibited without first obtaining a permit to do so from the Division of Marine Fisheries. NOTE: This does not apply to seed shellfish that is being immediately returned to the area from which it was harvested during a legal harvest of shellfish.

Trespassing on Private Property

- 1) Whoever, without written authorization, enters upon private land of another, whether, or not such land be posted against trespass, shall be punished with a fine and/or suspension of the shellfish permit. This shall not apply to any person, commercial or recreational, that has lawfully entered the coastal property by means of boat and is walking, harvesting or travelling along the intertidal zone.

Commercial Quahog Regulations

In addition to the Town of Cohasset rules and regulations for harvesting shellfish the following regulations shall apply to commercial quahog harvesting.

- 1) Harvesting quahogs other than by manpower (hands, rakes or tong) is prohibited.
- 2) The daily commercial harvesting limit of quahogs shall not exceed three (3) level bushels of littlenecks and/or cherrystones and one (1) additional level bushel of chowders. Chowders shall be culled into a separate bushel tote prior to landing.
- 3) Management areas shall only be harvested on days authorized by the Select Board with recommendation from the Natural Resources Officer.

Commercial Eel Regulations

- 1) All eel pots shall be marked with the permit number assigned at the time of issuance. The floatation device shall be a minimum of six inches (6") long by four inches (4") in diameter and capable of floating three (3) pounds eleven (11) ounces. The buoy shall be painted in colors assigned at issuance, the use of sinking line, and have the permit number visible on the buoy. Wooden buoys and plastic bottles are prohibited.
- 2) Eel pots shall not be set in navigable, established channels or where they may otherwise pose a hazard.
- 3) Eels less than nine inches (9") in length shall not be taken.

Commercial Soft Shell Clam Regulations

- 1) The commercial harvesting of soft shell clams shall be allowed from October 1st to April 30th.
- 2) Any designated area that is subject to the Massachusetts Division of Marine Fisheries seasonal closures will close upon notification from the Division.
- 3) In the best interest of the fishery, the Cohasset Police Natural Resources Officer may request the Select Board to modify the catch limit, harvest season and designated areas.
- 4) Commercial harvesting of soft shell clams shall only be permitted on Monday, Wednesday and Friday.
- 5) Commercial harvesting of soft shell clams shall only be harvested by means of hands, rakes or manual plungers with an attached dip net.
- 6) Commercial harvesting by means of manual plunging shall only be performed six feet (6') beyond the mean low water line.
- 7) The use of hydraulic equipment, jet pumping, shovels, spades, pitchforks or similar equipment is prohibited.

- 8) The daily commercial harvesting limit for soft shell clams shall not exceed two (2) level bushels per allowed harvesting day.
- 9) All seed shellfish shall be immediately replanted within the area harvested.
- 10) All excavated holes above the mean low water line shall be re-covered.
- 11) The transfer from one person or vessel to another is prohibited.
- 12) All approved areas are subject to change per the Division of Marine Fisheries or the Select Board

Allowable Commercial Soft Shell Clam Harvesting Areas

TO BE DETERMINED WITH DMF

Commercial Scallop Regulations

- 1) Commercial scallop harvesting shall be permitted from October 1st to March 31st.
- 2) All scallops shall be taken ashore in the shell.
- 3) Unless otherwise approved by the Cohasset Police Natural Resources Officer, all scallops shall be landed by 4:30 PM at the Parker Avenue Boat Ramp
- 4) Commercial harvesting shall be prohibited in designated recreational areas.
- 5) No harvesting of scallops by a commercial permit holder shall take place in Little Harbor.
- 6) Commercial scallop permit holders shall be entitled to a daily limit of not more than five (5) level bushels.
- 7) A vessel used to commercially harvest scallops shall not exceed two (2) commercial permits per boat and not exceed ten (10) level bushels.
- 8) Commercial diving or snorkeling for scallops is prohibited.
- 9) In the interest of maximum scallop seed survival, it is recommended that seed and shack be removed from the culling boards to deeper water.

V. Enforcement and Penalties

The Cohasset Police Natural Resource Officer is primary enforcement officer for these foregoing regulations. A Shellfish Constable, Deputy Shellfish Constable, and Police Officer of the Town of Cohasset or Police Officer assigned to duties of Natural Resources Officer in the Town of Scituate shall enforce the foregoing regulations. The enforcing official may, in their discretion, initiate criminal proceedings for any violation thereof, in which case the penalties shall be as provided in Chapter 130 of the Massachusetts General Laws. Alternatively, the enforcing official may utilize the method of non-criminal disposition procedure of Massachusetts General Laws, Chapter 40 – Section 21D, as authorized. Fines for citations under the non-criminal disposition are as established below.

- First Offense \$ 150.00
- Second Offense \$250.00
- Subsequent Offense \$350.00

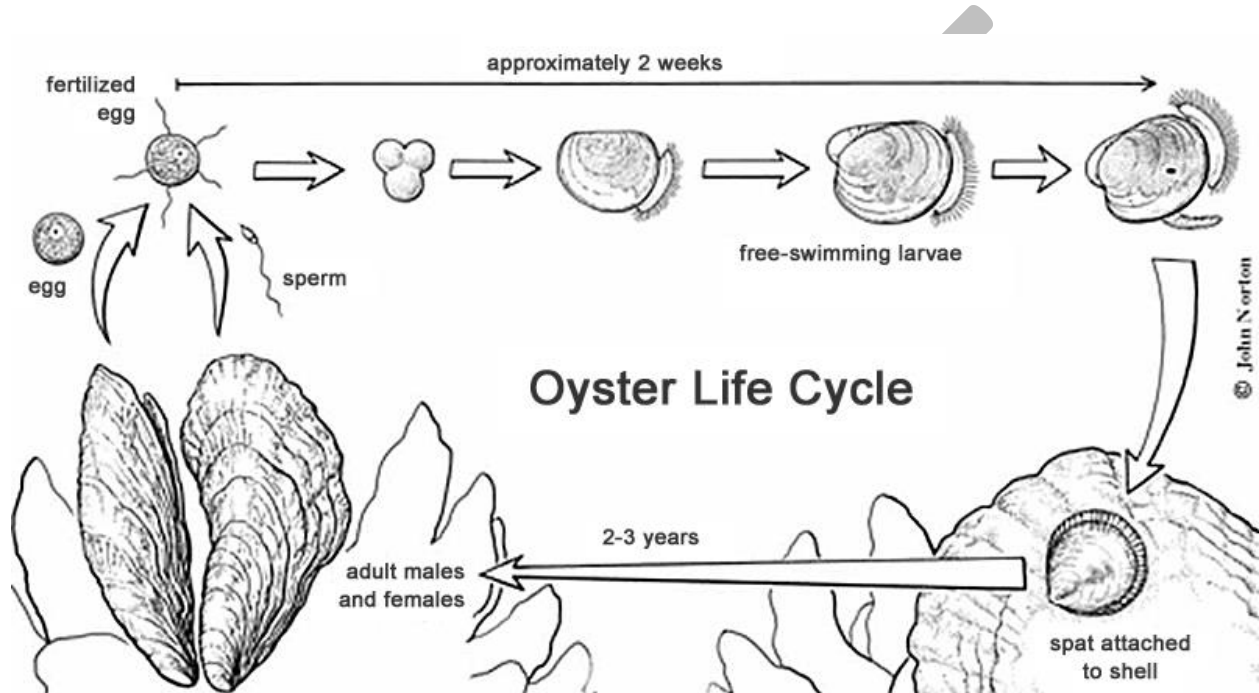
In addition to criminal or non-criminal proceedings for all violations of these provisions, rules and regulations, violations may result in the suspension or revocation of shellfish privileges.

Revocation-Suspension of Town Shellfish Permits

A Town of Cohasset shellfish permit, whether recreational or commercial, is a privilege, granted by the Town of Cohasset, and as such may be revoked or suspended for any violation of the Town of Cohasset Shellfish Regulations or applicable laws of the Commonwealth. The following policies shall apply:

- 1) **First Offense** – The Cohasset Police Department Natural Resources Officer, after due notice to the offender relative to any violation of shellfish regulations or laws within a two (2) year period, may suspend any commercial or recreational permit issued by the Town of Cohasset for a period not to exceed thirty (30) days, in which case said violator shall be prohibited from any and all shellfishing. (In such case, the individual has the right to appeal the decision to the Select Board).
- 2) **Second Offense** – Shall mean a second violation of any type of shellfish rules, regulations or laws within a two (2) year period of time. Second offenses shall be addressed in the following manner:
 - **Violation of Recreational Shellfish Permit Holder** – The Natural Resources Officer, after due notice to the offender relative to the violator (s), may suspend the recreational permit issued by the Town of Cohasset for a period not to exceed three (3) months, in which case the permittee shall be prohibited from harvesting shellfish of any type during such period. (In such cases, the individual has the right to appeal the decision to the Select Board).
 - **Violation of Commercial Permit Holder** – In all cases involving a second violation within a two (2) year period by a holder of a commercial shellfish permit, the Natural Resources Officer, and the Town Manager (or designee), after due notice to the offender, shall, within fourteen (14) days of the offense, conduct a hearing relative to the violation. If such hearing determines that a second violation of the rules, regulations or laws occurred, the violator’s permit (s) shall be suspended for a period of six (6) months, during which time said permittee shall be prohibited from harvesting shellfish of any type within the Town of Cohasset. (Any person aggrieved by the results of such hearing may appeal such decision to the Select Board).

- 3) **Third Offense** – In the event a third offense has occurred within a two (2) year period, or the permit holder shows total disregard for these regulations, the Natural Resources Officer shall notify the Chief of Police, Select Board and Town Manager, who, shall, within thirty (30) days of such notice, conduct a hearing relative to the violation. If, as a result of such hearing, it is determined such violation occurred, the Select Board shall revoke said permit holder’s rights to shellfish, or obtain any such permits, within the Town of Cohasset indefinitely.
- 4) **All permits are non-refundable**



TOWN OF COHASSET

Rules and Regulations pertaining to Aquaculture Licenses

PROPOSED

At a regular meeting of the Board of Selectmen **held on (DATE)** the following rules and regulations superseding those previously adopted, which cover the taking of shellfish, eels and seaworms from the waters and flats of the Commonwealth within the limits of the Town of Cohasset. **Effective (DATE), the following regulations are hereby adopted by the Authority of MGL, Chapter 130, Section 57 through Section 68 and Town Meeting vote passed (DATE)**

SECTION 1 - DEFINITIONS

Abutter: Any abutters within a 100-foot radius of the projected site on land, under water bodies or waterways.

Annual Report: A report that must be submitted to the Natural Resources Officer which includes the total number of each kind of shellfish planted, produced, or marketed during the preceding year upon or from a licensed aquaculture area, and an estimate of the total number of each kind of shellfish at the time of such report, planted or growing thereon (MGL Chapter 130; Section 65).

Aquaculture: The farming of aquatic marine organism including, but not limited to fish, mollusks, crustaceans, echinoderms, and plants. Farming implies some sort of intervention in the rearing process to enhance production including, but not limited to controlled propagation, feeding and protection from predators.

Aquaculture License or License: An authorization, granted by a vote of the Select Board, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under coastal waters within jurisdiction and/or boundaries of the Town of Cohasset, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish, plants, fish, mollusks, crustaceans and echinoderms by means of racks, rafts or floats (MGL Chapter 130; Section 57-68).

Natural Resources Officer: The municipal police officer, appointed by the Select Board, who oversees administering the management of the fishery; the head of the Shellfish Department of the Town and other duties.

Domiciled: A declared resident of the Town of Cohasset for 3 months or longer per calendar year. Written proof that Cohasset is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Natural Resources Officer and Select Board. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

Licensed Grant Area: a designated bottom area, surveyed by the Natural Resources Officer, certified by the Massachusetts Division of Marine Fisheries (DMF) and licensed by a vote of the Select Board, on which the licensee may plant, grow and harvest shellfish and or other marine organisms including, but not limited to fish, mollusks, crustaceans, echinoderms, and plants. (MGL Chapter 130; Sections 57 & 68).

License Holder: A person or persons, or a firm or corporation holding a license issued by the Select Board under the provisions of MGL Chapter 130.

Licensee: See License Holder

Permit: A certificate granting permission to engage in specific activities issued by the appropriate authority.

Select Board: The Select Board; Town of Cohasset's elected executive Board, designated by the State (MGL Chapter 30) as the regulatory Board that has jurisdiction over shellfishing in the Town.

Harbor Committee: The Harbor Committee is responsible for making recommendations to the Select Board and the Town Manager concerning the operation and condition of the Harbor and coastal areas of the Town of Cohasset.

Harbormaster: An agent of the Town, appointed by the Town Manager and Select Board to enforce Cohasset Harbor rules, regulations, and bylaws. Supervise the operation of the mooring management and permitting of the Harbor.

Shellfish: Softshell clams, whelks, mussels, oysters, snails, quahogs, razor clams (razor fish), bay scallops, sea scallops, sea clams, and blood arks.

Surety bond: Is a promise to be liable for the debt, default, or failure of another. It is a three-party contract by which one party (the surety) guarantees the performance or obligations of a second party (the principal) to a third party (the obligee).

Town: The Town of Cohasset.

Transfer: To grant the right to use a previously established, licensed area, as allowed by MGL Chapter 130: Sections 57 and 58 and approved by a vote of the Select Board.

Waters: Coastal waters, tidal flats, tidal creeks, and all salt or fresh waters within the boundaries of the Town of Cohasset

SECTION II – ELIGIBILITY REQUIREMENTS

Eligibility shall be at the sole determination of the Select Board. Upon interest of obtaining a license, the interested parties shall consult with the Natural Resources Officer. The Natural Resources Officer shall notify the Harbormaster and notify the Harbor Committee. The Harbor Committee shall interview the applicant and based on a majority vote of the Harbor Committee, make a recommendation to the Select Board. The Select Board reserves the right to interview the applicant before making a determination on the application, as the Select Board is the regulatory Board that has jurisdiction over shellfishing in the Town.

The Select Board and Harbor Committee shall consider the following when making their decision:

1. Licenses shall only be issued to persons domiciled in the Town of Cohasset and be 18 years of age or older. They must have the knowledge and experience to fulfill the responsibilities specified in the license.
2. The applicant:
 - a. Must have held a Cohasset commercial shellfishing permit during at least three (3) of the four (4) calendar years preceding the date of application, or
 - b. Must provide documented evidence of education or experience in shellfish propagation and aquaculture that is acceptable to the Select Board.
3. The applicant shall not have any violations of Cohasset Shellfish Regulations within the last three (3) years, or similar violation in any other jurisdiction.
4. Should the applicant be aggrieved by the majority vote of the Harbor Committee or the opinion of the Natural Resources Officer, the applicant may directly apply for the license with the Select Board.

SECTION III – APPLICATIONS

- I. Applicants are required to complete and submit the Town's approved application form to the Town Clerk. A non-refundable application fee of \$100.00 (One hundred dollars) payable to the Town of Cohasset shall be submitted at that time. Copies of the application will be forwarded to the Harbor Committee, the Natural Resources Officer, the Harbormaster, and the Conservation Commission for comment.

The applicant shall also submit:

- a. Copies of state-filed catch reports with the Natural Resources Officer.
- b. Documented experience in shellfish propagation and aquaculture continuously, demonstrates experience in shellfish propagation and aquaculture preceding the date of application and provides the documentation of such experience to the Natural Resources Officer. This documentation shall be for a period of time sufficient to convince the Select

Board and Harbor Committee that the applicant has the prerequisite experience. Documentation of experience shall include a letter from a license holder who employed the applicant, describing the type of work performed and any other information which might be relevant, or

c. The applicant may provide documentation such as a certificate of education from an accredited educational institution, and

d. A detailed five-year business plan for use of the grant; to include shellfish species, amounts and sizes of gear to be used, access routes, and any other information relevant to proposed operations.

2. Applications shall not exceed 3 acres and shall be confined to one area, allowing one-half acre (22,000 square feet) for first year.

a. The site must be mutually beneficial to the Town of Cohasset and the license holder. The license holder may be allowed additional area upon review from the Natural Resources Officer with input from the Harbormaster in subsequent years.

b. Productive areas of Town flats and waters are exempt from consideration

c. Approved licensed areas at the time these regulations are enacted by the Select Board will be exempt from the requirement that their licensed area is confined to one location.

d. Aquaculture license applications will be considered for approval on a first come first-serve basis within the limitations of acceptable and available water space

3. The Select Board shall notify the applicant at least (30) days prior to the public hearing of the time, date, and place of the hearing. Notice of the public hearing shall be posted in three (3) or more public places and published by the applicant in a newspaper with local distribution, which may include the posting to social media, at least fourteen (14) days prior to the date and time of the hearing. The notice of public hearing shall state the applicant's name and residence, date, time and place of public hearing, the filing date of the application, and the location, area, and description of the territory subject to the application. All costs associated with publication are the responsibility of the applicant. Upon receiving a completed application, the Select Board shall forward copies of the application to the Harbor Committee, Natural Resources Officer, and Harbormaster for comment. Written comment shall be returned to Select Board within thirty (30) days of being received by the committee. In reviewing the application, the Select Board may consider, but is not bound by, submitted comments.

SECTION IV – APPROVAL

1. Only the Select Board is authorized to issue an Aquaculture license to an individual, group of individuals, or private company, to rear marine organisms under controlled conditions. They may issue a moratorium on the issuance of new aquaculture licenses at any time they deem it appropriate and in the best interest of the Town.

2. The Select Board must decide to approve or deny the application within sixty (60) days of receipt. Applications receiving favorable review by the Select Board shall require a public hearing. At that time, the applicant will be required to notify all abutters of the proposed license area of the date, time, and place of the hearing. Public hearings may also be deemed necessary and held separately by the Conservation Commission and the U. S. Army Corps of Engineers.

3. Licenses will be issued for a period of three years. No individual, group of individuals, or private company may hold more than one license. Aquaculture licenses are issued for the exclusive use of the licensee who may contract or employ others to work the license site. Licensee is required to submit a list of all persons, employees, or contracted persons to the Select Board and Natural Resources Officer

4. Subleasing of the site or portion thereof is **prohibited**.

5. Licenses may be transferred only with written approval from the Select Board and cannot be sold.

6. Approval of any aquaculture license will be subject to all federal, state, and local laws, rules, and regulations. The prospective licensee will comply with all rules and regulations as set forth in Massachusetts General Laws Chapter 130, particularly Section 57, and Chapter 131, Section 40.

7. The granting of a license does not relieve the applicant from obtaining any other necessary licenses, approvals, and/or permits prior to conducting operations, including, but not limited to the U.S. Army Corps of Engineers, Massachusetts Department of Environmental Protection, or any division of the same, the Town's Conservation Commission, all as may be applicable.

Failure to comply with the laws outlined in Massachusetts General Laws Chapter 130, rules, and regulations made thereunder will be deemed cause to revoke the license.

SECTION V – AQUACULTURE LICENSE REQUIREMENTS

1. A license holder is authorized to use a specific portion of coastal waters of the Commonwealth, of tidal flats or land under coastal water to plant or grow shellfish, bottom/off-bottom culture to place shellfish in or under protective devices affixed to the tidal flats or under coastal waters, within boxes, pens, or nets, harvest and to take legal shellfish, plant cultch for the purposes of catching shellfish seed and grow shellfish by means of racks, rafts or floats.

2. No license holder shall plant, place, or transplant shellfish in or on any water or flat within the Town without first obtaining the approval of the Natural Resources Officer and as needed, the Division of Marine Fisheries. The license holder shall not remove or introduce any seed shellfish from or to any waterway other than from the licensed area

3. Licensees are subject to the provisions of regulations of the Department of Public Health *C.533.000: FISH AND FISHERY PRODUCTS*. A violation of the regulations of the Department of Public Health shall be considered a violation of the conditions of a license issued under these regulations.

4. No license holder shall remove seed stock from the natural fisheries within the Town, for any purpose, including the stocking of licensed aquaculture sites without the written approval of the Natural Resources Officer and the Division of Marine Fisheries.

5. License site boundaries must be marked on all corners by uniform stakes or buoys. These stakes or buoys shall bear the number of the license, said numbers shall be at least two (2) inches in height and kept legible. The license holder shall obtain written confirmation from the Natural Resources Officer that the license area is properly marked.

6. All subsequent changes to the plan of the original application and all additions of material investments (floats, barges, racks, trays, etc.) must be approved by the Natural Resources Officer, Harbormaster, and the Select Board.

7. The annual license fee of \$12.50 (twelve dollars and fifty cents) per one-half acre will be paid to the Town at the time the license is issued. An annual mooring permit will be assessed for the sum of \$400.00 (four hundred) per ½ acre site. Renewals will be due on or before December 31st of each year. If the fees are not paid within thirty (30) days of the due date, the aquaculture license shall be forfeited.

No license will be issued if the applicant owes taxes, has outstanding and/or unpaid fines, owed boat excise tax or has other overdue financial obligations to the Town of Cohasset.

8. An annual review of each license will be conducted to determine reasonable production value or potential. If the licensee cannot show that a reasonable amount of product, as determined by the Natural Resources Officer, has been produced on the site during the preceding year, the license may be forfeited. Consideration will be given for extenuating circumstances (i.e., hurricanes, disease, etc.)

9. A written annual progress report summarizing data on abundance, growth rates, and mortalities for each species present on the license site shall be submitted to the Natural Resources Officer and the Select Board within sixty (60) days of the end of the year. License renewal shall be conditional on the annual catch (shellfish production) reports being submitted in a timely fashion.

10. Upon request of the Natural Resources Officer, the license holder is required to produce documents showing purchase and sales slips stating the total amount of each species planted, produced, or marketed during the preceding year.

11. Any shellfish being sold must meet all applicable regulations set forth by local, state and federal laws.

12. In accordance with MGL Chapter 130 Section 68, no person shall dig, take, or carry away shellfish or shells between one-half hour after sunset and one-half hour before sunrise, by any method whatever, from any waters, flats, or creeks licensed under these regulations. A violation of this section may result in a fine, revocation of the license and or seizure of all shellfish remaining on the licensed area.

13. The location of the proposed licensed area must meet all requirements of the Division of Marine Fisheries 322 CMR, the provisions of MGL Chapter 130, in addition to all requirements set forth in these regulations.

14. All proposed changes to the original working plans as described in the original application, and all additions of material investments, which may include, but are not limited to, rafts, floats, racks, cages, trays, nets, etc., must be submitted in writing to the Natural Resources Officer and if, in the discretion of the Natural Resources Officer, the changes are such that further review is warranted then the Natural Resources Officer will recommend further review of the proposed change take place and the Select Board, upon review of the proposed change may approve or deny said proposed change.

SECTION VI – LIABILITY

1. The license holder is required to maintain business liability insurance and a performance bond sufficient to cover the costs of gear removal and site restoration in the amount of twelve thousand five hundred dollars (\$12,500). The insurance and surety bond shall be fully executed with an effective term identical to the period of the aquaculture license. Documented evidence of the required insurance and surety bond shall be on file with the Town Clerk and shall be a requirement for obtaining final approval by the Select Board.
2. The license holder is required to maintain workers compensation insurance for all employees, or contracted persons that work in the licensed area. License holders shall be held responsible for all actions taken by any persons, employees, or contracted persons working in the licensed area.
3. All tackle, gear and product on site is considered property and liability of the license holder. The licensee will assume all responsibility for personal injury and/or property damage as a direct result of operations. All mooring systems used to hold rafts, holding "cars", and/or other equipment are subject to Town Harbor Regulations, and must be approved by the Harbormaster. If gear, tackle, or other equipment leaves the licensed area for any reason and is deposited on the shore, beaches, or flats, whether public or private, the license holder must recover the equipment within 72 hours from the time of its deposit. Failing this, the gear will be removed by the Natural Resources Officer or Harbormaster at the expense of the license holder at a rate of \$85.00 (Eighty-Five Dollars) per hour per employee plus expenses.
4. Nothing will restrict the Natural Resources Officer or Harbormaster from taking more immediate action, with or without notifying the license holder if, in his/her judgement, such action is necessary for personal safety or the prevention of property damage. The license holder shall not hold the Town of Cohasset liable for any damage or injury to the licensed area due to any dredging or harbor and waterway improvements done in the best interest of the Town. Further, the Town of Cohasset shall not be held liable for loss or damage due to man-made or natural disasters.

SECTION VII – AQUACULTURE LICENSE TERMINATION

1. When a licensee ceases to be a domiciled resident of the Town, that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole license holder, then the license shall be revoked by the Select Board.
2. When a license is discontinued or terminated for any reason, all gear and tackle shall be removed from the waters and substrate within sixty (60) days. Failure to remove the gear, will result in same being removed by the Natural Resources Officer or Harbormaster at the expense of the license holder at a rate of \$85.00 (eighty-five dollars) per hour per employee plus expenses.
3. When an aquaculture license is discontinued or terminated, the Natural Resources Officer shall determine when the site is suitable to be transferred. At such time the site status shall be posted by the Natural Resources Officer for a period of 30 calendar days in 3 conspicuous locations within the Town, one of which may be a social media site. If more than one qualified person applies to hold the license, the Select Board, as well as the Harbor Committee, may choose to hold interviews to impartially determine who shall be granted the right to use that available acreage for aquaculture.
4. Violation of these rules and regulations subjects the license holder to review and possible revocation of the license at the discretion of the Select Board.

SECTION VIII – INSPECTION AND ENFORCEMENT

1. The Natural Resources Officer shall have the authority to inspect the licensed area at any time and said inspection may include any, and all containers and vessels on site. The Town of Cohasset reserves the right at any time to obtain samples of any species held in the licensed area for the purpose of certified testing for disease.
2. Violations or failure to act upon any outlined requirements of these regulations are punishable by a fine of not more than \$200.00 (two hundred dollars) per day. The Natural Resources Officer and the Town of Cohasset reserve the right to suspend operations immediately for any gross or simple negligence of the license holder. Such acts of violating vibrio control measures or other public health violations shall be the only time the Natural Resources Officer or Town of Cohasset shall be permitted to suspend operations immediately, in the best interest of public health.

SECTION IX – SEVERABILITY

1. If any provisions of these Rules and Regulations are declared invalid by any court or tribunal of competent jurisdiction, the remaining provisions of these rules and regulations shall not be affected thereby.