

RECEIVED

2011 AUG 17 PM 2:44

COMMONWEALTH OF MASSACHUSETTS

SHELLFISH REGULATIONS  
TOWN OF DENNIS



CONTENTS

Commercial Shellfish Regulations

NOTICE

The Massachusetts Division of Marine Fisheries may from time to time designate shellfish areas as contaminated and the shellfish obtained from this area as unfit for food. Contact your local shellfish officials to learn of approved shellfish harvest areas.

NOTE

Special regulations covering Recreational Shellfishing, Privately Licensed Shellfish Areas and Fish Weirs and Pond Nets are published under separate covers and are available upon request.

THE OPENING AND CLOSING DATES

The foregoing opening and closing dates are subject to modification by the Shellfish Constable. In no event shall any open dates be enlarged without the prior approval of the Selectmen.

**PENALTY** A violation of these regulations may be punishable by a fine which shall not exceed three hundred dollars (\$300) for each violation, subject to noncriminal disposition, Massachusetts General Laws, Chapter 40, Section 21D approved at the Dennis Annual Town Meeting revised May 5, 2009, and/or suspension or revocation of the permit.

Adopted by the Town of Dennis  
Board of Selectmen, September 8, 1981  
Revised October 5, 1982; November 2, 1982;  
July 5, 1984; March 25, 1986; June 5, 1990;  
March 31, 1992; August 9, 1994;  
February 6, 1996; June 16, 1998; July 7, 1998;  
May 29, 2001; March 24, 2009.

*Ray D. McNamee* (Signature)  
*Robert McNamee* (Signature)  
*Charles F. Russell* (Signature)  
*Heidi S. Schmitt* (Signature)  
*Lynne M. Boyden* (Signature)  
*Alan H. Hales* (Signature)  
*Clare T. McNeill* (Signature)  
*Frank J. Chapp* (Signature)  
A. Thomp. Corp. Attorney  
Chairman, Shellfish Commission  
Town Clerk

EXCEPT OF THE MEMORANDUM OF UNDERSTANDING, Bass River North; SC35, 1C

- There will be no shellfishing permitted before 8:30 AM during the period the area is classified as "Conditionally Approved".
  - The rain gauge will read daily at 8:00 AM.
  - When more than 0.20 inches of precipitation is collected within a 24 hour period in either rain gauge the areas will be reclassified as prohibited to shellfishing.
  - The amount of rain recorded at the rain gauge station is between 0.20 inches and 1 inch, shellfishing shall resume on the fifth day following the cessation of the rainfall event.
  - IF TWO or MORE INCHES of rain falls within a twenty-four hour period, the conditional area will not reopent to shellfishing until the Division of Marine Fisheries verifies that fecal coliform levels have met the criteria for an approved classification for at least three days.
  - Metal signs, located at the Fallins Pond Road Landing will be used to notify fishermen if the area is open or closed to the taking of shellfish on a given day.
  - Failure by any party to adhere to these conditions will cause the areas to be immediately reclassified as prohibited to the taking of shellfish.
- Contact the Dennis Shellfish Department for ALL other details.



BLUE MUSSELS

Effective January 1st through December 31st in each calendar year the area open is in Cape Cod Bay northerly of the 15 foot contour below mean low tide.

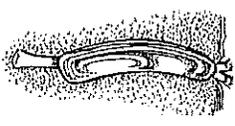
Blue mussels may be taken by power dredging using not more than two dredges per boat and each dredge shall not be more than 36 wide.

Limit will be fifty bushels per day per commercial permit holder. Limit per boat is two permit holders.

No blue mussels to be taken less than two inches the long way. No blue mussels may be taken on Sunday.

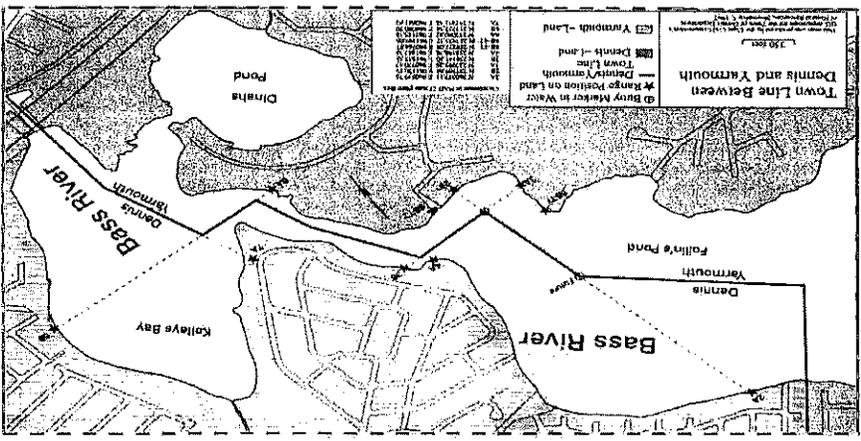
RAZOR CLAMS

Effective December 1st through May 31st in each calendar year, the areas open are Main Bass River from the mouth to Rollins Pond. Effective May 1st through November 30th in each calendar year, the area in Main Bass River northerly of the Railroad Bridge including Rollins Pond is CONDITIONALLY OPEN under the Memorandum of Understanding using a rainfall protocol. Effective June 1st through November 30th all areas in Bass River not covered by the Memorandum of Understanding are CLOSED. Effective January 1st through December 31st in each calendar year areas open are Dennis north coast, Chapin Beach and Cowes Pasture. Limit is two bushels per permit per day.



EELS

Permits are required to spear eels. Pots: All buoys are to be painted the Town's color- orange- with state permit numbers on all buoys and pots. No person may fish over 45 pots and they are not to be set in navigable marked channels. No FVCC Mass allowed. Open Areas: All of Bass River and Swan River. Minimum mesh size of 1/2" x 1/2" Metal or wood buoys may not be used. Pots may be pulled on Sunday. NO eels to be taken less than six (6) inches long.



**TOWN OF DENNIS  
COMMERCIAL SHELLFISH REGULATIONS  
PLEASE READ ALL THE REGULATIONS!**

These regulations are made by the Selectmen of the Town of Dennis by the authority of the Massachusetts General Laws relating to Marine Fish and Fisheries, including without limitation Chapter 130, Section 52:

- No person shall take any species of shellfish or eel without a commercial shellfish permit issued by the Town of Dennis. No person while actively engaged in commercial shellfishing shall harvest recreational limits of any shellfish. Commercial shellfish permits shall be issued only under the following conditions:
  - The applicant must be domiciled in the Town of Dennis. The applicant shall furnish evidence of such that shall include, without limitation: a valid current motor vehicle driver's license issued by the Commonwealth of Massachusetts; a current real estate tax bill issued by the Town of Dennis; current ownership of the applicant's residence in the Town of Dennis; or current rental of the applicant's residence in the Town of Dennis; and current registration to vote in the Town of Dennis.
  - Each application and the fee for a commercial shellfish permit shall be submitted to the Shellfish Constable on or before March 31st of the year for which the permit is sought. Each application shall be subject to a thirty day review by the Shellfish Constable. A commercial shellfish permit may be granted upon an application filed after March 31st in a particular year if the applicant demonstrates, to the satisfaction of the Shellfish Commission, that unique circumstances reasonably excuse a failure to file the application on or before March 31st: b) that failure to grant a commercial shellfish permit will result in manifest injustice and substantial hardship to the applicant; and c) that granting of a commercial shellfish permit will not affect the opportunity of applicants who filed applications on or before March 31st to harvest a reasonable quantity of shellfish that year.
  - The applicant must possess a valid, current commercial fishermen certificate issued in the name of the applicant by the Massachusetts Division of Marine Fisheries, effective for the calendar year in which the commercial shellfish permit is to be effective.
  - The applicant shall submit a year-end catch report for the calendar year prior to the year in which the commercial shellfish permit is sought to be effective. All commercial shellfish permits shall be effective for the calendar year from January 1st through December 31st. All fees for permits shall be established by the Selectmen.
- Any person taking digging or carrying away shellfish or eels from tidal area or coastal waters of the Town of Dennis shall display his/her commercial shellfish permit in a plainly visible location on his/her clothing. Such person shall promptly produce said permit for inspection upon request of the Dennis Shellfish Constable or any Federal, State or local officer authorized to enforce Federal, state or local laws relating to marine fish and fisheries.
- Commercial Shellfish permits shall not be assigned or transferred.
- No Commercial Shellfish permit shall be issued to persons under sixteen years of age.
- No shellfish or eels shall be taken from any area which the Selectmen or the Shellfish Constable by the authority of the Selectmen, shall designate from time to time as a closed area.
- Upon request of the Shellfish Constable or Deputy Shellfish Constable, any person taking digging or carrying away shellfish or eels shall hand his/her boat and permit inspection of said shellfish or eels by the Shellfish Constable or Deputy Shellfish Constable.
- If the Shellfish Constable or Deputy Shellfish Constable has reasonable cause to believe any person is engaged in unlawful shellfishing, it is unlawful possession of shellfish, or in possession of shellfish unlawfully taken, the Shellfish Constable or Deputy Shellfish Constable may, without warrant, search that person's boat, fish car, bag, box, or motor vehicle.
- No person shall dig take or carry away shellfish or eels between the hours of sunset to sunrise.
- No commercial fishing on Sunday.
- When the air temperature reads 32 degrees Fahrenheit (0 degrees Celsius) or lower, no shellfishing shall be permitted except for quahogs, oysters and sea clams.
- Holders of Commercial Shellfish permits shall not employ any person for wages, shares or any other considerations, or permit any person to assist in the taking of shellfish, unless said person shall possess a valid, current commercial shellfish permit issued in the name of said person. This provision shall not apply to a person who is accompanying or operating a boat for a person who has a valid, current commercial shellfish permit and who is not otherwise actively engaged in or assisting in such fishing.
- A maximum of two commercial permit holders shall be permitted on a commercial boat. Each commercial permit holder shall be actively engaged in the harvesting of shellfish or eels. The limit of shellfish and eels to be taken by each commercial boat shall be the total of the limits of each holder of a commercial shellfish permit who is then actively engaged in the harvesting of shellfish and eels.

**GENERAL RULES**

- Holders of a Commercial permit taking quahogs or soft shell clams shall use only one-half or one bushel wire baskets or the legal limit tote.
- All shellfish shall be brought ashore in the shell.
- No starfish, lady crabs, green crabs or moon snails shall be returned to the water, but shall be placed above the high tide mark or some suitable place out of water.
- Gasoline engines must be operated within the confines of the Massachusetts noise pollution law.

**EFFECTIVE OPENING AND CLOSING DATES**

**SOFT SHELL CLAMS**

Effective December 1st through May 31st in each calendar year: Areas OPEN are Main Bass River northly from the mouth to Follis Pond. Effective May 1st through November 30th in each calendar year, the area in Main Bass River northly of the Railroad Bridge, including Follis Pond is **CONDITIONALLY OPEN** under the Memorandum of Understanding using a rainfall protocol (see excerpts enclosed). Effective June 1st through November 30th all areas in Bass River not covered under the Memorandum of Understanding are **CLOSED**.

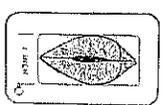
Effective December 1st through April 30th of the following year: Areas OPEN are Swan Pond and Swan Pond River. Effective May 1st through November 30th in each calendar year all areas of Swan Pond and Swan Pond River are **CLOSED**. No clams to be taken measuring less than two inches the long way.

Limit is two and one half level bushels per day.



Hours for hydraulic pumping shall be 7:00 a.m. to 5:00 p.m. in Bass River from Highbank Bridge south to the mouth.

Effective December 1st through May 31st in each calendar year, the areas OPEN are Main Bass River northly from the mouth to Follis Pond and Horsefoot Cove. Effective May 1st through November 30th in each calendar year, the area in Main Bass River northly of the Railroad Bridge including Follis Pond is **CONDITIONALLY OPEN** under the Memorandum of Understanding using a rainfall protocol. Effective June 1st through November 30th all areas in Bass River not covered under the memorandum of understanding are **CLOSED**.



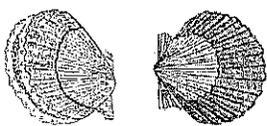
Effective December 1st through April 30th of the following year: Areas OPEN are Swan Pond and Swan Pond River. Effective May 1st through November 30th in each calendar year all areas of Swan Pond and Swan Pond River are **CLOSED**. No quahogs to be taken less than one inch thick.

No quahogs may be taken on a Sunday.

Limit is two and one-half level bushels per day.

**SCALLOPS**

**EFFECTIVE APRIL 1ST THROUGH OCTOBER 31ST IN EACH CALENDAR YEAR ALL AREAS IN THE TOWN OF DENNIS ARE CLOSED.**



Effective November 1st through March 31st in each calendar year Wilbur Cove, Grand Cove and the flat north of the entrance to Horsefoot Cove will be open to Dennis family permit holders only. Georgetown Flats will be open to Yarmouth family permit holders only.

Scallops may be taken by power dredging with boats not exceeding twenty feet in length using not more than two dredges per boat. Each dredge shall not be more than 36" wide. The area for power dredging is from the mouth of Bass River northly to Follis Pond, except for the entrance to Horsefoot Cove in Dennis.

Georgetown Flats, Yarmouth, Wilbur Cove and also the flat north of the entrance to Horsefoot Cove in Dennis. These areas are to be identified by marker buoys, set in place and maintained by the Town of Dennis.

No person shall take from the shores or waters of the Town of Dennis scallops, other than adult scallops, or sell or offer for sale or have in his/her possession such scallops. For the purpose of this regulation, an adult scallop shall be a scallop with a well defined raised growth line. Scallops when taken from the water shall immediately be culled and all scallops other than adult scallops shall for with be returned alive to the water whence taken.

Holders of commercial permits taking scallops shall obtain bushel wire baskets or legal limit bushel containers for the harvest of scallops. All scallops shall be landed in places designated by the Shellfish Constable. All Commercial permit holders fishing in Main Bass River by power dredge are to check with Shellfish Constable at Aunt Julia Amis' Dock on Main Bass River before landing.

All scallops are to be brought ashore in the shell. Adult scallops with one clear growth ring on shell only are to be taken.

Limit will be five bushels per day per commercial permit holder.

Limit per boat is two permit holders.

RECEIVED

MAY 17 PM 2:43

**SCALLOPS**

Effective November 1st through March 31st each calendar year.

Wilbur Cove, Grand Cove and the flats of the entrance to Horsefoot Cove will be open to Dennis household permit holders only, and scallops in these areas are to be taken by dip and hand takes only. Georgetown Flats is for Yarmouth household permit holders only.



Scallops may be taken by power dredging with boats not exceeding 20 feet in length using not more than 36" wide. The area for power dredging is from the mouth of Bass River northwesterly to Fallins Pond (except for Georgetown Flats, Yarmouth), Wilbur Cove and also the flats north of the entrance to Horsefoot Cove in Dennis. These areas shall be defined by marker buoys, installed and maintained by the Town of Dennis. All household permit holders fishing Main Bass River by power dredge are to check in with Sheriff's Constable at Aunt Julia Aunt's Dock on Main Bass River before landing.

No person shall take from the shores or waters of the Town of Dennis scallops, other than adult scallops, or sell or offer for sale or have in his/her possession such scallops. For the purpose of this regulation, an adult scallop shall be a scallop with a well defined growth line. Scallops when taken from the water shall immediately be culled and all scallops, other than adult scallops, shall forthwith be returned alive to the water whence taken.

Scallops may be taken daily including Sunday for family use only. The limit shall be one bushel per week per household permit.

Effective April 1st through October 31st in each calendar year, all areas in the Town of Dennis are CLOSED.

**BLUE MUSSELS**

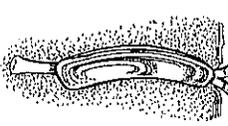


Effective January 1st through December 31st in each calendar year, one level ten quart pail per week.

**RAZOR CLAMS**

Effective January 1st through December 31st in each calendar year, one level ten quart pail per week.

No razor clams to be taken measuring less than five inches the long way.



**EELS**

Shellfish permit holders are entitled to fish three (3) pots. All pots and buoys to be marked with town color- orange- and permit numbers with contrasting color on pots and buoys. Metal or wood buoys may not be used. All pots to have minimum mesh size of 1/4" x 1/2". Limit will be 25 eels per household permit weekly. No eels to be taken less than six (6) inches long.

ONLY SHELLFISH PERMIT HOLDERS MAY SPEAR EELS FOR FAMILY USE.

**THE OPENING AND CLOSING DATES**

The foregoing opening and closing dates are subject to modification by the Sheriff's Constable. In no event shall any open dates be enlarged without the prior approval of the Selectmen.

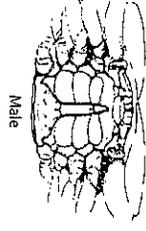
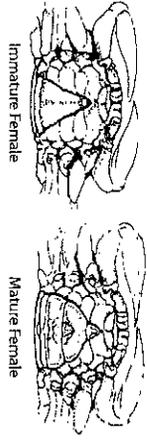
**PENALTY:** A violation of these regulations may be punishable by a fine which shall not exceed three hundred dollars (\$300) for each violation, subject to Non-Criminal disposition. Massachusetts General Laws, Chapter 40, Section 21D, approved at the Dennis annual Town Meeting revised May 5, 2009 and/or revocation of the permit.

Adopted by the Town of Dennis Board of Selectmen, September 8, 1981

Revised: October 15, 1982;  
November 2, 1982;  
July 5, 1984; March 25, 1986;  
June 5, 1990; March 31, 1992;  
August 9, 1994; February 6, 1996;  
June 16, 1998; May 29, 2001; March 24, 2009.

*Ray Clark* Chairman  
*Robert MacBrewer* Chairman  
*Charles J. Russell* Chairman  
*Heidi S. Schmitt* Chairman  
*Dave or Bayburn* Chairman  
*Alan S. Amey* Sheriff's Constable  
*D. J. Hume* Sheriff's Constable  
*James J. O'Connell* Sheriff's Constable  
*Gregory K. O'Connell* Sheriff's Constable  
*Joseph K. O'Connell* Sheriff's Constable  
*Joseph K. O'Connell* Sheriff's Constable  
*Joseph K. O'Connell* Sheriff's Constable

The State Regulations require that blue crabs less than 5 inches from point to point on the shell and all egg bearing female crabs, be returned to the water. Limit is twenty-five (25) crabs a day. Open season is May 1st through December 30th.



**COMMONWEALTH OF MASSACHUSETTS**

**SHELLFISH REGULATIONS**

**TOWN OF DENNIS**



**CONTENTS**

**Year Round Household Shellfish Regulations**

**NOTICE**

The Massachusetts Division of Marine Fisheries may from time to time designate shellfish areas as contaminated and the shellfish obtained from this area as unfit for food. Contact your local shellfish officials to learn of approved shellfish harvest areas.

**NOTE**

Special Regulations covering Commercial Shellfishing, Privately Licensed Shellfish Areas and Fish Weirs and Pond Nets are published under separate covers and are available upon request.

PERSONNEL

2011 AUG 17 PM 2:13

TOWN OF DENNIS

FAMILY SHELLFISH REGULATIONS  
PLEASE READ ALL THE REGULATIONS

These regulations are made by the Selectmen of the Town of Dennis by the authority of the Massachusetts General Laws relating to Marine Fish and Fisheries, including without limitation Chapter 130, § 52:

Each applicant for a household permit must be eighteen years of age or older and a year-round resident and/or real estate tax payer of the Town of Dennis, and the head of his or her household. The applicant shall furnish evidence of such residency, which shall include, without limitation: a valid, current motor vehicle driver's license issued by the Commonwealth of Massachusetts; a current real estate tax bill issued by the Town of Dennis; current ownership of the applicant's residence in the Town of Dennis; or current rental of the applicant's year-round residence in the Town of Dennis.

A household permit shall entitle the holder to take from the shores and tide waters of the Town of Dennis all species of shellfish and seaworms, at such times and in such places and in such a manner as provided by these regulations and all the amendments thereto. A household permit may be used by the spouse or unmarried children of the holder provided that such user shall carry said permit on his/her person during its use. Household permits shall be effective for the calendar year, from January 1st through December 31st. All fees for permits shall be established by the Selectmen. All eligible applicants who are seventy years of age or older shall be issued a special permit at a reduced rate.

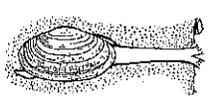
Non-resident and non-taxpayers may apply for a special permit to take from the shores and the tide waters of the Town of Dennis all species of shellfish and seaworms. Such permit shall be issued at the discretion of the Shellfish Constable. The holder of such a permit shall be subject in all other respects to the rights and obligations established by these regulations.

GENERAL RULES

1. Permits are not transferable outside the immediate family.
2. No persons shall dig, take or carry away shellfish or seaworms between the hours of sunset and sunrise.
3. No person shall collect shellfish and seaworms for permit holders waiting on shore unless a permit holder is disabled and has previously arranged it with the Shellfish Constable.
4. All shellfish shall be brought ashore in the shell.
5. No shellfish or seaworms shall be taken from any area which the Selectmen or the Shellfish Constable may designate from time to time as a closed area.
6. No person holding a family permit will sell any shellfish taken under this permit.
7. When the air temperature reads 32 F (0 C) or lower, no shell-fishing shall be permitted except for quahogs, oysters and sea clams.
8. Upon request of the Shellfish Constable, a person taking, digging or carrying away shellfish and seaworms shall land his/her boat and permit inspection or said shellfish and seaworms by the Shellfish Constable, or Deputy Shellfish Constable.
9. Any person taking, digging or carrying away shellfish or seaworms from tidal areas or coastal waters of the Town of Dennis shall display his/her household permit in a plainly visible location on his/her clothing. Such person shall promptly produce said permit for inspection upon the request of the Shellfish Constable or any federal, state or local officers authorized to enforce federal, state or local laws relating to marine fish and fisheries.
10. No starfish, green crabs, lady crabs or moon snails shall be returned to the water, but shall be placed above the high water mark or some suitable place out of water. The aforementioned animals are predators of shellfish. You are helping our propagation program by removing them.
11. The week starts on Sunday.
12. Only one permissible shellfish limit will be allowed per shellfish permit.

EFFECTIVE OPENING AND CLOSING DATES

SOFT SHELL CLAMS



Effective October 1st through May 31st north side of Dennis: Chapin Beach and Cowes Pasture will be OPEN. Effective December 1st through May 31st south side of Dennis: Main Bass River from the mouth to Mayfair Boat Yard including Grand Cove and Old Field Bend will be OPEN. Effective June 1st on the north side to September 30th and on the south side to November 30th in each calendar year, all areas in the Town of Dennis are CLOSED.



Effective December 1st through April 30th of the following year: Areas OPEN are in Swan Pond north of the Upper County Road bridge. Effective May 1st through November 30th in each calendar year all areas of Swan Pond and Swan Pond River are CLOSED.

Soft Shell Clams may be taken only on Monday or Saturday, to a maximum of ten (10) quarts weekly per household permit. Shovels, hoses or rakes are strictly prohibited in taking of clams.

The conventional clam digger and hand plunger, the so-called "plumber's helper" only may be used. All persons taking shellfish shall be required to cover over all seed and undamaged shellfish and refill all holes. No soft shell clams are to be taken measuring less than two inches the long way. We suggest the two inch ring to help size the clams.

OYSTERS



Effective December 1st through March 31st in each calendar year, Main Bass River from the mouth to the landing at Old Fish House Road, including Grand Cove and Wilbur Cove will be OPEN Sundays only.

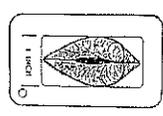
Limit will be 48 oysters per household permit weekly. No oyster to be taken measuring less than three (3) inches the long way.

Effective April 1st through November 30th in each calendar year, all areas in the Town of Dennis are CLOSED.

QUAHOGS



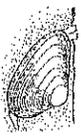
Effective December 1st of any year through May 31st of the following year, an area will be designated by the Shellfish Constable in Grand Cove or Wilbur Cove and Main Bass River from Route 28 northerly to and including Follins Pond will be OPEN Monday and Saturday. Effective June 1st through November 30th in each calendar year all areas in the Town of Dennis are CLOSED.



Effective December 1st through April 30th of the following year: Areas OPEN are in Swan Pond River from the mouth to the Upper County Road Bridge. All boats used in this fishery are to be 12 feet in length or greater. Effective May 1st through November 30th in each calendar year all areas of Swan Pond and Swan Pond River are CLOSED.

Limit will be ten (10) quarts per household permit weekly. No quahogs to be taken measuring less than one (1) inch in width. We suggest the one inch gauge be used to help size quahogs.

SEA CLAMS



Effective September 15th through April 30th in each calendar year. Limit of 25 clams per day per household permit any day including Sunday. Effective May 1st through September 14th in each calendar year. Limit of 25 clams per household permit per week any day including Sunday.

North side of Dennis only. No sea clams to be taken measuring less than 5 inches the long way.