

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

**General Rules:**

1. 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.
2. Commercial Shellfish Permits shall not be assigned or transferred.
3. No Commercial Shellfish Permit shall be issued to persons under sixteen years of age.
4. 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.
5. Upon Request of the Shellfish Constable or Deputy Shellfish Constable, any person taking, digging, or carrying away shellfish or eels shall land his/her boat and permit inspection of said shellfish or eels by the Shellfish Constable or Deputy Shellfish Constable.
6. If the Shellfish Constable or Deputy Shellfish Constable has reasonable cause to believe any person is engaged in unlawful shellfishing, is in 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.
7. No person shall dig, take or carry away shellfish or eels between the hours of sunset to sunrise.
8. No commercial fishing on Sunday.
9. 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.
10. 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.
11. 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.

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:

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:

1. 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 a current registration to vote in the Town of Dennis.
2. Each application and the fee for a Commercial Shellfish Permit shall be submitted to the Shellfish Constable on or before of 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: a) 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.
3. The applicant must possess a valid, current commercial fisherman 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.
4. 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 Board of Selectmen.

**COMMONWEALTH OF  
MASSACHUSETTS**



**Town of Dennis**

**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 Commercial Shellfishing, Privately Licensed Shellfish Areas and Fish Weirs and Pound Nets are published under separate covers and are available upon request.

**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.

**Excerpt from the MEMORANDUM OF UNDERSTANDING: Bass River North; SC:35.1C**

2. **There will be no shellfishing permitted before 8:30 a.m. during the period the area is classified as "Conditionally Approved".**
3. The rain gauge will be read daily at 8:00 a.m.
4. When more than **0.20"** of precipitation is collected within a 24 hour period in either rain gauge, the areas will be reclassified as prohibited to shellfishing.
5. The amount of rain recorded at the rain gauge station is between 0.20" and 1 inch, shellfishing shall resume on the 5th day following the cessation of the rainfall event.
6. If 2 or more inches of rain falls within a 24 hour period, the conditional area will not reopen 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.
7. Metal signs, located at the Follins 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.
12. Failure by any party to adhere to these conditions will cause the areas to be immediately reclassified as prohibited to the taking of shellfish.

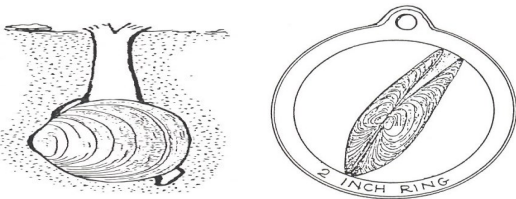
## EFFECTIVE OPENING & CLOSING DATES

### SOFT SHELL CLAMS

Effective December 1st through May 31st in each calendar year: Areas OPEN are Main Bass River northerly from the mouth to Follins Pond. Effective May 15th through November 30th in each calendar year, the area in Main Bass River northerly of the Railroad Bridge, including Follins 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.

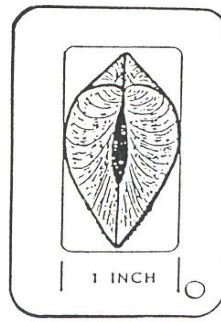


### QUAHOGS

Effective December 1st through May 31st in each calendar year, the areas OPEN are Main Bass River northerly from the mouth to Follins Pond and Horsefoot Cove. Effective May 15th through November 30th in each calendar year, the area in Main Bass River northerly of the Railroad Bridge including Follins 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 measuring less than one (1) inch thick.

No quahogs may be taken on a Sunday.

Daily quahog limit not to exceed four (4) level U.S. bushels consisting of three (3) mixed & one (1) chowder.



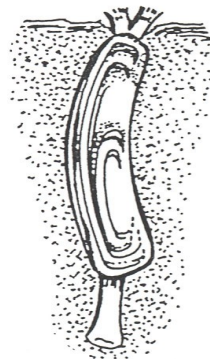
### BLUE MUSSELS

Effective January 1<sup>st</sup> through December 31<sup>st</sup> 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 to 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 Follins Pond. Effective May 15th through November 30th in each calendar year the area in Main Bass River northerly of the Railroad Bridge, including Follins Pond, is **CONDITIONALLY OPEN** under the Memorandum of Understanding using a rainfall protocol. Effective June 1st through

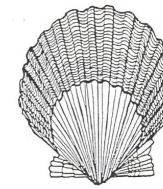
November 30th, all areas in Bass River not covered by the Memorandum of Understanding are **CLOSED**.

Effective January 1st through December 31st in each calendar year areas open are Dennis north coast, Chapin Beach and Crowes Pasture.

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

Limit is two bushels per permit per day.

### SCALLOPS



The open season for the harvest of scallops in Nantucket Sound will be posted annually. Scallop harvesting shall be closed (prohibited) effective April 1st annually in Nantucket Sound.

Effective November 1st through March 31st in each calendar year, Cape Cod Bay and Bass River will be open. In Bass River, 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 northerly to Follins Pond, except for 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.

All Commercial permit holders fishing in Main Bass River by power dredge are to check with the Shellfish Constable at Aunt Julia Ann's Dock on Main Bass River before landing. All Commercial Permit holders fishing in Cape Cod Bay by power dredge are to check with the Shellfish Constable in Sesuit Harbor while landing.

#### GENERAL SCALLOP REGULATIONS:

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

Limit per boat is two permit holders. Limit will be five bushels per day per Commercial Permit holder.