

TOWN OF BREWSTER

2024 Non-Commercial Shellfish Rules and Regulations

1. No person shall take from the flats or waters of the Town of Brewster sea clams, soft shell clams, mussels, quahogs, razor clams, oysters, scallops, sea worms or eels without first obtaining from the Select Board a permit or license to do so.

2. Permit Definitions

- 2.1 Family Shellfish Permit

Persons entitled to a resident family shellfish permit shall be a real estate taxpayer and/or legally domiciled person of the Town of Brewster and shall include the immediate member of their family only. (Immediate in this content means a family member living with and/or supported by the taxpayer on a year-round basis). Each family permit may name up to four people on the permit that meet the qualifications defined above. The named permit holders must be actively engaged in shellfish harvest activities and present at the location of the harvest activities. In addition, only one limit of shellfish per week is allowed to be harvested. If additional names need to be added, proof of legal domiciled residence in the Town of Brewster is required. Only one Family Shellfish Permit may be issued per residential address. Permits are not transferrable and are subject to revocation by the Board of Selectman if misused.

- 2.2 Senior Shellfish Permit

Persons entitled to a resident senior shellfish permit must be over the age of 70, a real estate taxpayer and/or a legally domiciled person of the Town of Brewster. This permit is for the sole use of the qualified person named on the permit. This permit cannot be used by spouses, children, or grandchildren even if domiciled in the same residence. However, senior shellfish permit holders may have family members or friends assist with their catch limit. The permit holder must be actively engaged in shellfish harvest activities and present at the location of the harvest activities. Only one Senior Shellfish Permit may be issued per residential address. Any person holding a Senior Shellfish Permit prior to January 1, 2023, must renew annually for no fee.

- 2.3 Household Permit

In the case where multiple generations occupy the same residential address, there may be one Senior Shellfish Permit and one Family Shellfish Permit issued to the same residential address. In the case where one spouse qualifies for a senior shellfish permit and one does not, the second spouse may purchase a family or assist the senior permit holder in fishing.

3. The Select Board shall from time to time appoint Shellfish Constable(s) and assistants who shall be empowered to enforce these regulations and all applicable sections of Chapters 130 and 21 of the Massachusetts General Laws and 322 CMR of the Massachusetts Division of Marine Fisheries pertaining to shellfish in the Town of Brewster. Shellfish Constable(s) and assistants may from time-to-time close certain areas or otherwise temporarily modify catch limits as appropriate to protect health or shellfish stocks.
4. All persons taking, carrying away and/or having in their possession shellfish of any kind, in a container, in a boat, or on their person, shall exhibit their permit to take shellfish and allow inspection of all harvested shellfish when requested by a Shellfish Constable or Assistant, a Brewster Natural Resources Offices, or any appointed law enforcement official.
5. Fees for 2024 permits shall be as follows:

Resident over 70 years of age (Purchased prior to January 1, 2023, must renew annually for no fee)

Resident over 70 years of age (Purchased after January 1, 2023) \$15.00

Brave Act Veteran over 70 years of age (Lifetime License) \$15.00

Resident Annual Shellfish Permit \$40.00

Brace Act Veteran Annual Shellfish Permit \$40.00

Non-Resident Annual license \$140.00

Residents over 70 years of age (Senior Shellfish Permits) may be purchased at the Brewster Council on Aging from 8:30- 4:00 M-F (1673 Main Street).

6. Family Shellfish permits can be purchased online at [Town of Brewster Online Transactions \(townhall247.com\)](https://townhall247.com) year-round. Shellfish licenses can be purchased at the Town Hall from September 15th- April 1st. During permit season (April 1st - September 15th) licenses can be purchased through the mail in program or online.
7. Permits shall be worn in carrying case in a visible location on his/her person while engaged in shellfishing at all times.
8. The maximum amount of shellfish (in any combination) taken in one week shall not exceed 10 quarts. This 10-quart weekly limit does not include sea clams or scallops.

Sea clams: ½ bushel per week including shells or 1 ½ quarts of shucked meats. Sea clams must be 5 inches or more in length.

Soft-shell Clams (steamers): 5 quarts per week. Season is open October 1 to May 1.

Mussels: 5 quarts per week. Mussels must be a minimum 2" long.

Quahogs: 10 quarts per week, including shells. Quahogs must be 1" in thickness.

Razor Clams: 10 quarts per week.

Oysters: 5 quarts per week. Season runs October 1 to March 3. Oysters must be 3" or more in length.

Scallops: 1 bushel per week during season (October 1 to March 3). All scallops must have a well-defined, raised growth ring or they will be deemed to be seed scallops and must be returned to the water.

Sea worms: 3 dozen per day.

Sand Eels: 3 dozen per day.

American Eels: 3 dozen per day; 4 trap limit.

A week is classified as a seven-day period from sunrise on Sunday through sunset on Saturday.

9. All shellfish shall immediately be culled when harvested and all seed shellfish immediately returned to that area where harvested.
10. All holes dug in the process of digging shellfish and/or worms shall be filled into ground level, as they constitute a hazard to other shellfishermen and walkers.
11. The taking of shellfish from the water and flats within the Town of Brewster by implements other than those known as long rake, scratcher, tong, quahog rake, clam rake or clam hoe, is PROHIBITED. Shovels, pitchforks, garden rakes, garden shovels, plunger, etc., are not allowed.
12. Specified areas that are closed to the taking of shellfish shall be posted in the Town Hall and the Police Station.
13. During the months of July and August, the taking of shellfish will be allowed only on Sunday and Thursday.
14. From June 1 through September 30, all beaches east of a point 100 yards to the west of Ellis Landing to the Town line (Namskaket Creek) will be closed to the taking of shellfish (Ellis Landing, Bonnie Doonie Road, Anson Way, Linnell Landing, Crosby Landing and Namskaket Creek). The taking of shellfish from the rockpiles (seedbeds) directly off of Ellis Landing and Ocean Edge is prohibited throughout the year.
15. During the months of July and August, all shellfish harvested in the Saints Landing stocked area must be landed and checked out by the Shellfish Constable(s) or Assistants at Saints Landing. Appropriate social distancing and/or face covering requirements must be adhered to by all shellfishermen.

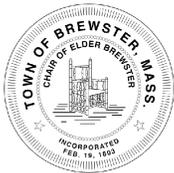
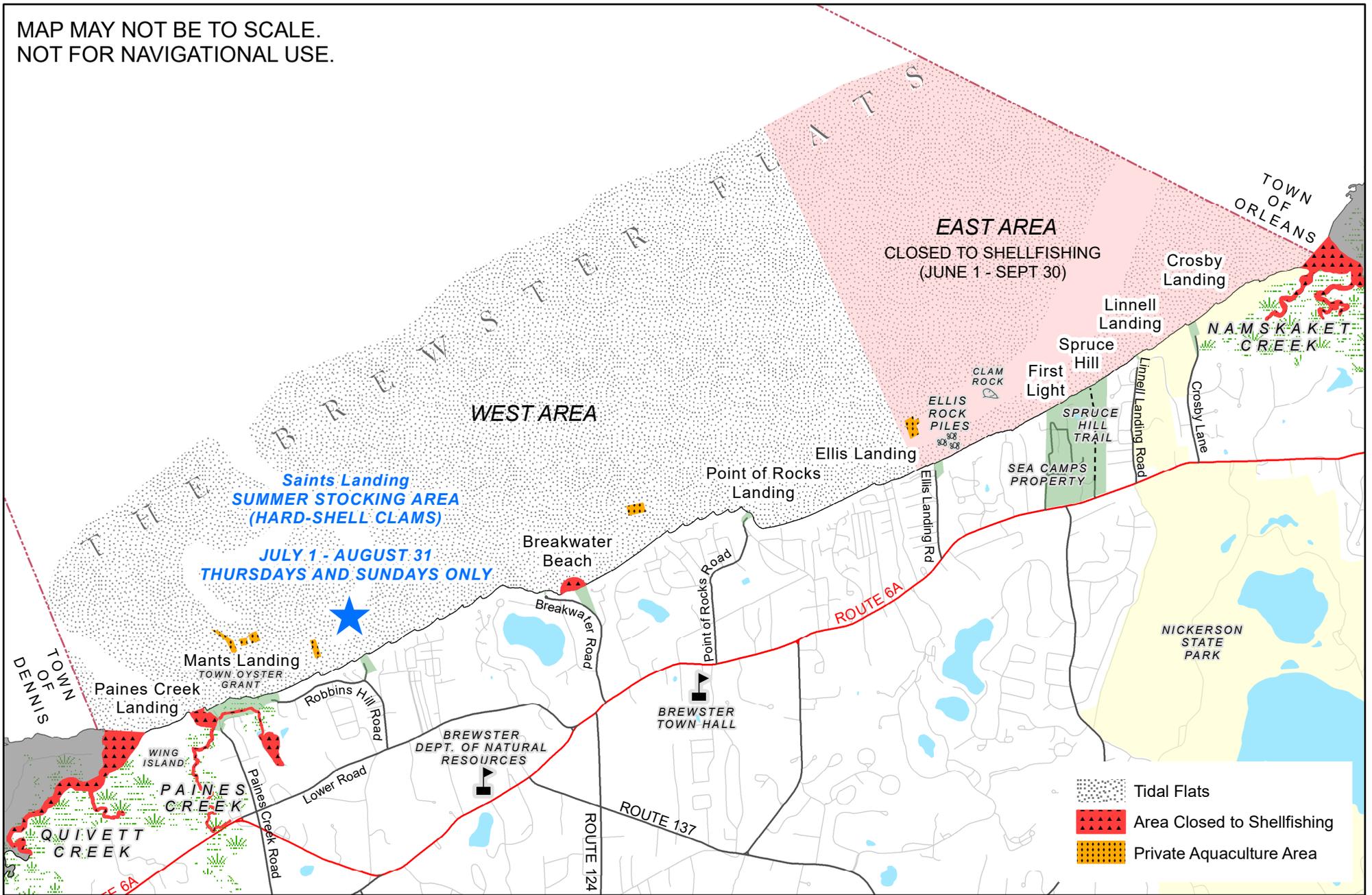
16. The immediate areas of Paine's Creek, Quivett Creek, and Namskaket Creek are closed to the taking of shellfish due to contamination BY ORDER OF THE BOARD OF HEALTH AND THE COMMONWEALTH OF MASSACHUSETTS, UNTIL FURTHER NOTICE.
17. No person shall dig, take or carry away any shellfish or shells between sunset and sunrise by any method whatsoever from any water, flat or creek in the Town of Brewster.
18. No starfish, conches, or periwinkles shall be returned to the waters but shall be placed on shore above the high-water mark.
19. No shellfishing will be allowed when the air temperature is 30° F or -1°C or below.
20. Digging in grass areas, including grass roots, is prohibited.
21. Violations of the aforementioned regulations are subject to written citation, court appearance and fine. The Board of Selectmen reserves the right to suspend the permit of any person violating the Town regulations on shellfishing for a period of 30 days. Whoever violates any rules or regulations made under the authority of Chapters 130 and 21 of the Massachusetts General Laws and/or 322 CMR of the Massachusetts Division of Marine Fisheries, unless otherwise provided, shall be punished by a fine of not less than \$15.00 but not more than \$1,000.00

Limit on Shellfish and Other Species Regulated by Shellfish Permit

| SPECIES | QUANTITY | HARVEST SIZE | SEASON |
|----------------------------|--|---|---------------------------------|
| Soft Shell clam (steamers) | 5 quarts per week | Minimum of 2" in length | October 1 to May 1, inclusive |
| Quahog | 10 quarts per week including shells | Minimum of 1" in thickness. | Open |
| Mussel | 10 quarts per week including shells | Minimum of 2" in length | Open |
| Sea clam | ½ bushel per week in shell, or 1 ½ quarts per week of shucked meats. | Minimum of 5" in length | Open |
| Oyster | 5 quarts per week | Minimum of 3" in length | October 1 to March 1, inclusive |
| Razor Clam | 10 quarts per week | No minimum size | Open |
| Scallop | 1 bushel per week including shells | Must have a raised, well defined annual growth ring. | October 1 to March 1, inclusive |
| Sea worm | 3 dozen per day | No minimum size | Open |
| Sand eel | 3 dozen per day | No minimum size | Open |
| American eel | 3 dozen per day | Taking of elvers (juvenile eels) is prohibited. Limit of four traps for adult ell harvesting. | Open |

A week is classified as a seven-day period from sunrise on Sunday through sunset on Saturday.

MAP MAY NOT BE TO SCALE.
NOT FOR NAVIGATIONAL USE.



TOWN OF BREWSTER RECREATIONAL SHELLFISHING MAP

CREATED BY: DAVID A. JOHNSON
DATE: JANUARY 16, 2024

