

TOWN OF BREWSTER

2019 Commercial Razor Clam Pilot Program

2019 Commercial Razor Clam Pilot Program

The purpose of this program is to open the east end of Brewster (Ellis Landing to Orleans Town Line) from April 1st to December 31st 2019 for the commercial harvest of razor clams. This time will allow the town to continue evaluating whether the resource can handle an ongoing commercial fishery and the ability of the Shellfish Department to effectively manage a razor clam fishery with its current resources. As a pilot program, there will be certain landing requirements and harvest notification required to help the Department with compliance checks and tracking. A limit of 15 commercial razor clam endorsements with an additional 4 junior endorsements have been approved by the Select Board.

Section 1. Authority

(A) The Brewster Select Board, acting under the authority granted them and by the provision of Massachusetts General Laws, Chapter 598, Sections 52 and 54 of the Acts of 1941; Chapter 130, Section 52, and by any other statues of the Commonwealth of Massachusetts, do hereby promulgate the following rules and regulations concerning the taking of razor clams.

(B) These rules and regulations shall continue in force until amended, rescinded or replaced under MGL Chapter 130, or by rules and regulations adopted by the Select Board.

Section 1.1 Applicability

(A) All persons harvesting or taking razor clams from the flats or waters of the Town of Brewster are subject to these regulations.

Section 1.2 Enforceability

(A) The Shellfish Constable and his assistants shall be empowered to enforce 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.

Section 2. Definitions

“Commercial” means the taking and selling of shellfish harvested from the waters of the Town.

“Commercial Fisherman Permit” (Shellfish specially endorsed) means a permit issued to an individual by the Massachusetts Division of Marine Fisheries expressly for the purpose of harvesting shellfish and offering it for sale.

“Commercial Shellfish Permit” means the permit issued by the Town to an individual over the age of 16 expressly for the purpose of harvesting and offering shellfish for sale.

“Boat” (see vessel).

“Bushel” means a quantity equivalent to that contained in a level container measuring 18" in length, 10 ½ " in height, and 12 ¼" in width. (2150 cubic inches)

“NaCl” Sodium Chloride (food grade salt)

“Possession” in the immediate control of a person e.g. in a boat, car, box, bag, etc. belonging to an individual

“Seed razor clam” means a razor clam less than five inches in size.

“Town” means the Town of Brewster, Massachusetts.

“Vessel” means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on the water.

“Waters” means all the waters of the Town subject to the ebb and flow of the tide out to the three- mile limit of marine jurisdiction.

Section 3. Eligibility for Commercial Shellfish Permits and Razor Clam Endorsements

(A) The taking and selling of razor clams shall be deemed to be commercial. No person holding a family permit only will sell or offer for sale, for money or any other consideration, any shellfish or marine worms for commercial purposes.

(B) Only persons holding a Town of Brewster Commercial Shellfish License with a razor clam endorsement may harvest razor clams from the waters of Brewster.

(C) No citizen of the United States of America shall be eligible for a commercial shellfish permit, unless they fill the Town of Brewster residency requirements (see sub-section F) and has been domiciled in the Town of Brewster for at least 12 (twelve) months preceding the date of issuance thereof.

(D) All commercial shellfish permit applications must be filed with the Select Board between **April 1 and May 31** of each calendar year. In the case of the second phase of this pilot program, the eleven active harvesters that participated in phase one will automatically be enrolled in the 2019 Pilot Program if they choose to continue.

(E) The addition of a Junior Harvester Endorsement was added for up to four participants aged 16-20

(F) Any open spaces for harvesters or junior harvesters will be filled from the applications received by noon on March 25th in the office of the Brewster Select Board. If there are more applicants than available spots, a random selection lottery will be conducted in the Select Boards office. Registration will begin on March 12th and end on March 25th. If the available spots are not filled by March 25th, the application period will be extended through the end of May.

(G) In order to maintain a strong data collection set, we need participants to actively participate in this pilot program. Active means: providing harvest data at least 3 times per month or the equivalent in total harvest days by July 31st. In order to remain eligible for this program, participants must have recorded at least 12 total harvest days before July 31st. If these standards

are not met, the individual will be removed from the program and the next person on the waiting list will be added.

(H) Each applicant for a commercial shellfish permit shall be a resident and domiciled in the Town for a period of twelve (12) months prior to application; If at any time the permit holder should change domicile to another town, the permit holder shall immediately notify the Shellfish Constable and the permit shall be automatically revoked and must be surrendered to the Shellfish Constable. In case of hardship, temporary retention of permit may be allowed subject to approval by the Select Board, based on the recommendation of the Shellfish Constable.

(I) Each application shall be subject to review by the Shellfish Constable and Select Board, prior to approval.

(J) Establishing residency shall be the burden of the applicant, to the satisfaction of the issuing authority to provide four (4) of the following documents as proof of domiciled residence:

1. A current motor vehicle driver's license;
2. A current motor vehicle excise tax bill issued by the Town;
3. A current real estate tax bill issued by the Town;
4. A current lease or rental agreement of the applicant's residence/domicile in Brewster
5. A current voter registration certificate for Brewster
6. A current listing on the Town census or list of persons
7. Or any other documentation as approved by the Shellfish Constable

- In cases of properties owned by trusts, the trustees and those named in the trust are eligible. Sufficient documentation, such as an excerpt of the trust agreement, is required.
- In the case where a vehicle is leased, you MUST show a copy of either the lease agreement, monthly bill for lease, or proof of insurance with your name linked to the vehicle

(K) Holders of a commercial shellfish permit shall not employ any person for wages, shares, or any other considerations, or permit any person to assist in the active process of taking shellfish, unless said person shall possess a valid, current, commercial shellfish permit issued in the name of said person or as an approved apprentice under the age of 16 (sixteen). 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 fishery.

(L) No person holding a commercial shellfish permit, shall hold at the same time a family recreational shellfish permit for the taking of shellfish.

Section 4. Junior commercial razor clam endorsement.

The Select Board may issue a Junior commercial razor clam endorsement to Brewster residents aged 16-20 years old. This category has been capped at four participants who operate under the same rules and regulations as a regular commercial razor clam endorsement.

Section 5. Apprentice razor clam endorsement.

The Select Board may issue an apprentice razor clam endorsement to a resident child who is sponsored by a Town of Brewster commercial razor clam endorsement holder. Said child must be under the age of 16, and said apprentice endorsement shall expire on the child’s 16th birthday or at the end of the 2019 Pilot Program. The apprentice shall assist only the sponsor, and only in the harvest of the sponsor’s catch limit. The apprentice shall not harvest shellfish without the accompaniment of the sponsor. No more than two licensed apprentices per commercial license holder. All apprentices must be endorsed by May 31st 2019.

Section 6. Commercial Razor Clam Endorsement, Transferability, and Display Requirements

(A) Fees –Pilot Razor Clam Endorsement\$0.00

Section 7. Catch Reports

- (A) All commercial shellfish permit holders shall file an annual catch report with the Select Board and Shellfish Constable, stating the amount, species and place of shellfish harvested. A new permit may not be issued until the catch report has been completed by the permit holder. For the purposes of this pilot, all catch reports are due no later than January 15th, 2020.
- (B) During the pilot, harvesters will fill out weekly catch reports online or at the shellfish office documenting days harvested, people participating in the harvest, amounts each day in pounds, and time spent harvesting.

Section 8. Harvest Notification

- (A) As a pilot program, the Town of Brewster will require all harvesters to notify the shellfish constable each time they plan to harvest and specify whether by land or by boat. If by boat, indicate which harbor with adequate time for Shellfish Constables to respond.
- (B) Prior to harvesting razor clams each day, the harvester must contact the Shellfish Constable to announce the intent to harvest and where they intend to land their catch. Methods of contact include: office phone (508) 896-4546 or text to department cell phone (774) 212-9040.

Section 9. Tagging / Display Permit

- (A) All shellfish harvested under a commercial shellfish permit shall be placed in a suitable container during transport. The container shall bear a label or tag legibly marked with:
 - (a) Date of harvest.
 - (b) Place of harvest.
 - (c) Digger’s state permit number.

(d) Name of digger.

(B) All shellfish, commercial permits and licenses shall be displayed upon demand of a Shellfish Constable or Town of Brewster police officer.

Section 10. Commercial Shellfish Hours, Landings and Temperature Restrictions

(A) Hours – No person shall dig, take, drag or carry away any shellfish or shells between the hours of one-half (1/2) hour after sunset and one-half hour before sunrise by any method whatsoever, from any water, flat, creek or marsh of the Town of Brewster.

Section 10.1 Landings

(A) All razor clams commercial harvested by foot access must be landed at Ellis Landing, Linnell Landing, or Crosby Landing.

(B) All razor clams commercial harvested by boat will have to obtain written permission from shellfish constable and the neighboring harbor masters in order to land shellfish in their harbors. In addition to tagging the bags CCB 20, the permit holder will have to retain a copy of this letter to display with their license.

(C) With prior notification and approval by the Natural Resource Department, harvesting may be conducted at landings West of Ellis Landing. These harvests will be limited and are intended to assist in identifying additional resource areas for future harvests.

Section 11. Temperature Restrictions

No person shall salt, scratch or dig clams, razor clams or quahogs on dry ground or on shoal areas that may become dry on any days when the air temperature reads under 30 degrees F. If the air temperature has not reached 30 degrees F at the shellfish office by 11:00am then all shellfishing is closed for that day.

Section 12 Methods of harvest

(A) The taking of razor clams by salting is allowable provided there are no other species (such as soft-shelled clams or quahogs) within the inter-tidal zone of a given area. Areas of mixed species will be assessed and determined in the sole and unfettered discretion of the Shellfish Constable

(B) No other method of harvest is allowable, such as plungers, pumps, drags or dredges.

(C) Harvesters cannot use a pre-mixed salt solution for harvesting, harvest site mixing only using ocean water and food grade salt only.

Section 13 Size / Catch limit

(A) 5" (five) minimum size

(B) 2 Bushel per day limit

Section 14 Registration of commercial boats:

(A) Any boat engaged in commercial shellfishing in the Town of Brewster shall be registered or documented in the Town of Brewster, and the owner shall hold a valid commercial shellfish license with a razor clam endorsement.

Section 15 Prohibited Activities

Dry salting (salt not in a water solution), broadcast salting (spreading dry salt over a tidal flat), or spraying of any other solution than food grade table salt is prohibited.

Town of Brewster 2019 Commercial Razor Clam pilot program application

At the direction of the Brewster Select Board, we are continuing the Commercial Razor Clam pilot from April 1 2019 until December 31, 2019.

The pilot is limited to 15 adult commercial harvesters, plus four junior commercial harvesters. Each harvester may also have apprentice harvesters participate, with a maximum of two apprentice harvesters under the age of 16 per commercial harvester. The eleven active participants from last year, due to their participation and cooperation, will be automatically included unless they decline to continue.

Applications will be accepted prior to noon on Monday March 25th. You must meet the residency and other requirements under our commercial shellfishing regulations to apply. If more applications are received than available permits, we will hold a lottery to randomly select applicants up to the limit of 15 total participants. The Town will notify applicants via phone and email on March 26th.

Once selected, you will need to obtain a state commercial fishing permit that has been endorsed for shellfish. You may then purchase a Brewster commercial permit endorsed for razor clams through the office of the Select Board. This permit is \$100 and is valid through the end of the pilot, December 31, 2019 for razor clam harvest only.

The pilot Razor Clam harvest regulations have specific requirements of harvest, notice and reporting that must also be followed.

Adult Commercial Harvester (21+)

Junior Commercial Harvester (16-20)

Apprentice Commercial Harvester (15 and under)

Associated Adult Commercial Harvester: _____

Name: _____

Domicile Address: _____

Phone: _____

Email: _____