

Town of Wellfleet
Temporary Shellfishing Regulations
Last Amended 10/25/2005

Section I. Location of Grants

Grants may be located in the following areas:

Area 1: On tidal lands off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier and at least three hundred (300) feet northward of a line from the seaward end of the Breakwater to the easternmost tip of Great Island, except in the area above mean low water on Egg Island, so-called.

Area 2: On tidal lands lying north and easterly of the Breakwater and of the northerly tip of Indian Neck.

Area 3: On tidal lands off Indian Neck from Omaha Road south to the eastern tip of Field Point.

Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

Area 5: On tidal lands on the west side of the harbor from the easternmost tip of Great Island south to the southern end of Great Beach Hill.

Specific grant regulations shall be determined by the Board of Selectmen with appropriate regard for reasonable navigational and recreational interests in the areas concerned.

Section II. Experimental Deep Water Hydraulic Quahog Harvesting

Aerobic (hydraulic) harvesting of quahogs as permitted under section 9.1.4 of the Shellfish Policy & Regulations is permitted within the area bounded by a line running due east from buoy 10 to the low water line and by a line running southwesterly from buoy 10 to buoy 8, thence by a line running due south by buoy 8 to the Eastham line, and thence by the Eastham line due east to the low water line, from the date of this regulation (July 1, 1990) for 365 days, unless previously rescinded for good cause. Such hydraulic harvesting is not permitted in grass bed sections of the areas defined. This is an experimental program. Any such harvesting for which a permit is given will be carried out in such zones and in such a manner as directed by the Shellfish Constable with expert assistance and approved by the Board of Selectmen. He will monitor, with the assistance of expert consultation, its effect on the bottom areas involved. The costs of inspections of bottom conditions before and after hydraulic harvesting will be borne by the holder of the permit. Estimated costs to be set out prior to project approval. A report will be submitted by him to the Board of Selectmen on **May 1, 1991** with recommendations concerning future hydraulic harvesting in such areas. Not more than ten (10) deep-water hydraulic permits shall be issued.

Section III. Hydraulic Harvesting of Shellfish from Grant Areas

The use of hydraulic harvesting gear for the purpose of harvesting shellfish from within the boundaries of a shellfish grant license area is permitted under the following conditions and restrictions:

- a) Devices used shall be for the hosed ejection of water under pressure into a shellfish bed;
- b) Pressure pumps shall not exceed five (5) horsepower as rated by the manufacturer;
- c) Noise control devices (i.e. mufflers) shall be in place and in good repair at all times;
- d) Not more than one device may be used on any grant at any time;
- e) Hours of operation shall be between 7:00 a.m. and 1/2 hour before sunset;
- f) The Shellfish Constable shall have the authority to direct an individual involved in the use of such equipment to cease and desist if the Constable feels that there is a problem that necessitates such action. Any individual ordered to cease and desist shall have the right to request of the Board of Selectmen, at their first scheduled meeting after the service of said order, to review same and determine whether said order should continue in effect or be dissolved.

Section IV. Oyster Seed Picking Regulations

The taking of seed oysters by those licensed to do so shall be **ALLOWED** as of October 1, 2002, subject to general restrictions by the State or Town (e.g. rain closures in Herring River). The taking of seed oysters by those licensed to do so shall be **PROHIBITED** as of December 31, 2002.

The specific areas open to seed picking will be determined prior to October 1, 2002. Seed picking will only be allowed in designated areas; a strip along the grass on the northeastern side of Herring River, and a strip along the western side of Chipman's Cove (see map). Seed picking outside of such areas is a violation of Shellfish Regulation 8.1.4.

License holders shall take no more than 20 bushels per licensed acre, with a total limit of 40 bushels per seed picking license.

As required under Shellfish Regulation 11.1.5, seed permit holders are required to keep a log of all seed picking (dates, amounts, location). All seed permit holders shall submit a complete copy of this log with their respective annual grant reports according to the deadline set in Shellfish Regulation 10.1.2. Any falsification of the seed picking log shall be considered falsification of the annual grant report under Shellfish Regulation 10.1.3, and incur the relevant penalties.

Seed permit holders must use bags supplied (free of charge) by the Shellfish Department. These bags will be distributed in batches of 10; subsequent batches will be supplied by the approval of a Wellfleet Shellfish Officer only after the first batch has been completely utilized (as observed by members of the Shellfish Department and/or presentation of the seed log). Any use of containers other than those supplied by the Shellfish Department will constitute a violation of Shellfish Regulation 8.1.4.

Prior to picking seed, seed permit holders should also refer to Section 11 of the Shellfish Policy & Regulations to become familiar with the relevant regulations.

Section V. Commercial and Non-Commercial Areas

- Area 1 Commercial only -- area north of a line from the seaward end of the breakwater to the easternmost tip of Great Island.
- Area 2: (A26) Non-Commercial only -- area off Indian Neck south from the breakwater to the second groin.
- Area 3: Commercial and Non-Commercial -- all the rest of the harbor except buoyed grants.

Temporary Open and Closed Areas

Non-Commercial

Chipman's Cove (A3) will CLOSE for the taking of any and all shellfish as of one-half (1/2) hour after sunset on April 1st of current year and will REOPEN one-half (1/2) hour before sunrise on October 1st of current year, until further notice.

Area 2 (A26) will be open for the harvesting of shellfish, with the following limits and on the following days:

- June 1 - September 30 annually will be open Sundays and Wednesdays, subject to a 10-quart limit weekly.
- October 1 - May 31 annually will be open seven (7) days a week, subject to a 10-quart limit weekly.

Area 3 will be open for the harvesting of shellfish with the following limits and on the following days:

- June 1 - September 30 annually will be closed to all non-commercial shellfishing.
- October 1 - May 31 annually will be open seven (7) days a week, subject to a 10-quart limit weekly.

Commercial

Catch Limits - 1 bushel = 32 quarts

Area	Oysters	Quahogs	Soft-shell clams
Herring River A6 (amended 4/17/01)	1 bushel	1 bushel	1 bushel
Mayo Beach A5	1 bushel	2 bushels	3 bushels
Duck Creek A2	1 bushel	1 bushel	1 bushel
Blackfish Creek A21/A22	1 bushel	2 bushels	3 bushels
Main Harbor	5 bushels	5 bushels	3 bushels
Chipman's Cove A3	1 bushel	1 bushel	1 bushel
South Lt. Island A14	2 bushels		

Chipman's Cove (A3) will CLOSE for the taking of all shellfish as of one-half (1/2) hour after sunset on April 30 of current year and will REOPEN one-half (1/2) hour before sunrise on the last Sunday in October of current year, until further notice.

Landing Sites – All shellfish are to be landed at the end of Old Pier Road, at the Marina boat ramp or piers, or from a point on the road along the southern perimeter of the Cove nearest the harvesting site, unless permitted otherwise by the Shellfish Constable.

Harvesting Restrictions – All shellfish are to be removed from the area at the time of harvest. No shellfish are to be left on the flats and removed from the area at the time of harvest. No shellfish are to be left on the flats and removed at a later time or day, by any means or methods. Diving for shellfish is prohibited.

Schedule – As of April 30 of current year the Cove will CLOSE to all shellfishing until further notice.

Chipman's Cove (A3) – An area of Chipman's Cove for placement of oyster spat collection by shellfish grant license holders, approximately 300' by 300' marked by yellow buoys, will be so designated from June 1st through October 31st of current year.

Duck Creek (A2) will OPEN for the taking of all shellfish as of one-half (1/2) hour before sunrise on October 1st and will CLOSE as of one-half (1/2) hour after sunset on April 30, pending State approval.

The taking of shellfish from the bulkheads, pilings and adjacent flats in the area inside the "L" pier, behind the fuel dock and inshore of the finger piers near the boat ramp shall be PROHIBITED until further notice. (A2/3/4)

The closed portion of the West Side of Wellfleet Harbor offshore from the area commonly known as **Middle Meadows** will open to the taking of shellfish by any means or method EXCEPT that the area will remain CLOSED to the taking of shellfish by using a quahog dredge. The area will open as of one-half (1/2) hour before sunrise on May 15, 1996

Blackfish Creek (A21/22) will be open for the taking of quahogs, soft-shelled clams and oysters.

The south side of **Egg Island** will be open for the taking of quahogs and oysters with a limit of 5 bushels a day, hand scratching only. The north side of Egg Island (A5) from the flag pole at Chequessett Country Club easterly to the Town Pier, with a 25-foot buffer zone for grant areas will be open for the taking of quahogs and oysters with a limit of 2 bushels a day, hand scratching only.

The taking of shellfish in the area north of the "**No Dragging**" line in Wellfleet Harbor will close to the taking of shellfish as of ½ hour after sunset on Monday, October 19, 1998 by the following methods: bull-rakes and all variations thereof, tongs, and the use of any and all implements while working out of a boat EXCEPT diving. Diving from a boat will still be permitted with the usual restrictions and conditions. The use of scratcher and basket rakes and clam hoes will continue to be allowed. Area is as follows: starting at the offshore tip of the Indian Neck breakwater and proceeding to the southern tip of Puffer grant license #2 in a northerly direction, then proceeding in a northwesterly direction along the grant boundary to the southwest corner then inshore along the grant boundary to the northwest corner of that grant then in a westerly direction to the southeast corner of Rose grant license area #743, then continuing in a westerly direction to the southeast corner of the Fox grant license area #754, then in a westerly direction to the northwest corner of the Egg Island grant area, then in an easterly direction back along the "No Dragging" line back to the original point.

1. No more than two limits per boat will be landed in any one day.
2. Cullers/dive tenders shall not be required to have a permit if no second limit is taken.

The area east of the No Dragging Line from the Candy Pole on Field Point to the boathouse on Lieutenant's Island shall be closed to harvesting of shellfish by means of bullrakes, tongs, or any variation thereof, unless used on private licensed areas.

A portion of the closed area located on the south side of the "**No Dragging**" line on the west side of Wellfleet Harbor along Great Island will OPEN to the taking of shellfish by any means or method EXCEPT that the area will remain CLOSED to the taking of shellfish by the use of a quahog dredge. The area will be defined by orange high flyer buoys on the north side of the "No Dragging" line of yellow and/or fluorescent yellow buoys on the east side. The area will open as of one-half (1/2) hour before sunrise on May 15, 1996 and will remain open until further notice.

Area 3 south of the “**No Dragging**” line will OPEN to the taking of any and all shellfish by any authorized means or methods as of one-half (1/2) hour before sunrise on Monday, January 18, 1999. Area will remain open until further notice.

Herring River (A6) will be open to shellfishing on a conditional basis as per the following:

- 1)
 - a) The area to be opened is described as "the waters and flats of the Herring River portion of Wellfleet Harbor south of a line marked by a row of yellow buoys placed as directed by the Massachusetts Division of Marine Fisheries, and west of a line drawn from the flagpole at the Chequessett Yacht Club across to the northeast tip of Great Island".
 - b) The portion of Herring River north (upstream) of the row of yellow buoys will remain closed to all shellfishing at all times. It is classified as closed to the harvest of shellfish.
- 2)
 - a) The area will OPEN as of one-half (1/2) hour before sunrise on March 15, 2001 and will automatically close to shellfishing on December 15, 2001 unless the Division of Marine Fisheries reclassifies area prior to said date.
 - b) At such times as the area is open for taking of shellfish, a fluorescent yellow flag will be raised on the flagpole at the Shellfish Department Building on Mayo Beach. The area will be closed and the taking of shellfish is prohibited at such times, as the yellow flag is not raised.
- 3) The "conditional - approved" classification will be on a seasonal basis. During the period from December 15 through March 15 the area will be classified as closed to the taking of shellfish.
- 4) The area is open to the taking of shellfish by Wellfleet Commercial permit holders only.
- 5) Scuba diving for shellfish is prohibited.

Appendix: Areas and Boundaries

Area 1: All marine waters and intertidal areas north of the No Drag Line, excluding Chipman’s Cove.

Area 2: All marine waters and intertidal areas landward of the area enclosed by the navigational beacon (#14) at the seaward end of Indian Neck breakwater to a point near the #12 channel marker and thence inshore to the end of the first groin south of the Burton Baker Landing.

Area 3: All marine waters and intertidal areas within Wellfleet Harbor, excluding Areas 1 and 2.

Blackfish Creek: All marine waters and intertidal areas enclosed east of a boundary from the parking lot at Fox Island, marked with a striped pole, to the western edge of the house at the northwestern tip of Lieutenant’s Island, and north of the Lieutenant’s Island Bridge.

Chipman’s Cove: All marine waters and intertidal areas enclosed south of a boundary from the southeastern tip of Shirrtail Point to a point on the shore on the other side of the channel, marked with a striped pole, and east of a boundary from the southwestern tip of the L Pier to a point on the tip of Indian Neck, marked with a striped pole.

Duck Creek: All marine waters and intertidal areas enclosed north of a boundary from the southeastern tip of Shirrtail Point to a point on the shore on the other side of the channel, marked with a striped pole, east of Commercial Street, and south of Uncle Tim’s Bridge.

Eastham/Wellfleet Town line: For the purposes of shellfishing, the boundary shall be considered to run down the middle of Hatches Creek, and westerly from the official boundary marker in Hatches Creek to the Eastham/Wellfleet boundary marker on Billingsgate Island and thence in the same direction to State waters.

Herring River: All marine waters and intertidal areas enclosed west of a boundary from the main flagpole at the Chequessett Neck Club to a point on the tip of Great Island, marked with a striped pole, and south of a boundary determined by the Massachusetts Division of Marine Fisheries, marked with poles on either side of the river.

Inside L Pier: All marine waters and intertidal areas enclosed by the L Pier, and west of a boundary from the southeastern tip of the L Pier to the eastern high point of the Town Boat Ramp.

Main Harbor: All marine waters and intertidal areas within Wellfleet Harbor, excluding Blackfish Creek, Chipman's Cove, Duck Creek, Herring River, Mayo Beach and South Lieutenant's Island.

Mayo Beach: All marine waters and intertidal areas enclosed east of a boundary from the main flagpole at the Chequessett Neck Yacht Club to a point on the tip of Great Island, marked with a striped pole, north of the No Drag Line, and west of a boundary from the southwestern tip of the L Pier to a point on the tip of Indian Neck, marked with a striped pole.

No Drag Line:

1: Line extending from the navigational beacon (#14) at the seaward end of Indian Neck breakwater to a point on the tip of Great Island, marked with a striped pole.

2: Line extending from the candy pole on Field Point to the boathouse on Lieutenant Island.

No Quahaug Dredge Line: Line extending from a point in Middle Meadows, marked with a striped pole towards the US Geodetic and Coast Survey marker at the landward end of the third groin west of the Mayo Beach, ending where this line meets the No Drag Line (near the rocks known as Old Saw).

South Lieutenant's Island: All marine waters and intertidal areas enclosed east of a boundary from the osprey nest pole on the southern end of Lieutenant's Island to the Eastham/Wellfleet marker in Hatches Creek, and south of the Lieutenant's Island Bridge.

Wellfleet Harbor: All marine waters and intertidal areas enclosed north of the Eastham/Wellfleet Town Line, and east of a boundary from the Eastham/Wellfleet boundary marker on Billingsgate Island to the southern tip of Jeremy Point.

Section VI. Buffer Zones for Shellfish Grants

There shall be no shellfishing within 25 feet of a shellfish grant, excepting where grants abut.

Section VII.

The use of all mobile shellfishing gear EXCEPT toothed-oyster drags shall be prohibited in and on the waters and flats of Area 1 located on the west side of Wellfleet Harbor along the shore of Great Island as of one half hour before sunrise on July 15, 1994. This gear restriction shall be in effect until further notice.

Section VIII.

An area in Herring River on the back side of Pebbly Bar and an area of Chipman's Cove near the southeast corner of the mooring basin will be marked with small orange buoys. Grant license holders may place cultch in these areas with the following restrictions:

- a) The cultch should be clean of all foreign debris.
- b) The cultch should be placed on the substrate, not in containers or on any artificial material or mesh.
- c) Cultch must be removed to the licensee's grant license area prior to December 15, 1997. Any cultch remaining in that area would become the property of the town.
- d) Cultch must be removed from this area by hand; no dragging will be allowed.

Section IX.

The storage of any and all shellfish in the water under and/or adjacent to the bulkhead, finger piers, floats, boats and/or the inside of the "L" pier shall be PROHIBITED as of one half hour after sunset on June 14, 1997, said prohibition to remain in effect until further notice.

PENALTIES

See Section 14 of the Wellfleet Shellfishing Policy and Regulations