

Commercial Shellfish License Renewals 2021

Attached is the 2021 Commercial Shellfish License Application.

Upon completion, please do the following:

1. Submit completed application either by mail or delivered in person to Nancy O'Connor in the Town Manager's/Board of Selectmen's office (Town Hall will be open to the public starting Monday, April 5, 2021).
2. Please provide a self-addressed stamped envelope along with your application so that we can mail back your license or we will contact you to pick up.
3. Applications must be received by April 30, 2021.

You will be contacted if more information is required after your application has been reviewed. If you have any questions, please let me know.

Jake B. Emerson
Harbormaster/Shellfish Constable
Duxbury Harbormaster Department
878 Tremont Street
Duxbury, MA 02332
781-934-2866
jemerson@duxburypolice.org

2021 COMMERCIAL SHELLFISH LICENSE APPLICATION AND RESIDENCY CONFIRMATION



APPLICATION MATERIALS

PRINT OR TYPE. Incomplete or illegible applications will not be processed. Illegible applications shall be considered incomplete. Applications submitted without (required) evidence of domicile will be considered incomplete.

NOTE: The Applicant is required to review the Duxbury Shellfish Rules and Regulations prior to completing this Application. The Duxbury Shellfish Rules and Regulations (attached) provide that Commercial Shellfish Licenses shall only be granted to persons that are actually domiciled in the Town of Duxbury and have been so for not less than six (6) months prior to applying for a Commercial Shellfish License. Any person who receives a Commercial Shellfish License must, as a condition of maintaining eligibility for the license, remain domiciled within the Town of Duxbury. Further, Duxbury requires that all licensees comply with all other applicable Federal, State and local laws, rules and regulations.

1. 2021 COMMERCIAL SHELLFISH APPLICATION

PROOF OF DOMICILE: The applicant is required to provide satisfactory proof of domicile. The Town of Duxbury requires the following as evidence of domicile. (All copies (evidence) of domicile shall be of good legible quality and shall be attached to this application upon submission.)

2. A valid Massachusetts Driver's License showing that the applicant has a valid Duxbury street address. (Post Office Box address is not sufficient).
3. A valid Massachusetts Commercial Fisherman permit (endorsed shellfish) showing that the applicant has a Duxbury address. *[The paper license which shows the applicant's address; not the plastic card.]*
4. A valid Duxbury property tax bill that shows the name and address of the applicant **OR a completed Domicile/Lease Verification Affidavit** form that shows the name and Duxbury street address of the applicant. Tenants (Renters) are asked to complete the Domicile/Lease Verification Affidavit form and attach a current lease. Individuals without a formal lease agreement, who are residing with a Duxbury relative or Duxbury Property Owner, shall complete the Domicile/Lease Verification Affidavit form.
5. **Payment of Fee** payable to "Town of Duxbury." (\$105.00 Combination / \$160.00 Mussel / \$130 Razor Clam)
6. **Any other form of evidence that the licensing authority deems as sufficient proof of Duxbury domicile.**

NOTE: The Board of Selectmen, the licensing authority, reserves the right to screen (all) applicants and to deny a license. The Town of Duxbury assumes no responsibility or liability for late or incomplete applications or missing attachments. All documents received shall become the property of the Town of Duxbury.

2021 COMMERCIAL SHELLFISH LICENSE APPLICATION

A. NAME OF APPLICANT:

PRINT OR TYPE.

B. DATE OF BIRTH: ____/____/____

Operator (Driver's) License No. _____ OR SSN _____
(For your protection we recommend you provide your Driver's License # if it is different than your SSN.)

HOME TEL. # (____) _____ CELL #: (____) _____

EMAIL: _____

C. APPLICANT'S DUXBURY STREET ADDRESS:

D. APPLICANT'S MAILING ADDRESS (if different from street address):

E. DURATION OF APPLICANT'S UNINTERRUPTED PERIOD OF DUXBURY DOMICILE:

_____ Years _____ Months

F. Please check the box(s) indicating the license(s) you are applying for:

\$105.00 Combination \$160.00 Mussel \$130.00 Razor Clam

NOTICE

The applicant hereby swears, under pains and penalties of perjury, that he/she has reviewed the Duxbury Shellfish Rules and Regulations and that the information provided on this application and attached documents showing proof of domicile are true and accurate. Further, the applicant agrees to the terms and conditions of a Commercial Shellfish License issued by the Town of Duxbury and agrees to comply with the same, as well as all applicable Federal, State and local laws, rules and regulations. The applicant agrees to provide the Licensing Authority thirty (30) days notice of any change in address or domicile.

(Print Name)

(Signature of Applicant)

Date: _____

Combination Commercial Shellfish License Waiver

INSTRUCTION: Please Read Carefully

Please note: This signed waiver shall be submitted with the applicant's completed Combination Commercial Shellfish License application. The Town of Duxbury assumes no responsibility or liability for incomplete or late applications or attachments.

The section below is as authorized by law within the Duxbury Shellfish Rules and Regulations.

The Combination commercial Shellfish License will allow the holder and signer to dig, take, and harvest by means of his or her labor for commercial distribution as stated below unless otherwise indicated:

1. A. EEL
B. SEAWORM
C. BONUS SHELLFISH: Other species of shellfish may be included within this combination commercial license.

2. The Board of Selectmen reserves the right to screen all applicants and deny a license.

This License will be issued by the Selectmen or their agent on an unlimited basis, annually in the month of April only. Bag limits, seasons, harvestable areas and other restricting measures will be set by the Board of Selectmen anytime for the management, conservation and protection of the resource.

XX

The applicant attests by signature below, that he / she has read the above and understands that other than Eel and Seaworm, bonus shellfish, that may include, other species of shellfish, bag limits, seasons, harvestable areas, and other restrictions as determined monthly by the Board of Selectmen. At no time is (section 1.C) Bonus Shellfish to be considered anything other than a bonus season.

The License holder is responsible to contact the HARBORMASTER/COASTAL RESOURCES DEPARTMENT (monthly) to inquire as to information concerning (section 1.C) Bonus Shellfish including: bag limits, seasons, harvestable areas and other restricting measures as set for by the Board of Selectmen.

Name: (PRINT) _____

Street Address: (PRINT) _____

Signature: _____

Date: _____

DOMICILE / LEASE VERIFICATION AFFIDAVIT

(Complete this form if you reside in Duxbury and are not the property owner.)

Landlord or
Property Owner's Name _____
LAST FIRST MIDDLE

Landlord or
Property Owner's Address _____
STREET {P.O. BOX / Mail Address if different}
CITY STATE ZIP CODE

Telephone #: (____) _____

DUXBURY RENTAL PROPERTY
Or RESIDENT'S STREET ADDRESS: _____

NAME OF TENANT or
RESIDENT: _____
LAST FIRST MIDDLE

UNINTERRUPTED DOMICILE OF TENANT /
RESIDENT _____
YEARS / MONTHS

DATE FROM _____ / TO _____

I hereby swear under pains and penalties of
perjury that the information provided on the
affidavit is true and accurate.

(PRINT) Name of Landlord /Property Owner

Signature of Landlord/ Property Owner

DATE: _____

I hereby swear under pains and penalties of
perjury that the information provided on the
affidavit is true and accurate.

(PRINT) Name of Tenant or Resident

Signature of Tenant / Resident

DATE _____

Tenants or Minors

TENANTS (Renters): Please attach a current lease.

RESIDENTS: Individuals *without* a formal lease agreement, who are residing with a Duxbury relative or Duxbury Property Owner, please indicate **RELATIONSHIP:**

SHELLFISH RULES AND REGULATIONS

7.5 SHELLFISH RULES AND REGULATIONS

(REVISED MARCH 1990)

By virtue of the authority granted by the voters of the Town of Duxbury at a Town Meeting held on March, 7, 1942, and in accord with the provisions of Chapter 598, Acts of 1941, and all amendments thereto, the Board of Selectmen hereby make the following regulations for the taking of eels, shellfish and seaworms.

CHAPTER 1

DUXBURY SHELLFISH RULES AND REGULATIONS

A. Purpose: the purpose of these Rules and Regulations is as follows:

1. To regulate the harvesting of shellfish, eel and seaworms in the Town of Duxbury.
2. To provide policy and programs which establish a means of continuity in providing for the conservation, protection and production of reasonable yield of shellfish.

B. Conservation and Management of Shellfish Resources: It is hereby determined as follows:

1. The flats of Duxbury are a valuable shellfish resource.
2. The flats are an exhaustible resource and must be managed in order to remain viable.
3. As part of the management process it is necessary to regulate the fishery by establishing rigid guidelines governing the size and quantities of resources which may be harvested, by restricting areas which may be harvested and by taking other measures outlined in these rules and regulations.

C. Definitions: Within these Shellfish Rules and Regulations, unless the context otherwise requires, the following words shall have the following meaning:

1. Shellfish - shall include, unless otherwise so indicated, soft-shell (steamer), quahog, razor clam, sea clam, oyster, mussel, and scallop.
2. Shellfish Harvesting - shall include all the activities of the digging and/or taking of shellfish, sea worms or eels up to and including the landing of.

CHAPTER II A RESIDENCE

Any person who resides in the Town of Duxbury while actually domiciled therein may be granted the following:

1. Commercial Shellfish Licenses.

a. Commercial Mussel License - \$160.00. This license will allow the holder and signer to dig and take (Harvest) by means of his or her own labor for commercial distribution of the above stated. As part of the management process it is necessary to restrict the particular commercial licenses. There shall be only 10 commercial licenses issued annually.

1. When commercial mussel licenses become available, names of applicants will be drawn from a list in order, starting with number one and so on. These names will be of persons who have made application to the Selectmen and whose names were drawn from a lottery for placement.
2. Notice of the lottery to form this list will be advertised for one week in a local paper. Two weeks after advertising the Selectmen, at a Selectmen's meeting will draw names of those applicants and post a list in order of drawing.
3. There will be one drawing ONLY. After that, those persons wishing to be placed on a waiting list must make application with the Selectmen or their agent and be put last on the list in order of application.
4. Applicants must fulfill all requirements expressed by the Duxbury shellfish bylaws.
5. If for some reason, the first of the list refuses to accept the available license, he will be placed last on the list and the number two applicant will advance in position.
6. The Selectmen, the licensing authority, reserve the right to screen all applicants and deny them either a position on the waiting list or a license.
7. The list will be kept in the Selectmen's Office.
8. Applicants on the waiting list must renew their application annually in the month of January. Those not complying will be REMOVED FROM THE LIST.
9. If a mussel permit is turned in prior to the expiration date the next applicant on the list for this particular license will be given the opportunity to accept this permit. Chapter II, Section 1-A, #5 shall apply.
10. Holders of Duxbury commercial mussel licenses have two (2) weeks in which to renew said permit after expiration date or that license shall be subject to public application. Chapter II, Section 1-A, #1-9 shall apply.

NOTE: Provisions within the General Shellfish Rules and Regulations, Chapter III shall apply.

(b) Commercial Razor License - \$130.00. This license will allow the holder and signer to dig and take (Harvest) by means of his or her own labor for commercial distribution of the above stated. As part of the management process it is necessary to restrict the harvesting of shellfish by limiting particular commercial licenses. There shall be only (15) commercial razor licenses issued annually.

1. When commercial razor licenses become available, names of applicants will be drawn from a list in order, starting with number one and so on. These names will be of persons who have made application to the Selectmen and whose names were drawn from a lottery for placement.
2. Notice of the lottery to form this list will be advertised for one week in a local paper. Two weeks after advertising the Selectmen, at a Selectmen's meeting will draw names of those applicants and post a list in order of drawing.

3. There will be one drawing ONLY. After that, those persons wishing to be placed on a waiting list must make application with the Selectmen or their agent and be put last on the list in order of application.
4. Applicants must fulfill all requirements expressed by the Duxbury shellfish by-laws.
5. If for some reason, the first of the list refuses to accept the available license, he will be placed last on the list and the number two applicant will advance in position.
6. The Selectmen, the licensing authority, reserve the right to screen all applicants and deny them either a position on the waiting list or a license.
7. The list will be kept in the Selectmen's Office.
8. Applicants on the waiting list must renew their application annually in the month of January. Those not complying will be REMOVED FROM THE LIST.
9. If a razor permit is turned in prior to the expiration date the next applicant on the list for this particular license will be given the opportunity to accept this permit. Chapter II, Section 1-A, #5 shall apply.
10. Holders of Duxbury Commercial razor licenses have two (2) weeks in which to renew said permit after expiration date or that license shall be subject to public application. Chapter II, Section 1-A, #1-9 shall apply.

NOTE: Only the holder of the 1989 Combination Commercial Shellfish license shall be eligible for the 1990 issuance of the Limited Entry Razor Clam license. 1990 license issuance numbers that exceed the annual (15) cap shall be eliminated through attrition as licenses are given up until the desired number is met. Provisions within the General Shellfish Rules and Regulations, Chapter III shall apply.

(c) Combination Commercial Shellfish License - \$105.00. This license will allow the holder and signer to dig and to take (harvest) by means of his or her own labor for commercial distribution as stated below unless otherwise indicated:

The Board of Selectmen, the licensing authority, reserves the right to screen all applicants and deny a license.

1. A. Eel
- B. Seaworm
- C. Bonus Shellfish: Other species of shellfish may be included within this combination commercial license.

This license will be issued by the Selectmen or their agent on an unlimited basis, annually in the month of April only. Bag limits, seasons, harvestable areas and other restricting measures will be set by the Board of Selectmen anytime for the management, conservation and protection of the resource.

2. Resident Family Consumption Permit: This entitles the holder and signer of this permit and his immediate family living at the same residence who are residents of Duxbury or are non-residents but who own real estate in the Town of Duxbury to take shellfish, seaworms and eels by means of their own labor from open areas from which commercial taking of shellfish may be prohibited, for consumption by their own family or for their use as bait but not exceeding 12 quarts in any one day nor more than 12 quarts per week per family unless otherwise so stated. FEE: \$20.00

3. Resident Individual Senior Citizen Permit: Those residents 65 years of age and older who are residents of Duxbury or are non-residents 65 years of age or older but own Duxbury Real Estate can obtain a shellfish permit at no fee (all family permit regulations shall apply). Fee: free.

4. Resident Individual Senior Citizen Permit: Those residents 65 years of age and older who are residents of Duxbury or are non-residents 65 years of age or older but own Duxbury Real Estate can obtain a shellfish permit at no fee (all family permit regulations shall apply). Fee free.

B. NON-RESIDENT

Any person who does not fulfill the town of Duxbury resident requirement may be granted the following permits:

1. Non Resident Family Consumption Permit: This entitles the holder and signer of this permit and his immediate family living at the same residence who are not residents of Duxbury to take shellfish, seaworms and eels by means of their own labor from open areas from which the commercial taking of shellfish may be prohibited, for consumption by their own family or for their use as bait but not exceeding in total quantity of all shellfish so taken 12 quarts in any one day nor more than 12 quarts in any one week. All shellfish taken shall be limited to 12 quarts per week per family unless otherwise so stated. FEE \$100.00

CHAPTER III

GENERAL RULES AND REGULATIONS

The holders of permits issued for the digging and taking of eels, shellfish and seaworms shall at all times conform to the provisions of Chapter 130 of the General Laws as amended by Chapter 598 of Acts of 1941 and any subsequent amendments thereto:

1. All persons are prohibited from taking without a permit any eels (except y hook and line) seaworms or shellfish, including soft shelled clams, quahogs, sea clams, mussels, oysters and scallops.
2. The signed permit must be on the person of anyone in the act of harvesting shellfish. It must be shown upon demand to the Shellfish constable or his deputies.
3. Any shellfish, seaworms or eels harvested must be shown upon demand to the Shellfish Constable of his deputies.
4. Any shellfish permit may be suspended or revoked by the Selectmen per request of the Shellfish constable for any violation of State Law relative to shellfish, or for the violation of any rule or regulation made by the Selectmen for the protection of shellfish, eels or seaworms.
5. The Selectmen may from time to time declare in whole or in part areas of shore, flats or creeks closed or restricted to the taking of shellfish, eels and sea worms, and no shellfish, eels or seaworms may be harvested at any time except in areas so designated by the Selectmen.
6. Shellfish, eel, and seaworm landing areas will be designated by the Shellfish constable or his Deputy.

7. There will be no commercial digging of any shellfish, seaworms and/or eels unless otherwise so indicated.
8. When weekly limits of shellfish are set, the week begins on Monday.
9. Taking shellfish, eels and seaworms is prohibited on Sunday from June 1st to September 1st.
10. Permits are required for all persons over the age of 14. Those 14 or under must be accompanied by a permit holder whose limit is not increased by the presence of the child.
11. All shellfish must be dug with conventional tined tools. No shovels are permitted and digging must be by hand without assistance of power.
12. No container larger than 12 quarts is allowed on shore, creek or inlet unless otherwise allowed by law.
13. Quahogs and soft-shelled clams must be 2" in greatest length, oysters must be 3"
14. It is prohibited to dig for any shellfish or seaworms in grass or close to roots of marsh.
15. If digging causes large holes in shore, they must be filled in by digger

Soft Shelled Clams

16. When allowed, soft-shelled clams (steamers) shall be limited to 6 quarts per week per family. Open areas for soft-shelled clams will be designated by the Selectmen and posted if appropriate by the Shellfish constable. These areas only are to be dug for soft-shelled clams.
 - a. Soft-shelled clams (steamers) may only be taken during the months of September, October, April and May on Wednesdays and Saturdays.
17. When allowed, oysters shall be limited to 6 quarts per week, per family; the Selectmen will designate seasons and areas for oyster harvesting, annually when appropriate.
 - a. Oysters may only be taken during months of September and October on Wednesdays and Saturdays only.
18. The Board of Selectmen may declare bonus seasons on shellfish. This is a bonus season only and not to be regarded as an annual grant.
19. It is unlawful for any person to harvest any part of another's limit.
20. It is prohibited to dig or take shellfish or seaworms between the hours of 1/2 hour after sunset and 1/2 hours before sunrise.
21. It is unlawful to remove the shells from shellfish before leaving the digging area.
22. No shellfish taken on non-commercial permits may be sold, wasted or bartered in any manner.
23. No dredging of shellfish by handpower or motorpower allowed, unless otherwise allowed by law.

24. The Board of Selectmen may at any time restrict or control the harvesting of shellfish, seaworms and eels, by establishing and implementing bag limits, seasons and moratoriums, etc. as they deem appropriate and necessary in the best interest of the Town of Duxbury.
25. That any person making application for any commercial shellfish license must be a resident of the Town of Duxbury, must reside while actually domicile within the Town of Duxbury for not less than six (6) months preceding the application or license and further must continue to be a resident of the Town of Duxbury, while actually domicile therein while in possession of said license or application.
26. No alien may apply for a Duxbury commercial license until he has lived in Duxbury for at least five years.
27. Commercial permits are issued only to applicants holding a valid State Commercial shellfish License.
28. The State Shellfish License Number shall be placed on record at the Selectmen's Office when applicant is issued a Duxbury commercial License.
29. Commercial licenses must be utilized in order to be eligible for re-issue the following year.
30. Duxbury Commercial Shellfish licenses may not be transferred or assigned.
31. Eel pots shall be limited to twenty-five (25) pots per Duxbury Commercial Permit and all pots must be clearly marked with State Permit Number. No pot shall be set in navigable channel. Holders of Non-commercial Permits may set one eel pot clearly marked with Town Permit Number.
32. There is to be no digging or taking of non-commercial shellfish while harvesting shellfish commercially in Duxbury.
33. Shellfish reports for Commercial Permits are due the last day of every month.
34. All shellfish commercially harvested must be washed and bagged prior to landing.

Scallops

35. Except as provided in Chapter 130 of the General Laws, Section 70 and 73, no person shall take scallops between April 1st and the following October 1st, from flats or coastal waters or buy or sell or have in their possession scallops so taken. Open season is October 1st to April 1st.
36. No person shall take from the flats or waters of Duxbury seed scallops, or sell or offer for sale or have in possession such scallops. A legal scallop is one with a raised annual growth line. Any scallop without such a line shall be deemed a seed scallop. Since scallops appear seldomly in Duxbury, no limits are set except as part of total weekly limits. If they do appear in Duxbury Bay in large numbers, limits and commercial license conditions will be announced by the Selectmen.
37. No person shall plant, introduce or transplant any shellfish without express permission of the Selectmen and the Shellfish Constable.

38. When harvesting sea clams, the limits shall be 32 quarts per week per family.

PENALTY

The penalty for violations of any of these regulations shall be a fine not less than twenty-five dollars (\$25.00) nor more than two hundred dollars (\$200.00) for each offense and the revocation of license or permit or both. Change \$10.00 to \$25.00. Change \$50.00 to \$200.00.

The revenue from any said fines, after payment of fees and expenses, shall be paid to the Town of Duxbury, Massachusetts.

These Rules and Regulations may be amended by the majority of said Board of Selectmen.

If any portion of these Regulations is declared to be invalid, that declaration does not affect the remainder of the above Rules and Regulations.

The foregoing regulations are hereby established
by vote of the Selectmen, adopted on the fifth day
of March 1990 and are to be effective April 1, 1990
and supersede any previous regulations.