

## TOWN OF TISBURY Shellfish Regulations → January 2026

By the authority vested in the Select Board of the Town of Tisbury by Chapter 130 of the Massachusetts General Laws as amended, and by a vote of the Town, at the Annual Town Meeting, held February 13, 1945, specifically Article 11, authorizing the Select Board to control, regulate or prohibit the taking of eels, soft-shell clams, quahogs, oysters and scallops within the Town of Tisbury, the Select Board of said Town hereby make regulations. The purpose of these regulations is to protect, enhance, and assure the continuance of a healthy shellfishing industry in the Town of Tisbury. All persons harvesting or taking shellfish from the flats or waters of the Town of Tisbury are subject to the provisions of these regulations.

1. No person, without a permit from the Select Board, shall take from the waters of said Town any eels, soft-shell clams, quahogs, oysters or scallops except as specifically allowed by law. Before receiving a resident residential permit or a commercial permit, the applicant shall provide three (3) proofs of residency requirements such as current tax bills, voter registration, listing on the annual street list, utility bills stating the location of service, and MA State issued identification card and driver's license.
2. No person shall be granted any such permit for the taking of quahogs and soft-shell clams or scallops unless they agree (and the acceptance of such permit shall constitute such an agreement) that they will at any time or place when requested to do so by the Select Board or by their authorized agent, or by any Constable of said Town, open such building, boat, barrel, tub, crate, or other receptacle belonging to them, or being under their control, and fully expose to them the contents thereof for inspection. Failure to do so upon request by any Shellfish Constable or appointed Deputy may result in a revocation or suspension of shellfish permits.
3. Whoever, being in a boat in Town waters throws or dumps overboard the contents of any pail, bag, barrel, or other receptacle, or throws overboard any shellfish after having requested to be signaled by any officer authorized to enforce this section to stand-by for inspection shall be deemed to have violated MGL Ch.130 and be subject to the revocation or suspension of their shellfish permit, and/or a fine of not less than four hundred dollars (\$400), nor more than ten thousand dollars (\$10,000).
4. Every license, permit, or certificate issued under the provisions of this Chapter or any provision of law relating to marine fish or fisheries, or rules and regulations made under authority thereof, held by any person convicted of a violation of any of the laws relating to marine fish and fisheries or any regulations made under authority thereof by a court of competent jurisdiction, shall be suspended and inoperative for one month for the first

offense, three months for the second offense and one year for any subsequent offenses. (Chapter 130, section 2).

5. All regulations subject to Massachusetts General Laws (MGL) Chapter 130 and 322 Code of Massachusetts Regulations (CMR) that pertain to shellfish, shellfishing or safe harvesting guidelines shall be enforced.

6. All shellfish must be landed in the shell. Once harvested, shellfish must be taken home and not returned to the pond. No wet storage of shellfish.

7. Any person is obligated, at the request of the Constable or their assistants, to land their catch so that it may be inspected or display their permit. The landing places are as follows:

- Tashmoo Pond at the foot of Lake Street
- Vineyard Haven Harbor at the Town Pier
- Lagoon Pond at the Ramp

8. All open shellfish areas can be found on the [Town](#) website on the Shellfish page under [Lagoon](#) or [Tashmoo](#) Shellfishing maps. There are prohibited areas in both the Lagoon and in Tashmoo, these areas are marked with buoys and signs and can also be found online under Lagoon Shellfishing map and Tashmoo Shellfishing map on the Shellfish | Town of Tisbury MA web page.

9. No shellfishing shall be allowed where an abundance of scallop seed and/or broodstock is prevalent as determined by the Shellfish Constable and will be marked with black buoys and/or signs.

10. With consultation from the shellfish advisory committee, the shellfish constable may designate an area each scallop season for dip-netting only. The area will be marked with buoys set out by shellfish personnel. No dragging will be allowed.

11. Any person taking seed scallops, quahogs, or soft-shell clams from the flats or tidewaters of said Town is subject to a fine not exceeding twenty-five dollars for each offense unless they immediately return them to tidewater which is at least three feet deep at mean low water (A seed scallop is any scallop which does not show a well-defined growth line, Bay Scallops that have a well-defined raised annual growth line located less than ten millimeters (mm) from the hinge of the shell, shall be lawful to harvest and possess if the shell height is at least 63.5 millimeters or 2.5 inches. Quahogs must be 1 inch thick and soft-shell clams no less than 2 inches in length. Whoever has more than 5% seed in their possession shall be fined not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). All shellfishermen must have in their possession an official shellfish gauge when harvesting quahogs or soft-shell clams.

12. Dredging may be prohibited, with the approval of the Select Board, in any area where, in the Constable's opinion, too much seed is endangered. Hydraulic jetting, including propeller dredging, is prohibited for any shellfish species in Tisbury waters. All quahog and clam dredging or jetting is strictly prohibited in Lake Tashmoo and Lagoon Pond. Hand digging or raking are allowed in the ponds. Quahog dredging may be allowed in the harbor with written permission from the constable.

13. No boat used to take scallops shall exceed twenty-four feet (24') in length at the water line in Lagoon Pond and Lake Tashmoo.

14. Scallop dredges must not have any lead in their construction and must be individually tied to the boat; gang dredges are prohibited. (Gang dredges are more than two dredges fastened together.) Drags with teeth, tines, rakes, scoops, fingers, or any other extension, attachment, or device the constable finds harmful or damaging to eelgrass or any other benthic zone vegetation are strictly prohibited. No boat shall use more than four (4) drags at any one time. No drag shall exceed thirty-six inches (36") in width.

15. Temperature must reach thirty (30) degrees Fahrenheit by 10am for harvesting of scallops. The link to the official temperature can be found on the Town's website or at [Sailflow](#). In addition, there will be a red flag flown at the landing areas for the Lagoon, Vineyard Haven Harbor and Lake Tashmoo if the temperature is below 30°F.

16. Transferring shellfish from one permit holder to another is strictly prohibited.

17. Any person holding a valid recreational shellfish license may obtain one recreational limit of scallops, quahogs, or soft-shell clams for an elderly resident, or a disabled resident who is unable to fish but who holds a valid permit, provided that the person for whom the shellfish are obtained submits a signed request to the Shellfish Constable with their contact information and which states that the shellfish are for their personnel use the fisherman must carry that person's shellfish license when fishing. The shellfish license holder must be present when the catch is checked in. If they physically cannot be present, they must contact the Shellfish Constable and inform them that another person will be harvesting their limit and they will not be present.

18. Quahogs and soft-shell clams may be harvested one-half hour before sunrise to one-half hour after sunset, year-round.

19. Scallops- commercially or recreationally can only be harvested from 7am-4pm, during the scallop season.

20. Missing signs: The harvesting of shellfish is prohibited in areas so posted by the Shellfish Constable, although weather or other circumstances may, from time to time,

remove signage or buoys. It is the responsibility of each Commercial permit holder to become familiar with all closed areas. Missing signage and buoys should be reported to the Shellfish Department.

21. Violation of any part of the Town regulations shall be subject to punishment as follows: fifty Dollars (\$50.00) fine and suspension of permit for five (5) days for the first offense, one Hundred Dollars (\$100.00) fine and suspension of permit for (30) thirty days for the second offense, and Three hundred Dollars (\$300.00) fine and suspension of permit for ninety (90) days for the third offense. If there are no subsequent offenses during a three (3) year period starting with the date of the last offense, the individual will be considered to have a clean slate. a. Permit suspensions: violators of these regulations must appear before the Board of Select Board and said Board may call upon the recommendations of the Shellfish Constable or Deputy Shellfish Constable to have such permit suspended.

22. The posting of these regulations shall not prohibit the Select Board from making the changes after notice and public hearing. Changes in Shellfish Regulations will be posted and will, immediately thereafter, be applicable.

#### COMMERCIAL AND APPRENTICE SHELLFISH PERMITS

1. Whoever takes any shellfish from their beds in said Tisbury without such permit, except for recreational use or bait as aforesaid or contrary to the provisions of such permit, is liable to a penalty of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

2. No person shall be entitled to receive such a permit for commercial use unless they can satisfy the conditions listed as follows:

a. Shall be at least 16 years of age.

b. No permit for the taking of shellfish for commercial purposes shall be issued by the Select Board to an alien unless he has resided in the Town of Tisbury for at least five years preceding the date of their application or has been a resident of the country in which the town lies for at least five years next preceding the date of such application and has taken shellfish commercially from there for such period. (Chapter 130, Section 55).

c. Shall be domiciled in the Town of Tisbury for at least one (1) year before making an application. Domicile shall mean the place where a citizen of the United States of America has their true, fixed, and permanent home, which is their principal residence and to which they, when absent, regularly returns. Domicile is also the dwelling place they inhabit more frequently and for longer periods than any other (excluding business or government service temporary duty assignments) during the calendar year. Before receiving a commercial

permit, the applicant shall provide three (3) proofs of residency requirements such as current tax bills, voter registration, listing on the annual street list, utility bills stating the location of service, MA state issued identification card, and driver's license.

d. Must provide a valid State issued commercial permit, with "shellfish" endorsement from the Division of Marine Fisheries.

3. The Commercial Permit fee is Three Hundred fifty Dollars (\$350.00) per calendar year. A commercial permit is valid upon payment of \$350.00 and completion of an application. For new permit holders, regulations and applications are available at the Owen Park Harbor Office.

4. All Commercial shellfish permits will only be renewed from January 1 to March 31. Anyone wishing to purchase or renew a commercial permit after March 31 must file for a new permit and show just cause as to why they could not purchase a permit during the issuing period of that current year.

Apprentice permit: A commercial fisherman may apply between January 1 and March 31 for an apprentice permit for a person under the age of sixteen (16) to assist them with shellfish harvesting. The apprentice permit is free. The apprentice may assist a permitted commercial fisherman with the harvest of shellfish, which shall not exceed the limit of the commercial harvester. If the apprentice reaches the age of 16 from April 1 to December 31, they can apply for a commercial permit if they meet all the requirements outlined in the regulations.

5. No person shall be granted a commercial permit for shellfishing unless they use standard bushel boxes or baskets as a measure. These containers must be undamaged and not cracked, spread, or stretched by any method to increase their capacity. All shellfish must be landed in standard bushel boxes or baskets. Standard bushel boxes measuring 18" x 10 1/2" x 12 1/4" +/- 1/4" or a wire bushel basket holding 32 quarts.

6. Commercial permit holders limits for quahogs or soft-shell clams or bay scallops, can only obtain 1 limit Monday-Friday.

Monday- Friday Commercial Daily Limits	Lagoon and Tashmoo	*Inner and Outer Harbor
Quahogs	2 level bushels (only 1 bushel can be neck)	5 level bushel (2 bushels neck max) *
Soft-shell clams	1 level bushel	
Bay scallops	3 level bushels (seasonal)	

Any person leaving the ponds before their limit is taken must have their boat inspected upon leaving the first time, have their boat inspected if and when they return to complete their limit and have any additional catch inspected when they leave the ponds. No more

than two (2) commercial shellfish permit holders are allowed in a boat for commercial use. There shall be no more than two (2) shellfish limits landed per boat per day.

7. No person shall loan their boat or let it to another for commercial use without first notifying the Shellfish Constable.

8. Commercial taking of shellfish shall be prohibited in the area described as follows: In Lagoon Pond southwest of the Lagoon boat launch mooring fields as marked with buoys by the Shellfish Constable; in Lake Tashmoo, the north end of the pond, as marked by the Shellfish Constable. Maps are made available online

9. No person shall take from the waters of said Town any eels, clams, quahogs, or scallops for commercial use on Saturday or Sunday, with the exception of 9a. a. Commercial permit holders are permitted to fish for scallops on Monday through Friday only, except if it is too cold to fish on one or more weekdays; they may fish on Saturday of that week. Commercial permit holders shall not fish on Sunday of any week.

10. Commercial shellfishing is prohibited on Thanksgiving and Christmas day.

11. No scuba diving allowed for commercial permit holders.

12. Commercial permits will be issued at the discretion of Shellfish Constable.

13. All new commercial applicants shall meet with the Shellfish Constable before receiving their commercial shellfishing permit.

14. All commercial fishermen are required to have their catch tagged upon completion of harvesting. Failure to do so may result in citation.

#### RECREATIONAL SHELLFISH PERMITS

Recreational permits will be issued at the discretion of the Select Board. Before receiving a recreational permit, the applicant shall provide three (3) proofs of residency requirements such as current tax bills, voter registration, listing on the annual street list, utility bills stating the location of service, MA State-issued identification card, and driver's license. All permits can be purchased at the Owen Park Harbor Office.

The Statutes of the Commonwealth and all general regulations of the Town shall apply to the recreational permit.

1. Legal residents and their immediate family (husband, wife, and children under 18 years of age) may fish on one recreational/family permit but only take one limit. Adult children, cousins, visiting friends, etc. may not fish on another person's permit unless the permit holder is present.

The following is the weekly limit/ recreational permit. One weekly limit.

Species	Weekly Limit
Quahogs/Soft-shell clams	1/2-bushel total
Bay scallops	1 bushel (seasonally, dates TBD)

2. This permit does not allow the taking of shellfish of any size or during a season prohibited by law, and the amount taken for any family shall not exceed one bushel of any kind of shellfish in any one week.

3. All recreational shellfish permit holders shall file an annual report with the Town stating the amount, species and area harvested for the previous year. A new permit will not be issued until the permit holder has submitted a catch report.

4. Recreational catch is limited to three limits per boat per week.

5. Scuba diving is allowed on Saturdays and Sundays for recreational permit holders.

6. Non-resident short-term permits are available only for quahogs and soft-shell clams.

7. Permit Fees are as follows:

- Resident or MA Veteran annual (age 16-64): \$40.00
- Senior (age 65+) Resident or Senior MA Veteran: \$5.00
- Non-resident annually all species: \$400.00
- Non-resident one month (quahogs and/or soft-shell clams): \$75.00
- Non-resident two-week (quahogs and/or soft-shell clams): \$50.00
- Non-resident one-week (quahogs and/or soft-shell clams): \$25.00
- Active-Duty military members with valid ID: free

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If any provision, section, or clause of these rules and regulations is judicially found to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portion of these rules and regulations.

Tisbury Select Board Given under our hands this \_\_\_\_ day of \_\_\_\_\_ in the year Two Thousand and Twenty-six.

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Christina Colurusso

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Roy Cutrer

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John Cahill

AMENDED THROUGH

September 25, 2012

December 11, 2012

June 3, 2014

June 7, 2016

A True Copy Attest: \_\_\_\_\_ Date: \_\_\_\_\_

Executive Assistant to the Board of Selectmen Attest: \_\_\_\_\_

Date: \_\_\_\_\_

J. Hillary Conklin, Tisbury Town Clerk Posted at: Tisbury Town Hall New Town Hall Annex  
Vineyard Haven Public Library Tisbury Senior Center Tisbury Police Department

\_\_\_\_\_ Date: \_\_\_\_\_