

Town of Chilmark - Shellfish Department

Amendments to Rules & Regulations

Oyster

A1. There shall be no dragging for oysters unless the air temperature reaches a minimum of twenty-eight (28) degrees Fahrenheit, by no later than 10:00 a.m. on any calendar day.

A2. If one or more days, Monday through Friday, fails to reach a minimum air temperature of twenty-eight (28) degrees Fahrenheit by 10:00 a.m. Then a commercial licensee may fish a commercial limit on Saturday of the same calendar week, if an air temperature of twenty-eight (28) degrees Fahrenheit is reached by 10 a.m. There shall be no make-up day for any other method of catching oysters.

Aquaculture

A3. Each person holding an aquaculture permit shall submit a written report annually to the Selectmen. The aquaculture report is due no later than January 15th and shall contain the following information.

1. A copy of the annual propagation report submitted to the Division of Marine Fisheries from the previous year.
2. Harvest data for the previous year (count).
3. Approximate number of adult oysters currently on the grant.
4. Approximate number of seed oysters currently on the grant.
5. Source and date of the seed purchased the previous year (shellfish hatchery). If seed is purchased from a private aquaculture farm a copy of the disease testing report must be submitted.
6. Number of grow out cages currently on grant site.
7. Brief description and approximate date of any high mortality events of seed or adults, growing conditions and/or any unusual organisms noticed over the previous year. Examples of unusual organisms are but not limited to: algal blooms, crabs, seaweed, sea squirts etc.

Failure to provide an annual aquaculture report to the Selectmen will result in non-renewal of the aquaculture permit.

A4. Each grant holder shall mark the four corners of grant site. Corners shall be clearly marked with the corresponding grant number and initials of the permit holder.

A5. Grant holders shall conduct aquaculture practices as designed in their original business plan or permit application. Any changes in gear type or methods may require preapproval from the Army Corps of Engineers, Division of Marine Fisheries, Conservation Commission and Selectmen.

A6. Grant holders are responsible for any gear that is derelict and or breaks free and washes ashore. Failure to recover gear within one (1) month upon notification to grantee will result in a Selectmen review and possible revocation of aquaculture permit.

A7. Any purchase of seed from a private grower shall have a disease test and must be documented within two weeks prior to said transfer. A written copy of the testing report must be made available to the Shellfish Constable upon request and submitted in the required annual report.

A8. No oysters shall be discarded at any of the aquaculture grant sites. Any undesirable (clusters or misshaped) oysters shall be transferred to Shellfish Constable to be placed in a family shellfishing area.

A9. Any aquaculture permit holders using the town's designated upweller off-site culling area shall keep such area free of aquaculture equipment and clean. No discarding of shellfish at this area is allowed.

A10. Any aquaculture permit holder is responsible for removal of gear or equipment if license is revoked. If gear is not removed within six (6) months after license is revoked the town will hire someone to remove gear and equipment. All costs associated with this gear removal shall be the responsibility of the grant holder.