



TOWN OF NEWBURY

Regulations for Shellfish Industry and Harvesting of Sea Worms, Eels and Crabs

1. Residents of the Town of Newbury may apply for a commercial permit to dig clams and harvest sea worms. Applicant must be a legal resident of the Town of Newbury. IN ORDER TO QUALIFY AS A RESIDENT OF NEWBURY, the applicant must provide satisfactory proof that his/her principal residence (domicile) is in the Town of Newbury. Homeowners may provide a Newbury tax bill with their name on it. Homeowners and non-homeowners may provide their most recent Massachusetts income tax return showing their name and principal address in Newbury. Minors/students must be listed on the annual town census with a Newbury address. Should an applicant fail to produce satisfactory proof of residence, he/she will be deemed unqualified to hold a permit granted to Newbury residents. Permit shall be valid from April 1st to March 31st and shall be subject to such limitations and restrictions as are set forth in these regulations, or additional regulations imposed by the Board of Selectmen in the interest of conservation and preservation of the Town's shellfish resources and the public health. The fee for such permit shall be three hundred dollars (\$300), paid to the Town of Newbury with application. The permit fee for applicants under 15 years of age or over 65 (as of April 1st), is one hundred dollars (\$100). State permit must be obtained before applying for a town permit. **Application and fee for a resident commercial permit must be received by the Town Clerk by March 1st of each year.**

Any application received after March 1st will be subject to a late fee of \$150.00. Late fee will not be waived for any reason. **(Amended 3/28/2017)**

The Board of Selectmen and the Fish Commissioners shall review the applications for said permits. Permits shall be issued to those applicants the Board considers qualified. **(Amended 1/24/2017)**

2. Clams shall not be taken from the flats under two (2) inches in length in shell; razor clams under five (5) inches in length in shell.
3. The Selectmen, in their judgment, in order to preserve the industry, are authorized to close any flats or portions of flats, and prohibit the taking of shellfish in closed areas. The flats so closed by the Selectmen shall be plainly marked by stakes or bounds and shall be posted with a notice or notices setting out the facts of closing and the period during which said flats are closed. After such flats have been posted, all persons are forbidden to dig clams thereon or otherwise injure or dig said flats.
4. Any resident of the Town of Newbury may purchase a permit to take shellfish or sea worms by means of his own labor from the open areas for consumption by his own family or for his own use as bait, provided that this take shall not exceed the following limits: ten (10) quarts of clams per day, thirty (30) quarts of clams per week and three (3) dozen sea worms per day. The fee shall be forty-five dollars (\$45) per year, seven dollars (\$7) for one day.
Residents 65 and over are eligible for a life-time shellfish permit at no cost.
10 qt. containers only. No bags.
5. Residents of Massachusetts may purchase a permit to take shellfish or sea worms for non-commercial purposes by means of his own labor from the open areas for consumption by his own family or for his own use as bait, not exceeding the daily limits established under Section 4 for residents: ten (10) quarts of clams per day, thirty (30) quarts of clams per week and three (3) dozen sea worms per day. The fee for such permit shall be twenty-two dollars (\$22) for one day and two-hundred and sixty dollars (\$260) per year. Sixty five (65) years of age and over shall be one hundred dollars (\$100).
10 qt. containers only. No bags.
6. Out-of-state residents may purchase a permit to take shellfish or sea worms for non-commercial purposes by means of his own labor from the open areas for consumption by his own family or for his own use as bait, not exceeding the daily limits established under Section 4 for residents: ten (10) quarts of clams per day, thirty (30) quarts of clams per week and three (3) dozen sea worms per day. The fee for such permit shall be twenty-two dollars (\$22) per day with a limit of three (3) permits per week. (Week shall be defined as Sunday through Saturday.)

10 qt. containers only. No bags.

7. If contaminated flats are opened, the fee for non-residents shall be four hundred dollars (\$400). For approved applications received on or after October 1st, the fee shall be two hundred dollars (\$200).
(Amended 1/24/2017)
8. Clam flats shall be closed on Sundays. Flats may be opened on Sundays under certain conditions at the discretion of the Shellfish Warden and Fish Commissioners with the approval of the Selectmen. (Amended 8-23-2016, 1-24-2017)
9. Cottage Road West closed until further notice.
10. Shellfish harvest is restricted to one half hour before sunrise until one half hour after sunset.
No person shall dig, take or carry away shellfish from any waters, flats or creeks of the Town of Newbury between one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise by any method whatsoever.
11. Commercial clam permit holders are limited to one (1) tide a day.
12. Violation penalties – all permits:

1st offense: 30 working days or \$1000 fine or both
2nd offense: 60 working days or \$1000 fine or both
3rd offense: 1 Year or \$1000 fine or both.
13. Oysters may be harvested on same days as clams in “R” months to shellfish permit holders. The limit is twenty (20) quarts per week. Oysters shall be taken by rake or tong only, no diving.
14. Eel/Crab permits: A limit of 5 permits will be issued. The fee for Newbury residents will be \$100. In the event Newbury residents do not purchase the total number of permits, the remaining permits may be sold to non-residents for a fee of \$200 per permit. There is a 24 pot/trap limit per permit. State law requires a nine inch minimum size of harvested eels.
15. Soft shell clams and razors may only be harvested by means of a regular clam fork or rake.
16. No person shall take or have in his or her possession any shellfish less than the minimum size limit in the amount of more than five percent (5%) by count. (Amended January 28, 2014, Board of Selectmen)
17. Periwinkles may be harvested on the same open days as clams. There is no size or quantity limit.
18. Per M.G.L. c. 130, s. 52 as amended, the Town of Newbury will provide any Veteran, upon request and proof of Veteran status, a license to harvest shellfish or sea worms by means of his own labor from the open areas for consumption by his own family or for his own use as bait, provided that this take shall not exceed the following limits: ten (10) quarts of clams per day, thirty (30) quarts of clams per week and three (3) dozen sea worms per day. The fee shall be forty-five dollars (\$45) per year, seven dollars (\$7) for one day.
Veterans 65 and over are eligible for a life-time shellfish permit at no cost.
10 qt. containers only, No bags.
19. Per M.G.L. c. 130, s. 52 as amended, the Town of Newbury has designated the following areas for family use only, from May 1st to November 1st annually, all dates inclusive: the area known as the “Reef” and a marked area located in Newbury on the Parker River Wildlife Refuge. No commercial harvesting shall take place in the designated areas during the family use only period. The Shellfish warden has the authority to open, close or move these areas upon notification to the Board of Selectmen and Fish Commissioners. All Town of Newbury regulations and fees apply.

THESE REGULATIONS ARE APPROVED BY THE TOWN OF NEWBURY BOARD OF SELECTMEN
(Amended: January 26, 2016, April 5, 2016, August 23, 2016, January 24, 2017, March 7, 2017, March 28, 2017)
For up-to-date closure information: 978-356-6671 (Newbury = Area N4, Contaminated Area = N2)