



TOWN OF HINGHAM

Office of Selectmen

7 East Street

Hingham, Massachusetts 02043

TEL (617) 749-0452

FAX (617) 740-1058

EDNA S. ENGLISH
EDWARD M. LEWIECKI
KEVIN J. COSTELLO

September 12, 1990

Philip C. Coates, Director
Division of Marine Fisheries
Leverett Saltonstall State Office Building
100 Cambridge Street
Boston, Massachusetts 02202

Dear Mr. Coates:

Enclosed please find a copy of the Town of Hingham Shellfish Management Plan. The Selectmen at their meeting held September 11, 1990 voted to amend the Shellfish Management Plan, adopted by the Selectmen on September 29, 1987, effective January 1, 1988, and accepted by the Division of Marine Fisheries in October, 1987.

A copy of the attached Shellfish Management Plan will be published in the Hingham Journal on September 20, 1990. We are hereby requesting you to forward a copy of this Plan to your Law Enforcement Officers and to any other State official who should have a copy.

Very truly yours,

Edna S. English
Edna S. English
Chairman

MH

CC: Robert Buotte
Harbormaster/Shellfish Constable

RECEIVED

SEP 18 1990

Div. of Marine Fisheries

TOWN OF HINGHAM

MANAGEMENT PLAN FOR A CONTAMINATED SHELLFISH RESOURCE

- 1.) **PURPOSE:** The following plan is intended for use by the Town of Hingham as a conservation and law enforcement cooperative measure to insure adequate control of contaminated shellfish harvested within the Town of Hingham under authority of Massachusetts General Laws Chapter 130, sections 52 and 75. For the purposes of this management plan shellfish shall mean soft shell clams of the species Mya arenaria.
- 2.) **DEBARKATION-LANDING SITE:** When any clamming area is open within the corporate bounds of the Town of Hingham, the debarkation and landing site shall be designated by the Massachusetts Division of Marine Fisheries. Any change of a debarkation or landing site will be with prior approval of the Hingham Harbormaster/Shellfish Constable herein after called the Shellfish Constable. The Shellfish Constable shall immediately notify the Massachusetts Division of Environmental Law Enforcement on changes in debarkation and landing sites.
- 3.) **RACK LIMITS:** A daily rack limit may be imposed upon each digger when the Division of Marine Fisheries and the Town of Hingham agree such measure is necessary. Any rack limit shall be based upon the capacity of the Massachusetts Division of Marine Fisheries Shellfish Purification Plant to adequately deplete contaminated shellfish, or upon resource conservation considerations. No Master Digger and no Subordinate Digger shall exceed a rack limit.
- 4.) **RACK TRACEABILITY & FEES:** The Hingham Shellfish Constable and Deputy Shellfish Constables shall maintain a daily record of the number of racks dug on each day for every Master Digger. Such records shall contain the following information:
 - a.) The date and designation of the area being harvested.
 - b.) The name and permit number of the Master Digger present and any designated agents.
 - c.) The number of racks collected by each Master Digger.
 - d.) The names and permit numbers of Subordinate Diggers present, along with the daily catch record by area of each subordinate may also be recorded at the discretion of the Shellfish Constable.Each Master Digger shall be assessed a rack fee of one dollar (\$1.00) for each and every rack they collect.
- 5.) **LICENSES:** Each Master Digger and Subordinate Digger shall procure a Shellfish License from the Shellfish Constable prior to harvesting any shellfish. Any person who is a resident of the Town of Hingham shall be eligible for a Resident Shellfish License upon payment of a fee of

one hundred dollars (\$100.00). Any person who is a resident of the Commonwealth of Massachusetts shall be eligible for a Non-Resident Shellfish License upon payment of a fee of one hundred and fifty dollars (\$150.00). Hingham shellfish licenses shall be valid for one year between July 1st of any year to June 30th of the subsequent year, inclusive. Applicants for a Hingham Shellfish License shall possess a valid state permit.

- 6.) **CLOSED AREAS:** The Town of Hingham may from time to time survey shellfish harvest areas to determine the extent of the resource and the ratio of legal size clams (i.e. 2.0 inches or greater) versus sublegal sublegal clams (i.e. < 2.0 inches). The Division of Marine Fisheries shall assist in survey planning and upon receipt of survey data, shall assist in data analysis. Survey information shall be used to recommend to the Hingham Board of Selectmen whether an area should close to shell-fishing for the purposes of propagating and protecting the resource. Based upon recommendations of the Division of Marine Fisheries, the Board of Selectmen may at their discretion, and pending approval by the Director of the Division of Marine Fisheries, institute a closed season for an area in accordance with the provisions of Massachusetts Laws, Chapter 130, section 52. The Massachusetts Division of Marine Fisheries reserves the right to institute public health closures under provisions of Massachusetts General Laws Chapter 130, sections 74 and 74A. Such closures shall take effect immediately.
- 7.) **BEACH AREAS:** The Hingham Bathing Beach so defined as that area within Hingham Harbor situated between the sluice way at Broad Cove and Keyhoe's Dock, so-called, shall be designated a Beach Area. No shellfishing shall be permitted on a designated Beach Area between May 1st and September 30th of any year. All holes dug on a Beach Area in the attempt to harvest shellfish shall be filled by the shellfisherman before digging any subsequent holes and leaving the Beach Area. Additional Beach Areas may be designated upon agreement between the Hingham Board of Selectmen and the Division of Marine Fisheries.
- 8.) **TRANSPORTATION:** Shellfish from restricted areas open to harvesting shall be transported to the Division of Marine Fisheries Shellfish Purification Plant via routes designated by the Division of Marine Fisheries. Any route changes may be made by authority of the Shellfish Constable providing the Massachusetts Division of Environmental Law Enforcement is notified of such changes before hand.
- 9.) **HARVESTING SCHEDULE:** No more than one area per day may be harvested.

It is the prerogative of the Shellfish Constable to assign diggers to a harvesting area not closed to shellfishing by the Division of Marine Fisheries or the Town of Hingham. It shall be incumbent upon the Shellfish Constable to notify the Division of Marine Fisheries and the Division of Environmental Law of the area presently being harvested. The Town of Hingham, its Shellfish Constable and shellfishermen who participate in this plan agree to adhere to the schedule of the Shellfish Purification Plant and make changes necessary relative thereto.

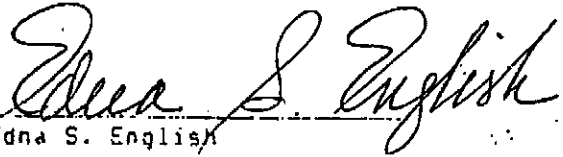
- 10.) **HOLD OVER:** All shellfish harvested on any day shall be transported that day to the Shellfish Purification Plant except that a hold over may only be granted for emergencies. In cases of emergencies, hold over will be allowed upon agreement between the Hingham Shellfish Constable and the Division of Marine Fisheries and notification of the Division of Environmental Law Enforcement.
- 11.) **REPORTING:** The Shellfish Constable shall make a written annual report to the Division of Marine Fisheries including, but not necessarily limited to, the annual shellfish catch by area and by Master Digger.
- 12.) **ENFORCEMENT:** The Shellfish Constable, Deputy Shellfish Constables and any other town official the Board of Selectmen may designate as an enforcing person as well as Environmental Police Officers of the Massachusetts Division of Environmental Law Enforcement shall have authority to enforce provisions of this management plan.
- 13.) **PENALTIES:** Whoever violates any provision made under the authority of this management plan shall be subject to penalties established by Town of Hingham and in accordance with Chapter 130 of the Massachusetts General Laws.
- 14.) **DURATION:** This plan shall remain in effect for three (3) years and may be renewed.
- 15.) **CHANGES & REVIEW:** This plan shall be reviewed annually by the Division of Marine Fisheries and the Shellfish Constable. Changes may be made at anytime upon written request and mutual concurrence of the Hingham Board of Selectmen and the Division of Marine Fisheries.
- 16.) **SEVERABILITY:** The Hingham Board of Selectmen or Division of Marine Fisheries may revoke this plan upon thirty (30) day written notice made by registered mail.

APPROVED:

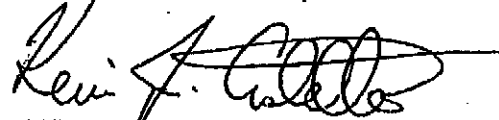
DIVISION OF MARINE FISHERIES


Philip G. Coates, Director

HINGHAM BOARD OF SELECTMEN


Edna S. English


Edward M. Lewiecki


Kevin J. Costello

EFFECTIVE DATE: September 11, 1990