

Shellfish Advisory Board Meeting
Monday, June, 29 2020 6:00 PM
Zoom Meeting

Attended:, John Duane, Rebecca Taylor, Tom Siggia, Zack Dixon, Jake Puffer

Absent: Chip Benton, Damian Parkington

Others in attendance: Nancy Civetta, Dave Seitler (chair), Zeno Schwebel, Helen Wilson

Zack Dixon called the meeting to order at 6:00 pm

1. Minutes **Tom S. made a motion to approve meeting minutes from May 28, 2020. John Duane Seconded. Passed 4-0**

2. Overwintering Changes

Nancy reported that town counsel suggested a change to 7.19.6 (attached).

John Duane made a motion to accept the suggested change to 7.19.6 as proposed by the constable. Tom Siggia seconded. Passed, 4-0.

Miscellaneous

Nancy brought up Oyster Count from Mass Oyster Project Requesting Oyster Count

- this request just came in
- interns?

Tom suggested that he doesn't understand the methodology behind this "study"
Rebecca - do they need real time data, because their was a count a couple of years ago

John - late notice makes it tough, but it would be good to get baseline data

Rebecca - Audoban? Center for Coastal Studies?

John suggested that we respond that we are interested, but we are not able to do it this time.

Tom volunteered to make contact and tell them where we stand.

Nancy suggested that we make it clear that we are an extracting harbor

Update from Zeno

- exploratory stage
- looking at products and potentials
- working on the grant with Jim O'Connell to learn about aquaculture
- looking to go out with Johnny Clam

Tom - also, getting interns to meet with Recycling Committee to make sure that efforts don't overlap too much

Future

Curley Report Update

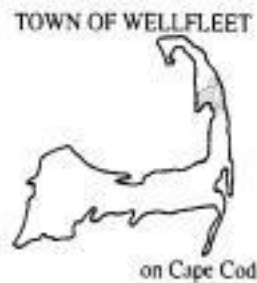
Next meeting 8/10 at 6:00 p.m.

Meeting adjourned at 6:41 p.m.

Attachments



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: May 29, 2020

To: Shellfish Advisory Board

From: Nancy Civetta, Shellfish Constable

Re: Proposed Overwintering Regulation Change

Dear SAB members,

Town Counsel had reviewed the following section and suggested the changes below due to the fact that we had so many returned certified mails this year, which then rendered the rest of the enforcement null. Could we please discuss at June meeting? Then, I can submit whole overwintering regulation package to Selectboard for approval at one time.

7.19.6. Fines for Gear Violations

After receiving a written warning **Following notice of a violation, either in person, via**

phone, or by written notice, the licensee has 7 days to comply. After the seventh day, a fifty dollar ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

Thank you,

Nancy Civetta Shellfish Constable Town of Wellfleet



wellfleet-ma.gov/shellfish-department
Phone (508) 349-0325 Fax (508) 349-0305



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: May 27, 2020

TO: Town of Wellfleet Shellfish Advisory Board Members RE: Reinstate 18" quahog blade regulation discussion and vote

Dear Shellfish Advisory Board Members:

I have heard again from boat operators again that the town always had an 18" quahog blade rule on the books, but our current regulations do not specify this anywhere. The department has looked back through the years of regulations that we were able to find:

- In the July 1, 1987 regulations Section 5.1.7, we found an 18' quahog blade regulation from when hydraulic harvesting of quahogs used to be allowed in the harbor. No hydraulic harvesting of any kind is currently allowed in the wild under present regulations, although it is allowed on licensed grant areas with restrictions per Section 7.22. We have no intention of changing this.
- In the 2000 regulations Section 9.1.4, we found a regulation stating: "Harvesting of quahogs from vessels by means of a drag provided with a blade no wider than eighteen (18) inches is permitted..."
- In the 2002 regulations, the 18" blade limitation again appears for the hydraulic harvesting of quahogs in Section 9.1.4.
Would you please discuss and take feedback from the shellfishing community about whether you would like to add the 18" quahog blade limit back into the regulations?
I also think we should take time at some point in the future to review the regulations in Section 8 Commercial Shellfishing: Dragging and Dredging. Some of our current regulations seem too

vague and are difficult to enforce.

- In particular, based on feedback we have heard from commercial shellfishermen operating boats, it might be important to add a definition of gear and what it is targeted to harvest, e.g. “Gear is defined as follows: an oyster dredge with teeth per specifications in 8.3 Size of Drag or Dredge shall be used to target oysters, a bay scallop dredge without teeth and a with a sweep chain shall be used to target bay scallops and a quahog dredge with a knife blade of no longer than 18 inches shall be used to target quahogs. Any variations of dredges must have prior approval of the Wellfleet Shellfish Constable.

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- It might also be good to review Section 8.4. By-catch Limited to 20%, which has proven difficult to enforce, and we don't know the importance of why it was added to the regulations. We found it in the 2000 and 2002 regulations.

8.4. By-catch Limited to 20%

No vessel shall land more than twenty per cent (20%) of the permitted daily catch of any species of shellfish, as by-catch, other than such species which the gear used is designed to harvest.

In addition, in the past year, boat operators have also come to the department with the following issues. They shared sincere concerns for the long-term sustainability of our deep- water shellfish resources. I would like to bring them to you for your consideration and discussion at some point in the future:

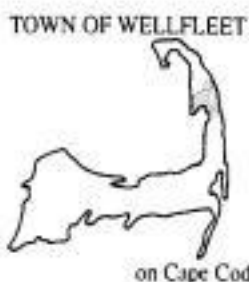
- Owner/operator distinction for boats operating in harbor
- 2" ring specification of oyster and scallop dredges
This is the public process at its best....fishermen bring concerns to the department, the department conducts initial background research and then brings it to a public forum of Shellfish Advisory Board for discussion and potential decision-making. I look forward to hearing your thoughts.
Thank you,
Nancy Civetta Shellfish Constable

A handwritten signature in cursive script, reading "Nancy Civetta". The signature is written in dark ink and is positioned below a horizontal line.

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Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: May27,2020

TO: Town of Wellfleet Shellfish Advisory Board Members RE: Changes to Overwintering Regulations and Agreement Dear Shellfish Advisory Board Members:

As you directed me to do in your meeting on April 29, I made a few more changes to the overwintering regulations and agreement, adding in the ideas we discussed and agreed on at the April meeting. See next pages for regulation and contract changes. As per Town protocols, strike-through means deletions and bold is for additions.

CLAM NETS

We discussed whether to include clam nets on the overwintering agreement. The Shellfish Department audited this past year's overwintering agreements, and we believe there were at least 300 clam nets overwintered in the harbor last winter. During overwintering inspections, we did find infractions with clam nets, and we do believe that they should be tended to before the threat of winter ice. It is your decision whether to include them on the overwintering form, and therefore, whether they will be included in our overwintering enforcement efforts.

We agreed that WSD will inspect grants as soon as the overwintering contract is turned in and again after ice, but we will not include this language in the agreement itself. We will remind grant holders of this in a Crier. We agreed that we will not add: "You may bring gear back once the threat of ice has passed." into the regulations or agreement.

PLACEHOLDER FOR REVIEW AFTER THE UPCOMING WINTER

7.19.6. Fines for Gear Violations

After receiving a written warning, the licensee has 7 days to comply. After the seventh day, a fifty dollar ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

Thank you for the thoughtful discussions we have had to date. I think we are close to a final version here. I know we share the same goals of not losing aquaculture gear in the harbor and maintaining year-round oyster markets.

Thank you,
Nancy Civetta, Shellfish Constable

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Samuel L. Loretto



7.19.5. Overwintering of Equipment on Grants

Racks, rebar or u hooks used to secure nets on a licensed area must either be

securely fastened to within eight two-four inches (8" 2-4") of the bottom or removed by January 15, or before ice prevents removal, whichever comes first, as specified in overwintering agreement. Any licensee who wishes to overwinter racks on their grant must obtain and sign an agreement form available from the Shellfish Department. All gear left on any grant must be tagged as per Section 7.19.3. In parts of the harbor where there may be a risk of silt covering overwintered racks on a licensed area, the Constable may waive the height requirement in 7.19.5 after a visit to the specific site and documenting the adjustment on the Agreement Form.

7.19.6. Fines for Gear Violations.

After receiving a written warning, the licensee has 7 days to comply. After the

seventh day, a fifty dollar ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

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APPENDIX D:

I,

FORM OF AGREEMENT **OVERWINTERING AGREEMENT**

agree to remove all metal racks, rebar or u hooks used to secure nets, or anything constructed of metal that is not securely fastened to within 8” 2-4” to the bottom by January 15th, or before ice prevents removal, whichever comes first.

If I decide to store racks on my grant(s) over the winter, I agree to the following conditions:

1. All racks shall be tagged with the owner's name and grant number.
2. An accurate number of racks being left on the grant will be provided on this agreement form:
 - All such racks **with oysters on them are** pumped down to within 8" 2-4" of the bottom.
 - All such racks **without oysters on them are** pumped down to be flush with the bottom.

[e.g. two tides, two days], no matter what the tide height, all racks that will NOT be overwintered but are

remaining in use on grant after January 15. These racks are not pushed down. I understand that it is up to Constable's discretion to allow this, and I will work with Shellfish Department to demonstrate my ability to meet this deadline.

3. Any racks that are damaged during the winter must be cleaned up by March 1st or when the departure of ice allows, whichever comes first. **This is also addressed in Section 7.19.4.**

4. I understand that I am solely liable for any damage my equipment may cause to other aquaculturists or the public.

5. In case of emergency, contact _____ at _____.

6. Failure to adhere to these conditions can result in suspension or revocation of my grant license, in accordance with **Section 7.19.6.** and Section 11 of the Wellfleet Shellfishing Policy and Regulations.

Grant license(s) #:

Number of racks to be overwintered **with product (2-4" off bottom):**

Number of racks to be overwintered without product (flush with bottom):

Number of racks currently on grant, not pushed down, but that will be removed before ice:

Signature Date: _____

• **I attest that before the threat of ice, I will be able to remove in**

_____,

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