

Shellfish Advisory Board Meeting
Thursday, Oct, 08 2020 7:00 PM
Zoom Meeting

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

Absent: Chip Benton,

Others in attendance: Nancy Civetta, Helen Wilson, Caroline Lloyd, Dave Pike, Gayle Skluzac, Jude Ahern,

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

1. **Damian Parkington made a motion to approve meeting minutes from June 29, 2020. Tom Siggia Seconded. Passed 5-0**

Zack Made a motion to approve minutes from Sept 16 NRAB/SAB minutes. Tom seconded, passed 5-0

2. Board Reorganization- Chair, secretary, new alternate member

Shared chair? Vice chair?

John Duane moved that Rebecca Taylor become chairperson of SAB and Tom Siggia become Vice-Chair. Passed 5-0.

John will search for a secretary. Is it ok to take minutes after meeting from the recording? Zack will continue until we find someone.

Chip Benton told Nancy C. that he still would like to be an SAB member, but he does not do zoom.

Damien volunteered to become a full-time member of SAB. He will fill out the application to go to the Selectboard.

3. Use of revolving fund dollars for Barnstable County Grant Program

Nancy would like to use \$10,000.00 from the Shellfish Revolving Fund as Covid Relief.

At the moment, Barnstable County has a matching grant.

Zack Dixon made a motion that SAB support the use of \$10,000.00 from the Shellfish Revolving Fund as Covid Relief for commercial Shelfishermen. Jake Puffer seconded. Passed, 5-0.

See attachment 1

4. Review of shellfishing permit fees - recommendation to Select board

Nancy relayed that town propagation effort has a long way to go and can always use help.

Helen brought up disclosure forms for SAB conflict of interest. Nancy will ask the town clerk to check that the forms are on file.

Jake and Rebecca recommended that Commercial and Recreational fees stay the same.

John Duane made a motion to maintain present fees, Jake Puffer seconded. Passed 5-0.

See attachment 2

5. Discuss reg 8.6 - boat owner vs operator, plus on board requirement

There is a person selling on their non-wellfleet commercial license from a licensed vessel (without licensed owner on board)

discussed were:

- proper reporting of Wellfleet Harbor catch
- non Wellfleet commercial licensed person selling from Wellfleet harbor

This is possible because of the word "OR" in regulation 8.6

see Attachment 3

Suggestions were checking with models of other towns or doing a similar model as Aquaculture Grant employees

6. Update from intern on Plastics in the Harbor project

no comments - interns not at meeting

7. Plastics study from Wood Hole fellow

Nancy provided an email correspondence with the Woods Hole plastics study.

More of a biological angle than the Plastics in the Harbor Project.

Rebecca and Tom expressed support and Nancy said she will follow up with those conducting the study.

See attachment 4

8. Feedback from Shellfish Community on newly formed “ Right of Public Access Committee

This newly formed committee will be in contact with SAB. Helen stated that she was very optimistic about it.

Next meeting November 9 at 6:30

Meeting adjourned at 8:30

Attachment 1



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: September 2, 2020

TO: Town of Wellfleet Selectboard Members

CC: Town Administrator Maria Broadbent and Town Moderator Danny Silverman
RE: Request to change Article 22

Dear Selectboard Members:

It has come to my attention that Barnstable County will have a matching grant program for fisheries enhancement available to towns this fall to help deal with the ripple effects from COVID-19. In Wellfleet's case, I think that we are likely to have oyster growers with a surplus of over three-inch oysters due to the market downturn, and we are also experiencing an increase in recreational fishing pressure at Indian Neck.

We can apply for a matching grant from the County with a proposal to buy the surplus oysters from grant holders and distribute them to the Indian Neck recreational area for recreational harvest. In order to participate in this program, I would like to use monies from our Revolving Fund for Propagation, which takes 75% of all shellfish revenues (from permit sales and grant lease fees) and puts them into a fund only to be used for propagation. The funds come out of the pockets of those who use our shellfish resources, not through town tax revenue, so this will have no impact on people's taxes nor on the Town's FY21 budget.

I would like to propose an additional up to \$10,000 increase in usage of the revolving fund in FY21. I will always need to think ahead and prepare for unknowns that may arise. For FY21, it will help us take advantage of the County's and other grant opportunities related to COVID-19 relief that may come about, as well as allowing us to continue to run propagation programs like the channel quahog relay that we did in March and April, and any other initiatives to contribute worthwhile sustainable shellfish propagation activities to the town, while helping local shellfishermen weather the market downturn effects that might get worse as we move into the fall and winter.

This would require that the warrant article #22 authorize spending from the Revolving Fund to be increased from \$40,000 to \$50,000. The \$40,000 in the current article funds our town propagation budget line 180, which has all but eliminated the tax dollars being directed to our propagation activities already.

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



Here is the article from the warrant:

ARTICLE 22: Shellfish Revolving Fund Spending Limit. To see if

the Town will vote to establish a spending limit for FY2021 of \$40,000 for the Shellfish Revolving Fund established pursuant to MGL Chapter 44, Section 53E1/2.

Majority vote required.

Selectboard: Recommends 5-0.

Finance Committee: Recommends 7-0. **Shellfish Advisory Board:** Recommends 0-0.

SUMMARY: The purpose of this article is to establish the spending limit for the Shellfish Revolving Fund which was established for propagation efforts. The Shellfish Department's propagation efforts include the seeding of quahogs and oysters in all Wellfleet waterways which also contributes to improving water quality and natural oyster set in our harbor to benefit growers and spat collectors. This revolving fund takes the responsibility for funding the shellfish department's budget line 180 out of the taxpayer's pockets and puts it in the hands of those who make their living in the shellfish industry and those who harvest shellfish recreationally. The Shellfish Propagation Revolving Fund revenues will be derived from shellfish grant revenue and permit fees. The Revolving Fund expenditures may be used for the propagation, cultivation, protection and study of shellfish only.

Here is how I would amend the motion to read during Annual Town Meeting:

ARTICLE 22: Shellfish Revolving Fund Spending Limit.

MOTION: I move that the Town which has established a Revolving Fund for Shellfish Propagation in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2 vote to establish the total amount that may be expended from said fund for Fiscal Year 2021 at \$40,000 **for up to \$50,000.**

Attached is a complete accounting of revenues and expenditures from the Shellfish Fund and the Shellfish Revolving Fund for Propagation for your reference, so you understand that the money is available.

I am happy to bring this item to both Shellfish Advisory Board and the Finance Committee for a vote at their next meetings prior to the Annual Town Meeting. I look forward to discussing this at your September 8 meeting. Thank you for your consideration,

Nancy Civetta

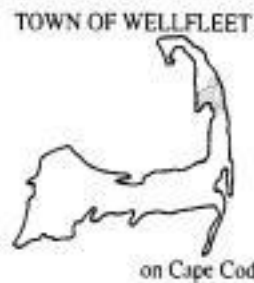
A handwritten signature in cursive script, reading "Nancy Civetta".

Phone (508) 349-0325 *Wellfleet Shellfish Department* Fax (508) 349-0305

Attachment 2



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: October 5, 2020

To: Shellfish Advisory Board

From: Nancy Civetta, Shellfish Constable

Re: Annual Review of Shellfish Permit Fees

Dear SAB members,

Each year, the Selectboard asks its advisory boards and departments to review the fees it charges for permits, stickers, services, etc. Because 2021 shellfishing permits will go on sale December 1, 2020, it is important for you to review fees and make recommendations to the Selectboard whether you think there should be changes or not, with details on how, if so, in ample time for the Selectboard to hold a public hearing and then update the regulations and do the public outreach necessary to inform 2021 permit purchasers.

To that end, here are the current fees for recreational and commercial shellfishing permits. Fees were last increased on April 12, 2016, although on September 8, 2020, additions were made to include Mass. veterans and Town of Wellfleet employees at resident level fees for recreational shellfishing permits.

5.2.2. Noncommercial Permit Fee Schedule (amended 09/08/2020) Annual Permits (Jan.1-Dec. 31)

Resident or Taxpayer

Resident or Taxpayer over 65 years old Nonresident or Nontaxpayer

Massachusetts Resident Veteran Permit*

Massachusetts Resident Veteran Permit over 65 years old *

Town of Wellfleet Employee

Town of Wellfleet Employee over 65 years old

Eel Permit

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60.00

20.00 210.00 60.00 20.00

60.00 20.00

3.00

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Seasonal Noncommercial Permits (June 1 – Sept. 30)

Resident or Taxpayer

Non-resident or Non-taxpayer

Massachusetts Resident Veteran Permit*

Town of Wellfleet employee

Replacement Fee (for all categories)

40.00

85.00

40.00

40.00

20.00

*To enjoy the Massachusetts Veteran Discount, applicants must provide:

1. A Massachusetts license bearing the Veteran seal,
2. A Massachusetts license and a DD-214 form
3. A Massachusetts license and a Veteran ID card issued by the U.S. Department of Veteran Affairs

6.1.3. Commercial Permit Fee Schedule (amended 04/12/16)

Resident

Senior Resident (65 years or older)

Junior Resident (14-16 years old) Eel Permit

Replacement Fee (for all categories)

\$310.00 60.00

110.00 3.00 20.00

The Shellfish Department has made great strides in its propagation program, and we are very happy with the efforts made and the results we are getting – truly something to celebrate – and certainly we are hearing very positive feedback from both recreational and commercial harvesters. But admittedly, we still have quite a bit of catching up to do from years of underfunding and not enough attention being paid to propagation, so we do see the need to continue increasing our efforts using diverse solutions to grow the department's propagation program over the next three-five years.

In short, we have made great strides, but we are not at our peak yet. However, the establishment of a revolving fund for propagation also means that 75% of all permit and grant fee revenues go into our propagation coffers to give us the funds to improve our efforts. Please take all of this into consideration as you discuss and vote on 2021 shellfishing permit fees during your October 6, 2020, meeting.

Thank you,

Nancy Civetta, Shellfish Constable

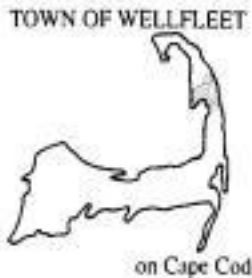
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Samuel Wells

Attachment 3



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: October 5, 2020

To: Shellfish Advisory Board

From: Nancy Civetta, Shellfish Constable

Re: Request for Discussion and Review of Boat Regulation Section 8.6

Dear SAB members,

Please read the following correspondence (email) I sent you all on September 17, 2020, where in order for the Shellfish Department to effectively enforce a situation we encountered, I requested guidance and clarification on Wellfleet Shellfishing Policy and Regulations Section

8.6 Commercial Permit Required for Dragging/Dredging

The owner or operator of a vessel engaged in commercial shellfishing in the waters of the Town involving the use of a drag, dredge or other mobile gear, shall hold a valid Town of Wellfleet Commercial Shellfish Permit.

In addition, the Town Administrator asked me to contact the Mass. Division of Marine Fisheries, not Town Counsel. I am pasting their reply here:

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“From: Petitpas, Christian (FWE) <christian.petitpas@state.ma.us>

Sent: Wednesday, September 23, 2020 7:53 AM

To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Subject: RE: Review of Commercial Shellfishing: Dragging and Dredging sections of Wellfleet Shellfishing Policy and Regulations

Hi Nancy,

Apologies for the delayed response. Jared and I reviewed the issue presented in your forwarded emails and we did not see any red flags in terms of conflicts with state statute and/or regulations one way or the other. Whether or not non-owner boat operators need to get a local commercial permit is a town issue and has to be reconciled locally. Having said that though, DMF is aware of at least one case where an individual in your town is commercial fishing for himself using another individual's boat. Your suggested path to have your local administrators clarify language in the local regs is your best option.

Best wishes,  
Chrissy

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Phone (508) 349-0325 Fax (508) 349-0305

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Christian M. Petitpas, Ph.D.  
Massachusetts Division of Marine Fisheries  
Shellfish Sanitation and Management Program  
706 South Rodney French Boulevard  
New Bedford, MA 02744  
Ph: (508) 742-9766  
christian.petitpas@mass.gov  
Join the conversation! We're on Twitter, Flickr, Facebook, and  
YouTube.”

~~~~~

I also went back through ten years of Shellfish Advisory Board and Selectboard minutes and did not find any references to this regulation. I understand from the community that the spirit and the sentiment of the regulation was to ensure that both owner and operator of vessels engaging in shellfish harvesting should have Wellfleet commercial shellfishing permits. However, I believe the regulation wording would need to be changed to be more specific for enforcement action. I bring this to you and our community for an open and public discussion, and potentially a vote, which I can then bring to the Selectboard.

Thank you,

Nancy Civetta Shellfish Constable Town of Wellfleet



Phone (508) 349-0325

Wellfleet Shellfish Department

Fax (508) 349-0305

Hi all,

Becca asked some good questions, which I answered below for your reference. Nancy

From: Rebecca T <beautifulbirth4u@yahoo.com>

Sent: Thursday, September 17, 2020 1:12 PM

To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Subject: Re: Review of Commercial Shellfishing: Dragging and Dredging sections of Wellfleet Shellfishing Policy and Regulations

Am I allowed to ask who's license they are fishing under (not a name)(like the owner's or the operator's in a different town)?
The shellfish is being landed with the name/details of the crew member who has a commercial fishing permit. This is not ideal as it means that catch is getting logged to intertidal fishery, not the dragger fishery. Irrelevant to our discussion. But something I would need to get fixed by asking the owner to add the crew member as an employee so he can sell under the boat's commercial fishing permit – and catch gets tracked accurately. This is important as Wellfleet is only town with commercial oyster fishery by dragger and we need to protect that status.

Do they have a DBA license from the state, under the owners name?

No. See above.

Who is the shellfish being sold under?

See above.

Are they trying to fish under two different quotas? Or just the owners?

Currently fishing under vessel quota from our regulations – with just one permit on board, the crew member.

Does the state say the licensee needs to be on the boat?

Ideally, yes. And it can easily be done.

I am sure you already covered these points but it would help me determine if it's an actual issue we need to fix.

Or whether a WFleet resident with a boat just pays someone to run it, why is that a problem?

This is what is happening but SAB intended to prevent that when it changed the 8.6 regulation. I am trying to find out when that was done. I believe it was prior to 2014 and no minutes are online from before 2014, so my research project is on!

-Becca

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On Thursday, September 17, 2020, 11:29:55 AM EDT, Nancy Civetta <nancy.civetta@wellfleet-ma.gov> wrote:

Dear Maria and Shellfish Advisory Board members:

The Wellfleet Shellfish Department (WSD) has been confronted with an issue that bears review of Town Counsel and the Shellfish Advisory Board (SAB). We have a fishing vessel owner, who has a valid Wellfleet commercial shell-fishing permit and the vessel is appropriately documented with Wellfleet as its

port of origin. He is allowing someone without a Wellfleet commercial shellfishing permit to operate his vessel. My understanding from discussions with WSD staff and current and former SAB members is that this is not allowed under our regulations, which follow. They explained that the spirit and the intent of the regulation was to prevent people without Wellfleet commercial shellfishing permits from operating fishing vessels engaged in commercial shellfishing in Wellfleet waters. We received many complaints from other commercial fishermen in town about this violation, so it is clear that the shellfishing industry understands this regulation as just described.

I informed the vessel owner of this and had a discussion with the unpermitted operator as well, requesting to both not to continue operating the shellfishing vessel in this way. I emailed regulation section 8.6 (below) to the vessel owner, who took contention with the word "OR" and said that he was completely within his right to have the unpermitted person operate his vessel due to the word OR since he, the owner, was permitted. I do not believe this was the intention nor the spirit of this regulation based on what I have learned about its addition to our regulations as described above and the community's response to observing the activity.

Maria, I would like to request that Town Counsel review this, and SAB members, I would ask that you take this up at your next meeting. Hopefully, Town Counsel can weigh in with an appropriate wording change, if necessary, that SAB can review, discuss and vote on at its upcoming October meeting, potentially on Oct.5.

8.6. Commercial Permit Required for Dragging/Dredging

The owner or operator of a vessel engaged in commercial shellfishing in the waters of the Town involving the use of a drag, dredge or other mobile gear, shall hold a valid Town of Wellfleet Commercial Shellfish Permit.

8.7. Vessels Must be Registered/Documented

Any vessel used for commercial shellfishing in the waters of the Town employing (over the side) a drag, dredge or other gear designed for the taking of shellfish must be registered and/or documented as having Wellfleet as port of origin. The owner of said vessel found in violation of this regulation shall be fined for each violation.

Thank you for your time and consideration, Nancy
Nancy Civetta
Shellfish Constable

Town of Wellfleet

Phone (508) 349-0325 *Wellfleet Shellfish Department* Fax (508) 349-0305

ATTACHMENT 4

From: Nancy Civetta

Sent: Friday, September 18, 2020 12:55 PM

To: Jordan Avery Pitt

Subject: RE: Shellfish Locations in Wellfleet

Hi Jordan,

I am bringing this to the next Shellfish Advisory Board meeting on Oct. 6 and will get back to you right after.

Many thanks for providing these answers. I'll also let you know if there are any other questions.

Thank you,

Nancy

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: nancy.civetta@wellfleet-ma.gov

300 Main St.

Wellfleet, MA 02667

Check for news and updates on Facebook:

https://m.facebook.com/profile.php?id=238213856606291&ref=content_filter

----- Original message -----

From: Jordan Avery Pitt <jpitt@mit.edu>

Date: 9/18/20 11:59 (GMT-05:00)

To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Subject: Re: Shellfish Locations in Wellfleet

Hi Nancy,

I just wanted to check in to see if you had any other questions for me.

Have a nice day,

Jordan

From: Jordan Avery Pitt

Sent: Monday, August 31, 2020 1:20 PM

To: Nancy Civetta

Subject: Re: Shellfish Locations in Wellfleet

Hi Nancy,

Thanks for getting back to me.

Answers for the Questions:

- I need 10 of each species if possible.
- My results will be reported to Woods Hole Sea Grant, you all if you are interested, and probably written up in a paper to be published in a scientific journal. Please let me know if you want more details on the reporting.

Comments:

- I definitely agree that microplastics are found in a lot of different places, including drinking water and the air we breathe. I definitely am not expecting that seafood will be a major route of exposure for people at all, and do not want to hype the presence of microplastics in shellfish. We will be getting these samples from different sites around Cape Cod and will be including fish, water, and sediment samples in addition to the shellfish we are sampling. We are wanting to collect samples to get a better estimate of the environmental concentrations of plastic. A lot of the scientific studies that have looked for harmful effects have been done with concentrations that are predicted to be way too high, and so we are wanting to figure out how big that mismatch is. I am happy to talk more about your concerns if you want.

- Do you have any propagated blue mussels that I would be able to have access to?

Thank you for your time and please feel free to reach out with any other questions or concerns that you have.

Jordan

Jordan Pitt

PhD Candidate in Biological Oceanography at MIT/WHOI Joint Program

jpitt@mit.edu / C: 512-538-5659

From: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Sent: Friday, August 28, 2020 12:59 PM

To: Jordan Avery Pitt

Subject: RE: Shellfish Locations in Wellfleet

Hi Jordan,

We have a couple questions:

-How many samples of each species are needed?

-Where do your results go? How will they be reported?

And some comments:

-We know that microplastics are found in many foods and even in drinking water, so we are concerned

about damage to this already-suffering industry due to COVID.

-We have limited soft shell clams here and only ribbed mussels, which are not a commercial species.

-We do have plenty of oysters and quahogs.

I look forward to learning more about your research and reporting.

Thank you,

Nancy

Nancy Civetta

Shellfish Constable

Town of Wellfleet

C: 617-901-7193

O: 508-349-0325

E: nancy.civetta@wellfleet-ma.gov

300 Main St.

Wellfleet, MA 02667

Check for news and updates on Facebook.

From: Jordan Avery Pitt <jpitt@mit.edu>

Sent: Monday, August 24, 2020 1:42 PM

To: Nancy Civetta <Nancy.Civetta@wellfleet-ma.gov>

Subject: Shellfish Locations in Wellfleet

Hello Nancy,

I am currently studying the microplastic content in some species of shellfish and fish around Cape Cod with Woods Hole Sea Grant. I spoke at the Barnstable County Shellfish Advisory Committee meeting last year about microplastics. I was wondering if you knew of any locations around Wellfleet where I could find wild soft-shell clams, quahogs, oysters, and mussels, and if it would be acceptable for me to collect some for sampling? I have a scientific permit from DMF for the sampling that I am doing if that helps.

Thank you for your time,

Jordan Pitt

Jordan Pitt

PhD Candidate in Biological Oceanography at MIT/WHOI Joint Program

jpitt@mit.edu