Shellfish Advisory Board Meeting

Wednesday December 9, 2019

6:00 p.m. Library

Dave Seitler called the meeting to order at 6:05 p.m.

Attended: Dave Seitler, John Duane, Zack Dixon, Tom Siggia, Jacob Puffer, Chip Benton, Rebecca Taylor

Regrets:

Others in attendance: Nancy Civetta, Benjamin Hughes, Cassandra Healy, Helen M. Wilson, Stephen Pickard, Alfred Pickard, Jason Weisman, Lydia Vivante, Mia Baumgarten(video)

Agenda:

1. Approval of minutes

**Jake Puffer made a motion to approve minutes from October 9 and November 20, 2019. Dave Seitler seconded, motion passed 6-0.**

2. Shellfish Dept. update

Nancy Civetta gave highlights from the September report. The report is available on the WSD website page; <https://www.wellfleet-ma.gov/shellfish-department>

In addition, Nancy reported that Bay Scallop season is going well and a small area behind Mooney building was closed because it did not pass water quality test.

3. Discussion and Vote on Shellfish Dept. FY21 Budget

Nancy C. presented her request for an additional full time personnel (attachment 1).

Members of the board asked about:

-the role of the new employee? Nancy - varied, but we need someone to be dedicated to inspecting the grants

-could more time be devoted to grant inspections in November? Nancy - tides are difficult

-are all wild areas patrolled every day? Nancy - Yes, it is mandated.

-would violations written up create less need for an additional deputy? Nancy - writing violations takes a lot of documentation

-what is WSD looking for in this employee? Nancy - Office and field skills and some experience in the field of aquaculture and/or fishing.

-Jake Puffer commented that there is resistance from the community to spending more money when things are going well. Especially with new grant fee and overwintering rack fee.

-John Duane - has there been a comparison to other towns Shellfish Depts.?

Jason Weisman - the propagation program has spread the department thin.

-John Duane - what is the WSD history of staff increases. Nancy - it hasn’t expanded in about 20 years

Helen Wilson added that she supports the hiring of a new Deputy Constable.

-Tom Siggia - with the increase in production we need an increase in the WSD

-Rebecca asked if $50k per year is a reasonable salary to live in Wellfleet. Nancy - I was advised yes.

-Zack asked if the propagation fund can be used for any part of Johnny’s salary. Nancy said that some other towns do that, but our fund is small right now.

**John D. made a motion to table this topic until next meeting to get feedback from community. Dave S. seconded. Passed, 7-0.**

4. Discussion and vote on Shellfish Permit Fee Increase

Discussion:

wait for propagation to get up to speed to raise the fee

**Dave S. made a motion to support not raising the Shellfish Permit Fee. John Duane seconded. Passed 7-0.**

5. Discussion and vote on Initiating a Grant Service Fee

Nancy

- grant fees bring in $12k in revenue.

- WSD has heard that more inspection and enforcement is wanted.

* more vibrio patrol is needed. Rebecca asked if we are doing a good job with vibrio. Nancy said yes.
* Rebecca said that she doesn’t pay a fee to the Police Dept why should she pay a fee to WSD? Nancy agreed, but made the point that the $ coming into WSD from grants is very low. This is a way to make the contribution larger.
* Jake asked how much? Nancy is thinking $100 per farm, not per acre.
* Nancy - Mattapoisset and Farihaven have gotten dispensation from the state to increase the fee.
* Dave - people I talk to are not in favor of this. Are you saying that grant holders are being asked to pay for WSD time?
* Stephen Pickard - how many lease holders have commercial licenses. Nancy - 134 lease holders and not sure how many have commercial. Stephen and Dave - town is losing revenue because of loss of commercial permit fees. CLARIFY.
* Alfred - on vibrio, why doesn’t town require ice on all grants. I agree that we are not paying a lot for the grants.
* Dave - I like the idea of grant holders be required to buy a commercial permit, but what about those who don’t want to use the commercial fishery
* Jake - not a good idea. Rent is cheap but aquaculture is risky

**Jake Puffer made a motion to not support a grant service fee. 5-0, with 2 abstaining.**

6. Plastics Project Update

Dept of Aquaculture in Florida offered some of their eco friendly clam netting

Joseph James from ATP-MD is interested in producing bio plastic aquaculture gear.

Jake volunteered to reach out to these two and start the conversation.

John Duane - come up with three or so items that we are interested in having made.

Nancy - how about a literature review so that we chase good leads. Find someone who has time to do this. Who would this be?

Lydia Vivante - send samples of what you are currently using.

7. Revisit Curley Report

John Duane:

it is the 1969 study of marine resources of Wellfleet Harbor

NRAB is taking the lead on this

Do we want to imitate the Curley report or something different?

Helen Wilson - this should be done before the Herring River Project takes place. How much will it cost? John D. - Owen Nichols said $60k for fish part and $40k for seal part. Maybe we can get funds from somewhere other than from the town.

8. Annual Report

discuss at next meeting

9. Miscellaneous

Stephen P. - time for the board to pay attention to Herring River Project. Pollution, sediment etc. Seashore needs to take responsibility.

Alfred asked at one of the first meetings years ago about going to the West side if there is a problem - they answered that there will not be a problem.

9. Next meeting

Annual Report

Shellfish Management Plan

Herring River

Dredging

WSD employee

Next meeting Jan. 6, 2019 at Library at 6:00 pm.

Meeting adjourned at 8:10 p.m.

ATTACHMENT 1

**Town of Wellfleet FY 2021 Budget Request**

**Program Description**

**GENERAL GOVERNMENT 179 Shellfish Department**

**The Town of Wellfleet’s Shellfish Department works to ensure sustainable fisheries for future generations by:**

* **enforcing town, state and federal policies and regulations governing shellfishing activities,**
* **propagating commercial and recreational shellfishing areas,**
* **protecting Wellfleet Harbor’s environment and the general public’s safety, and**
* **conducting public outreach and education.  
  To achieve its above responsibilities, the department is operational seven days a week, it employs three full- time personnel, utilizes two trucks (with a third one on its way), a boat, a barge and an ATV. Much of its work is performed outdoors in all kinds of weather on intertidal bottom areas and on the water, supervising and interacting with commercial and recreational shellfishermen and grant holders. Its personnel liaise with federal, state and county governments, other town departments and committees, and independent agencies, academic institutions and nonprofits. It works closely with the Harbormaster Dept. and other harbor user groups. It coordinates communications and collaborates with the media, the public, scientists, and other shellfish departments from around the state and the country. It engages in many forms of public education.**   
  **Budget Statement**   
  **Adequate staffing continues to be an issue given increasing duties and responsibilities from the state due to shellfish sanitation program changes at the federal level. First and foremost, it is of utmost importance that we ensure a safe, healthy product reaches the market, especially during the five-month vibrio season. The budget presented here includes adjustments to more accurately reflect the responsibilities and demands of the department, and the actual expenditures necessary to effectively run a department that supervises a year-round industry in which 25 percent of the local working-aged population participates and which generates $7.2M in our community in primary shellfish sales alone. We are proposing the addition of a full- time deputy constable responsible for grant oversight to help us better monitor and manage that sector.**   
  **FY 2021 Objectives** 
  + **1)  Sell more shellfishing permits to bring more revenue in.**
  + **2)  Achieve improved grant oversight and enforcement to bolster accountability and productivity.**
  + **3)  Prepare for Wellfleet Harbor dredging by ensuring removal of lost aquaculture gear and allowing the**   
    **harvest of shellfish (and relay of undersized shellfish) so as not to lose them during dredging.**
  + **4)  Work to ensure Wellfleet does not lose shellfish harvesting opportunities due to changing Federal and**   
    **State regulations.**
  + **5)  Improve communication capabilities.**
* **Major Accomplishments for FY 2020** 
  + **1)  Captured more catch data from the recreational fishery throughout the year.**
  + **2)  Deputy Constable Chris Manulla promoted to lead our oversight of the growing number of dragger**   
    **boats working in Wellfleet Harbor.**
  + **3)  Documented significant landings from dragger fleet and worked with operators to better understand**   
    **and implement boat regulations.**
  + **4)  Created a new set of overwintering regulations to bring accountability to grant owners and help avoid**   
    **aquaculture gear losses that have plagued the industry for the past two years due to ice.**
  + **5)  We provided statistics and analysis of the importance to the town of an Indian Neck**   
    **grant/beach/conservation area that helped the Town make an historic purchase of intertidal land.**

**Town of Wellfleet FY 2021 Budget Request**

**Personnel**

***Line #***

A-1 A-2

A-3 A-4 A-5 A-6

***Account***

Full-time S&W Full-time, seasonal S&W

Overtime  
Vacation Buyout S&W Longevity  
Holiday

***Description (specify basis for calculation)***

$198,430 - three full-time staff  
$20,989 – seasonal recreational patrol and propagation assistant and beach department staff to sell permits  
$3,603 - Asst. and Deputy Constables for cultching and other necessities $7,839 – three staff, two weeks each  
$2,900 – Asst. Constable (15 years) and Deputy Constable (20 years) $5,765 – 364 day/year department; need 2 staff on patrol

                    

**Operating Expenses**

***Line Account Amount #***

B-1 Electricity **$0**

***Description (specify basis for calculation)***

   

|  |  |  |  |
| --- | --- | --- | --- |
| B-2 | Rep. & Maint. Vehicles | **$4,750** | add in $250 for repairs needed to skiff + $500 for maintenance service to skiff outboard each year; [every third year, each outboard will need full servicing ($1,100) due to heavy use in shallow water] |
| B-3 | Contract Services | **$3,450** | Add’l $1K to hire a GPS consultant to help produce an online map of shellfishing and aquaculture areas that can be used with the general public for safety and education (came up at Marina Advisory Committee to educate all harbor users about aquaculture gear) |

* B-4  Education & Training **$1,300**
* B-5  Telephone **$2,200**
* B-6  Postage **$120**
* B-7  Printing **$650**
* B-8  Advertising **$500**
* B-9  Office Supplies **$600**
* B-10  Rep & Maint. Supplies **$800**
* B-11  Vehicle Supplies **$200**
* B-12  Gas/Diesel **$8,700**
* B-13  Other Supplies **$800**
* B-14  Uniform **$1,200**
* B-15  Travel **$350**
* B-17  Other Fees **$1,000**
* B-18  Small Equipment **$2,000**

add in $500 for state-mandated Constable training

reflects actual cost of advertising public hearings  
reflects actual cost of office supplies  
approaching actual cost of repair and maintenance supplies addition of third truck and approaching actual cost of vehicle supplies

Addition of third truck  
approaching actual cost of other supplies  
cost of proper gear, i.e. waders, has increased

                                           

|  |  |  |  |
| --- | --- | --- | --- |
| B-16 | Dues & Memberships | **$440** | Membership in Mass. Shellfish Officers Assn. and participation in professional convention to keep up with rapidly changing federal and state mandates |

       

**Town of Wellfleet FY 2021 Budget Request**

**The Town of Wellfleet’s Shellfish Department works to ensure sustainable fisheries for future generations by:**

* **enforcing town, state and federal policies and regulations governing shellfishing activities,,**
* **propagating commercial and recreational shellfishing areas,**
* **protecting Wellfleet Harbor’s environment and the general public’s safety, and**
* **conducting public outreach and education.**   
  **The department conducts multi-pronged propagation efforts, including:** 
  + **paying for trucking sea clam cultch to the transfer station and operating a barge to spread cultch**   
    **around the harbor in the spring,**
  + **buying shellfish seed and running an intertidal farm operation much like town grant holders, but the**   
    **product is not grown to market size; instead it is grown to a predator-resistant size when it can be distributed to different harvesting areas around the harbor to finish growing and become a wild Wellfleet oyster or clam,**
  + **undertaking a variety of relay initiatives, meaning that it buys (or moves) shellfish from one area and transplants it to another area to provide better harvesting opportunities for both commercial and recreational shellfishing permit holders,**
  + **initiating an oyster seed donation program with grant holders who collect oyster spat in Chipman’s Cove, which are overwintered in the pits at the transfer station, put back on the propagation bed to grow in the spring and then broadcast around the harbor during the summer.**   
    **Budget Statement**   
    **The propagation responsibilities of the department continue to grow as we strive to build the necessary infrastructure and shellfish resources to increase the amount of shellfish that we add to the harbor to enhance our commercial and recreational harvests. We are still playing catch-up, but our efforts are producing results so we will keep working hard to grow our program and better it each year. We will keep our propagation budget level funded for FY21. Our revolving fund has received revenue only for four months, but as it grows over the years, we expect to begin reducing our need for taxpayer funds for our propagation budget 180. \**See note below on a planned use of revolving fund in FY21.***   
    **FY 2021 Objectives**
  + **1)  Through our propagation efforts, we would like to foster the continued growth of the commercial shellfishing industry, recreational opportunities for the public and revenue to the town.**
  + **2)  Grow our donation program with grant holders who put spat collecting devices in Chipman’s Cove and expand our spat collecting efforts to decrease our reliance on hatchery seed in favor of Wellfleet’s own wild seed.**
  + **3)  Participate in Wastewater Management Committee meetings in order better understand potential alternatives using shellfish and advocate for implementation that best suits our shellfishery.**
  + **4)  Increase focus on our quahog program by moving different year classes of clams from town propagation bed into other harvest areas and continuing participation in the state-run quahog relay.**
  + **5)  Explore propagation opportunities in deep water areas to ensure a sustainable fishery for the dragger fleet.**

**GENERAL GOVERNMENT 180 Shellfish Conservation & Propagation**

**Program Description**

**Town of Wellfleet FY 2021 Budget Request**

**Major Accomplishments for FY 2020**

* **1)  Initiated a Revolving Fund for Shellfish Propagation to provide for long-term sustainability of our propagation program.**
* **2)  Applied for and received a $17,700 grant from SPAT to bolster our recreational shellfishing program.**
* **3)  Put 250 bushels of quahogs from the contaminated relay in Chipman’s Cove and another 150 at the**   
  **Indian Neck recreational only area.**
* **4)  Planted 335,000 juvenile oysters and 200,000 baby quahogs on our propagation bed.**
* **5)  Purchased and distributed 500,000 pounds of sea clam cultch around the harbor.**
* **6)  Accepted donations of more than 500,000 juvenile oysters from grant lease holders to supplement**   
  **our shellfish inputs to bolster what Mother Nature provides.**
* **7)  Launched our new cultch barge and put it to a wide variety of uses.**

**Operating Expenses**

***Line Account #***

* B-1  Aquaculture Supplies
* B-2  Cultch
* B-3  Seed

***Amount Description (specify basis for calculation)***

**11,000** Additional infrastructure necessary for propagation efforts, e.g. racks, oyster grow bags, clam nets, rebar, U-hooks, etc.

**$10,000** 10 loads of sea clam cultch trucked to transfer station ($1,000/trip)

**$25,000** Purchase of juvenile oysters and clams

               

**\*Additional Expense NOT IN BUDGET: *The department will use $1,000 from its revolving fund for propagation for the remainder of a consultant contract to assist in securing additional MEPA permitting in order to be able to cultch all areas of Wellfleet Harbor.***



**Additional Amount Requested**

**$49,914**

**Budget Line Number**

**Line # A1 Account Description: Full-time Personnel**

**One Time Only or Ongoing Expense?**

**Ongoing**

**Description of Program, Product or Service**

**Line # A1 Account Description: Full-time Personnel**

*See job description attached.*

**Cost/Benefit Analysis**

**Amount: $49,914**

**Amount: $49,914**

**179 Shellfish FY 2021 Additional Budget Request**

The Town of Wellfleet ranks number one in the state for number of shellfish farms AND the number of acres under cultivation of shellfish. It has almost double the number of farms and acres as the number two ranked Barnstable. Over the course of this year, we have realized that current staffing levels are not adequate to appropriately monitor the aquaculture operations in the town. As described in my Look Ahead memo to the Selectboard on December 18, 2018 (*attached*), the time has arrived when we need a fourth person full-time, year-round.

This first became evident to the department when we struggled to complete the annual grant inspections required by town regulations. There are 134 individual lease holders cultivating nearly 240 acres of bottom. (Some are listed on more than one grant.) In total, Wellfleet has 154 grants, but some are contiguous and farmed together, bringing the total number of “farms” down to around 90. Assuring that each grant and grant lease holder is in compliance with state and town regulations is a time-consuming and complex process, often requiring multiple return visits. Some of the things we check are that all gear is tagged (some farms have hundreds of racks and that number times six of bags), that the grant is in good condition and doesn’t have derelict gear piles that need to come off, if gear meets height requirements, does shellfish on grant meet minimum productivity requirements, etc.

On the administrative side, we need to ensure that each grant’s activities match up with what the state has permitted them to do on their propagation permits, for example, where they are allowed to off-site cull and where they are allowed to collect spat, among other conditions.

The state is now beginning to require detailed vibrio control plan compliance documentation to assist its traceback efforts when a case of vibrio is identified. This will entail the department inspecting and documenting grants more frequently for vibrio plan compliance in order to be prepared for eventual state

inquiries. We will also be required to document tagging of product traveling to off-site culling locations and its resubmergence in specific areas on grants during the busy, five-month summer vibrio season.

Another issue also came up this year that will require more oversight in the future – and that is the overwintering of product and gear on grants. We will now need to inspect grants in the winter both before and after any potential ice so that we are sure that farmers are in compliance with overwintering regulations and to ensure that we are good neighbors with other harbor users for safety’s sake. This year, we will need to pull staff off commercial patrol during the busy winter wild picking season in order to accommodate these responsibilities. First and foremost, we’ll need to take care of our own oysters and get them into our pits to overwinter and get our own gear off the flats, which requires more than one person to do. Our three full-time staff will be stretched to the max with this schedule, and we acknowledge that we can’t possibly be everywhere at once.

Not only do we see the demand for more grant oversight, but under Mass. General Law, Chapter 130, Section 98, constables are responsible for enforcing Mass. Division of Marine Fisheries (DMF) regulations, and those are increasing as a result of new National Shellfish Sanitation Program mandates and industry growth.

Recent changes adding to our workload include new harvest and handling regulations that require Marine Sanitation Devices, source of ice used for cooling shellfish, and other measures required to ensure the sanitary transport of shellfish. Vibrio control plan protocols and year-round time to temperature requirements mean constables need to put more scrutiny on the time of harvest. In addition, due to DMF staff constraints, town staff are participating in more and more activities as partners with the state to ensure that we meet federal requirements in order to be able to continue to harvest shellfish for public consumption. These tasks will be increasing in the spring of 2020 as a new set of federal regulations begin.

We also currently assist DMF with water sampling, shoreline surveys, and marina and mooring information required to keep our harvest areas classified as open, we patrol closed areas and confirm harvested shellfish are from open areas and that all shellfish are tagged and handled correctly, we conduct contaminated shellfish relays, including coordination with dredge boats, we provide shellfishing area information and recreational catch data for state reports, we collaborate on propagation permitting, we attend quarterly Mass. Shellfish Officers Assn. meetings in order to keep abreast of shellfishing changes at federal and state levels, we execute all state closures and openings due to weather and collaborate on any environmental incidents and emergency situations, such as spills of any kind.

Our department relies on collaboration with other town departments and town boards and committees to help us achieve our goals of protecting, managing and propagating our shellfisheries, such as Beach, Harbormaster & Marina, Health/Conservation and the Department of Public Works, and the Comprehensive Wastewater Management Planning Committee, Conservation Commission, Dredging Task Force, Marina Advisory Committee, Natural Resources Advisory Board and Shellfish Advisory Board.

From a local perspective, the aquaculture industry in Wellfleet has grown tremendously. State reports indicate a significant increase in oyster aquaculture landings beginning in ~2012. Over the past five years, farmed oyster and quahog clam landings went from 686,864 pounds in 2014 to 1,928,055 pounds in 2018,

almost tripling the amount of farmed shellfish sold from Wellfleet waters. In 2018 alone, more than 10 million Wellfleet farm-raised oysters were sold. This growth refelcts more productive shellfish farms, more people involved in shellfishing and five new grants operating. This is a positive development!

However, the Town of Wellfleet needs to match its oversight capacity (the Shellfish Dept.) to the growth of the town’s top year-round industry. With three people on staff, all needed in different areas at different times, it is clear that we need to add another year-round staff person in order to meet the increase in oversight, monitoring and enforcement responsibilities of the department, both locally and regarding state and federal regulations. Our department’s goal is to ensure the success and continued bounty of our shellfisheries. We need a fourth staff person to make it happen.