



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## MEMORANDUM

DATE: May 27, 2020

TO: Town of Wellfleet Shellfish Advisory Board Members

RE: Changes to Overwintering Regulations and Agreement

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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

[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

Phone (508) 349-0325



Fax (508) 349-0305

#### 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.

APPENDIX D:

~~FORM OF AGREEMENT~~ OVERWINTERING AGREEMENT

I, \_\_\_\_\_

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.**
- **I attest that before the threat of ice, I will be able to remove in \_\_\_\_\_, [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: \_\_\_\_\_