



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: August 31, 2021  
To: Town of Wellfleet Selectboard  
From: Nancy Civetta, Shellfish Constable  
Re: Mass. Division of Marine Fisheries Revisions to Grant License Application  
Procedure Section 7.6.1 in Wellfleet's Shellfishing Policy and Regulations

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Dear Selectboard members,

Per Mass. General Law, Chapter 130, Section 52, I run all proposed changes and additions to Wellfleet's Shellfishing Policy and Regulations by the Mass. Division of Marine Fisheries in order to ensure that they are consistent with state regulations and statute. I ended up sending the Grant License Application Procedure Section 7.6.1 after the Selectboard's public hearing on April 27, 2021, when usually I do this before. Apologies.

I heard back from Chrissy Petitpas, PhD., of MADMF's Shellfish Sanitation and Management Program, and she had a two small changes, which I have highlighted below. I have included her comments as well for context.

In addition, an immediate grant holder abutter did not see the public hearing notices for Shea Murphy's grant extension requests and would have had input for your consideration. Therefore, I have added this as a necessary step as part of the Application Procedure. Helen Miranda Wilson and I worked on this together, and Helen also made a few other slight revisions in the procedure for clarity. I sent all of these revisions again to Chrissy Petitpas at MADMF for review and heard back that all was good.

Attached are the revisions with changes as ~~strike-throughs~~ and additions as **bold**. Thank you for re-voting to approve these simple changes, which will provide more clarity to applicants, advise intertidal abutters and respect state regulations and statute.

Sincerely,

Nancy Civetta  
Shellfish Constable

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## 7.6. Process for Approval of Aquaculture Licenses

The ~~Board of Selectboardmen~~ shall accept and process applications for area licenses in accordance with [MGL Chapter 130: Section 57](#), and the application procedure of the Town.

### 7.6.1 Application Procedure

This procedure applies to new grant applications, applications for extensions to current grants and grant renewals and transfers. All potential new lease holders must meet the eligibility requirements in Section 7.8.1 Eligibility Requirements. In addition, current lease holders applying to be added to another grant or applying for extensions must have complied with all Town of Wellfleet Shellfishing Policy and Regulations for at least three (3) years preceding the application for each grant license to which ~~she~~ **the applicant** is named. These include but are not limited to: Section 7.3 Annual License Fee, 7.12 Evidence of Productivity: Use It or Lose It, 7.13 Annual Report, 7.14 Annual Inspection of Each Grant, 7.15.1 Required State Seed Propagation Permit and 7.19 Aquaculture Gear and Equipment. If applicant meets all criteria outlined above, then the following is required:

1. Fill out an aquaculture license application and get Shellfish Constable signature. Applications available at Shellfish Department offices.
2. Go over the Checklist for Aquaculture Lease Applicants with the Shellfish Constable, who shall provide any additional documentation required, such as a form for a Five-Year Business Plan and a template for a letter to the Selectboard.
3. For new grants and extensions:
  - a. Determine whether owner permission is needed, and if so, obtain written permission.
  - b. Schedule a site visit with Shellfish Constable to assess the area, ensure the shellfish growing area has an appropriate classification for aquaculture, review approximate coordinates for the new grant boundaries and discuss any potential conflicts. The applicant should include the proposed coordinates and map in the documentation provided to the Shellfish Constable for the Selectboard.
  - c. Have Harbormaster review proposal with regards to reasonable navigational and recreational interests in the areas concerned. (See 7.4 Location of Areas Licensed for Aquaculture (Grants).)
  - d. Set up a site visit with the Harbormaster and Shellfish Constable.
4. The Shellfish Constable shall request that **the public hearing be placed on an upcoming Selectboard meeting agenda and contact the Principal Clerk for advertisement and posting.**
5. The Shellfish Constable shall write a letter of recommendation or concern and shall provide all relevant grant **application** documents for the Selectboard hearing ~~meeting packet~~ by the **meeting packet** deadline.
6. **By or before the date of posting, the Shellfish Department shall make contact with and provide notification of the date of the hearing to the**

Commented [NC1]: I changed the order of this sentence for clarity – and added posting.

**Harbormaster and to intertidal abutters who share boundaries with the proposed site, or who are otherwise adjacent or substantially affected by the change in area, as determined by the Shellfish Department.**

7. A public hearing shall be held within 60-90 days of when the Shellfish Constable receives the complete written application with all required documents, and the Selectboard shall determine the outcome of the application.
8. Upon approval by the Selectboard and after the Massachusetts Division of Marine Fisheries biological survey, **the applicant must simultaneously**
  - a. have the new site professionally surveyed and supply the Shellfish Department with all boundary coordinates in decimal-degrees, and **simultaneously**
  - b. start the state and federal permitting process, including, but not limited to, **applications for MEPA (MA Environmental Policy Act)**, Notice of Intent (Wetlands Protection Act filing), Chapter 91 authorization, eligibility under the Army Corps General Permit, etc. For more details, visit: <https://www.massaquaculturepermitting.org/>
9. Before the applicant can begin to use the site, ~~she~~ **they** shall be required to clean up and remove all old and/or derelict aquaculture gear that may have accumulated on the site as **per Section 7.19.4 Removal of Damaged Gear or Equipment** and **shall have** a grant inspection by the Shellfish Department to ~~ascertain~~ **confirm** its readiness.

**Commented [NC2]:** From Chrissy Petitpas at MADMF: Your proposed 60-90 day timeline is inconsistent with Ch 130 Sec 57. However, that 60-day clock starts when your town-defined application process is complete.

**Commented [NC3]:** Changed position of this for clarity

**Commented [NC4]:** From Chrissy Petitpas at MADMF: DMF's site certification is not valid until applicants get a MEPA determination (Secretary's Certificate) if they trigger any MEPA thresholds. Right now, the threshold for MEPA review is 1/2 acre of wetlands impact or all projects within an ACEC. As you know all of Wellfleet Harbor has been designated an ACEC, so all aquaculture grant sites (new or expansions) will require MEPA review before our site certification becomes valid and we issue a propagation permit, or endorse an existing propagation permit for culture activities on new sites or expansions. We will perform the site surveys and issue provisional certification letters prior to MEPA review because MEPA likes to have our survey results for the review process, and it saves the applicant from unnecessarily applying for permits if DMF ends up denying the site license certification.