



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: November 28, 2022
To: Shellfish Advisory Board
From: Nancy Civetta, Shellfish Constable
Re: Egg Island regulation review

Dear SAB members,

I have received interest from two grant holders who would like to get extensions to their Egg Island grants. As I discussed this with them, I learned that the following regulation applied to where grants can be located on Egg Island:

7.4. Location of Areas Licensed for Aquaculture (Grants)

Grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier and at least three hundred (300) feet northward of a line from the seaward end of the Breakwater to the easternmost tip of Great Island, **except in the area above mean low water on Egg Island.**

The Shellfish Department has researched this as best we can. We found the original Slade Associates map and got the Army Corps of Engineers permit letter from the Mass. Division of Marine Fisheries (see both attached). The buffer indicated on the Slade map is 117 feet north of the “No Drag Line” while the indications in the regulation above say 300 feet. I am including here the map and points in our current regulations for comparison to the Area 1 content above.

We found that the above regulation appeared in the “Temporary Shellfish Regulations” in 2005. We met with former SAB members to try and understand when or why this was added to the temporary regulations, but they could not remember anything except that as part of the grand re-write of the regulations that SAB did between 2011 and 2013, they carried the temporary regulations over into the “regular” regulations. We went through all of the Selectboard minutes from 1995 and 1996 when Egg Island was created, from 2003-2005 to see if the approval of the section in the temporary regulations was documented, and from 2013 when the SAB big re-write of the regulations was approved but found nothing that explained the rationale of why this was added either to the temporary regulations or the regular ones. We discovered that SAB minutes are no longer in the online archives and have brought this to the attention of Town Administration. This is unfortunate because these regulation changes were discussed in more detail there as you can see from the SAB 2013 annual report, here attached.

wellfleet-ma.gov/shellfish-department

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The two areas that are currently being explored for extensions on Egg Island do not seem like they will be in conflict with any wild shellfishing. We have never seen anyone harvesting shellfish from the two areas being proposed. (See map attached.) However, it is important for us to have a clear understanding of what the regulation means because if the Shellfish Department recommends to the Selectboard these areas for extensions, it could set a precedent that might open the whole of Egg Island to potential aquaculture grants.

In our reading of old SAB and WSD annual reports, we found that areas of Egg Island were once propagated by the department. We can confirm that the north side of Egg Island that does not have any grants on it is cyclically used by commercial shellfishermen harvesting oysters and the northernmost sandbar is used monthly by shellfishermen harvesting quahogs. We have spoken with a few wild commercial shellfishermen who oppose any new grants on the north side of Egg Island. I have been asked to forward you a letter from one of them who requests more consideration and discussion about new grants and extensions (see attached).

Finally, in order to better understand what mean low water on Egg Island looks like, we hired a drone operator on a 0.0 tide on a beautiful summer day to take photos from above. The photos were taken just before, at and after low tide that day, which was at 5:40 p.m.

This matter is ultimately a Selectboard decision, but I feel that it is important for Shellfish Advisory Board to discuss it first to provide both the department and the Selectboard with feedback for their decision-making.

I am attaching here the following that I have referenced here:

- Egg Island original grant map
- ACOE letter permitting the Wellfleet Shellfish Aquaculture Zone (Egg Island)
- Map from Shellfishing Policy and Regulations, Appendix C, page 35
- Point descriptions from Shellfishing Policy and Regulations, Appendix B, page 34
- Shellfish Advisory Board annual report from 2013
- Egg Island map with two new proposed extension areas
- Letter from Mike Ziemba, commercial dragger shellfisherman, Egg Island grant license holder
- Drone photos of Egg Island at Mean Low Water on a 0.0 sunny summer day 8-11-2022

I look forward to our discussions tomorrow evening.

Thank you,



Nancy Civetta, Shellfish Constable