

Current Regulation:

7.8.8. Aquaculture Research and Development Projects

7.8.8.1. License for Aquaculture Research and Development

The Selectboard may issue a license to an individual or an institution (including a corporation) which proposes to conduct aquaculture research and development projects if environmentally appropriate, in the best interests of the town, and beneficial to the aquaculture industry.

7.8.8.2. Initial Term of License

The initial term of a research and/or development license shall not exceed two (2) years. The license may then be renewed for a period of up to eight (8) years, for a total maximum of ten (10) years.

7.8.8.3. Plan of Project

The applicants shall provide a plan of the project including all aspects of the management and operations of the project to the Selectboard, the Shellfish Constable and the Division of Marine Fisheries.

7.8.8.4. Dissemination of Data and Results

All data and subsequent results and analyses of the project shall be made available to the Selectboard, the Shellfish Constable, and the Division of Marine Fisheries at predetermined times to be established in the license.

7.8.8.5. Excess Product Returns to Town

Products resulting from the exercise of this license, in excess of those required for the aquaculture research and development specified in Section

7.8.8.6. License for Aquaculture Research and Development shall be turned over to the Town of Wellfleet annually, for appropriate use by the Shellfish Department.

SAB to consider this proposed amendment:

7.8.1.1. License for Aquaculture Research and Development

The Selectboard may issue a license to **a natural person ~~an individual or an institution (including a corporation)~~** which proposes to conduct aquaculture research and development projects if environmentally appropriate, in the best interests of the town, and beneficial to the aquaculture industry.

A definition of "Institution" is not included in current regulations.

SAB to consider :

To include or not to include a new definition proposed by Town Counsel:

Institution – a corporation, association, organization, trust or other entity established by law and that is not a Natural Person.

Current Regulation:

7.8. Issuance of Licenses for Aquaculture

7.8.1. Eligibility Requirements: Licenses shall only be issued to natural persons who are domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, who hold a commercial shellfish permit, and who have the knowledge and experience to fulfill the responsibilities specified in the license, provided that the applicant has held and been documented by the Shellfish Department using a Wellfleet commercial shellfishing permit during a period of at least three (3) of the four (4) calendar years preceding the date of application for a license. Applicant shall submit copies of state-filed catch reports. OR, provided the applicant demonstrates experience in shellfish propagation and aquaculture, continuously, over at least three (3) years preceding the date of application, documented by the Shellfish Department. This shall be supported by a letter from a license holder who employed the applicant describing the type of work performed and any other information which might be relevant. The applicant shall present a detailed five-year business plan for how s/he intends to use the grant, including shellfish species, amounts and sizes, and gear to be used, access routes and any other information relevant to proposed operations. In addition, any applicant shall not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

6.1.4 Commercial Permit Fee Schedule (amended 12/20/2022 to require all grant license holders to purchase a commercial shellfishing permit)

Resident \$310.00

Senior Resident (65 years or older) \$60.00

Junior Resident (14-16 years old) \$110.00

Eel Permit \$3.00

Replacement Fee (for all categories) \$20.00

SAB to consider adopting an alternative fee or continue with current regulation.

Current Regulation:

7.8.5. Working of Grants by Non-Licensees

All individuals authorized by a licensed grant holder to work the grant in the absence of a licensed grant holder must be registered with the Shellfish Department. Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their registration. When more than one licensee has been granted a license for the same acreage, each licensee is responsible only for the actions of the employees or otherwise affiliated persons who are under their separate management.

SAB to consider the following proposed changes:

7.8.5. Working of Grants by Non-Licensees

Licensees may employ or use the services of non-licensed individuals to work their licensed areas.

All individuals authorized by a ~~licensed grant holder~~ licensee to work the grant ~~in the absence of a licensed grant holder~~ must be registered with the Shellfish Department and **be approved in writing by all licensees on the grant.**

Persons authorized to work in a grant area shall do so only in their individual capacity and shall not act on behalf of or be employed by any Institution that participates in the shellfish industry, unless it is an institution formed by a licensee for the purpose of facilitating their work on the grant.

Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their registration. When more than one licensee has been granted a license for the same acreage, each licensee is responsible **only** for the actions **all persons working the grant of the employees or otherwise affiliated persons who are under their separate management.**

Current Regulation:

7.9. Rights of Use and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s). (See Section 4.9 Poaching, Section 4.10 Disturbance of Grant by Other Than the Licensee and MGL Chapter 130; [Section 57](#), [Section 63](#) and [Section 67.](#))

Licensees may transfer the rights or responsibilities assigned to their license to any other natural person or natural persons by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area, provided that the individual meets the eligibility requirements in Section 7.8.1. (See MGL Chapter 130; [Section 58](#) and Section 7.8.3 Limit on Individuals Licensed to Use a Grant.)

SAB to consider the following proposed changes:

7.9. Rights of Use, **Subletting** and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s). (See Section 4.9 Poaching, Section 4.10 Disturbance of Grant by Other Than the Licensee and MGL Chapter 130; Section 57, Section 63 and Section 67.)

Licensees may transfer the rights or responsibilities assigned to their license to any other natural person or natural persons by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area, provided that the individual meets the eligibility requirements in Section 7.8.1. (See MGL Chapter 130; Section 58 and Section 7.8.3 Limit on Individuals Licensed to Use a Grant.)

Licensees shall not sublet their licensed area to any other person or institution. For purposes of this regulation, a subletting arrangement will be considered to exist if anyone other than the licensee is permitted to remove product from the licensed area and retain it for their own use or the use of another without first turning it over to the licensee.

Current Regulation:

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections [57](#) & [65](#). In the event that a license is revoked, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

SAB To consider whether this section relates to corporations, and if so, whether SAB would like make the following proposed change:

11.3. Authority to Revoke Aquaculture License

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections 57 & 65. In the event that a license is revoked, **for reasons other than loss of Domiciled Residence**, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.