



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: April 9, 2021
To: Town of Wellfleet Selectboard
From: Nancy Civetta, Shellfish Constable
Re: Proposed Addition of Grant License Application Procedure to Wellfleet's Shellfishing Regulations

Dear Selectboard members,

When I was hired, the Principal Clerk sent me documents to use for grant license applications and transfers. See attached. I developed a checklist to make sure that I was covering everything that the regulations required for grant transfers and for the two grant lotteries that we have held to date. See attached. I have been meeting with grant holders and the people they want to add or remove from leases and going over all the paperwork with them, making sure they had everything in order and then writing my letter of recommendation for the Selectboard. I send the application itself to the Principal Clerk so it can be advertised and request that it be placed on the Selectboard agenda, grouped with other shellfishing items when possible to make the best use of the Board's time.

I had not encountered a formal grant extension request until recently. I realized that while the application procedure referred to in the following section is mentioned, it is never actually outlined anywhere in our regulations.

7.6. Process for Approval of Aquaculture Licenses

The Board of Selectmen shall accept and process applications for area licenses in accordance with MGL Chapter 130; Section 57, and **the application procedure of the Town.**

For clarity on both sides, we should add the procedure to our regulations. There is a large administrative burden in documenting aquaculture activities, and it is in the Town's best interest to outline a fair and equitable way to implement the application procedure to the benefit of our entire community. What I have outlined here is how it has been happening under my tenure, except for the grant extension that came before you in March.

The Mass. Division of Marine Fisheries reviewed the procedure and provided feedback, which was incorporated prior to the Shellfish Advisory Board (SAB) meeting. At its meeting on April 8, the SAB voted unanimously (4-0) to recommend these regulations.

I submit the following and ask you to vote to approve this addition to Wellfleet's Shellfishing Policy and Regulations. I look forward to our discussion.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta

wellfleet-ma.gov/shellfish-department

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7.6. Process for Approval of Aquaculture Licenses

The Board of Selectmen **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. 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 s/he 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 **upland** 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** contact the Principal Clerk for advertisement and request that the public hearing be placed on an upcoming Selectboard meeting agenda.
5. The Shellfish Constable **shall** write a letter of recommendation or concern and **shall** provide all relevant grant applicant documents for the Selectboard hearing meeting packet by the deadline.
6. A public hearing **shall** be held **within 60-90 days**, and the Selectboard **shall** determine the outcome of the application.

7. Upon approval by the Selectboard and after the Mass. Division of Marine Fisheries biological survey,
 - a. the applicant must 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, 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/>
8. Before the applicant can begin to use the site, s/he **shall** be required to clean up and remove all old and/or derelict aquaculture gear that may have accumulated on the site and schedule a grant inspection by the Shellfish Department to ascertain its readiness.