



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

MEMORANDUM

DATE: February 27, 2020

TO: Town of Wellfleet Shellfish Advisory Board Members

RE: Changes to Overwintering Regulations and Agreement

Dear Shellfish Advisory Board Members:

As you directed me to do in your meeting on February 10, I went back to the original overwintering regulations and agreement from Wellfleet’s Shellfishing Policy and Regulations (prior to 9/24/2019 Selectboard approval) and added in the ideas you discussed and agreed on at that meeting. I did not use the new overwintering sections.

Attached is my first attempt at taking your decisions and putting them into regulation language. (See next pages.) As per Town protocols, strike-through means deletions and bold is for additions. I had a few outstanding questions, but you may have others as we discuss together.

Questions:

- Do you want to choose a rack height for overwintered racks to be pumped down to? I put 2-4” as a starting point given your discussions at the meeting.
- We need a description for the “two tides” racks that are not pumped down because they are in use and will be taken off within “two tides” before ice.
- Should clam nets be included? Other gear?
- Does the fact that the WSD will inspect as soon as contract is turned in and again after ice need to be included? This will happen regardless.
- Should “delegate with contact info” be included in case leaseholder is unavailable or goes away?
- What should we do about defining when it is OK to bring gear back? “When threat of ice has passed?” or...???
- You may also want to review this section of the regulations on next page: 7.19.6. Fines for Gear Violations

I look forward to discussing this in detail at your Monday, March 16, meeting at 6 p.m. at the Council on Aging. 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

Phone (508) 349-0325



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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 I will be able to remove in [SAB please discuss and INSERT PERIOD OF TIME HERE, 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 it.**

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. 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: _____