



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

INTRODUCTION TO JAMES AND ALLISON GRAY'S OPERATIONS ON GRANT #7312, .5 ACRES, OLD WHARF POINT

- Over the past five years, the Shellfish Department has noticed a decreasing use of site #7312. In the beginning, there was activity, enough to receive a grant extension request. But, after an ice event killed James Gray's bottom crop of oysters, no activity at all was observed for three years. Gray did have health issues during this time.
- As required by our regulations, there must be production and market sales equal to or exceeding \$1,000 an acre. The Gray's license site is .5 acres and therefore, should demonstrate \$500 a year in sales.

HISTORICAL OVERVIEW OF GRANT # 7312

- License granted on Oct. 22, 2006, to James Gray.
- Licensed transferred to James Gray and Allison Gray on Nov. 7, 2017.
- License expired on Oct. 22, 2021.
- The state confirms that the last propagation permit issued to James Gray on this grant was in 2019, and there are no annual reports filed to report sales from this grant since then. Allison Gray has never been issued a propagation permit.
- According to annual grant reports submitted to the town for both 2017 and 2018, 60,000 pieces of mature oyster were removed, and 150,000 pieces of seed were planted.
- According to annual grant reports submitted to the town for 2019, 60,000 pieces of mature oyster were removed, and 100,000 pieces of oyster seed were planted.
- Annual grant reports were not received for this grant in 2020 or 2021.
- Shellfish Constable Civetta did a grant inspection on Oct. 24, 2017, with James Gray present. Civetta noted the 150,000 pieces of seed planted.
- The Shellfish Dept. was unable to coordinate a grant inspection with Gray for 2018 due to his offshore fishing schedule.
- On Oct. 29, 2019, Deputy Shellfish Constable Chris Manulla did a grant inspection with James Gray present. Manulla noted that Gray said a neighbor was tending to his seed and that there was "ground evidence."
- Manulla did a grant inspection on Sept. 19, 2020, with James Gray present. Manulla noted that this grant suffered both loss of bottom crop and pit death within the last year. He noted that Gray said his seed on his neighbor's grant would be coming over in 2021, and he was going to order 75,000 seed oysters. Manulla also noted there was no gear on this grant, but they were going to rebuild after seed loss.
- On June 7, 2021, Civetta had a phone conversation with James Gray informing him that his grant was up for renewal in October and to come in for the paperwork. She informed him that in preparation for that, he needed to turn in his

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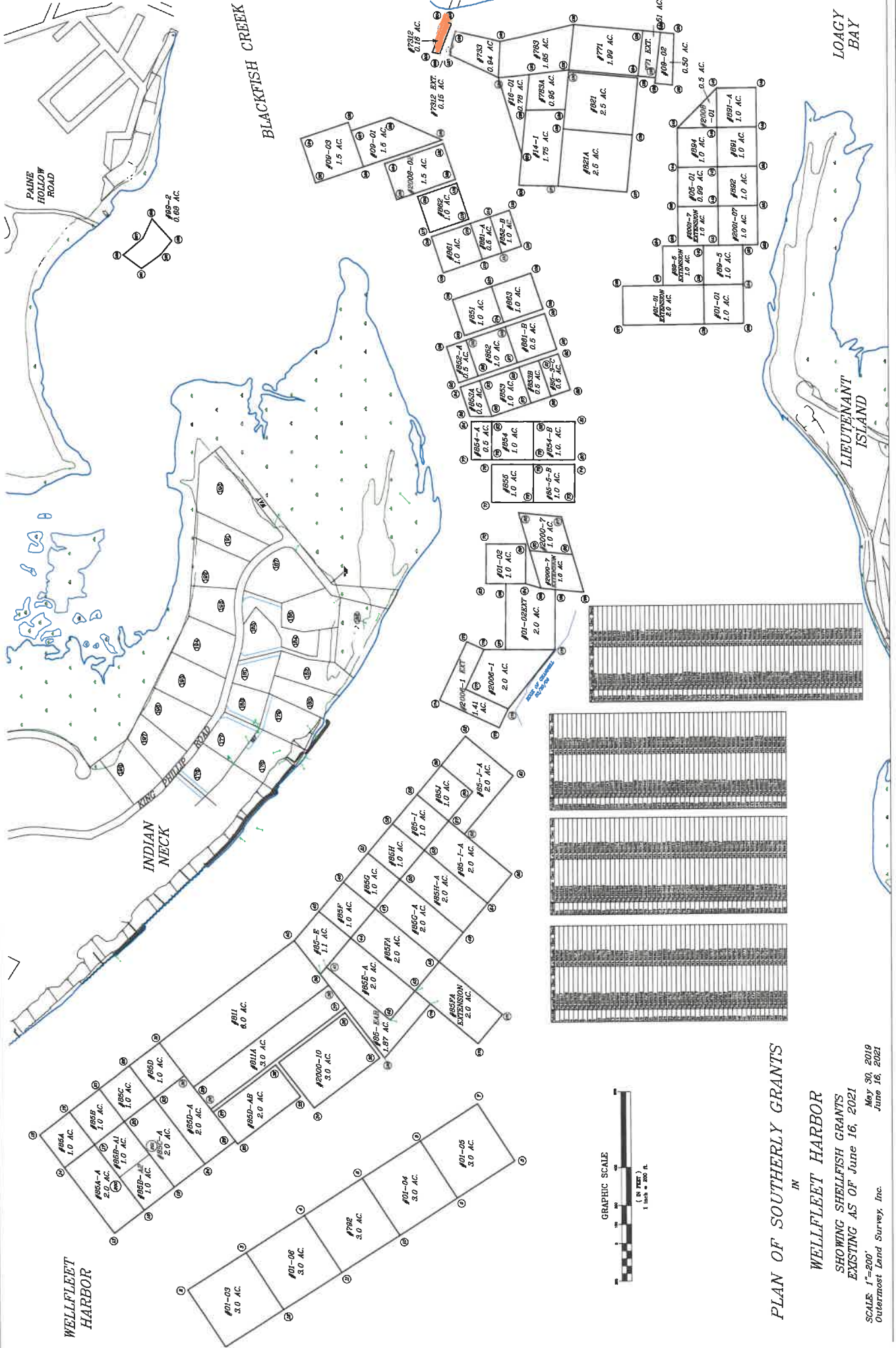
Phone (508) 349-0325



Fax (508) 349-0305

annual grant report for 2020 and pay his fees for 2021. Gray said he thought he had already sent in his grant fees. They also discussed that this grant needed to make minimum productivity.

- On June 8, Civetta followed up with a letter about the 2020 grant report and 2021 grant fees and included a grant report form for him to fill out. She also included the regulation about minimum productivity in the letter and reminded him that he needed to make that.
- The most recent grant inspection was performed on Dec. 12, 2021, by Manulla. No grant holders were present. Manulla noted the “some minor ground crop” with “no sign [of] activity.”
- On Jan. 27, 2022, Civetta spoke with James Gray on the phone to explain enforcement actions that Shellfish Department was undertaking regarding minimum productivity requirements.
- On Feb. 4, 2022, James and Allison Gray received notification via email that this grant was under review for minimum productivity requirements. In that email, Civetta requested that they petition MA DMF for a record of their sales over the last seven years.
- On Feb. 7, 2022, the Grays received a follow-up email containing a copy of the letter stating their grant was being monitored for minimum productivity and forms to request sales history from the MA DMF sent to them via certified mail.
- On Feb. 9, 2022, the Grays signed for a certified letter stating their grant was under review for minimum productivity requirements and requesting they petition MA DMF for a record of their sales over the last seven years. The certified mail packet included the documents needed to request sales history through the MA DMF.
- On Mar. 23, 2022, a certified letter, dated Mar. 18, 2022, was signed for, in which Civetta stated that we did not receive any additional information from the MA DMF demonstrating minimum productivity met on this grant and that this grant failed to meet the minimum productivity requirements.
- On Mar. 25, 2022, a follow-up email was sent with an attachment of the certified letter, dated Mar. 18, 2022, sent to the Grays stating that their grant failed to meet minimum productivity requirements along with instructions on how to request a public hearing.
- On Apr. 1, 2022, the Grays requested a public hearing.
- To the best of the Shellfish Dept.’s knowledge, James and Allison Gray have not paid their grant fees for 2021 and 2022. The total due would be \$100. James confirms that he paid 2021. I have an email from the Principal Clerk on July 28, 2021, where he is still listed as not having paid. Without the Principal Clerk in the office now, the department is not able to check, although we reached out to the accounting office to see if they might be able to track it.
- If they did not pay their grant fees, then on August 29, 2021, they would have forfeited the grant for nonpayment of fees per MGL 130 Section 64. However, I felt we should proceed as is for now, until we know for sure from Town Administration.



PLAN OF SOUTHERLY GRANTS
 IN
 WELFLEET HARBOR
 SHOWING SHELLFISH GRANTS
 EXISTING AS OF June 16, 2021
 SCALE: 1"=200'
 Outermost Land Survey, Inc.
 May 30, 2019
 June 16, 2021



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

James Gray
27 Old King's highway
Wellfleet, MA 02667

June 8, 2021

Re: 2020 Annual Grant Report and 2021 Annual Grant Fees

Dear James,

As we discussed on the phone yesterday, you need to turn in your annual grant report (form included here) for last year (2020) and pay your grant fees for 2021. Your fees are \$50 and cover both you and Allison.

Please either contact me (617-901-7193) to coordinate dropping these off, or you can put them in the Tax Payment mailbox behind Town Hall in an envelope addressed to Jeanne MacLauchlan for Shellfish Grant Report.

We also talked about the need for your grant to meet minimum productivity this year. Here is the section from the regulations:

7.12. Evidence of Productivity: Use It or Lose It

7. 12.1. Minimum Levels of Investment and Production

There shall be minimum levels of investment and production required in order to retain an area license. These shall be:

a. During the first, second, and third year after the date of issuance of the license a minimum of \$1000 per acre shall be spent on seed and gear for the area and it shall be evident that this effort of improvement has taken place. Any licensed area that is less than one acre shall be prorated.

b. During the fourth year and every year thereafter there shall be a minimum production of an average of \$1000 worth of product per year per acre, **or prorated for a portion thereof**, from the practice of aquaculture on the licensed area. This shall be demonstrated by the annual grant report, and, if so requested by the Shellfish Constable, copies of transaction receipts or other acceptable documentation. (See MGL Chapter 130, Section 64 Annual fees for license.)

You will need to show sales of \$500 this year or a receipt for a seed purchase of that minimum amount. Don't hesitate to call me with any questions or to talk this through.

Thank you,

Nancy Civetta
Shellfish Constable, Town of Wellfleet

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305

Requested Hearing 4-1-22

Wellfleet Harbormaster Department
Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

James and Allison Gray
27 Old King's Highway #1
Wellfleet, MA 02667

March 18, 2022

Dear James and Allison:

The Shellfish Department has been discussing minimum productivity for your grant #7312 with you since 2019. I spoke with James on the phone on January 27, 2022, and explained the enforcement actions the Shellfish Department was undertaking to this regard and that you would be receiving an email and certified mail with what you needed to do to demonstrate that you have made minimum productivity on these grants. Given that this grant is 0.5 acres, you need to sell \$500 worth of product annually.

To date, we have not received anything from you with your state SAFIS landings.

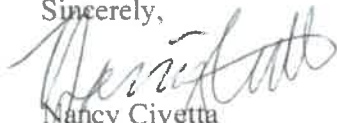
Therefore, I am notifying you of failing to meet minimum productivity, which would mean forfeiting your grants. **You have the right to appeal this to the Selectboard within two weeks from this notification.** If you do not file an appeal within that time frame, your license for grant # 7312 will be forfeited automatically. Here are the Town of Wellfleet's Shellfishing Policy and Regulations to this regard:

7.13.3. Notification of Failure to Meet Minimal Requirements

Subsequent to the filing of the annual report, the Constable will notify any license holder who, in the opinion of the Constable, has failed to meet the minimum requirements. **The license holder has the right to appeal to the Selectboard within two weeks after notification. If no appeal is filed on a timely basis, the license will be forfeited.**

Don't hesitate to call me for further details. Should you want to appeal my determination to the Selectboard, that is your right.

Sincerely,


Nancy Civetta
Shellfish Constable
Town of Wellfleet

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325



Fax (508) 349-0305



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

February 4, 2022

Dear *[Handwritten Name]*

As we discussed on the phone, the Shellfish Department has been monitoring your grant for minimum productivity, and we would like to request some additional information from you as we evaluate your grant's production. Here are the regulations:

7.12.1. Minimum Levels of Investment and Production

There shall be minimum levels of investment and production required in order to retain an area license. These shall be:

a. During the first, second, and third year after the date of issuance of the license a minimum of \$1000 per acre shall be spent on seed and gear for the area and it shall be evident that this effort of improvement has taken place. Any licensed area that is less than one acre shall be prorated.

b. During the fourth year and every year thereafter there shall be a minimum production of an average of \$1000 worth of product per year per acre, or prorated for a portion thereof, from the practice of aquaculture on the licensed area. This shall be demonstrated by the annual grant report, and, if so requested by the Shellfish Constable, copies of transaction receipts or other acceptable documentation.

In an effort to more fully understand the history of shellfish sales on your farm, the Shellfish Department will be creating a historical review of minimum productivity met on your grant over the last seven years. We chose this time period to take into consideration that the past two years (2020 and 2021) have been affected by market uncertainties during the pandemic caused by COVID-19.

To do this, the Shellfish Department will be cross-referencing your grant reports and our grant inspections paperwork with Mass. Division of Marine Fisheries sales data. We have worked with MADMF, which provided the forms included here to guide you in how to request your data. **When you request your data, please request it from 1/1/2015 to 12-31-2021. You will need to provide your sales information back to the Shellfish Department by February 28, 2022.** MADMF has assured us that they can meet this turn-around time, but please act immediately. If you decide not to query the MADMF, the Shellfish Department will use your grant reports and our grant inspections to make its determination.

Ultimately, the Selectboard is the regulatory authority that decides whether or not a grant must be forfeited. If the Shellfish Department concludes that your grant is not meeting minimum productivity, you will have an opportunity to appeal this determination to the Selectboard and request a public hearing to explain your circumstances.

Sincerely,

[Handwritten Signature]
Nancy Civetta
Shellfish Constable

wellfleet-ma.gov/shellfish-department

Phone (508) 349-0325

Fax (508) 349-0305

Nancy Civetta

From: Nancy Civetta
Sent: Monday, February 7, 2022 1:33 PM
To: James Gray (jamesgray1981@yahoo.com); ALFLOYD7@YAHOO.COM
Subject: Minimum productivity request for information
Attachments: James and Allison Gray.pdf; How to request your catch reports from DMF.pdf; DMFWellfleetTemplate2022minprod-WSD.docx

Dear James and Allison,

As discussed, the attached was sent by certified mail to you last week. If you decide to do this via USPS mail, the entire request must be notarized, which can be done with Rebekah Eldridge, Executive Assistant to the Town Administrator, in Town Hall. Please call her at 508-349-0300, ext. 1100 to set up an appointment.

Don't hesitate to contact me with any questions or for assistance.

Thank you for your understanding,
Nancy

Nancy Civetta
Shellfish Constable
Town of Wellfleet
C: 617-901-7193
O: 508-349-0325
E: nancy.civetta@wellfleet-ma.gov
300 Main St.
Wellfleet, MA 02667
Check for news and updates on [Facebook](#).

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

Wellfleet, MA 02667

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	\$3.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.58
Total Postage and Fees	\$7.38

0651
14

Postmark
Here

02/05/2022

Sent To: James Gray & Allison Gray
Street and Apt. No., or PO Box No.: 27 Kings Highway
City, State, ZIP+4®: Wellfleet MA 02667

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 3238 6395

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®

Wellfleet, MA 02667

Certified Mail Fee	\$3.75
Extra Services & Fees (check box, add fee as appropriate)	\$3.05
<input type="checkbox"/> Return Receipt (hardcopy)	\$1.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$0.58
Total Postage and Fees	\$7.38



03/22/2022

Sent To: James and Allison Gray
Street and Apt. No., or PO Box No.: 27 Kings Highway
City, State, ZIP+4®: Wellfleet MA 02667

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

7020 1290 0000 3238 1413

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James Gray & Allison Gray
27 Kings Highway
Wellfleet, MA 02667



9590 9402 6450 0346 4719 09

2. Article Number (Transfer from service label)

7020 1290 0000 3238 6395

PS Form 3811, July 2020 PSN 7530-02-000-9053

THIS SECTION ON DELIVERY

Signature: *[Signature]*
 Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Signed Feb. 9, 2022 per JH
 USPS.com/tracking

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input checked="" type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |
- Insured Mail (over \$500)

Domestic Return Receipt

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James and Allison Gray
27 Kings Highway
Wellfleet Ma



9590 9402 6450 0346 4728 14

2. Article Number (Transfer from service label)

7020 1290 0000 3238 1413

PS Form 3811, July 2020 PSN 7530-02-000-9053

COMPLETE THIS SECTION ON DELIVERY

A. Signature: *[Signature]*
 Agent
 Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

Signed Mar. 23, 2022 per JH
 USPS.com/tracking

3. Service Type
- | | |
|--|---|
| <input type="checkbox"/> Adult Signature | <input type="checkbox"/> Priority Mail Express® |
| <input type="checkbox"/> Adult Signature Restricted Delivery | <input type="checkbox"/> Registered Mail™ |
| <input type="checkbox"/> Certified Mail® | <input type="checkbox"/> Registered Mail Restricted Delivery |
| <input type="checkbox"/> Certified Mail Restricted Delivery | <input type="checkbox"/> Signature Confirmation™ |
| <input type="checkbox"/> Collect on Delivery | <input type="checkbox"/> Signature Confirmation Restricted Delivery |
| <input type="checkbox"/> Collect on Delivery Restricted Delivery | |

Restricted Delivery

Domestic Return Receipt

Rebekah Eldridge

From: Nancy Civetta
Sent: Friday, March 25, 2022 5:26 PM
To: James Gray (jamesgray1981@yahoo.com); ALFLOYD7@YAHOO.COM
Cc: Rebekah Eldridge
Subject: Notice of potential forfeiture of grant #7312 for not making minimum productivity
Attachments: jamesallisongrayletter 3-21-22.pdf

Dear James and Allison,

Attached is the correspondence that has been sent to you from the Town of Wellfleet Shellfish Department regarding noncompliance on grant #7312 with the Town's minimum productivity regulations:

7.12.2. Failure to Meet Production Levels

Failure of the licensee/s to meet the specified production level for any three (3) consecutive years may result in the forfeit of the aquaculture license and licensed area, as stated in [MGL Chapter 130; Section 65](#).

A certified letter was sent to you on March 21, 2022, with a notice of your failure to meet minimal requirements per our regulations section 7.13.3.

7.13.3. Notification of Failure to Meet Minimal Requirements

Subsequent to the filing of the annual report, the Constable will notify any license holder who, in the opinion of the Constable, has failed to meet the minimum requirements. **The license holder has the right to appeal to the Selectboard within two weeks after notification. If no appeal is filed on a timely basis, the license will be forfeited.**

If you would like a public hearing with the Selectboard to explain why you have not met minimum productivity please contact Rebekah Eldridge and request one WITHIN TWO WEEKS of receiving your certified mail. If you do not, you will automatically forfeit your grant. You can certainly request a public hearing at any time before receiving your certified mail, as well.

You can reach Rebekah as follows:

- 1) Go to her office in Town Hall. It is on the second floor, second door on the left. She is there 9 a.m to 3:30 p.m. Monday through Friday.
- 2) Call her at 508-349-0300 ext. 1100. Leave a message if she doesn't pick up.
- 3) Hit reply all to this email and request it as she is copied here. Or email her directly at rebekah.eldridge@wellfleet-ma.gov.
- 4) Put a certified letter with return receipt requested in the mail to her attention to Town of Wellfleet, 300 Main St. Wellfleet, MA 02667.

If you have any questions, please call me at 617-901-7193.

Thank you,
Nancy

Nancy Civetta
Shellfish Constable
Town of Wellfleet
C: 617-901-7193
O: 508-349-0325
E: nancy.civetta@wellfleet-ma.gov
300 Main St.

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

RCOVID

1-31-2022

but in minimum productivity de enforcement

Date: 1/30/22

after that hear

TO: Board of Selectmen
300 Main Street
Wellfleet, MA 02667

I/We hereby request renewal of Shellfish Grant License # 7312, located at

Old Wharf Point, in Wellfleet MA and consisting of .5 acres,

and dated 10/22/2021 expiration, for a (five) (ten) year period.

I/We agree to pay to the Town Clerk, within thirty days after approval, the annual fee and \$1.00 for recording and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

Allison Gray
Signature

[Signature]
Signature

ALLISON GRAY
Name
27 Old Kings Hwy
Wellfleet ma 02667
Mailing Address

JAMES GRAY
Name
27 old kings Hwy
Wellfleet, MA 02666
Mailing Address

774 4877933
Telephone #

508 737 2381
Telephone Number