



Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: May 13, 2024

To: Shellfish Advisory Board: Becca Taylor, Chair, Brad Morse, Vice Chair, Nick Sirucek, Secretary, Members John Duane, Ethan Estey, Stephen Pickard, Adrien Kmiec, Chris Merl

From: Wellfleet Shellfish Department

Re: Overwintering

Dear SAB members,

We encountered pushback this year from a number of grant holders about the “requirement” that condos be taken off before the overwintering agreement deadline of January 15. The Department interpreted the regulation that *racks are allowed to be overwintered* according to the specifications in the overwintering agreement to mean that condos needed to come off. Specifically, we believed that since condos cannot be pushed down to within 2-4” of the bottom, they are not considered racks, and therefore, should come off.

This was additionally informed by previous discussions at Shellfish Advisory Board, the Selectboard and a department-held meeting over the past few years, where the intention of the regulation was that other gear potentially affected by ice needed to come off during the winter. However, grant holders made a case to us this winter that leaving condos out was important to their operations and insisted that they could get them off in a short number of tides if they saw ice coming just like their racks.

We always need to be fair and consistent with our enforcement. Therefore, given the conversations we had with grant holders this winter and the fact that we have not had significant ice for the past four winters, we believe that a general overview as well as a detailed discussion of overwintering requirements is merited. That is why we asked for tonight’s agenda item. We want to hear the views of as many grant holders as possible to inform our on-going work on overwintering and our industry’s priorities moving forward.

Attached is the Overwintering Agreement. Here is the regulation:

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 two-four inches (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

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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.

BACKGROUND

In the winter of 2019-2020, we initiated a new overwintering contract that proved to be too much. The Department submitted a list of lessons learned from that winter. I have attached that here for your reference.

After that, Shellfish Advisory came up with the new overwintering agreement that has been in use since the winter of 2020-2021. I reviewed the spreadsheets we use to track the number of racks overwintered each year based on overwintering agreements and the winter inspections we conduct. Here is that breakdown:

Dates	Racks left out
2019-2020	2,151
2020-2021	1,516
2021-2022	1,607
2022-2023	4,325
2023-2024	4,283

We look forward to this community discussion. Thank you for putting it on your agenda. We realize that it is early, but we felt that people needed time to weigh in before the busy summer season began and because any changes that are recommended will need to be advertised as a public hearing for a discussion with the Selectboard as the regulatory authority for any shellfish regulation changes.

Sincerely,



Nancy Civetta
Shellfish Constable



Johnny Clam Mankevetch
Assistant Shellfish Constable
for Propagation



Chris Manulla
Deputy Shellfish Constable