

***Current regs in black, proposed regs in red.**

Definitions

License Holder - A person or persons, or a firm or corporation holding a license issued by the Board of Selectmen under the provisions of MGL Chapter 130.

License Manger - Individuals with a controlling interest in an entity holding a license. License Managers must meet the eligibility requirements to hold a license and must be domiciled residents of the Town of Wellfleet. Changes in management are subject to the approval of the Selectboard. See 7.8.1

7.8. Issuance of Licenses for Aquaculture

7.8.1. Eligibility Requirements: Licenses shall only be issued to domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, 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. **Any and all Shareholders or Members that represent a controlling interest of any entity shall be considered license managers and must meet the eligibility and domicile requirements set forth in the regulations. There shall be no more than 4 managers listed on a license. Changes in entity management are subject to the approval of the Selectboard. Any entity that holds a license must submit documentation of management, proof of eligibility, and disclosure of ownership along with their annual report to the town.**

At such time as a licensee or **license manager** ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

7.9. Rights of Use and Transfer

Licenses 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.)

Licenses may transfer the rights or responsibilities assigned to their license to any other individuals, companies or corporations by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area. **Any entity must be headquartered in the town of Wellfleet and all Shareholders or Members that represent a controlling interest satisfy the domicile requirements.** See MGL Chapter 130; Section 58 and Section 7.8.3 Limit on Individuals Licensed to Use a Grant.)

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.

At such time as a licensee ceases to be a domiciled resident of the Town that individual shall be removed from the license. The status of all other licensees will not change. If that licensee is the sole licensee then the license shall be revoked.

7.8.6. Limit on Size of Grant No licensee shall hold a license for, or have use of, more than seven (7) acres in total. Each person, **shareholder or member of an entity** named on a license as a licensee shall be charged with the total acreage covered by that license. (See Section 7.3 Annual License Fee.) Individuals holding more than seven (7) acres prior to the adoption of the establishment of this limit will not be required to accept a license for a lesser acreage, but will not be eligible for a license for any additional acreage.

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

***Aquaculture license holders and any managers listed on the license are required to purchase a commercial permit.**