

Wellfleet Shellfish Advisory Board  
Hybrid Meeting Zoom/Town Hall Conference Room  
Wednesday, May 15th, 2024; 7PM

In conformity with the provisions of Chapter 30A, Massachusetts General Laws, and Ch. 2 of the Acts of 2023, Notice is hereby filed that a meeting of the Shellfish Advisory Board will be held on Wednesday May 15th, 2024; 7PM

Said meeting will be open to the public and the press both virtually, as required by the provisions of the Open Meeting Law, and in person at the Town Hall Conference Room To virtually attend through Zoom Video Conferencing instructions to join are given below. If you have technical difficulties, please contact the Chair of Committee at the following:

[email\\_Media.Services.2@wellfleet-ma.gov](mailto:email_Media.Services.2@wellfleet-ma.gov)

Join Zoom Meeting:

<https://zoom.us/j/94214261094?pwd=NW5FbVFCUTZZVzZaUldybjNMZ1lYz09>

Meeting ID : 942 1426 1094

Passcode: 136251

Dial in by your local number: +1 929 205 6099 US (New York)

**Agenda:**

- Announcements and Public Comment
- Review and Approve Minutes
- Duck Harbor Overwash and Herring River Project
- Town Ice Machine project and funding sources
- Review Regulation 6.5.3 (re: vehicle weights)
- Overwintering Form Review
- DMF Regulation changes
- Cultching/Propagation
- Future Topics



## Vibrio Management Plan for the Harvest and Handling of Oysters

### Current *Vibrio* icing regulation:

- (1) surrounding mesh bags of oysters with at least two inches of ice between each bag and between the bags and the sides and bottom of an icing container and applying three inches of ice on top of the mesh bags;
- (2) placing loose oysters into an icing container with at least two inches of ice between the loose oysters and the sides and bottom of the icing container and applying three inches of ice on top of the loose oysters; or
- (3) fully submerging oysters into an icing container holding an ice slurry or cold water dip that is at or below 45°F.

### Amended *Vibrio* icing regulation:

- (1) mesh bags containing oysters be completely surrounded by ice, including at the bottom of the container and each level of bags, so that each bag is continuously and completely covered with ice;
- (2) loose oysters placed into a shellfish container must be completely surrounded by ice, including the bottom of the container, with a layer of ice that continuously and completely covers the top of the oysters. Additionally, ice should be layered as needed in the container to ensure immediate cooling of oysters.

Also, exempting harvesters from icing requirements if the primary buyer takes on the burden of icing at the landing site and within the time-to-icing window.

**MF committed to industry it would update its regulations for the 2024 season**



You have requested an opinion regarding whether the installation of an ice machine and shack to provide shelter to the ice machine on Mayo Beach would be a violation of the recreational use restriction on the deed. You have advised that the ice would be available for purchase by all users of the beach. In my opinion, installation of an ice machine is consistent with recreational use of the property.

The deed from the Trustees of the Captain L.D. Baker Estate to the Town dated April 1, 1931, and recorded in the Barnstable County Registry of Deeds at Book 549, Page 121, (the "Deed") provides, "[t]his conveyance is made on the express condition that the premises shall be forever used as a public Town Park for bathing and other recreational uses and for no other purpose, and shall always be maintained by the grantee in a reasonably neat condition."

The property may also be subject to the protections of Article 97 of the Articles of Amendment to the Constitution of Massachusetts ("Article 97"), which applies to land "taken or acquired" for "conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources." Once land is acquired for an Article 97 purpose, it is permanently protected for that particular purpose unless the General Court votes by a 2/3 vote of each house to remove such protection. Additionally, Article 97 can apply to land that was not originally acquired or taken specifically for an Article 97 purpose. In Hanson v. Lindsay, 444 Mass. 502 (2005), a case involving unique facts, the Court indicated that if land owned by a municipality is bound by a permanent deed restriction or conservation restriction, limiting the use of the land to an Article 97 Purpose, such land could be deemed to be subject to Article 97. Thus, even though the Town did not acquire the property for an Article 97 purpose, it is important to keep in mind that it may nonetheless be subject to it because the property has been used exclusively for recreational purposes.

Under either analysis, it is my opinion that the installation of an ice machine does not constitute a change in the recreational use. Rather, it is my opinion that an ice machine is consistent with the use of a Town park and for "bathing and other recreational uses." Ice is a common necessity for beachgoers or picnickers. Thus, the presence of an ice machine in effect supplements the permitted use rather than changes it. In my opinion, an ice machine is an accessory use similar to restrooms, water fountains, parking, etc. It is a service that compliments and promotes the recreational use of the property. The fact that ice is offered for sale does not change my opinion, as this is no different than an ice cream truck selling ice cream at the beach or the Town charging a fee for parking. Further, in my opinion, this remains true even if commercial shell-fishermen also happen to purchase ice from the machine.

Let me know if you have any further questions.

Thank you,

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# 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

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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

[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

Phone (508) 349-0325



Fax (508) 349-0305

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**

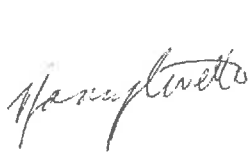
In the winter of 2019-2020, we initiated a new overwintering contract that proved to be too much. The Department submitted a list of lessons learned from that winter. I have attached that here for your reference.

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:


<b>Dates</b>	<b>Racks left out</b>
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





# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## 2020 OVERWINTERING OBSERVATIONS

### Statistics:

- We received a total of 72 contracts, 13 were one day late, eight were two days late, and 13 were more than two days late.
- 29 written warnings were issued, most for not having a contract turned in. Every single person was notified with a personal phone call. As of the end of January, eight of these warnings have been rectified, and we still have not received four contracts, although we know there is gear out.
- We have conducted 84 grant inspections for compliance with overwintering requirements such as tagging.
- 20 follow up grant inspections need to be done to review for compliance (we need the negative tides in mid-February).
- Currently, six grants are out of compliance, and we are bringing the issues to Shellfish Advisory for feedback on enforcement.
- We put our boat in the water so we could help a grant holder remove a dozen empty racks from his grant.
- Many individual meetings with grant holders were held to educate about new overwintering regulations and to solicit feedback.
- We have about 850 less racks in the harbor this winter as opposed to last.
- Boats continue to pull up lost aquaculture gear, even as recently as Thursday.

### WSD Observations:

- The January 15 date has worked for years, and this year is an anomaly in its warmth in contrast to the last few which were ice plagued.
- While we sent out Criers and text messages on Sept. 30 and Nov. 12 with new overwintering information and a link to the new contract, most people who turned in contracts late and received written warnings simply did not understand that this year we were quantifying more than racks – including clam nets. *This worked in some people's favor as having seven days after a written warning allowed them more time to get gear off.*
- Other people turned in contracts with what they were *going* to leave, not what was *currently* out there, not realizing that the contract states that we would be doing grant inspections as soon as the contract was turned in. This accounted for a couple of written warnings, as well. *Don't turn in contract until what is out there matches what you put on it.*
- Putting racks flush to the ground went contrary to getting racks off, so need to find another way to accommodate that.

[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

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#### Feedback from Farmers:

- Allow a maximum of 35 or 40 racks with market-bound oysters to not get pushed down as long as grant holder documents having the infrastructure and manpower to get them all off in one tide, no matter the height...+2 or -2. (Or how ever many racks a grantholder can demonstrate can get off in one tide.)
- Pushing to be flush doesn't work in all locations or for all operations. At least 2" for attaching zip ties and pulling them back out is needed. *We did not measure. No warnings were given for gear height unless not pushed down at all.*
- Clarify language about "no commercial activity." *Intention is harvesting for market/sales, not farm maintenance.*

#### Questions to be Discussed:

- Guidance from Town Administrator for money collected for racks over 100: We can deposit to Shellfish Fund and then we can add a new line item to Shellfish Dept. 179 budget designated for Aquaculture Gear Clean Up. We would keep track of it annually and pull it from Shellfish Fund to fund that line item only. Center for Coastal Studies will help us this year. Would allow us to hire boat assistance for more days of clean up.
- Initiate different overwintering contracts determined by grant area or even individually.
- Depending on area, allow racks with no product to be buried (pushed down to be flush and soon covered by sand).
- Discussion about how to identify clam nets and recover them since bound by contract to do so.
- No wording about when it is OK to safely bring gear back. Intention is *when threat of ice is over*, but how to decide? Considerations: farming works with weather, not dates, and sun angle and daylight change a lot Jan. to March.

FYI: Beginning January 9, Nancy spent almost all of her hours during the month on overwintering grant oversight and enforcement—save for a few meetings and commercial permit holder orientations. Johnny and Chris also dedicated the better part of three weeks of low tides to doing grant inspections and speaking with grantholders to get feedback. Little to no commercial patrol was done, and recreational patrol was opportunistic. Boat oversight was fairly even because it happens at high, not low water.

APPENDIX D:

**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 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 racks with oysters on them are pumped down to within 2-4” of the bottom.
- All racks without oysters on them are pumped down to be flush with the bottom.
- I attest that before the threat of ice, I will be able to remove in \_\_\_\_\_, [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 my ability to meet this deadline.

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. In case of emergency, contact \_\_\_\_\_ at \_\_\_\_\_.

6. 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: \_\_\_\_\_







# The Commonwealth of Massachusetts Division of Marine Fisheries

(617) 626-1520 | [www.mass.gov/marinefisheries](http://www.mass.gov/marinefisheries)



MAURA T. HEALEY  
Governor

KIMBERLEY DRISCOLL  
Lt. Governor

REBECCA L. TEPPER  
Secretary

THOMAS K. O'SHEA  
Commissioner

DANIEL J. MCKIERNAN  
Director

## REQUEST FOR RESPONSE

**Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice.**

**ISSUE DATE: April 8, 2024**

<b>Purchasing Department</b>	<b>Dept. of Fish and Game / Div. of Marine Fisheries</b>
<b>Address</b>	<b>836 S. Rodney French Blvd.</b>
<b>City, State Zip Code</b>	<b>New Bedford, MA 02744</b>
<b>Procurement Contact Person</b>	<b>Amanda Meli</b>
<b>Telephone Number</b>	<b>(508) 742-9757</b>
<b>E-Mail Address</b>	<b>Amanda.Meli@mass.gov</b>
<b>RFR Name/Title</b>	<b>Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice</b>
<b>RFR Number</b>	<b>24029</b>
<b>COMMBUYS Bid Number</b>	

### 1. Description or Purpose of Procurement:

The Massachusetts Division of Marine Fisheries (MADMF) is accepting grant proposals for the installation of energy efficient community ice machines to provide ice to commercial fishers and shellfish growers. With the increase in aquaculture operations in Massachusetts, affordable and accessible ice has become more difficult to obtain, especially in some areas where commercial fishing support services are contracting. This has resulted in readily available commercial quantities of ice being supplied by unapproved sources and at very high icing costs. The goal of this grant program is to provide funds so that high efficiency ice machines can be strategically located to provide approved ice sources in areas of significant aquaculture and/or commercial fishing activity. The program will allow for awards up to \$30,000 per project. Applicants should have experience and significant ties to the commercial fishing and aquaculture industries. Proposals should detail the need in their community and the benefits that will result if their proposal is funded.

For more details, please read the following Scope of Services, Evaluation Criteria, and Appendix A. Contact Amanda Meli, Grants Coordinator, at [Amanda.Meli@mass.gov](mailto:Amanda.Meli@mass.gov) with questions.

**REQUEST FOR RESPONSE**

Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice

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**2. Applicable Procurement Law**

Check Appropriate Box ("X"):	Type of Purchase	Applicable Laws
	<b>Executive Branch Goods and Services</b>	
<input type="checkbox"/>	Goods and Services	MGL c. 7, § 22; c. 30, § 51, § 52; 801 CMR 21.00
<input type="checkbox"/>	Human and Social Services	MGL c. 7, § 22, § 22N; c. 30, § 51, § 52; 801 CMR 21.00; 808 CMR 1.00
<input type="checkbox"/>	Legal Services	MGL c. 30, § 51, § 52 and § 65; c. 7, § 22; and 801 CMR 21.01(2) (b)
<input checked="" type="checkbox"/>	Grants	MGL c. 7A, § 7; St. 1986 c. 206, § 17; 815 CMR 2.00

**3. Acquisition Method:**

Check All Applicable ("X"):	Category
<input checked="" type="checkbox"/>	Fee-For-Service
<input type="checkbox"/>	Outright Purchase
<input type="checkbox"/>	Rental (not to exceed 6 months)
<input type="checkbox"/>	Term Lease
<input type="checkbox"/>	License
<input type="checkbox"/>	Other: [specify, e.g., TELP]

**4. Whether Single or Multiple Contractors are Required for Contract:**

Check One ("X"):	
<input type="checkbox"/>	Single Contractor
<input checked="" type="checkbox"/>	Multiple Contractors

**a. Estimated Number of Awards**

The target maximum number of Contractors is 5; the Purchasing Department may award more or fewer contracts, if it is in the best interests of the Commonwealth to do so.

**b. Adding Contractors after initial Contract Award**

If, over the life of the contract, the Purchasing Department determines that additional Contractors may be added, these may be drawn from qualified companies that responded to this Solicitation and were not awarded Contracts. If necessary to meet the requirements of the Commonwealth, the Solicitation may be reopened to obtain additional Bids.

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**5. Entities Eligible to Use the Resulting Contract**

Check One ("X"):	Eligible Entities
<input type="checkbox"/>	<b>Limited User Contract – Restricted to Use by Defined Entities Only.</b> Any Contract(s) resulting from this Bid will be open for use by the issuing Purchasing Department and the following other entities: <ul style="list-style-type: none"> <li>[Identify additional Eligible Entities by name]</li> </ul>
<input checked="" type="checkbox"/>	<b>Limited User Contract – Restricted to Use by Issuing Entity Only.</b>

**6. Expected Duration of Contract (Initial Duration and any Options to Renew):**

Contract Duration	Number of Options	Number of Years/Months
Initial Duration		<u>Up to 12 months</u>
Renewal Options	<u>0</u>	<u>No Options of Renewal</u>
Total Maximum Contract Duration		<u>Up to 12 months</u>

**7. Anticipated Expenditures, Funding, or Compensation:**

Estimated Value of Procurement: \$90,000 in total, expected award amounts of \$20,000 - \$30,000 per project.

The funding for any contract resulting from this procurement is conditioned upon receipt of funds. Awards are expected to be between \$20,000 - \$30,000 depending on funding availability and number of eligible proposals submitted. Partial funding may be available for proposals to update or expand existing ice machines.

**8. Contract Performance and Business Specifications:**

**Scope of Services:**

Funding will be prioritized based on commercial fishing and aquaculture activity in a coastal community, the availability to acquire regulation-compliant ice in the area, the accessibility of the proposed location to multiple users (commercial fishing and aquaculture), and the use of technologies that enhance energy efficiency for this service. Selected grants will be reimbursed

## REQUEST FOR RESPONSE

### Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

according to invoices detailing expenses and project progress submitted to, and approved by, MADMF. To qualify for funding:

- Partners must submit a detailed proposal with timeline, project deliverables, and a detailed budget via email or through COMMBUYS for review.
- Partners must allow MADMF to be involved in the project for setting fees for ice and determining access to the machine.
- Partners must be able to complete vendor registration to accept funding, including agreement to all Commonwealth Terms and Conditions and a signed state contract.

**Fiscal Terms:** Terms will be developed with selected contractor(s) during contract negotiation.

**Performance Measures:** Performance measures must be described in the applicant's proposal. MADMF will require regular check-ins and progress reports during the contract period.

#### 9. Small Business Purchasing Program – **Not Required**

##### Program Background

The Massachusetts [Small Business Purchasing Program](#) (SBPP) was established pursuant to [Executive Order 523](#) to increase state contracting opportunities with small businesses having their principal place of business within the Commonwealth of Massachusetts. Pursuant to the SBPP, it is the intention of the issuing department to award this Small Procurement to one or more SBPP participating business(es) as described below.

##### SBPP Award Preference

While all businesses, no matter the size or principal place of business, may submit responses to this solicitation, should an SBPP participant respond and meet the best value criteria as described in this solicitation, the SBPP participant shall be awarded the contract. The Strategic Sourcing Services Team (SSST) will not evaluate submissions from non-SBPP participants unless no SBPP Bidder meets the SSST's best value evaluation criteria.

##### SBPP Participation Eligibility

To be eligible to participate in this procurement as an SBPP participant, an entity must meet the following criteria, and be marked as an SBPP-registered business in [COMMBUYS](#):

1. Have its principal place of business in the Commonwealth of Massachusetts;
2. Been in business for at least one year;
3. Employ a combined total of 50 or fewer full-time equivalent employees in all locations, or employees work less than a combined total of 26,000 hours per quarter; and



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Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice

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4. Have gross revenues, as reported on appropriate tax forms, of \$15 million or less, based on a three-year average.

Non-profit firms also must be registered as a non-profit or charitable organization with the MA Attorney General's Office and be up to date with all filings required by that office and be tax exempt under Section 501(c) of the Internal Revenue Code.

### SBPP Compliance Requirements

It is the responsibility of the Bidder to ensure that their SBPP status is current at the time of submitting a response and throughout the life of any resulting contract. Misrepresentation of SBPP status will result in disqualification from consideration, and may result in debarment, contract termination, and other actions. To learn more about the SBPP, including how to apply, visit the [SBPP Webpage](#).

### Program Resources and Assistance

Bidders and Contractors seeking assistance regarding SBPP may visit the SBPP webpage, <http://www.mass.gov/sbpp>, or contact the SBPP Help Desk at [sbpp@mass.gov](mailto:sbpp@mass.gov).

## 10. Supplier Diversity Plan (SDP) Plan – Not Applicable

### Program Background

Pursuant to [Executive Order 565](#), the Commonwealth's [Supplier Diversity Program](#) (SDP) promotes business-to-business relationships between awarded Contractors and diverse businesses and non-profit organizations ("SDP Partners") certified or recognized (see below for more information) by the [Supplier Diversity Office \(SDO\)](#).

### Financial Commitment Requirements

All Bidders responding to this solicitation are required to make a significant financial commitment ("SDP Commitment") to partnering with one or more SDO-certified or recognized diverse business enterprise(s) or non-profit organization(s). This SDP Commitment must be expressed as a percentage of contract sales resulting from this solicitation that would be spent with the SDP Partner(s).

After contract award (if any), the Total SDP Commitment shall become a contractual requirement to be met annually on a Massachusetts fiscal year basis (July 1 – June 30) for the duration of the contract. The minimum acceptable Total SDP Commitment in response to this solicitation shall be 1%. Bidders shall be awarded additional evaluation points for higher SDP Commitments.

No contract shall be awarded to a Bidder without an SDP Commitment that meets the requirements stated herein. This requirement extends to all Bidders regardless of their own supplier diversity certification.

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**Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice**  
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**Eligible SDP Partner Certification Categories**

SDP Partners must be business enterprises and/or non-profit organizations certified or recognized by the SDO in one or more of the following certification categories:

- Minority-Owned Business Enterprise (MBE)
- Minority Non-Profit Organization (M/NPO)
- Women-Owned Business Enterprise (WBE)
- Women Non-Profit Organization (W/NPO)
- Veteran-Owned Business Enterprise (VBE)
- Service-Disabled Veteran-Owned Business Enterprise (SDVOBE)
- Disability-Owned Business Enterprise (DOBE)
- Lesbian, Gay, Bisexual, and Transgender Business Enterprise (LBGTBE)

**Eligible Types of Business-to-Business Relationships**

Bidders and Contractors may engage SDP Partners as follows:

- **Subcontracting**, defined as a partnership in which the SDP partner is involved in the provision of products and/or services to the Commonwealth.
- **Ancillary Products and Services**, defined as a business relationship in which the SDP partner provides products or services that are not directly related to the Contractor's contract with the Commonwealth but may be related to the Contractor's own operational needs.

Other types of business-to-business relationships are not acceptable under this contract. All provisions of this RFR applicable to subcontracting shall apply equally to the engagement of SDP Partners as subcontractors.

**Program Flexibility**

The SDP encompasses the following provisions to support Bidders in establishing and maintaining sustainable business-to-business relationships meeting their needs:

- SDP Partners are **not** required to be subcontractors.
- SDP Partners are **not** required to be Massachusetts-based businesses.
- SDP Partners **may be changed or added** during the term of the contract, provided the Contractor continues to meet its SDP Commitment.

**SDP Plan Form Requirements**

All Bidders must complete the SDP Plan Form included in this solicitation and attach it to their bid response. In addition to proposing an SDP Commitment, each Bidder must propose one or more SDP Partner(s) to utilize to meet its SDP Commitment. Certified diverse Bidders may not list their own companies, or their subsidiaries or affiliates, as SDP Partners and may not meet their SDP Commitment by spending funds internally or with their own subsidiaries or affiliates.

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Bidders may propose SDP Partners that are:

- **Certified or recognized by the SDO:** Such partners appear in the [SDO Directory of Certified Businesses](#) or in the [U.S. Dept of Veterans Affairs VetBiz Vendor Information Pages](#) directory. After contract award (if any), spending with such partners will contribute to meeting the Contractor's SDP Commitment.
- **Not yet certified or recognized by the SDO:** Such partners must be certified in eligible categories by a third-party certification body, such as another city or state supplier diversity certification office, the [National Minority Supplier Development Council](#), the [Women Business Enterprise National Council](#), [Disability: IN](#), or the [National LGBT Chamber of Commerce \(NGLCC\)](#), but are not listed in the above-mentioned directories. Self-certification is not acceptable. While Bidders may list such proposed SDP Partners on their SDP Plans, spending with such partners will not contribute to meeting the Contractor's SDP Commitment unless they apply for and are granted SDO supplier diversity certification or recognition. If proposed SDP Partners do not receive SDO supplier diversity certification or recognition, the Contractor must find alternative SDP Partners to meet the SDP Commitment.

It is the responsibility of the Contractor to ensure that their proposed SDP Partners obtain such certification or recognition by the SDO after contract award (if any). The issuing department and the SDO will not conduct outreach to proposed SDP Partners to ensure their certification. Furthermore, no guarantee may be made that a proposed SDP Partner will be certified, or regarding the time it may take to process a proposed SDP Partner certification. Contractors may direct partners to the SDO's homepage, [www.mass.gov/sdo](http://www.mass.gov/sdo) and the [Certification Self-Assessment Tool](#) for guidance on applying for certification.

It is **desirable** for Bidders to provide an SDP Focus Statement that describes the Bidder's overall approach to increasing the participation of diverse businesses in the provision of products and services under this proposal/contract (subcontracting) and in the Bidder's general business operations (ancillary products and services). Such a description may include but not be limited to:

- A clearly stated purpose or goal.
- Specific types of diverse and small businesses targeted.
- Which departments/units within the business are responsible for implementing supplier diversity.
- Types of opportunities for which diverse and small businesses are considered.
- Specific measures/methods of engagement of diverse and small businesses.
- An existing internal supplier diversity policy.
- Public availability of the Bidder's supplier diversity policy.

It also is **desirable** for Bidders to use the SDP Plan Form to describe additional creative initiatives (if any) related to engaging, buying from, and/or collaborating with diverse businesses. Such initiatives may include but not be limited to:

## REQUEST FOR RESPONSE

Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice

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- Serving as a mentor in a mentor-protégé relationship.
- Technical and financial assistance provided to diverse businesses.
- Participation in joint ventures between nondiverse and diverse businesses.
- Voluntary assistance programs by which nondiverse business employees are loaned to diverse businesses or by which diverse business employees are taken into viable business ventures to acquire training and experience in managing business affairs.

### **Evaluation of SDP Forms**

To encourage Bidders to develop substantial supplier diversity initiatives and commitments as measures valuable to the Commonwealth, at least 25% of the total available evaluation points for this bid solicitation shall be allocated to the evaluation of the SDP Plan submissions. Because the purpose of the SDP is to promote business-to-business partnerships, the Bidders' workforce diversity initiatives will not be considered in the evaluation.

### **SDP Spending Reports and Compliance**

After contract award, Contractors shall be required to provide reports demonstrating compliance with the agreed-upon SDP Commitment as directed by the department, which in no case shall be less than annually.

Spending with SDP Partners that appear in the [SDO Directory of Certified Businesses](#) or in the [U.S. Dept of Veterans Affairs VetBiz Vendor Information Pages](#) directory shall be counted toward a Contractor's compliance with their SDP Commitment. Spending with SDP Partners that do not appear in the directories above shall not be counted toward meeting a Contractor's SDP Commitment.

It is the responsibility of the Contractor to ensure they meet their SDP Commitment. The SDO and the issuing department assume no responsibility for any Contractor's failure to meet its SDP Commitment.

### **SDP Spending Verification**

The SDO and the contracting department reserve the right to contact SDP Partners at any time to request that they attest to the amounts reported to have been paid to them by the Contractor.

### **Program Resources and Assistance**

Contractors seeking assistance in the development of their SDP Plans or identification of potential SDP Partners may visit the SDP webpage, [www.mass.gov/sdp](http://www.mass.gov/sdp), or contact the SDP Help Desk at [sdp@mass.gov](mailto:sdp@mass.gov).

## **11. Environmentally Preferable Products**

Products and services purchased by state agencies must be in compliance with [Executive Order 515](#), issued October 27, 2009. Under this Executive Order, Executive Departments are required to reduce their impact on the environment and enhance public health by procuring environmentally preferable products and services (EPPs) whenever such products and services perform to satisfactory standards and

## REQUEST FOR RESPONSE

### Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_

represent best value, consistent with 801 CMR 21.00. In line with this directive, all Contracts, whether departmental or statewide, must comply with the specifications and guidelines established by OSD and the EPP Program. EPPs are products and services that help to conserve natural resources, reduce waste, protect public health and the environment, and promote the use of clean technologies, recycled materials, and less toxic products. Bid responses must identify how a contractor meets these goals.

#### **12. Evaluation Criteria**

Bidders must submit responses that meet all the submission requirements of the RFR. Only responsive proposals that meet the submission requirements will be evaluated, scored, and ranked by the evaluation team according to the evaluation criteria. Additional information may be requested for evaluation purposes.

##### Relevancy (50%)

- Show the location of the proposed ice machine(s). Include a map if necessary.
- Describe the estimated number of aquaculture operations and estimated number of commercial fishers and their proximity to the proposed ice machine location.
  - Comment if all growers and commercial fishers described here will have access to use the proposed ice machine(s).
  - Comment if any others (non-aquaculture growers or non-commercial fishers) will have access to the proposed ice machine(s).
- Describe the ice production during different times of the year and how the proposed ice machine's capabilities will fulfill aquaculture and commercial fishing needs.
- Describe the need for ice at this location compared to other ice sources nearby.
- Provide information on the energy efficiency of the proposed solution.

##### Execution (50%)

- Provide a detailed budget showing the cost of the ice machine(s) and the associated costs to install the ice machine(s).
- Assert that there is permission from the land or facility owner to install the proposed ice machine(s); if this is not applicable, state this.
- Provide a timeline showing the installation will be complete within a 12-month period.
- Describe how growers and commercial fishers will access the ice machine, the proposed fee schedule, and how those fees will be used.

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**Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice**

**RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_**

**13. Instructions for Submission of Responses:**

Only electronic quotes submitted via COMMBUYS or emailed to Amanda.Meli@mass.gov will be accepted in response to this RFR. If proposal submission is through COMMBUYS, responses must be sent via the “Create Quote” functionality in COMMBUYS. For instructions concerning how to submit a Quote, please see Appendix B.

Any submission that fails to meet the submission requirements of the RFR will be found non-responsive without further evaluation unless the evaluation team, at its discretion, determines that the non-compliance is insubstantial and may be corrected. In these cases, the evaluation team may allow the vendor to make minor corrections to the submission.

**Estimated Procurement Calendar**

<b>Procurement Activity</b>	<b>Date</b>	<b>Time</b>
Bid Release Date	<b>April 8, 2024</b>	<b>1:00 PM</b>
Deadline for Quotes/Bid Responses (“Bid Opening Date/Time” in COMMBUYS)	<b>May 8, 2024</b>	<b>4:00 PM</b>
Notification of Apparent Successful Bidder(s) (Estimated)	<b>May 15, 2024</b>	
<b>Estimated Contract Start Date</b>	<b>June 1, 2024</b>	

Bidders are required to monitor COMMBUYS for changes to the procurement calendar for this Bid.

## REQUEST FOR RESPONSE

Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice

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### a. Online Questions (Bid Q&A)

Written Questions must be entered using the “Bid Q&A” tab for the Bid in COMMBUYS no later than the “Online Questions Due” date and time indicated in the Estimated Procurement Calendar (above). The issuing department reserves the right to not respond to questions submitted after this date. It is the Bidder’s responsibility to verify receipt of questions.

It is the responsibility of the prospective Bidder and awarded Contractor to maintain an active registration in COMMBUYS and to keep current the email address of the Bidder’s contact person and prospective contract manager, if awarded a contract, and to monitor that email inbox for communications from the Purchasing Department, including requests for clarification. The Purchasing Department and the Commonwealth assume no responsibility if a prospective Bidder’s/awarded Contractor’s designated email address is not current, or if technical problems, including those with the prospective Bidder’s/awarded Contractor’s computer, network, or internet service provider (ISP) cause email communications sent to/from the prospective Bidder/Awarded contractor and the Purchasing Department to be lost or rejected by any means including email or spam filtering.

**Written Responses to Questions will be released on or about the “Responses to Questions Posted Online” date indicated in the Estimated Procurement Calendar (above).**

**(Written questions and responses will be posted on the Bid Q&A Tab for this Bid in COMMBUYS.)**

### c. Quotes (Bid Responses) Deadline (Bid Opening Date/Time)

**See the Quotes (Bid Responses) Deadline (Bid Opening) Date and Time indicated in the Estimated Procurement Calendar (above).**

### d. Estimated Contract Start Date

**This is the approximate start date. The actual start date will be the Contract Effective Date which is the date the Contract is executed by the parties.**

**REQUEST FOR RESPONSE**

**Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice**

**RFR # \_\_\_\_\_ / COMMBUYS Bid# \_\_\_\_\_**

**14. Required Forms**

Responses to this RFR must contain the following documents

Check if applicable ("X")	Form/Document	Notes/Instructions (If any)
<input checked="" type="checkbox"/>	Commonwealth Terms and Conditions	Must agree to terms at bid submission
<input checked="" type="checkbox"/>	Request for Taxpayer Identification Number & Certification (Massachusetts Substitute W-9 Form)	Will be distributed to contract winner electronically through DocuSign
<input checked="" type="checkbox"/>	Standard Contract Form and Instructions	Will be distributed to contract winner electronically through email
<input checked="" type="checkbox"/>	Contractor Authorized Signatory Listing	Will be distributed to contract winner electronically through email
<input checked="" type="checkbox"/>	Authorization for Electronic Funds Transfer	Will be distributed to contract winner electronically through DocuSign
<input checked="" type="checkbox"/>	Prompt Payment Discount Form	Will be distributed to contract winner electronically through email

The above attachments are available as part of the Bid record on [COMMBUYS \(WWW.COMMBUYS.COM\)](http://WWW.COMMBUYS.COM).



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Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice

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### 15. RFR Attachments

#### Appendix A: Required Specifications

<https://www.mass.gov/doc/rfr-required-specifications-of-commodities-and-services>

#### Appendix B: Electronic Quote Submission Instructions

<https://www.mass.gov/doc/instructions-for-vendors-responding-to-bids>

#### Appendix C: Required Specifications for Information Technology

<https://www.mass.gov/doc/rfr-required-specifications-for-information-technology/download>

#### Appendix D: RFR – Other Specifications

Effective June 15, 2021, for all 1) CTR forms, including the Standard Contract Form, W-9s, Electronic Funds Transfer (EFT) forms, ISAs, and other CTR-issued documents and forms, or 2) documents related to state finance and within the statutory area of authority or control of CTR (i.e. contracts, payrolls, and related supporting documentation), CTR will accept signatures executed by an authorized signatory in any of the following ways: 1. Traditional “wet signature” (ink on paper); 2. Electronic signature that is either: a. Hand drawn using a mouse or finger if working from a touch screen device; or Page 2 b. An uploaded picture of the signatory’s hand drawn signature 3. Electronic signatures affixed using a digital tool such as Adobe Sign or DocuSign. If using an electronic signature, the signature must be visible, include the signatory’s name and title, and must be accompanied by a signature date. Please be advised that typed text of a name not generated by a digital tool such as Adobe Sign or DocuSign, even in computer-generated cursive script, or an electronic symbol, are not acceptable forms of electronic signature.



6.5.3. Speed Limit on Beaches and Intertidal Areas

No person engaged in commercial shellfishing or aquaculture shall operate a motorized vehicle at a speed in excess of fifteen (15) miles per hour or a motorized vehicle which is dual wheeled or which has a gross vehicle weight (GVW) greater the nine thousand two hundred pounds (9200 lbs.) on any tidal beach or flat or other land below the mean-high water line.





**TOWN OF WELLFLEET**  
300 MAIN STREET WELLFLEET MASSACHUSETTS 02667  
Tel (508) 349-0300 [www.wellfleet-ma.gov](http://www.wellfleet-ma.gov)

May 8, 2024

Amanda Meli  
Grant Coordinator  
Mass. Division of Marine Fisheries  
836 S. Rodney French Blvd.  
New Bedford, MA 02744

Re: REQUEST FOR RESPONSE # 24029: Climate Change Resilience in Fisheries and Aquaculture, Grants for providing community ice.

Dear Amanda:

Thank you for the opportunity to submit a proposal to provide our community with ice. The Town of Wellfleet is investing in ice machines to ensure that there is enough easily accessible ice for shellfish harvesters to comply with Mass. Division of Marine Fisheries' (MADMF) Vibrio Control Plan, which runs from May 19 to October 19, each year. Ice has been shown to slow the growth of *Vibrio parahaemolyticus* (Vp), a bacteria that can cause gastrointestinal illness and more. Shellfish harvesters have great pride in their product and care deeply about providing the best oysters for their markets. They work in painstaking detail to adhere to the requirements of the plan to protect their customers and the general public. At today's vibrio training held by MADMF in Eastham, shellfish growers spoke out about how procuring ice is already a hardship for them.

The commercial shellfishing industry in the Town of Wellfleet brings in more than \$10M annually and supports 300 wild harvesters, family farmers and employees. We are the oldest and largest aquaculture town and also have one of the only year-round wild oyster fisheries in the Commonwealth. Close to 100 shellfishermen depend on wild oyster populations to make their living. Shellfishing is the town's number one year-round industry, functioning as both the economic engine and the cultural identity of our community. The addition of these ice machines will help our industry and community.

The Town of Wellfleet has purchased one ice machine already and is in the process of locating funds for a second (proposal already submitted to Mass. Department of Agricultural Resources [MDAR]). In this way, we will always have one operational, even when one is being cleaned or serviced. This will also ensure that we have ample supplies.

What we are currently missing is the ice machine installation, including electrical upgrades and connections, water connections, and the housing needed to protect them. Fulfilling these is our intention with the application for the MADMF ice machine grant. These ice machines are important pieces of infrastructure and will not only provide a convenient and needed element for shellfishermen's harvest plans but will also go a long way toward protecting consumers, as well.

## **Evaluation Criteria**

### Relevancy (50%)

1. Show the location of the proposed ice machine(s). Include a map if necessary.
  - a. Currently, the Town is evaluating the best location to situate the ice machines. In its current planning, the Town is proposing to locate them at 35 Kendrick Ave. in Wellfleet. Other potential options are the Town Marina or another parcel of town-owned land. Our application estimates costs associated with 35 Kendrick. See two attached maps.
2. Describe the estimated number of aquaculture operations and estimated number of commercial fishers and their proximity to the proposed ice machine location.
  - a. There are 228 commercially permitted shellfish harvesters and farmers in Wellfleet in 2024. This is a consistent number year-in and year-out. Represented herein, Wellfleet has approximately 120 family farms, 162 shellfish aquaculture grants and 139 grant holders farming 213 acres.
  - b. In the attached birds eye view map, you will see grants outlined in light blue. There are close to 40 farms (more than 70 grants) and 44 growers operating in the area immediately adjacent to the ice machine location – or that use the boat ramp at the marina to access their farms on Egg Island (approx. 25 farms of the 40 above).
3. Comment if all growers and commercial fishers described here will have access to use the proposed ice machine(s).
  - a. All growers and commercial shellfishermen in Wellfleet will have access to use the ice machines.
4. Comment if any others (non-aquaculture growers or non-commercial fishers) will have access to the proposed ice machine(s).
  - a. We are planning on having this be a public ice machine serving other seafood harvesters, such as commercial lobster boats and scallopers, charter boat fishermen, recreational seafood harvesters, and other members of the public, if available.
5. Describe the ice production during different times of the year and how the proposed ice machine's capabilities will fulfill aquaculture and commercial fishing needs.
  - a. The ice machines will be in service during the state's vibrio control plan season from mid-May to mid-October each year. We are unsure if they will remain in service during the winter months when ice is not required for oysters, but we are still determining this through discussions with the town's Shellfish Advisory Board. In the six months of the vibrio control plan season, the ice machines will be at peak production in order to fulfill

the icing requirements that all oyster harvesters, whether growers or wild harvesters, need to meet.

The state updated its vibrio control plan in 2024 so that oysters, or bags thereof, be “continuously and completely covered” with ice within two hours of exposure. This is less prescriptive than it was in the past, however, the fact that MADMF updated its regulations to specify exactly the ice conditions required by the plan shows how seriously they (and the Mass. Dept. of Public Health) take the Vibrio Control Plan to ensure consumer safety. There are various scenarios in which Vibrio illnesses traced back to a single growing area in Wellfleet Harbor could shut down the town’s entire shellfishing industry for seven to 21 days. This would be devastating to shellfish harvesters during the busy summer season.

6. Describe the need for ice at this location compared to other ice sources nearby.
  - a. While some Wellfleet growers have ice machines at their homes or shops, we believe that most harvesters currently have to rely on dealers for ice. During the peak of summer tourist traffic, this often entails driving 1-1.5 hours roundtrip, additional transit time for shellfishermen, and the ice.
  
7. Provide information on the energy efficiency of the proposed solution.
  - a. The Town has already purchased one low ambient control five-ton ice machine to allow it to work in colder temperatures when ice is still necessary to protect the daily harvest of shellfish. Having a central location for those in the industry to acquire ice means there will be less vehicular traffic to adjoining communities, such as Chatham and Provincetown, and thus less gasoline used to procure ice daily. This seems to meet the intention of the Massachusetts Executive Order No. 515: Establishing an environmental purchasing policy.
  - b. We will use spray foam insulation, which is part of the state’s Environmentally Preferable Products (EPP) Procurement Program.

Execution (50%)

1. Provide a detailed budget showing the cost of the ice machine(s) and the associated costs to install the ice machine(s).

<b>Description</b>	<b>Amount</b>	<b>Quantity</b>	<b>Total Costs</b>
20 ft. storage container	\$3,900	2	\$7,800
Spray foam insulation of containers	\$3,400	2	\$6,800
Three-phase electrical estimate			\$31,500
Water connection			\$11,425
<b>TOTAL</b>			<b>\$57,525</b>

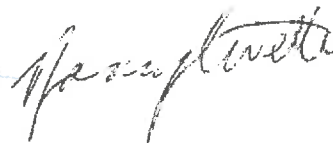
2. Assert that there is permission from the land or facility owner to install the proposed ice machine(s); if this is not applicable, state this.
  - a. The Town of Wellfleet owns the properties where it is looking to situate the ice machines.
  
3. Provide a timeline showing the installation will be complete within a 12-month period.
  - a. It is anticipated that at least one ice machine and all accessories will be up and running by the end of August, or at the very latest, before the close of the vibrio control plan, October 19, 2024.
    - i. The first ice machine has already been purchased and delivery is expected in mid-July.
    - ii. Pending the outcome of this grant, the Town will immediately move forward with electrical and water service connection procurements.
    - iii. Once the ice machine has been delivered and pending the outcome of this grant, storage containers and insulation services will be contracted.
    - iv. If funded through MDAR, the second ice machine will arrive in approximately four months from the date of the award.
    - v. At that point, installation of the second ice machine will begin.
    - vi. Our plan is to have both ice machines operational this season.
  
4. Describe how growers and commercial fishers will access the ice machine, the proposed fee schedule, and how those fees will be used.
  - a. Growers and commercial harvesters will access the ice machines by driving their trucks up, so the ice is easy to dispense or load into their xactic coolers, etc. We are in the process of determining fees. The Town is conducting a survey of other municipalities' ice charges to fishermen and the public and will determine its fee structure accordingly. We are happy to collaborate with the state on setting the most reasonable costs. The fees will go into the General Fund of the Town's operating expenses.

To measure our performance, we will keep a yearly tally of all the shellfish growers, wild oyster harvesters, other commercial seafood harvesters, charter businesses and recreational seafood harvesters, who use the ice machine services. Thank you for your consideration of our proposal. We agree to the Commonwealth's Terms and Conditions.

Sincerely,



Thomas M. Guerino, Town Administrator



Nancy Civetta, Shellfish Constable





## **Wellfleet Oyster Alliance / formerly Wellfleet SPAT Community Grant Application**

Propose a project or initiative supporting Wellfleet's aquaculture or wild shellfishing community that aligns with WOA's mission.

Previous Grant Recipients include:

- MA Audubon's Wellfleet Bay Wildlife Sanctuary
- The Wellfleet Conservation Commission
- Friends of the Herring River
- Wellfleet Shellfish Harvester Relief Program
- Wellfleet Elementary School
- 246 Kitchen
- Marketing Campaign
- Wellfleet Shellfish Department
- Barnstable County Cape Cod Cooperative Extension
- Town of Wellfleet Maintenance Dredging Fund
- Wellfleet Recycling Committee
- Wellfleet Council on Aging
- East Coast Shellfish Growers Association
- MA Oyster Project
- Center for Coastal Studies Provincetown

- **For more information about WOA Community Grant Recipients, go to:** <https://wellfleetspat.org/about-spat/community-grants/>

## **Wellfleet Oyster Alliance's Mission Statement**

Wellfleet WOA is a 501(c)(3) tax-exempt non-profit organization that produces and promotes the Wellfleet OysterFest®. The mission of the organization is to foster interest in Wellfleet's rich shellfishing industry. Our mission also includes supporting the Town of Wellfleet by educating the greater community about the benefits and value of its shellfishing history. This support takes the form of grants and scholarships awarded to local individuals or groups pursuing careers in the shellfishing industry or related fields, and in addition, the organization supports deserving causes and other organizations with a close tie to WOA's mission. Part of WOA's goal is also to support local individuals whose efforts and educational mission increase awareness of this important part of the community's livelihood. Each May, WOA awards a scholarship to a graduating Nauset Regional High School student pursuing four years of higher learning in aquaculture or a related field.

## **Eligibility Requirements**

- Applicants must be sixteen years old or older.
- Wellfleet residents will receive first consideration. Non-residents will be considered if their projects directly support the WOA mission and are related to Wellfleet's shellfishing industry.
- All applicants must complete the form below and include a complete description of your project including its objectives, how the proposed project will support WOA's mission or benefit the community, and how the funds will be used as illustrated by a detailed budget.

- Compelling proposals greater than \$5K may be considered.
- This is a revolving application with no deadline date. Grant recipients will be notified within 6-8 weeks from the receipt of their application regarding the viability of their grant request.

## **WOA Community Grant Application**

**WOA/Wellfleet Oyster Alliance** is a non-profit organization devoted to fostering a greater understanding of the history and traditions of aquaculture and wild fisheries, and to enhance the Town of Wellfleet by supporting its community.

**WOA** produces the annual **Wellfleet OysterFest**. Proceeds from the event support our educational mission and fund the Nauset Regional High School Scholarship and WOA Community Grant Awards programs.

**Community Grants** are awarded in amounts up to \$5,000 annually for programs and projects that primarily support WOA's educational mission and foster an appreciation for and increase awareness of Wellfleet's shellfishing industry. General grants are also considered to fund programs and projects that enrich the quality of life in Wellfleet, supporting nonprofit organizations that serve the health, social, educational, cultural, and environmental needs of the people who live here.

## **WOA Community Grant Award Application**

### **Applicant or Organization Information**

Name: Wellfleet Shellfish Advisory Board on behalf of the Town of Wellfleet

Date: \_\_\_\_\_

Contact Person: Nick Sirucek (SAB Secretary)

Address: n/a

Phone Number: \_\_\_\_\_

Email: SAB@wellfleet-ma.gov

Purpose of Grant (one sentence):

To help fund the Town Ice Machine project which will be a resource for the shellfish community

Proposed grant amount (\$5,000 or less): 30,000

## **Project Narrative**

Please address the following questions, not to exceed more than two pages, and attach a completed application form.

- Project Description
- Describe your interest or involvement in Wellfleet's shellfishery or aquaculture in general.

- Project Goals and Activities
- How will this project benefit you and/or others in the Wellfleet shellfishing community? How will it enrich life in Wellfleet in general?
- Project Timeline
- Describe how you plan to measure outcomes and project success.
- Budget for Expenditures (may be attached as a separate document)

## Endorsement

If you are under 18 years of age, please include the endorsement of an adult relative, friend, or teacher who will stand by you in this activity, and who has reviewed this application with you.

Name: \_\_\_\_\_

Relationship to candidate: \_\_\_\_\_

Phone number: \_\_\_\_\_

Signature of endorser: \_\_\_\_\_

## Agreement

I accept responsibility for the accuracy of the information provided on this application. I understand that if I am awarded a Community Grant, a check will be made out to me or the organization that I represent solely to fund this project. Upon completion of my project, I will submit a project summary with the final budget to the WOA Board. This report may include supplemental materials such as photos, press, or testimonials.

Applicant's Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Please submit an application packet to:**

**Wellfleet Oyster Alliance / PO Box 2156 / Wellfleet, MA 02667**

**508-349-3499 / [wellfleetoa.com](http://wellfleetoa.com) / [vendors@wellfleetoa.org](mailto:vendors@wellfleetoa.org)**

## WOA Communtiy Grant Application

### Project Narrative

The Town of Wellfleet is currently working on a project to purchase and install a public-use ice machine in town (location TBD). Funding from the Commonwealth of Massachusetts for one ice machine unit has been appropriated, but more grants are being sought to fund additional equipment and installation expenses.

The Shellfish Advisory Board, the Select Board, and the Town Administration have been working to support this project, with a particular emphasis on ice being a necessary requirement for the harvest of oysters during Vibrio Control Season. As you know, Wellfleet is a top oyster producer in the state, and all oysters harvested during Vibrio Control Season are required to be iced after harvest to comply with DMF regulations and to help prevent the growth of bacteria which is a public health concern. As a result, ice is in high demand during the spring and summer months, and while some harvesters have their own ice machines; other harvesters and recreational shellfish harvesters often have to rely on ice from other sources.

We believe that a public-use high-capacity town ice machine would help ensure that all harvesters can have access to a reliable source of clean ice to safely and efficiently bring their oysters to market. This is especially important since if there were to be multiple cases of Vibrio that were traced back to Wellfleet, there is the potential of the state closing the harvest of Wellfleet oysters for an indefinite period, which would have a severe negative impact on the Wellfleet economy.

We hope that the Wellfleet Oyster Alliance, which has long been a generous supporter of the Wellfleet shellfishing community, can provide a grant to the Town of Wellfleet to help get this important project to the finish line.

Thank you,  
Wellfleet Shellfish Advisory Board





Shellfish Advisory Board Meeting  
April 12<sup>th</sup>, 2024 6pm  
Wellfleet Adult Community Center

Board members in attendance: Rebecca Taylor (chair), Brad Morse (vice chair), Nick Sirucek (Secretary), Adrien Kmiec, Stephen Pickard, Ethan Estey, Chris Merl  
Regrets: John Duane

#### Announcements & Public Comment

-Board voted 6-0 to seat alternate Chris Merl as voting member for this meeting

#### Review Minutes

-Board reviewed the previous meetings minutes and voted to approve 7-0

#### Herring River Project/Duck Harbor Overwash

-Carole Ridley, Project Coordinator for the Herring River Project, gave a powerpoint presentation detailing how the project is progressing

-Jeff Sanders from the Cape Cod National Seashore spoke about the CCNS clearing of trees from Duck Harbor. Noted that overwash in 2021 started killing vegetation in the area, and that clearing trees now will help to allow the salt marsh to restore, improve access for mosquito management, and is something that would have to have been done in the future anyway. Noted that ~125 acres in Duck Harbor was killed by salt water intrusion from the overwash and ~25 acres on the west side of Herring River. Noted that the overwash started in 2021 and was not a part of the Herring River Project. Spoke to how the Park Service is actively managing debris, and checks the river daily and clears culverts of debris. Says they have not seen any material flow out below the dike or onto shellfish grant areas.

-John Portnoy of the Herring River Project spoke of water quality monitoring. Noted that reports of reddish sediment in the water was due to the overwash causing an increase in iron oxide as a result of salt water oxidizing iron in marsh clay.

-Jeff Sanders said that iron oxide isn't harmful to the environment and that NPS does water quality testing monthly at two locations near the Herring River dike. NPS will continue monitoring river chemistry changes due to overwashes. Said that NPS is looking to install new water monitoring devices in more areas including near Old Saw. In response to a question regarding any pollutants that may leech into the water from the landfill, Jeff Sanders said that it is being monitored and that there is no detectable plume from the landfill in the groundwater, and that there is no expected change in the groundwater levels and flow near the landfill. Said that the plan is for monitoring to continue as the tide gate management progresses. Said that NPS wants to keep SAB informed of their monitoring efforts as the project progresses.

-C.Merl asked if the flooding that we've seen on town roads was anticipated

-NPS representatives responded that it was anticipated in the future and that's why certain roads in town were designated to be raised as part of the project, but that the overwash "threw a curveball" before the roads could be raised

-A.Kmiec asked if soil testing was being done to monitor any chemicals that may be present in soil that could enter the groundwater

-NPS representatives responded that soil is being tested in multiple areas where construction is occurring and where it will occur

-B.Morse spoke of his concerns about tree removal at Duck Harbor allowing more wind and water to flow through the area. Raised concerns about the landfill leeching contaminants into the river

-A.Kmiec asked if there was an discussion of slowing/stopping the breakthrough at Duck Harbor, and if culverts were planned to be widened

- NPS representatives responded that the idea was considered, but its town land, not National Seashore, and the town determined that it was not a realistic idea. Added that if High Toss was opened the water would drain faster, but it would create a risk of the coffer dams flooding over. Noted that the NPS is working on modeling different scenarios
- A.Kmiec commented that the salt water overwash in Duck Harbor is currently just sitting in the marsh area and killing vegetation. NPS representatives responded that the areas that are being impacted by the overwash are areas that would eventually be restored anyway
- E.Estey spoke to his role as a Herring Warden and how the clearing and overwash are effecting the herring passage; thanked the NPS for their testing
- S.Pickard asked about data monitoring from Old Saw
- NPS representatives said that they do have a monitor there, but is it hard to maintain, and that they are looking into putting another monitor by Old Saw
- B.Morse asked if any septic systems in the area were being affected
- NPS representatives said that there has been no problems with septic systems in the area so far
- Shellfish Constable Nancy Civetta asked about certain areas where soil contaminant levels are elevated, and if these areas could contaminate the water
- NPS representatives said that these areas require “special handling”, and that when such an area is identified the soil is either removed and taken away, or buried deep under clean material. Said that there is no risk of contaminants leeching out
- Helen Miranda Wilson, speaking in her individual capacity, spoke of the Herring River Executive Council and their Adaptive Management plan, and how when new “wildcard” issues arise the council can move to deal with them
- Diane Brunt asked about the parameters of the water testing being done (O2, salinity, temperature, iron, etc), asked about any testing being done on the effect on shellfish, and asked about the role of phragmites in capturing contaminants
- NPS representatives responded with a list of parameters being monitored, that the Center for Coastal Studies is doing studies regarding changes and a “spat survey”, and that the current plan for phragmites is to mow and remove them
- Nancy Civetta commented that the USGS is going to do a study, and asked if there a way to incorporate shellfish monitoring into that study
- NPS responded that they can collaborate on this
- Carole Ridley said that the HRP can provide regular updates about the project in the future
- N.Sirucek asked the SAB about sending one of its board members to apply to the Herring River Project Stakeholders group. The board decided that they would discuss this at their next meeting
- Carole Ridley noted that stakeholder members are appointed by the Executive Council, which will be meeting again in June
- E.Estey spoke of his concerns of water quality changes affecting oysters. Suggested racks of oysters be placed near the dike/Herring River and possibly other areas
- NPS responded that they have funding to do this project in 2026 after the restoration
- The board thanked the Herring River Project representatives and National Park Representatives for their input

#### Cultching, Quahog Relay, and Propagation

- A.Kmiec noted that at the last SAB meeting, the SAB provided suggestions regarding cultching, quahog relay, and propagation to the Shellfish Department, and asked for the Shellfish Departments response to these suggestions
- John Mankevetch, Assistant Constable for Propagation, responded that the Shellfish Department is totally willing to try the SAB's suggestions on quahog relay areas and cultching areas, but noted that they are currently constrained by the currently permitted areas

- B.Morse asked if the outer bars at Chipman's Cove were being looked at for cultching
- John Mankevetch said that they were
- Jude Ahern asked the WSD about how many cultching strips were planned for and if upland homeowners were being informed
- Nancy Civetta responded that upland owners would be informed when the permitting process starts
- Tim Sayre asked about the timing of cultch deployment, and noted that this was raised as a concern at the last SAB meeting
- John Mankevetch said that the target starting date is June 3<sup>rd</sup> at 5AM. Noted that the water temperature is only in the mid-40s currently and his target temperature is 68F. Spoke of how the timing is tricky since everything needs to be scheduled in advance with cultch delivery, helpers, tides, etc. Noted that hats have been working great, but cultching doesn't always catch as good of a set
- E.Estey asked WSD about how much cultch is planned for this year
- John Mankevetch stated that the plan is for 8 30-yard containers of cultch, but that if the town gets more permitted areas that this can expand
- B.Morse asked when cultching is expected to finish
- John Mankevetch stated that cultching is expected to be completed by sometime around July 4<sup>th</sup>
- Diane Brunt asked how long it takes to put out cultch strips, John responded that one 30-yard container takes about 4 trips
- Jude Ahern commented that last year from March to August, the Shellfish Department spent a lot of time and effort on the proposed dredging mitigation plan. Commented that this was a waste.
- C.Merl agreed with Jude; commented that he didn't think Blackfish Creek was a good area for the mitigation plan. Gave suggestions about stockpiling cultch and aging it for longer
- John Mankevetch commented that the cultch that the town buys is already aged, and that they had received cultch early in the past and let it sit, but they received complaints from neighbors. Said that the Shellfish Department is willing to consider any suggestions about how to improve cultching
- E.Estey suggested deploying small amounts of cultching every day in early June to see when the set starts
- John Mankevetch responded that the WSD did something similar in the past to prove the existence of a late oyster set in the Cove so DMF would allow hats to be kept in longer
- B.Morse asked the WSD if the Center for Coastal Studies had weighed in on the contaminated quahog relay
- Nancy Civetta said that the CFCS was informed of the program and had no further questions
- A.Kmiec asked if the WSD had ever looked into a local source for quahogs to replant
- Nancy Civetta said that that could be a possibility, but the issue is the cost of the clams, since quahogs from Taunton are far cheaper
- Diane Brunt asked about the quahog relay
- John Mankevetch spoke about the process of receiving the clams and how they are planted in the Cove. Noted that the Taunton clams are the cheapest source and that all the testing shows that the program is working

Review Regulation 6.5.3 re: gross vehicle weight

- The board discussed the meaning of this regulation and how it could potentially effect what trucks could be used by shellfisherman
- S.Pickard suggested eliminating the weight section from the regulation entirely
- Board noted that this regulation dated back to 1985 and how things have changed since then
- B.Morse noted that larger trucks mean that fewer trips are needed
- N.Sirucek noted that is was unclear if the intent of the regulation was to limit the Gross Vehicle Weight Rating or the actual weight of the truck plus cargo
- Nancy Civetta noted that some grant licenses have vehicle weight conditions on them

-Rodney Avery commented that since the vibrio icing regulations were put in place, larger trucks are now needed to safely transport coolers full of ice slurry

-The board made the following motions related to this regulation:

Motion: "Recommend to remove the GVW limit from regulation 6.5.3", motion passed 7-0

Motion: "Recommend to remove the GVW limit from any grant licenses that contain them", motion passed 7-0

### Ice Machine Update

-Tim Sayre commented that the Interim Town Administrator is in contact with Town Counsel regarding requested legal opinions in relation to the Ice Machine

-Nancy Civetta said that the MADMF has a program for 3 grants for Ice Machines that could be applied for and used for infrastructure

-The board discussed applying for the Wellfleet Oyster Alliance grant

-The board made the following motion: "To designate Nick Sirucek and Adrien Kmiec to fill out the Wellfleet Oyster Alliance grant application and bring it back to the Shellfish Advisory Board", motion passed 6-0

### Beach Cleanup Event

-a representative from the Wellfleet Recycling Committee asked the Shellfish Advisory Board to sponsor their Earth Day Beach Cleanup event on April 20<sup>th</sup>

-The board made the following motion: "For Shellfish Advisory Board to sign up as a co-sponsor for the Earth Day Beach Cleanup event.", motion passed 7-0

### Future Topics

The board discussed possible future topics including Duck Harbor overwash, Herring River Project, Ice Machine update and funding sources, continued discussion of Reg 6.5.3 re: vehicle weight, overwintering form review

Materials used at this meeting:

2023 Quahog Relay Permit, 2023 Quahod Relay Summary for DMF, Conservation Commission Comprehensive Cultching Report, March 27<sup>th</sup> Minutes, WOA Community Grant application, Ford Super Duty GVWR chart



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

**TO:** Jennifer Flynn, Superintendent, Cape Cod National Seashore  
Leon Shreves, Chair, Wellfleet Conservation Commission

**CC:** Sophia Fox, Research Manager, National Park Service  
Geoff Sanders, Chief of Natural Resource Management and Science, Cape Cod National Seashore  
Lauren McKean, Park Planner, National Park Service  
Tom Guerino, Interim Town Administrator, Wellfleet  
Beth Pyles, Interim Conservation Agent, Wellfleet  
Jennifer Elsensohn, Conservation Secretary, Wellfleet

**DATE:** April 1, 2024

**RE:** 2024 Wellfleet Harbor cultching activities including Herring River area

Dear Superintendent Flynn and Mr. Shreves:

First, we would like to thank the Conservation Commission for renewing our permit and for the educational discussions both at meetings and on a site visit that will help us do a better job moving forward. We would also like to thank the National Park Service (NPS) staff who came on a site visit and shared NPS objectives, which will help us fine tune our cultching efforts.

As you know, we are badly constrained by our current permitted areas. Regardless, we are absolutely committed to remaining within our permitted bottom at all costs. This may mean that we are unable to use all of the shell that we currently have stockpiled, and we accept this.

As you are aware, we are planning to expand our permit and have met with our consultants Coastal Engineering (now Tighe and Bond) to lay a framework for moving forward. We have received a grant award from Wellfleet Oyster Alliance for \$25,000, towards the engineering and permitting costs, and we are confident that our permitting process will begin soon. Our first steps will be to prepare documents for Conservation Commission and National Park Service to review – as well as to present to the Shellfish Advisory Board for input.

We met the Shellfish Advisory Board last week, and they provided us with suggestions on which of our limited permitted areas we should concentrate our cultching efforts for 2024. We will also walk all of our permitted areas to see if there are opportunities in

[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

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other locations. As referenced above, we are short on space. This will likely result in shorter strips and generally less volume of aged sea clam shell deposited in 2024. As of the writing of this memo, the water temperatures are not conducive to oyster metabolic activity, and indeed, many wild oysters are still covered with sediment accumulated over the winter. This means we are currently unable to accurately survey the existing wild oysters, and providing a detailed accounting for cultch deployment puts us at risk of covering live shellfish with dead shell, which we know the state does not want us to do, nor do we.

Therefore, in the attached maps, you will see shaded areas indicating where we will explore laying cultch in June of 2024 in each of the permitted areas. We are planning on focusing our efforts on Areas 1 (Duck Creek), 2 and 3 (Chipman's Cove), 5 (Herring River near the town propagation bed), 6C (Herring River) and 8A (Blackfish Creek).

We expect to begin cultching the first week in June and continue until we run out of space due to current limitations, or until we run out of shell (less likely). We will buoy off the areas prior to application as we are careful not to place the cultch on top of live oysters. We use a barge with a five-foot opening to distribute the shell, and we work in strips spreading the shells out.

The strips are about 100 feet long, although this year we may be forced to squeeze in two 50-foot lengths instead, depending on bottom characteristics. *This does not apply in the Herring River area, however, where we expect to be able to deposit 100-foot strips per usual.*

Usually the width of the rows on the bottom is about two feet wide, and our goal for relief height is six inches. This relief settles down over time. We sourced the cultch from Atlantic Capes Fisheries and donations from the Wellfleet OysterFest and Mass. Oyster Project's restaurant shell recycling program. All shells are very well aged.

We welcome your ideas and please let us know if you would like to schedule a site visit with Assistant Shellfish Constable for Propagation Johnny Clam Mankevetch to further discuss and place buoys to lay out our cultching plans and activities. We are committed to providing nursery substrate to enhance Wellfleet Harbor's wild oyster populations, which also creates benthic habitat for a multitude of species and improves our water quality.

Sincerely,

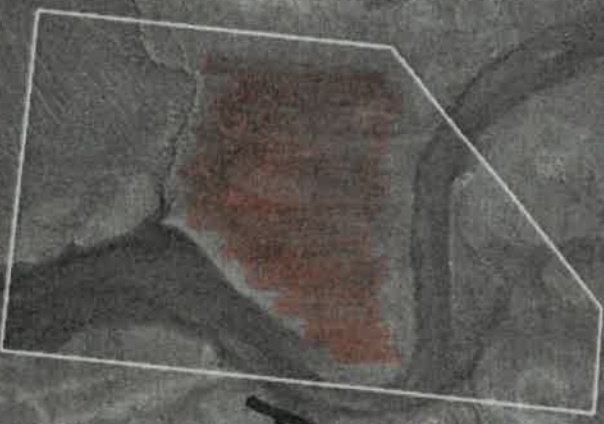


Nancy Civetta  
Shellfish Constable



Johnny Clam Mankevetch  
Assistant Constable for Propagation

4/2017  
2024  
X



AREA  
1

DUCK  
CREEK







Chequessett Neck Rd

Chequessett Neck Rd

HERRING RIVER

AKCA CC

AREA 5





BLACKFISH CREEK