



## Wellfleet Selectboard

### **Note: Start Time of 7:30pm**

The Wellfleet Selectboard will hold a public meeting on **Tuesday, May 23, 2023, at 7:30 p.m.** The Chapter 2 of the Acts of 2023, this meeting will be conducted in person and as a courtesy via remote means, per 940 MCR 29.10 and the Town's Remote Participation Policy. While an option for remote attendance and/or participation is provided as a courtesy to the public, the meeting/hearing may not be suspended or terminated if technological problems interrupt the virtual broadcast unless otherwise required by law.

#### **Joining the Meeting:**

In-person at the Wellfleet ACC, 715 Old King's Highway, Wellfleet, MA, 02667

#### **Join the meeting hosted in Zoom by using the following link:**

<https://us02web.zoom.us/j/85689604806?pwd=blplVFFBZzViQ0xNWkZKMm9iMVdrdz09>

By Phone: **phone +1 929 205 6099** and enter **Meeting ID: 856 8960 4806 | Passcode: 611877**  
Landline callers can participate by dialing \*9 to raise their hand.

#### **To Participate during public comment:**

- Zoom: Raise hand to be called on to speak.
- Phone: dial \*9 to raise your hand.

It is at the Chair's discretion to call on members of the public. All speakers must to recognized to speak. If attending a meeting in person, please find the closest available microphone and confine any personal conversations to the outside of the meeting room. Anyone may record the session but must notify the Chair and may not interfere with the meeting to record it.

**Additionally, the meeting will be broadcast live, in real time, via live broadcast on Comcast cable (Wellfleet Government TV Channel 18), also available via livestream or Video on Demand (VOD) recordings at [wellfleet-ma.gov](http://wellfleet-ma.gov).**

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### **I. *Announcements, Open Session and Public Comments***

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments*

### **II. *Consent Agenda***

- A. Appointment of Mary Goodhouse to the Council on Aging Advisory Board
- B. Appointment of Catherine Andrews to the Wellfleet Historical Commission

### **III. *Use of Town Property***

- A. Ben Zehnder ~ Town Pier at the bandstand, for a memorial service for Simeon Watson ~ Saturday June 17, 2023, 2:30pm – 4:30pm. See packet for full application.

### **IV. *Shellfish Hardship Exemption***

- A. Commercial Shellfishing Permit for grant holder ~ Hardship exemption for Matt Parent.

V. ***Public Hearings***

- A. Application received on 4/14/2023 from Margaret Conor (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-9/10 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- B. Application received on 4/14/2023 from Paul Conor (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-5/6 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- C. Application received on 4/14/2023 from Matt Parent (Wellfleet, MA) for the renewal of shellfish grant license # 04-03 consisting of approximately one acre on Egg Island for 10 years and 3 days beginning April 27, 2023, and expiring April 30, 2033.
- D. Application received on **4/14/2023** from Matt Parent (Wellfleet, MA) for the renewal of shellfish grant license # 733 consisting of 0.94 acres on Old Wharf Point for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033.
- E. **CONTINUED FROM 4/4/2023** ~ Change to Section 7.4. Location of Areas Licensed for Aquaculture (Grants) in the Town of Wellfleet Shellfishing Policy and Regulations to reference new grants and redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations.
- F. **CONTINUED FROM 1/31/2023** ~ Application received 1/3/2023 for a grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA).
- G. **CONTINUED FROM 3/21/2023** ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA) Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

VI. ***Business***

- A. Dredging Task Force members will provide information and answer questions about the town's proposed mitigation plan required by the Army Corps of Engineers to secure the permit to dredge the harbor mooring field, thus allowing dredging of the first half of the mooring field to begin.

VII. ***Selectboard Reports***

VIII. ***Topics for Future Discussion***

IX. ***Minutes***

- A. May 16, 2023

X. ***Adjournment***



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 23, 2023

I

# ANNOUNCEMENTS, OPEN SESSION, AND PUBLIC COMMENTS

<b>REQUESTED BY:</b>	Wellfleet Selectboard
<b>DESIRED ACTION:</b>	Announcements to the board and public
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>NOTE:</b> <i>Public comments are limited to no more than two minutes per speaker.</i> The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



## SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 23, 2023

II

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### CONSENT AGENDA

<b>REQUESTED BY:</b>	<b>Various Parties</b>
<b>DESIRED ACTION:</b>	<b>To approve the following without objection</b>
<b>SUMMARY:</b>	<b>I move to approve the following items with no objection:</b> <ul style="list-style-type: none"><li>• <b>Appointment of Mary Goodhouse to the Council on Aging Advisory Board</b></li><li>• <b>Appointment of Catherine Andrews to the Wellfleet Historical Commission</b></li></ul>



**TOWN OF WELLFLEET  
APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail it to:

Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Mary Goodhouse Date May 15, 2023

Mailing Address 9 Cahoon Hollow Road  
Wellfleet 02667

Phone (Home) \_\_\_\_\_ (cell) 0444 2-2-2222

E-mail ✓ \_\_\_\_\_ ✓ \_\_\_\_\_

Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town: \_\_\_\_\_

I have a BA ; and was a certified general real estate appraiser ; previously volunteered and served on boards and commissions in Connecticut

Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:

I am a retiree , and have been participating in programs at the Wellfleet Adult Activity Center (COA).

Committees/Boards of Interest: 1) Council on Aging  
2) \_\_\_\_\_  
3) \_\_\_\_\_

**TOWN OF WELLFLEET**  
**APPLICATION FOR TOWN BOARDS & COMMITTEES MEMBERSHIP**

Wellfleet depends on its citizens to carry out many of our government's activities. Your community needs your help. *Please volunteer.*

FILL OUT THE FORM BELOW and mail or bring it to:  
Wellfleet Selectmen's Office, Town Hall, 300 Main Street, Wellfleet, MA 02667

Name Catherine Andrews Date 05/18/23  
Mailing Address: Railroad Ave. Wellfleet, MA 02667  
Phone (Home) \_\_\_\_\_ (cell) \_\_\_\_\_  
E-mail \_\_\_\_\_

**Please describe briefly any work experience, including volunteer service, that you feel would be useful to the Town:**

I have over 20 years' experience as a marketing and public relations professional. I have the ability to craft press releases and communicate with the media to generate coverage for and create interest around Commission activities and other relevant events.

**Please add any other information that you think may be useful, including education or other formal training, specialized courses, professional licenses or certifications, etc.:**

In 2016, I arrived in Wellfleet as a summer resident, and became a year-round resident in 2022. Since my first arrival, I have immersed myself in researching the history of Wellfleet and of our home at 23 Railroad Ave, using the resources of the Historical Society, the archives and other references available at the Wellfleet Public Library, the Commonwealth archives, and the Library of Congress. In addition, I have explored the genealogical, legal and social history of its original owners, especially of Cora Holbrook, who converted her father's barn into a home, ran a store here and later rented the building to the Cherry Stone Gallery. I also tried to determine the veracity of rumors about the property, including a potential role as the telegraph office transcribing the first transatlantic wireless communication. (The jury is still out, but it doesn't look good.) I have spoken

with the current owners of the Cherry Stone Gallery about accessing their trove of photographs and documents from the famous Gallery's heyday in the 1970s.

In addition, I am personally aware of the unique opportunities and responsibilities that attend owning a historic home. I grew up in a 1728 farmhouse that was the birthplace of American Revolution patriot Silas Deane. (Our property even contained a cemetery in which one of Washington's officers was buried.) Abandoned for several years and purchased at auction, the house had suffered through generations of ahistorical "updates" that marred its historical integrity. We removed layers of carpet, linoleum (and probably asbestos) to reveal wide-board chestnut floors whose provenance was traced to a colonist raid of a ship on which the rare wood had been loaded for shipment to Great Britain. We repaired original lath and plaster walls and returned the central chimney and six fireplaces to working order. At the same time, we had to make critical infrastructure updates to allow our family of seven some measures of modern comfort. Later, I purchased and renovated an old home in Dedham (MA) and again in Salt Lake City (UT) I became intimately familiar with the challenges of preserving the integrity of an old home while adhering to residential building code, as well as the relief afforded by the Residential Building Code for Historic Buildings.

As an actual student of history at Brown University, I have researched urban renewal programs, slavery in New England, and the impact of social and economic forces on the architecture and character of a place,

My view of history is that it is not a thing of the past. It is a living force affecting us every day. I think I would be an asset to the Commission in helping Wellfleetians appreciate, celebrate and sustain the history of this amazing place.

- Committees/Boards of Interest: 1) **Historical Commission** \_\_\_\_\_  
2) \_\_\_\_\_  
3) \_\_\_\_\_

**Town of Wellfleet Boards and Committees**

Bike & Walkway Committee	3 year term
Board of Assessors	3 year term
Board of Health	3 year term
Board of Water Commissioners	3 year term
Building and Needs Assessment	3 year term
* Bylaw Committee	3 year term
Cable Advisory Committee	1 year term

Cape Cod Commission	3 year term
Cape Cod National Seashore Advisory Commission	
Cape Cod National Seashore Collaborative	
Charter Review Committee	
Citizens Economic Development Committee	1 year term
Commission on Disabilities	3 year term
Community Preservation Committee	3 year term Comprehensive Wastewater Management
	3 year term
Conservation Commission	3 year term
Council on Aging	3 year term
Cultural Council	3 year term
Energy Committee	3 year term
* Finance Committee	3 year term (ATM)
Health Care Campus Committee	Indefinite
Historical Commission	3 year term
Herring River Restoration Committee	
Housing Authority	5 year term (ATM)
Local Housing Partnership	1 year term
Marina Advisory Committee	2 year term
Natural Resources Advisory Committee	3 year term
Open Space Committee	1 year term
Personnel Board	3 year term
Planning Board	5 year term
Recreation Committee	3 year term
Recycling Committee	3 year term
Shellfish Advisory Board	3 year term
* Social and Human Services Committee	3 year term
Wastewater Planning Committee	
Zoning Board of Appeals	3 year term

*\* Appointed by Moderator*

06/16/2014





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

III

### USE OF TOWN PROPERTY

~ A ~

<b>REQUESTED BY:</b>	<b>Ben Zehnder</b>
<b>DESIRED ACTION:</b>	<b>To approve the use of the bandstand at the town pier for a memorial service on June 17, 2023, from 2:30pm to 4:30pm</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the use of the bandstand at the town pier for the memorial service of Simeon Watson to Ben Zehnder on June 17, 2023, from 2:30pm to 4:30pm for a fee of \$110.00</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

APPLICATION FOR PERMIT TO USE TOWN OWNED PROPERTY

TOWN OF WELFLEET  
300 MAIN STREET  
WELFLEET, MA 02667

*B* *5/15/23*

Applicant: Ben Zehnder

Affiliation or Group: None

Telephone Number:

Mailing Address: 62 Route 6A, Unit 2, Orleans, MA 02653

Email address: [bzehnder@zehnderllc.com](mailto:bzehnder@zehnderllc.com)

Town Property to be used (include specific area); Town Pier in area of Square Dance Platform

Date(s) and hours of use: June 17, 2023 2:30-4:30 PM

Describe activity including purpose, number of persons involved, equipment to be used, parking arrangements, food/beverage service, etc. Also, please indicate if fees will be charged by applicant.

Memorial Service for Simeon Watson. Approximately 100 persons. No equipment. Parking in area. No food or beverage service. No fees to be charged. Open to the public.

Describe any Town services requested (police details, DPW assistance, etc.)

No Town services requested

NOTE TO APPLICANTS: All applications must be accompanied by a non-refundable \$50.00 processing fee. Applications must be received at least 30 days prior to the first event date to ensure that all reviews can be completed prior to the event. This application is only for permission to use Town property. Any additional licenses, such as food service permit, etc., may be required and it is the applicant's responsibility to secure the same.

Action by the Board of Selectmen:

\_\_\_\_\_ Approved as submitted

\_\_\_\_\_ Approved with the following condition(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Disapproved for following reason(s): \_\_\_\_\_

\_\_\_\_\_

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

Processing Fee: \$50.00 *pd*

Fee: \_\_\_\_\_

(over)

**APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND INSPECTIONS**

<b>Health/Conservation Agent:</b> <i>ok - Meredith Gallinger</i> Comments/Conditions:  Permits/Inspections needed:	<b>Inspector of Buildings:</b>  Comments/Conditions:  Permits/Inspections needed:
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<b>Police Department:</b> <i>ok - Kevin LaRocca</i> Comments/Conditions:	<b>Fire Department:</b> <i>ok - Chief Pauley</i> Comments/Conditions:
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<b>DPW:</b> <i>ok Jay Norton</i> Comments/Conditions	<b>Community Services Director:</b> <i>ok - Suzanne</i> Comments/Conditions:
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<b>Harbormaster:</b> <i>ok</i> Comments/Conditions	<b>Shellfish:</b>  Comments/Conditions
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<b>Recreation:</b> <i>ok - Beeky</i> Comments/Conditions	<b>Town Administrator:</b>  Comments/Conditions
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## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

IV

### SHELLFISH HARDSHIP

~ A ~

<b>REQUESTED BY:</b>	<b>Nancy Civetta ~ Shellfish Constable</b>
<b>DESIRED ACTION:</b>	<b>To approve a commercial shellfishing permit hardship exemption</b>
<b>PROPOSED MOTION:</b>	<b>I move to direct the Shellfish Constable to issue a commercial shellfishing permit to Matt Parent per section 6.1.5 Hardship Exemption</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition (s):
<b>VOTED:</b>	

See Shellfish Constable memo under  
Public Hearings for Matt Parent.

**Nancy Civetta**

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**From:** Matthew Parent <matthewshellfish@gmail.com>  
**Sent:** Thursday, May 18, 2023 11:45 AM  
**To:** Nancy Civetta  
**Subject:** Re: letter requesting commercial hardship exemption

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

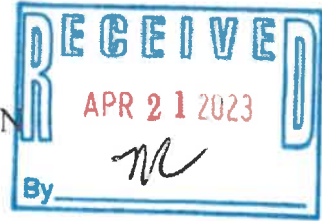
Hi Nancy,

I would like to put in an application with the Town of Wellfleet Shellfish Department. I Matthew Parent of 125 Duck Pond Road Wellfleet am requesting a commercial shellfishing permit hardship exemption. I am requesting this for the following reasons,

- 1) I was unaware that the town of Wellfleet made it mandatory as a permit condition to hold a Town of Wellfleet Commercial Permit.
- 2) Substantial hardship would be caused by the refusal of this permit due to the renewal of my Shellfish Lease by the Town of Wellfleet
- 3) The granting of this late permit would not affect the opportunity of applicants who have applied in a timely manner, to harvest a reasonable quantity of shellfish.  
I have been a Town of Wellfleet Lease holder for 20 years. I gave up my Commercial Permit 15 Years ago to obtain a Petite Oyster endorsement with the Division of Marine Fisheries which back then was mandatory.

Thank You  
Matthew Parent  
Oyster Harbor Farms

TOWN OF WELLFLEET  
COMMERCIAL SHELLFISH APPLICATION



Please Print Legibly

Name: Matthew Parent

Street Address: 125 Duck Pond Road

Wellfleet \_\_\_\_\_ South Wellfleet

I hereby make application for a Commercial Shellfish Permit, in accordance with Chapter 130, Section 52 of the Massachusetts General Laws. I also declare that the following facts are true and complete to the best of my knowledge:

1. I am a **domiciled** resident of the Town of Wellfleet (see definition on reverse side)

Yes  How Long? 40 years

**PROOF OF RESIDENCY QUESTIONNAIRE:**

- a. My automobile is garaged at: 125 Duck Pond Road Wellfleet, Mass  
(street, town)
- b. My Mass. Driver's license is issued to: 125 Duck Pond Road Wellfleet, Mass  
(street, town)
- c. My Excise Tax is paid to the Town of: \_\_\_\_\_
- d. My children attend school at: \_\_\_\_\_
- e. My automobile is registered in: Wellfleet, Mass  
(town)
- f. My utilities are paid for property at: 125 Duck Pond Road Wellfleet  
(street, town)

2. Mass. State Permit # (for sale of shellfish) 143573

3. Have you held a Commercial Shellfish Permit in the Town of Wellfleet?  
 yes  no If yes, for how long? 10 years 2001-2010?

4. Do you hold a Commercial Shellfish Permit in any other town in the Commonwealth?  
 yes  no If yes, where? \_\_\_\_\_

5. Have you applied for a Commercial Shellfish Permit elsewhere in the Commonwealth?  
 yes  no If so, where? \_\_\_\_\_

6. Has any permit issued to you under the provisions of Chapter 130 of M.G.L. or the Town of Wellfleet's Shellfishing Policy and Regulations ever been suspended or revoked?  
 yes  no  
If yes, give particulars \_\_\_\_\_

7. State the reason for wanting a Commercial Permit: Farming town of Wellfleet

8. Present occupation: Oyster farmer - off shore fisherman

9. VEHICLE INFORMATION:

Year 2006 Color \_\_\_\_\_ Make F-150 Model Ford  
Plate #/State 66T744 Commercial  Passenger \_\_\_\_\_

10. VESSEL INFORMATION

Type of Vessel:  Fishing Vessel  Barge  Raft/Float

Vessel Name, Registration Number: Flection Aibe MS 1003BU

Mailing Address: P.O. Box 700 Wellfleet, Mass 02667

Telephone No. 508-360-9338 Cell (Mandatory) 508-982-5171

Email (Mandatory) Matthewshellfish@gmail.com Date of Birth: 12-7-82

Eye Color: Blue Hair Color: Black Height: 6'0" Weight: 210

*Any intentional false answers to any of the above questions will be just cause for the revocation or non-issuance of a Commercial Shellfish Permit. In signing below, I take responsibility for understanding and operating under the laws, regulations and amendments thereto governing the taking of shellfish and attest that I have received some, but not all, of the useful website links to pertinent content on my printed permit form*

Signature of Applicant:  Date: 3-31-23  
(Signed under penalty of perjury)

Approved by: \_\_\_\_\_ Date: \_\_\_\_\_  
Shellfish Constable

Note: Application is subject to a 30-day review period by the Board of Selectmen and Shellfish Constable.

**TOWN OF WELLFLEET SHELLFISH POLICIES AND REGULATIONS**

**Section 6. Commercial Shellfishing**

A commercial permit may be issued to any person fourteen (14) years of age or older, who is a domiciled resident of Wellfleet. Individuals aged fourteen (14) through sixteen (16) may be issued junior commercial permits. Only in the calendar year in which a person reaches fourteen (14) years of age may that person apply for a junior commercial permit at any time after the occurrence of that person's birthday. Residents over 65 may be issued senior permits. Any commercial permit will be revoked if the holder ceases to be a domiciled resident of Wellfleet. Commercial permits will not be issued to unnaturalized foreign born persons who have not resided in Barnstable County at least five (5) years prior to making application (MGL Chapter 130; Section 55).

Commercial Permit Fee Schedule  
Commercial – \$310.00, Senior Commercial – \$60.00, Junior Commercial - \$110.00, Eel Permit - \$3.00

Annual commercial permits will be issued from December 1 through January 31st of the permit year, subject to a thirty (30) day review of the application by the Shellfish Constable. Annual commercial permits are valid from Jan. 1 through Dec. 31. **Permits will only be issued after the applicant has shown proof of having a valid State commercial permit with a shellfish endorsement and a valid shellfish transaction card from the DMF. CMR 322 7.01 (2) g, i, k**

The Board of Selectmen may at its discretion grant permits after January 31st if the applicant demonstrates all three of the following conditions:

- that unusual circumstances existed which would reasonably excuse a failure to file an application prior to February 1st, and
- that a substantial hardship would be caused by the refusal of a permit, and
- that the granting of the late permit would not affect the opportunity of applicants, who have applied in a timely manner, to harvest a reasonable quantity of shellfish.

Resident - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

TOWN OF WELLFLEET  
PUBLIC HEARING

In accordance with MGL Chapter 130 Sections 52, 57, 58, 60, and 68 and all applicable Town Shellfish Regulations, notice is hereby given that the Wellfleet Selectboard will hold a hybrid public hearing on May 23, 2023, at 7:00 p.m. to consider the following:

- 1) Application received on 4/14/2023 from Margaret Conor (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-9/10 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.
- 2) Application received on 4/14/2023 from Paul Conor (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) for the renewal of shellfish grant license #s 95-5/6 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.
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- 4) Application received on 4/14/2023 from Matt Parent (Wellfleet, MA) for the renewal of shellfish grant license # 733 consisting of 0.94 acres on Old Wharf Point for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033.

In addition, the following continued public hearings will also be re-considered by the Selectboard:

CONTINUED FROM 4/4/2023 ~ Change to Section 7.4. Location of Areas Licensed for Aquaculture (Grants) in the Town of Wellfleet Shellfishing Policy and Regulations to reference new grants and redefine the Egg Island area where grants may be located. Also, to add a map outlining the Egg Island area as Appendix E to the regulations.

CONTINUED FROM 1/31/2023 ~ Application received 1/3/2023 for a grant extension (to be numbered #2000-2 ext.) to shellfish grant license #2000-2 consisting of approximately 1.08 acres on Egg Island from Stephen Pickard (Wellfleet, MA), Iris Pickard (Wellfleet, MA) and Benjamin Pickard (Wellfleet, MA).

CONTINUED FROM 3/21/2023 ~ Application received 1/10/2023 for a grant extension (to be numbered #99-1 Ext) to shellfish grant license #99-1 consisting of approximately .43 acres on Mayo Beach from Angela Osowski (Wellfleet, MA), Robert Mallory (Wellfleet, MA) and Mary Mallory (Wellfleet, MA).

Recommendation of the Shellfish Constable will be available in the May 23, 2023, Selectboard's packet.

**In person:** 715 Old King's Highway (Adult Community Center)

**Join Zoom Meeting**

<https://us02web.zoom.us/j/85689604806?pwd=b1plVFFBZzViQ0xNWkZKMm9iMVdrdz09>

Meeting ID: 856 8960 4806 ~ Passcode: 611877 ~Dial by your location; +1 929 205 6099 US (New York)

WELLFLEET SELECTBOARD





# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## MEMORANDUM

DATE: September 19, 2022

TO: Town of Wellfleet Selectboard Members

RE: Administrative change for grant license expiration dates moving forward

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Dear Selectboard members:

As the Wellfleet Shellfish Department staff reviewed the list of 11 grants up for renewal in 2022, we realized that each group of grants had a different expiration date, which would have meant at least nine different public hearings. This seemed daunting for us and disrespectful regarding the Selectboard's time.

We spoke with other towns about when they renewed their grant licenses, and the Eastham Shellfish Constable explained how she, too, had encountered this problem and decided to change the expiration dates all to be the same date each year. We thought this was a good idea.

We looked for a time when it would be feasible for grant holders to do the paperwork (better in the winter/early spring), when the department would have time (early spring) and when it would best be accommodated by the Selectboard's schedule (once Annual Town Meeting preparation has ended) and came up with April 30.

I then reached out to the grant holders up for renewal this year and explained the change to them. All agreed that it made perfect sense and said that it was fine with them to make this change, even if it meant that their license terms would be slightly less than the 10 years requested.

Michael Parlante preferred an even shorter term so that the licenses up for renewal this year would expire with his other grant licenses. We have no problem with this, and when those all come up for renewal next, we can have them expire together on April 30.

I believe that it is in all our best interest to work efficiently and make the best use of everyone's time with this change. I am happy to answer any questions you may have at your meeting on September 27, 2022.

Thank you,

Nancy Civetta  
Shellfish Constable

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

Phone (508) 349-0325



Fax (508) 349-0305



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

V

### PUBLIC HEARINGS

~ A ~

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To approve the renewal for Margaret Conor and Jeffrey Pickard of shellfish grant license #'s 95-9/10
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	I move to approve the renewal for Margaret Conor (Wellfleet, MA) and Jeffrey Pickard (Wellfleet, MA) of shellfish grant license #'s 95-9/10 consisting of approximately two acres on Egg Island for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

May 18, 2023

To: Selectboard Members  
Re: Grant renewal recommendation  
From: Nancy Civetta, Shellfish Constable

---

I received an application from Margaret Conor and Jeffrey Pickard on April 14, 2023, to renew shellfish grant license numbers #95-9 and #95-10, consisting of approximately two acres on Egg Island, for a period of ten years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure these grants were meeting minimum production requirements. They are.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. Jeffrey is. Margaret does not have either and that is not a problem. Both have obtained Town of Wellfleet commercial shellfishing permits.

I recommend that Margaret Conor's and Jeffrey Pickard's licenses for shellfish grant #s 95-9/10 be renewed for nine years, seven months, and three days, beginning September 27, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta  
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE



Date: 3/30/2023

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

I/We hereby request renewal of Shellfish Grant License # 95-9, 10, 11, 12 <sup>→ already renewed</sup>, located at

Egg Island, in Wellfleet, MA and consisting of 2 acres,

and with an issue date of \_\_\_\_\_, and an expiration date of \_\_\_\_\_

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.

Jeffrey Pickard

Signature  
JEFFREY PICKARD  
Name

Signature  
\_\_\_\_\_  
Name

Signature Margaret Conr  
MARGARET M. CONOR  
Name

P.O. Box 1407  
Mailing Address

\_\_\_\_\_  
Mailing Address

P.O. Box 786  
Mailing Address

WELLFLEET 02666

WELLFLEET 02667

(508) 349-6417  
Telephone

\_\_\_\_\_  
Telephone

(508) 349-1979  
Telephone

WMC.MOM@AOL.COM  
Email

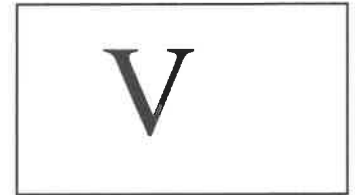
\_\_\_\_\_  
Email

\_\_\_\_\_  
Email



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023



## PUBLIC HEARINGS ~ B ~

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To approve the renewal for Paul Conor and Alfred Pickard of shellfish grant license #'s 95-5/6
<b>PROPOSED MOTION:</b> <b>SUMMARY:</b>	I move to approve the renewal for Paul Conor (Wellfleet, MA) and Alfred Pickard (Wellfleet, MA) of shellfish grant license #'s 95-5/6 consisting of approximately two acres on Egg Island for ten years, one month, and 29 days beginning March 1, 2023, and expiring on April 30, 2033.
<b>Project</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

May 18, 2023

To: Selectboard Members  
Re: Grant renewal recommendation  
From: Nancy Civetta, Shellfish Constable

---

I received an application from Paul Conor and Alfred Pickard on April 14, 2023, to renew shellfish grant license numbers #95-5 and #95-6, consisting of approximately two acres on Egg Island, for a period of ten years.

I reviewed their annual grant reports and compared them with the grant inspections we conducted to ensure these grants were meeting minimum production requirements. They are.

I reviewed their state propagation and commercial shellfishing permits to make sure they were in good standing. Alfred is. Paul does not have either and that is not a problem. Both have obtained Town of Wellfleet commercial shellfishing permits.

I recommend that Paul Conor's and Alfred Pickard's licenses for shellfish grant #s 95-5/6 be renewed for ten years, one month and 29 days beginning March 1, 2023, and expiring April 30, 2033.

Attached please find the renewal application.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Nancy Civetta".

Nancy Civetta  
Shellfish Constable



APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE



Date: 3/30/2023

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

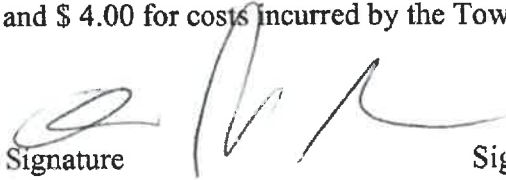
I/We hereby request renewal of Shellfish Grant License # 95, 5.6, located at

Egg Island, in Wellfleet, MA and consisting of 1 acres,

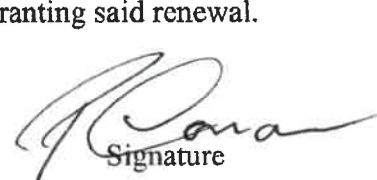
and with an issue date of \_\_\_\_\_, and an expiration date of \_\_\_\_\_

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.

  
Signature

Signature

  
Signature

ALFRED PICKARD  
Name

Name

PAUL CONOR  
Name

PO BOX 1407  
Mailing Address

Mailing Address

PO Box 786  
Mailing Address

WELLFLEET 02667

Telephone

WELLFLEET 02667

Telephone

(508) 349-6417

WMCNOM@AOL.COM  
Email

Email

(508) 349-1979

Email



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

V

### PUBLIC HEARINGS

~ C ~

<b>REQUESTED BY:</b>	Shellfish Constable ~ Nancy Civetta
<b>DESIRED ACTION:</b>	To approve the renewal for Matt Parent of shellfish grant license #04-03
<b>PROPOSED MOTION:</b>  <b>Summary:</b>	I move to approve the renewal for Matt Parent of shellfish grant license #04-03 consisting of approximately one acre on Egg Island for 10 years and 3 days beginning April 27, 2023, and expiring April 30, 2033.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____





# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

May 18, 2023

To: Selectboard Members  
Re: Grant renewal recommendation  
From: Nancy Civetta, Shellfish Constable

---

I received applications from Matt Parent on April 14, 2023, to renew shellfish grant license number #733 consisting of 0.94 acres on Old Wharf Point and license number #04-03 consisting of approximately one acre on Egg Island for a period of ten years.

I reviewed his state propagation and commercial shellfishing permits to make sure they were in good standing. They are. However, Matt missed the town deadline of February 28, 2023, to buy his town commercial shellfishing permit.

The Shellfish Department's Crier eNewsletter announced the change requiring all grant holders to purchase town commercial shellfishing permits on December 29, 2022; text messages were sent to all on this date, as well. We sent reminders through the Crier out to him and all other grant holders on January 23, 2023, and March 8, 2023. Text messages were also sent on Jan. 23.

I corresponded in person and via text message with Matt about this on April 14, 2023, letting him know that he needed to complete an application and provide backup documentation and asking if we could meet that following Monday or even over the weekend in order to get him into compliance. I followed up with an email on April 18, sending him receipts for his 2023 grant payments and a commercial permit application form. He did have a check dropped off to cover the permit cost on April 14, but he did not complete an application nor provide the required documentation until April 21, 2023.

By then, Town Counsel had recommended that grant holders out of compliance submit a hardship exemption request for missing the February 28, 2023, deadline. Therefore, I did not issue him a commercial shellfishing permit. He is coming to you for a hardship exemption tonight, and I support you allowing me to issue him a permit per our new regulations requiring all grant holders to obtain a commercial shellfishing permit.

Over the last few years, the Shellfish Department has found compliance problems with certain regulations on Matt's grants and has issued him written warnings. The department has also noticed a lack of activity on these grants.

We reviewed his annual grant reports and compared them with the grant inspections we conducted, and we concluded that minimum productivity oversight and enforcement should begin. Minimum productivity would be equal to \$1,000.00 in sales each year for

Phone (508) 349-0325



Fax (508) 349-0305

each grant. We have spoken with Matt multiple times about this issue and are working with him to monitor his productivity.

During our discussions, Matt said that he lost markets during the pandemic, forcing him to bottom crop his oysters. He then reported that he suffered a big die off of approximately 200 bushels of oysters of that bottom crop due to Hurricane Ida silt. He reported this in his annual reports and at his 2022 grant inspection. As part of his 2022 annual grant report, we requested receipts for proof of sales, which he provided, and which demonstrated that he was meeting the minimum for both grants.

On April 14, 2023, I had a conversation with him in person while GPSing his buoys on grant #733 on Old Wharf Point. I let him know that he needs to demonstrate minimum productivity moving forward for both grants. We believe that things are currently moving in a positive direction and that Matt is committed to his aquaculture endeavors.

I recommend that Matt Parent's license for grant #733 be renewed for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033, and that his license for grant #04-03 be renewed for 10 years and 3 days beginning April 27, 2023, and expiring April 30, 2033. The expiration date reflects the memo dated September 19, 2022, to have all grants expire on the same day moving forward. I have provided it in your packet as a reminder.

The Shellfish Department will continue to work closely with him to ensure he continues to meet minimum productivity for these grants each year moving forward.

Attached please find the renewal applications.

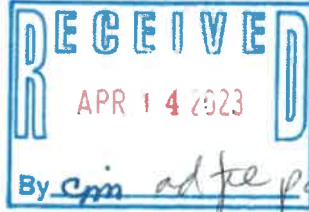
Respectfully submitted,



Nancy Civetta  
Shellfish Constable

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE

Date: 4-14-23



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

I/We hereby request renewal of Shellfish Grant License # 04-03, located at

Ego Island, in Wellfleet, MA and consisting of 1 acres,

and with an issue date of 4/27/2004, and an expiration date of 4/27/2023

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.

Signature <u>Matthew Parent</u>	Signature	Signature
Name <u>Matthew Parent</u>	Name	Name
Mailing Address <u>P.O. Box 764 02667</u>	Mailing Address	Mailing Address
<u>Wellfleet Mass 02667</u>		
Telephone <u>508-360-9338</u>	Telephone	Telephone
Email <u>MatthewShellfish@gmail.com</u>	Email	Email



# SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 23, 2023

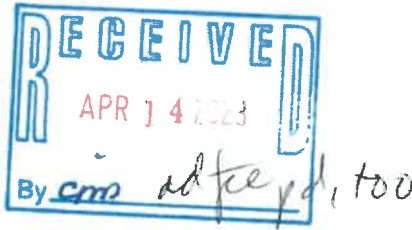


## PUBLIC HEARINGS

~ D ~

<b>REQUESTED BY:</b>	<b>Shellfish Constable ~ Nancy Civetta</b>
<b>DESIRED ACTION:</b>	<b>To approve the renewal for Matt Parent of shellfish grant license #733</b>
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	<b>I move to approve the renewal for Matt Parent of shellfish grant license #733 consisting of 0.94 acres on Old Wharf Point for 10 years and 12 days beginning April 18, 2023, and expiring April 30, 2033.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____  Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

APPLICATION FOR RENEWAL OF SHELLFISH GRANT LICENSE



Date: 4-14-23

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

I/We hereby request renewal of Shellfish Grant License # 733, located at

Old Wharf Point, in Wellfleet, MA and consisting of 0.94 acres,

and with an issue date of 4/18/1999, and an expiration date of 4/18/2023

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

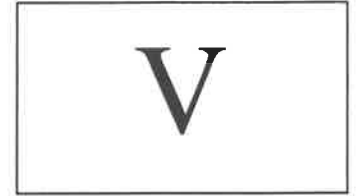
and \$ 4.00 for costs incurred by the Town of Wellfleet in granting said renewal.

Signature <u>Matthew Parent</u>	Signature	Signature
Name <u>Matthew Parent</u>	Name	Name
Mailing Address <u>P.O. Box 764</u>	Mailing Address	Mailing Address
<u>Wellfleet, Mass</u>		
Telephone <u>508-360-9338</u>	Telephone	Telephone
Email <u>MatthewShellfish@gmail.com</u>	Email	Email



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023



## PUBLIC HEARINGS

~ E ~

**Continued from 4/4/2023.**

<b>REQUESTED BY:</b>	Nancy Civetta ~ Shellfish Constable
<b>DESIRED ACTION:</b>	To decide on if the description of where grants may be located on Egg Island should change in Section 7.4 location of areas licensed for Aquaculture (Grants) in the Town of Wellfleet Shellfishing Policy and Regulations.
<b>PROPOSED MOTION:</b>  <b>SUMMARY:</b>	A motion will be made at the time of the meeting, depending on the Selectboard's decision.
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Map 1: WSD proposed Version of the Description of Egg Island, SAB approved 3-9-2023**

**7.4. Location of Areas Licensed for Aquaculture (Grants)**

New grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier. ~~and at least three hundred (300) feet northward of a line from the seaward end of the Breakwater to the easternmost tip of Great Island, except in the area above mean low water on Egg Island.~~

Area 2: On tidal lands lying north and easterly of the Breakwater and of the northerly tip of Indian Neck.

Area 3: On tidal lands off Indian Neck from Omaha Road south to the eastern tip of Field Point.

Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

**Area 5: On Egg Island, in the area below the caption "Egg Island Grants" and as confined by the surveyed outline of grant boundary coordinates shown in red on the Plan of the Northerly Grants in Wellfleet Harbor as of May 30, 2019, prepared by Outermost Land Survey, dated June 16, 2021, as follows, from the northeast corner clockwise: point 154 to 155 to 156 to 157 to 159 to 93 to 94 to 15 to 22 to 53 to 54 to 150 to 146 to 147 to 1 to 2 to 4 to 5 to 11 to 91 to 92 to 95 and back to point 154. For map, see Appendix E.**

**Map 2: BOS Current Version of the Description of Egg Island, BOS approved 4-4-2023, in Regulations**

Chair Curley Moved; Board Member Bacon Seconded; and it was voted that area 5 known as Egg Island shall comprise of license #'s 2000-6, 95-1 through 95-32, 752, 2002-1, 2002-1ext., 781A, 781, 781AC, and license's 04-03, 2000-1, 2000-2, 2000-3, 2000-4, 2000-5, 2000-3ext., 2000-1ext., shall be comprised as the shellfish aquaculture area known as Egg Island Area 5. Roll Call Vote: 4-0-1

Commented [NC1]: Should be 781AB

**7.4. Location of Areas Licensed for Aquaculture (Grants)**

Grants may be located in the following areas:

Area 1: On tidal flats off Mayo Beach and Chequessett Neck from the eastern boundary of the Town property at Powers Landing to the Town Pier. ~~and at least three hundred (300) feet northward of a line from the seaward end of the Breakwater to the easternmost tip of Great Island, except in the area above mean low water on Egg Island.~~

Area 2: On tidal lands lying north and easterly of the Breakwater and of the northerly tip of Indian Neck.

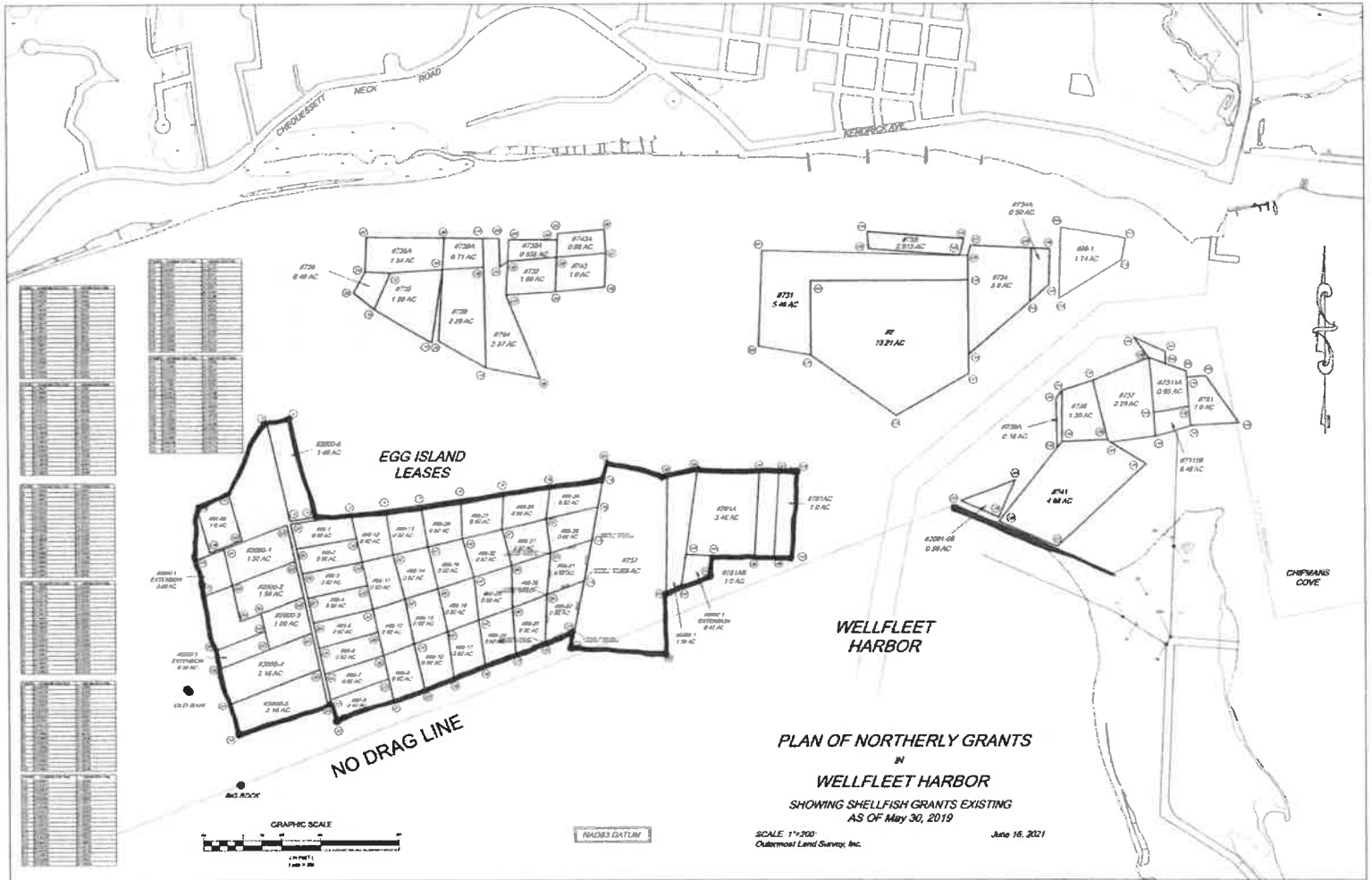
Area 3: On tidal lands off Indian Neck from Omaha Road south to the eastern tip of Field Point.

Area 4: On tidal lands off the westerly side of Old Wharf Point and at the entrance to Loagy Bay.

**Area 5: On Egg Island, license numbers 2000-6, 95-1 through 95-32, 752, 2002-1, 2002-1 ext., 781A, 781AB, 781AC, and license numbers 04-03, 2000-1, 2000-2, 2000-3, 2000-4, 2000-5, 2000-3 ext., 2000-1 ext., shall comprise the shellfish aquaculture area known as Egg Island, Area 5. For map, see Appendix E.**

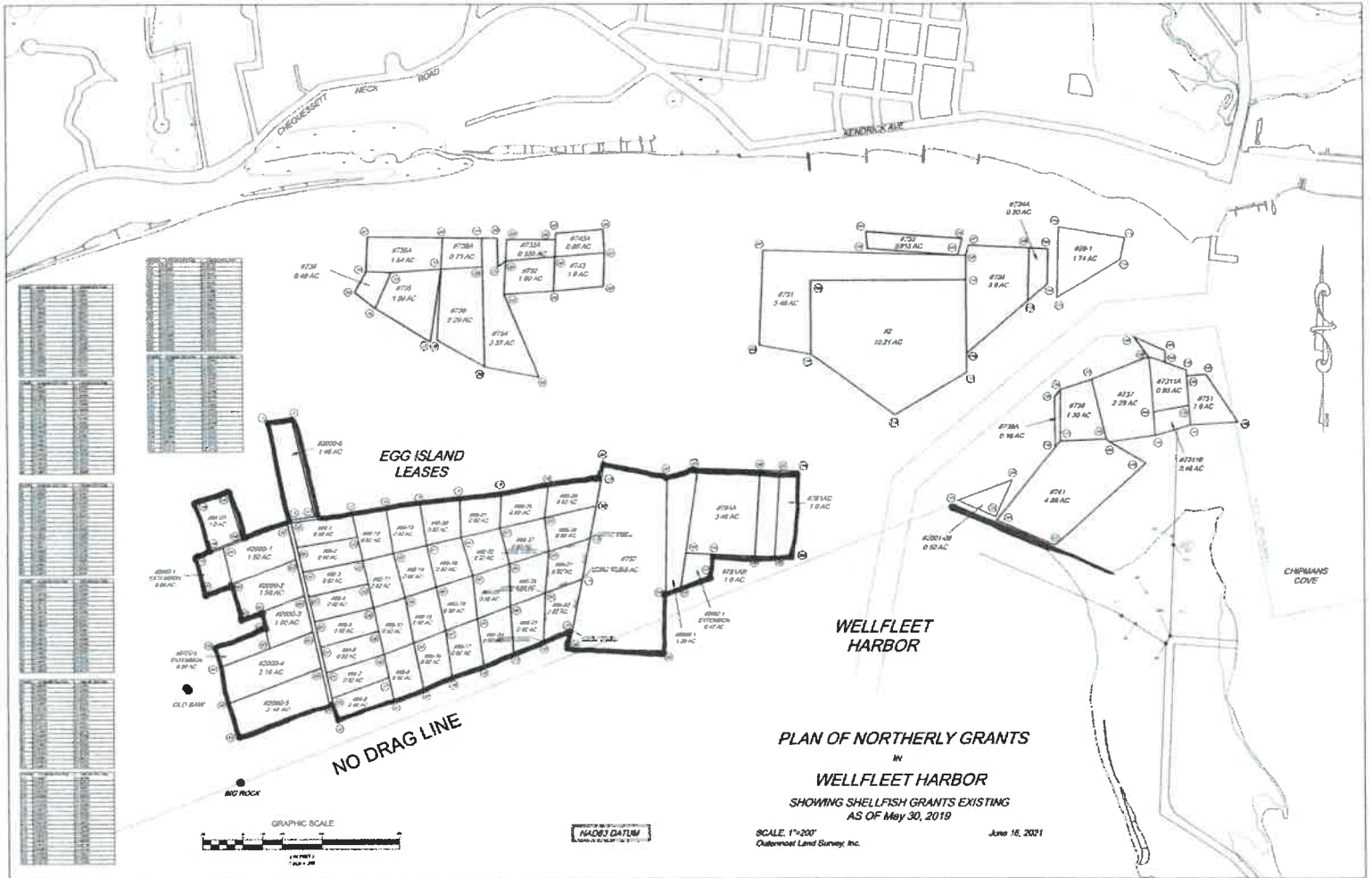
**Map 3 was an option discussed at the 4-4-2023 Selectboard meeting. It is included for reference.**

STELLFISH DEPT. ORIGINAL PROPOSAL, APPROVED BY SAB  
3/9/2023

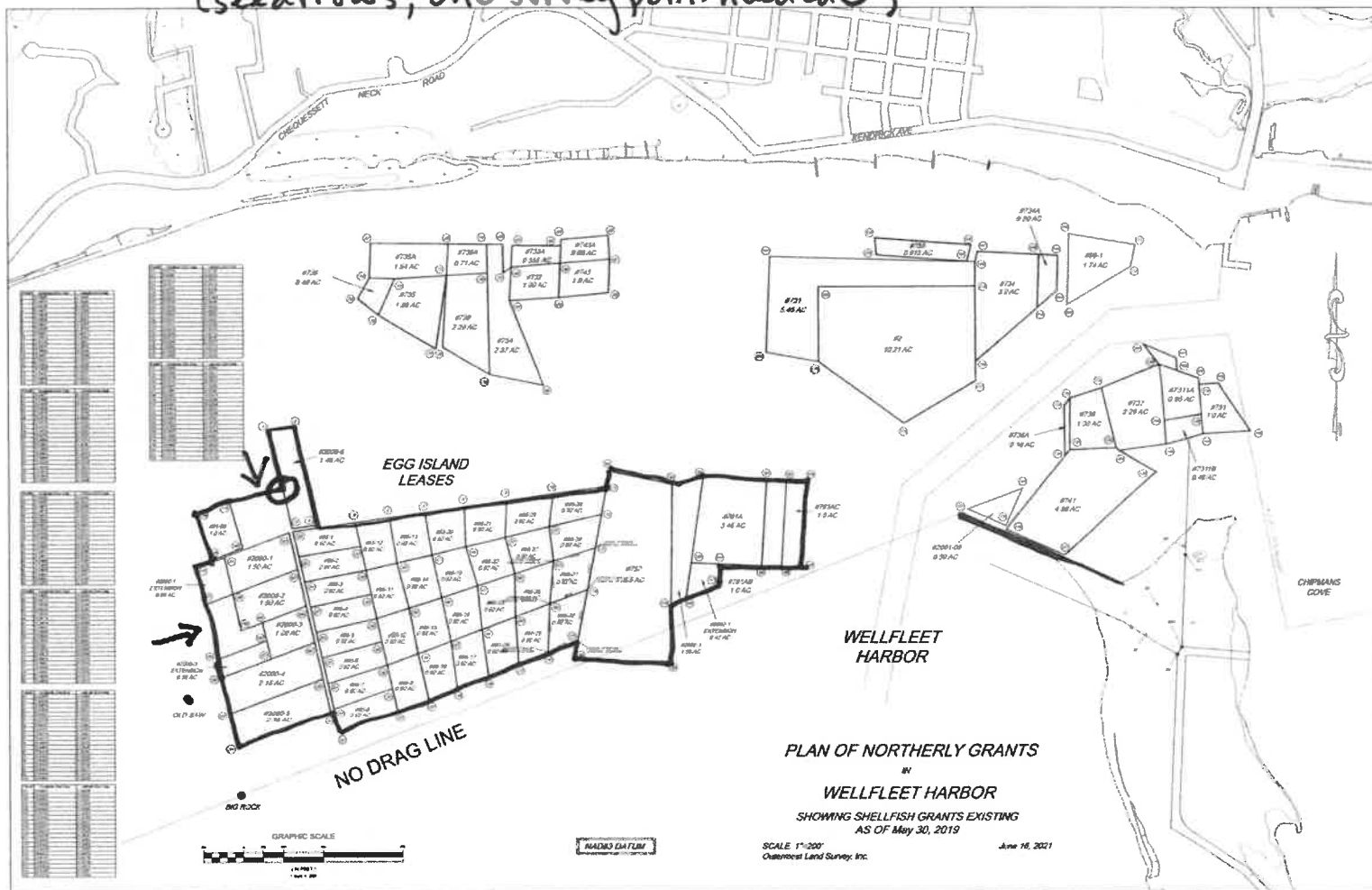




# SELECTBOARD APPROVED 4/4/2023 IN REGULATIONS



# IDEA FOR CHANGES TO SELECTBOARD APPROVED OUTLINE (see arrows; one survey point needed)





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

V

### PUBLIC HEARINGS

~ F ~

Continued from 1/31/2023.

<b>REQUESTED BY:</b>	Nancy Civetta ~ Shellfish Constable
<b>DESIRED ACTION:</b>	To decide on the next steps for Stephen, Iris, and Benjamin Pickard's application for a proposed shellfish grant license extension #2000-2 ext. on Egg Island as it relates to the definition of where grants may be located on Egg Island in Section 7.4 of Wellfleet's Shellfishing Policy and Regulations/
<b>PROPOSED MOTION:</b>	A motion will be made at the time of the meeting, depending on the Selectboard's decision.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

RCVD 1.3.2023

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: December 20<sup>th</sup> , 2022

This request is being made under Chapter 130, Sections 57 & 59.

Name Stephen Pickard, Iris Pickard, & Benjamin Pickard  
Address 25 Holbrook Ave/Box 622  
Wellfleet, Ma 02667

Telephone 508-332-0422 (cell) 508-349-6417 (home)

Approximate location of proposed grant license area:  
West of 2000-2 & 2000-3 west side of Egg Island  
South of 2000-1 EXT.  
North of 2000-3 EXT.

Desired size of proposed grant license area:  
1.08 Acres

GENERAL INFORMATION

Previous shellfishing experience:

Stephen Pickard  
Grant holder for 22 years  
Shellfish License holder  
for 41 years

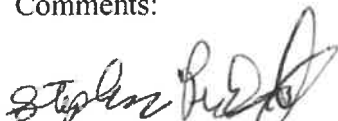
Iris Pickard  
Grant holder for 6 years  
Shellfish License holder  
for 14 years  
Bachelor of Science in  
Marine Biology and  
Aquaculture  
Shellfish Hatchery Lab  
Technician 5 Years

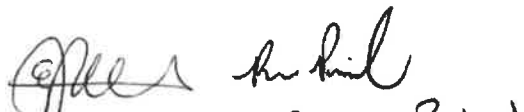
Benjamin Pickard  
Grant holder for 6 years  
Shellfish License holder  
for 11 years  
Bachelor of Arts in Marine  
Biology and Aquaculture

How long have you had a shellfish permit (commercial/non-commercial)?  
Stephen 41 years , Iris 14 years, Benjamin 11 years

How long have you lived in Wellfleet?  
Domicile of Wellfleet for my whole life 55 years, 26 years, 23 years

Comments:

  
Signature of Applicant

  
Iris Pickard Benjamin Pickard

Shellfish Constable

STEPHEN PICKARD, IRIS PICKARD, BEN PICKARD

TOWN OF WELLFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

Applicant <sup>is</sup> a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.

Applicant <sup>is</sup> 18 years of age or older.

Approval of this application will not result in the applicant <sup>g</sup>having more than 7 acres leased to them for aquaculture within the Town's waters.

N/A  <sup>→ same licenses</sup> All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.

At this time, there are no more than three lease holders named to the lease.

N/A  If applicant is applying for a lease on private property, permission from the owner has been obtained.

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 this license. Applicant shall submit copies of state-filed catch reports, OR,

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.

N/A  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.

For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.

The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.

The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#)

ALL ARE  
CURRENT  
GRANT  
HOLDERS

and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

## FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

### SECTION 1: DEFINITIONS

**Aquaculture License** - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

**Licensed Area (Grant)** - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

**Resident** - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

### 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.

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.

To: Wellfleet Selectboard

From: Stephen Pickard, Iris Pickard & Benjamin Pickard

Date: December 20<sup>th</sup> , 2022

I, Stephen Pickard, Iris Pickard and Benjamin Pickard, Agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

Sincerely,



Stephen Pickard



Iris Pickard



Benjamin Pickard

# AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Pickard First Stephen, Iris & Benjamin M.I. \_\_\_\_\_

Business Name (optional): \_\_\_\_\_

Mailing Address Box 622

City/Town Wellfleet State MA ZipCode 02667

Telephone 5083496417 Cell Phone 5083320422

E-Mail Address uptowngript@comcast.net

## A. SITE DESCRIPTION

Location of proposed aquaculture license site(s) and access routes (Include a site map in USGS 1:24,000 or 1:25,000 format with site boundaries clearly outlined and both current and historic Massachusetts Department of Environmental Protection (MassDEP) mapped eelgrass layers depicted on the map. The [MA-ShellfAST](#) tool may be used for generating the map and measuring distances/acreage).

City/Town: Wellfleet

Shellfish Growing Area (SGA): CCB 11

# of Acres: 1.08

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):  
*N 60* 41.92451 -70.04878 *N 59* 41.924 -70.04864 *N 58* 41.92411 -70.04824 *N 57* 41.92386 -70.04816  
*N 56* 41.92437 -70.0493 *N 55* 41.923673 -70.048845 *N 54* 41.924099 -70.049228

Have you conducted a survey of the site (Y/N)? Yes  Date? 11/22/2022

Method of Survey:  
Walk with shellfish constable and harbor master

Average Depth at Mean Low Tide (MLW): 1 ft

Mean High Tide (MHW): 11 ft

The site is located in an:  intertidal area;  subtidal area;  spans both intertidal and subtidal areas.



What type of sediment or bottom substrate is on the site? (Benthic Habitat Conditions):  
sand

---

Is eelgrass currently present on or within twenty-five (25) ft. of the proposed site<sup>1</sup> (Y/N)? N

If eelgrass is present or currently/historically mapped by DEP within the shellfish growing area, what is the shortest distance to actual or mapped eelgrass from the proposed site? N/A ft.

Are there shellfish currently on the site (Y/N)? No

If yes what species and approximate densities?

---

Is the proposed grant site located within an [Area of Critical Environmental Concern \(ACEC\)](#) (Y/N)?  
YES

Is the proposed grant site located within [Natural Heritage Endangered Species Project \(NHESP\)](#) mapped habitat (Y/N)? *If yes, you must submit a MESA Project Review Checklist to NHESP.*  
No

Is the proposed grant site located within an [Outstanding Resource Waters](#) (Y/N)? No

Is there an [Environmental Justice \(EJ\) population](#) located within 1-mile of the project site (Y/N)?  
No

***If so, please complete the attached supplement to this form for projects located within 1-mile of EJ populations.***

Describe whether alternative locations were considered and identify the siting criteria used to select this site and the characteristics of the site that make it suitable for aquaculture use. It may be helpful for this evaluation to be based on the siting criteria identified in DMF's Shellfish Planting Guidelines and the Army Corps of Engineers General Permit for Aquaculture.

Has the site been used for private shellfish propagation within the last two years (Y/N)? No

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? No

1. Proposed aquaculture license sites with eelgrass present within the footprint or within 25 ft. of eelgrass will not be granted certification by DMF.

**B. SPECIES TO BE CULTURED**

What species of shellfish do you plan to cultivate? (Select all that apply)

- Eastern Oyster
- Quahog or Hard Clam
- Softshell Clam or Steamer
- Surf Clam
- Razor Clam
- Bay Scallop
- Blue Mussel
- Other \_\_\_\_\_

Do you propose on-bottom placement of cultch or spat on shell on the site (Y/N)? No

If yes, explain.

**C. GEAR**

What methods of culture will be used (specify by species if necessary)?

On- bottom       Off- bottom submerged       Off- bottom floating

Describe the type of gear to be utilized for each species to be cultured, include dimensions (Cages, Racks, Trays, Bags, Nets, Floating): ***Depending on the gear type used, the project may require additional permitting by the Massachusetts Department of Environmental Protection (MassDEP). Consult with your Harbormaster, and if needed, with the MassDEP Waterways Program.***  
100' x14' Tenax netting held down with 1/2" rebar & rebar "U" hooks for Quahog racks and bags for oysters

---

\*Include with your submission of this form a site map on a USGS 1:24,000 map with site boundaries clearly outlined and a cross-section schematic of the gear to be deployed on the site. 3

If you will utilize floating gear, what measures will you take to deter birds (bird deterrence plan required)?

- Spikes
- Zip ties
- Kites/streamers
- Faux predators
- Wire cage exclusion
- Sweeps/spinners
- Sonic deterrents
- Other

Please describe your bird deterrence plan:

---

What methods will you utilize to harvest shellfish? (Hand, Drag, Other) Please describe:  
Hand rake and Bull rake

---

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)  
20 inch fluorescent yellow balls with grant number affixed with screw anchors

---

How will you access the license site?

By boat, truck and foot

---

What equipment do you plan on utilizing to maintain the license site and transport product?

Vehicle: Make: Chevrolet Model: Silverado

Boat: Make: Carolina Skiff Model: 24

Will any accessory structures be used on the license site? (barge, float, upweller, etc.)

No

---

Will this be a seasonal operation (gear and product removed from site in winter) or year-round?

year-round operation

Please include any additional information here:

*All oyster racks will be removed in winter.*



---

#### D. CUMULATIVE IMPACTS

After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF determines that issuance of the site license and operational activities thereunder will have no substantial adverse impacts to natural resources and existing fisheries, DMF will issue a conditional certification letter to the municipality and include a summary table that identifies other existing and conditionally certified aquaculture sites, gear types, and acreage within the same embayment as the proposed site.

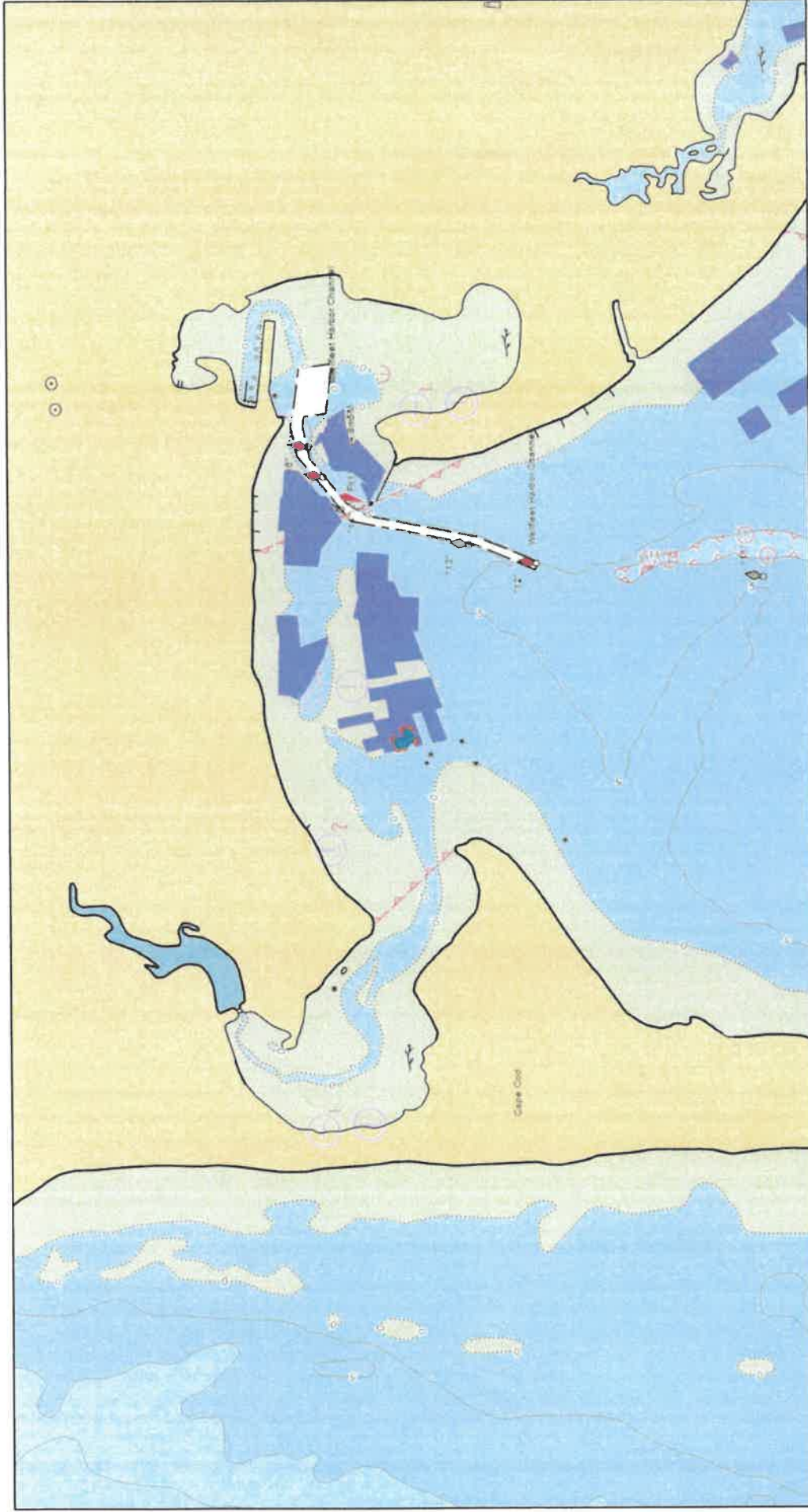
This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the applicant hereby acknowledges and agrees to following the procedures set forth in the SRP. The SRP can be viewed [here](#).

All information furnished on this application is true and accurate to the best of my knowledge. I will notify the Division Marine Fisheries Shellfish Sanitation and Management Program immediately of any changes.

Signature of Applicant  Date 1/3/23  
 Iris Pickard  
Arnold Benjamin Pickard

Division of Marine Fisheries  
ATTN: Aquaculture Coordinator  
706 South Rodney French Boulevard  
New Bedford, MA 02744  
Phone: (508) 742-9766

# Stephen Pickard



12/18/2022, 8:27:54 PM

Override 1

"100" points with marker number

Aquaculture

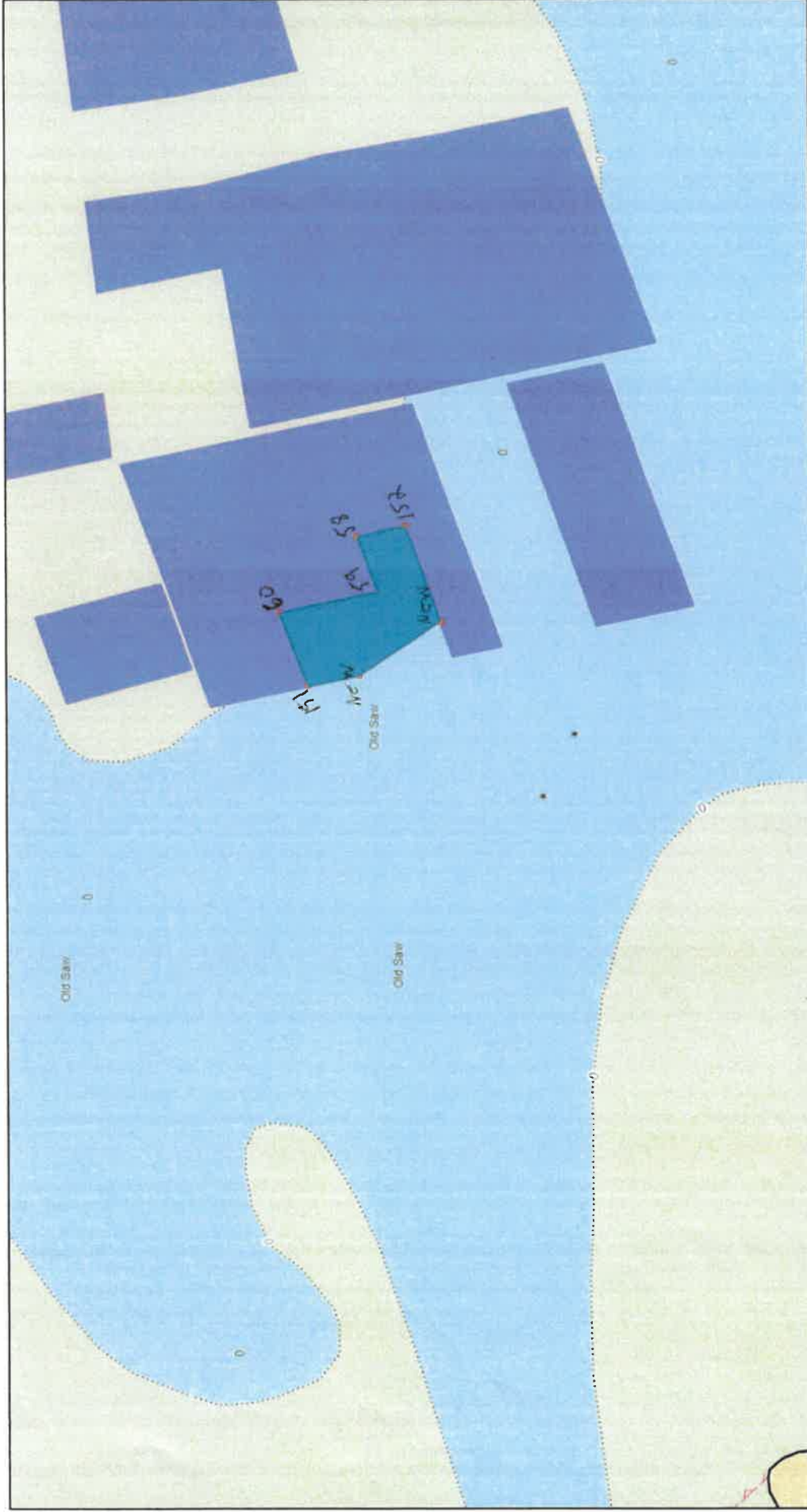
Shellfish

1:24,000

0 0.23 0.45 0.7 0.9 mi  
0 0.35 0.7 1.4 km

Maxar

# Stephen Pickard



12/18/2022, 8:27:49 PM

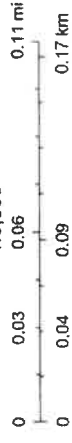
Override 1

\*100\*points with marker number

Aquaculture

Shellfish

1:3,000



Maxar, Microsoft



# SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023



## PUBLIC HEARINGS

~ G ~

Continued 03/21/2023

<b>REQUESTED BY:</b>	Nancy Civetta ~ Shellfish Constable
<b>DESIRED ACTION:</b>	To continue grant extension request for grant #99-1 on May Beach for Angela Osowski and Robert and Mary Mallory due to a compromise in the works.
<b>PROPOSED MOTION:</b>	I move to continue Angela Osowski's and Robert and Mary Mallory's request for grant extension #99-1 ext. On May Beach until June 6, 2023.
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____



RCVD 1-10-2023

APPLICATION FOR SHELLFISH GRANT LICENSE

DATE: January 9<sup>th</sup> 2023

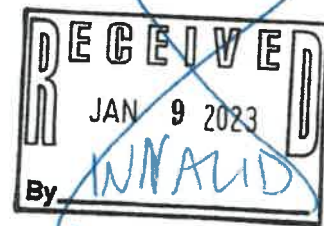
This request is being made under Chapter 130, Sections 57 & 59.

Name	Angela Osowski	Robert & Mary Mallory
Address	25 Holbrook Ave/Box 2147 Wellfleet, Ma 02667	57 Freedjum Rd/Box 84 S. Wellfleet 02663

Telephone 508-364-1034 (cell) 508-349-6417 (home)

Approximate location of proposed grant license area:  
East end of Mayo Beach

Desired size of proposed grant license area:  
0.43 Acres



GENERAL INFORMATION

Previous shellfishing experience:

Angela Osowski  
Grant holder for 7 years  
Shellfish License holder  
for 18 years

Robert Mallory  
Grant holder for 27 years  
Shellfish License holder  
for 70 years 1953

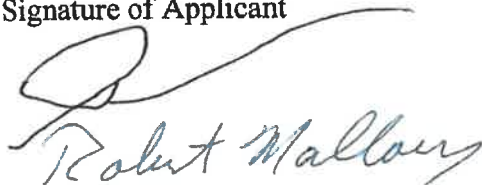
Mary Mallory  
Grant holder for 24 years

How long have you had a shellfish permit (commercial/non-commercial)?  
Angela 18 years Robert 70 years

How long have you lived in Wellfleet?  
Domicile of Wellfleet for 35 years, 71 years, 71 years

Comments:

Signature of Applicant

  
Robert Mallory  
Mary Mallory

Shellfish Constable



ANGIE OSOWSKI

TOWN OF WELLFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing.
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
- All other licensees named to the grant have given written approval for the applicant to be included on their lease. If a corporation is the current lease holder, all persons who are members of the corporation must submit their written approval.
- At this time, there are no more than three lease holders named to the lease.
- If applicant is applying for a lease on private property, permission from the owner has been obtained. *NIA MAYOR BEACH IS TOWN-OWNED.*
- 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 this license. Applicant shall submit copies of state-filed catch reports, OR,
- 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. *NIA CURRENT GRANT HOLDER*
- 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.
- For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.
- The applicant has received and agreed in writing to comply with the current version of the Town's Shellfish Policy and Regulations.
- The applicant acknowledges that s/he will also be held responsible to and will familiarize him/herself with [MGL Ch. 130](#) and [CMR 322](#), as well as the most recent [SEMAC Best](#)

[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

- The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

## FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

### SECTION 1: DEFINITIONS

**Aquaculture License** - An authorization, granted by a vote of the Board of Selectmen, to utilize a specific tract of land, under coastal waters (1) to plant and grow shellfish using in-bottom or off-bottom culture; (2) to place shellfish in or under protective devices affixed directly to the tidal flats or land under Wellfleet's coastal waters, such as boxes, pens, trays, bags or nets; (3) to harvest and take legal shellfish; (4) to plant cultch for the purpose of catching shellfish seed; and (5) to grow shellfish by means of racks, rafts or floats ([MGL Chapter 130; Section 57](#)).

**Licensed Area (Grant)** - a designated bottom area, certified by the Division of Marine Fisheries (DMF) and licensed by a vote of the Board of Selectmen, on which the licensee may plant, grow and harvest shellfish ([MGL Chapter 130; Sections 57 & 68](#)).

**Resident** - A declared resident of the Town of Wellfleet. Written proof that Wellfleet is the domicile as well as the legal residence of the applicant shall be required to the satisfaction of the Shellfish Constable and Board of Selectmen. Domicile will be established after one year of residency in Wellfleet is demonstrated. Proof of legal residence may include voter registration, automobile registration, driver's license, income tax filings, census data, or passport.

### **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.

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.

ROBERT MAZLODY

TOWN OF WELLFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing. *Yes via CO. GRANT HOLDER ANGIE OSOWSKI*
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
- Applicant is 18 years of age or older.
- Approval of this application will not result in the applicant having more than 7 acres leased to them for aquaculture within the Town's waters.
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- At this time, there are no more than three lease holders named to the lease.
- NIA*  If applicant is applying for a lease on private property, permission from the owner has been obtained. *MAUD BEACH IS TOWN-OWNED.*
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- 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.
- For any proposed new grants or extensions, approximate coordinates and a map should be reviewed by the Shellfish Constable, including a site visit, and provided in the documentation for the Selectboard.
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[Management Practices](#), [DMF's vibrio control plan](#), [National Shellfish Sanitation Program's Guide](#) and [DPH's Regulations for Fish and Fishery Products](#), as they apply to the harvest of shellfish governing his/her business operations.

The applicant does not show a pattern of violations of Wellfleet's Shellfishing Policy and Regulations within the last three (3) years.

## FROM WELLFLEET SHELLFISH POLICY AND REGULATIONS

### SECTION 1: DEFINITIONS

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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.

MARY MALCORY

TOWN OF WELFLEET SHELLFISH DEPARTMENT  
CHECK LIST FOR AQUACULTURE LEASE APPLICANT

- Applicant has paid \$175 advertising fee for public hearing. *Yes, VIA CO-GRANT HOLDER ANGIE OSOWSKI*
- Applicant is a domiciled resident of Wellfleet, as that is defined in Section 1 of our regulations.
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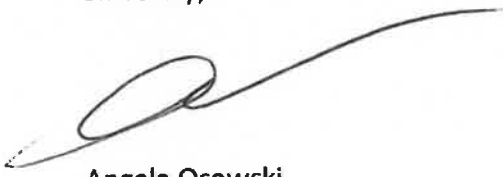
To: Wellfleet Selectboard

From: Angela Osowski, Robert Mallory, and Mary Mallory

Date: January 9<sup>th</sup>, 2023

I, Angela Osowski, Robert Mallory, and Mary Mallory, Agree to comply with the Town of Wellfleet's Shellfishing Policy and Regulations and assume full responsibility for understanding and adhering to all federal and state regulations as they apply to shellfish propagation, harvest and sales.

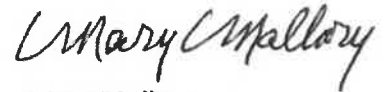
Sincerely,



Angela Osowski



Robert Mallory



Mary Mallory



# AQUACULTURE DESCRIPTION FORM

Clear Fields

Name: Last Osowski/Mallory First Angela/Robert & Mary M.I. \_\_\_\_\_

Business Name (optional): \_\_\_\_\_

Mailing Address box 2147

City/Town Wellfleet State MA ZipCode 02667

Telephone 5083496417 Cell Phone 508-364-1034

E-Mail Address capelobstergirl@gmail.com

## A. SITE DESCRIPTION

Location of proposed aquaculture license site(s) and access routes (Include a site map in USGS 1:24,000 or 1:25,000 format with site boundaries clearly outlined and both current and historic Massachusetts Department of Environmental Protection (MassDEP) mapped eelgrass layers depicted on the map. The MA-ShellFAST tool may be used for generating the map and measuring distances/acreage).

City/Town: Wellfleet

Shellfish Growing Area (SGA): CCB 11

# of Acres: 0.43

Site boundaries defined by latitude and longitude in decimal degrees (i.e. 42.36115°, -71.057083°):  
(#110) 41.92932 -70.03316 (#109) 41.92902 -70.03337 (#113) 41.92833 -70.03322  
(#114) 41.92852 -70.0334 (channel) 41.92833 -70.0334 (beach) 41.92932-70.03337

Have you conducted a survey of the site (Y/N)? Yes  Date? 1/8/2023

Method of Survey:  
Walked site to examine substrate. Same substrate as current grant

Average Depth at Mean Low Tide (MLW): 1 ft

Mean High Tide (MHW): 11 ft

The site is located in an:  intertidal area;  subtidal area;  spans both intertidal and subtidal areas.

What type of sediment or bottom substrate is on the site? (Benthic Habitat Conditions):  
sand

---

Is eelgrass currently present on or within twenty-five (25) ft. of the proposed site<sup>1</sup> (Y/N)? No

If eelgrass is present or currently/historically mapped by DEP within the shellfish growing area, what is the shortest distance to actual or mapped eelgrass from the proposed site? N/A ft.

Are there shellfish currently on the site (Y/N)? No

If yes what species and approximate densities?

---

Is the proposed grant site located within an Area of Critical Environmental Concern (ACEC) (Y/N)?

No Yes

Is the proposed grant site located within Natural Heritage Endangered Species Project (NHESP) mapped habitat (Y/N)? *If yes, you must submit a MESA Project Review Checklist to NHESP.*

No Yes

Is the proposed grant site located within an Outstanding Resource Waters (Y/N)? No

Is there an Environmental Justice (EJ) population located within 1-mile of the project site (Y/N)?

No

*If so, please complete the attached supplement to this form for projects located within 1-mile of EJ populations.*

Describe whether alternative locations were considered and identify the siting criteria used to select this site and the characteristics of the site that make it suitable for aquaculture use. It may be helpful for this evaluation to be based on the siting criteria identified in DMF's Shellfish Planting Guidelines and the Army Corps of Engineers General Permit for Aquaculture.

Has the site been used for private shellfish propagation within the last two years (Y/N)? No

Has the site been used for municipal shellfish propagation within the last two years (Y/N)? No

1. Proposed aquaculture license sites with eelgrass present within the footprint or within 25 ft. of eelgrass will not be granted certification by DMF.

**B. SPECIES TO BE CULTURED**

What species of shellfish do you plan to cultivate? (Select all that apply)

- Eastern Oyster
- Quahog or Hard Clam
- Softshell Clam or Steamer
- Surf Clam
- Razor Clam
- Bay Scallop
- Blue Mussel
- Other \_\_\_\_\_

Do you propose on-bottom placement of cultch or spat on shell on the site (Y/N)? No



If yes, explain.

**C. GEAR**

What methods of culture will be used (specify by species if necessary)?

On- bottom       Off- bottom submerged       Off- bottom floating

Describe the type of gear to be utilized for each species to be cultured, include dimensions (Cages, Racks, Trays, Bags, Nets, Floating): ***Depending on the gear type used, the project may require additional permitting by the Massachusetts Department of Environmental Protection (MassDEP). Consult with your Harbormaster, and if needed, with the MassDEP Waterways Program.***  
100' x14' Tenax netting held down with 1/2" rebar & rebar "U" hooks for Quahog racks with bags and aqua trays for oysters

---

\*Include with your submission of this form a site map on a USGS 1:24,000 map with site boundaries clearly outlined and a cross-section schematic of the gear to be deployed on the site. 3

If you will utilize floating gear, what measures will you take to deter birds (bird deterrence plan required)?

- Spikes
- Zip ties
- Kites/streamers
- Faux predators
- Wire cage exclusion
- Sweeps/spinners
- Sonic deterrents
- Other

Please describe your bird deterrence plan:

---

What methods will you utilize to harvest shellfish? (Hand, Drag, Other) Please describe:  
Hand rake and Bull rake

---

How will the proposed license site be marked? (Buoy color, Type, Lines, Anchor)  
20 inch fluorescent yellow balls with grant number affixed with screw anchors

---

How will you access the license site?

By boat, truck and foot

---

What equipment do you plan on utilizing to maintain the license site and transport product?

Vehicle: Make: Chevrolet Model: Silverado

Boat: Make: Carolina Skiff Model: 24

Will any accessory structures be used on the license site? (barge, float, upweller, etc.)

No

---

Will this be a seasonal operation (gear and product removed from site in winter) or year-round?

year-round operation

Please include any additional information here:

All oyster racks and aqua trays will be removed for the winter

---

#### D. CUMULATIVE IMPACTS

After voting to grant the site license at a duly advertised public hearing (M.G.L. c.130 §60), the Select Board of the municipality must submit a request for site certification to the Division of Marine Fisheries (DMF). A site inspection that may include a site survey will be performed by DMF. If DMF determines that issuance of the site license and operational activities thereunder will have no substantial adverse impacts to natural resources and existing fisheries, DMF will issue a conditional certification letter to the municipality and include a summary table that identifies other existing and conditionally certified aquaculture sites, gear types, and acreage within the same embayment as the proposed site.

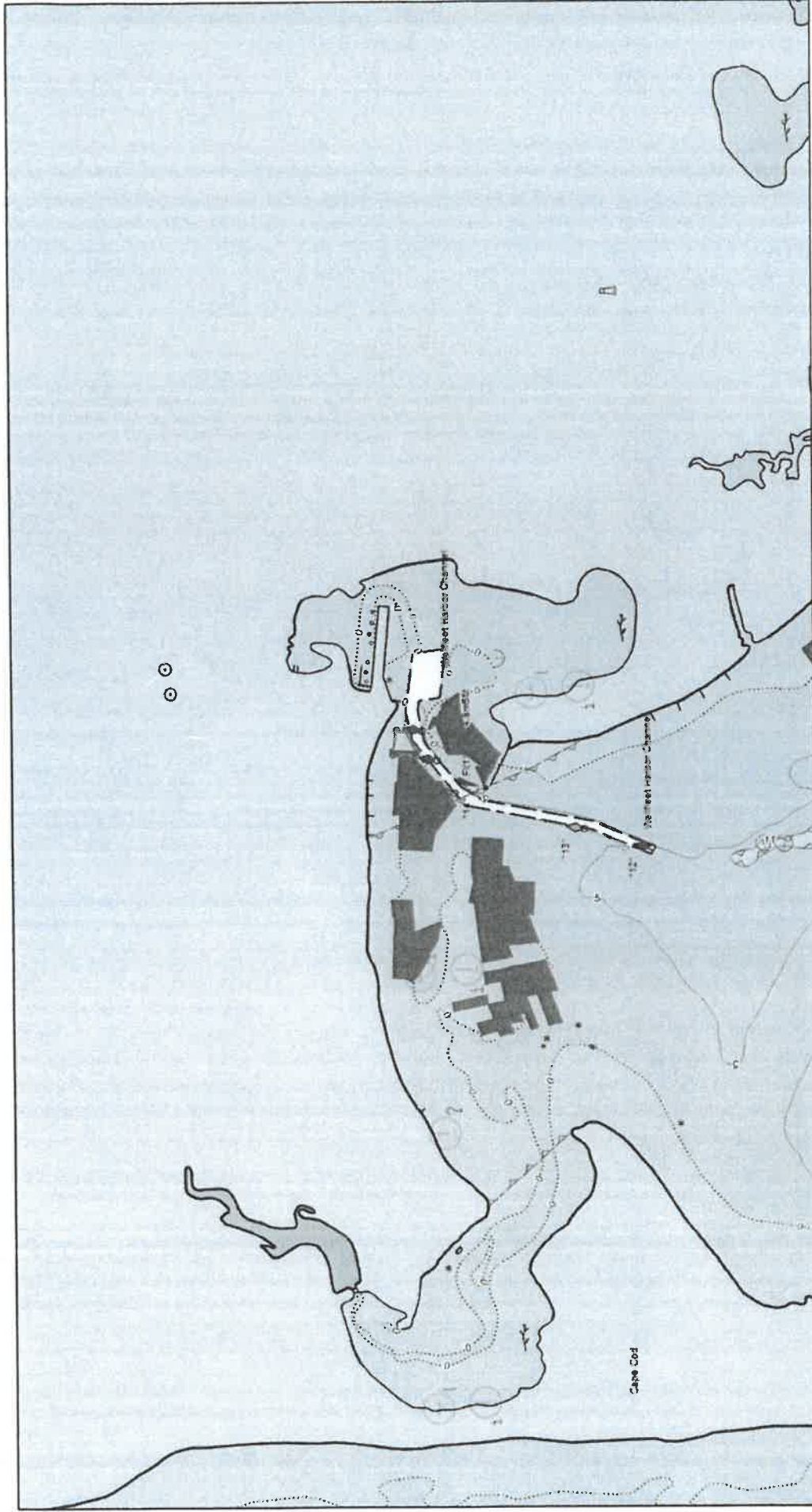
This table will be used to assess cumulative impacts if the project is subject to environmental review by the Massachusetts Environmental Policy Act (MEPA) Office and should be submitted as an attachment with your MEPA filing. If the project is subject to the MEPA Special Review Procedure (SRP), the applicant hereby acknowledges and agrees to following the procedures set forth in the SRP. The SRP can be viewed [here](#).

All information furnished on this application is true and accurate to the best of my knowledge. I will notify the Division Marine Fisheries Shellfish Sanitation and Management Program immediately of any changes.

Signature of Applicant Rohat Malhotra Date 1-9-23  
Mary Mallory 1/9/23  
[Signature] 1/9/2023

Division of Marine Fisheries  
ATTN: Aquaculture Coordinator  
706 South Rodney French Boulevard  
New Bedford, MA 02744  
Phone: (508) 742-9766

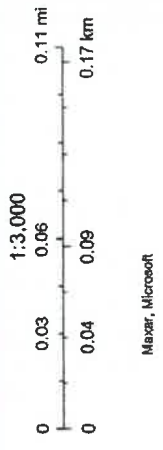
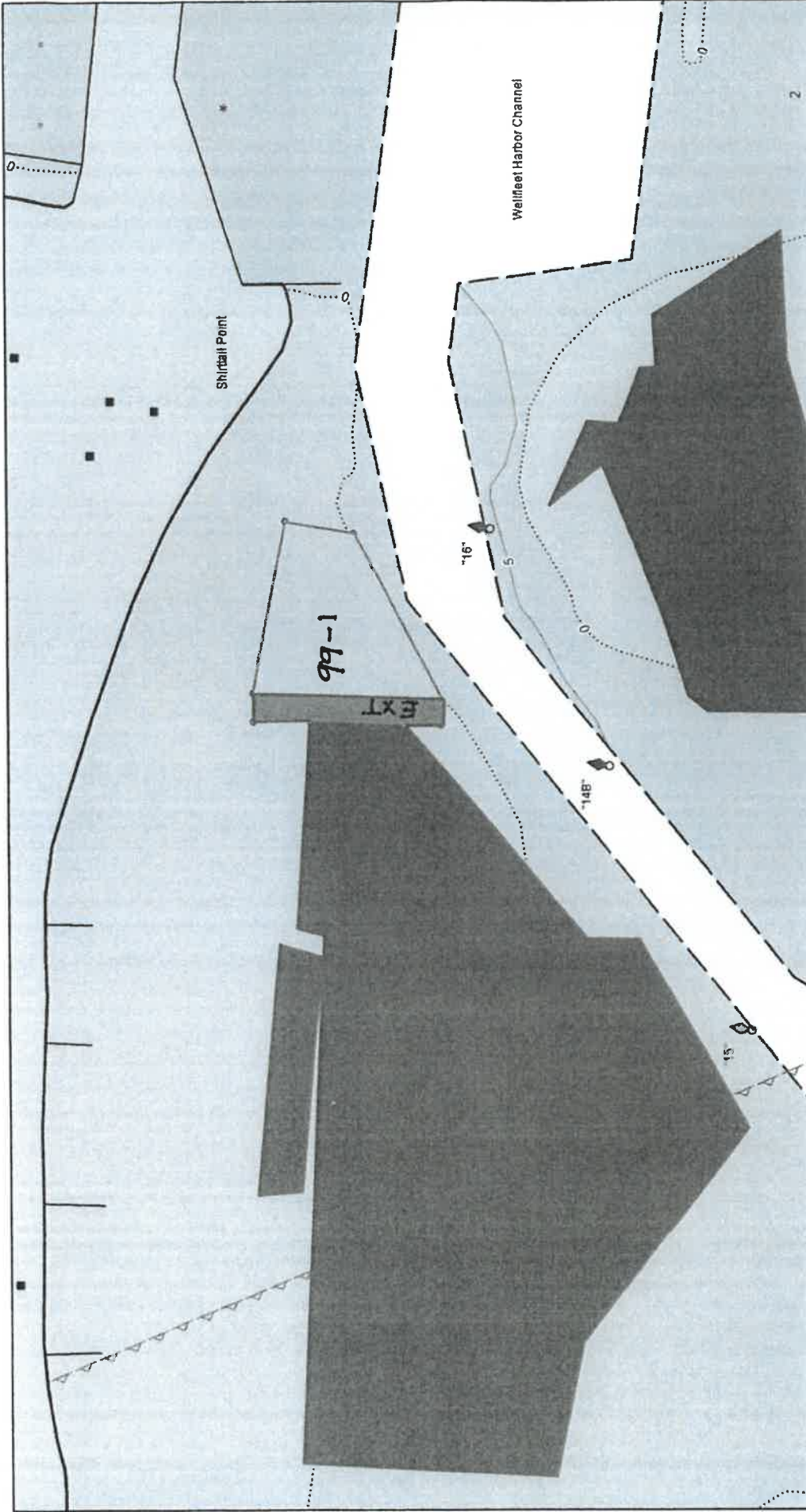
# Osowski/Mallory



1/8/2023, 2:39:36 PM

- Areas
- Override 1 • MAYO-ALL Shellfish
  - Override 2 Aquaculture

# Osowski/Mallory



1/8/2023, 2:38:38 PM **EXT**

Areas

- Override 2 Aquaculture
- Override 1 • MAYO-ALL
- Shellfish

**99-1**





## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

VI

### BUSINESS

~ A ~

<b>REQUESTED BY:</b>	<b>Members of the Dredging Task Force</b>
<b>DESIRED ACTION:</b>	<b>The members will continue their presentation and discussion to the board and public on the town's proposed mitigation plans and dredging updates.</b>
<b>PROPOSED MOTION:</b>	<b>If a motion is needed for this agenda item one will be made at the time of the meeting.</b>
<b>SUMMARY:</b>	
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

To: Selectboard  
From: Joe Aberdale, Chair  
Marina Advisory Committee  
Date: May 9, 2023

As directed by the Selectboard chair, the Marina Advisory Committee (MAC) has developed recommendations regarding the issues of safety and navigation pertaining to the possible expansion of two Egg Island shellfish grants.

At the MAC meeting on May 3, 2023, the shellfish constable provided an overview of the Egg Island grant area utilizing various maps and diagrams. The meeting was well attended with various parties including the shellfish community and the upland owners from Egg Island.

The MAC passed a motion to examine the two possible grant extensions separately as each grant has its own location and characteristics. A lengthy discussion ensued with ample time provided to all parties to express their positions and concerns regarding the various aspects of this matter.

The MAC passed a motion stating that the Committee has no concerns regarding the possible expansion of grant #2000-2 (Picard) as it does not pose a threat to the safety and navigation of boaters and to other recreational users of the area's waters. The Committee passed a subsequent motion stating that it has definite concerns regarding the possible expansion of grant #2000-6 (Sirucek) because it does pose a threat to the safety and navigation of boaters and other recreational users of the area's waters.

## Wellfleet Harbor Dredge Mitigation Plan

Wellfleet, Massachusetts

**Submitted to:**

US Army Corps of Engineers  
New England Division  
Regulatory Division  
696 Virginia Road  
Concord, MA 01742

**Submitted by:**

Town of Wellfleet  
300 Main Street  
Wellfleet, MA 02667

GEI Consultants, Inc.  
124 Grove St, Suite 300  
Franklin, MA

May 22, 2023  
Project No. 2004486

## Mitigation Plan 33CFR 332(c) (2) though (14)

### A. Goals and Objectives:

The Town of Wellfleet has proposed the dredging of 23.8 acres of tidal mudflats along with sub and intertidal resource areas as Area 2 in project plans. It is well understood that intertidal mudflat habitat is beneficial for many reasons. Mudflats can provide nursery habitat and food supplies for larger fisheries, support bird populations and protection of coastlines through the absorption and lessening of storm forces. There are however factors that influence the functionality of a mud flat.

The compensatory mitigation plan is submitted to offset the dredging work in Wellfleet Harbor Area 2, South Mooring Field. The mitigation plan consists of enhancing a 14-acre site of intertidal land in the Herring River, until the primary restoration area is accessible. The primary restoration site is a 28-acre parcel in Blackfish Creek. The Herring River area is currently designated as “conditional” by the shellfish regulatory authority, the Commonwealth of Massachusetts, while Blackfish Creek is designated in the “open” status, year-round by the state. This mitigation plan is separate from the Herring River Restoration Project (HRRP) and therefore is independent of the implementation, details, and effects of the HRRP. The mitigation plan will be implemented in two phases, each phase being defined by the location of its acreage. The designated areas will be restored initially by cultching, followed by shellfish propagation which will lead to improved water quality, and increased biodiversity resulting in the successful restoration of what was formerly a very productive shellfish habitat, and will provide protection of tidal mudflat habitat.

Objective enhancement would be measured using oyster density levels of twenty-five (25) individuals/m<sup>2</sup> throughout a 28-acre area (an areal density identified in the Chesapeake Bay Oyster Metrics Workgroup). It is important to note that the Massachusetts’ Division of Marine Fisheries uses a metric of approximately six (6) oysters per square meter as an indicator of “significant oyster resource”. Over a five-year period, our efforts will be to enhance this area so as to enhance oyster density with a target goal of 25 oysters/m<sup>2</sup>. An increase in oyster density has been shown, though prior work in Wellfleet, to lead to a dramatic increase in biodiversity and water quality. Water quality success would be measured in relation to the EPA’s definition of “excellent” water quality designation. Biodiversity success would be measured through density and diversity of species as indicated in the attached performance standard. It is anticipated that the area would also become a resource for local shore birds, turtles, a wide variety of marine species and juvenile fish protection.

### B. Site Selection:

The proposed mitigation sites are also classified as mudflat habitat and have also been influenced by human interaction. The proposed mitigation sites are in areas that had previously been degraded through restriction of water flow, disease, destruction from ice, increasing anthropogenic sources of pollution, or other human influence. The proposed enhancement will positively affect areas outside of the proposed mitigation areas. Restoration of shellfish populations, water quality and increased biodiversity in the restored areas will have wide ranging benefits for the Wellfleet Harbor system.

Each of the mitigation sites were carefully selected, based on its location and more importantly, for its restorative capabilities to return the designated area to its former habitat - a highly productive tidal mudflat with rich shellfish beds, naturally symbiotic flora and fauna, reduction in nuisance sedimentation and increased water quality and clarity. Each of these characteristics has been declining in the Wellfleet Harbor system over the last several decades. These factors combined with the proposed additional enhancement through cultching and protection of oyster habitat, will lead to a restoration and enhancement of 28 acres of mudflat habitat to the overall benefit of an enhanced Harbor ecosystem, benefitting all users.

Herring River (HR) Site 1 is the initial planned mitigation site; it is located in the Herring River in an area marked as conditional for shellfishing. HR 1 Site will be relinquished after the Blackfish Creek 1 Site workplan has been initiated. Refer to Appendix A, Figure 1 for location details. Blackfish Creek (BFC) Site 1 is the primary mitigation site; it is located in Blackfish Creek. Refer to Appendix A Figure 2 for location details.

#### **C. Site Protection Instrument:**

The proposed mitigation areas, along with all shellfishing areas in Wellfleet, are governed by MA GL Chapter 130. Shellfishing habitat in these areas is regulated through the Municipal Propagation Permit as granted to the Town by the State and regulated under MA DMF Shellfish Planting Guidelines. With respect to activities in the National Seashore (which is where the Phase 1 14-acre parcel is located), The Act of August 7, 1961, authorizing the establishment of Cape Cod National Seashore (75Stat. 284) says that "The Secretary may adopt regulations concerning hunting and fishing, subject to consultation with the Commonwealth and towns and the stipulation that all aspects of the propagation and taking of shellfish shall be left to the towns" (Cape Cod National Seashore Masterplan 10/7/1970).

The mitigation area in Blackfish Creek is designated as protected by the MA ACEC program (see Figure 2). This area is therefore subjected to closer scrutiny to avoid or minimize adverse environmental impacts by local and state agencies (<https://www.mass.gov/service-details/acec-program-overview>). The area will be indicated as a resource protection area on official shellfish maps, with local signage and routine patrol 364 days a year at each low tide during daylight.

The Town further agrees not to disturb the mitigation area through addition of a mooring basin, piers or other development (see attached Appendix B). Due to Division of Marine Fisheries regulations the area cannot be closed to harvest for longer than a three-consecutive year period. The Town of Wellfleet Shellfish Department will open the area for harvest in such a way as to ensure minimum density of oyster populations.

#### **D. Baseline Conditions:**

A pristine mudflat in an area of little human development, lower impact to the sediment and little or no point source pollution would be considered a pristine mudflat habitat with high functionality and value to the ecosystem.

The mudflat at Wellfleet Harbor and Shirt Tail Point has been consistently influenced by human use since 1644. The first modern era occurrence established the existing mooring field in 1955, although the area was used as a harbor previous to that time. The area around the harbor is well developed with housing surrounding much of the coastline, especially to the north, east and south. This leads to significant sources of run

off and non-point source pollution as well as potential leaching from local septic systems or other point source contaminants that may occur less frequently. Equally as significant is the location of the Town mooring docks, boat ramp, refueling station and other commercial buildings all located immediately to the north of the Area 2 dredge site. This area served as the major docking and refueling station for the Town prior to 1985. While there has not been a significant spill or leak in this time it is expected that the higher rate of human occupation of these areas contributes to the degradation of the mud flat habitat. State records dating from 1937 show the constant use of this area with over 25 completed projects including shoreline protection, establishment of the channel and mooring field, improvements, and expansions of the fueling docks and parking lots and establishment of docks and piers adjacent to the Area 2 mooring basin and a large jetty protecting the Harbor Basin. The mooring basin itself is not an undisturbed mudflat and the sediments are not like mudflat but have been characterized as “black custard” and not capable of supporting shellfish. Since 1957, approximately 340 ground tackle and mooring lines/buoys have been cored into the bottom in the spring and dragged through the sediments to the shore each fall to be recovered. This activity completely disturbs the area each year. Recently, due to a lack of dredging approximately 80 moorings have been lost due to an inability to access them due to a lack of water at low tide or so restricted a tidal window as to make them undesirable. This has resulted in a loss of approximately \$80,000/year in marina related revenue based on data from Wellfleet Marine Corporation.

Comment (C) [N03]: Should this be low tide?

The proposed compensatory mitigation project sites are considered mudflat habitat and have been mapped by MA Mapper as shellfish suitability area for American Oysters (*Crassostrea virginica*).

The proposed Phase 1 restoration would take place in the conditional shellfish growing area of the Herring River, and once a chapter 91 permit for cultching the Phase 2 area in Blackfish Creek has been obtained, the Phase 2 restoration would begin. This area is in the Open status year-round as part of the Commonwealth of Massachusetts’ shellfish growing area classification.

These areas have been historically productive mudflat used consistently for shellfishing. However, in the last few decades Herring River has degraded requiring a downgrade in harvest classification to conditional in the lower region and prohibited in the region near and above the Herring River Dyke. The western area of Blackfish Creek, many decades ago, was highly productive but in more recent decades was so reduced in oyster population and productivity that it qualified for licensing private shellfish grants (less than six oysters per square meter). In addition, the area immediately west of the proposed mitigation area was highly productive and was a major stop on the Shellfish Department’s daily patrols during the early to mid-2000’s, but in more recent years, shellfish populations have decreased there. It appears that this reduction in productivity was due to consecutive large ice events, and the Shellfish Department’s cultch program alone has not been able to bring it back. More recently, in the eastern regions of the proposed mitigation area, extremely low shellfish populations remain, and the Shellfish Department has observed very little shellfishing due to a lack of resources. Areas to be cultched currently have nitrogen reduction targets which could be improved with increased oyster populations and the in-migration of other organisms.

A baseline biological survey was conducted on May 10, 2023 at the HR mitigation site. Twelve samples were taken for sediment characterization and biodiversity measurements. This information can be found in Appendix C.

A biological survey will be conducted in Spring / Early Summer of 2024 (pre-

restoration) to determine the baseline for the Blackfish Creek mitigation site. Performance metrics to be measured are included in the attached table.

**E. Determination of Credits:**

The plan for restoration and enhancement of 28 acres of equivalent mudflat habitat will generate the required 7.16 mitigation credits and offset the impacts of the dredging of the Wellfleet Harbor Area 2, South Mooring Field.

**F. Mitigation Work Plan:**

The mitigation work plan proposes a phased approach to enhancement of mudflat habitat in the Wellfleet Harbor system. The initial phase will be to enhance a 14-acre parcel of mudflat in the Herring River system to the southwest of the Chequessett Neck Road dike (see Fig 1). This area is currently conditionally approved for shellfish propagation and harvest. There is also a portion of the proposed area that is currently permitted through a MA DEP Chapter 91 license for cultching. Cultch has been used for over 100 years in Wellfleet Harbor to provide substrate for larval oysters (spat) to attach. Without oysters, shell or suitable substrate, natural set, which is uniquely abundant in Wellfleet Harbor, would otherwise die. Replacement of substrate through cultching is well established for maintaining and restoring oyster populations. The addition of cultch and subsequent sets of oysters that can grow there will improve the water quality of the area through the natural filter feeding of the oysters. The cultch strips also improve biodiversity through providing substrate for other organisms to use for food or refuge.

Phase 1 enhancement of the Herring River parcel would begin in summer of 2023. These areas would be enhanced with cultch (sea clam shell) and oyster seed from locally available resources. Cultch will be trucked from a whole sea clam processing plant to the Town Transfer Station and supplemented with oyster shell from recycling programs with restaurants and the general public. This material is properly aged then loaded by front-end loader and delivered to a custom-built cultch barge. The barge has a hopper which delivers a strip of shells approximately 4'x100' with about 6 inches of relief on the bottom. Cultch has been shown to be the ideal material for "catching a natural set" of oyster spat due to Wellfleet's significant locally spawning oyster population without using "spat on-shell" or extensive seeding which is necessary in areas where there is not a local "set". It is anticipated that the enhancement through cultching in the Herring River would be completed in one year, and then the Town would request the relinquishment of this site for mitigation use and transfer the mitigation to a 28-acre contiguous parcel in South Wellfleet.

A 28-acre parcel of mudflat habitat has been identified in Blackfish Creek (BFC), east and south of Pleasant Point (see Fig 2). This area is currently approved for shellfish propagation and harvest. A baseline biological survey will be performed in BFC in the spring or early summer of 2024 that will identify water quality metrics, current substrate, density of oysters and other biodiversity. In summer of 2024, provided the proper MA DEP permits are in place, it is expected that all restoration focus will shift to BFC. Cultching will be conducted as described above. It is expected that restoration efforts of cultching and seed placement will take approximately 5 years to reach the desired levels of oyster density, biodiversity, and water quality improvement.

**Basic yearly timelines would be as follows:**

**Herring River 2023**

The area will be marked with additional signage and buoys, communication will be sent to all shellfishermen establishing the temporary mitigation area

Eight cultch strips would be placed in the first 2 weeks of June 2023

Local Oyster seed will be purchased in June of 2023 and raised on the Shellfish Department's farm

May of 2024 seed will be deployed adjacent to the placed cultch lines

Commented [NC2]: Seed is still in July about 0/11

**Blackfish Creek 2024 (- 2029)**

May 2024 28-acre mitigation area in Blackfish Creek will be marked with signage and buoys, communication will be sent to all shellfishermen establishing the mitigation area.

May 2024 quahog (*Mercenaria mercenaria*) relay will take place from the Taunton River into the Blackfish Creek mitigation area.

June 2024 during the first two weeks of June 10 strips of cultch will be laid in Blackfish Creek

June 2024 oyster seed from local sources will be purchased and raised on the Shellfish Department's farm.

Sept / Oct 2024 large oyster seed will be placed adjacent to the cultch strips.

When quahog relay placement begins in 2024 it will start the three-year closure for the area.

After three years the shellfish department will evaluate the oyster density and propose an opening of a portion of the area for harvest as per MA DMF regulations that will not adversely affect the stated performance metrics.

Past season(s) enhancement will be evaluated to make adjustments before the next season (through year 4)

After year 5, if performance metrics have been met, the USACE will issue a Certificate of Compliance and the site will move into a monitoring plan only, with no active enhancement of resources. Ongoing harvest opportunities will be decided by the Shellfish Department in such a way as to ensure minimum density of oyster populations.

**G. Maintenance Plan:**

The mitigation plan is predicated on increasing the oyster populations through cultching and seed placement. Over a five-year period, we expect to place approximately 125-200 tons of cultch in MA DEP Chapter 91 approved area for this purpose. Cultching and seeding the entire 28-acre area in one season is not planned as there are many factors that could negatively influence the restoration efforts. Placing all of the cultch strips and seed would leave the area susceptible to negative environmental and biological impacts. Storms or disease could spread quickly through an area that has all been recently enhanced. By enhancing smaller areas over a longer five-year time period, evaluations can be made as to the success of the enhancement, and adjustments can be made to maximize the enhancement of the mudflat habitat allowing the Town to adjust maintenance in real time, over the first 5 years.

**H. Performance Standards:**

This project will measure water quality, biodiversity, and oyster density to indicate



enhancement success. Enhancement success for the following attributes is defined below for each standard.

Water quality: Upon construction of the project, water quality will increase on the site during the 5-year monitoring. Successful water quality is defined as an increase in targeted metrics year over year for the 5 years. Ultimately the site will exceed the metrics established in the baseline and exceed EPA's definition of "excellent" water quality designation.

Oyster density: Success for the site is defined as surviving oyster density on the total acres of the site at 25 oysters / m<sup>2</sup>. This will be measured at baseline, with a linear progression over the 5 years.

Biodiversity: Success for this attribute is defined as increase over the baseline progressively for the 5 years. Each year biodiversity will increase, and at a minimum will not decrease. Given the transient nature of some of the species to be measured, it is understood that not all species will be found or increase year after year. Biodiversity success will be measured by overall species richness.

The performance standards will be recorded utilizing these metrics:

Wellfleet Mitigation Performance Metrics Black Fish Creek Location	Baseline	Year 1	Year 2	Year 3	Year 4	Year 5
Seasonal Average based upon a statistically significant sample						
<b>Oyster Density/m2</b>		6	12	15	20	25
<b>Water Quality</b>						
temperature_C						
salinity						
dissolved_oxygen_mg/L						
chlorophyll_ug/L						
pheophytin_ug/L						
turbidity_NTU						
nitrate_nitrite_uM						
ammonium_uM						
ortho_phosphate_uM						
silicate_uM						
particulate_organic_nitrogen_uM						
particulate_organic_carbon_uM						
total_dissolved_nitrogen_uM						
total_dissolved_phosphorus_uM						
total_nitrogen_uM						
total_phosphorus_uM						
total_nitrogen_TDN_PON						
Coliform (Total Fecal Coliform)						
<b>Biodiversity</b>						
Amphipod						

Anemone							
Asian Shore Crab							
Barnacle							
Hard Clam							
Mites							
Mud Snail							
Oyster Drill							
Polychaete							
Ribbed Mussel							
Whelk							

Performance standards will be measured according to the attached table. Metrics will include water quality indicators as well as oyster density and biodiversity. The basic conclusion is that an oyster density of 25 oysters/m<sup>2</sup> (Restoration Goals, Quantitative Metrics and Assessment Protocols for Evaluating Success on Restored Oyster Reef Sanctuaries Report of the Oyster Metrics Workgroup Submitted to the Sustainable Fisheries Goal Implementation Team of the Chesapeake Bay Program, December 2011) is considered a successful restoration and is expected to be self-sustaining. One caveat is that these densities do not assume harvest. MA DMF regulations require that areas be open for a minimum of a day every three years in order to be in compliance with Massachusetts law. For the initial five years of enhancement, monitoring and reporting will take place yearly. This will include an evaluation of substrate health, including bottom relief, increased bottom structure and distribution relative to other performance goals such as biodiversity and water quality. On-going monitoring will determine if recruitment is self-sustaining. After the initial five year work plan has achieved a target goal of 25/m<sup>2</sup>, we will evaluate future harvest opportunities and timing in order to ensure healthy oyster resources and habitat, in the context of continuing to meet our restoration goals. Harvest, productivity, disease, weather events, ice mortality and other previously unforeseen impacts will be closely monitored in relation to impacts on performance standards.

**I. Monitoring Requirements:**

The mitigation areas will be monitored by a set of third-party organizations. Reports will be compiled by the Town and submitted yearly to the USACE for review. Any potential adjustments to the work plan will be made at that time in consultation with the USACE. Water quality monitoring is conducted by the Center for Coastal Studies as part of the larger Wellfleet Harbor monitoring that is already underway.

**1) Phase I Herring River**

The Herring River mitigation site will be monitored for water quality, biodiversity and oyster density following the 2023 season. Oyster density will be measured primarily in the areas that have been cultched. A baseline biodiversity and sediment characterization survey was performed on May 10, 2023. A monitoring survey will be performed in September of 2023 at the locations marked on the attached maps (see Appendix C). Water quality data will be received through the Center for Coastal Studies monitoring program. A comprehensive monitoring report will be submitted to the USACE for the Herring River site in December of 2023.

## **2) Phase II Black Fish Creek**

An additional water quality monitoring point will be added in the Blackfish Creek mitigation area to better capture the Water Quality metrics listed above. This monitoring occurs once in February and twice a month from April – September. An improvement in water quality will be tracked through the changes in this data over the five-year work period.

Oyster density is the second measure of mitigation success. Oyster density is expected to increase yearly with the laying of cultch. The laying of cultch is expected to recruit natural oyster spat within the Wellfleet Harbor system. The addition of seed oysters will also increase the density of the oyster population. The five-year goal of the project is a density of 25 oysters / m<sup>2</sup> as calculated across the entire mitigation area. Density will be measured in the early summer and in the late fall in areas where recruitment has occurred and averaged across the entire site. This data will be reported to the USACE yearly.

Biodiversity will be measured twice yearly in the spring and fall at the stations marked on the attached map (see Figure 2). This data will be included in the yearly reporting to the USACE as shown in the above table. It is expected that the largest increase in biodiversity will be seen in the areas that have been cultched where oyster reefs are established.

## **J. Long-Term Management Plan:**

The Long-Term Management Plan will be managed by The Long-Term Steward of the site, which is the Town of Wellfleet. The detailed Long Term Maintenance Plan can be found in Appendix D. This Plan will be enforced to protect the environmental enhancement. In the event of a Force Majeure event leading to death of all the oysters, the Town's responsibility will be to jump start the shellfish population by using Year One activities as listed in the work plan shown above. Oyster density will be reported to the USACE every year for years 6, 7 and 8, and then will be provided in accordance with Mitigation Plan Scenarios Table (Appendix E)

The mitigation area in Blackfish Creek is designated as protected by the MA ACEC program (see Figure 2), therefore subjected to closer scrutiny to avoid or minimize adverse environmental impacts by local and state agencies (<https://www.mass.gov/service-details/acec-program-overview>). The area will be indicated as a resource protection area on official shellfish maps, with local signage and routine patrol 364 days a year at each low tide during daylight. For the first five years, annual quadrat assessment by an academic or governmental institution or creditable nonprofit organization will be performed to assure compliance unless or until such time as USACE determines this is no longer necessary for another approach the Town may offer and to which USACE agrees.

The Town agrees not to disturb the mitigation area through a mooring basin, piers or other development (see Appendix B). Due to Division of Marine Fisheries regulations the area cannot be closed to harvest for longer than a three consecutive year period. The Town of Wellfleet Shellfish Department will open the area for harvest in such a way as to ensure minimum density of oyster populations, ensuring continued overall productivity of the mitigation area.

## **K. Adaptive Management Plan:**

As with any biological system, there are numerous unknowns that can affect results.

The main tenants of the adaptive management plan revolve around field performance and initial performance metrics for years one through five. Beyond five years, please see the Long-Term Management Plan. We believe, based upon experience and best available science that a self-sustaining population can be achieved that meets protection of fish species, bio-diversity and water quality improvement goals. However, as noted above, the initial targets of 25 oysters/m<sup>2</sup> are based on data that is not from Wellfleet Harbor.

The variables that may lead to implementing changes to the mitigation plan include:

- Weather*
- Recruitment*
- Cultch volumes*
- Survival rates*
- Bottom condition*
- Disease*
- Predator Pressure*
- Growth rate*
- Poaching*
- Water Quality*
- Ice mortality*

Each of these variables may require different management responses. Those responses could include increased or decreased need for cultch or spawning stock. Increased or decreased allowance for harvest. Changes in how harvest can be conducted to protect other ecosystem functions. Other potential measures to ensure successful ecosystem restoration could include seeding the area with additional brood stock or "spat on shell" stock from other productive areas. It is likely that as conditions and influences on the mitigation area change, a combination of these approaches will be necessary to meet our performance goals. Oyster density of 25/m<sup>2</sup> is a proxy for overall enhancement of the mitigation site and is expected to lead to improvements in water quality and biodiversity. Therefore, if water quality and biodiversity are improving, an oyster density below 25/m<sup>2</sup> may be sufficient to show enhancement. Any proposed modifications to the work plan will be sent to the Corps for approval prior to implementation.

Long-term and adaptive management will be conducted by the Wellfleet Shellfish Department. Consistent with other shellfish designations such as conditional, prohibited, seasonal closures and rotations, and the required harvest openings, this area will be managed to achieve a density of 25 oysters/m<sup>2</sup> with the goal for it to become self-sustaining and providing enhanced ecoservices with a contingency buffer against disease, ice mortality or other resource destruction.

In addition, there may be compelling reasons, based on local conditions, to decrease any of the metrics such as oyster density, biodiversity or water quality. Based on monitoring data, the Town will have a meeting with the USACE mitigation team after one year to assess progress to date and determine whether any substantive changes are required. Based on monitoring results, this may result in adjustments to performance goals. The Town may alter the workplan to include additional cultch, location of cultch, additional seed or additional input of other shellfish. Additionally, there may be a need to reassess the location of the mitigation.

The Town will be judged to be in compliance with the mitigation agreement so long as the agreed upon work plan is being executed. After five years of implementation and monitoring, if performance standards have been achieved, the USACE will issue a

Certificate of Compliance.

Due to the vagaries of natural resource habitats specific achievement of any performance standard may require changes to the work plan but would not constitute noncompliance. Please see Appendix E for potential adaptive and long term management scenarios.

**L. Financial Assurances:**

The Town of Wellfleet will purchase a \$50,000 performance bond that totals the first-year objectives and project implementation for Blackfish Creek. The Town of Wellfleet will request release of the performance bond after a post construction report has been submitted to the Corps and the Corps approves release.

2023				2024		
Item	amount	price	total	amount	price	total
racks	55	\$100.00	\$5,500.00			
4mm bags	100	\$7.75	\$775.00			
9mm bags	333	\$7.75	\$2,580.75			
bag assembly	433	\$2.00	\$866.00			
zipties	1332	\$8.60	\$120.40			
condos - 8 bay	13	\$240.00	\$3,120.00			
candy striped poles	5	\$10.00	\$50.00			
buoys	10	\$22.00	\$220.00			
poly line roll	1	\$150.00	\$150.00			
cultch	2.5	\$1,250.00	\$3,125.00	2.5	\$1,250.00	\$3,125.00
fuel cultching and relay	96	\$5.29	\$507.84	96	\$5.29	\$507.84
oil cultching and relay	4	\$30.00	\$120.00	4	\$30.00	\$120.00
oyster seed R6-8 hatchery (100K/price is per 1,000)	100	\$37.85	\$3,785.00	100	\$37.85	\$3,785.00
quahog relay	0	0	0	70	\$27.25	\$1,907.50
JM OT cultching/relay	20	\$53.27	\$1,065.47	20	\$53.27	\$1,065.47
CM OT cultching/relay	20	\$47.69	\$953.75	20	\$47.69	\$953.75
WSD labor planting and farm ops	IN KIND			IN KIND		
Baseline Survey			XXX			
Chapter 91 Permit Amendment			\$40,000			
Monitoring Survey(s)			\$20,000			\$20,000.00
			\$82,939.21			\$11,464.56
				<i>*same for five years but we need to expect increases in prices</i>		

# LONG TERM MANAGEMENT PLAN TEMPLATE

## MANAGEMENT PLAN

for

### Wellfleet Harbor Shellfish Habitat Restoration Plan

May 2023

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Town of Wellfleet, MA

GEI Consultants, Inc.

May 2023

**Note: Maps are required.** Maps may be put into an Appendix or interspersed throughout the document. Maps showing the following are required, as outlined in the text that follows:

- General vicinity of the parcel showing other conservation lands;
- Parcel boundaries, on a topo or aerial photo;
- Road map showing how to get to property, with parking and trailhead information, if applicable;
- Man-made features on the property including structures, trails, roads, etc.;
- Aquatic resources including wetlands, streams and other resources related to the aquatic environment;
- Biological and other natural resources and communities of note;
- Soils and Geology;
- Hydrology and Topography;
- Threats such as locations of invasive species infestations and trash or trespass locations.

**Maps of similar content may be combined as long as the information they are to convey is clear and well-defined.**

**I. Geographic Information**

**II. Introduction**

**III. Property Description**

**IV. Natural Resources**

**V. Management Vision & Goals**

**VI. Management Actions**

**VII. Funding & Task Prioritization**

**APPENDICES**

**Appendix A: Memorandum of Understanding**

## **I. Geographic Information**

**Site Name:** Wellfleet Harbor Moorings – Area 2  
**Town/County:** Wellfleet, Barnstable County, Massachusetts  
**Total Site Size:** 28 acres

**Type of Ownership:** Municipal  
**Date Acquired:** circa 1763

## **II. Introduction**

### **A. Purpose of Management Plan**

The purpose of this management plan is to ensure that the property is enhanced, managed and maintained in the Mitigation Plan referenced in Corps Permit Number NAE-2015-1414.

### **B. Long-Term Steward and Responsibilities**

The Long-Term Steward of the site is the Town of Wellfleet. The Town of Wellfleet and subsequent Long-Term Stewards if the property is transferred, shall implement this management plan, managing and monitoring the property to preserve its habitat and conservation values. Before any action is taken to void or modify the deed (or easement), management plan, or long-term protection mechanism, including transfer of title to, or establishment of any other legal claims over the site, 60-day advance notification must be given to the U.S. Army Corps of Engineers district engineer.

### **C. Management Plan Review**

The management plan will be reviewed at a minimum once every 5 years by the Long-Term Steward. The plan may be revised or supplemented with additional information and management recommendations. Any revisions other than edits that change the management actions beyond standard maintenance activities will be reviewed with the U.S. Army Corps of Engineers.

## **III. Property Description**

### **A. Setting and Location**

The compensatory property HR 1 is located in the vicinity of the Herring River Dike. Refer to Figure 1.

The property is intertidal mudflats, and contains no forest, field, upland, wetland, streams, etc. Phase I Site, HR 1, is adjacent to upland private owners and the National Park Service (Cape Cod National Seashore).

The compensatory property BFC 1 is located in Blackfish Creek. The property is intertidal mudflats, and contains no forest, field, upland, wetland, streams, etc.

Phase II Site, BFC 1, is adjacent to Town property, Wellfleet Conservation Trust property, Massachusetts Audubon property, and upland private owners.



## **B. Directions and Access**

Phase 1 Site – HR 1(41.92646934301982, -70.06651732083378):

Proceed East on US Highway 6 to Wellfleet. Turn left at the traffic light for Main St. Wellfleet. Continue approximately .2 mile and take the first left (at the boat) onto Commercial Street. Follow Commercial St. (past Mid-Cape, past Mac’s Shack, past Holden Inn) to the pier area. The road makes a turn to the right and becomes Kendrick Rd. Follow Kendrick Rd. (past the Bookstore Restaurant) as it follows along the Wellfleet Harbor shoreline. Kendrick takes a turn to the right – proceed another ¼ mile to the Y intersection where Kendrick joins Chequessett Neck Rd. Take the left turn onto Chequessett Neck Rd. and proceed 2 miles to the Herring River dike. The designated site is located downstream (left of the dike).

Phase 2 Site – BFC 1 (41.91052210420094, -69.99373781217896):

To view: From the intersection of Highway 6 and Main Street, Wellfleet proceed west on Highway 6 (actual compass heading is south) for 2.6 miles, passing LeCount Hollow Road on the left. In another .2-mile, Blackfish Creek is visible on the right.

To visit:

Continue on Highway 6 for .2 mile and turn right on Old Wharf Road. Proceed .7 mile to a small one car parking space on the right, with split rail fence and a No Vehicles but Walkers Welcome sign. Follow the path to the right, along the shoreline. It leads to a point between BCDMA 13 and BCDMA 14.

## **C. History and Land Use of Property**

### **1. Acquisition History**

Acquisition of the site, or more specifically authority for the site, is derived by MA GL Chapter 130 and the MA DMF Shellfish Planting Guidelines. Shellfishing habitat in these areas is regulated through the Municipal Propagation Permit as granted to the Town by the State.

### **2. Land Use**

Phase 1 HR 1 Site:

The previous use of the intertidal land was as a highly productive herring run and shellfish area. In 1909 a dike was placed across the Herring River North of the proposed location. This resulted in a salt marsh die-off contributing to acidified water unsuitable for larval shellfish survival and increasing levels of coliform bacteria limiting shellfish harvest to specific months each year when water quality passes state total fecal coliform standards. “Improvement in Shellfish Harvesting Areas from Stormwater BMPs and Tidal Restoration: Results of the USDA-Natural Resources Conservation Service’s Cape Cod Water Resources Restoration Project”. [https://www.friendsofherringriver.org/Files/Herring\\_River\\_FEIR\\_May\\_2016.pdf](https://www.friendsofherringriver.org/Files/Herring_River_FEIR_May_2016.pdf)

It is currently usable at high tide for kayaking and boating.

### Phase 2 BFC 1 Site:

This site is intertidal but is not in proximity to the Herring River dike. It does not have the water quality and coliform issues associated with HR 1. Currently, there is some shellfish harvesting in BFC 1 but it is not a very productive area.

There are no existing man-made features on the property – no roads, no trails, no buildings, no walls, no fencing, no structures of any kind, no boat launches, no historic areas. In the Herring River area, there is a dike which will be replaced with 8 adjustable gates to restore tidal flow. It is anticipated that this will quickly reduce acidity and lower coliform levels in the project area within 1-2 years based on estimates from the project’s environmental permit.

### 3. Historic or Archaeological Sites

There are no known historic features or archaeological sites in the proposed intertidal mitigation sites, HR 1 and BFC 1.

### 4. Existing Easements or Other Restrictions

There are no existing easements, rights-of-ways, or leases held by others.

### 5. Legal Documents Appendix

*Insert MOA and keep the following information:*

The areas, along with all shellfishing areas in Wellfleet, are protected by MA GL Chapter 130. Shellfishing habitat in these areas is regulated through the Municipal Propagation Permit as granted to the Town by the State and regulated under MA DMF Shellfish Planting Guidelines. With respect to activities in the National Seashore (which is where the placeholder 14-acre parcel is located for Phase 1), The Act of August 7, 1961, authorizing the establishment of Cape Cod National Seashore (75Stat. 284) says that “The Secretary may adopt regulations concerning hunting and fishing, subject to consultation with the Commonwealth and towns and the stipulation that all aspects of the propagation and taking of shellfish shall be left to the towns” (Cape Cod National Seashore Masterplan 10/7/1970)

### D. Adjacent Land Uses

The properties adjacent to the sites and their current uses are:

#### Phase 1 – HR 1

- Herring River – shellfish harvesting, fin fishing, water activities, including boating and kayaking.
- Cape Cod National Seashore – preserved land, including walking trails, some unpaved roads.
- Private Residence(s) - upland of intertidal site.

Phase 2 – BFC 1

- Blackfish Creek – shellfish harvesting, water activities, including swimming, boating and kayaking.
- Audubon Land
- Town of Wellfleet Land
- Wellfleet Conservation Trust Land
- Private Residence(s) - upland of intertidal site.

#### IV. Natural Resources

##### A. Aquatic Resources

Both mitigation sites are intertidal mudflats that are walkable at low tide. Both sites are historic shellfish growing areas that have had limited productivity in recent years for various reasons.

##### B. Baseline Description of Biological Resources

###### 1. Biological Species and Communities

The Herring River baseline survey indicated the presence of a small number of oysters and quahogs along with an abundance of mud snails and a few other invertebrate species. (see Appendix C for a complete report).

The Baseline survey for the BFC1 site will be conducted in Spring of 2024.

###### 2. Endangered, Threatened and Rare Species, and Species of Special Concern

Red Knot, Roseate Tern

##### C. Soils & Geology

The HR1 site is primarily silt / sand with XXX %.

BFC is of similar sediment make up but will be fully characterized in the Spring of 2024.

##### D. Hydrology and Topography

Wellfleet Harbor, where the HR and BFC sites are located, has an average tidal exchange of 10 feet.

##### E. Summary of Restored or Enhanced Resources

This project will measure water quality, biodiversity, and oyster density to indicate enhancement success. Enhancement success for the following attributes is defined below for each standard.

Water quality: Upon construction of the project, water quality will increase on the site during the 5-year monitoring. Successful water quality is defined as an increase in targeted metrics year over year for the 5 years. Ultimately the site will exceed the metrics established in the baseline and

exceed EPA's definition of "excellent" water quality designation.

Oyster density: Success for the site is defined as surviving oyster density on the total acres of the site at 25 oysters / m<sup>2</sup>. This will be measured at baseline, with a linear progression over the 5 years.

Biodiversity: Success for this attribute is defined as increase over the baseline progressively for the 5 years. Each year biodiversity will increase, and at a minimum will not decrease. Given the transient nature of some of the species to be measured, it is understood that not all species will be found or increase year after year. Biodiversity success will be measured by overall species richness.

#### **F. Threats (existing or potential)**

There has not been motor vehicle activity on the proposed intertidal compensatory sites, nor will future vehicle activity be allowed.

##### **1. Waste Disposal (such as dumping of trash or debris)**

There has not been any dumping of trash or debris on the proposed intertidal compensatory sites, nor will such activity be allowed in the future.

##### **2. Invasive Species, Pests and Pathogens**

The project does not involve the introduction or removal of invasive species.

##### **3. Vandalism and Encroachment (such as destruction of signs or other property, boundary encroachments, etc.)**

There has been no vandalism or encroachment on the proposed intertidal compensatory site. The very nature of the site, i.e., intertidal with no physical structures located thereon, precludes vandalism from being a future concern. There may be shellfish signage installed in the future, similar to the shellfish signage elsewhere in Town. Historically, such signage has been respected and free of vandalism.

#### **V. Management Vision & Goals**

Maintain the property to support the propagation of a sustainable shellfish population.

##### **A. Permitted Uses:**

Shellfish harvesting consistent with the terms of the Mitigation Plan and subject to the guidelines and regulations established by the Commonwealth of Massachusetts and Town of Wellfleet and enforced by the Wellfleet Shellfish Department.

Due to Division of Marine Fisheries regulations the area cannot be closed to harvest for longer than a three consecutive year period. The Town of Wellfleet Shellfish Department will open the area for harvest in such a way as to ensure minimum density of oyster populations, ensuring continued overall productivity of the mitigation area. Consistent with other shellfish designations such as conditional, prohibited, seasonal closures and rotations, and the required harvest openings,

this area will be managed to achieve a density of 25 oysters/m<sup>2</sup> with the goal for it to become self-sustaining and providing enhanced ecoservices with a contingency buffer against disease, ice mortality or other resource destruction.

Consistent with enhancement goals and achieving appropriate oyster density, the work plan for shall include the following activities performed by the Shellfish Department:

- Late fall each year, conduct site visits to ascertain spat recruitment on the cultch strips and to evaluate presence of legal-sized oysters in the area.
- Conduct rudimentary counts of legal-sized oyster populations and determine which cultch strips or areas can support harvest and for how long.
- Take into consideration the presence of quahogs and other shellfish, such as soft shell clams.
- Consider impacts of both recreational and commercial harvest openings.
- Develop a harvest plan with proposed opening dates and buoy placement to delineate the open area.
- Bring the plan to the Shellfish Advisory Board and solicit community feedback. Revise the harvest plan, as deemed appropriate, with shellfishermen's feedback.
- Present the final harvest plan to the Selectboard to keep them informed.

**B. Prohibited Uses:**

- No dogs; no pets.
- No off-road motorized vehicles.
- No camping.
- No fires.
- No cutting or removal of vegetation

**C. Public Use Guidelines:**

- Passive visual enjoyment.
- Respect abutting/upland private property.
- Boating and kayaking
- Fishing
- Shellfish harvesting, subject to state and town regulations.

**VI. Management Actions**

**A. Natural Resources**

*1. Management of wetlands, streams and other natural resources*

*Objectives: Monitor, conserve and maintain the site's natural resources. Limit any impacts to resources from human use, vehicular travel, invasive species or other adverse impacts*

- *Action:* At least one annual walk-through survey will be conducted to qualitatively monitor the general condition of these habitats. General topographic conditions, hydrology, general vegetation cover and composition, invasive species, erosion, will be noted, evaluated and mapped during a site examination. Notes to be made will include observations of species encountered, water quality, general extent of wetlands and streams, and any occurrences of erosion, structure failure, or invasive or non-native species establishment.

*Special attention should be paid to any area adjacent to or draining into the property from off-site lands. Streams and wetlands should be observed near bank boundaries to observe if increased sediment deposition has occurred. The monitoring report should provide a discussion of any recent changes in the watershed (i.e., subdivision being developed upstream of stream bank).*

2. *Ecological Monitoring for Threatened/Endangered/Rare/Special Concern Species (If applicable).* *The methodology used may vary for different plant and animal species as determined in consultation with the appropriate agencies.*

***Objectives:*** ***Monitor population status and trends.*** *Manage to maintain habitat for A oyster population density of 25 oysters/ m<sup>2</sup>.*

- *Action:* Monitor status every year by conducting population assessment surveys. The annual survey dates will be selected during the appropriate period as identified by the applicable agencies and will generally occur in May and October of each year. Occupied habitat will be mapped and numbered to allow repeatable data collection over subsequent survey years.
- *Action:* Visually observe for changes to occupied habitat, such as changed hydrology or vegetation composition. Record any observed changes. Size of population (1 acre, etc.).
- *Action:* Implement other actions that enhance or monitor habitat characteristics to maintain oyster densities at 25 oysters / m<sup>2</sup>.

3. *Invasive Species, Pests and Pathogens*

The project does not involve the introduction or removal of invasive species.

4. *Forest/Vegetation Management (if approved)*

The intertidal habitat precludes the need for Forest/Vegetation Management.

## **B. Infrastructure and Facilities, Security and Public Access**

1. *Gates, Parking, Fences, Signage, and Property Boundaries*

The intertidal habitat precludes the creation of trails. There are some limited areas where there is public parking and access. This area will be accessed primarily by boat, skiff, and kayak.

Signage will be installed indicating it is a closed area for shellfish restoration. When quahogs from the Taunton River are planted there will also be signs up for “No Shellfishing Contaminated Area”.

2. Trash and Trespass

Trash and trespass issues will be monitored and enforced by the Shellfish Department.

**VII. Funding and Task Prioritization**

- A. The funds for this project will be coming out of the Town's dredging fund. When monies in that fund need to be replenished, the Dredging Task Force and/or Harbormaster will create a funding article for approval by voters at the Annual Town Meeting.

**VIII. Literature Cited**

**IX. Appendices**

*Legal Documents*

*Restoration plan (if a restoration project),*

*Historical documents, N/A?*

*etc.*

**PRIOR TO ISSUANCE OF CERTIFICATE OF COMPLIANCE**

Scenario	Applicable Document	Required Action
Year Five - oyster population has not reached 25/square meter.	Adaptive Management Plan	<p>Continue the cultch and seed for additional years and/or implement additional actions to increase the population.</p> <p>However, if the oyster population has steadily increased in prior years (but not reached 25/square meter) and the other metrics (biodiversity and water quality) have improved, USACE may issue a Certificate of Compliance.</p>
Years One through Five - severe weather event(s) destroys, or disease decimates the oyster population.	Adaptive Management Plan	Year 1 or similar effort, and continue with the Plan, thus adding additional years to the mitigation plan timeline. Jump start the enhancement by following year one cultch / see protocol or similar pending consultation with the Wellfleet Shellfish Department and the USACE.
During the Workplan period (before a Certificate of Compliance has been issued) - severe weather or disease destroys the oyster population.	Adaptive Management Plan	Viewed as if this event had occurred after having already received a Certificate of Compliance. Pending consultation with restart or year 1 initiatives will not exceed 5 attempts.



**AFTER ISSUANCE OF CERTIFICATE OF COMPLIANCE**

Scenario	Applicable Document	Required Action
Years 1 - 10, AFTER issuance of Certificate of Compliance - oyster population falls below 25 /square meter.	Long Term Management Plan	The Shellfish Department will close the area (consistent with MA DMF regulations) to allow the population to naturally increase. If populations do not recover (after one year) or continue to fail, there would be jump start by evaluation of the Shellfish department and using the best propagation input for the current system. Pending consultation with the USACE.
Years 1- 10, AFTER issuance of Certificate of Compliance - severe weather event or disease destroys the oyster population	Long Term Management Plan	Jump start by evaluation of the Shellfish department and using the best propagation input for the current system. Pending consultation with the USACE.
Years 10 and beyond, AFTER issuance of Certificate of Compliance - severe weather event or disease destroys the oyster population	Long Term Management Plan	Jump start by evaluation of the Shellfish department and using the best propagation input for the current system. Pending consultation with the USACE.
Years 10 THROUGH 15 AFTER Issuance of Certificate of Compliance - oyster population falls below 25 /square meter.	Long Term Management Plan	Jump start by evaluation of the Shellfish department and using the best propagation input for the current system. Pending consultation with the USACE.
Years 16 and beyond, AFTER Issuance of Certificate of Compliance - oyster population falls below 25 /square meter.	Long Term Management Plan	Jump start by evaluation of the Shellfish department and using the best propagation input for the current system. Pending consultation with the USACE.

**ANYTIME PRIOR TO OR AFTER ISSUANCE OF CERTIFICATE OF COMPLIANCE**

Scenario	Applicable Document	Required Action
Town desires to opt out of the mitigation Plan	Opt Out Clause	Pay a permit fee for the required 7.16 mitigation credits (or fewer credits if mitigation plan results at that time has resulted in a reduction to required credits). The amount of the Fee will be based on the MA In Lieu Fee (ILF) Program, then pertaining.

## REPORTING REQUIREMENTS

<b>Self-Verification Definition</b>	Self-verification shall include information on oyster density in the reporting year; dates that the Blackfish Creek site has been opened for harvest, and the extent of harvest (commercial, recreational, etc.) for each year since the previous report.	
<b>Scenario</b>	<b>Applicable Document</b>	<b>Required Action</b>
Years 1 through 10 AFTER Issuance of Certificate of Compliance.	Self-verification shall be provided every two years. With the first report being two years after issued certificate of compliance.	Continued reporting maintains the status of the self-reporting requirements and as such satisfies the permit requirement for all future dredging in Area 2, South Mooring Field, regardless of the time since the previous dredging. Continued success of the blackfish mitigation site offsets any future potential dredging impacts in the footprint of Area 2.
Years 11 through 15 AFTER Issuance of Certificate of Compliance.	Self-verification shall be provided every five years.	Continued reporting maintains the status of the mitigation plan and as such satisfies the permit requirement for all future dredging in Area 2, South Mooring Field, regardless of the time since the previous dredging. Continued success of the blackfish mitigation site offsets any future potential dredging impacts in the footprint of Area 2.
Years 16 AFTER Issuance of Certificate of Compliance.	Self-verification shall be provided every five years	<b>Continued reporting</b> maintains the status of the mitigation plan and as such satisfies the permit requirement for all future dredging in Area 2, South Mooring Field, regardless of the time since the previous dredging. Continued success of the blackfish mitigation site offsets any future potential dredging impacts in the footprint of Area 2.
OPTIONAL REPORTING: YEAR 16 and beyond AFTER Issuance of Certificate of Compliance.	Optional Reporting: Self verification be provided every five years.	<b>Continued reporting</b> maintains the status of the mitigation plan and as such satisfies the permit requirement for all future dredging in Area 2, South Mooring Field, regardless of the time since the previous dredging. Continued success of the blackfish mitigation site offsets any future potential dredging impacts in the footprint of Area 2.

# Memo

**To:** USACE New England District, Regulatory Division  
**From:** Alyssa Richard  
**c:** Town of Wellfleet  
**Date:** May 12, 2023  
**Re:** Baseline Biological Assessment, Herring River Mitigation Site  
 Town of Wellfleet Harbor Dredge Mitigation Plan  
 Herring River, Wellfleet, MA  
 GEI Project No. 2004486

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As a requirement for the Wellfleet Harbor Dredge Mitigation plan a baseline biological diversity survey was conducted in the Herring River Mitigation site (see attached map). GEI Consultants and the Wellfleet Shellfish Department conducted a survey of the 14 acre mitigation area that included sediment sampling for grain size characterization and biological diversity assessment. The survey was conducted from approximately 9:30 AM to 12 PM on May 10, 2023 around the predicted low tide of 10:05 AM. Weather conditions were clear with excellent visibility. GPS coordinates were taken at various points along the project site and can be seen on the attached plan marked samples M1 – M12. Marker buoys and poles were used to delineate the mitigation site, samples were taken at random at approximately evenly spaced areas of the mudflat within the mitigation site. Areas of sea grass beds within the mitigation site were not sampled. Samples were taken by throwing a 1m<sup>2</sup> aluminum quadrat, marking the location with GPS then digging approximately 2 inches into the sediment to count individuals present. After counts were completed a sediment sample was taken for grain size analysis.

## Sample M1

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	1	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	3	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	6	
Oyster ( <i>Crassostrea virginica</i> )	18	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	

Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	

Sample M2

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	0	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	41	
Oyster ( <i>Crassostrea virginica</i> )	0	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	1	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	

Sample M3

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	0	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	33	
Oyster ( <i>Crassostrea virginica</i> )	0	

Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	

Sample M4

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	6	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	62	
Oyster ( <i>Crassostrea virginica</i> )	6	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	1	
Polychaete (various sp)	1	
Ribbed Mussel ( <i>Geukensia demissa</i> )	1	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	

Sample M5

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	

Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	2	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	197	
Oyster ( <i>Crassostrea virginica</i> )	0	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	

Sample M6

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	1	
Mites		
Mud Snail ( <i>Ilyanassa obsoleta</i> )	208	
Oyster ( <i>Crassostrea virginica</i> )	1	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	

Sample M7

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	

Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	1	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	128	
Oyster ( <i>Crassostrea virginica</i> )	0	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	61	

Sample M8

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	1	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	318	
Oyster ( <i>Crassostrea virginica</i> )	31	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	



Sample M9

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	2	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	290	
Oyster ( <i>Crassostrea virginica</i> )	14	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	27	

Sample M10

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	6	
Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	372	
Oyster ( <i>Crassostrea virginica</i> )	0	
Oyster Drill ( <i>Urosalpinx cinerea</i> )		
Polychaete (various sp)		

Ribbed Mussel ( <i>Geukensia demissa</i> )		
Whelk (various sp)		
Hermit Crabs ( <i>Pagurus sp.</i> )	1	
Periwinkle ( <i>Littorina littorea</i> )	1	

Sample M11

Species	Number	notes
Amphipod (various sp)	0	
Anemone (various sp)	0	
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )	0	
Barnacle (various sp)	0	
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	6	
Mites		
Mud Snail ( <i>Ilyanassa obsoleta</i> )	378	
Oyster ( <i>Crassostrea virginica</i> )	5	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	14	

Sample M12

Species	Number	notes
Amphipod (various sp)		
Anemone (various sp)		
Asian Shore Crab ( <i>Hemigrapsus sanguineus</i> )		
Barnacle (various sp)		
Hard Clam (Quahog) ( <i>Mercenaria mercenaria</i> )	0	

Mites	0	
Mud Snail ( <i>Ilyanassa obsoleta</i> )	296	
Oyster ( <i>Crassostrea virginica</i> )	0	
Oyster Drill ( <i>Urosalpinx cinerea</i> )	0	
Polychaete (various sp)	0	
Ribbed Mussel ( <i>Geukensia demissa</i> )	0	
Whelk (various sp)	0	
Hermit Crabs ( <i>Pagurus sp.</i> )	0	

#### Biodiversity

The primary species found on the mud flat was mud snails. Most sample locations contained some oysters and quahogs. The greatest numbers of oysters were present in Sample M8 and M9. These samples were taken in areas where cultch strips have previously been laid as evident by the appearance of sea clam shells.

#### Sediment Characterization

Sediment samples were fairly uniform in appearance, consisting of sand with a layer of darker silty sediment and a thin layer of tidal deposition on top. Samples were combined into four composite samples for grain size analysis.

[AMR : admin initials]

USACE Standard Condition Language to be included in the Mitigation Plan:

Should a site not meet the ecological performance objectives of the project, the Corps of Engineers will work with the permittee to determine appropriate measures to remedy the deficiencies. This may include site modifications, design changes, revisions to maintenance requirements, revised monitoring requirements, use of a different site, or purchase of credits from a third-party bank or ILF program. Performance standards may be revised in accordance with adaptive management to account for measures taken to address deficiencies. They may also be revised to reflect changes in management strategies and objectives if the new standards provide ecological benefits that are comparable or superior to those originally approved. No other revisions to performance standards will be allowed except in the case of natural disasters.

**DEPARTMENT OF THE ARMY PERMIT**

**Permittee** \_\_\_\_\_

**Permit No.** NAE-20\_\_\_\_\_

Issuing Office New England District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

**Project Description:**

**NOTE: Describe the permitted activity and its intended use with references to any attached plans or drawings that are considered to be a part of the project description. Include a description of the types and quantities of dredged or fill materials to be discharged in jurisdictional waters.**

The work is shown on the enclosed plans titled,

**Project Location:**

**NOTE: Where appropriate, provide the names of and the locations on the waters where the permitted activity and any off-site disposals will take place. Also, using name, distance, and direction, locate the permitted activity in reference to a nearby landmark such as a town or city.**

**Permit Conditions:**

**General Conditions:**

**NOTE: The following is from 33 CFR 325.5, "The general conditions included in ENG Form 1721 are normally applicable to all permits; however, some conditions may not apply to certain permits and may be deleted by the issuing officer.**

1. The time limit for completing the work authorized ends on **[INSERT DATE]**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.

5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.

6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions:**

**NOTE:** Add special conditions here with reference to a continuation sheet if necessary.

**NOTE:** Use if applicable. This relates to #7 in "Further Information" below.

1. To ensure the activities authorized do not impair the usefulness of the (NAME OF FEDERAL PROJECT) and are not injurious to the public interest pursuant to 33 USC Section 408, you shall comply with all the terms and conditions and special conditions outlined in the enclosed document titled, "[CITE THE 408 DOCUMENT AND ATTACH IT]."

**NOTE:** This is required.

2. The permittee shall ensure that a copy of this permit is at the work site (and the project office) authorized by this permit whenever work is being performed, and that all personnel with operational control of the site ensure that all appropriate personnel performing work are fully aware of its terms and conditions. The entire permit shall be made a part of any and all contracts and sub-contracts for work that affects areas of Corps jurisdiction at the site of the work authorized by this permit. This shall be achieved by including the entire permit in the specifications for work. The term "entire permit" means this permit (including its drawings, plans, appendices and other attachments) and also includes permit modifications.

If the permit is issued after the construction specifications, but before receipt of bids or quotes, the entire permit shall be included as an addendum to the specifications. If the permit is issued after receipt of bids or quotes, the entire permit shall be included in the contract or sub-contract. Although the permittee may assign various aspects of the work to different contractors or sub-contractors, all contractors and sub-contractors shall be obligated by contract to comply with all environmental protection provisions contained within the entire permit, and no contract or sub-contract shall require or allow unauthorized work in areas of Corps jurisdiction.

**NOTE:** The WSNF is optional. The Mitigation WSNF is required when USACE requires mitigation.

3. The permittee shall complete and return the enclosed [Work Start Notification Form] and [Mitigation Work Start Notification Form] to this office at least two weeks before the anticipated starting date.

**NOTE:** This is required.

4. The permittee shall complete and return the enclosed Compliance Certification Form to this office at least within one month following the completion of the authorized work.

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:

- ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
- ( ) Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408).
- ( ) Section 404 of the Clean Water Act (33 U.S.C. 1344).
- ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).

2. Limits of this authorization.

- a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
- b. This permit does not grant any property rights or exclusive privileges.
- c. This permit does not authorize any injury to the property or rights of others.
- d. This permit does not authorize interference with any existing or proposed Federal project.

3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:

- a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from Natural causes.

b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.

c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.

d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

6. Extensions. General Condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interested decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

**NOTE: Use the following sentence, derived from EC 1165-2-220, APP. G-4, if Nav. issues a 408 permission and the scope of analysis for Sec 10 and 408 is identical. The last sentence relates to Spec. Cond. 1 above; replace the [X] with a "1" or the appropriate number.**

7. This permit also constitutes your approval under Section 14 of the Rivers and Harbors Act of 1899 (33 U.S.C. 408) as it has been determined that the activities authorized do not impair the usefulness of the USACE Navigation project and are not injurious to the public interest. See Special Condition [X] above.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

\_\_\_\_\_  
**(Permittee)**

\_\_\_\_\_  
**(Date)**

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

\_\_\_\_\_  
**(District Engineer)**

\_\_\_\_\_  
**(Date)**

When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this

permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
**(Transferee)**

\_\_\_\_\_  
**(Date)**



# Wellfleet Harbor South Mooring Field

Write a description for your map.









# SELECTBOARD

AGENDA ACTION REQUEST

Meeting Date: May 23, 2023

# VII

## SELECTBOARD REPORTS:

Reported by:	Topic:



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

VIII

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### TOPICS FOR FUTURE DISCUSSION

- **The Selectboard will discuss a list of current items that are outstanding**



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023

IX

### MINUTES

<b>REQUESTED BY:</b>	<b>Executive Assistant</b>
<b>DESIRED ACTION:</b>	<b>Approval of the Meeting Minutes of May 16, 2023.</b>
<b>PROPOSED MOTION:</b>	<b>I move to approve the minutes of May 16, 2023, as printed in draft.</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____

**Wellfleet Selectboard**  
**Hybrid Meeting ~ Zoom/715 Old King's Highway**  
**Tuesday May 16, 2023; 7:00pm**  
**Meeting Minutes**

**Members Present:** Ryan Curley, Chair; Barbara Carboni, Vice Chair; Michael DeVasto (remotely), Kathleen Bacon, John Wolf

**Others Present:** Rebekah Eldridge, Executive Assistant; Michael Hurley, Police Chief; Kevin LaRocca, Deputy Police Chief; Michael Turner, Lt. Police; Nick Daley, Mark Braun, Christa Drew; Executive director of the Herring River; Carol Ridley, Project Manager for the Herring River Restoration Project; Suzanne Grout-Thomas, Community Service Director; Becky Rosenberg, Recreation Director; Marissa Jackson, Eversource; Richard Cohen, John Duane, NRAB; Laura Hewitt, NRAB; Tim Sayre, Dan Silverman, Moderator; Helen Miranda Wilson, resident; Nicole Costanzo, KP Law

Chair Curley called the meeting to order at 7:00pm

**I. *Announcements, Open Session and Public Comments***

**Note:** *Public comments are limited to no more than two minutes per speaker. The Board will not deliberate or vote on any matter raised solely during Announcements & Public Comments*

Chief Hurley announced that, Sergeant Brazil announced his retirement from the police department after 36 years dedicated to the police department, Chief Hurley spoke to the board and to the public wishing him well in his future endeavors.

Sayer spoke to the board about the dredging that will be taking place in the harbor, he gave a statement stating there was no sunset clause with the Army Corp of Engineers. He continued to state his disapproval for the dredging.

**II. *Consent Agenda.***

**A.** Appointment of Peter Simon as an alternate member to the Board of Water Commissioners.

**B.** **Appointment of Bradford Morse to the Shellfish Advisory Board ~ There are no vacancies on the shellfish advisory board application will remain on file.**

**C.** Appointments of Annual and Reserve Police Officers ~ Chief Michael Hurley **Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the consent agenda with the exception of the appointment of Bradford Morse to the Shellfish Advisory Board as there are no vacancies as presented.**

**Roll Call Vote: 5-0**

**III. *Police Officer Promotions***

Chief Hurley spoke to the board discussing the changing of the landscape of the Wellfleet Police Department. He gave some background of the changes and the difference in police in in the town of Wellfleet. He spoke of the restructuring and

the changes that needed to be made. Having Deputy Chief LaRocco move up in his position, he spoke to the promotions that would take place this evening. He spoke about the selection process and stated that the department made their decisions.

- A. Promotion of Sergeant Michel Turner to Lieutenant ~ Chief Michael Hurley  
Chief gave a brief background of Lt. Turner and stated that he began as a summer police officer. He stated all these promotions the officers began as summer police officers.

**Board Member Bacon Moved; Board Member Wolf Seconded; and it was voted to approve the promotion of Michael Turner from Sergeant of the Wellfleet Police Department to Lieutenant.**

**Roll Call Vote: 5-0**

- B. Promotion of Detective Nick Daley to Sergeant ~ Chief Michael Hurley  
Chief Hurley gave some background of Detective Daley stating he was hired as a community service officer and was one of the first to be hired with this program. Chief Hurley stated he made this position a huge success for the town. He gave some more background information on Daley.

**Board Member Bacon Moved; Chair Curley Seconded; and it was voted to approve the promotion of Nick Daley from Detective on the Wellfleet Police Department to Sergeant.**

**Roll Call Vote: 5-0**

- C. Promotion of Officer Mark Braun to Sergeant ~ Chief Michael Hurley  
Chief Hurley spoke to the board about Officer Braun, giving his background, speaking highly of his abilities in the town of Wellfleet. He spoke of his willingness to train and to serve the community. Chief Hurley spoke to Braun bringing the motorcycle program to the town of Wellfleet.

**Board Member Bacon Moved; Chair Curley Seconded and it was voted to approve the promotion on Police officer Mark Braun to Sergeant.**

**Roll Call Vote: 5-0**

#### IV. *Community Updates*

- A. Presentation from the District Attorney to review new initiatives ~ District Attorney Robert Galibois  
Galibois spoke to the board and the public and thanking them for scheduling him. He spoke to the board stating he knew the board had a heavy agenda. He spoke to his swearing in as the new DA. He gave some background of his assistant who he swore in and gave her background as well as his. He stated she is the first woman to hold this position in the 50 years of Cape and Islands. He explained the process of when a case comes to the prosecutor's office, they are assigned with a prosecutor who follows them until it is resolved. He spoke about the unsolved murders in the commonwealth and stated they have solved 2 murders since he was elected in January of 2023. He gave some more background of his initiatives for the Cape and Islands. He spoke about data being collected in his office, he stated his proudest accomplishment since he was hired, was his initiative with mental health, he explained that it was announced May 2<sup>nd</sup> that there is now a mental health chord. The board thanked him, and he asked is he could come back towards the end of the year to give the board an update.



V. ***Friends of Herring River***

A. Approval of the draft technical assistance contract for the Friends of the Herring River

Drew spoke to the board discussing the Herring River Restoration project and explained the technical assistance contract. She gave the background of this contract.

Chair Curley questioned when this would need to be in place, if there was a deadline, she explained as soon as possible. He asked questions regarding the funds that were made available to the town and the impact it will have on the town. Ridley gave some information on the funding for this project. Ridley stated that all the funds awarded to the town will be used for the entire project. The board discussed the contract, and the finalized agreement. Chair Curley stated that the agreement is incomplete and needs to be negotiated.

**Chair Curley moved; Board member Wolf Seconded; and it was voted to authorize the town administration to conduct negotiations with Friends of the Herring River relative to the grant agreement between the Town of Wellfleet and Friends of the Herring River for draft technical assistance.**

**Roll Call Vote: 3-1-0 (DeVasto abstained)**

VI. ***Public Hearings***

**Chair Curley Opened the hearing:**

A. Amendment of fees and set guidelines for the use of Baker's Field Pavilion for commercial and private events ~ Beach and Recreation Department

Thomas explained the background of why the fees were being updated. As there are many private functions that have come up and people wanting to use the pavilion for these such events. Thomas continued to explain fee changes and the reasons behind the changes. Bacon stated she was happy to see the changes and stated she didn't see the number of guests or amount of people that are allowed to be there. Rosenberg spoke to the people the pavilion will hold. She stated the pavilion will hold over 100 people explaining there is a lot of space in and around the pavilion. She stated the building department is very good at working with the applicants in making sure the space is safe. The board discussed this with both Thomas and Rosenberg. Chair Curley stated he would like a higher fee for larger events. The board discussed the amount for different sizes.

Thomas spoke to the board stating she would like to go back and discuss the fee changes and come back to the board with a better idea of pricing and fees and the number of people. Chief Pauley stated that he would like to discuss with both Thomas and Rosenberg a cap and safety.

Thomas stated they would also like to discuss a time cap.

**Chair Curley Moved; Board Member Carboni Seconded, and it was voted to continue the hearing for the amendment of fees and set guidelines for the use of Baker's Field Pavilion for commercial and private events fees to June 6, 2023, at 7pm, at the Wellfleet Community Center.**

**Roll Call Vote: 5-0**

**Chair Curley Opened this hearing.**

- B. Petition for Underground Cable and Conduit Locations for work along Lawrence Road, Wellfleet ~ Eversource Energy ~ Marissa Jackson, Right of Way Agent.  
Jackson spoke to the board stating the work that Eversource would like to do.  
**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the petition from Eversource for the underground cable and conduit locations along Lawrence Road.**

VII. ***Use of Town Property***

- A. Richard Cohen ~ Indian Neck Beach, Thursday August 3, 2023, 4:30pm – 8:30pm for small adult Birthday party.  
Cohen explained it is his wife's birthday and wanted to use Indian Neck Beach,  
**Chair Curley Moved; Board Member Wolf Seconded; and it was voted to approve Richard Cohen the use of Indian Neck Beach on Thursday August 3, 2023, from 4:30pm to 8:30pm for a small 60th birthday party, for a fee of \$110, the applicant be responsible for all trash clean-up and the beach to be left in the condition it was found; to the satisfaction of the DPW and Beach Directors.**  
**Roll Call Vote: 5-0**

VIII. ***Board/Committee Appointments and Updates***

- A. Approval of draft NRAB letter to MA Division of Marine Fisheries regarding their support for a survey of the life and health of Wellfleet Harbor.  
Duane spoke to the board explaining the letter that was written on behalf of the NRAB and the Wellfleet Selectboard asking for their support of a study and funding for the survey. Carboni questioned the amount or the range of cost for this survey.  
**Chair Curley Moved, Board Member Carboni Seconded; and it was voted to approve the letter written on behalf of the Natural Resource Advisory Board and the Wellfleet Selectboard to the Massachusetts Division of Marine Fisheries asking their support for a survey of the life and health of the Wellfleet Harbor.**  
**Roll Call Vote: 5-0**

IX. ***Business***

- A. Town Meeting Update ~ Town Moderator ~ Dan Silverman  
Silverman gave an update on the town meeting and spoke to the board about the town meeting being held on a Saturday or a weeknight. He stated if it is at night during the week there was an absolute need for childcare. He spoke to the board about quorum and the issues with the quorum. Silverman suggested a charter amendment so that the town doesn't need to be mailed to every eligible registered voter. He suggested that the printed amount be roughly 600 copies and left at the fire, police, library and town hall along with the town hall. Making the warrant readily available to residents and cost the town a lot less money. He stated it would take at least a year to get this charter amendment moving. He spoke about having a fall town meeting yearly allowing zoning changes to be at the fall town meeting giving town staff the ability to spread items out and not having to jam all things on one meeting. Bacon read comments with what the public has stated to her. She stated we need to make the

town meeting more exclusive to the younger population. Wolf agreed. The board discussed the time and day of the week to have a town meeting. The food to be served, the drinks to be served and the childcare being mandatory to allow younger families to be able to attend. Funding for childcare was discussed and out of which budget it would come. The board discussed electronic voting; Silverman spoke against it. Wilson spoke about the town meeting and liking it on Saturday.

- B. Jason Robicheau, The Grateful Mind2022 ~ discussion on Community Host Agreement and the progress of his current licensing and final steps that need to be taken.

Chair Curley asked if Robicheau had the ability to read the host agreement. He explained that his lawyer had read the agreement.

Carboni questioned the hours listed and if they were consistent with the other facilities in the town. Robicheau stated that the state dictates the hours of operation. The community impact fees were the same with all host agreements. Costanzo spoke to the board about the updated laws for community host agreements. She explained the updates and how they affect the town and explained the impact fees for the town.

**Chair Curley Moved; Board Member Bacon Seconded; and it was voted to approve the Host Community Agreement in the Selectboard packet and the board and authorize the chair to sign the agreement and submit a copy for the company to sign.**

**Roll Call Vote: 5-0**

Robicheau spoke to the board expressing his concerns and the difficulty this process has been.

X. ***Selectboard Reports***

Wolf spoke about the Dredging Task force and the issues that they are faced with right now, being the dredging of black fish creek.

Chair Curley stated the hearing for Egg Island and the Dredging will be held on May 23<sup>rd</sup>.

XI. ***Topics for Future Discussion***

Bacon stated she would like to have a pilot program for parking to be paid in the town of Wellfleet.

XII. ***Vacancy Reports***

XIII. ***Minutes***

A. June 23, 2022

B. May 2, 2023

**Board Member Bacon Moved; Board Member DeVasto Seconded; and it was voted to approve the meeting minutes of June 23, 2022.**

**Roll Call Vote: 5-0**

**Board Member Bacon Moved; Board Member DeVasto Seconded, and it was voted to approve the Meeting Minutes of May 2, 2023, as printed in draft.**

**Roll Call Vote: 5-0**

XIV. ***Adjournment***

***DRAFT*** \*\*\* A full recording of this meeting can be found on the town's website\*\*\*

**Board Member Bacon Moved; Chair Curley Seconded; and it was voted to adjourn the meeting,  
Roll Call Vote: 5-0  
Meeting Adjourned: 9:40pm**

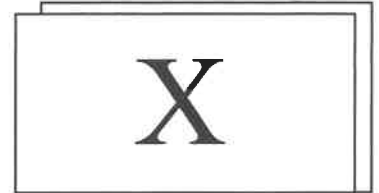
**\*\*\* Public Documents\*\*\***

*Application from Peter Simon for Board of Water Commissioners*  
*Application from Brad Morse for Shellfish Advisory Committee*  
*Full Time and Special Police Officers for renewal by board*  
*Police officer promotion documents*  
*Friends of the Herring River Draft Agreement*  
*Baker's Field Pavilion Fee Changes Document*  
*Petition for use of underground table from Eversource to Lawrence Road*  
*Application for use of town property Indian Neck*  
*Letter from the Natural Resources Advisory Board*  
*Community Host Agreement for The Grateful Mind; Jason Robicheau*  
*Meeting Minutes*  
*June 23, 2022*  
*May 2, 2023*



## SELECTBOARD

AGENDA ACTION REQUEST  
Meeting Date: May 23, 2023



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## ADJOURNMENT

<b>REQUESTED BY:</b>	<b>Selectboard Chair Ryan Curley</b>
<b>DESIRED ACTION:</b>	<b>To Adjourn</b>
<b>PROPOSED MOTION:</b>	<b>I move to Adjourn the Meeting</b>
<b>ACTION TAKEN:</b>	Moved By: _____ Seconded By: _____ Condition(s):
<b>VOTED:</b>	Yea _____ Nay _____ Abstain _____