



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## **INTRODUCTION TO WILLIAM YOUNG, JR.'S OPERATIONS ON GRANT #01-04, 3 ACRES, DEEP WATER INDIAN NECK**

- Over the past five years, the Shellfish Department has noticed an inconsistent use of site #01-04. Some years there was some activity and other years minimal. It is the Shellfish Department's belief that license holders should not keep license sites with merely placeholder operations. As required by our regulations, there must be production and market sales equal to or exceeding \$1,000 an acre. Young's license site is three acres and therefore, should demonstrate \$3,000 a year in sales.
- In 2021, Young reported that he bought and sold oyster seed from this grant, but on numerous visits to the site itself and during its daily patrols, the Shellfish Department never saw evidence of aquaculture, nor any gear, such as condos, that would be used to raise seed.
- However, sales of seed could, in the Shellfish Department's eyes, be considered a way to meet minimum productivity. The Shellfish Department would like to hear the Selectboard's feedback on if seed sales could be an acceptable sales avenue. Other grant holders could also collect wild oyster seed on hats or buy it from hatcheries and sell it within Wellfleet if endorsed by the Mass. Division of Marine Fisheries to do so. Therefore, this decision might help other grant holders as well. Of course, documentation of such sales can always be requested by the Shellfish Department to prove the activities.

## **HISTORICAL OVERVIEW OF GRANT # 01-04**

- License granted on May 10, 1993, to William Young, Jr.
- License renewed on May 1, 2018, for eight years to Young. This license expires on May 1, 2026.
- Young has held both a propagation permit and state commercial shellfishing permits for at least the last ten years.
- According to the annual grant report submitted to the town for 2017, 1.135M pieces of oyster seed were planted and approximately 3,000 bushels (= ~1.2M) of mature oyster were removed. This annual grant report was submitted for grant numbers 751, 7311A-B, and 01-04, so it is difficult to know on which license site these aquaculture activities occurred. (*The Shellfish Dept. has since required non-contiguous grants to have separate grant reports.*)
- Assistant Constable John Mankevetch did a grant inspection on Dec. 7, 2017, with Young present. There was nothing out there.
- On Mar. 26, 2018, Young sent a letter to Shellfish Constable Nancy Civetta stating he would be planting "50K seed there this year in condos" and intends to continue replanting each year. He also stated that he would be "exploring different ways to grow out there" and would let the Shellfish Department know when planting occurred.

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

Phone (508) 349-0325

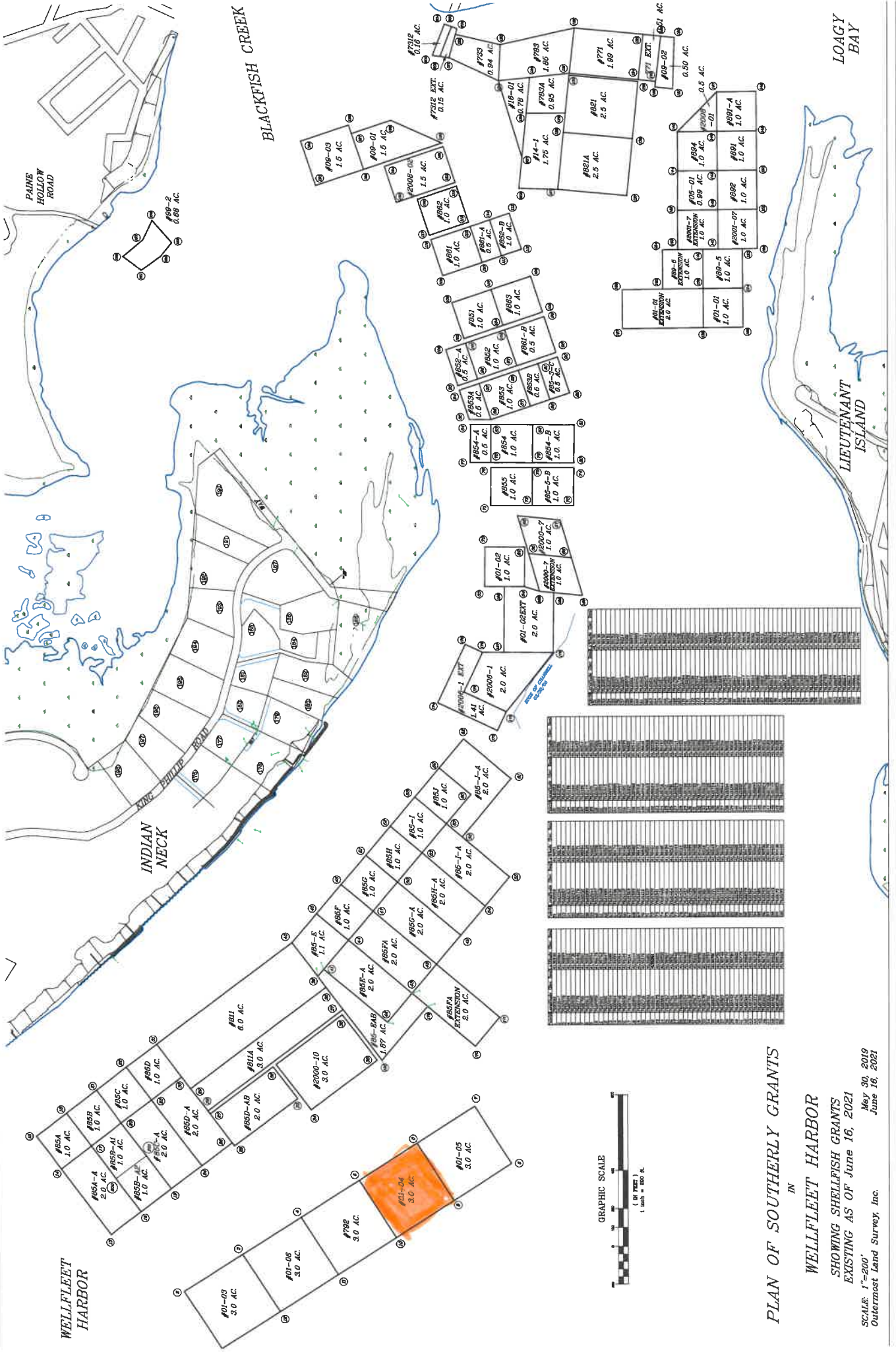


Fax (508) 349-0305

- According to the annual grant report submitted for 2018, 40,000 pieces of oyster seed were planted, and Young noted that none were sold, but all were pitted for the winter.
- On Oct. 9, 2018, Civetta did a grant inspection with Young present. Civetta observed nine condos each with six bags containing 100 oysters according to Young, equating to approximately 5,400 pieces of oyster.
- According to the annual grant report submitted for 2019, 25,000 pieces of oyster seed were planted, and 20,000 pieces of mature oyster were removed from the license site.
- On Aug. 2, 2019, Civetta did a grant inspection with Young present. Civetta noted six condos along with 43 bags, equating to approximately 25,800 pieces of oyster (600 per bag).
- On January 16, 2020, Young was issued a written warning for not having taken his condos off this grant, which is required by Section 7.19.5 in our regulations.
- The annual grant report submitted for 2020 states there was no seed planted nor any mature shellfish removed from this license site.
- On August 19, 2020, Deputy Constable Chris Manulla attempted to do a grant inspection, and did not find anything there to report.
- The annual grant report for 2021 states that 300,000 Fisher Island oyster seed were planted and that all 300,000 were sold as seed.
- In Young's annual report to the state, he lists buying 300,000 Fisher Island seed oysters on June 16 for grant #01-04, and selling 50,000 to a Wellfleet grower for \$1,500.
- On March 31, 2021, Civetta attempted to do a grant inspection, and there was nothing there to report. On April 28, 2021, while assisting two neighboring grant holders with buoys, Civetta and Manulla walked this grant and noted no activity. On July 25, 2021, Manulla again visited this grant to monitor for minimum productivity, and there was no sign of condos nor grow out bags nor any aquaculture activity on this grant. All of these notes are in our daily patrol logs.
- On Jan. 31, 2022, Civetta spoke with Young on the phone to explain enforcement actions that Shellfish Department was undertaking regarding minimum productivity requirements.
- On Feb. 7, 2022, Young received a follow-up email containing a copy of the letter, dated Feb. 4, stating his grant was being monitored for minimum productivity, and with forms to request sales history from the MA DMF that were sent to him via certified mail. On Feb. 25, 2022, this email was forwarded to Allison Paine to give to Young.
- On Mar. 8, 2022, Young signed for a certified letter delivered in person stating his grant was under review for minimum productivity requirements and requesting he petition MA DMF for a record of his sales over the last seven years. The certified mail packet included the documents needed to request sales history through the MA DMF.
- On Mar. 22, 2022, a certified letter was returned to sender. The letter, dated Mar. 18, 2022, stated that Civetta did not receive any additional information from the MA DMF demonstrating minimum productivity met on this grant and that this

grant failed to meet the minimum productivity requirements. Civetta and Young also spoke on the phone about this.

- On Mar. 24, 2022, Civetta sent Young a text message detailing that no additional information was received from MA DMF, and this grant failed to meet the minimum productivity requirements and included details on how to request a public hearing. Civetta also had a phone conversation with Young on this date detailing the contents of the certified letter.
- On Mar. 25, 2022, a follow-up email was sent with an attachment of the certified letter, dated Mar. 18, 2022, to Young stating that his grant failed to meet minimum productivity requirements along with instructions on how to request a public hearing.
- On Mar. 23, 2022, Young requested a public hearing.
- Young has always been up to date on his annual reports and grant fees.



PLAN OF SOUTHERLY GRANTS  
 IN  
 WELFLEET HARBOR  
 SHOWING SHELLFISH GRANTS  
 EXISTING AS OF JUNE 16, 2021  
 SCALE: 1"=200'  
 Outermost Land Survey, Inc.  
 May 30, 2019  
 June 10, 2021





# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

Date: January 16, 2020  
Subject: Overwintering Contract

You did not haul in your condos on grant #01-04 by January 15, as required by Wellfleet Shellfishing Policy and Regulations in Section 7.19.5 (see below), and therefore, you are receiving a written warning per Section 17-19.6 (see below). You have seven (7) days to remove the condos and document it to the Shellfish Department. Thank you for your attention to this.

### **7.19.5. Overwintering of Equipment on Grants**

All condos/hotels/stackable cages must be removed by January 15th, or before ice prevents removal, whichever comes first. All holding cages, plastic trays, oyster grow bags and/or u hooks used to secure nets, or anything constructed of metal on a licensed area, must be securely fastened to the bottom and all racks must be pushed down to be flush with the bottom by January 15th, or before ice prevents removal, whichever comes first. All gear must have shellstock on it. As soon as shellstock is sold and gear becomes empty, the gear must come off. No more than 100 racks will be allowed to be overwintered per grant, unless a fee of \$5 is paid for each additional rack. The definition of a grant for this purpose shall be any combination of grants and/or extensions that share boundaries and are farmed together under the same license and same licensee(s). For example, two one-acre grants which share boundaries and are licensed to the same individual(s) will count as one grant. Any licensee who wishes to overwinter racks or other aquaculture gear such as clam nets, holding cages, plastic trays, oyster grow bags, etc. on their grant must tag all of this gear as per Section 7.19.3 and obtain and sign an Overwintering Contract available from the Shellfish Department (see Appendix D).

### **7.19.6. Fines for Gear Violations.**

After receiving a written warning, the licensee has 7 days to comply. After the seventh day, a fifty dollar ticket shall be issued for each day of noncompliance. After 30 days of non-compliance, the licensee shall have his or her license revoked.

Sincerely,

Nancy Civetta, Shellfish Constable, Town of Wellfleet

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

Phone (508) 349-0325



Fax (508) 349-0305

Requested Hearing 3.23.22

Wellfleet Harbormaster Department  
Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

William Young, Jr.  
POB 939  
Wellfleet, MA 02667

March 18, 2022

Dear Chopper:

The Shellfish Department has been discussing minimum productivity for your grant # 01-04 with you since 2018. I spoke to you on the phone on January 31, 2022, and explained the enforcement actions the Shellfish Department was undertaking to this regard and that you would be receiving an email and certified mail with what you needed to do to demonstrate that you have made minimum productivity on this grant. Given that this grant is three acres, you need to sell \$3,000 worth of product from this grant each year.

I delivered the certified mail, which had been returned to us, to you on March 8. (See attached.) To date, we have not received anything from you with your state SAFIS landings.

Therefore, I am notifying you of failing to meet minimum productivity, which would mean forfeiting your grant. **You have the right to appeal this to the Selectboard within two weeks from this notification.** If you do not file an appeal within that time frame, your license for grant #01-04 will be forfeited automatically. Here are the Town of Wellfleet's Shellfishing Policy and Regulations to this regard:

7.13.3. Notification of Failure to Meet Minimal Requirements

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

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

Sincerely,

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet

TO Request hearing call Rebekah Eldridge 508-349-0300 ext 1100  
[wellfleet-ma.gov/shellfish-department](http://wellfleet-ma.gov/shellfish-department)

Phone (508) 349-0325



Fax (508) 349-0305



## Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

February 4, 2022

Dear *Chopper, (Wellfleet)*

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

### 7.12.1. Minimum Levels of Investment and Production

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

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

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

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

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

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

Sincerely,

*Nancy Civetta*  
Nancy Civetta  
Shellfish Constable

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

Phone (508) 349-0325

Fax (508) 349-0305

## Nancy Civetta

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**From:** Nancy Civetta  
**Sent:** Monday, February 7, 2022 1:36 PM  
**To:** Chopper Young (chopperyoung@comcast.net)  
**Subject:** Minimum productivity request for information  
**Attachments:** Chopper Young.pdf; DMFWellfleetTemplate2022minprod-WSD.docx; How to request your catch reports from DMF.pdf

Dear Chopper,

As discussed, the attached was sent by certified mail to you last week. You only need to do this for grant #01-04.

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

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

Thank you for your understanding,  
Nancy

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



## Nancy Civetta

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**From:** Nancy Civetta  
**Sent:** Friday, February 25, 2022 11:19 AM  
**To:** Allison Paine  
**Subject:** FW: Minimum productivity request for information  
**Attachments:** Chopper Young.pdf; DMFWellfleetTemplate2022minprod-WSD.docx; How to request your catch reports from DMF.pdf

For Chopper please

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
300 Main St.  
Wellfleet, MA 02667  
O: 508-349-0325  
C: 617-901-7193  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)

----- Original message -----

From: Nancy Civetta <[Nancy.Civetta@wellfleet-ma.gov](mailto:Nancy.Civetta@wellfleet-ma.gov)>  
Date: 2/7/22 13:36 (GMT-05:00)  
To: "Chopper Young ([chopperyoung@comcast.net](mailto:chopperyoung@comcast.net))" <[chopperyoung@comcast.net](mailto:chopperyoung@comcast.net)>  
Subject: Minimum productivity request for information

Dear Chopper,

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Nancy

Nancy Civetta  
Shellfish Constable  
Town of Wellfleet  
C: 617-901-7193  
O: 508-349-0325  
E: [nancy.civetta@wellfleet-ma.gov](mailto:nancy.civetta@wellfleet-ma.gov)

**SENDER: COMPLETE THIS SECTION**

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

1. Article Addressed to:

William Young Jr.  
P.O. Box 938  
Wellfleet, MA 02667



9590 9402 6450 0346 4718 903

2. Article Number (Transfer from service label)

7020 1290 0000 3238 6371

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature *IN PERSON*  
 *W. Young Jr*  Agent  
 Addressee

B. Received by (Printed Name) *NANCY LUTHE* C. Date of Delivery *3/8/22*

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

3. Service Type
- Adult Signature
  - Adult Signature Restricted Delivery
  - Certified Mail®
  - Certified Mail Restricted Delivery
  - Collect on Delivery
  - Collect on Delivery Restricted Delivery
  - Insured Mail
  - Insured Mail Restricted Delivery (over \$500)
  - Priority Mail Express®
  - Registered Mail™
  - Registered Mail Restricted Delivery
  - Signature Confirmation™
  - Signature Confirmation Restricted Delivery

7020 1290 0000 3238 6371

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Domestic Mail Only

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Wellfleet, MA 02667

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

0651 14  
Postmark Here  
02/05/2022

Sent To *William Young Jr*  
 Street and Apt. No., or PO Box No. *PO 938*  
 City, State, ZIP+4® *Wellfleet Ma 02667*

**U.S. Postal Service™  
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Wellfleet, MA 02667

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

0667 15  
MAR 22 2022  
Postmark Here  
USPS  
03/22/2022

Sent To *William Young Jr*  
 Street and Apt. No., or PO Box No. *Box 938*  
 City, State, ZIP+4® *Wellfleet Ma 02667*

7020 1290 0000 3238 6371

## Rebekah Eldridge

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**From:** Nancy Civetta  
**Sent:** Friday, March 25, 2022 5:39 PM  
**To:** Chopper Young (chopperyoung@comcast.net)  
**Cc:** Rebekah Eldridge  
**Subject:** Notice of potential forfeiture of grant #01-04 for not making minimum productivity  
**Attachments:** chopperletter 3-21-22.pdf

Dear Chopper,

Attached is the correspondence that has been sent to you from the Town of Wellfleet Shellfish Department regarding noncompliance on grant #01-04 with the Town's minimum productivity regulations:

7.12.2. Failure to Meet Production Levels

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

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

7.13.3. Notification of Failure to Meet Minimal Requirements

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

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

You can reach Rebekah as follows:

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

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

Thank you,  
Nancy

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