



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## MEMORANDUM

DATE: May 19, 2022  
TO: Town of Wellfleet Selectboard Members  
RE: Minimum Productivity Hearings

Dear Selectboard Members:

Following this memo is the public hearing notice with the list in alphabetical order of the grant holders who have requested a public hearing to appeal the Shellfish Department's notification of failure to meet minimum productivity, as well as detailed documentation.

Here are the pertinent regulations for your review.

### 7.12. Evidence of Productivity: Use It or Lose It

#### 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**.

#### 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.

### MGL Chapter 130, Section 65: Annual report of shellfish planted, produced and marketed; estimate of growing shellfish; forfeiture for deficiency

Every licensee or transferee of a license referred to in section fifty-seven shall submit on oath on or before February 28 in each year to the director and to the city council or selectmen of the city or town wherein the licensed area is situated a report of the total number of each kind of shellfish planted, produced or marketed during the preceding year upon or from such licensed area, and an estimate of the total number of each kind of shellfish at the time of such report planted or growing thereon. **The city council or**

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

Phone (508) 349-0325



Fax (508) 349-0305

selectmen may specify a reasonable yearly market value to be produced by each shellfish project licensed pursuant to section fifty-seven. Failure of the licensed shellfish project to meet such a value for any three consecutive years thereafter may result in a forfeit of the shellfish aquaculture license and licensed area.

#### 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.

In 2021, the Shellfish Department continued its oversight of grant productivity and focused on about 15 different farms that have not consistently been meeting the requirements outlined above. In the course of our work, countless conversations were had, and many of the grant holders demonstrated renewed efforts on their grants and/or presented us with solutions to be more successful. And one grant was forfeited. The pool was narrowed down to eight farms.

As part of this effort, we then asked the grant holders of these eight farms to request their sales data from the Mass. Division of Marine Fisheries for the last seven years (to accommodate for any potential anomalies caused by the COVID-19 pandemic). This was to give them an opportunity to demonstrate that they had shellfish sales to meet minimum productivity. Only one farm provided that data: ARC. However, because state data is not tracked to a license site, but rather by growing area, we were not able to determine how many sales came from ARC's licensed site #792 as opposed to the other grants they use.

License holders for two farms came and met with the Shellfish Department outlining their renewed plans for their sites, and one has already met minimum productivity for 2022. In addition, the grant holders of another farm decided to forfeit their grant and return it to the Town for a lottery.

In the end, we are bringing just five farms to you for consideration. We have worked extensively to provide you with all the details regarding each of these situations, so that you are prepared to hear their appeals and make a decision on whether the grants should come back to the Town for lotteries or if the grant holders should be given another chance. See attached documentation.

~continued~

Should you decide that any of these deserve another chance, the Shellfish Department would ask that the Selectboard implement all of the following conditions:

- Five-year probation period in which:
  - There are no transfers of any kind.
  - Renewals, if applicable, will be for one year at a time.
  - They must submit annual reports first to the Shellfish Constable for comparison to annual grant inspection paperwork and obtain a signature (and allow for turn-around time).
  - If they do not make minimum productivity in any one year, their grant(s) will be automatically forfeited.
  - They will be charged an annual fee of \$200 for the additional oversight and inspections necessary for the Shellfish Department to monitor for their minimum productivity.

We thank you for making time in your busy agenda to thoughtfully evaluate these. We will work with you to ensure the Town of Wellfleet's Shellfishing Policy and Regulations are respected and followed.

Thank you.



Nancy Civetta  
Shellfish Constable

# Town of Wellfleet

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## WELLFLEET SELECT BOARD

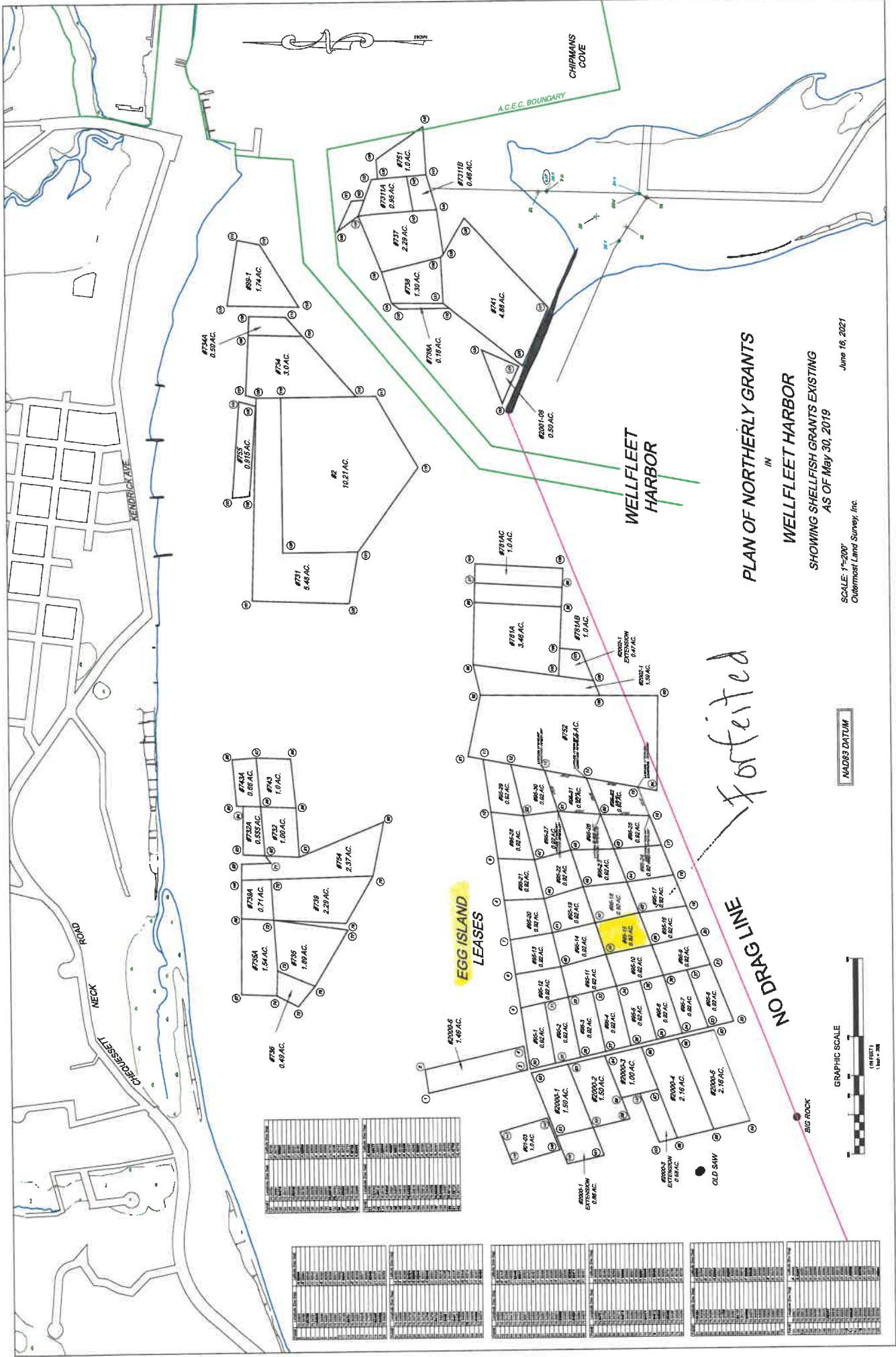
### PUBLIC HEARING NOTICE

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 virtual and in-person public hearing on **TUESDAY, MAY 24, 2022** at 7:00 p.m. at the Wellfleet ACC, 715 Old Kings Hwy, Wellfleet, MA 02667 to consider the following:

Individual votes to consider if each of the following license holders' grant licenses will be forfeited for failure to meet minimum productivity per Town of Wellfleet Shellfishing Policy and Regulations Sections 7.12 Evidence of Productivity: Use It or Lose It, 7.12.2. Failure to Meet Production Levels and 7.13.3 Notification of Failure to Meet Minimal Requirements. List is in alphabetical order.

- 1) Aquacultural Research Corporation, Dennis, MA, for grant #792 consisting of three acres on Indian Neck
- 2) James Gray and Allison Gray, Wellfleet, MA, for grant #7312 consisting of 0.5 acres on Old Wharf Point
- 3) David Paine and Kristi Johns, Wellfleet, MA, for grant #s 851, 863 and 861-B consisting of a total of 2.5 acres on Field Point
- 4) Keith Rose and Lisa Dexter, Wellfleet, MA, for grant #s 95-25 and 95-26 consisting of a total of two acres on Egg Island
- 5) William Young, Jr., Wellfleet, MA, for grant #01-04 consisting of three acres on Indian Neck

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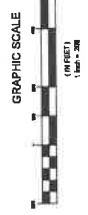
PLAN OF NORTHERLY GRANTS  
 IN  
 WELLFLEET HARBOR  
 SHOWING SHELLFISH GRANTS EXISTING  
 AS OF MAY 30, 2019

June 16, 2021  
 SCALE: 1"=200'  
 Outermost Land Survey, Inc.

Forfeited

NO DRAG LINE

NAD83 DATUM

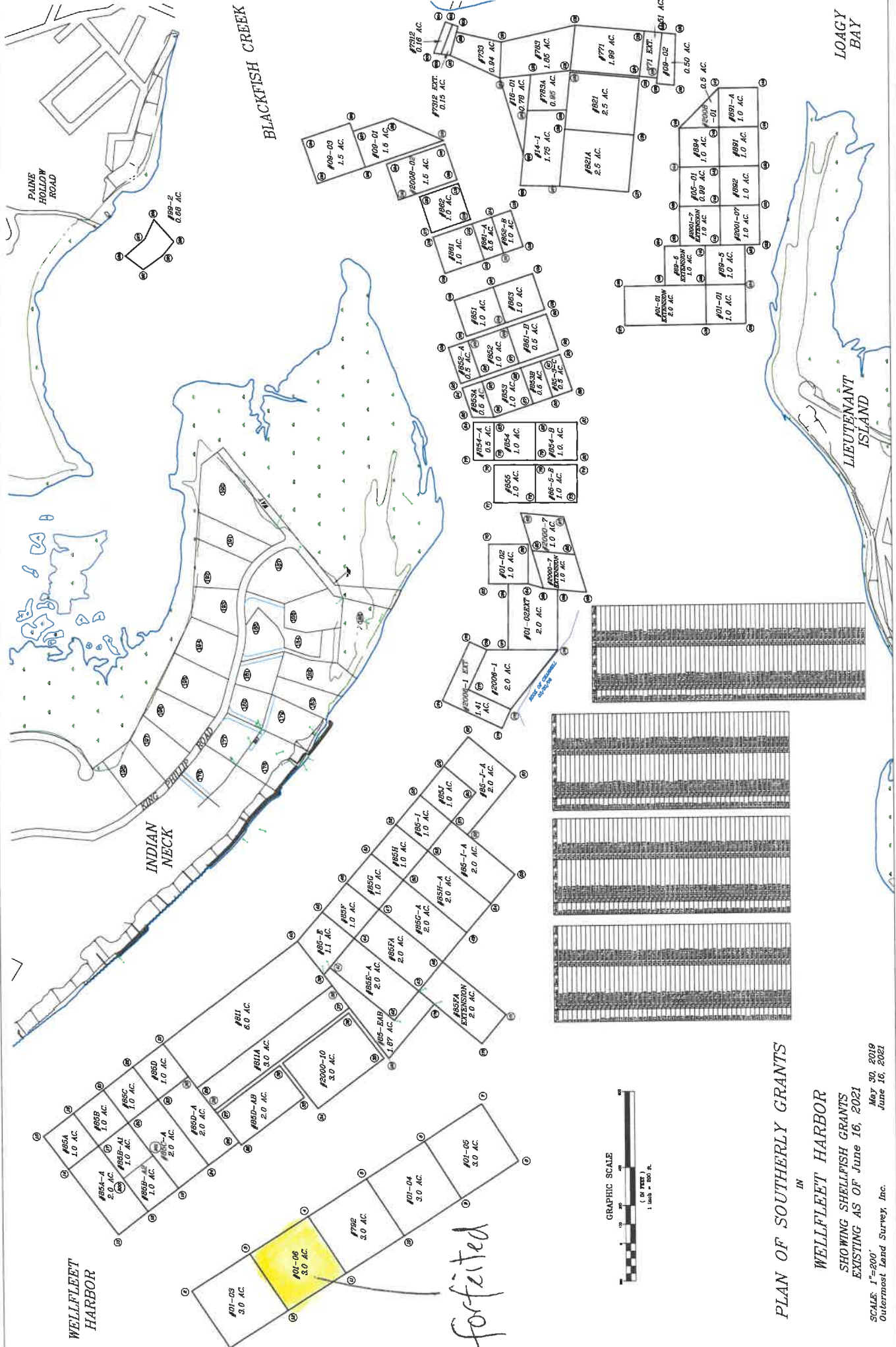


Parcel No.	Area (Ac.)	Notes
#734A	0.50 AC	
#734	3.0 AC	
#735	0.15 AC	
#736	0.49 AC	
#737	2.29 AC	
#738	1.32 AC	
#739	2.23 AC	
#740	1.0 AC	
#741	4.88 AC	
#742	0.46 AC	
#743	1.0 AC	
#744	0.66 AC	
#745	0.55 AC	
#746	0.66 AC	
#747	1.0 AC	
#748	0.71 AC	
#749	1.0 AC	
#750	1.0 AC	
#751	1.0 AC	
#752	2.37 AC	
#753	1.0 AC	
#754	2.37 AC	
#755	1.0 AC	
#756	1.0 AC	
#757	1.0 AC	
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#794	1.0 AC	
#795	1.0 AC	
#796	1.0 AC	
#797	1.0 AC	
#798	1.0 AC	
#799	1.0 AC	
#800	1.0 AC	

Parcel No.	Area (Ac.)	Notes
#2000-1	1.50 AC	
#2000-2	1.00 AC	
#2000-3	1.00 AC	
#2000-4	2.16 AC	
#2000-5	2.16 AC	
#2000-6	1.46 AC	
#2000-7	1.00 AC	
#2000-8	1.00 AC	
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#2000-10	1.00 AC	
#2000-11	1.00 AC	
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#2000-49	1.00 AC	
#2000-50	1.00 AC	

Parcel No.	Area (Ac.)	Notes
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#2000-76	1.00 AC	
#2000-77	1.00 AC	
#2000-78	1.00 AC	
#2000-79	1.00 AC	
#2000-80	1.00 AC	

Parcel No.	Area (Ac.)	Notes
#2000-81	1.00 AC	
#2000-82	1.00 AC	
#2000-83	1.00 AC	
#2000-84	1.00 AC	
#2000-85	1.00 AC	
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#2000-99	1.00 AC	
#2000-100	1.00 AC	



WELLFLEET HARBOR

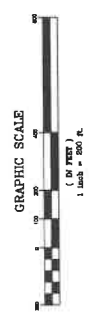
BLACKFISH CREEK

INDIAN NECK

LOAGY BAY

LIEUTENANT ISLAND

forfeited



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 SHOWING SHELLFISH GRANTS  
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