

## **STEPS FOR GETTING NEW GRANTS CERTIFIED**

**Step by Step Guide** by MADMF:

<https://experience.arcgis.com/experience/f0166467c428478e92d5dc19fa5a9653/page/Permitting-Tool/?views=Start-Here>

### **Summary Created by Shellfish Constable to Help Grant Holders Get Started**

- 1) **Once a new grant or an extension is approved by Selectboard**, the Town will communicate with the Aquaculture Specialist at the Mass. Division of Marine Fisheries (MADMF) to request a biological survey of the proposed grant area. The communication will include a copy of the public hearing advertisement, minutes of the meeting (once approved) where the new grant or extension was approved, and the MADMF Aquaculture Description Form completed by the applicant and submitted as part of the application process, including a copy of the map and coordinates of the proposed grant. In addition, a photo of the proposed area with imagery from Google Earth is requested by MADMF. The applicant must supply this photo/map to the Shellfish Constable. The Shellfish Constable is available to assist with creating/obtaining the required documentation listed here.
- 2) **The MADMF will work with the Shellfish Constable to schedule the biological survey.** The Shellfish Constable coordinates with the grant holder for this site visit. Once that happens and the area is below the wild resource threshold, the MADMF will send a certification letter to the grant holder and cc: the Town. For grant areas totaling more than two acres, it will include a spreadsheet outlining cumulative impacts, as well.
- 3) You will need all of the above documents to complete the rest of your certifications.  
**These are:**
  - Completed MADMF Aquaculture Description Form with grant description and maps with coordinates, as well as the Google Earth imagery map,
  - Proof of advertising and minutes from the Selectboard meeting where new grant was approved,
  - Letter from MADMF certifying results of biological survey and that area is appropriate for aquaculture, and cumulative impacts spreadsheet, if applicable.
- 4) **Request a Public Hearing with Conservation Commission**  
ConsComm issues an order of conditions for each grant, and specifically should review how and where you intend to access your grant. You will need to fill out a "Request for Determination of Applicability." See attached "wpaform1." Below is a link to a "how to"

for reference, but follow the local filing instructions, attached and link below. There is a \$30 fee.

<https://www.mass.gov/how-to/wpa-form-1-request-for-determination-of-applicability>  
[https://www.wellfleet-ma.gov/sites/g/files/vyhlf5166/f/uploads/local\\_filing\\_procedures.pdf](https://www.wellfleet-ma.gov/sites/g/files/vyhlf5166/f/uploads/local_filing_procedures.pdf)

You will need to present the following in seven copies to the ConsComm:

1. WPA Form 1 (RDA)
2. MA Aquaculture Description Form
3. MADMF biological survey certification letter
4. MA Division of Marine Fisheries Shellfish Area Classification Map
5. Survey Plan of New Grant or Extension with Boundary Point Coordinates
6. Close Up Map of Proposed Project
7. Project Plans with diagrams of proposed equipment to be used and explaining what your farming activities will be, e.g. species, techniques, methods, gear, and your plan for access.
8. Selectboard minutes approving your new grant

The Conservation Commission meets the first and third Wednesdays of each month, so you need to plan ahead to get your documentation in.

**5) Submit for a MEPA (Mass. Environmental Protection Act) review (New Standard Review Procedures (SRP) due to expire on January 15, 2023)**

SRP guidelines:

- A. If your new grant is less than two (2) acres, you need to submit a completed Aquaculture Description Form (see attached) to the Mass. Division of Marine Fisheries. Chrissy Petitpas: [christian.petitpas@state.ma.us](mailto:christian.petitpas@state.ma.us)
- B. If your new grant is more than two (2) acres and less than ten (10) acres, you need to submit a completed MA Aquaculture Description Form (see attached) plus your biological survey certification letter from MADMF and a cumulative impacts assessment provided by MADMF to MEPA: [mepa@mass.gov](mailto:mepa@mass.gov) before the 15<sup>th</sup> or 30<sup>th</sup> of each month as they only review these twice a month on those days.
- C. If your new grant is more than ten (10) acres, you need to complete a full MEPA review. (Wellfleet does not allow any one person to be named to more than seven (7) acres, so this is null and void.)

**6) Apply for an Army Corps of Engineers Permit – Contact through December 31, 2023: Christine Jacek**

Senior Project Manager, Regulatory Division  
U.S. Army Corps of Engineers (ACOE)  
696 Virginia Road  
Concord, MA 01742-2751

Office: 978-318-8026

Cell: 978-578-7548

[Christine.M.Jacek@usace.army.mil](mailto:Christine.M.Jacek@usace.army.mil)

**If the total area of the proposed new license site is two acres or smaller** (for extensions, this includes the original grant area as well), you fill out a Self-Verification (SV) form and attach the relevant documents required by the form. For example, an existing one-acre site adding an additional one-acre would be SV eligible but a one-acre site expanding by 1.5 acres to a total of 2.5 acres would not be SV eligible.

SV form (also attached):

[https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/SVN%20Massachusetts%20\(Appendix%20C\).pdf?ver=hT7r7M8L2fqL4Z2Oiz2dTA%3d%3d](https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/SVN%20Massachusetts%20(Appendix%20C).pdf?ver=hT7r7M8L2fqL4Z2Oiz2dTA%3d%3d)

**If the total of the license site area is over two acres**, or if the extension plus the original grant area is more than two acres total, you will need to fill out Pre-Construction Notification form. This means you will be submitting an application for a general permit.

PCN application form (also attached):

[https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/PCN%20Massachusetts%20\(Appendix%20B\).pdf?ver=nFXpA-vjJL5yspmFY32Sw%3d%3d](https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/PCN%20Massachusetts%20(Appendix%20B).pdf?ver=nFXpA-vjJL5yspmFY32Sw%3d%3d)

PCN application checklist (also attached):

[https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/PCN%20Application%20Checklist%20\(Appendix%20D\).pdf?ver=3SB6LY5c\\_mkiVOjtEiwsYw%3d%3d](https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/PCN%20Application%20Checklist%20(Appendix%20D).pdf?ver=3SB6LY5c_mkiVOjtEiwsYw%3d%3d)

You also need to notify the appropriate historic agencies, either by providing copies of your application materials to them or using the MA Historic Notification (MHC) form. The MHC form can be found here: <https://www.sec.state.ma.us/mhc/mhcpdf/pnf.pdf>.

**For historic notification**, ACOE guidance is here and also attached:

[https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/Section%20106%20Notification%20Guidance%20\(Appendix%20A\).pdf?ver=5v0mUxnMZitvcz8fwkOmUw%3d%3d](https://www.nae.usace.army.mil/Portals/74/docs/regulatory/PermitsIssued/2023/General%20Permit/Section%20106%20Notification%20Guidance%20(Appendix%20A).pdf?ver=5v0mUxnMZitvcz8fwkOmUw%3d%3d)

The historic notification form filled needs to be sent only to the agencies below and proof of notification provided as part of your application packet.

- a. Massachusetts Board of Underwater Archaeological Resources

- b. Tribal Historic Preservation Officer, Wampanoag Tribe of Gay Head (Aquinnah)
- c. Tribal Historic Preservation Officer, Mashpee Wampanoag Tribe

The agencies above all accept email notification and proof can consist of copying Christine on the notification email(s). (You do not need to notify MA Historic Commission; they have indicated to the ACOE that they do not want to see aquaculture projects.)

Under section 3b of the ACOE historic resource guidance, it states that surveys may be required, however, Christine let me know that she determined that no surveys are warranted based on the types of aquaculture projects being proposed. So, besides notification to historic agencies, it is my understanding that you do not need to do anything else.

**Christine is happy to review draft application materials to make sure everything looks correct before official submittal.**

#### **ACOE Permit Application Tips:**

- If there is more than one person named to a grant, you only do one application, but make a note in the applicant box: “multiple applicants – see attached list” and then provide each grantholder’s info on a separate sheet. (The agent section is only used when someone is authorized to act on behalf of their clients, but they are not issued permits.)
- It is important to include anything you might think you will do in the future, for example, if you might want to place cultch on your grant in the future, you should include that so it is part of the ACOE permit you are issued. However, should you decide that you want to be permitted for cultch, a 401 Water Quality Certification is now required by Mass. Department of Environmental Protection (MADEP) as well as a [Chapter 91 certification](#).
  - [All persons who propose discharges or fill activities in wetlands or waters should complete the 401 Water Quality Certification for Fill and Excavation Projects in Waters and Wetlands application form, which is a separate form from this application.](#)
  - Chapter 91 authorization is required for the following jurisdictional activities:
    1. Placement, construction, or alteration of any structure, regardless of size, whether year-round or seasonal.
    2. Unauthorized placement of any fill or unconsolidated material that is confined or expected to remain in place in a waterway.
- Should you decide that you would like to leave oyster gear out in the wintertime, you will also need to apply for a [Chapter 91 permit from MADEP](#).
- A set of project plans showing the location of the lease site and the gear proposed within the site. Ideally, they would like to see information on the total number of lines/cages, water depths at high and low tide, gear spacing, etc.

- A copy of the MA DMF site certification letter. They use the information in the letter to determine the substrate type at the lease site and confirm that no eelgrass is present.
- For PCN applications: While mooring balls, pot markers, and floats are not considered Personal Aids to Navigation and do not need a permit from the USCG, the Army Corps requires a note from the Wellfleet Harbormaster that says: “The placement of buoys to mark the boundaries of grant #XXX will not impede navigation in Wellfleet Harbor.” Harbormaster Will Sullivan is aware of this, and you can email him your request for an email from him to this effect at: [William.Sullivan@wellfleet-ma.gov](mailto:William.Sullivan@wellfleet-ma.gov)
- OPTIONAL, but highly recommended: Information regarding your overall maintenance and operations plan. Some of the more successful permit reviews that Christine says she has seen for aquaculture like this provide information on when gear will be placed/removed, vessels used for operations, how often the site will be visited, etc.
- OPTIONAL: Any other authorizations that you have received from local or state authorities.

Application materials can be submitted to the following email: [cenae-r-ma@usace.army.mil](mailto:cenae-r-ma@usace.army.mil)

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**When all permits and certifications have been issued, please bring the following documents to the Shellfish Constable for review.** These will all then be placed in your file in the Principal Clerk’s office in Town Hall, and your license will be issued.

1. Selectboard minutes from the public hearing when your new grant or extension was approved
2. MA Aquaculture Description Form
3. MADMF biological survey certification letter, and cumulative impacts spreadsheet, if applicable
4. Conservation Commission approval – signed WPA Form 2 Determination of Applicability and minutes of the meeting where approved
5. Proof of MEPA filing under SRP (Special Review Procedure) or MEPA Certificate and all other agency comment letters received as part of MEPA
6. Army Corps of Engineers Permit
7. Professional survey with boundary points and any other appropriate maps