



Town Shellfish Crier
October 20, 2023

1. The 2023 Vibrio Control Plan Has Ended!

Yesterday, October 19, marked the close of the 2023 state Vibrio control plan. We are free from exposure and ice worries until May 19, 2024. Enjoy!

2. Shellfish Advisory Board Hybrid Meeting, Monday, October 23, 2023, 7-9 p.m.

In person in Town Hall Basement Conference Room (300 Main St.) and via Zoom

<https://zoom.us/j/94214261094?pwd=NW5FbVFCUTZZVzZaUldydjNMZ1lYZz09>

By Phone: 1 929 205 6099 ~ Meeting ID : 942 1426 1094 ~ Passcode: 136251

Agenda:

- 7:00 - 7:10 Announcements and Public Comments
- 7:10 - 7:15 Review and Approve Meeting Minutes – September 11, 2023
- 7:15 - 8:45 Selectboard Referred Review of the Following Items: (15 Minutes Per Item)

1. To discuss and make a recommendation to the Selectboard on whether to include or not include or to revise this section:

7.8.1. Aquaculture Research and Development Projects

For full regulation, see page 24 of Town of Wellfleet Shellfishing Policy and Regulations [here](#).

Town Counsel proposed the following change in red.

7.8.1.1. License for Aquaculture Research and Development

The Selectboard may issue a license to **a natural person an individual or an institution (including a corporation)** which proposes to conduct aquaculture research and development projects if environmentally appropriate, in the best interests of the town, and beneficial to the aquaculture industry.

2. To include or not to include a new definition of “Institution” **as proposed by Town Counsel (in red): Institution – a corporation, association, organization, trust or other entity established by law and that is not a Natural Person.**

3. To discuss and evaluate different options instead of requiring grant holders to hold a commercial shellfishing permit, e.g. farm fee.

6.1.4 Commercial Permit Fee Schedule (amended 12/20/2022 to require all grant license holders to purchase a commercial shellfishing permit)

| | |
|--------------------------------------|----------|
| Resident | \$310.00 |
| Senior Resident (65 years or older) | \$60.00 |
| Junior Resident (14-16 years old) | \$110.00 |
| Eel Permit | \$3.00 |
| Replacement Fee (for all categories) | \$20.00 |

7.8.1. Eligibility Requirements: Licenses shall only be issued to natural persons who are domiciled residents (See Sec.1 Definitions) of the Town, 18 years of age or older, *who hold a commercial shellfish permit*, and...

4. To discuss and make a recommendation in terms of language to the Selectboard of the following section. **Changes proposed by Town Counsel (in red):**

7.8.5. Working of Grants by Non-Licensees

Licensees may employ or use the services of non-licensed individuals to work their licensed areas.

All individuals authorized by a ~~licensed grant holder~~ licensee to work the grant ~~in the absence of a licensed grant holder~~ must be registered with the Shellfish Department and **be approved in writing by all licensees on the grant.**

Persons authorized to work in a grant area shall do so only in their individual capacity and shall not act on behalf of or be employed by any Institution that participates in the shellfish industry, unless it is an institution formed by a licensee for the purpose of facilitating their work on the grant.

Licensees are responsible for the actions of all such employees or otherwise affiliated persons while they are working on the grant designated by their registration. When more than one licensee has been granted a license for the same acreage, each licensee is responsible **only** for the actions ~~all persons working the grant of the employees or otherwise affiliated persons who are under their separate management.~~

5. To discuss and make a recommendation in terms of language to the Selectboard of the following section. **Changes proposed by Town Counsel (in red):**

7.9. Rights of Use, **Subletting** and Transfer

Licensees shall have the exclusive use of the area described in their license for the purpose of aquaculture, for the duration of their terms. No other individual may use the license without the express permission of the licensee(s). (See Section 4.9 Poaching, Section 4.10 Disturbance of Grant by Other Than the Licensee and MGL Chapter 130; Section 57, Section 63 and Section 67.)

Licensees may transfer the rights or responsibilities assigned to their license to any other natural person or natural persons by vote of the Selectboard, and with the express permission of all other individuals who hold license for the same area, provided that the individual meets the eligibility requirements in Section 7.8.1. (See MGL Chapter 130; Section 58 and Section 7.8.3 Limit on Individuals Licensed to Use a Grant.)

Licensees shall not sublet their licensed area to any other person or institution. For purposes of this regulation, a subletting arrangement will be considered to exist if anyone other than the licensee is permitted to remove product from the licensed area and retain it for their own use or the use of another without first turning it over to the licensee.

6. To consider whether this section relates to corporations, and if so, whether SAB would



like to discuss this and make recommendations back to the Selectboard (**red revision below proposed by Town Counsel in an earlier version of proposed regulation changes**):

11.3. Authority to Revoke Aquaculture License:

The Selectboard or the Director of the Division of Marine Fisheries may revoke an area license in accordance with the provisions set forth in MGL Chapter 130, Sections 57 & 65. In the event that a license is revoked, **for reasons other than loss of Domiciled Residence**, that individual may not possess seed nor harvest shellfish from any licenses area in the Town.

- 8:45 - 9:00 Future Topics

3. October Reminders

- Chipman's Cove opens on Sunday, October 29, to both commercial and recreational shellfish harvesting.
- South Lieutenant Island opened to oyster harvest on October 1.
- Bay Scallop season opened on October 1.
- All of South Wellfleet opened to recreational shellfish harvest on October 1.

Contact Nancy at nancy.civetta@wellfleet-ma.gov or 617-901-7193 with ideas on how the Shellfish Department can help or improve shellfishing. Thank you!

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