



# Wellfleet Shellfish Department



300 Main Street, Wellfleet, Massachusetts 02667

## MEMORANDUM

DATE: September 20, 2019

TO: Town of Wellfleet Selectboard Members

RE: Proposed change to Wellfleet Shellfishing Policy and Regulations re: 20% bycatch

Dear Selectboard Members:

It was brought to my attention by a good portion of the fishermen who use draggers to harvest shellfish in Wellfleet Harbor that there are some deficiencies in our boat regulations and also some specifications that had always been in our regulations that had dropped out for some reason over the years but should be in there. They shared sincere concerns for the long-term sustainability of our deep-water shellfish resources.

Therefore, I researched old regulations dating back to 1987 and spoke with a few older fishermen to gain historical perspective on this. I did find that there were some gear specifications which indeed used to be in the regulations, but no longer were. I also found some of our current regulations were too vague and would be difficult to enforce. I spoke with more dragger fishermen to get their feedback and determined that there are quite a few boat regulations that should be clarified and discussed in a public forum, which we will do at an upcoming Shellfish Advisory Board meeting.

This is the public process at its best....fishermen bring concerns to the department, the department conducts initial background research and then brings it to a public forum for discussion and potential decision-making. After which, any revisions will be brought to you for review and a vote.

However, in my research, I realized that it would be impossible to correctly implement the intent of the following regulation regarding by-catch of shellfish species because there is no guidance as to what type of gear is used to harvest what type of shellfish. With bay scallop season opening up on October 1, I felt it would be important to at least define gear so that I am able to implement the regulation below. Without this kind of specificity, there is no way to enforce the regulation as currently written.

To arrive at the revision proposed below, I reviewed the bay scallop regulations for all other Cape Cod towns, Assistant Constable John Mankevetch attended the Mass. Shellfish Officers Assn. meeting and discussed bay scallop gear with the other constables there, and I spoke with a couple of older fishermen who had fished for bay scallops during their long shellfishing careers in Wellfleet to make sure I was not changing anything that had always

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been done. The proposed revision simply writes down in the regulations what has been a long-standing Wellfleet practice and is in line with how other towns define bay scallop gear.

I feel the following proposal is fair and specific. We are introducing it at a public hearing. I am sending it to all commercial permit holders today to make sure they are aware of it in advance and can plan to attend the public hearing to share their perspectives.

8.4. By-catch Limited to 20%

No vessel shall land more than twenty per cent (20%) of the permitted daily catch of any species of shellfish, as by-catch, other than such species which the gear used is designed to harvest. **Gear is defined as follows: an oyster dredge with teeth per specifications in 8.3 Size of Drag or Dredge shall be used to target oysters, a bay scallop dredge without teeth and a with a sweep chain shall be used to target bay scallops and a quahog dredge with a knife blade of no longer than 18 inches shall be used to target quahogs. Any variations of dredges must have prior approval of the Wellfleet Shellfish Constable.**

I hope that you will agree with my judgment and approve the above regulation change to allow the Wellfleet Shellfish Department to correctly implement its regulations.

Thank you,

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

Nancy Civetta  
Shellfish Constable