
TOWN OF ORLEANS
SHELLFISH GRANT REGULATIONS
As Amended December 3, 2025

A. STATUTORY COMPLIANCE REQUIRED.

All licensed grants in the Town of Orleans, and all activity thereon, shall comply with Massachusetts General Laws (MGL) Chapter 130, Sections 57-68A. In addition, grant holders shall obtain all other required permits before commencing any activities on the grant. Copies of all such permits shall be provided to the Shellfish Department.

B. COMMERCIAL PERMIT REQUIRED.

No person shall hold a license for a shellfish grant in the Town of Orleans without first obtaining a commercial shellfish permit from the Town of Orleans. Any grant area shall be forfeited if the licensee ceases to be a commercial shellfish permit holder in the Town of Orleans. Grant areas shall be forfeited if the licensee ceases to be a bona-fide domiciled resident of Orleans or Eastham. In order to prove residence/domicile, applicants shall provide a minimum of three (3) of the following forms of documentary evidence:

1. A current motor vehicle driver's license;
2. A current motor vehicle excise tax bill issued by the Town;
3. A current real estate tax bill issued by the Town;
4. A current lease or rental agreement of the applicant's residence/domicile in the Town;
5. A current listing on the Town census;
6. Or any other documentation as approved by the Shellfish Constable.

In case of housing hardship, temporary retention of license may be allowed subject to approval by the Orleans Select Board based on recommendation of the Shellfish Constable.

C. EXPERIENCE / EDUCATION REQUIRED.

The applicant is required to have a minimum of one year prior experience working in the aquaculture field or must complete the Cape Cod Cooperative Extension Shellfish Farming Course (or equivalent as approved by the Shellfish Constable) within 2 years after license issuance.

D. EXCLUSIVE USE.

Grant areas are issued for the exclusive use of the license holder and it is the intent of these regulations to ensure that the license holder actively participates in the operation of said grant. Upon favorable review and favorable recommendation by the Shellfish Constable, the license holder may apply for issuance of a second individual to their license. This application shall be reviewed and approved or denied by the Select Board on a case-by-case basis. In no case shall a second individual be considered for addition unless they have been on the waitlist for a minimum of five (5) years from time of application.

Grant holders may employ others to perform certain necessary activities. Subleasing or rental of the grant area or portion thereof is prohibited.

E. REMOVAL OF SHELLFISH UPON DEATH OF LICENSEE.

Upon the death of any licensee, the immediate family shall have a period of three years, to provide for grow-out, or to remove adult and seed stock that has been planted by said licensee in the territory covered by the license. Prior to removing any seed however, the family must obtain the proper permit from the Division of Marine Fisheries. For the purposes of this section, immediate family shall mean the spouse, son, daughter, mother, father, brother and sister of said deceased licensee. The town may consider a transfer of said grant license under the terms delineated in Section U., below.

F. GRANT AREAS AND USE.

There shall be a maximum of 26 grants of up to 2 acres each in the Pleasant Bay estuary, pending availability of acreage. There shall be a maximum of 5 grants of up to two acres each in Cape Cod Bay, with said area limitations to be reviewed by the Select Board from time to time. In no case may any one grant exceed two (2) acres in size. The future allocation of acreage for new shellfish grants in the Pleasant Bay estuary shall be consistent with the Resource Management Plan for the Pleasant Bay Area of Critical Environmental Concern (A.C.E.C.). No new grants shall be licensed in the waters of the Town of Orleans in the Nauset Estuary, or in other areas where the historic natural production of shellfish is evident.

Regardless of whether the specified total grant area limit has been reached, the Select Board may consider licensing grants for educational purposes and the purposes of collecting experimental data that would benefit all. In such cases, the Select Board may require that a project schedule and periodic reports be submitted to the Shellfish Department. There shall be no right to operate the grant area for any period after the conclusion of such educational project or experiment.

For the purpose of determining appropriate use of a shellfish grant by a license holder, the following standards shall apply:

- 1) Periodic inspections of a shellfish grant by the Shellfish Department shall be conducted annually at a minimum.
- 2) Annual Shellfish Purchase Requirement: A minimum of \$2,500.00 per one-half acre must be expended annually exclusively on shellfish to be planted on a shellfish grant lease site.
- 3) Copies of all receipts for purchased seed shall be provided to the Shellfish Department each year with the annual report no later than December 31 and immediately upon demand of the Shellfish Constable.
- 4) In the event that a license holder is unable to meet any of the above requirements, the license holder must provide sufficient evidence of hardship to the Shellfish Department and the Select Board in the form of a summary letter on or before December 31 of each year.

As grants in the Pleasant Bay estuary and Cape Cod Bay are relinquished to the town, they may be reassigned or reallocated pending a thorough site review by the Shellfish Department. Priority for the allocation of available acreage shall be given to existing grant-holders eligible for expansion or for the creation of protective buffer zones between grants. Otherwise, available acreage may be assigned to the first applicant from the waiting list.

For purposes of expansion only, the size and location of a grant area to be awarded shall be determined based on:

- 1) Management/development plan submitted with an application
- 2) Compliance with the Annual Shellfish Purchase Requirement delineated in Section F.

G. WAITING LIST

- (1) The Shellfish Department shall maintain a waiting list of grant applicants in chronological order.
- (2) Placement on Waiting List and Fee
 - a. The applicant for a waiting list shall complete and submit an “*Aquaculture Grant Waiting List Application*” and provide the necessary fee to the Natural Resources Department. The fee shall be ten dollars (\$10) annually.
 - b. The applicant for a waiting list shall provide current and accurate contact information on their waiting list application. Failure to provide current and accurate contact information may result in removal from a waiting list.
 - c. Upon receipt by the Shellfish Constable of a waiting list application, the Shellfish Constable shall enter the date of receipt on the application and add the name of the applicant to the chronological waiting list for the area requested.
 - d. All waiting lists shall be posted at the Natural Resources Department and online at the Town of Orleans website and shall be updated regularly.
- (3) Waiting List Renewal
 - a. The Shellfish Constable shall provide those individuals on the waiting lists with an annual “*Aquaculture Grant Waiting List Renewal*” form.
 - b. If the individual on a waiting list wishes to renew their place on the waiting list, they shall:
 1. Ensure that the information on the renewal form is accurate and sign the renewal form.
 2. Return the renewal form with the necessary payment to the Natural Resources Department between January 1 and March 31 inclusive.
- (4) Removal from a Waiting List
 - a. An individual on a waiting list who does not wish to renew their place on a waiting list should so indicate on the renewal form and return said form to the Natural Resources Department.
 - b. An individual on a waiting list must renew their place on the waiting list annually between January 1 and March 31 inclusive. Failure to renew during this period shall result in removal of the individual’s name from the waiting list.

(5) Assignment of an Aquaculture Grant to an Individual from a Waiting List

When a grant becomes available, the Shellfish Constable may offer the grant site to the first individual on the waiting list. If the individual chooses not to accept the designated grant site, they have the right to defer their spot to the next person on the waitlist without losing their spot on the waitlist. The deferment period will last one (1) year from the date of decline. The deferral recipient cannot re-enter the waitlist during this period if another site becomes available. Any deferrals must be submitted in writing and dated and returned to the Shellfish Department. Each individual is only allowed one (1) deferral opportunity while on the waitlist. Once the allowed deferral is used, if the individual declines a second time, they move to the bottom of the waitlist.

H. APPLICANT TO PROVIDE DESCRIPTION.

The applicant for a licensed grant must provide a locus map and a sketch plan showing the GPS coordinates of the location of the corners.

I. LICENSE PERIOD.

Grant licenses will be issued initially for a one (1) year period. After one (1) year and an evaluation by the Shellfish Department, the license may be renewed with a maximum ten (10) year term.

J. MANAGEMENT PLAN REQUIRED.

At the time of application, the applicant for a licensed shellfish grant must file a management/development plan with the Shellfish Department and the Select Board. Such plan will be evaluated by all reviewing parties in consideration of licensing said grant. Any subsequent changes must be submitted for review to the Shellfish Department prior to said change.

K. ANNUAL REPORTS.

Licensed grant holders shall file annual reports in accordance with MGL Chapter 130, Section 65 on or before December 31 each year. Copies of all receipts for shellfish seed purchased for said grant during that year shall be attached to this annual report.

L. SUSPENSION/REVOICATION.

Licensed grants may be suspended or revoked by the Select Board for violations of MGL Chapter 130, Sections 57-68A, the regulations of the Division of Marine Fisheries, the Orleans Shellfish Regulations, the Orleans Shellfish Grant Regulations, or otherwise for any just cause including failure by the grant holder to comply with conditions set forth by the Select Board, the Shellfish Department and the grant holder's own management plan.

M. SHELLFISH SIZE REQUIREMENTS.

All shellfish removed from licensed grants shall meet town and state regulations regarding size and maturity except as provided for in Sections E and T of these regulations.

N. SEED PERMIT REQUIRED.

No person shall plant, place, or transplant seed shellfish in or on any water or flat within the Town of Orleans without first obtaining a state seed permit or aquaculture permit.

O. SEED RESTRICTION.

No person shall remove seed stock from the natural or wild fisheries within the Town of Orleans, for any purpose, including the purpose of stocking their licensed grant with such seed.

P. GEAR RESTRICTIONS.

(1) In Cape Cod Bay, all racks shall be removed and stored off-site no later than January 5 annually and not to be re-installed earlier than February 15 annually.

(2) The use of foam is prohibited for any grant issued after January 1, 2026. All foam on existing grants must be removed prior to January 1, 2029.

Q. GRANT MARKING.

From April 1 to November 1, all shellfish grants shall be marked with twenty (20) inch or larger in circumference, yellow fluorescent balls at each corner, and said buoys shall be attached to their moorings only by metal chains, cables, or non-floating lines. These buoys shall bear the painted numbers of the licensed grant and said numbers shall not be less than two inches in height. Additionally, such other buoys as shall be required by the Harbormaster shall be placed as he shall direct. Failure to comply with this regulation shall be cause for immediate forfeiture of said grant license in accordance with MGL Chapter 130, Section 61.

Moorings for said buoys shall be of PVC pipe, helical anchors, or similar design if approved by the Shellfish Constable, so as to reduce the potential for damage caused by dragging. The use of concrete blocks, bricks, mushroom anchors, or similar devices as moorings shall be prohibited unless authorized by the Shellfish Constable.

All aquaculture gear including but not limited to nets, bags, cages, racks and buoys shall be tagged by the licensee as follows: (permit holder's last name) so that any loose gear may be returned. Said gear shall be retrieved by the grant holder within fourteen (14) days of verbal or written notification by the Natural Resources, Shellfish and Harbormaster Department.

R. NIGHT RESTRICTIONS.

No grant holder shall dig, pile, take, harvest or carry away any shellfish or shells during the period between one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise by any method whatsoever.

In cases of impending natural emergency such as storm or ice, and with the permission of the Shellfish Constable or Deputy, the grant holder may engage in the securing of threatened stock, the repair of propagation boxes, bottom pens, nets or other shellfishing equipment during the period from one-half (1/2) hour after sunset to one-half (1/2) hour before sunrise.

S. HARBOR IMPROVEMENTS LIABILITY.

No holder of any licensed grant shall hold liable the Town of Orleans or the Commonwealth of Massachusetts for any damage to any grant as the result of harbor improvements.

T. FORFEITURE OF GRANTS

A grant holder who decides to forfeit his/her grant license shall notify the Shellfish Department of that intention in writing, and specify the date on which the forfeiture shall become effective. The grant holder shall be allowed a reasonable period of time to allow for the grow-out of existing stock on the grant. After such notification the grant holder may be authorized by the Shellfish Constable to obtain a seed selling permit from the Division of Marine Fisheries to allow for the removal of adult and seed stock from the grant area until the date of forfeiture.

U. TRANSFER OF GRANTS

A grant license may not be transferred, in whole or in part, to any party other than an immediate family member of the current license holder (immediate family member being defined in Section E, above).

A license transferred under authority of this section shall continue in full force and effect and be subject to any conditions or restrictions applied at the time of issuance. Such transferred licenses may be renewable for such terms as allowed by Section I and all other requirements of these regulations pertaining to residency and licensing shall apply.

In the case of the death of the licensee, the town may elect to allow the transfer of said grant to an immediate family member or to a legal guardian. If such a transfer is made to an individual who is not the holder of a valid Orleans commercial shellfish permit and/or domiciled in the Town of Orleans or Eastham, the following conditions shall apply:

- (1) In the case of a transfer to an immediate family member who is not yet of lawful age to hold said permit or does not meet the residency requirements, he/she shall be allowed to operate the grant in partnership with a holder of a valid permit until such time as he/she becomes eligible for the same. In the case of a transfer to a legal guardian, he/she shall be allowed to operate the grant in partnership with a holder of a valid commercial permit until such time as said minor is entitled to a permit.

In all cases, a person receiving the transferred grant who is of lawful age to obtain a commercial permit shall obtain said permit during the period between January 1 and March 31 immediately following the transfer. In the case of a minor, he/she shall obtain a commercial shellfish permit during the period between January 1 and March 31 immediately following the attainment of age fourteen (14).

V. ACREAGE ELIGIBILITY

No individual shall be entitled to any grant area that, would bring the total acreage to greater than two acres.

W. COMMERCIAL PERMIT REQUIRED TO LAND SHELLFISH

All shellfish harvested from a shellfish grant shall be landed by the holder of a valid commercial shellfish permit and / or valid state employee transaction card associated with the grant.

X. REMOVAL OF GEAR UPON TERMINATION OF LICENSE

When a license is discontinued or terminated for any reason, the license holder shall be required to remove all gear from the waters and substrate within 60 days of the license termination date. Any and all equipment not removed within 60 days may be removed by a third party, contracted by the Town, at the expense of the licensee. All shellfish harvested from a shellfish grant shall be landed by the holder of a valid commercial shellfish permit and / or valid state employee transaction card associated with the grant.