



GUIDANCE FOR COMPLETING AN APPLICATION TO CONDUCT AQUACULTURE IN TOWN OF STONINGTON WATERS

[Adapted from the "Shellfish Resource Management Plan." Please reference the management plan for further detail and explanation of the summary items presented here.]

- 1. Who Can Apply**—Any legally incorporated and licensed shellfish/aquaculture business may apply to conduct aquaculture operations in Stonington waters.

- 2. How To Apply**—The applicant **MUST** submit a completed "Application To Conduct Aquaculture" to the Commission for review and consideration. If the application is deemed complete by the commission, it will be accepted for further review. Acceptance of an application for review and consideration does not signify acceptance for implementation, nor does initiation of a dialogue to preliminarily determine stipulations and conditions of a possible aquaculture operation.
 - Once submitted to the Commission for review, an application may not be changed or amended by the applicant unless specifically requested by the Shellfish Commission, and only the requested changes will be considered. Alterations outside of those requested by the Commission could result in return or rejection of the application;
 - Costs associated with application process, such as costs for posting public notice in local newspapers, and filing fees associated with registering an approved aquaculture site on the town Shellfish Grounds map, will be the sole responsibility of the applicant. The estimated cost for the posting of the PUBLIC NOTICE in local newspapers must be paid to the Commission/Town prior to holding the public hearing. The public hearing required of the aquaculture application process will not be conducted until the applicant has paid this fee.
 - The applicant **MUST** file application in both electronic and hard copy formats. At the very least, text must be submitted in both formats, while maps and other attachments may be submitted in hard copy only format. Electronic applications may be downloaded from the commission web site at:
(http://stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm)
 - Applications are dated and given a unique ID number upon receipt and are considered by the commission in the order received;
 - Applications will be entertained by the commission for not more than 140 days at which point the commission will decide either to accept the

- application for the public review process (e.g., will go to public hearing) or to reject the application;
- o An extension may be granted by the commission, for good reason, to encompass a period not longer than 30 days, and not more than 2 such extensions will be granted;
 - o Once past the Public Hearing process and approved for negotiation of a license agreement, the Commission will continue negotiations for a period of not more than 3 months, at which point the Commission will vote to continue negotiations or reject the application.
 - o If an application is rejected, during application or negotiation, the commission will not accept another application from the applicant to conduct similar or identical work at the same or similar site for a period of 6 months.

3. Verification of Availability—The applicant, as part of the application process, **must** bring the description, and map, as described below (5), to the Town Clerk’s office at the Stonington Town Hall for referencing to the Stonington Shellfish Grounds map. The Town Clerk **must** verify the availability of the area described in the application. The Shellfish Commission **will not** entertain any application that does not carry with it the verification of availability from the Town Clerk.

4. Licensing & Registration Requirements—The applicant **must** have valid State of Connecticut Dept. of Agriculture, Bureau of Aquaculture/Dept. of Health licenses, tags, permits, etc., and any other required licenses, registrations or documentation required by federal, state and/or town regulations and ordinances. The Army Corps of Engineers requires a permit for all aquaculture operations incorporating gear placed on the bottom or suspended in the water column. Furthermore, CT Office of Long Island Sound Programs/DEP permits floating structures in navigable waters, as well as requires specific marking/buoys of aquaculture sites. It is the responsibility of the applicant to acquire these permits. While the Commission will move forward in working with applicants to develop aquaculture site designation without these permits in hand, the Commission **will not** execute an agreement to begin aquaculture operations until the applicant has been approved by any and all appropriate permitting agencies and copies are on file with the commission.

The commission will consider an application as “pending” for a period up to six (6) months while the applicant acquires all required permits and licenses. If the applicant cannot acquire all other appropriate licenses and permits within the designated 6 month time frame, the applicant **must** notify the Commission of the status of its application for the required permits, and **must** submit to the Commission documentation from the appropriate agencies showing that the process is underway as well as provide an estimated completion date. Failure to do so will result in the application being rejected and/or denied. If the applicant cannot obtain all required and appropriate permits and licenses within a time span of 1 year from the date

the Commission accepts the application, the Commission may deny the application without prejudice.

5. The following are specific details to note while completing an application. Some of the following are stipulations, others are specific requests for specific information the commission wants included as part of the application. Failure to provide **all** requested information and/or adhere to **all** stipulations will result in return or rejection of the application.

REQUIRED INFORMATION:

- Latitude/Longitude (or GPS) coordinates, provided in tabular format, defining the area to be used for aquaculture, as well as clearly shown on the map as noted following;
- NOAA Oceanographic/Navigation chart showing the location and extent of the proposed aquaculture operation;
- Description of the site, focusing on bottom condition of the area to be used, and particularly noting the existence of eelgrass and/or shellfish populations or other significant natural resources, as well as docks or other pertinent man-made structures or features;
- Description of the specific type(s) of gear to be used;
- Description of the specific methodologies and timing of growing and harvesting;
- Description of any known or anticipated conflict with other users as a result of the proposed aquaculture operation (e.g., boating fairways, lobstering grounds, recreational fishing sites, etc.);
- Species to be grown and the number expected to be growing when at full production;
- Time frame of the proposed venture;
- Registration ID and a photograph of all vessels to be used;
- Certificate of Availability from the Town Clerk for the proposed site;
- Signed affidavit (e.g., signed application form) that the applicant has read and understood the guidance provided to aquaculture applicants.

REQUIRED STIPULATIONS:

- The extent of area applied for is not to exceed 20 acres;
- The extent of time applied for is not to exceed 10 years;
- Non-native species are not allowed for culture in Town of Stonington waters. Any application proposing the culture of non-indigenous species of shellfish will be denied;
- The applicant **MUST** be the designee/permitted party to all town, state and/or federal permits and licenses applicable to the aquaculture operations being proposed;
- A license agreement will be developed and entered into by the commission and the applicant as the mechanism for the Town of Stonington allowing temporary use of town owned submerged lands;
- Ownership of all submerged lands used in any and all aquaculture operations are retained by the Town of Stonington in perpetuity;

- No application will be approved for implementation until copies of all approved state and/or federal permits have been submitted to the commission;
- The applicant will maintain all required state and federal licenses and permits, and will provide updated copies to the commission as appropriate according to renewal dates;
- The applicant will hold a valid Town of Stonington commercial shellfishing license, renewable each year, throughout the period of the use agreement;
- An annual report of activities will be filed with the commission in January of each calendar year, with a summary report filed with in commission in July of each year;
- The commission, or its designated agent, has full right to enter and assess operations, conditions and activities on the aquaculture site;
- Use of the aquaculture site for activities or purposes, or by parties other than those expressly stated in the license agreement, will be grounds for termination of the agreement;
- No operational activities are allowed between sunset and sunrise, nor on holidays or weekends between Memorial Day(late May) and Labor Day (early September);
- Payment to the commission for use of town owned submerged lands will be negotiated, and payment may be in shellfish product, cash, or other form, or combination of forms, that is deemed appropriate by the commission and agreed upon by the applicant;
- The town shall not be held responsible for any obligations, financial or otherwise, accrued by the applicant as a result of the permitted aquaculture operation, nor shall it be held responsible for the value of any gear, shellfish product or other items associated with the aquaculture operations;
- Aquaculture areas shall not be “sublet” to any other operator, nor shall they be worked by any operator, other than those specified in the license agreement;
- Aquaculture areas will be rehabilitated or restored by the applicant when the agreed upon term of use is completed. This will entail, at a minimum, the removal of all aquaculture gear from the site and may include a requirement for planting an appropriate species of shellfish at an appropriate population density to reestablish natural populations.

6. Description of the Culture/Growout Area—The applicant, as part of the application process, will describe the bottom composition, in general terms, to be utilized for aquaculture operations in written paragraph form. The area must further be defined by a series of Latitude/Longitude coordinates, or GPS/DGPS/WAAS GPS coordinates, to define corners and other appropriate boundary markers, and be shown on a map of suitable scale. It is suggested that the applicant use the “No New Aquaculture” map, found at the commission web site, as their base map.

(http://stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm)

If GPS coordinates are provided, the applicant must specify the coordinate

format that their specific GPS unit uses (e.g., Lat/Long, UTM, State Plane, etc.). Exact acreage of the aquaculture site must be provided on the application as requested, and total number of organisms expected to be grown, when maximum production at the site is achieved, must be provided on the application, as requested.

- o Areas containing significant resources, particularly eelgrass, may be considered unsuitable for aquaculture operations by the Commission. While presence of these resources do not by default mean an area may not be used for aquaculture, their presence may limit use of part of the site. In extreme cases aquaculture may not be allowable. The location of eelgrass **must** be clearly shown on the map accompanying the application. If no eelgrass is present, the applicant must state this as being the case. A brief description of eelgrass survey methodology used is to be provided by the applicant. Applications not having complete eelgrass documentation will be returned to the applicant.

7. Fees—Typically, successful applicants (herein “commercial growers”) are assessed two fees by the Shellfish Commission;

- o Permit Assessment—The commercial grower must hold a valid Town of Stonington Commercial Shellfish Harvest Permit throughout the term of operations. The fee for this permit is determined on an annual basis by the Commission, and is approximately \$100.00 per annum.
- o Product Assessment—The commercial grower is assessed a fee by the Commission for the use of Town of Stonington submerged bottom for aquaculture. While the fee may be assessed at a dollar value, the Commission will most often opt to assess an equitable percentage of live shellfish product for transplant into recreational shellfishing areas, or for other commission sponsored or endorsed needs. Determination of the assessment to the commercial grower is defined during license agreement negotiation process. A “ballpark” assessment to consider for business planning purposes is an annual assessment of 5,000 hard clams of a size 20 mm or larger per acre of aquaculture ground requested by the applicant.

8. Transference—The area defined by the license agreement may not be transferred or sublet to any other individual or business under any circumstance or condition unless the commission has provided express permission and prior agreement to do so.

9. Termination—The license agreement may be terminated for the following reasons:

- o By the commercial grower at any time by submitting written notification to the commission;
- o By the commission if the commercial operator at any time violates any provision of the license agreement, or any provision of federal, state or town law, including, but not limited to, shellfishery regulations, or if deemed necessary by any need of the town or commission or state or federal government that cannot or could not be predicted at the time

the license agreement was validated and entered into by the commission and commercial grower.

In the event a license agreement is terminated, the commercial grower will be given reasonable opportunity to de-commission the site, but such time will not exceed a 6-month period. Any fees or product (e.g., shellfish) paid to the commission as part of the agreement will be non-refundable and non-returnable to the commercial grower. Furthermore, any agreed upon assessed "product" or dollar value owed the commission by the commercial grower must be paid in full within a time frame agreed upon by both the commission and the commercial grower at the time of termination.

10. Use of the Aquaculture Site—The commercial grower shall use the bottom and water column resources as defined in the license agreement, and solely for the purposes of the growing, cultivating, transplanting and harvesting of shellfish as defined in the license agreement. The area shall not be used as a commercial or private mooring field, nor for any other activity not directly related to the culture and/or harvest of shellfish as specified directly in the license agreement.

11. Bottom Ownership—The Town of Stonington maintains full right of ownership and full control over all areas defined for aquaculture operations prior to, during and following the full term of the license agreement. Aquaculture operations allow only for the specific use of Town of Stonington in-water resources, and do not grant any right to those resources other than on a temporary basis as specifically defined in the license agreement.

12. Liability—The Town of Stonington claims no liability for any gear, product, effort or other investments made by a commercial grower under the terms of an executed license agreement. In the event that the commercial grower named in a license agreement abandons their aquaculture site, loses or has gear moved by storm or other natural event, or otherwise conducts activities in such a way that gear must be moved or removed by the Town of Stonington or an assigned agent, the commercial grower shall be billed for all expenses related to clean up activities.

13. Amendments—In the event that, due to changes in the resource, the market, technology, or other unforeseen instances or circumstances, the conditions of the license agreement become obsolete or require change, either the commercial grower or the commission may request amendment. Both the commercial grower and the commission must be agreeable to amending the license agreement, and must agree upon the terms of the developed amendment. Once agreed upon, the amendment shall be attached to the original agreement and will become binding on both parties.

14. Non-Use of An Aquaculture Area—The commercial grower must actively use the area defined in the license agreement on a consistent and continuing basis as defined in the license agreement. The commission will not tolerate the use of license agreements as mechanisms by which to "hold"

bottom for some possible future use by a commercial entity. The area defined for aquaculture purposes must be actively worked and/or used, as specifically described in the license agreement. Failure to show continuing activity in the aquaculture area will result in termination of the agreement.

15. Reporting Requirements—The commercial grower will submit written summary reports of their activities to the to the commission during July and during December. Failure to submit reports on activities could result in termination of the license agreement.

- The commercial grower will include, as part of their report, an update on eelgrass and other significant resources within their aquaculture site. Particularly, the commission will be interested to determine if eelgrass is present in the area, if its extent is expanding or contracting, and the overall condition of that natural resource.

16. Other Restrictions/Requirements—In general terms:

- There shall be no operations conducted between the hours of sunset and sunrise;
- There shall be no loud engine or equipment noises that exceed state or town mandated decibel levels;
- Any and all applicable federal, state and/or town licenses, permits, registrations and other documentation required to legally carry out the conditions of the license agreement must be kept current and valid during the entire term of the agreement;
- The designated Shellfish Warden, or any active member of the Stonington Shellfish Commission, shall be allowed to board a commercial operators vessel while working in Stonington waters to inspect permits, harvested product, equipment and/or perform other duties and checks deemed appropriate;
- All gear used in aquaculture operations will be maintained in a fashion that does not promote restriction of other uses of the area and or water column in an unnecessary fashion;
- All gear used in aquaculture operations will be maintained in a fashion that ensures, as much as possible, that gear will not be lost or otherwise set free due to weather or other natural climatic events;
- In the event that gear is removed from the aquaculture site due to storm or other natural climatic conditions, the commercial grower will make all efforts to remove that gear from the shoreline or other place of its deposit in a reasonable amount of time.