

Stonington Shellfish Commission

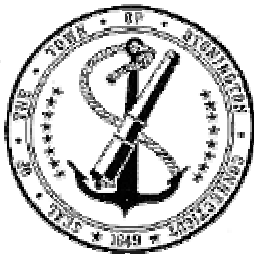
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# Shellfish Resource Management Plan

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Town of Stonington, Connecticut



**Town of Stonington**  
*Shellfish Commission*

Approved by the Stonington Shellfish Commission 06 August 2002

Approved by the Stonington Board of Selectmen 09 October 2002

Approved by the CT Dept. of Agriculture; Bureau of Aquaculture 11 December 2002

*Last Updated/Amended—15 March 2005*

# Shellfish Management

The shellfish commission has developed a three-tiered approach to managing shellfisheries in town waters. A first tier pertains to the recreational shellfishery that is conducted for personal consumption of shellfish and is accessible to and by the public at large. The general public must obtain a recreational harvesting permit issued by the commission or its agent. A second tier is that conducted by commercial entities that engage in commercial shellfish harvest for wholesale or retail sales. These entities are licensed by appropriate state and federal agencies to conduct commercial activities, and are permitted by the shellfish commission to extract wild clams from town waters. The third tier pertains to the culturing (growing) of shellfish for commercial harvest and sale. In this instance, on top of holding appropriate federal, state and town permits and licenses, the commission and commercial grower devise and enter into a collaborative, shellfish management agreement.

## RECREATIONAL HARVESTING

The majority of activities conducted under the commission's recreational shellfisheries program involve users, typically the general public, engaged in collecting small quantities of shellfish for personal use. There is nothing to preclude however, an appropriately licensed commercial entity from harvesting shellfish with a recreational permit, provided that all daily, seasonal and other town recreational harvesting regulations are followed and that all appropriate state and/or federal permits and licenses are obtained.

The recreational shellfishery is the most important aspect of the commission's overall program as it is through the recreational pursuit of shellfish that residents of the town of Stonington can most benefit from the efforts of the shellfish commission. The commission, as an element of its work with commercial harvesters and growers, often takes its "payment" in the form of shellfish that are then seeded into popular recreational shellfishing sites that are easily accessible on foot and by those of any age or ability. In these, and other ways, shellfish resources are managed in a fashion such that commercial efforts undertaken in town waters benefit residents, users and the resource itself.

### Recreational Clam and Oyster Harvest

While oysters are relatively scarce in Stonington waters, hard clams, often called quahogs, are quite abundant and are readily sought after for making chowders or to be consumed raw "on the half-shell." Due to the high probability of clams and oysters being consumed in an uncooked state, there is considered to be a high risk to human health. If clams harvested from contaminated waters, particularly those contaminated with human sewage, are consumed in an uncooked state there is a risk of becoming ill, sometimes severely so. Because of this risk the recreational harvest of clams and oysters is strictly regulated according to water quality conditions.

RECREATIONAL HARVESTING PERMITS are required of all persons 12 years of age and older, and are available at modest fees at a number of vendor sites located throughout the town. There is a lesser fee charged to residents of the town of Stonington, though permit fees

are structured to promote use and enjoyment of the resource by all interested persons. Recreational permits are issued free to senior citizens 65 years of age or older. Permits must be physically present while engaged in the act of harvesting and/or transporting shellfish.

COPIES OF REGULATIONS pertinent to town waters, and maps identifying areas where waters are open to recreational harvest of clams and oysters can be found at vendor sites throughout town and at the commission web site:

[[http://www.stoningtonshellfishcommission.org/shellwebsite/stonington\\_shellfish\\_commission.htm](http://www.stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm)]

THE SHELLFISH WARDEN, a member of the shellfish commission, a Stonington marine patrol officer or state conservation officer may, and has all right, to request any recreational shellfish harvester to show their permit and to check harvested shellfish to ensure conformance to size and quantity limitations. Infractions will be noted, and arrests may be made and fines levied as appropriate.

AREAS LABELED APPROVED on shellfish maps obtained from vendors are open to shellfishing at all times. There may be extreme conditions or circumstances however, such as extraordinarily heavy rainfall or a hurricane, or major release of untreated sewage that force the closure of all areas, even those marked APPROVED on shellfish maps. It is the responsibility of the recreational harvester to check the status of town waters prior to harvesting shellfish. The commission maintains a "hot line" which contains up-to-date status information (Open/Closed) for shellfish harvest in town waters: 860-599-7575.

#### **Management of CONDITIONALLY APPROVED Shellfishing Areas**

CONDITIONALLY APPROVED shellfishing areas are designated Area A, Area B and Outer Quiambog Cove. The MOU between DA/BA and the Town of Stonington dictates the terms and conditions of recreational harvesting in these areas, and they require frequent water quality sampling and periodic shoreline surveys to document that water quality stays within appropriate guidelines. Any decline in the water quality may result in the closure of these recreational shellfish grounds.

AREA A is open on a year-round basis, and closes for a minimum of 7 days after a 1" rainfall. Following any major failure of the Mystic Sewage Treatment Facility, Area A closes and water quality must meet bacterial standards for APPROVED shellfish growing waters before the area may be reopened again to recreational shellfishing.

AREA B is open on a seasonal basis, being closed for the boating season (May 1 through October 31) due to the presence of moored and/or anchored boats between Masons Island and Andrews Island. (Area B contains a special anchorage area noted on NOAA chart 134214). During the season when it is open, Area B closes for a minimum of 7 days after a 1" rainfall. Following any major failure of the Mystic Sewage Treatment Facility, Area B closes and water quality must meet bacterial standards for APPROVED shellfish growing waters before the area may be reopened again to recreational shellfishing.

OUTER QUIAMBOG COVE is open on a year-round basis, and closes for a minimum of 7 days after a 1" rainfall. Maps showing these areas can be found at the commission's web site:

[[http://www.stoningtonshellfishcommission.org/shellwebsite/stonington\\_shellfish\\_commission.htm](http://www.stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm)]

Harvesting status information (Open/Closed) can be determined by calling the commission's "hot line" at: 860-599-7575.

NEW RECREATIONAL SHELLFISH HARVESTING AREAS are opened by the commission through ongoing collaborative efforts with the Town Sanitarian and DA/BA to improve water quality. As water quality improvements are verified through water quality sampling programs, new opportunities for recreational shellfishing are created.

#### Recreational Scallop Harvest

Unlike the harvest of other shellfish, which is often restricted due to water quality not meeting specific criteria for the safe consumption of raw shellfish, scallops may be harvested from all waters<sup>1</sup>. Risk to human health from bacterial contamination is considered minimal since only the adductor muscle of the scallop is generally consumed, and most often in a fully cooked fashion. A further difference in the regulation of scallop harvest is that scallops can only be taken during a given period of time, generally mid-fall through the 31<sup>st</sup> of March of the following calendar year. The reasoning behind this "scalloping season" is that most mature, 2-year old adults have spawned and will not live through another winter to spawn in the spring, and therefore they may as well be harvested for human consumption.

RECREATIONAL SCALLOPING PERMITS are required of all persons 12 years of age and older, and are available at modest fees at a number of vendor sites located throughout the town. Recreational permits may be purchased in two forms: seasonal or daily permit. There is a lesser fee charged to residents of the town of Stonington, though permit fees are structured to promote use and enjoyment of the resource by all interested persons. Recreational permits are issued free to senior citizens 65 years of age or older. Permits must be physically present while a person is engaged in the act of harvesting and/or transporting shellfish.

COPIES OF REGULATIONS pertinent to town waters, and maps identifying areas where waters are open to recreational harvest of scallops can be found at vendor sites throughout town and at the commission web site:

[[http://www.stoningtonshellfishcommission.org/shellwebsite/stonington\\_shellfish\\_commission.htm](http://www.stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm)]

THE SHELLFISH WARDEN, a member of the shellfish commission, a Stonington marine patrol officer or state conservation officer may, and has all right, to request any recreational shellfish harvester to show their permit and to check harvested shellfish to ensure conformance to size and quantity limitations. Infractions will be noted, and arrests may be made and fines levied as appropriate.

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<sup>1</sup> There are several areas closed to recreational harvest of scallops. These areas are under lease by commercial harvesters from the State of Connecticut, and are marked on town maps that accompany town regulations.

## COMMERCIAL HARVESTING

The shellfish commission permits commercial harvesting of wild shellfish from town waters. Commercial harvesters, unlike recreational harvesters, must undergo special licensing and permitting at the state level in order to harvest and sell their shellfish product either wholesale or retail. Licensing and permitting is conducted in a vigorous manner to ensure the product can be consumed raw without posing significant threat to human health from contamination. Commercial harvesters must also obtain a town permit from the commission to harvest in Stonington waters. The town permit may contain restrictions and stipulations not required at state or federal levels, such as restricting harvest activities between certain hours or on certain days, and/or limiting the area within which shellfish can be harvested.

At present, commercial shellfish harvesting activities in town waters are relatively minor in extent, mainly due to the small area available in which they can conduct the harvest of wild shellfish. In general terms, the shellfish commission does not allow commercial activities to occur in areas that sustain regular recreational use. The commission may however, on occasion, allow commercial harvesting in little used recreational areas provided there is significant transfer of shellfish into popular recreational shellfishing areas.

The commercial shellfishery—the harvest of wild shellfish—is an important facet of the commission’s recreational program. Due to increasing privatization of the coast resulting in reduced public access, and therefore increasing pressure on easily accessible shellfish beds open to recreational harvest, clam abundance often becomes the limiting factor to recreational success. In an effort to compensate for these demands on our coastal resources, commercial harvesters most often make “payments” to the town, at the request of the commission, in the form of shellfish that are then seeded into popular recreational shellfishing sites. Recreational shellfish harvesters gain direct benefit from this in that they get access to a continuing supply of high quality shellfish.

Commercial shellfish harvesters are also partners in shellfish and natural resource improvement and restoration efforts. When the coastal waters are not “worked” by commercial or recreational harvesters for long periods of time, they often become silted over or compacted, losing value as a site for the settlement and growth of shellfish. Commercial operators “groom” the bottom during harvesting activities, increasing the potential for future wild shellfish growth. Furthermore, commercial operators assist the commission in their efforts to restore wild populations of eelgrass, scallops and oysters to Stonington waters.

**COMMERCIAL HARVESTERS MUST APPLY** to the commission for a permit to harvest shellfish on town owned bottom by filing an application. The application is reviewed at a commission meeting, at which point it may be rejected or accepted. Most often commercial applications have several limitations and stipulations attached to them.

**COMMERCIAL HARVESTING IS NOT ALLOWED**, in general, in popular or heavily used recreational areas, nor is it generally allowed in eelgrass beds. Some submerged bottom areas may not be available for commercial harvest with a permit issued by the commission as they may be in use for other purposes. The “Shellfish Grounds Map” kept in Town Hall, or

posted on the commission's web site, should be referenced to determine where commercial harvest of wild shellfish is not allowed.

[[http://www.stoningtonshellfishcommission.org/shellwebsite/stonington\\_shellfish\\_commission.htm](http://www.stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm)]

COMMERCIAL OPERATORS ARE RESPONSIBLE for any and all other licenses they must have, as defined by state and/or federal regulations. Holding a Town of Stonington shellfish harvesting commercial permit does not override or preclude the need for other state or federal licenses or permits, or vice versa.

COMMERCIAL VESSELS WORKING IN STONINGTON WATERS may be boarded upon the request of any member of the shellfish commission, the shellfish warden, a Stonington marine patrol officer or a CTDEP conservation officer to have permit validation checked as well as to determine that the shellfish being harvested fall within any stipulations and/or limitations of any and all permits issued by all permitting agencies. Commercial vessels must have onboard all required permits while operating under their town permit in town waters.

## AQUACULTURE

The Stonington Shellfish Commission recognizes that opportunity for the harvest of natural populations of shellfish on a commercial basis is limited in town waters. Furthermore, the commission recognizes that aquaculture operations, particularly so-called “cottage industries,” diversify the economy of the town and maintain a significant traditional use of coastal resources. As such, the commission has developed a process, in accordance with Sec. 26-240, that will allow for the growth of aquaculture ventures in town waters. Any licensed shellfish/aquaculture business may apply to conduct aquaculture operations in Stonington waters. The process engages the commission and commercial grower as partners in managing the use of submerged lands and the waters over it in a way that benefits the town and allows for economically viable aquaculture to occur.

Global human population is growing rapidly and is projected to continue to do so through at least the first half of this century. All indicators are showing that agriculture has nearly reached its capacity and will not be able to provide enough protein to feed the growing global population. From this understanding is arising a growing interest in what is being labeled the “Blue Revolution”—the growth of aquaculture in coastal waters to fill the gap in global food production.

The commission believes that while aquaculture in Stonington waters can contribute only a small part of the solution to this global problem, it can assist the town in several ways, as well as provide a viable, sustainable local food resource. Aquaculture operations have a vested interest in maintaining very high water quality, and as such are conscientious stewards of the coastal environment. They also tend to be highly supportive of coastal enhancement, restoration and protection programs, often providing services, facilities, time and even money to programs and projects that help sustain functional coastal ecosystems. Aquaculture is fast becoming a major partner in habitat and species restoration programs by providing a portion of their “crop” for restoration efforts.

Aquaculture also provides economic diversity, job opportunities, and a tradition of “working the sea” that is part of the culture and history of Stonington. Furthermore, aquaculture may be able to act as a local training ground for students embarking upon professional careers in what may be the next global effort to feed a hungry and growing world population.

### Who Can Apply

Any legally incorporated and licensed shellfish/aquaculture business may apply to conduct aquaculture operations in Stonington waters.

### Application Process

Interested parties obtain an application form from the commission, and once completed, submit all requested materials for review. The following provides details on the information needs of the commission from an applicant. A “Guidance” document is provided to applicants to assist them in the development of applications that the commission will find complete, and with sufficient detail to warrant further review and discussion. The Guidance Document, as well application forms, etc., can be accessed via the Commission’s web site:

[[http://www.stoningtonshellfishcommission.org/shellwebsite/stonington\\_shellfish\\_commission.htm](http://www.stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm)]

THE EXTENT OF AREA applied for is not to exceed 20 acres.

THE EXTENT OF TIME applied for is not to exceed 10 years.

ACCEPTANCE OF AN APPLICATION does not signify approval of the proposed work.

APPLICATIONS ARE DATED and given a unique ID number upon receipt and are considered by the commission in the order received.

**SPECIFIC INFORMATION REQUESTED OF THE APPLICANT WILL BE:**

- 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 approximate 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 & 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. 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;
- Time frame of the proposed venture and if renewal would be anticipated;
- Registration ID and a photograph for all vessels to be used;
- Certificate of Availability from the Town Clerk for the proposed site;
- Signed affidavit that the applicant has read and understood the guidance provided to aquaculture applicants.

**STIPULATIONS APPLICABLE TO ALL SUCCESSFUL APPLICANTS WILL BE:**

- 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 is 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 permit/license renewal dates;
- Applicant will hold a valid Town of Stonington commercial shellfishing license, renewable each year;



- 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 any and/or all agreements between the applicant and the commission;
- No activities are allowed between the hours of sunset and sunrise;
- 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 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 and shall not be worked by any operator other than those defined 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.

### **Preliminary Review**

THE COMMISSION WILL REVIEW THE APPLICATION UPON RECEIPT TO DETERMINE if it meets all the criteria requested and/or specified in the guidance provided to the applicant, and determine if the proposed work conflicts with any existing aquaculture operations, or with any applications submitted to the commission that are either pending review or are in the process of review, or with any other activities conducted or supported by the commission. If conflicting uses are found, the application will be returned, with explanatory text, for amendment or withdrawal by the applicant. Unless under special circumstances, “pending” applications or applications “under review” take precedence over newly submitted applications. The review of pending or in review applications will not be influenced by new applications submitted for review.

APPLICATIONS LACKING IN COMPLETENESS, that are vague, poorly written or otherwise difficult to read, understand or interpret, or are lacking critical and/or required information requested by the commission, noted in the guidance provided applicants, or defined in this document, shall be rejected and returned to the applicant.

ONCE AN APPLICATION RECEIVES PRELIMINARY APPROVAL, and proceeds to the full review process, an application fee will be levied upon the applicant sufficient to cover all costs to the commission incurred as a result of processing the application. The fee may include, but is not limited to, costs associated with advertising a public notice, costs associated with dictation of public comment at the public hearing, if required, copy costs and/or production of maps necessary for distribution as part of the review process, and costs associated with updating the “shellfish lease” map maintained at town hall.

APPLICATIONS MAY NOT BE MODIFIED once they have received preliminary approval. Any significant, or major modification made to the application by the applicant which is not made at the specific request of the commission, shall be denied without prejudice by the

commission and returned to the applicant. No modification what so ever will be made to an application once the Public Review process is underway.

### Full Review

A PUBLIC COMMENT PERIOD will be set by the commission and a public hearing will be scheduled at the convenience of the commission. Any costs associated with the public hearing process will be borne by the applicant.

THE COMMISSION WILL VOTE ON APPROVAL OR REJECTION of the application after the public comment period has been closed, and after the commission is satisfied that all its questions and/or concerns have been adequately addressed, and that it has had sufficient time to discuss and debate the application and any submitted comments.

### Approval/Rejection Process

APPLICATIONS REJECTED OR DENIED by the commission are returned to the applicant and lose all standing in the application process. Applications, should they be revised and resubmitted, enter into the process of review sequentially as a newly submitted application, and as otherwise stated in the Guidance document.

ONCE AN AQUACULTURE PROPOSAL HAS COMPLETED THE REVIEW PROCESS and has been approved by the commission, a license agreement will be developed in a collaborative fashion and signed by both parties.

- The license agreement will be the mechanism conveying temporary use of Town of Stonington submerged lands;
- The license agreement will designate the rate and form of payment to the commission for use of town submerged lands;
- The license agreement will contain a description of the aquaculture area, including latitude/longitude coordinates sufficient to define the exact boundaries of the aquaculture area;
- The license agreement will designate the length of time the agreement will be in effect and binding upon both parties.

THE FEE FOR USE OF THE SUBMERGED LANDS FOR AQUACULTURE will be determined and set during negotiation and carried forth into the formal license agreement. The commission may seek remuneration for use of the aquaculture site in the form of shellfish product rather than in monetary units, or in some combination of the two. While shellfish product will most often be the preferred form of "payment," the commission may opt for payment in other manner or method that helps it achieve its desired endpoint of improved recreational shellfishing opportunities and improved coastal resource conditions and habitat restoration.

IN ACCORDANCE WITH SEC. 26-240, fees for the use of submerged lands for aquaculture shall be paid to the Shellfish Commission and shall be used by the commission in managing, enhancing and promoting shellfish resources and their associated habitats in the Town of Stonington.

THE DEVELOPMENT OF A DOCUMENTATION AND REPORTING PROCESS to be followed by the applicant and provided to the commission will be one element of the approval process. One aspect of the reporting process will be assessing the extent of eelgrass, if any,

within the aquaculture area, on an annual basis. The reporting process will assist the commission in making decisions regarding the appropriateness of the work, potential for conflict with other uses of the resource, and the desirability of allowing renewal.

UNLESS AGREED UPON BY THE APPLICANT, either as a condition in their license agreement or as negotiated during the course of renewal, other work or efforts under the authorities of the commission will not be allowed in the area designated for aquaculture by the applicant.

UPON APPROVAL AND SIGNING OF THE LICENSE AGREEMENT, the “shellfish grounds map” and associated files kept on file at Town Hall will be updated to reflect the new use of Town of Stonington submerged lands.

IN ACCORDANCE WITH SEC. 26-243, the license agreement will be recorded by the Town Clerk and the Shellfish Grounds Map will be amended to reflect the new use once the agreement is validated and fees have been collected.

A LICENSE AGREEMENT MAY BE AMENDED, by either party and through mutual agreement of both parties, to reflect changes in gear, processes and other advancements in aquaculture and shellfish rearing/harvest technologies provided the proposed amendments do not significantly alter the purpose and/or extent of the aquaculture operation and do not present conflict with neighboring uses of coastal resources.

### **Renewal**

IN GENERAL TERMS, LICENSE AGREEMENTS ARE RENEWABLE. However, the license agreement and other details of the agreement will be reviewed and/or amended as appropriate or necessary upon request for renewal by the applicant. The holder of an aquaculture site will be given preference, assuming there is no reason not to give preference, for continuing use of the site through renewal in a manner similar to that of the original license agreement.

THE COMMISSION IS UNDER NO OBLIGATION TO RENEW A LICENSE AGREEMENT upon its expiration. Desirability of renewal will be assessed based upon performance and adherence to original license agreement specifications, details provided in the reporting and documentation process, and overall agreeability of the working relationship between parties.

RENEWALS WILL NOT BE SUBJECTED TO PUBLIC REVIEW or other approval outside that of the commission provided that significant change has not been proposed to occur in use of the site from that designated and delineated in the original license agreement, and provided there is no conflict with existing state and/or federal regulatory proceedings.

### **Termination**

THE LICENSE AGREEMENT CAN BE TERMINATED by the commission if and when any stipulation(s) of the agreement is not carried out by the applicant as stated in the license agreement. The Town of Stonington retains the right to terminate the agreement should an urgent, critical or other need, for the overall public good of the town, state or nation, arise that would necessitate use of the area for other than aquaculture operations.

THE LICENSE AGREEMENT WILL BE TERMINATED by the commission in any and all cases where the applicant is not actively, consistently and continually working the designated

aquaculture site in a manner that would reasonably lead to the growth, harvest and profitable sale of shellfish as designated in the license agreement.

IN THE EVENT OF TERMINATION, the applicant will be given a reasonable amount of time within which to harvest, transplant and/or otherwise remove shellfish product and aquaculture gear from the site.

### **Liability**

THE TOWN CLAIMS NO LIABILITY for any gear, shellfish product, effort or other investments made by the applicant under the terms of the license agreement. The applicant is responsible for the complete removal of all gear and equipment associated with their project upon termination or expiration of the license agreement, and will be billed for any clean up or gear removal activities that must be undertaken by the commission or its assigned agent to restore the area to pre-aquaculture conditions and/or uses.