



Town of Stonington
Shellfish Commission

**COMMERCIAL AQUACULTURE LICENSE
INFORMATION PACKAGE AND
APPLICATION**

Commercial Aquaculture License Information Package and Application

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Stonington Shellfish Commission's Aquaculture Licensing Process

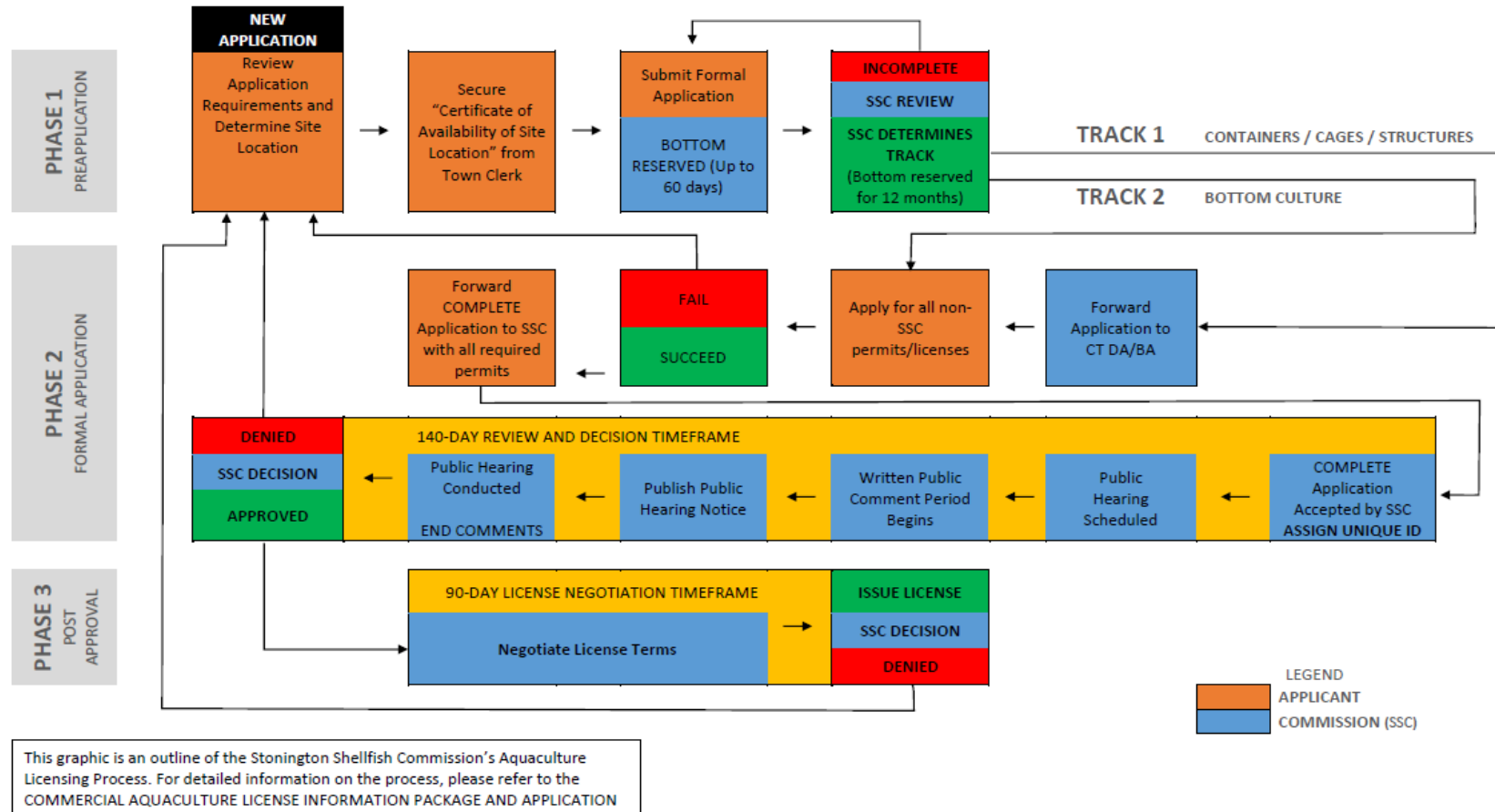


Figure 1. Stonington Shellfish Commission's Aquaculture Licensing Process

PHASE 1 PREAPPLICATION

This section outlines the requirements that an applicant shall follow to complete an application to the Stonington Shellfish Commission (SSC) to conduct aquaculture in Town of Stonington waters. Preparation of the application is the first phase in the SSC's aquaculture licensing process (Figure 1). A license agreement entered into by the SSC and the applicant is the mechanism by which the Town of Stonington (Town) allows temporary use of Town-owned submerged land. All submerged Town land licensed by the SSC for any aquaculture operations is the property of the Town in perpetuity.

1.1 Who May Apply

Any person or legally incorporated shellfish/aquaculture business may apply.

1.2 How to Apply

1.2.1 The applicant shall review the SSC aquaculture licensing process (Figure 1), license application and requirements for an aquaculture license (Appendix 1).

1.2.2 The applicant shall identify the proposed license area and determine its availability.

1.2.2.1 The proposed license area shall not exceed twenty (20) acres. The time frame of the proposed activity shall not exceed 10 years.

1.2.2.2 The proposed license area shall be clearly outlined on a National Oceanic and Atmospheric Administration (NOAA) Oceanographic/Navigation chart showing the location and extent of the proposed aquaculture operation. The proposed license area shall be defined by a series of latitude/longitude coordinates to define corners and other appropriate boundary markers, and be shown on a map of suitable scale. The latitude/longitude coordinates shall also be provided in tabular format, defining the proposed license area to be used for aquaculture.

1.2.2.3 If the site desired is in a restricted relay designated area, the applicant must have an approved depuration ground or being applying for one.

1.2.2.4 The applicant shall bring a map of the proposed license area(s) to the Town Clerk's office at the Stonington Town Hall for referencing to the Stonington Shellfish Grounds map. The Town Clerk shall determine the availability of the proposed license area(s) shown on the map.

1.2.2.5 The applicant shall obtain a Certificate of Availability of Site Location from the Town Clerk (see Appendix 1).

1.2.2.6 Costs associated with the aquaculture application process such as, but not limited to, notices of public hearing, decision notice, filing fees associated with registering an approved aquaculture site on the town shellfish grounds map, legal recording fees, etc., shall be the sole responsibility of the applicant.

1.2.2.7 The applicant shall prepare an application to conduct aquaculture in accordance with Appendix 1.

1.2.2.8 The applicant must obtain a Certificate of Aquaculture Operation from the Connecticut Bureau of Aquaculture.

1.2.2.9 The applicant must notify all owners of any property located five hundred (500) feet or less from the boundaries of the proposed license area that an application to conduct aquaculture has been submitted. The property owners who must be notified include any claimants of water rights or shellfish license areas or leases within 500 feet of the proposed license area. The applicant is responsible for obtaining the complete list of names and addresses and will be responsible for providing notice that a Public Hearing has been scheduled for the application to conduct aquaculture. After the SSC accepts the application and assigned a unique number, the SSC will set the date, location and time of a Public Hearing on said application. At that time, the applicant must mail notification of the hearing time, street location, place and date of the hearing to all property owners located within 500 feet of the proposed license area, not less than 15 days prior to the public hearing. Proof of mailing in the form of the list of property owners and Certified Mail receipts must be

delivered to the SSC at least five (5) days prior to the Public Hearing.

1.2.2.10 When the aquaculture application is complete, the applicant shall submit the application to the SSC for initial review. The applicant shall submit the application and attachments in both electronic and hard copy.

1.3 SSC Actions

1.3.1 The SSC shall accept the application for initial review and shall determine whether all information required on the application is provided. Acceptance of an application for review and consideration does not signify acceptance for implementation. The SSC will have up to 60 days to review the application for completeness and will hold the bottom for that period. If complete, the bottom will be held for an additional twelve (12) months.

1.3.1.1 If the SSC determines the application is incomplete, it will be returned to the applicant. The requested bottom reverts to "available" status. The applicant may resubmit the application when complete.

1.3.1.2 If the SSC determines the application is complete it shall direct the applicant to begin the formal review and shall guide the applicant to the track or tracks to follow.

1.3.2 Upon submission of a complete application, the SSC shall reserve the bottom designated in this application for twelve (12) months while the applicant secures all required permits and licenses.

1.3.3 Identification of Formal Application Track

There are two tracks in the application process. Applicants proposing aquaculture structures (containers / cages / structures) shall follow Track 1 and Track 2 to complete the application process. (Before) Applicants proposing on-bottom culture only (no aquaculture structures) will follow Track 2. A public hearing is held during Track #2. The SSC shall direct the applicant to the appropriate track or tracks depending on the type of aquaculture presented by the applicant.

PHASE 2 FORMAL APPLICATION

2.1 TRACK 1. Aquaculture Structures. Operations using aquaculture structures (containers/cages/structures) in any part of the proposed aquaculture application shall complete Track 1 and Track 2.

2.1.1 If the SSC determines the application is to follow Track 1, the SSC shall forward the application to Connecticut Department of Agriculture, Bureau of Aquaculture (DA/BA).

2.1.2 The SSC shall consider an application as “pending” for a period up to twelve (12) months while the applicant acquires all State of Connecticut (State) and federal permits and licenses.

2.1.3 The applicant shall be responsible for acquiring all State and federal permits and licenses required to use aquaculture structures. The application process for all State and federal permits and licenses begins with DA/BA.

2.1.4 The applicant shall be the permitted/designee party to all town, State and/or federal permits and licenses applicable to the aquaculture operations being proposed in Town waters.

2.1.5 The SSC shall not execute a license agreement until the applicant has received all State and federal permits and licenses and copies of all permits and licenses are on file with the SSC.

2.1.6 Status of state and federal permits and licenses

2.1.6.1 Permits and licenses acquired. Following acquisition of all State and federal permits and licenses and approval by State and federal agencies, the complete application including all necessary (State and federal permits and licenses) shall be submitted to the SSC for acceptance.

2.1.6.2 Permits and licenses acquired with modifications. If State and federal agencies approve the application with modifications, the applicant shall modify their SSC application accordingly and submit those modifications to the SSC for consideration. The modifications will be included in the submitted application.

2.1.6.3 Permits and licenses not acquired. If the applicant cannot acquire all State and federal permits and licenses within the designated twelve (12) month time frame the application shall be denied without prejudice.

2.1.6.4 Permit and/or license denied. If any State or federal permit or license is not approved, the site shall no longer be reserved for the applicant and the application shall be denied by the SSC.

2.2 TRACK 2. All applicants must complete this track. (Applicants using aquaculture structures must complete Track 1 first.)

2.2.1 The SSC shall accept the completed application and assign a unique identification number. Once assigned a number, an application shall not be changed or amended by the applicant unless specifically requested by the SSC.

2.2.2 The SSC shall approve or deny the application within one hundred forty (140) days.

2.2.3 During the one hundred forty (140) day period, the SSC shall schedule a public hearing. Notice of the time and place of the public hearing shall be published in accordance with Section 26-240 of the Connecticut State Statutes. When the public hearing is scheduled, the written public comment period begins.

2.2.4 Costs associated with the public hearing such as, but not limited to, posting public notices in local newspapers, shall be the sole responsibility of the applicant. The estimated cost for the posting of the public notice in local newspapers shall be paid to the SSC/Town prior to advertising the public hearing. The public hearing required during the aquaculture application process shall not be conducted until the applicant has paid this fee.

2.2.5 The SSC shall conduct a public hearing on the aquaculture application. At the end of the public hearing, the public comment period ends, including the submittal of written public comments.

2.2.6 Following the public hearing the SSC shall vote to approve or deny the application.

2.2.7 If the application is approved, the applicant and the SSC shall proceed to PHASE 3, a period of not more than ninety (90) days, during which the SSC shall negotiate with the applicant and vote to issue or deny a license. No work on the site shall start until the license is issued.

2.2.8 If the application is denied, the SSC shall not accept another application from the applicant within six (6) months to conduct aquaculture on the same site. The bottom shall not be reserved for the applicant until another application is submitted.

PHASE 3 POST APPLICATION

After the application is approved, the SSC and the applicant shall negotiate the compensation for the use of Town of Stonington bottom.

3.1 License Decision

3.1.1 If agreement is reached on license terms, the SSC shall issue an aquaculture license in accordance with the agreement. Notice of the decision shall be published within 15 days of the issuance of the license.

3.1.2 If an application is denied because compensation cannot be agreed on, the SSC shall not accept another application from the applicant to conduct aquaculture on the same site within six (6) months. The bottom shall not be reserved for the applicant until another application is submitted.

3.1.3 Any appeal from a denial of a license must be in accordance with Section 4-183 of the Connecticut State Statutes, except the venue for such appeal shall be in the Superior Court of New London at New London.

3.2 Fees

3.2.1 Harvest Permit Fee. The license holder shall hold a valid Town Commercial Shellfishing Harvest permit throughout the term of operations. The Harvest Permit Fee must be renewed annually. The fee for this permit is determined on an annual basis by the SSC. Payment to the SSC shall be in shellfish product, cash, or other form, or combination of forms deemed appropriate by the SSC.

3.2.2 Annual License Fee. The license holder shall be assessed a fee by the SSC for the use of Town of Stonington submerged bottom/water column for aquaculture. This annual fee is set as part of the license terms. Payment to the SSC shall be in shellfish product, cash, or other form, or combination of forms deemed appropriate by the SSC.

3.2.3 Any fees paid to the SSC as part of the license agreement shall be non-refundable and non-returnable.

3.2.4 Failure to pay all fees by the end of the calendar year shall result in a 1.5% per month or 18% annual penalty of the amount owed or revocation of the permit.

3.2.5 Any fees owed to the SSC by the license holder shall be paid in full by the time of termination of the license.

3.3 Administrative Requirements

3.3.1 During the entire term of the agreement, the applicant shall keep current and valid all applicable federal, State and/or Town permits, licenses, registrations and other documentation required to legally carry out the conditions of the license agreement. The applicant shall provide updated copies to the SSC as appropriate according to permit and license renewal dates.

3.3.2 The Town shall not be held responsible for any obligations, financial or otherwise, accrued by the applicant as a result of the licensed aquaculture operation, nor shall it be held responsible for the value of any gear, shellfish product or other items associated with the aquaculture operation.

3.3.3 The Applicant covenants and agrees with the Town that it will indemnify and save harmless, the Town against any and all claims, injury, loss, damage, expense, deaths, demands, liability or obligations which may be made against the Town arising by reason of or in connection with the use of the Town's property, including:

- (a) any such claim or suit attributable to the negligence of the Town, its officers, employees, agents, and representatives;
- (b) any such claims or suits attributable to the alleged acts or omissions of the Applicant or any person claiming under, by, or through the Applicant and, if it becomes necessary for the Town to defend any action seeking to impose any such liability, the Applicant will pay the Town all costs of court and attorneys' fees incurred by the Town in effecting such defense, in addition to any other sums which the Town may be called upon to pay by reason of any litigation in which any claim is asserted.

3.4 Reporting Requirements

The license holder shall submit a written annual summary report of their activities to the SSC in December of each calendar year. The report shall outline the work done on the licensed grounds, amount of product harvested and the amount of product currently on site. In addition, the report shall include an update on any changes to the distribution (e.g., presence, expansion, contraction) of eelgrass within the site.

3.5 Operational Requirements

3.5.1 The SSC, or its designated agent, shall have full right to enter and assess operations, conditions and activities on the licensed aquaculture site.

3.5.2 The designated Shellfish Warden, or any active member of the SSC, shall be allowed to board a commercial operator's vessel, while the vessel is working in Town waters, to inspect permits and licenses, harvested product, equipment and/or perform other duties and checks deemed appropriate.

3.5.3 The license holder shall actively use the area defined in the license agreement on a consistent and continuing basis as defined in the license agreement. The SSC shall not allow the use of license agreements as mechanisms by which to "hold" bottom for some possible future use by a commercial entity. The area defined in the license agreement for aquaculture purposes shall be actively worked and/or used, as specifically described in the license agreement.

3.5.4 Only the species listed on the license agreement shall be cultivated in the license area. The introduction of non-native species into Town waters is prohibited.

3.5.5 All gear used in aquaculture operations shall be maintained in accordance with local, State and federal permits and licenses.

3.5.6 In the event that gear is moved from the aquaculture site due to a storm or other meteorological conditions, the license holder shall notify the SSC and shall make all efforts to remove that gear from the shoreline or other place of its deposit as soon as possible.

3.5.7 No aquaculture activities shall be conducted on the site between sunset and sunrise, or on holidays or weekends between Memorial Day and Labor Day.

3.5.8 Engine or equipment noises shall not exceed state- or Town-mandated decibel levels.

3.6 License Renewal

3.6.1 Two months before the license expiration date the licensee shall notify the SSC of his/her desire to renew the license. The SSC Chairman shall post an agenda item for the following SSC meeting to discuss the renewal request.

3.6.2 To be eligible for license renewal the license area, species cultivated, grow-out methods, and harvest methods must be identical to the original license agreement. If there are any changes, a new application to conduct aquaculture must be submitted.

3.6.3 The proposed renewal period shall not exceed 10 years.

3.7 Termination

The license agreement may be terminated for any of the following reasons:

3.7.1 The license holder may terminate their license agreement at any time by submitting written notification to the SSC.

3.7.2 Failure to submit reports on activities in accordance with Section 3.4 may result in termination of the license agreement.

3.7.3 Use of the aquaculture site for activities or purposes not on the license agreement, or by parties other than those expressly stated in the license agreement, shall be grounds for termination.

3.7.4 Failure to show continuing activity at the site in accordance with Section 3.5.3 shall result in termination of the agreement.

3.7.5 The SSC may terminate the license agreement if the license holder violates any provision of the license agreement. Any appeal from a termination of a license must be in accordance with Section 4-183 of the Connecticut State Statutes, except the venue for such appeal shall be in the Superior Court of New London at New London.

3.7.6 In the event a license agreement is terminated, the license holder shall be given time to remove all gear and product from the site, not to exceed a six (6) month period from the date of termination.

Appendix 1. Guidance on Completing Aquaculture Application

This Appendix provides guidance from the SSC on how to complete the attached application to conduct aquaculture.

1. CHECKLIST

The following are specific details to note while completing an application. Failure to provide all requested information and/or adhere to all requirements will result in the return of the application.

- a) Provide a Certificate of Availability from the Town Clerk for the proposed site.
- b) Provide a list of the latitude & longitude coordinates that define the boundaries of the aquaculture area.
- c) Provide the exact acreage of the proposed aquaculture site (not to exceed 20 acres).
- d) Time frame of the proposed activity shall not exceed 10 years.
- e) Provide a list of the species to be grown and the number expected to be grown out at full production.
- f) Provide a description of the site, focusing on bottom condition of the area to be used, and particularly noting the existence of eelgrass and shellfish populations or other significant natural resources, as well as docks or other pertinent man-made structures or features. The bottom survey must be conducted in accordance with the guidelines outlined by the Army Corp of Engineers (most recent version of the Joint Federal Agency's Submerged Aquatic Vegetation Survey for the New England Division). Areas containing significant resources, particularly eelgrass, may be considered unsuitable for aquaculture operations by the SSC. While presence of these resources does not by default mean an area may not be used for aquaculture, their presence may limit use of part of the site. In some 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 as part of the application. Applications not having complete eelgrass documentation will be returned to the applicant.
- g) Provide a description of the specific type(s) of gear to be used;
- h) Provide a description of the specific methodologies and timing of

growing and harvesting;

- i) Provide the complete names and addresses of all land owners for any property located five hundred (500) feet or less from the boundaries of the proposed license area. Also include the names and addresses of any claimants of water rights or shellfish license areas or leases adjacent to the proposed license area. Provide certification that a notice of application was sent to all identified parties.
- j) Describe any known or anticipated conflict with other users as a result of the proposed aquaculture operation, for example commercial or recreational fishing, swimming, sailing, kayaking, and other commercial and recreational water uses.
- k) Provide the Registration ID and a photograph of all vessels to be used.
- l) Submit the signed application form indicating that the applicant has read and understood the guidance and requirements for a Town of Stonington aquaculture license.

2. LICENSE EVALUATION CRITERIA

This section provides information that the Stonington Shellfish SSC (SSC) may use to evaluate the impact of a proposed shellfish license. The SSC may determine some areas are not applicable and has the option to review all parameters listed below. In some cases, the Army Corps of Engineers or a similar approval process may have already examined these parameters. The SSC may accept the recommendations provided by these previous, robust, review processes.

A. Recreation

How does the proposed project affect the following recreational activities?

- a) Fishing
- b) Swimming and similar activities.
- c) Kayaking, sailing or similar non-powered watercraft
- d) Shell fishing
- e) Crabbing
- f) Hiking

- g) Other passive uses

B. Boating

How does the the proposed project affect the following?

- a) Passage of motorized watercraft in boating channels
- b) Passage of motorized watercraft through the aquaculture site
- c) Will containers, cages, buoys or other structures hinder boat use
- d) Will the location chosen restrict boat use of the area

C. Commercial Activities

How does the proposed project affect the following?

- a) Commercial fishing (e.g. for finfish, lobsters, conch)

D. Neighbors

How does the proposed project affect the following?

- a) Noise, traffic, visual impact

E. Environmental

How does the proposed project affect the following?

- a) Eelgrass
- b) Water quality
- c) Shellfish
- d) Potential impact on the bottom
- e) Other natural resources

3. LICENSE RENEWAL CRITERIA

The following factors will be considered during the evaluation of a request to renew a license to conduct aquaculture in Stonington waters.

- a) Is the license renewal identical to the original license (location, acreage, species, grow-out methods, harvest methods, etc.)?

- b) Did the licensee abide by all the terms of the license agreement?
- c) Did the licensee submit timely annual reports that were comprehensive and reflected the accomplished goals of the previous license?
- d) Did the licensee pay all fees fully and on time?
- e) Were there any public or commission complaints voiced over the duration of the prior license?

APPLICATION TO CONDUCT AQUACULTURE

Date of Application: _____ Total Acreage Requested: _____
Proposed Start Date: _____ End Date: _____

Specie(s): Oyster (*Crassostrea virginica*) Max # to be produced: _____
 Quahog (*Mercenaria mercenaria*) Max # to be produced: _____
 Scallop (*Argopecten irradians*) Max # to be produced: _____
 Other: _____ Max # to be produced: _____

Source of Species: Company
Name _____

Contact Person: _____ Phone # _____

Primary Gear Type(s): Bottom Suspended None
 Net Cage Other: _____

Contact Person: _____

Firm/Company Name: _____

Mailing Address: _____

Phone: (day) _____ (evening) _____

email _____

DA/BA Permit No(s) _____ Expiration Date: _____

CTDEEP Permit No(s) _____ Expiration Date: _____

USACE Permit No(s) _____ Expiration Date: _____

Provide a photo of the vessel to be used.

Vessel Registration: _____ Name: _____

Make & Model: _____ Length & Color: _____

I have read and understand, the "Overview of the Application Process to Conduct Aquaculture in Stonington, CT", "Stipulations for Approved Aquaculture Operations in the Town of Stonington Waters", and "Shellfish Resource Management Plan" documents, and agree to adhere to the terms and conditions as defined. A validated Certificate of Availability is attached.

Signed _____ Date _____

THIS APPLICATION MUST BE SUBMITTED IN BOTH ELECTRONIC & HARD COPY (7 copies)

**TOWN OF STONINGTON
Office of the Town Clerk**

Certification of Shellfish Grounds

Pursuant to Connecticut General Statute 26-242, I hereby certify that I have examined all records and maps in my custody pertaining to shellfish leases and grants, and based on such examination, can further certify that the following ground has not been previously designated and that such ground is within the limits allotted by law for designation by the Shellfish SSC.

Applicant Name: _____

Firm/Company Name: _____

Description of the Plot (Include geographic coordinates, which must be the same as those in 2a of this form):

Date

Stonington Town Clerk

1. Objective/Outcomes

a) What are your business and operational objectives? Please provide a business plan if you have one.

b) Show the year-by-year increase of the number of acres and number and type of shellfish under cultivation as your operations grow from startup to maximum production.

YEAR	# OF ACRES	NUMBER AND TYPE OF SHELLFISH
1		
2		
3		
4		
5		

2. Culture/Grow-out Grounds

- a) Provide a list of the latitude & longitude coordinates that define the boundaries of the aquaculture area.

- b) Provide a NOAA navigational chart showing the location and extent of the proposed aquaculture operation. The chart may be plotted using the Aquaculture Mapping Atlas (<https://clear3.uconn.edu/aquaculture/>) with the NOAA Navigational chart base map. Additional maps showing satellite images may be provided to show further details of the area of the proposed activity.

- c) Describe the in-water resources such as natural shellfish populations, and other marine species present. Eelgrass bed locations and extents must be shown on the map; if no eelgrass is present, please state this to be the case. Note: The applicant may be required to conduct a formal eelgrass survey using the method described in "Joint Federal Agency Submerged Aquatic Vegetation Survey Guidance for the New England Region (Updated August 11, 2016).

- d) Describe the water-based activity in the vicinity of the proposed aquaculture operation. Water-based activity includes, but is not limited to, swimming, kayaking, recreational and commercial boating fairways, nearby docks, recreational and commercial fishing grounds, etc.

- e) Provide the complete names and addresses of all land owners for any property located five hundred (500) feet or less from the boundaries of the proposed license area. Also include the names and addresses of any claimants of water rights or shellfish license areas or leases adjacent to the proposed license area. When a public hearing is scheduled the applicant must provide certification that a notice of the application and the time and place of the public hearing was sent to all identified parties.

3. Grow-out & Harvesting Methods

- a) Describe the specific methods and activities that will be used to carry out the operations on the aquaculture site.
- b) Describe in detail all the equipment to be used on the site. Attach any brochures/literature that describes the gear.
- c) On a map of the site, show the gear layout and any changes that will occur over time.

_____ For Shellfish Commission use only:
_____ Copies of this application have been forwarded to:

- Harbormaster; Appropriate Harbor Management Commission;
 Selectmen's Office; Planning Department