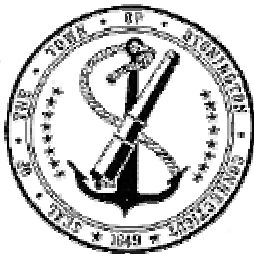


Stonington Shellfish Commission

www.stoningtonshellfishcommission.org/shellwebsite/stonington_shellfish_commission.htm

Shellfish Resource Management Plan

Town of Stonington, Connecticut



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

Jurisdiction & Authorities

An active shellfish management program is required to maintain the productivity of shellfish resources. In the case of clams, continued lack of harvesting leads to overcrowding and clam beds that become too dense and diminish in productivity. In some areas the character of the bottom can decline to the point that it can no longer support a viable shellfish population. Recovery is possible, but not without a major, well-organized and concerted effort that is often expensive as well, and not guaranteed to be successful.

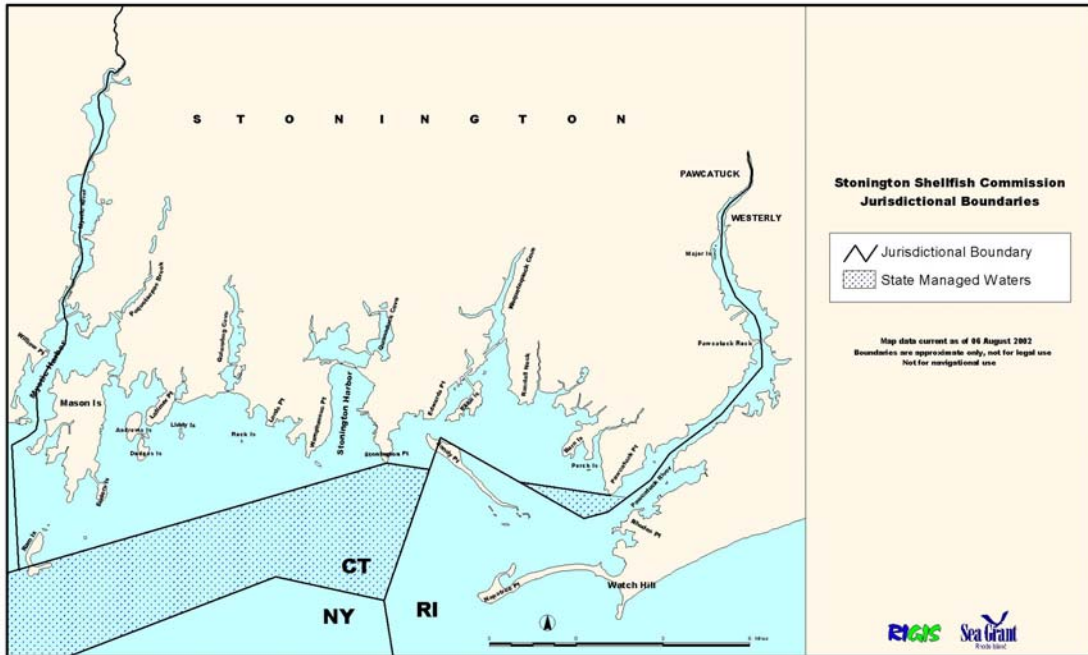
Maintaining shellfisheries in Stonington waters preserves one of the defining characteristics of the town—its lineage of seafarers and fisher folk. This seafaring tradition defines an important aspect of the culture and character of Stonington, both within the state and the region. This tradition, at least in part, is dependent upon good water quality. Managing coastal waters for shellfish harvesting helps ensure high water quality as the harvest of shellfish is only allowed in waters of excellent quality. Preserving access to shellfish populations, and the quality of the ecosystems they inhabit, also helps to maintain traditional town character. It promotes development of economic ventures that rely upon the towns' coastal resources, and provides opportunity for stewardship through economic sustainability. Residents and visitors to Stonington have the opportunity to partake of a wholesome, traditional recreational activity—harvesting shellfish—that not only gets them on the water and enjoying a day out of doors, but also provides for a tasty treat when freshly collected shellfish are served as part of the days repast.

Furthermore, if shellfish resources are not used on a continuing basis, the resources around them—the shoreline, bay and harbor bottom, and the water column itself—become usurped for moorings, docks and other uses that destroy shellfish habitat and limit access. Once lost, access is difficult if not impossible to reacquire. Shellfish populations, and more so the ecosystems they rely upon, may be expensive, if not impossible to recreate once lost.

LEGAL AUTHORITY & JURISDICTION

The Stonington Shellfish Commission was established by the Board of Selectmen in January 1983. The commission derives its authority from the General Statutes of the State of Connecticut Volume 8, Title 26, Chapter 492. In accordance with Stonington's Town Charter (revised 03 November 1998) the Shellfish Commission consists of five members who are appointed by the Board of Selectmen. During 2004 however, the Board of Selectmen approved the appointment of two (2) alternates to serve on the Shellfish Commission, enlarging it to become a working body of seven (7) members. The commission holds regular meetings and special meetings, as necessary, and posts its minutes in the Town Clerk's office.

The jurisdictional area of the Stonington Shellfish Commission is bounded to the east by the Stonington/Westerly line, to the west by the Stonington/Groton line and to the south by the Stonington/State of Connecticut line.



Jurisdictional boundaries of the Stonington Shellfish Commission.

Within the commission’s jurisdiction, General Statute Sec. 26-257a sets forth the legal authority of towns to establish shellfish commissions to manage local shellfish resources, Sec. 26-291a sets forth Stonington’s ability to regulate the harvest of clams and oysters and Sec. 26-292 sets forth Stonington’s ability to regulate the harvest of scallops.

The term “shellfish” is defined in Sec. 26-192 as mussels, oysters, all varieties of clams and whole and roe-on scallops, but does not include scallops if the final product is the shucked adductor muscle only. Because the use of the final shellfish product is significantly different for scallops—adductor muscle only—scallops are regulated in a different manner than other shellfish species, as defined below and in more detail later in this document.

HARD CLAMS AND SCALLOPS are regulated by the Stonington Shellfish Commission to manage the harvest of shellfish in a sustainable fashion. Regulations are reviewed annually by the commission and amendment made as necessary or required. In general, harvest of hard clams may occur throughout the year while the harvest of scallops is typically limited to the time from mid-October to late March.

OTHER SPECIES OF SHELLFISH, such as blue mussels, surf clams and razor clams, exist in modest quantities in town waters and are not under special management or regulation by the commission. These species may, with the appropriate town permit, be harvested in any area open to shellfishing. State statutes, regulations and/or restrictions to harvest should be referenced regarding these and other species not under specific regulation by the commission. These species **MAY NOT** be harvested by recreational shellfishers for any use, including use for bait, in any areas other than those legally open to recreational shellfishing.

CRUSTACEANS, such as blue crabs and lobsters, are managed and regulated by the Connecticut Department of Environmental Protection Marine Fisheries Division. State regulations should be referenced regarding season, availability, size limitation and other particulars pertaining to these and other crustaceans taken from Connecticut waters.

GOALS OF THE STONINGTON SHELLFISH COMMISSION

The waters of the Town of Stonington support rich shellfish populations that are an important natural resource. This resource represents a significant source of adult shellfish for recreational and commercial shellfishing, as well as providing a breeding stock for sustaining populations of oysters, scallops, and hard and soft-shell clams. The goals of the Stonington Shellfish Commission are:

- ① Improve access to recreational shellfish resources;
- ② Enhance a traditional, seafaring economic livelihood by working with commercial shellfishing interests to promote their sustainability;
- ③ Provide benefit to the Town of Stonington and its residents through access to coastal and shellfish resources;
- ④ Sustain and improve shellfish resources and the ecosystems they are a part of;
- ⑤ Enhance water quality to maximize the extent of town coastal waters open to shellfish harvesting activities.

ENFORCEMENT

State statutes and local regulations pertaining to shellfishing are enforced by a variety of state and local entities:

SHELLFISH COMMISSION WARDEN performs regular patrols by foot and by boat of all town waters and their adjacent shoreline. The duties of the warden are to ensure that all shellfish harvesting activities, whether recreational or commercial, are conducted with proper permits, that activities comply with the permit held and the areas in which those activities can be undertaken. The warden does not possess the powers of arrest. Enforcement is carried out through education and awareness building. In those instances where greater enforcement power is required, the warden requests the assistance of either the Stonington Police or CTDEP Marine Enforcement Division, as appropriate. The Shellfish Commission maintains a vessel for use in patrols and enforcement, and provides funds for that maintenance, as well as for the payment of warden duties, through fees collected in its commercial and recreational shellfishing programs.

STONINGTON POLICE DEPARTMENT conducts marine patrols in town waters. While the focus of these patrols is enforcement of boating regulations and promoting boating safety, obvious shellfishing infractions (e.g., harvesting shellfish in prohibited areas) are enforced.

DIRECTOR OF HEALTH is the signatory to the Memorandum of Understanding with the State of Connecticut Department of Agriculture, Bureau of Aquaculture, which dictates the terms and conditions under which shellfish harvest can occur in town waters. The Director of Health is responsible for oversight of the MOU as well as for abating sources of pollution identified in shoreline sanitary surveys. A sanitary survey consists of a shoreline survey to identify and assess potential pollution sources and to suggest corrective action where necessary. Sanitary surveys are required for all shellfish growing area classifications, with the exception of PROHIBITED areas.

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) conducts marine patrols throughout the coastal waters of Connecticut. While the main intent of these patrols is

enforcement of boating regulations and promoting boating safety, obvious shellfishing infractions (e.g., harvesting shellfish in prohibited areas) are enforced.

DEPARTMENT OF AGRICULTURE, BUREAU OF AQUACULTURE (DA/BA) is the statewide authority and regulatory body with jurisdiction over all commercial shellfishing activities in the state. While the Bureau of Aquaculture does not regulate recreational shellfishing activities, it is responsible for classifying the waters of the state regarding their availability and suitability for both recreational and commercial shellfish harvesting. As such, these classifications designate those waters where recreational shellfishing is an allowable activity. Shellfish harvesting is further regulated by the US Food & Drug Administration (USFDA) National Shellfish Sanitation Program (NSSP) that provides national guidance to states, such as Connecticut, which conduct sales of shellfish on an interstate basis.

FISCAL OVERVIEW

Revenue from the sale of shellfish and scallop harvesting permits has allowed the Stonington Shellfish Commission to maintain its financial self-sufficiency since its establishment. In accordance with Sec. 26-257a of the State Statutes, all funds collected as part of the shellfish management and permitting program are retained by the commission and used for the management, protection, conservation and propagation of scallops and other shellfish in Stonington waters. The commission also has a line item in the Town of Stonington budget that has traditionally requested nominal funds from the General Fund of the Town Budget. In December of each year the Commission submits a budget request.

The Shellfish Commission is a self-sustaining entity, gaining the vast majority of operating revenue from the sale of commercial and recreational shellfish permits. A small portion of the commissions' annual income is from donations and grants. The Shellfish Commission channels the revenue from shellfish permitting and harvesting activities into recreational shellfishing opportunities for the residents of, and visitors to, the Town of Stonington. In many instances the commission will collect its "fees" from commercial operators in the form of shellfish product that is then transplanted into waters open only to recreational shellfish harvesting activities.

INTERACTION WITH HARBOR MANAGEMENT COMMISSIONS

The Town of Stonington has authorized three harbor management commissions to manage harbor activities in town waters. These commissions work under guidance and approval of the Connecticut Coastal Zone Management Program, and must develop plans for each of the towns major harbor areas. The shellfish commission works with each harbor management commission to minimize conflicting use of town resources and maximize the benefits of town coastal resource use for the residents of the town of Stonington and state of Connecticut. Chief efforts in collaborating with town harbor management commissions have been:

- ❶ Providing information on the location and use of existing shellfish resources for inclusion in harbor management plans;
- ❷ Reviewing and providing comment on draft harbor management plans to minimize the potential for conflicting use with shellfish resources;

- ③ Providing harbor management commissions, as appropriate, with aquaculture proposals for review to minimize conflict with approved town harbor management plans;
- ④ Provision of an annual update on commission operations to harbor management commissions, which includes, but is not limited to, a listing of new aquaculture applications and their status (e.g., approved, rejected, pending, etc.), updated maps of aquaculture operation sites, and any other information the commission deems pertinent to share for the purposes of better integrating shellfish management and harbor management efforts.

Major threats to recreational access of shellfish resources are boats and mooring fields. Anchored, docked or moored boats are considered by the USFDA as potential sources of human sewage discharges to shellfish growing areas. As such they are a major threat to shellfishing when boat concentrations increase in harbors and coves, and waters in and around mooring fields become prohibited for shellfishing activities. One of the major challenges facing the town shellfish commission and town harbor management commissions is to ensure that shellfishing opportunities do not become further restricted by increased boating activities. Though not a guarantee that waters will be open to shellfish harvesting, the designation of No Discharge Zones—areas where it is illegal to discharge wastes from on-board toilets—is often a significant step towards opening waters to shellfish harvesting in areas of heavy boat concentrations.

STATE INVOLVEMENT

The State of Connecticut Department of Agriculture, Bureau of Aquaculture (DA/BA), is the principal state agency mandated to regulate shellfishing activities within the state. The DA/BA must adhere to rules and guidance provided by the USFDA in the NSSP. Failure to comply with the NSSP would cause the state of Connecticut to lose certification to transport shellfish across state boundaries. This would create financial hardship for the numerous commercial shellfish growers and harvesters that make up a significant economic entity in the state. To ensure compliance with NSSP guidance, DA/BA has developed a relatively detailed scheme for designating access to and use of shellfish resources within Connecticut waters. These classifications are based on the concentrations of fecal coliform bacteria in surface waters of shellfish growing and shellfish harvesting areas. DA/BA should be contacted to access an up to date description of their classification system and its applicability to Stonington waters.

For simplicity, we group the DA/BA classification scheme into four distinct categories that relate to how they can be used, or not used, for commercial and recreational shellfish harvesting. Users requiring greater detail and resolution regarding commercial categories should contact DA/BA for a complete description of the Shellfish Growing Water Classification Scheme. The four simplified categories used in this document are:

APPROVED—ALL USERS—are areas where DA/BA allows for the growing or harvesting of shellfish for direct marketing and/or consumption. This classification shows strict conformance to state and federally defined water quality standards on a continuing basis. In general, APPROVED waters are available to both commercial and recreational harvesters. An APPROVED area may be temporarily closed following extreme climatic events, such as a hurricane or rainfall of greater than 3 inches.

A strong relationship between rainfall and water quality has been established—the longer and harder the rainfall event, the worse the water quality following. As the rain falls upon the landscape it runs off in a down slope direction. As the water flows across the landscape it picks up a variety of pollutants, such as oil, gas, pesticides, herbicides and other inorganic compounds; fertilizers, human and domestic animal waste products and other organic products. These pollutants enter coastal waters and cause degraded water quality conditions, at least until the rains recede and tidal ebb and flood, winds and currents disperses the pollutants.

Of particular concern are the organic pollutants of human origin, particularly sewage. As sewage wastes enter the water, sewage associated bacteria also enter the water. As polluted runoff enters coastal waters during a long or hard rain, bacterial concentrations in receiving waters increase, often to the point of making shellfish unsafe for human consumption. Furthermore, heavy rains also cause problems with the functioning of municipal sewage treatment facilities. Due to an aging and deteriorating sewer collection infrastructure, many collector pipes have cracks that are readily infiltrated with rainwater which, when arriving at treatment facilities, overwhelms the facilities' treatment capacity resulting in the discharge of partially treated sewage effluent. For these reasons shellfish beds, particularly those managed as **CONDITIONALLY APPROVED**, are often closed to harvest following significant rainfall events.

CONDITIONALLY APPROVED—RECREATIONAL USERS—are those areas that meet **APPROVED** criteria for a predictable period. A **CONDITIONALLY APPROVED** area is closed to shellfishing when it does not meet **APPROVED** criteria, such as after a rainfall event of a given magnitude. In general terms, **CONDITIONALLY APPROVED** areas in Stonington have good shore-based public access and the commission tends to reserve these areas for use by recreational harvesters. An agreement (MOU) between DA/BA and the town Department of Health defines the criteria by which **CONDITIONALLY APPROVED** areas are opened and closed to shellfishing.

Water quality is the major determinant of where shellfish harvesting is allowed, and not allowed, particularly with regard to recreational shellfishing. DA/BA and the Town of Stonington have an agreement, updated and agreed upon annually, that defines the classification of shellfish growing waters in Stonington. As water quality conditions change over time, DA/BA changes its Shellfish Growing Water designation accordingly, which is then reflected as either the closing of previously open shellfishing areas or the opening of previously closed areas. The most common trend, unfortunately, is that as growth and development continue water quality conditions deteriorate and more grounds become either closed to recreational shellfishing or remain open on a restricted or "conditional" basis. Maintenance of high quality coastal waters is therefore of paramount importance in maintaining access to shellfish, particularly for recreational users. The Shellfish Commission however, has little if any direct control over the activities and decisions that have the greatest impacts on water quality—growth and development and their resulting changes in sewage discharges, storm water runoff and secondary growth impacts. The commission has, and will continue, to collaborate with and educate other boards and commissions so that the impacts of the cumulative decisions made within the town have the least possible negative impacts on shellfish resources and their uses, and where possible, will enhance access to and usability of shellfish resources.

VARIOUS RELAY/DEPURATION DESIGNATIONS—COMMERCIAL USERS—are those areas that, according to DA/BA criteria, only allow harvesting of shellfish for relay

and/or depuration prior to their consumption. Relay and/or depuration of shellfish may only be conducted by commercially licensed entities, and these areas are therefore closed to recreational harvest at all times. Persons interested in the details of these designations should contact DA/BA or the commission for a current map for Stonington.

PROHIBITED—NO USERS—are those areas where the harvesting of shellfish for any purpose, by all users, and at all times, except specific aquaculture operations licensed by DA/BA, are prohibited. This classification may result from the presence of conditions that could pose a persistent health hazard, such as a sewage treatment facility effluent outfall.