



TOWN OF EAST LYME
EAST LYME HARBOR MANAGEMENT/SHELLFISH COMMISSION

Chairman
Stephen Dinsmore

Treasurer
Donald F. Landers Jr.

Secretary
Joseph Hitchery

HARBOR MANAGEMENT/SHELLFISH COMMISSION
OCTOBER 17, 2017, MEETING MINUTES

Members Present: Steve Dinsmore, Joe Hitchery, Don Landers, Greg Murin, Barbara Johnston, Bill Mountzoures, and Rick Kanter

Ex Officio Present: Selectman Paul Dagle

Absent: Harbor Master Dick Morris, Deputy Harbor Master Marc Berger

CALL TO ORDER. Dinsmore called the meeting to order at 7:30 PM.

APPROVAL OF MINUTES OF REGULAR MEETING OF SEPTEMBER 19, 2017.

Correction: On page 2, 3rd paragraph change "state-appointed" to "state-formed".

Motion: Montzoures moved to accept minutes of September 19, 2017 as amended. Landers seconded. Motion passed, 7-0-0.

PUBLIC DELEGATIONS

- A. Niantic Bay Shellfish Farm (NBSF).** Londregan spoke to the Commission and read from a letter he put together in response to the non-action decision from the last meeting (see attached).

Peter Harris, the WELSCO Commissioner, spoke about the shellfish standpoint of WELSCO. He would like to help Londregan move this forward. He would like the East Lyme Harbor Management Shellfish Commission to identify a place in the river in East Lyme waters if it doesn't get approved. Harris said this will be brought up at this week's WELSCO meeting which is being held on Thursday 10/19/17.

Londregan said that there are clear benefits to the East Lyme waters.

Landers suggested we should have closer coordination between the three Commissions (WELSCO, Waterford HSMC, and East Lyme HSMC) to ensure consistency with both Management Plans.

FILED

Oct 23 2017 AT 9:00 AM/PM
Kenneth G. [Signature]
EAST LYME TOWN CLERK



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Kanter suggested that maybe having a smaller area in Area 7 would be a better option. Murin agreed as he has heard from many who have suggested it should not be done in the area proposed.

Johnston said she reviewed the six acres which has been proposed. What Londregan is currently using has worked out. Why is it expanding as it affects so many people.

Landers asked Londregan to share the Aquaculture statement from WELSCO with the Commission. It was received from Harris before the meeting minutes were posted so it is included as an attachment (see attached).

Dinsmore mentioned that he would like the Commission to be kept apprised and to see all correspondence regarding this farm from WELSCO. Dagle said that the decision to be apprised of all the information regarding Londregan's proposed farm contradicts the decision not to send the letter of support. If the Commission is saying it wants to be involved and apprised, it seems inconsistent.

Dinsmore said that the decision not to send the letter had to do with people who attended the initial meeting who were against the farm and also the fact that the Commission was divided. The letter not being sent was a compromise of how the Commission felt.

Dagle said that calibration and consultation between all Commissions will make it easier to make decisions.

Dinsmore stated that no further action will be taken at this time by the Commission.

- B. Docko - Grand Street Dock-Dingy Project Application.** Nielson proposed a reconfiguration for Grand Street for dingy dock access which would be a 10'x10' fixed pier on pilings instead of a 40' float as originally proposed. Nielson had met with two business owners (Harbor Hill and Boats Inc) who requested the change.. He mentioned that traffic on Grand Street will be changed and parking will be an issue. Nielson would like the HMSC to give the plan their blessing so they can go to DEEP for approval.

Hitchery said that a fixed pier is not the best way to accommodate small dinghy tie-ups. Accessing the platform by a vertical ladder from a floating dinghy at a low tide would be difficult and dangerous for many. He also wondered why parking would be an issue as dinghy's would be coming from visiting yachts, not vehicles.

FILED

MAY 11 2003



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Dinsmore asked about a ramp for ADA accessibility. Nielson said it is desirable and will do it when they can.

Kanter said there was a dual use in the first plan. This modified second plan being proposed does not allow for use with the launch area. Also how will it be accessible at low tide? It has to be a float for a dingy dock.

All members of the Commission voiced the opinion that the first plan already approved is the best option and better for the town.

Dinsmore asked for a motion to find it consistent with the Harbor Management Plan. Hitchery made a motion that it is inconsistent with the Harbor Management Plan. Kanter agreed. The motion was deemed procedurally incorrect and was withdrawn.

Motion: Landers made a motion to find this proposal consistent with the Harbor Management Plan. Murin Seconded. Motion failed. 0-7-0.

Nielson also said that the existing bulkhead is ready to fail. It will need to be replaced soon and this would be an opportunity to request DEEP permission for replacement with a steel bulkhead.

Johnston said that steel will rot out and will not last and wood would be a better option. Johnston also asked why a fixed dock? A floating dock is how it has always been done.

Neilson said if the Commission prefers using wood versus steel he said he can submit a letter to change from steel to wood and DEEP would sign off on it.

Landers said the Town has already approved the application with DEEP for this project. Modifying the current application would be better than submitting a new one.

Johnston asked if the top area could be made into a parking area. Landers said no because it is not part of the property.

Nielson asked if the 10x10 platform included an access ramp instead of a ladder, would that be sufficient? Hitchery said no. It was originally proposed and approved as a float. Nielson then suggested that moving a 24' access ramp to the center of the property and making a float 8' by 30' long instead of 40' might be



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acceptable to the objecting parties. Nielson said he could modify the original plan this way if that would be satisfactory to the Commission.

Dinsmore and Hitchery suggested Nielson go back and talk with Boats, Inc. and Harbor Hill and come up with modifications based on these discussions.

REPORTS

Shellfish – Kanter reported that the river is open and people are shellfishing.

Harbor Master: No report as Harbor Master Morris is absent.

Treasurer: No invoices at this time.

Ex-Officio: The Board of Selectmen is waiting to hear what happens with the State budget.

OLD BUSINESS

Harbor Management Plan: Received copies of plan. Dinsmore suggested a period of time for review by Commission members. He asked that all comments be emailed in advance to Geoff Steadman and copy all members on the email. Dinsmore said we will hold a meeting when everyone has reviewed it in its entirety.

NEW BUSINESS

A. Correspondence

- Received CT DEEP Approval of Harbor Management Plan dated 9/19/17.
- Received letters from public from decision at last meeting 10/17/17.
- Received a copy of Tim Londregan’s letter and correspondence to U.S. Army Corps of Engineers.

FINAL COMMENTS

- Johnston asked about the wording on the map on the website – it says Commercial Area - Hole in the Wall. How did the name get changed to “Commercial Area?” She would like it changed back to say “Lease Area” instead. Dagle said he would find out who the person is to change the name.
- Kanter said WELSCO meeting is being held this Thursday 9/19/17 at 7:30 pm.
- Murin asked if Morris had updated the mooring report. S. Dinsmore said he would contact Morris to find out.



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ADJOURNMENT

Motion: Murin moved to adjourn. Landers seconded. Meeting adjourned at 9:08 pm.

Submitted by

Mary Jane Gaudio, Recording Secretary

East Lyme Harbor Management and Shellfish Commission,

Niantic Bay Shellfish Farm (NBSF) strives to better the community and the environment in which it operates. Consequently, the benefits of NBSFs' endeavors are not strictly tied to one geographical location. The charge of this Commission primarily revolves around water usage and the protection/proliferation of natural resources contained within East Lyme waters. While this Commission may feel that it is not their responsibility, nor right, to act in any shape, form or manner regarding activities outside of their immediate jurisdictional boundaries, it seems that this is short sighted and inconsistent with the Commissions charge. With that being said, NBSF respects this Commissions decisions regardless.

An aquaculture project located outside of the immediate jurisdictional boundaries of this Commission does not lessen the net positive environmental impacts of such a project to any waterbody of which is within the jurisdictional boundaries of this Commission. In other words, if this Commission is tasked with "Maintaining exceptional water quality... [shellfish] restoration and enhancement...and mitigate competing uses..." than would it not be prudent for this Commission to weigh in on an aquaculture project, or any project, which would effect, negatively or positively, their set goals even when outside of their immediate jurisdictional boundaries? Restoring and enhancing shellfish within the Niantic River, by way of a venture pursued by Waterford East Lyme Shellfish Commission (WELSCO) and NBSF, would disseminate shellfish within Waterford *and* East Lyme waters. Not only is stock enhancement an achievable goal, but so too is the sequestration of carbon and the filtration of excess nitrogen from the Niantic River, which, as noted earlier, is located within Waterford *and* East Lyme; consequently, this is of interest to this Commission given its' charge.

Furthermore, while NBSF is not requesting an endorsement, NBSF is looking for individuals with knowledge to speak from a position of expertise. For example, the shellfish management plan for East Lyme clearly indicates the need for aquaculture as well as the fact that over 60 acres were set aside in the Niantic River for cultivated shellfishing grounds between 1894 and 1931. This key fact indicates a precedent that aquaculture has, in fact, been a long standing tradition within East Lyme and Waterford waters. Perhaps the Commission could indicate why gear is used and why certain locations are selected based off of predation, environmental conditions, competing uses etc., as is detailed in the Management Plan. If the Commission feels under-informed on issues outside of their immediate jurisdictional boundaries, it may be helpful, and in the Commissions best interest, to establish dialogue with WELSCO as there are WELSCO aquaculture areas within this Commissions immediate jurisdictional boundaries. Lastly, NBSF would like to remind the members of this Commission that in the plan submitted to this body on the 18th of November 2014, NBSF expressed the interest and necessity of a nursery up-river so as to not only achieve the goals laid out by NBSF but to also enable this Commission strive to achieve its' charge.

Sincerely,



Timothy A. Londregan III
Owner and Operator of NBSF

WATERFORD-EAST LYME SHELLFISH COMMISSION



Policy Statement – July 18, 2002 On Aquaculture Project in the Niantic River

The Niantic River is a small shallow estuary with a restricted outlet to Long Island Sound. It is a mostly residential area and is heavily used for a variety of marine recreational activities. The Niantic River has few identified areas open for aquaculture projects, which would not encroach on these activities. One of these activities is shellfishing and it is the mission of the Waterford-East Lyme Shellfish Commission to sustain and enhance recreational shellfishing.

Therefore the Waterford-East Lyme Shellfish Commission has deemed that any aquaculture projects be on an experimental basis only, limited in their size, scope and duration. Due to the restricted area available for aquaculture projects in the Niantic River, the Waterford-East Lyme Shellfish Commission shall favor experiments of a scientific nature with emphasis on restoration of native shellfish. Aquaculture projects shall be defined as any experiment requiring any structure to be placed in the river, such as buoys, floats, nets, cages, lines, anchors, etc.

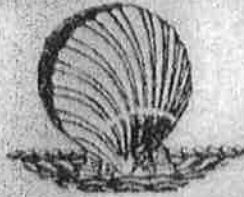
The Waterford-East Lyme Shellfish Commission will review applications for aquaculture projects on a case-by-case basis and approval is based solely on the discretion of the Waterford-East Lyme Shellfish Commission. If approved, it is incumbent on the applicant to adhere to all Federal, State, Harbor Management, Local and other regulations that may be in effect, as to placement, size, construction, etc., so as not to infringe on any navigable water, private property, marine grasses or in any other way to create a hazard or lessen the use of the Niantic River. Projects shall be in areas identified by the Waterford-East Lyme Shellfish Commission so as not to adversely effect areas open to recreational shellfishing, as determined by the Waterford-East Lyme Shellfish Commission. All applications shall show consistency with all applicable laws, including filing of public notice.

Projects must be maintained in good order. If for any reason the project is not maintained to the satisfaction of the Waterford-East Lyme Shellfish Commission, the Waterford-East Lyme Shellfish Commission reserves the right to have the applicant remove the structure prior to the experiment's projected duration.

If aquaculture projects are successful, the applicant understands no ongoing operation will be allowed at the conclusion of the experiment. During the project's life, the Waterford-East Lyme Shellfish Commission reserves the right to ask for a portion of shellfish produced to be distributed in the River in order to enhance the river's recreational shellfishing.

If the applicant fails to abide by this agreement in any way, as determined by the Waterford-East Lyme Shellfish Commission, the Waterford-East Lyme Shellfish Commission reserves the right to terminate the experiment with the onus on the applicant to promptly remove the project from the Niantic River. Any renewals shall be solely at the discretion of the Waterford-East Lyme Shellfish Commission.

WATERFORD-EAST LYME SHELLFISH COMMISSION



Suggested Locations For Aquaculture Projects In The Niantic River

The Waterford-East Lyme Shellfish Commission (WELSCO) created and adopted a Policy Statement addressing aquaculture projects in the Niantic River. Using a nautical chart of the Niantic River suggested areas in the Niantic River where aquaculture project might be carried on are identified as locations 1 through 6 on the attached map. These locations are solely at the discretion of the WELSCO and may be expanded, reduced, deleted or otherwise modified to address any changes in the Niantic River use.

Each location is circumscribed by a set of GPS co-ordinates, as follows.

Location	Direction	Latitude	Longitude	
#1	NW	41° 19.878	72° 10.944	
	SW	41° 19.754	72° 11.038	
	SE	41° 19.754	72° 11.012	
	NE	41° 19.887	72° 10.892	
#2	NW	41° 19.547	72° 11.000	
	SW	41° 19.483	72° 11.000	
	Intermediate	Point	41° 19.550	72° 10.881
		NE	41° 19.512	72° 10.739
		SE	41° 19.450	72° 10.739
#3		41° 19.764	72° 10.666	
Use coordinate as a centerpoint with a 200 yard radius about point				
#4	NW	41° 20.249	72° 10.592	
	Intermediate	Point	41° 20.129	72° 10.610
		SW	41° 20.000	72° 10.600
		SE	41° 20.004	72° 10.590
	Intermediate	Point	41° 20.129	72° 10.560
	NE	41° 20.266	72° 10.565	
#5	NW	41° 20.451	72° 10.687	
	SW	41° 20.374	72° 10.687	
	SE	41° 20.374	72° 10.575	
	NE	41° 20.430	72° 10.563	
#6	NW	41° 21.803	72° 11.567	
	SW	41° 21.654	72° 11.542	
	SE	41° 21.654	72° 11.490	
	NE	41° 21.803	72° 11.549	

