



**Waterford-East Lyme Shellfish Commission**  
Meeting Minutes  
Thursday December 21, 2017  
Waterford Town Hall, 7:30 pm



Members present: Peter Harris, Larry Tytla, Paul Spakowski, J. Patrick Kelly, Tom Bowlen  
Eric Kanter and Elizabeth Gelinias

Absent: Fred Grimsey

Guests: Chief Warden Rich Chmiel, Attorney Robert Avena, Stan Parcheski, Robert Dutton, John Suter,  
Gary Smith and Timothy Londregan of NBSF

FILED

Dec 27 20 17 AT 10:20 AM/PM  
*Wm. M. Kelly*  
EAST LYME TOWN CLERK

- 1) The meeting was called to order at 7:35 pm and a quorum established.  
Mr. Harris welcomed new member Elizabeth Gelinias to the commission.
- 2) The minutes of the October 19<sup>th</sup> regular meeting were reviewed. The minutes were accepted on a motion by Mr. Kelly, seconded by Mr. Tytla, all in favor, motion passed.

The minutes of the November 19<sup>th</sup> special meeting were reviewed. The minutes were accepted on a motion by Mr. Kelly, seconded by Mr. Spakowski, all in favor, motion passed.

The minutes of the December 7<sup>th</sup> special meeting were reviewed. The minutes were accepted on a motion by Mr. Kelly, seconded by Mr. Tytla, with one abstain, motion passed.

- 3) The Treasurer's report for November was presented including the financials and bank reconciliation. The Treasurer's report was accepted on a motion by Mr. Spakowski, seconded by Mr. Tytla; all in favor, motion passed. Mr. Kelly stated there is clamming sales income in December from Hillyer's. Hillyer's is closed for January and February. Hillyer's, Mago Point Marina and Mackey's Tackle will be closed; anyone looking to purchase a clamming license may go to either East Lyme or Waterford Town Halls.

4) Chief Warden's Report-

- Boat had to have a new battery installed, winter weather affecting bilge.
- Monthly samples delivered to DA/BA lab this week. Alyssa Dragan of DA/BA noted WELSCO is current with all samples.
- Hotline recording was changed to reflect the effective date for shellfishing open/closures .
- A new motor will need to be purchased; members discussed lighter weight and smaller engine size so the boat will not sit lower in the water and scups are not under water.
- Trailer is being stored outside under cover at Mago Point Marina

5) Old Business-

a) Mr. Harris discussed revisions to the 2002 Aquaculture policy. He requested Attorney Avena comment on the best course of action and how to proceed. Attorney Avena suggested a draft policy be written to follow the statutory authority and include language on commercial leases and the expansion of recreational projects. He further suggested WELSCO include notice of potential applications in the same public hearing (i.e. proposed project with NBSF). This inclusion would cover all items WELSCO is required to hold a public hearing on in accordance with the Town's of Waterford and East Lyme's statutes. He discussed the importance of running 2 public ads, postings along the Niantic River and that both Town's of Waterford and East Lyme's statutes be reviewed and followed. The revisions to the 2002 Aquaculture Plan must

also follow the statutes within East Lyme and Waterford as they pertain to WELSCO. The DEEP and the ACoE have procedures they must follow with regard to applications. A public hearing gives more circulation. Attorney Avena and Mr. Harris will work together and have a draft of revisions for the 2002 Aquaculture Plan at the next WELSCO meeting.

Mr. Kelly inquired on the recent proposed amendment to the Waterford Harbor Management Plan to increase the height to 5 ft. above gear above mean high water and its effect on commercial operations. Attorney Avena commented that the proposal must first get approval from the RTM and Board of Selectman, which has not happened yet.

6) New Business-

a) Mr. Harris reviewed the NBSF application filed with the DA/BA to harvest no more than 100 scallop from the Niantic River to be used for spawning. The DA/BA requires WELSCO approval. Mr. Kanter noted the box marked should be intrastate not interstate; as the scallops are being harvested from Niantic and brought to Stonington. Attorney Avena agreed. Mr. Londregan explained his plan and that he will be using native stock and most likely spawning twice to occur in March. Mr. Tytla inquired on re introducing any scallop back into the Niantic River. Mr. Londregan agreed that he would reintroduce the adult scallops. Motion to harvest no more than 100 scallops from the Niantic River with a stipulation the adults be put back into the River by Mr. Spakowski, seconded by Mr. Tytla, all in favor, motion passed.

b) Mr. Dixon of 25 Park Drive, Waterford submitted a dock application that will be built by Harbor Engineering LLC. Mr. Georgian of Harbor Engineering was present and gave an overview. There was further discussion on dock length, concerns on shellfishing impact and recreational usages. Questions arose regarding adequate clearance for clambers and the pilings structure being detrimental to shellfishing. Mr. Dixon agreed to remove old stones and his old mooring from the area. Motion to approve the Dixon dock application as there are not adverse effects to shellfishing areas and that noted in the comment section of the application will be "applicant to remove old stones close to shore and existing mooring" made by Mr. Kanter, seconded by Mr. Kelly, Mr. Spakowski opposed, Mr. Tytla abstained, motion passed.

c) Mr. Kanter made a motion to nominate Mr. Kelly to serve as Treasurer for 2018, seconded by Mr. Tytla, Mr. Kelly accepted the appointment, all in favor, motion passed.

Mr. Kanter made a motion to nominate Mr. Harris to serve as Chair for 2018, Mr. Harris accepted the appointment, seconded by Mr. Tytla, all in favor, motion passed.

d) There was discussion on WELSCO area 2 being utilized for a possible experimental aquaculture project by NBSF. The area is in shallow water along the south edge of the river on Rt. 156 and is approximately 12 acres; approximately 40 percent is a closed area and Cini Park Dock is to the east and there is also a planned transient boat dockage adjacent. Mr. Kelly will request Abby Peirsall of the Town of Waterford calculate the coordinates using GIS for an accurate total acreage. Mr. Londregan noted that DEEP is requesting he get a pre-screen application as they have concerns with impact on winter flounder spawning in WELSCO area 2. He further noted use of floating gear for scallop and oysters and staying to the eastern side he'd use about 3 to 4 acres. Mr. Harris stated no action would be taken as the 2002 Aquaculture Plan revisions are being drafted.

e) There was discussions on WELSCO area 5 being utilized for a possible experimental aquaculture project by NBSF. This area is in deeper water and Mr. Londregan would use traditional gear and methods of placing gear to harvest scallop and oysters. Mr. Harris noted

that the area is too deep for recreational shellfishing and is located south of the mooring fields on the Waterford side due east of Smith Cove. The area is approximately 5 acres and roughly 1- 2 acres would be required depending on the 2002 Aquaculture Plan revisions. As this is a smaller area, Mr. Londregan would us about three lantern lines for the juvenile scallops. Mr. Harris stated that no action would be taken as the 2002 Aquaculture Plan revisions are being drafted.

7) Correspondence-

- a) The 38<sup>th</sup> Annual Gathering of the Shellfish commissions is being held Saturday January 13, 2018; Ms. Tinker will register the Commissioners attending and payment. Attorney Avena noted he would also be attending.
- b) The Milford Seminar on Aquaculture was discussed. Mr. Kelly will contact them for more information on registration and cost.
- c) The FOI Seminar is being held January 17, 2018 at the Waterford Town Hall at 5 pm.
- d) Tessa Getchis of Seagrant at UCONN is requiring the grant proposals for Aquaculture research be submitted by March 30, 2018. The Niantic River Watershed commission may partner with WELSCO. Mr. Harris noted the grants are not 100 percent funded.

8) Ex Officio Comments-

Mr. Harris noted the Ex Officio may be reassigned in the near future.

9) Public Input –

*Stan Parcheski: Concerned with oyster filtration not being the best way to keep river clean as the natural flow of water in and out with tides. He noted limited resource found noted some benefit to oyster filtration. Mr. Harris stated publications explain that reduced nitrogen and algae blooms are some of the benefits of oysters' filtration.*

*Gary Smith: Reviewed comments and concerns in his letter to WELSCO of 12/21/17 (attachment A)*

*Robert Dutton: Concerned we do not have an environmental study; Insurance policy for any aquaculture project should be required and responsible parties in the event of a lawsuit (both Town's involvement).*

*John Suhr: Aesthetic concern- He'd like to see pictures of this type of project and the structures.*

*Tim Londregan: Commented on Area #2 no longer being SAV protected. He discussed riparian rights, effects of dredging and oysters filtration benefits. T. Getchis at UCONN Seagrant program's information on commercial design and propagation. He noted the WHMC does not require a mooring that is registered to have insurance nor any vessel on a mooring; this is not a requirement in CT.*

10) The meeting was adjourned on a motion by Mr. Spakowski at 9:15 pm; all in favor.

Respectfully submitted,

Amy Tinker  
Secretary

December 21, 2017

To: Members of WELSCO,

RE: Special Meeting – Thursday Dec. 7, 2017; 7:30 pm; Waterford Community Center

We were at a Special Tri-Commission Meeting on Thursday evening, Dec. 7, 2017 at the Waterford Community Center because WELSCO erred when they revised their Policy Statement on Aquaculture Projects in the Niantic River; illegally created the WELSCO 7 area; and illegally entered into a Lease Agreement with Niantic Bay Shellfish Farm, a private individual looking to profit off our public trust water area.

In 2011 WELSCO also made an agreement with another private company, R&B Fisheries, to dredge clam in the Niantic River. In light of the recent occurrences, I wonder about that agreement:

1. Was the agreement a written agreement and was it reviewed and approved by the town's legal counsel?
2. Was the Harbor Management Commissions notified of the project & asked for their approval?
3. Were state and federal permits obtained?
4. Did WELSCO monitor the dredging?
5. Did WELSCO track the quantity & quality of clams removed?
6. Did WELSCO monitor the condition of the riverbed before and after the dredging?
7. Was the dredging of clams' project successful? (i.e. Did 40% of the clams dredged come back to the river & save WELSCO the cost of buying clam to restock the recreational beds?)
8. Did any member of WELSCO ever investigate the path of destruction of the riverbed caused by clam dredging?

At this juncture these are most likely rhetorical questions. One of the justifications for going forward with the NRSF project was that the oysters are filter feeders that will help clean up the water quality of the river. If that is true, however, then why didn't WELSCO consider the fact that clams are also filter feeders that help clean up the water quality of the river prior to approving the removal of many bushels of clams from the northern fork of the river, the channel and Smith Cove area....areas that are most susceptible to storm water runoff from the land?

Going forward, WELSCO needs to adhere to its Policy Statement for aquaculture projects:

1. to be on an experimental basis only, limited in their size, scope and duration;
2. favor experiments of scientific nature with emphasis on restoration of native shellfish;
3. so as not to infringe on any navigable water, private property, marine grasses or in any other way to create a hazard or lesson the use of the Niantic River;
4. in areas identified so as not to adversely affect areas open to recreational shell fishing; and
5. assure applicants that a successful project does not grant ongoing operations at the conclusion of the experiment.

It is imperative that WELSCO:

1. develops standards for commercial aquaculture;
2. provide a clear policy for shellfish leasing;
3. given the controversial aspects of private aquaculture operations within public waters, WELSCO must be pro-active in determining the best locations for these activities taking into account all available planning resources, including the Harbor Management Plans and Plan of Conservation and Development;
4. develop protocol for granting leases for commercial shell fishing;
5. develop regulations for managing shellfish aquaculture in the Niantic River, including jurisdictional authority, application process, and acceptable aquaculture area and activities;
6. with the assistance of Town Counsels, develop a uniform aquaculture lease agreement which better defines expectations and conditions for conducting shellfish aquaculture in the Niantic River;
7. develop a Shellfish Management Plan that contains current operating procedures and regulations for commercial and recreational shell fishing and for conducting shellfish aquaculture within the Niantic River waters;
8. setting high priority to maintaining exceptional water quality with the recognition that access to, and use of, the River's most valuable natural resources needs to be balanced carefully and responsibly to protect the aquatic ecosystems and preserve the scenic quality that draws so many people to the River.

Applicants for aquaculture projects:

1. should be required to provide tests and reports prepared by professionals in their field of expertise. e.g.
  - A. An A-2 Survey tied into the State Coordinate's System;
  - B. A Bathymetric of the area that is tied into the NAVD88 elevation Datum;
  - C. Grain Size Analysis and Chemical Analysis of the river bed;
  - D. Benthic Analysis to determine the benthic community structures of the shallow water habitat and to determine the long term loss of benthic productivity for the Niantic River ecosystem;
  - E. long term impact on tidal cycles and current velocities.
2. In addition, applicants should provide a comprehensive Business Plan, Market Analysis, Budget and Financial Statement;
3. They should provide a Hazard Analysis defining the potential hazards and their long term effects, including temperature, dissolved oxygen, salinity, pH, metabolic waste products (ammonia, nitrites and nitrates), turbidity (concentration of phytoplankton), harmful algae bloom and adverse weather;

4. Also, a Risk Management Plan that defines how they will handle loss of production, impact of marketing, financial impacts, potential legal issues or Human Resource Management.

Many of the suggestions presented herein are not new nor were they developed by myself. Some of the credit needs to go to East Lyme Harbor Management/Shellfish Commission members. They created a thoughtful Harbor Management Plan to manage our natural resources of the River and a Shellfish Management Plan for the East Lyme waters outside of the Niantic River. In fact, WELSCO members should get a copy of the East Lyme Shellfish Commission Management Plan, December 2005, to use as a guide for what should be required within the Niantic River waters.

Once the Plans are completed and accepted by the public then ALL of the Commissions should adhere to them.

Respectfully Submitted,



Gary D. Smith

Owner of The Point Marina, 1 First Street, Mago Point  
Member & Past-President of the Mago Point Business Association  
Member & BOD of Niantic River Coalition Advocacy  
Family of Five Generations on the Niantic River

Cc: Waterford's Board of Selectman  
East Lyme's Board of Selectmen  
Waterford's Harbor Management Commission,  
East Lyme's Harbor Management/Shellfish Commission