

“TO BE PRINTED ON WELSCO LETTERHEAD/LOGO”

**Policy Statement on Aquaculture Projects in the Niantic River –July 18, 2002
Revised – March 2018**

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 commercial aquaculture projects, which would not encroach on these activities. One of these activities is recreational 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 project be on an experimental basis and then if successful, potentially a small commercial operation, limited in its 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 or commercial operations limited in size to 10 acres of total aquaculture footprint area at any one time (the 10 acres will constitute the total acreage of all aquaculture operations combined utilizing type II aquaculture (aquaculture with gear)) with emphasis on restoration of native shellfish. Any proposed commercial aquaculture operation will start as an experimental aquaculture project under a license agreement of less than two (2) calendar years. Aquaculture projects shall be defined as any operation requiring any structure to be placed in the river, such as buoys, floats, nets, cages, lines, anchors, etc. Bottom culture with no gear will also be considered Aquaculture and require written approval.

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 affect 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, and be subject to a public hearing before the commission.

The applicant must maintain the gear in good order. The applicant assumes all liability if any third party damage occurs. 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 structures prior to the projected duration, and under all such other terms contained in the less than two (2) year experimental agreement, and/or full license term, not to exceed five (5) years.

At the conclusion of the initial experiment, applicants will be required to present their results for consideration of a small-scale commercial license. 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, pursuant to the terms of the less than two (2) year experimental agreement and longer term license with the respective Towns of East Lyme or Waterford.

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 responsibility on the applicant to promptly remove the project and all structures from the Niantic River. Any renewals shall be solely at the discretion of the Waterford-East Lyme Shellfish Commission. Thereafter, the applicant must pursue a commercial license agreement with either East Lyme or Waterford, depending upon which side of the channel the aquaculture project is located. License terms must be negotiated directly with the Towns of East Lyme or Waterford in accordance with each Town's current policy with its town shellfish commissions. Approval of Town of Waterford licenses, in particular, shall proceed under the attached ordinance (Exhibit 1A) which requires all aquaculture licenses or leases to be approved by the Board of Selectmen and Representative Town Meeting prior to taking effect. The Town of East Lyme's approval procedure is approval by The Waterford-East Lyme Shellfish Commission and

the East Lyme Harbor Management/Shellfish Commission (to be followed on the East Lyme side of the river).

Location for Aquaculture Projects in the Niantic River

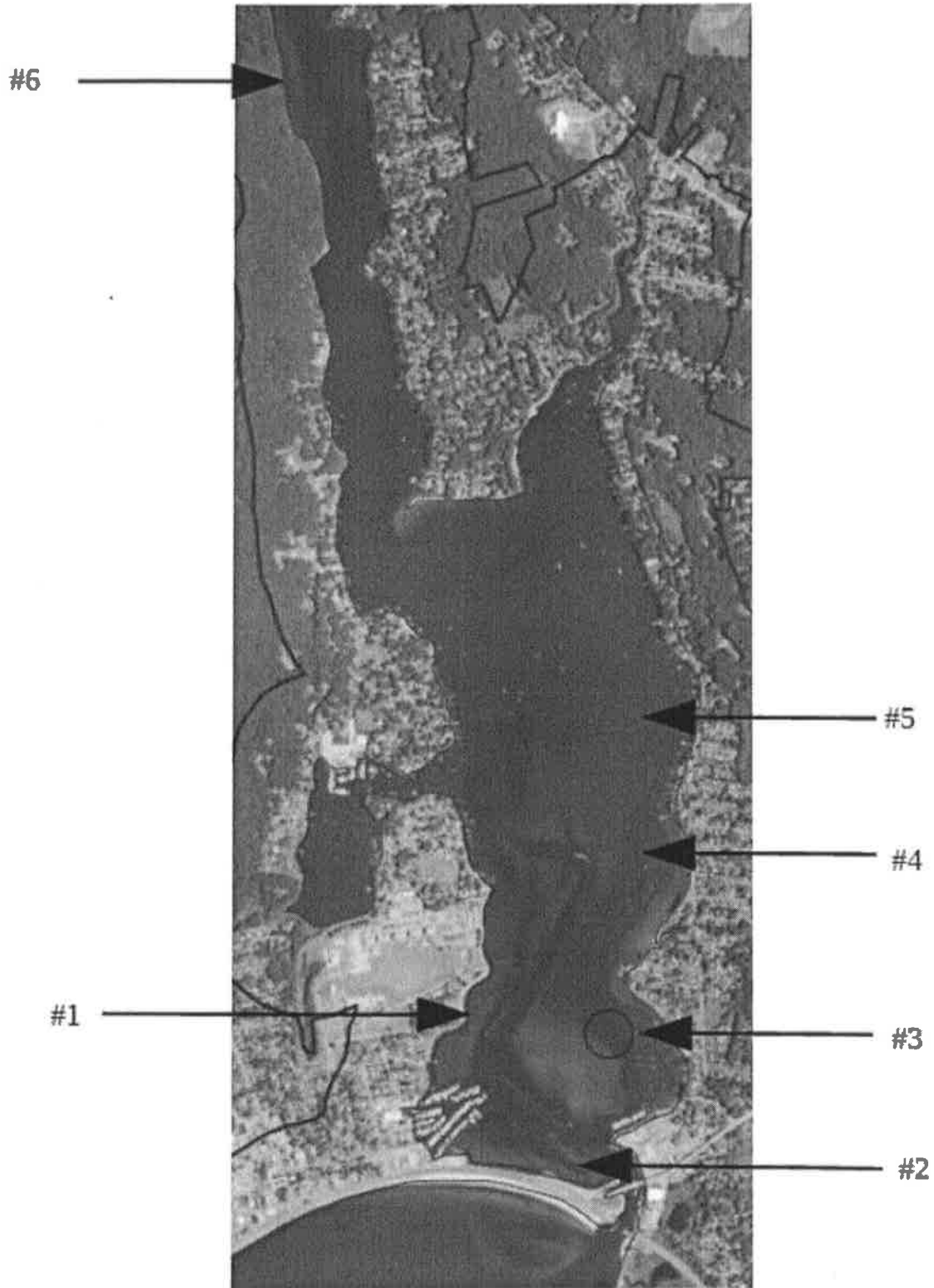
The Waterford-East Lyme Shellfish Commission (WELSCO) created and adopted a Policy Statement addressing aquaculture projects in the Niantic River. Using a nautical chart of the Niantic River, suggested areas in the Niantic River where aquaculture project might be carried on, are identified as locations 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 change in the Niantic River use, after public notice and hearing.

Each location is circumscribed by a set of GPS coordinates, as follows:

Location	Direction	Latitude	Longitude
#1	NW	41° 19.879	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°	72°

		20.249	10.592
		41°	72°
Intermediate Point		20.129	10.610
	SW	41°	72°
		20.000	10.600
	SE	41°	72°
		20.004	10.590
Intermediate Point		41°	72°
		20.129	10.560
	NE	41°	72°
		20.266	10.565
#5	NW	41°	72°
		20.451	10.687
	SW	41°	72°
		20.374	10.687
	SE	41°	72°
		20.374	10.575
	NE	41°	72°
		20.430	10.563
#6	NW	41°	72°
		21.803	11.567
	SW	41°	72°
		21.654	11.542
	SE	41°	72°
		21.654	11.490
	NE	41°	72°
		21.803	11.549

Map of Niantic River and Location of Potential Aquaculture Projects / Licenses



Chapter 2.80

WATERFORD SHELLFISH COMMISSION

Sections:

2.80.010	Established.
2.80.020	Membership—Appointment—Requirements.
2.80.030	Terms of members.
2.80.040	Removal for cause—Notice and review.
2.80.050	Vacancy filling.
2.80.060	Officers—Meetings—Records.
2.80.070	Jurisdiction and powers.
2.80.080	Annual report.

2.80.010 Established.

The town, recognizing the potential value of its shellfish resource, establishes a shellfish commission, whose purpose will be to protect, manage and enhance that resource. (Prior code § 2-20.1 (a))

2.80.020 Membership—Appointment—Requirements.

Pursuant to Section 26-257a of the Connecticut General Statutes Annotated, as amended, there shall be, and is created in the town, a shellfish commission, the members all of which shall be appointed by the board of selectmen. All members must be electors and residents of the town. The commission shall consist of seven regular and three alternate members. (R.T.M. 2-1-93 (part): prior code § 2-20.1 (b))

2.80.030 Terms of members.

Initially, the board of selectmen shall appoint regular members as follows: two members to serve for two years, three members to serve for three years and two members to serve for four years. Thereafter the terms shall be for four years. Alternates are to serve for a term of two years. Such alternate members shall when seated have all the powers and duties set forth in said general statutes relating to the shellfish commission and its members. Members of the commission shall serve without compensation but shall be entitled to reimbursement for necessary expenses incurred in the performance of official duties. (R.T.M. 2-1-93 (part): prior code § 2-20.1 (c))

2.80.040 Removal for cause—Notice and review.

The board of selectmen shall not remove a member of the commission except for good cause and upon written notice. The removed member has the right to request a public hearing, in writing, within thirty days for a review of that decision. Such hearing shall be held within thirty days after receipt of the request. (Prior code § 2-20.1 (d))

2.80.050 Vacancy filling.

Any vacancy in the membership of the commission shall be filled for the unexpired term of such member by the board of selectmen. (Prior code § 2-20.1 (e))

2.80.060 Officers—Meetings—Records.

The members of the shellfish commission shall designate one of their members to be chairperson and one to be secretary of said commission. Regular meetings of the commission shall be held at such times at the call of

the chairperson. The commission shall hold at least six meetings annually. Three members of the commission shall constitute a quorum for the transaction of business. The commission shall keep accurate minutes and records of its proceedings and official actions, showing the vote of each member upon any question, or the absence or the failure of any such member to vote. (Prior code § 2-20.1 (f))

2.80.070 Jurisdiction and powers.

The shellfish commission of the town shall have charge of all the shellfisheries and shellfish grounds lying within the jurisdiction of the town of Waterford, not already granted to others, not under the jurisdiction of the Waterford-East Lyme shellfish commission, and not under the jurisdiction of the commissioner of agriculture, including all rivers, inland waters and flats adjacent to all beaches and waters within the limits and marine bounds of said town. The commission may issue licenses for the taking of such shellfish therefrom and fix the fees therefor, and may designate the quantities of such shellfish to be taken, the sizes of such shellfish and the methods of taking. The commission may prohibit the taking of such shellfish from certain designated areas for periods not in excess of one year. Said commission shall further have the power of creating a shellfish management plan and may issue reasonable rules and regulations in furtherance of the protection and propagation of the shellfish under their control and of the shellfish grounds within its jurisdiction. The commission may recommend to the board of selectmen, but shall not have the authority to lease or grant any town lands under their jurisdiction. All money collected by the commission, and pursuant to the Connecticut General Statutes Annotated, shall be paid to the commission and used by the commission for the protection and propagation of the shellfish grounds. All money provided to the commission by the town through the budgetary process shall be requested from and approved by the board of selectmen.

The commission shall have the power to appoint enforcement officers to supervise the beds and enforce the regulations issued by the commission and authorized by the Connecticut General Statutes Annotated. The commission may further set penalties for violation of its regulations subject to the restrictions therein as provided in Section 26-257a of the Connecticut General Statutes Annotated. The commission shall have the power to adopt, amend and repeal rules and regulations governing its procedures and exercise of its powers and duties. The commission may call upon any other department of the town government for assistance in the performance of its duties and may cooperate with any other department of the town government in projects of mutual interest. (Prior code § 2-20.1 (g))

2.80.080 Annual report.

The commission shall make an annual report to the board of selectmen, detailing its financial records and accomplishments, for inclusion in the town annual report. It shall also submit such other reports as may be requested from time to time by the board of selectmen. (Prior code § 2-20.1 (h))