

FIFTEEN ROPE FERRY ROAD



WATERFORD, CT 06385-2886

**Town of Waterford**  
**Shellfish Commission**  
**Shellfish Resource Management Plan**

Under Connecticut General Statute, Section 26-257a, the local shellfish commission shall prepare and periodically update a Shellfish Management Plan.

Approved by the Waterford Shellfish Commission October 4, 2005  
Submitted to 1st Selectman who subsequently submitted document to Town Attorney for review.  
Returned to Waterford Shellfish Commission January 6, 2006.

TOWN CLERK

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WATERFORD, CT

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# **Town of Waterford**

## **Shellfish Commission**

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## **Jurisdiction and Authorities**

### **Shellfish Commission**

5.6.2 – There shall be a Waterford Shellfish Commission with the powers and duties prescribed by Chapter 492 of the General Statutes and as provided by town ordinance (Amended 12-3-98; adopted 11-4-86, effective 12-4-86)

\*Note: Section 5.6.2 re: the Waterford Shellfish Commission grants to that commission the powers and duties prescribed in chapter 492, section 26-257a. Chapter 492, in which is contained Section 26-257a, is the General Municipal Shellfish Commission Enabling act. The current language in the Charter could be construed to limit the commission's authority to just Section 26-257a. It is recommended that the Charter reference Chapter 492.

### **Waterford Shellfish Commission**

Sections:      Established  
                 Membership – Appointment – Requirements  
                 Terms of Members  
                 Removal for cause – Notice and Review  
                 Vacancy filling  
                 Officers – Meetings – Records  
                 Jurisdiction and powers  
                 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 and 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 Selectman 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 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 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 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 there from and fix the fees therefore, 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 Selectman, 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 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 submit such other reports as may be requested from time to time by the Board of Selectmen. (Prior code 2-20.1 (h))

### **Description of Waterford Shellfishing Areas C & G**

Description of the conditionally approved areas to be closed are contingent upon the occurrence of specific events.

Area C (Niantic Bay – Jordan Cove), Waterford: All tidal waters in Waterford enclosed by a line commencing from the shellfish demarcation sign located on the shoreline 500 feet west of the outlet to Goshen Cove near Goshen point south-southwest to the navigational horn at Bartlett Reef, thence south to the New York-Connecticut-mid Long Island Sound State boundary line, thence west along the New York-Connecticut state boundary line to its intersection with the East Lyme-Waterford town boundary line, thence north along that East Lyme-Waterford town boundary line to White Rock, thence continuing north toward the middle of the Niantic River at the Amtrak Railroad bridge to the shellfish demarcation sign located on the southern shore of the point of land on the eastern shore of Niantic Bay in Waterford, exclusive of the Millstone Point, Millstone Pond, Cranberry Pond and Upper Jordan Cove Prohibited areas, the Bay Point, Fox Island Lagoon, Millstone Pond-Millstone Point, Inner Jordan Cove and Dock Road tidal creek Restricted-Relay areas and the Outer Jordan Cove Conditionally Approved Area "C". The exclusion zone of Area "C" is approximately 25.47 acres. There is an agreement from the Coast Guard that allows us access to this area if we notify the shift supervisor and follow their strict guidelines as follows:

1. Reason for entering the zone
2. The number of people entering the zone.
3. Description of the vessel entering the zone, if any, with hull number
4. length of stay
5. A contact number
6. A list of equipment that may be placed within the zone.

Amended: 11-28-03 (see attached map)

Area "G" (Outer Jordan Cove), Waterford: That area of Outer Jordan Cove enclosed by a line commencing from a shellfish demarcation sign located on the southern extremity of the stone jetty located at the southern extremity of the point of land on Windward Way near the western outlet of Jordan Cove, thence south approximately 350 yards to the orange shellfish demarcation buoy, thence southeasterly to the shellfish demarcation sign at the DEP boat launch ramp at Pleasure Beach, exclusive of the Inner Jordan Cove and Dock Road tidal creek (Clam Pond Creek) Restricted relay areas and the Upper Jordan Cove Prohibited area. (See attached map)







The Thames River, north of the south line dividing Waterford and New London, on the west it is the shoreline, on the north it is the south of the Waterford/Montville Town line and the east is the middle of the Thames River minus the jurisdiction of the Navy Base that is near the middle of the Thames River. Refer to map of the Thames River (see attached map). In the Thames River there is approximately 407 acres of bottom land.

There was a voluntary exclusion moratorium on the Thames River where the location of the under river water main was determined. It is now being installed in Montville waters.

We are in the process of negotiating with the Coast Guard and the Navy regarding access to the river.

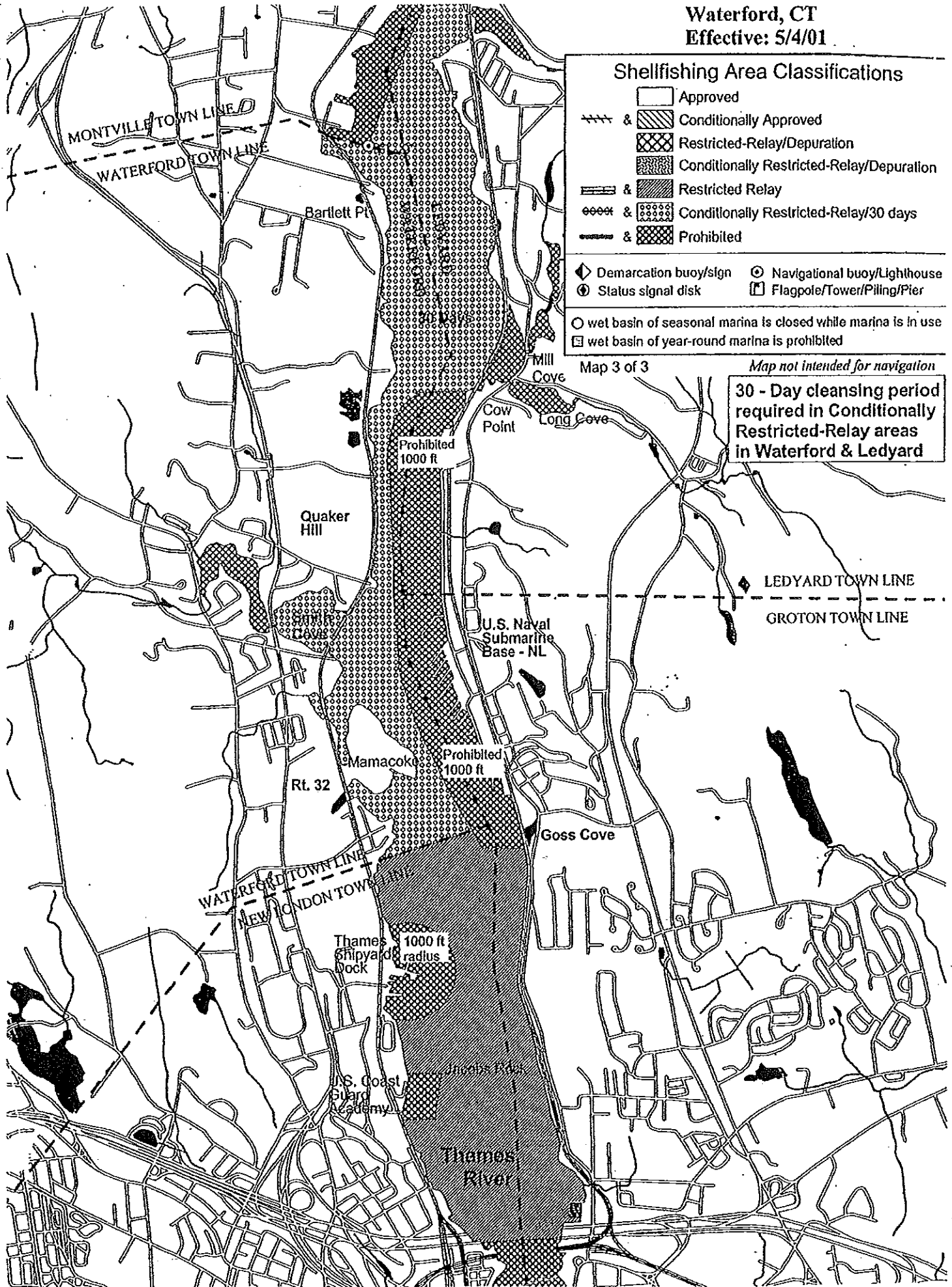
#### **Enforcement**

Shellfish Commission Warden comes from an agreement with the East Lyme/Waterford Shellfish Commission at an hourly rate of \$25.00 per hour for warden, car and boat use. The duties of the warden are to ensure that everyone shellfishing in the Waterford waters has obtained the proper permits to do so. The warden collects all the required water samples and delivers the water samples to the State Laboratory in Hartford. The warden works in conjunction with the local police department, CT DEP Marine Enforcement Division, as appropriate.

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 (eg, harvesting shellfish in prohibited areas) are enforced.

Waterford, CT  
Effective: 5/4/01



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 and Drug Administration (USFDA) National Shellfish Sanitation Program that provides national guidance to states, such as Connecticut, which conducts sales of shellfish on an interstate basis.

Future Goals – The Waterford Shellfish Commission is looking forward to receipt of seed clams and oysters in cages for the purpose of placing them in Jordan Cove for recreational shellfishing where there is no eel grass. The seed clams and oysters take several years to mature. This is a new endeavor for the Waterford Shellfish Commission and hopefully we will be able to harvest these clams and oysters in the future. The clams and oysters as well as the cages are donated by Noank Aquaculture. This year, the Commission was not able to broadcast clams or oysters in the shellfishing areas because they were not available from the commercial shellfish growers.

The Commission is also looking into leasing additional bottom land. Restocking of the current shellfishing areas will continue. The Waterford Shellfish Commission hopes to keep the revenues from the sale of all permits with the approval of this memorandum. The Commission also has a line item in the Town of Waterford budget and receives money for expenditures throughout the fiscal year.

Operational Guidelines for the Waterford Shellfish Commission are in accordance with the State of Connecticut Department of Agriculture – 2002 Annual Assessment of Shellfish Growing areas for the Town of Waterford

Attachment #1 to the 2001 Waterford Report – State of Connecticut Department of Agriculture, Bureau of aquaculture – New Classifications of shellfish growing waters- Waterford and Niantic River in East Lyme.

Effective date – May 1, 1998

Amended date – June 7, 1999

Amended date – May 4, 2001

Attachment #2 to the 2002 Waterford Report – Seawater monitoring stations.  
Revised November 28, 2003

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Attachment #3 to the 2002 Waterford Report – Status report of the 2000 DA/BA  
Shoreline survey of the Waterford coastline.  
Dated July 23, 2003

Attachment #4 to the 2002 Waterford Annual Assessment – Memorandum of  
Understanding for the operation of conditionally approved areas “C” and “G” in  
Waterford.  
Renewed September 27, 2002  
Amended November 28, 2003

Attachment #5 to the 2002 Waterford Report – State of Connecticut Department of  
Agriculture, Bureau of Aquaculture (DA/BA) – Amended classification of Shellfish  
Growing waters – Waterford and Niantic River in East Lyme.  
Effective date – May 4, 2001  
Amended date – May 4, 2001  
Amended date – November 28, 2003

Attachment #6 to the 2002 Waterford Annual Assessment – State of Connecticut  
Department of Agriculture, Bureau of Aquaculture (DA/BA) – Management plan for the  
Waterford conditionally restricted relay areas.  
Renewed April 15, 2002  
Amended November 28, 2003

State of Connecticut Department of Agriculture Bureau of Aquaculture and Laboratory  
Re: Revised closure notice and key for conditionally approved areas in Waterford.

#### **Leased Areas**

The Commission has three commercial leases. One is with Allan Jacques, Niantic Bay Scallop Co., the leased area is located in Jordan Cove, the second is with John Wadsworth, Niantic Bay Shellfish LLC., located in Niantic Bay, and the third lease is Thomas Jannke, Ram Island Oyster Co. located in the Thames River.

Aeros Cultured Oyster Company has a co-manage agreement with the Town of Waterford Shellfish Commission in the Mamacoke Cove area of the Thames River. They have relayed hard clams to recreational shellfish areas in Waterford in the 2000-2001 period. They have had a BA/DA relay license for this ground since 2000. According to Aeros, they have harvested approximately 400 bushels of hard clams from this area from 2000 – 2003.

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The commission is having discussions with the environmental department of the Navy Submarine Base in New London concerning the removal of piers, dredging the birthing area and constructing and filling new cads cell disposal site in the Thames River to determine its impact on shellfish growing areas. We have a copy of the environmental proposal for this project.

Please note on the permits, the white sheet goes to the permit tee and the yellow sheet goes to the Commission. The security zones are depicted on the maps attached to the permits.

**Commission Members**

William Steinmiller, Chairman  
Joyce Meehan, Secretary  
Terry Simmons, Treasurer  
Arthur Maddalena  
Tony Siederewicz  
Richard Jones  
Doug Lawson  
Richard Muckle  
Richard Miller, Alternate

## Regulations for Shellfishing in Jordan Cove

1. No person shall harvest or remove clams, mussels or oysters from the waters of Waterford (exclusive of the Niantic River, regulated by the Waterford-East Lyme Shellfish Commission) without a valid permit issued by the Waterford Shellfish Commission. **This permit must be in your possession while shellfishing.**
2. No person over the age of sixteen shall harvest shellfish without a permit. Children sixteen years old and younger may shellfish while with a parent or guardian who has a valid permit. The child's harvest will be included within the parent or guardian's limit.
3. The daily limit of shellfish (clams, mussels and oysters) is one peck (two gallons; less than half of a 5 gallon bucket) for all types combined.
4. No person shall harvest from the waters of Waterford, or have in his/her possession: soft shell clams which are less than 1 1/2" in length; hard-shell clams which are less than 1" in thickness, or will pass through a ring of 1 1/2" internal diameter; or razor clams which are less than 4" in length. Violation will result in a \$70 fine per clam.
5. No rake, tongs or other device used for taking shellfish shall have spaces or openings between the teeth or prongs of less than 1". Under no circumstances is the use of a hoe, dredge or similar device permitted for taking shellfish in Waterford.
6. Shellfishing will be allowed only between Sunrise and Sunset.
7. Possession of a permit does not allow the holder to take shellfish in areas that have been leased, posted as being temporarily or permanently closed, or regulated by other commissions (see map).
8. All state laws pertaining to shellfishing, not covered by the Waterford Shellfish Commission regulations, will apply and will be enforced. Any person who violates any provision of these regulations shall be fined not more than two hundred dollars (\$200.00) upon conviction, or imprisoned for not more than ten (10) days, or both. Further, the shellfishing permit of such person shall be revoked.
9. The purchaser of a shellfishing permit assumes the risk of limited access to the open areas. The areas will be closed during rainstorms, and for at least seven (7) days after a 1" rainfall. Permit fees will not be refunded for any reason.

## Waterford Shellfish Commission Recreational Shellfishing Permit

This permit allows the permittee to collect shellfish from the beaches and waters of certain areas of Waterford, CT. A description of these areas, the conditions under which they are open for shellfishing, and regulations concerning size limits, catch limits and harvest methods are included as part of this permit. Please read them!

Name (please print): \_\_\_\_\_

Address: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

ID Number (S.S., Driver's License): \_\_\_\_\_

Signature of Permittee: \_\_\_\_\_

Agent and Location of Permit Sale: \_\_\_\_\_

Authorizing Signature: \_\_\_\_\_

Fee Paid: \$ \_\_\_\_\_

Date (Time of Validity): \_\_\_\_\_

One of the following)

Permits

| Permits          | Seasonal | Monthly | Weekly  | Daily  |
|------------------|----------|---------|---------|--------|
| Resident         | \$30.00  | \$20.00 | \$10.00 | \$5.00 |
| Non-Resident     | \$40.00  | \$25.00 | \$15.00 | \$8.00 |
| 60 Years & Older | \$10.00  |         |         |        |
| Non-Resident     |          |         |         |        |
| 60 Years & Older | \$20.00  |         |         |        |

Period Defined

1 Year

30 days

7 days

24 hour period

# *Waterford Shellfish Permits for Sale*

prices vary

Seasonal, Monthly, Weekly, and/or Daily

## **Permits on sale at:**

Captain John's Sport Fishing Center, (Mago Point) Waterford  
Riverside Grocery, (Pleasure Beach) Shore Rd. Waterford  
Town Clerk's Office, Waterford Town Hall

*Permits must be obtained prior to shellfishing in Waterford*