



Town of Stonington
Shellfish Commission
152 Elm Street Stonington, CT 06378

Regular Meeting Minutes
April 4, 2019
6:30 PM

A Regular Meeting of the Stonington Shellfish Commission (SSC) was held on this date at Mystic Middle School, 204 Mistuxet Avenue, Mystic, CT. Members present were Mr. Alan Banister, Mr. Donald Raffo, Mr. John Swenarton, and Mr. Peter Moore. Mr. Donald Murphy, Chairman, was absent from this meeting. Mr. Swenarton acted as Chairman for the meeting and Mr. Moore was the Secretary.

1) Call To Order – Mr. Swenarton called the meeting to order at 6:34 pm.

2) Public Comment – None.

3) Review and Approval of the minutes of the regular meeting of March 7, 2019 – A **motion** to approve the minutes as amended (Raffo/Moore) passed with 3 votes in favor and 1 abstention.

4) Correspondence

- a) An email package dated March 28, 2019 of a dialogue between Donald Murphy and Kristin DeRosia-Banick requesting Mr. Murphy's feedback regarding the "Management Plan and Memorandum of Understanding for The Operation of Conditional Approved Shellfishing Growing Areas in Groton and Stonington (MOU)." The email package includes a copy of the completed MOU that is effective April 1, 2019. Further comments on the MOU in Section 5 - Business - item b.
- b) A letter dated April 1, 2019 from Kristin DeRosia-Banick of the CT DA/BA to Steven Mansfield, Director of Health Ledge Light Health District outlining the "Reclassification of Shellfish Growing Areas in Stonington, CT." The letter is specifically about the reclassification of the shellfish growing area in the Lower Mystic Harbor to "Conditionally Approved Seasonal." The MOU is effective April 1, 2019.

6) New Business A **motion** was unanimously approved (Raffo/Banister) to move Agenda item 6) (New Business) so Keith Neilson of Docko, Inc., could discuss amending comments from SSC on Peter Gleysteen's application for a dock. Mr. Gleysteen's application was reviewed and approved at the June 7, 2019 Regular Meeting of the SSC and the following comments were made on the application form:

- i. the proposed dock is in a recreational shellfishing area
- ii. the float should be removed seasonally
- iii. the dock should not interfere with public right to harvest
- iv. no rocks/boulders should be placed to inhibit movement through the area
- v. there should be no "no trespassing" signs.

Mr. Neilson requested the SSC remove the stipulation that the float portion of the dock be removed seasonally because the only access to his property is by water as there is no road access to his property.

5) Business

- a) Discussion of the water quality testing and status of Stonington's conditional recreational shellfishing areas – Outer Quiambaug Cove and East Mason's Island (Area A & B) – Conditional Areas were open 20 out of 31 days for the month of March 2019. The areas were closed twice, early in the month due to a February rain event and the second time there was a continuous rain

event over 2 days that resulted in 1.1 inches in a 24-hour period. Water samples taken March 13 and 27 had excellent analytical results.

- b) Discuss the progress towards upgrading the Lower Mystic Harbor shellfish growing waters to Seasonally Conditionally Open: review Memorandum of Understanding – Mr. Steve Plant was asked to update the SSC on the discussions between Kristen DeRosia-Banick of the Bureau of Aquaculture and representatives from Suez, the operators of the Mystic Sewer Treatment Plant. After a 3 hour meeting, they agreed to finalize the draft MOU for town and agency sign-off.

c) Commercial Fishing Reports

Will Mackay – His boat is scheduled to be in the water next week and plans to do an on-water trip with a class from Pine Point School.

Garrett Timmons – His boat will be launched in a few weeks.

Steve Plant – He has submitted an application for 3 upwellers for two businesses at the same dock.

d) Update on Amtrak's 2019 Vegetation Management Plan

There have been several correspondences discussing Amtrak's Vegetation Plan and in particular, their use of herbicides to kill vegetation on the track bed. They use a spray unit that extends 20 feet either side from the center of the track. First Selectman Robert Simmons has sent several letters regarding Amtrak's past use of herbicides. He cited an incident where Amtrak inadvertently sprayed herbicide on a number of trees that died on the border between the Wadawanuck Club and the tracks.

Amtrak contends they do not spray over open water, but the SSC still expressed concern whether Amtrak was spraying in wetland areas or whether there was a chance of run off into wetlands. Of particular concern is the oyster hatchery operated by Steve Malinowski and Fisher's Island Farm at the site of the old Wilcox Marina on Wilcox Road. The tracks run close to this facility and any herbicide use on the tracks could contaminate and be detrimental to his operation.

After much discussion, the SSC proposed the following to address with Amtrak:

- 1) We would like a schedule of when the spraying will be done in Stonington.
- 2) We would like to have a better understanding of what Amtrak is specifically using and provide us with the applicable MSDS sheets of the herbicides they use.
- 3) The SSC would like to request observer status so we can witness and better understand the methodology, timing, and scheduling of spraying. We have several people who have volunteered to be observers (Steve Plant, Alan Banister and Peter Moore.)

e) Discuss the draft Long Island Sound Blue Plan

The Blue Plan was commissioned by the general assembly of Connecticut in 1985. It requires the DEEP to develop a marine spatial plan for Long Island Sound, by taking an inventory of all activities and ecological features of the Sound. The plan identifies areas in the Sound used by humans (commercial and recreational boating and fishing, ferry routes, underwater cables) and ecologically important spaces (shellfish beds, kelp farms, seal habitat.) The plan provides guidelines but no new regulations and is meant to be a "living document" that is revised every 5 years. The Blue Plan will be used to help manage the Sound's public trust waters by providing science based, commonly planned goals, siting priorities and standards that must be considered in review of offshore activities like permits and licenses for shellfishing and aquaculture operations.

The document is currently in a review period and the public will have 90 days for comments. The document is almost 500 pages and contains many maps and information specific to our area. The commission decided to review the document and discuss a response at our next regular SSC meeting.

f) Finances

Don Raffo gave the finance report. We are 1/3 of the way towards our goal for 2019. We had several expenses items from Don Dock, supplies and payroll. We also collected \$40 from Greenhaven Marina from permit sales. As the weather warms, we should see an uptick in permit sales.

g) Review of the Town Attorney's comments on draft modifications to the Shellfish Commission's guidance for applications and application form to conduct aquaculture in Stonington's waters; set a date for a public hearing on the new guidance and application form

The SSC reviewed the comments from the Town Attorney and adopted all the changes into the document. The SSC will retype the document and submit it to the Board of Selectmen for their review. The SSC have targeted May 2, 2019, our next scheduled regular meeting, for the public hearing. The plan would be to start the regular meeting at 6:30 pm and then have the public hearing at 7:00 pm. This should give us enough time to properly give notice to the public meeting and public access to the document for their review. The document is available for review at the Town Hall and the SSC would like to make it available online.

6) New Business, continued

- a) Mr. Banister reported he has been doing research on new weather stations and found that Davis Instruments have several models that work be appropriate for our use. SSC is still waiting to see how a station would be funded.
- b) A number of months ago, the SSC discussed getting from DABA/Army Corps of Engineers the parameters/checklist they use when reviewing an application. The SSC wants to contact them again for the checklist.

7) Adjournment

With no further business to discuss, a **motion** was made to adjourn (Raffo/Banister) and was approved unanimously. The meeting adjourned at 7:33 pm.

Respectfully submitted,

Peter F. Moore

Acting Secretary