

**TOWN OF FAIRFIELD
SHELLFISH COMMISSION
MEETING MINUTES – April 14, 2010**

The Shellfish Commission of the Town of Fairfield held a meeting on April 14, 2010 at 7:30 PM in the Second Floor Conference Room of the Honorable John J. Sullivan Independence Hall, 725 Old Post Road, Fairfield, Connecticut

MEMBERS PRESENT: Edward Crowley Jr., Chairman; Sanford J. Wakeman Jr., Vice Chairman; Gregory D. Lanute, Secretary; S. James Baum, MD; David Thornton

MEMBERS ABSENT: Cathy Raynor-Catropa; Sally Harold

ALSO PRESENT: Thomas J. Steinke, Conservation Director

CALL TO ORDER: Edward Crowley Jr., Chairman, called the meeting to order at 7:34 PM

I. BILLS AND COMMUNICATIONS

A. Meeting Minutes of March 10, 2010

Gregory D. Lanute *moved*, S. James Baum, MD *seconded* to accept the minutes of March 10, 2010. *Motion passed unanimously.*

B. Committee Reports

1. *Clam Relay/Planting:* Crowley – No report presented this evening
2. *Water and Habitat Quality:* Wakeman, Harold, Raynor-Catropa – Sanford J. Wakeman Jr. reported that sampling has been generally positive, but there have been fewer samples taken recently.
3. *Permits and Access:* Thornton – No report presented this evening, however, the Commissioners discussed putting the Conservation Department telephone number on the permits. Thomas J. Steinke noted that the permits have not yet been printed pending information from the finalized MOU.
4. *Commercial Shellfish Regulations:* Crowley, Wakeman, Harold – No report presented this evening
5. *Oyster Bed Development:* Lanute, Thornton, Harold – No report presented this evening.

II. OLD BUSINESS

A. CT DEP-OLISP and US ACOE Application(s) of Philip DeGennaro, Proposed Non-Harbor Mooring in Long Island Sound, near 607 Fairfield Beach Road, Fairfield

Thomas J. Steinke reported that the Department of Public Works requires a buffer of 20 feet on either side of the town's sewer outfall pipe. The area around the outfall pipe's mouth can't have a lower classification than it currently has, even if the state declares the area a marina, based upon how many boats would be moored. Furthermore, no shellfishing is actually done there.

Thomas J. Steinke suggested the Commission adopt a policy on non-harbor moorings. Edward J. Crowley Jr. would like to see a draft policy and appropriate amendments made to the shellfish management plan.

B. Review Re: Charging Fees to Set Moorings, Anchors and Pilings in Natural Beds within Fairfield Shellfish Commission's Jurisdiction – Discussion

No discussion

C. Sanitary Survey of Shoreline – Discussion

Thomas J. Steinke reported that it would likely be more cost effective to document all outfall pipes, in light of the difficulties in the town undertaking and coordinating a full sanitary survey. The findings could be put together for DA/BA in advance of the state project. He briefly discussed his concerns about authority to access private property and which officials have the right to do so.

D. Fairfield Harbor Management Commission (HMC) – Southport Harbor Federal Navigation Project Sand Management Meeting

The Commissioners discussed with Thomas J. Steinke the location of the channel and the matter of ACOE versus Congressional authority to set the channel's boundaries. The underlying problem is material migrating westward into the channel. Shifting the channel slightly to the west will allow for the best balance between maintenance and environmental needs. Thomas J. Steinke would like to confirm and clarify procedure for changing the channel with the Harbor Management Commission and ACOE. He noted that a representative from ACOE thought a minor change could be made without an act of Congress.

Thomas J. Steinke presented maps and discussed the history of the area, noting that there were two channels and that sand moving westward accumulated in a large hole, where material was dug to build the Country Club of Fairfield. That hole has now filled in.

E. US Army Corps of Engineers Public Notice Re: Availability of an Environmental Assessment Related to Federal Channel and Anchorage Areas in Bridgeport Harbor

The Commissioners discussed the Bridgeport Harbor dredging project and Thomas J. Steinke reviewed the main environmental issues surrounding the disposal of the dredged material. Most of the material would be deposited into a borrow pit was dug in New Haven Harbor in the 1950's for the construction of Interstate 95. Concerns have been raised over the dispersal of organic material in the pit when Bridgeport's dredged material is dumped in. ACOE does not think there would be a problem.

F. Reopening of Fairfield Recreational Shellfishing

(a) Review of MOU/Procedures & Agency Responsibility Re: Closures – Reporting

Edward J. Crowley Jr. discussed the new regulations on closing shellfishing. One inch of rain in 24 hours causes a closure. The old rules were that reopening occurred in seven days, but now water quality, meat samples and background shell stock have to be tested by DA/BA.

Thomas J. Steinke reported that the MOU has yet to be circulated but is almost complete, pending correction of some minor errors.

(b) Recreational Shellfishing Permits for 2010

The Commissioners discussed various changes to the permit fees that would apply to residents.

Sanford J. Wakeman Jr. *moved*, David Thornton *seconded* to settle fees for recreational permits. *Motion passed unanimously.*

Gregory D. Lanute *moved*, Sanford J. Wakeman Jr. *seconded* to set the rate for resident recreational shellfishing permits at \$4.00. *Motion passed unanimously.*

Second Supplemental Agenda A. CT DEP OLISP COP #2005-001-KB, Illuzzi, 468 Sasco Hill Road; Maintenance Dredging, Replacement of Timber Pier, Aluminum Ramp & Timber Floating Dock

At issue is the applicant's request for dredging during a prohibited period. Thomas J. Steinke attempted to ascertain exactly what the applicant wanted when DEP approved the application. He found that OLISP did not intend to include the shellfish spawning period in the application, so no dredging could occur then despite the ambiguous language in the permit.

Edward J. Crowley contended that the project should be stopped via injunction if prohibited dredging occurs.

Sanford J. Wakeman Jr. *moved*, David Thornton *seconded* contacting town counsel to file an injunction to stop any dredging if DEP does not take shellfish into consideration. *Motion passed unanimously.*

III. NEW BUSINESS

First Supplemental Agenda A. NOAA Aquaculture Program – Listening Sessions

NOAA has set a comment period and listening sessions for its aquaculture program. The Commissioners discussed attending the session to be held in Rhode Island.

A. US Army Corps of Engineers Public Notice Re: Application by Eagles Landing Marina for a New 12 Slip Commercial Marina on the Western Bank of the Yellow Mill Channel at 348 Waterview Avenue, Bridgeport

The Commissioners briefly reviewed the proposal and maps.

IV. INFORMATIONAL

- A. 2009-2010 Budget Expenditure Status – Informational
- B. Shellfish Fund Balance – Informational
- C. License Permits issued through March 31, 2010 – Informational
- D. Phone calls for status of open or closed for March 2010 – Informational
- E. Town of Westport Shellfish Commission Meeting Minutes of March 2, 2010 – Informational

V. OTHER

John Hilts discussed Thomas J. Steinke's letter on the DeGennaro application and amendments to the proposal regarding moving the mooring to the sewer outfall area.

VI. PUBLIC COMMENT

None

VII. ADJOURNMENT

There being no further business to come before the Commission, S. James Baum, MD *moved*, Gregory D. Lanute *seconded* to adjourn at 8:48 PM. *Motion passed unanimously.*

Respectfully submitted,

Anthony Monelli