



SHELLFISH COMMISSION
TOWN HALL – 110 MYRTLE AVENUE
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WESTPORT™

**MINUTES
WESTPORT SHELLFISH COMMISSION
SEPTEMBER 6, 2023**

ATTENDANCE

Commission Members:

Barry Lytton, Vice-Chair
Dick Harris
Scott Reichhelm
Heather Williams, Alternate

Ex-Officios:

Colin Kelly, Conservation Director
Brendan Fearon, Westport Marine Police

Staff:

Susan Voris, Admin. Asst. III

Guests:

Jeff Northrop, Shellfisherman

The September 6, 2023 meeting of the Westport Shellfish Commission was called to order at 6:30 p.m. in Room 309 of the Westport Town Hall, 110 Myrtle Ave., Westport, Connecticut, by Vice-Chair, Barry Lytton.

This is to certify that these minutes and resolutions were filed with the Westport Town Clerk within 7 days of the September 6, 2023 meeting of the Westport Shellfish Commission pursuant to Section 1-225 of the Freedom of Information Act.

Colin Kelly
Conservation Director

1. Approval of the June 7, 2023 minutes.

The June 7, 2023 minutes were approved as submitted.

Motion:	Lytton	Second:	Williams
Ayes:	Lytton, Williams, Harris, Reichhelm		
Nays:	None	Abstentions:	None
		Vote:	4:0:0

2. Treasurers Report

The Commission reviewed the checking account balance ending July 31, 2023.

3. Police Report

a. Review of summer season and enforcement activity.

Cpl. Fearon stated the Marine Division season ends on Friday, September 8, 2023. It has been a busy season. The police boats will remain in the water to respond to calls at this time. Cockenoe Flats has been a hot spot. There were a lot of people on the beds with permits. There were some without permits or that carried Norwalk permits, who believed that there were reciprocal rights. Those individuals were given verbal warnings and their catch was thrown back.

Cpl. Fearon noted Haslea had a boat sink off of Sherwood Island. There was a minimal impact due to fuel spill. The boat and equipment was recovered. The DEEP and Coast Guard are following up.

Cpl. Fearon noted that all ten overtime shifts were taken between July and August 31, 2023.

b. Review of follow-up State and local enforcement activities related to the taking of oysters from Sherwood Mill Pond as reported by J. Walsh and B. Lytton.

Cpl. Fearon stated he met with Sgt. Matt Stone of ENCON Police located at Sherwood Island State Park to address the issues in the Sherwood Mill Pond. People have a legal right to take crabs from the pond. There were reports of oyster cages being broken into. There were multiple sources of information. There were more than 50 patrols by the Police Department and ENCON of the area within the last few weeks using both marked and unmarked vehicles. There was also a complaint that Diamond Back Turtles were being taken that was not verified. The main issue is the taking of clams and oysters from the pond. They are trying to educate those individuals taking shellfish from the closed areas. Relaying information through Google Translate is difficult. Clams are dumped. Catch is checked and crabs are measured. They have used FLIR to view the beds and it appears that most individuals are taking crabs. They have not noted clams being taken.

Cpl. Fearon stated he met with the DEEP today. It was noted that when individuals see marked patrols, they will drop what they have. Cpl. Fearon will propose to have pairs of officers in waders go out into the pond in plain clothes to see what is happening. They will issue misdemeanor summons when appropriate. He stressed that problems with communication and not having identification is an issue. He heard that there are similar issues in other communities.

There was a discussion with Jeff Northrup about his experience with groups in the pond.

Cpl. Fearon stated he asks people how they hear about the pond. He noted there is a Danbury group and local contractor or owners will tell individuals about the pond. He follows up on any leads.

There was a question about changing the parking on Hillspoint Road. It was noted that parking is allowed in marked areas and it has not changed.

There was a question about issuing a violation. Cpl. Fearon stated that if they harvest from a closed bed, it is illegal.

There was a discussion about people doing commercial harvesting. Cpl. Fearon stated there are separate regulations for commercial harvesting. It is difficult to prove that an individual is conducting a commercial harvest.

Cpl. Fearon noted ideas that have come out of his discussion with the DEEP for possible future enforcement including:

- A surveillance van can be placed in the area that takes video, tracks cars, and is unmanned but is constantly recording;
- Plain clothes officers put on waders and enter the pond and conduct a check;
- Over 70 parking tickets have been issued along Hillspoint Road and in the Old Mill Parking lot in recent weeks;
- Evening patrols are continuing to go through the area to issue parking tickets;

Cpl. Fearon noted one evening patrol noted over 60 individuals in the pond. They wrote over 30 parking tickets that evening. He reiterated that individuals can be in the pond for crabbing. They are checking the crabs are greater than 5" in size and non-egg bearing females.

It was suggested that a UConn aquaculture student could study the taking of the crabs and the impacts it has on other species that use the pond.

Mr. Northrop indicated that he is very pleased with the response that he has seen from the Police regarding the enforcement.

Cpl. Fearon and Jeff Northrop left the meeting at 7:30 p.m.

4. Recreational Shellfish Report

Ms. Voris submitted the following recreational report:

The Commission has issued **499 annual recreational permits** as of August 31, 2023. There were **364** renewals and **135** new permits. (72.9%/ 27.1%)

Adult Resident Permits issued –	254	(\$ 7,560.00)
Senior Resident Permits issued –	216	(\$ 3,195.00)
Adult Non-resident Permits issued –	16	(\$ 960.00)
Senior Non-resident Permits issued –	9	(\$ 270.00)
Daily Permits issued -	15	(\$ 225.00)

The Commission has collected **\$12,390.00** since December 20, 2022 when we began issuing the 2023 recreational shellfishing permits.

3 senior permits were issued to people who are 85 and older for free.

Month	Days Open	Days Closed	Total Days
January	25	6	31
February	27	1	28
March	31	0	31
April	22	8	30
May	13	18	31
June	29	1	30
July	6	25	31
August	20	11	31
September			
October			
November			
December			
	173	70	243

Notes:

Closure Events

- 1/26 - rainfall > 1.5"
- 4/23 - rainfall > 1.5"
- 4/29 - rainfall > 1.5"
- 5/20 - rainfall > 2.5"
- 5/22 - sewage line bypass < 500 gallons
- 6/30 - rainfall > 1.5 "
- 7/14 - rainfall > 1.5" and flooding events
- 8/15 - rainfall > 1.5"
- 8/18 - rainfall > 1.5"

5. New Business

- a. 15 Riverview Road:** Comments to Conservation Commission regarding a DEEP Certificate of Permission to retain and replace sections of a seawall for flood and erosion control and retain and modify a dock for residential boating access.

Mr. Kelly reviewed a dock application that has received a DEEP Certificate of Permission with the Commission. This application was not required to come to the Shellfish Commission for comments during its review but the Conservation Commission will take comments during its review of the project. The dock has been in existence since at least 1995 and the seawall has been in place since before 1985. The dock will be the same length but must be brought up to today's standards and will be fitted with 8 new pilings for the fixed pier. Staff showed aerial photos showing the dock in place. The a section of the seawall will be restacked with a concrete topper.

Ms. Voris noted the area is a Prohibited area.

The Commission had no comments.

6. Old Business – None

7. Other Business

a. Final preparations for Annual Clambake on September 14, 2023

Final numbers will be sent into Westfair on Monday, September 11, 2023. Staff thanked everyone for their contributions to making the event successful. Those involved in setup will be meeting at the boathouse at 4:30 p.m.

b. Mr. Harris gave an update on PFA's.

8. Next Steps – None

The September 6, 2023 meeting of the Westport Shellfish Commission adjourned at 7:52 p.m.

Motion:	Lytton	Second:	Williams
Ayes:	Lytton, Williams, Harris, Reichhelm		
Nays:	None	Abstentions:	None
		Vote:	4:0:0