

Westport Shellfish Regulations

I. Purpose

These Regulations are hereby adopted by the Shellfish Commission of the Town of Westport for the purpose of protecting and propagating shellfish as defined in Section III (A) herein within the Town of Westport in order to restore and prevent the serious depletion of this natural resource.

II. Shellfish Commission Authority and Duties

A. Pursuant to CGS Section 26-257a, a Westport Shellfish Commission was established by the Board of Selectmen on October 3, 1983.

Said Shellfish Commission shall have charge of all the shellfish grounds lying within the established jurisdictional boundaries of the Town of Westport including all rivers, inland waters and flats adjacent to all beaches and water within the limits and tidal demarcations of the Town of Westport, which are not under the jurisdiction of the State of Connecticut.

- B.** In accordance with CGS Section 26-257a, the Shellfish Commission and/or its designee may issue permits for the taking of shellfish from the town's jurisdictional boundaries and fix the fees therefore, may designate the quantities to be taken, the sizes of such shellfish, and the methods of taking of such shellfish.
- C.** In accordance with CGS Section 26-257a, the Shellfish Commission may prohibit the taking of such shellfish from certain designated areas for periods not in excess of one (1) year.
- D.** At least once each calendar year, the Shellfish Commission shall publish, in a newspaper having general circulation in the Town of Westport, a notice describing the boundaries of the shellfisheries and shellfish grounds regulated by these regulations; and shall post notices upon the shore describing the boundaries of such grounds. Such notices shall be signed by the Chairman of the Shellfish Commission or the Acting Chairman in the Chairman's absence.

III. Definitions

A. Jurisdictional Boundaries

These Regulations govern the following described area(s) in Westport, Connecticut:

1. The area established by the jurisdictional boundaries shown on the map entitled "Oyster Grounds: Darien, Norwalk, Westport, Connecticut Department of Agriculture, Aquaculture Division," and dated February 17, 1983.
2. Those Natural Oyster, Clam and Mussel Beds in Town Jurisdiction, as defined by decrees of the Superior Court (See Section 2326, General Statutes 1888). Westport Special Acts 1913, Page 993: An Act Concerning Natural Oyster Beds in the Town of Westport. "No oyster grounds within the meridian boundaries of the Town of Westport, northerly of the state jurisdiction line, shall be deemed to be a natural bed unless included in one of the following described tracts: Tract No. 1, a natural oyster and clam bed comprising all areas of ground in the waters of Saugatuck River and harbor within lines drawn as follows: Commencing at the signal of the United States Coast and Geodetic survey know as canal, in latitude 41° 03' 58.83" and longitude 78° 22' 26.19", and from said signal running northeasterly in line with the north end

of Kits Island to high water mark on the easterly shore of Saugatuck River; thence following high water mark northerly along the east shore of Saugatuck River to the head of tide water in said river; and thence southerly along high water mark along the west shore of said river to the place of beginning. Said oyster and clam bed is Marked "A" on a map entitled Map of Oyster Grounds in the Town of Westport on file in the office of the Shellfish Commission. Tract No. 2, a certain natural oyster and clam bed marked "B" on said map, comprising all areas of ground within the following lines and bounds: Commencing at the northeasterly corner of lot No. 301W, at Cedar Point, as shown on the maps of the Shellfish Commission, and running thence northeasterly to the westerly corner of No. 426-W; thence northeasterly to the northerly corner of lot No. 429-W; thence easterly to the westerly corner of lot No. 429-W; thence northeasterly to the northerly corner of lot No. 429-W; thence northerly to the northwesterly corner of lot No. 401-W; thence northerly to the westerly corner of lot No. 408-W; thence northeasterly to the northerly corner of said lot No. 408-W; thence southeasterly to the easterly corner of said lot No. 408-W; thence southerly to the northwesterly corner of lot No. 409-W; thence southeasterly along the northerly line of Nos. 409-W, 410-W, and 411-W, and the extension of said last above described line to high water mark near Sherwood's Point; thence northwesterly along Sherwood's Point to the tide mill dam; thence westerly along said dam; thence southerly and westerly along and around Hill's Point to the place of beginning at Cedar Point. The oyster lots referred to are shown on the maps of the Shellfish Commission accompanying the report of the Shellfish Commission for 1912. Tract No. 8, a natural oyster and clam bed marked "C" on said map, and comprising of all areas of ground inside and north of the state commissioner's line between Sherwood's Point on the west and Farms Point on the east, said state commissioner's line being a line drawn from the most southerly point of Sherwood's Point, at high water mark, to the most southerly point of Farms Point, at high water mark. Tract No. 4, a natural oyster and clam bed, marked "D" on said map and comprising all areas of ground inside and north of the state commissioners' line, between Farms Point on the west and the town line between Westport and Fairfield on the east. Said bed is bounded as follows: Beginning at a bound erected at high water mark on Farms Point; thence running easterly along said state commissioners' line, which line is drawn from Farms Point to Pine Creek Point, to the Town line between Westport and Fairfield; thence following said meridian line to the center of Sasco Creek bridge; thence southerly and westerly along high water mark to the point of beginning. Approved June 5, 1913.

- B. Recreational Area**– Refers to the area known as Cockenoe Flats, which encompasses the area that lies between the southern boundary of Saugatuck Shores (low water mark) and the northern shore of Cockenoe Island. Recreational Area(s) also include those designated areas, which are classified by the Department of Agriculture/Bureau of Aquaculture (DA/BA) as Approved or Conditionally Approved with the exception of those commercially leased, owned or franchised areas.
- C. Commercial Area** – Refers to the state leased commercial beds and the natural oyster beds within the jurisdictional boundaries of the Town of Westport as depicted on map entitled "Oyster Grounds: Darien, Norwalk, Westport, Connecticut Department of

Agriculture, Aquaculture Division” dated February 17, 1983 and Description of Natural Oyster, Clam and Mussel Beds in Town Jurisdiction.

- D. **Shellfish** - means mussels, oysters, all varieties of clams and whole and roe-on scallops, but does not include scallops if the final product is the shucked adductor muscle only.

IV. Closure of Shellfishing Areas; Shellfishing Prohibited

- A. Whenever the Shellfish Commission designates any places within the jurisdictional boundaries (with the exception of commercially leased, owned or franchised beds) from which the taking of shellfish is to be prohibited, they shall publish at least twice in a newspaper having a circulation in the Town of Westport, a notice giving the dates during which such taking is prohibited and describing the grounds upon which such prohibition is to be operative. The Shellfish Commission shall further describe the boundaries of such grounds by posting notices upon the shore adjacent to such grounds. Such notices shall be signed by the Chairman of the Shellfish Commission or the Acting Chairman in the Chairman’s absence. The two (2) newspaper publications shall not be more than fifteen (15) days nor less than five (5) days prior to the commencement date of such prohibition.
- B. Shellfish areas classified by the DA/BA may be temporarily or permanently closed by the DA/BA or the Town Director of Health for the harvesting of shellfish contingent upon specified events for the protection of public health.
- C. Shellfish are not to be taken for consumption, bait, or any other use from closed shell fishing areas .

V. Restricted Area

- A. The harvesting of hard-shell clams, *Mercenaria mercenaria*, is prohibited in the Sherwood Mill Creek, located between New Creek and the Sherwood Mill Pond, in order to protect the area as a natural spawning bed.

VI. Penalties

- A. Any person who violates any provision of these Regulations shall be fined not more than fifty dollars (\$50.00) or imprisoned not more than thirty days or both. Any person who violates any provision of these Regulations shall also be subject to such other penalties and remedies as the law may provide.
- B. Any permit may be suspended or revoked by the Shellfish Commission’s designee upon the recommendation of the Marine Police, Shellfish Warden, Deputy Warden, or other enforcement agent.
- C. Any permittee has the right to appeal any revocation or suspension at a regularly scheduled meeting after written request to the Commission.

PART A: RECREATIONAL SHELLFISH REGULATIONS

- I. These Regulations shall apply to the recreational area(s). Only the collection of shellfish by an individual for personal consumption or consumption by such individual’s family is allowed in the recreational area(s).

II. Daily Possession Limit and Hours

- A. Each permittee is permitted to harvest and take a maximum quantity of one-half (½) bushel of shellfish during any 24-hour period in accordance with CGS Section 26-235.
- B. Shells or shellfish shall not be taken from any place in the recreational area(s) of the Town of Westport between sunset and sunrise.

III. Methods of Harvesting and Size Limits

- A. No rake, tongs, dredge, or other device shall be used for taking any variety of shellfish, within the recreational area(s) of the Town of Westport, with spaces or openings between the teeth or prongs of less than one (1) inch.
- B. No recreational permittee shall use any power-driven tool or other commercial device, such as a bull rake, to harvest shellfish within the limits of the recreational area(s).
- C. No round or hard-shell clams less than one (1) inch in thickness, or which will pass through a device of 1.5 inches internal diameter shall be taken. No long-neck clams (steamers) less than 1.5 inches in length shall be taken. No oysters less than 3 inches in length shall be taken. No razor clams less than 4 inches in length shall be taken. Mussels must be not less than 2 inches in length. If any shellfish are taken not meeting these minimum specifications, they shall without unnecessary injury, be returned to the waters immediately.
- D. No person shall deface or remove any sign posted by the Shellfish Commission.

IV. Recreational Shellfishing Permits, Fees

- A. A Westport recreational shellfishing permit is required for anyone harvesting shellfish in recreational area(s) of the Town of Westport.
- B. Each Permittee shall pay the following fees for a permit when issued:

Connecticut Resident Adult Annual Permit (17 and older)*	\$20.00
Connecticut Resident Senior Annual Permit (65 and older)*	\$10.00
Out of State Adult Annual Permit (17 and older)	\$50.00
Out of State Senior Annual Permit (65 and older)	\$25.00

* Connecticut Resident includes renters who present a rental agreement within the State of Connecticut or State of Connecticut photo identification.

Children under the age of 17 are not required to have a shellfishing permit but must be accompanied by a permitted adult and the combined harvest of said minor and permit holder shall not be more than one-half bushel.

Permits may be replaced for a fee equal to the cost of the original permit with replacement limited to once a year.

- C. Permits issued by the Westport Shellfish Commission will be issued between the dates of January 1st and December 31st of each calendar year and, unless revoked, shall be valid from the time of issuance for the balance of the calendar year in which the same is issued.
- D. Permits issued for the taking of shellfish within the recreational area(s) of the Town of Westport shall be prominently displayed by the permittee when harvesting shellfish.
- E. All monies collected by the Shellfish Commission and/or its designee shall be placed in a special Town fund and used by the Commission for the protection and propagation of the shellfish under its control.

V. Enforcement

- A. The Westport Police Department is authorized to enforce these regulations.
- B. The Westport Shellfish Commission may appoint a Shellfish Warden, Deputy Wardens, and other enforcement agents as the Commission shall deem appropriate to secure compliance with the provisions of these Regulations. The term of any such

appointment shall be at the discretion of the Shellfish Commission, but in no event shall such appointment exceed one (1) year.

- C. The Shellfish Warden, Westport Police, or other enforcement agents may confiscate the Town of Westport recreational shellfishing permit license of any person who violates any provision of these regulations, the Connecticut General Statutes, or other regulations governing state and local shellfish.

PART B COMMERCIAL SHELLFISH REGULATIONS

The following Regulations shall apply to shellfishing within the commercial areas.

I. Daily Possession Limit and Hours

- A. The Shellfish Commission of the Town of Westport may, from time to time, establish the maximum amount of shellfish which may be taken by any one person or vessel in a day from shellfish grounds under the jurisdiction of the Town of Westport. Any such limitations shall be available to the public in the Conservation Department.
- B. Shells or shellfish shall not be taken from any place in the jurisdictional boundaries of the Town of Westport between sunset and sunrise.

II. Commercial Shellfishing Permits. Fees.

- A. Any person engaging in the harvesting of shellfish from the commercial area(s) shall first obtain:
 - 1. A Town of Westport Shellfish Commission Commercial Seed Oystering Permit, with required attachments including: copies of current Connecticut Drivers License; State of Connecticut Department of Agriculture/ Bureau of Aquaculture Boat License; Personal License for Seed Oystering; and Helper's License for each helper.
 - 2. The fee for an annual commercial seed oyster permit shall be \$50.00 per vessel.
- B. No person shall take or gather for commercial purposes shellfish from any natural shellfish bed in any boat or vessel unless it is licensed and numbered in the manner provided for by that section.
- C. No person shall take or gather for commercial purposes shellfish from any natural shellfish bed in the state and no person shall be permitted upon any boat, licensed pursuant to the provisions of C.G.S. § 26-212, while the boat is being used for such taking or gathering until the person has been licensed in the manner provided for by C.G.S. § 26-213.
- D. All permit holders are subject to on-site inspection by the Shellfish Commission or the Bureau of Aquaculture or their respective agents and must maintain on-board copies of all local and state permits and supporting paperwork.

III. Methods of Harvesting. Exceptions

- A. No permittee shall use any device operated other than by hand power, for hoisting or operating dredges or other implements for gathering shellfish within the jurisdictional boundaries of the Town of Westport except by express written permission of the Shellfish Commission. The foregoing prohibition shall not apply to those devices that are in compliance with Connecticut General State 26-215(b), which states "A local shellfish commission established pursuant to section 26-257a may allow limited and supervised use of power dredge or other contrivance with a capacity of not more than three bushels, for the purpose of cultivation, enhancement or restoration of natural shellfish beds

located within the jurisdiction of said commission. The use of power dredge or other contrivance pursuant to this subsection shall not be extended to the harvesting or removal of oysters. Such shellfish commission shall administer such dredging pursuant to section 26-257a.”

WHEN TAKING SEED OYSTERS, ALL OTHER SHELLS AND SHELLFISH MUST BE IMMEDIATELY RETURNED TO THE WATER.

- B.** No person shall use any dredge or other contrivance weighing more than thirty (30) pounds, exclusive of the net or bag, or with a capacity of more than one and one-half (1-1/2) bushels in taking up or dredging for shellfish within the jurisdictional boundaries, of the Town of Westport except upon private designated grounds and/or in accordance with Connecticut General Statutes 26-215(b) as stated above.
- C.** Commercial shellfish harvesting is prohibited in areas designated as exclusive recreational areas.
- IV.** No person shall deface or remove any sign posted by the Shellfish Commission.

ADOPTION: This is to certify that these shellfish regulations were adopted at the May 6, 2008 meeting of the Shellfish Commission, Town of Westport, Connecticut.

The former regulations adopted December 20, 1983 and revised: December 4, 1984, May 21, 1985, April 10, 1986 January 20, 1987, April 21, 1987, December 20,1988, August 15, 1989, November 14, 1989, December 18, 1990 and August 13, 1991 were repealed by a majority vote of the voting members of the Shellfish Commission on May 6, 2008