

## APPENDIX C

### GENERAL PERMIT 16 - STANDARD AQUACULTURE TERMS AND CONDITIONS

#### DEPARTMENT OF THE ARMY/STATE OF CONNECTICUT

#### 2016 Connecticut General Permit

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1. Aquaculture activities under this General Permit as identified within Appendix 2, Section F are subject to the current General Permit Conditions and Requirements of the Connecticut General Permit.
2. All gear, including buoys shall be marked and maintained in a manner that will make it identifiable to the specific aquaculture project/lease.
3. Before the authorized structures are installed the project proponent **must** contact the CT DEEP Boating Division, Navigation Safety/Boating Access Unit, P.O. Box 280, 333 Ferry Road, Old Lyme, CT 06371-0280 to either obtain a waiver as to the need to install gear-area boundary marker buoys or submit a permit application and receive authorization for Regulatory Markers ([Link to Regulatory Marker Permit](#)). If CT DEEP Boating regulation does not apply, the applicant shall contact the U.S. Coast Guard (USCG), First District; Aids to Navigation Branch at 408 Atlantic Avenue, Boston, MA 02110-3350 (800-848-3942) to coordinate the proper buoy markers. The permittee shall install and maintain lights, markings and other features as the CT DEEP/USCG requires. Note: Documentation of this coordination will be necessary for existing operations that seek reconfigurations and/or new approvals for structures from the Dept. of Army and for authorizations from the CT DA/BA.
4. Gear may not be located over or within beds of submerged aquatic vegetation (SAV) such as eelgrass or turtle grass, and coastal wetlands (salt marsh), nor shall such beds or vegetated marsh areas be damaged or removed. Routine lease activity including cage maintenance, washing etc. shall not occur within 25 feet of the edge of beds of SAV.
5. All gear shall be designed and deployed in such a manner as to limit, to the greatest extent practicable, negative impacts on avian resources such as, but not limited to, shore birds, wading birds or members of the waterfowl group. This is meant to include nesting, feeding or resting activities by migratory birds identified at 50 CFR 10.13.
6. Installation of structures, their mooring tackle and lines and any attendant vessels shall not create a hazard or interfere with existing navigation uses in the waterway, and structures shall be set back from the Federal Navigation Project (FNP) a distance of at least 200 feet. A list of Connecticut FNP projects can be obtained from the U.S Army Corps of Engineers website <http://www.nae.usace.army.mil/Missions/Navigation/Connecticut-Projects/>

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7. The right of the public to traverse or utilize the waters not physically occupied by authorized structures and/or moored vessels within the areal limits of the authorized gear perimeter shall not be impeded.
8. The placement of cultch shall comply with all of the Special Conditions in Section 5, part (h), items (1) through (7) of the Connecticut DEEP, General Permit for Coastal Maintenance (DEEP-OLISP-GP2015-02) as listed below:
  - Such placement of cultch shall only be conducted by a licensed shellfish operator in beds or areas designated for shellfishing under section 26-194 or section 26-242 of the General Statutes.
  - Such placement of cultch shall be conducted only in appropriate locations for colonization by oysters, based upon factors of salinity, water quality, water circulation patterns and substrate composition.
  - Such placement of cultch shall not be conducted in areas of tidal wetlands or submerged aquatic vegetation beds.
  - (Prior to the commencement of such placement of cultch, such licensed shellfish operator obtains all required authorizations from the Department of Agriculture Bureau of Aquaculture and Laboratory and the local shellfish commission, as applicable.
  - Prior to the commencement of such placement of cultch, such licensed shellfish operator obtains permission in writing from the owner or lessee of such shellfish bed or area.
  - Such placement of cultch shall be conducted in such a manner that it does not exceed a layer of cultch on the seafloor greater than 12" in depth.
  - Such placement of cultch shall be conducted such that the placement does not exceed 1,500 bushels per acre of seafloor.

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9. The permittee shall be responsible to remove all gear and associated equipment within any leased or designated shellfish area in the event that the operator surrenders or loses the right to its use. <sup>1</sup>
10. The subject aquaculture activity shall not discernibly interfere with natural sedimentation and erosion processes.
11. Suspended cages or nets for the rearing or grow out of shellfish are permitted as Self Verification, provided they are located wholly below and within the footprint of an existing, authorized fixed or floating structure and provided there is a vertical clearance of at least 2 feet between the bottom of the gear and the sea floor at MLW. The structures that the gear will be adhered to must be in conformance with the structures permit for that "site."
12. Aquaculture projects authorized herein shall not interfere with public shore access at or below mean high water or interfere with the access to any riparian or littoral property.
13. The following conditions may be required as Special Conditions of an authorization to protect Federally-listed, protected sea turtles:
  - a. All gear, including buoys shall be marked and maintained in a manner that will make it identifiable to the specific aquaculture project/lease.
  - b. The length of the buoy line shall not exceed 23.1 feet (10% of the maximum water depth at MHHW at the lease site)
  - c. The gear sites shall be visited by an attendant surface vessel at least once a week, site conditions permitting.

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<sup>1</sup> In some situations, a performance bond may be required.

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- d. If any listed species of sea turtle is observed to be entangled or otherwise interacting with the facility structure, the permittee (or onboard staff) shall immediately contact the Mystic Aquarium & Institute for Exploration, Marine Mammal and Sea Turtle Stranding Program Hotline at 860-572-5955 x107 and notify the NOAA Fisheries 24-hour Hotline at (866) 755-6622. The permittee should also contact the NOAA Fisheries Protected Resources Division, Sea Turtle Stranding & Disentanglement Coordinator at (978) 282-8470 or [NERStranding.staff@noaa.gov](mailto:NERStranding.staff@noaa.gov).
- e. The permittee shall keep the enclosed Sea Turtle Handling and Resuscitation Requirements in a visible location on the attendant vessels at all times. If a sea turtle is entangled in the authorized aquaculture gear and comatose or inactive (but not dead), resuscitation should be attempted by following these procedures.