

APPENDIX C
STANDARD AQUACULTURE TERMS AND
CONDITIONS FOR GENERAL PERMIT 16

2021 Connecticut General Permits

Aquaculture activities authorized under GP 16 in Appendix A are subject to the applicable conditions and requirements of the Connecticut GPs in addition to the following Standard Aquaculture Terms and Conditions:

1. The permittee shall ensure that a copy of the project authorization (including its drawings, plans, appendices, and other attachments) is present on the vessel that attends the work site (and the project office), and that all appropriate personnel performing work at the site are fully aware of its terms and conditions.
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 the CT DEEP boating regulation does not apply, the applicant shall contact the U.S. Coast Guard (USCG), First District; Sector Long Island Sound, 120 Woodward Avenue, New Haven, CT 06512 (203-468-4401) or SECLISSPWSMarineEvent@uscg.mil to coordinate the proper buoy markers per 33 CFR 64. 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 Department of Army and for authorizations from the CT DA/BA.
4. If the authorized gear is inadvertently shifted to a location outside of the bounds of the approved perimeter (as a result of adverse environmental conditions, breakage, or other unforeseen event), the permittee must submit the enclosed Aquaculture Gear Recovery Form to the Dept. of Agriculture, Bureau of Aquaculture within 48 hours of discovery (phone: 203-874-0696; facsimile: 203-783-9976; email: lori.scianna@ct.gov) and submit a courtesy copy to USACE (phone: 978-318-8338 facsimile: 978-318-8303 or via email: cenae-r-ct@usace.army.mil). This condition is to facilitate notification of marine safety police and regulatory agencies so that the public can be alerted to the presence of free-floating gear and to prompt mitigating action before the lost gear becomes a threat to either navigation, marine animals or the environment, either individually or cumulatively.
5. 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.
6. 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.
7. To prevent introduction of aquatic nuisance species, no material that has been taken from a different waterbody may be reused in the current project area, unless it has been treated in accordance with the applicable

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regional/Connecticut aquatic nuisance species management plan (see https://www.fws.gov/anstaskforce/State%20Plans/CT_ANS_Plan.pdf).

8. 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 <http://www.nae.usace.army.mil/Missions/Navigation/Connecticut-Projects/>.
9. 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.
10. The placement of cultch shall comply with all 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 shell fishing 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.
11. The permittee shall be responsible to remove all gear and associated equipment within the leased or designated shellfish area if the operator surrenders or loses the right to its use.
12. The subject aquaculture activity shall not discernibly interfere with natural sedimentation and erosion processes.
13. 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.”
14. Aquaculture projects authorized herein shall not interfere with public shore access at or below MHW or interfere with the access to any riparian or littoral property.
15. The following may be required as special conditions of an authorization to protect Federally-listed species:

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a. In season, the gear site shall be visited by an attendant surface vessel at least once a week, site conditions permitting. During the off season the vertical mooring lines will be visited bi-weekly. Any noticeable difference in surface buoy or line tension such as any gaps in the horizontal line or movement of vertical lines will prompt an investigation into the tension of that line. If a problem is identified, it will be corrected that day. This condition has been included to ensure that if an entanglement or other issue related to the stability of the system arises, that it will be expeditiously addressed by the permittee.

b. Seasonal gear including cages, lines and buoys shall be removed during the offseason or when not in use. The gear shall be stored in upland areas to minimize the effects of habitat exclusion, loss, or alteration.

c. Any in-water lines, ropes, or chains must be made of materials and installed in a manner to minimize or avoid the risk of entanglement by using thick, heavy, and taut lines that do not loop or entangle.

d. For lines that are suspended in the water column, the permittee shall maintain all project equipment, including vertical mooring lines, to ensure that constant tension is kept on the line at all tides. This requirement for counterweight on the vertical lines is intended to minimize the likelihood that the lines will entangle as they will hang straight down and will be less likely to wrap around appendages of endangered marine sea turtles/mammals.

e. On-board staff will maintain a vigilant watch for protected resources (sea turtles, whales, sturgeon, or marine mammals). during all transit vessel speeds shall be kept to a minimum and operate below a speed limit of 10 knots, where feasible.

f. Each sighting of a federally listed threatened or endangered sea turtle or fish shall be recorded and the following information shall be provided:

- (1) Date, time, coordinates of vessel
- (2) Visibility, weather, sea state
- (3) Vector of sighting (distance, bearing)
- (4) Duration of sighting
- (5) Species and number of animals
- (6) Observed behaviors (feeding, diving, breaching, etc.)
- (7) Description of interaction with aquaculture facility

g. If any listed species of sea turtle is observed to be entangled or otherwise interacting with the facility's structure, the permittee (or onboard staff) shall immediately contact NOAA Stranding Hotline at (866) 755-NOAA (6622) and email incidental.take@noaa.gov. The permittee should also contact the NOAA Fisheries Protected Resources Division, Gloucester, MA at (978) 281-9328. This condition is included to ensure that the proper authorities will be consulted in case of gear interaction with protected resources.