

# ISSC Mooring Area Update



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# NSSP-MO Marina and Mooring Area Definitions:

- ***Marina*** means any water area with a structure (docks, basin, floating docks, etc.) which is used for docking and constructed to provide temporary or permanent docking space for ***more than ten (10) boats***

# NSSP-MO Marina and Mooring Area Definitions:

- 2019 Mooring Area Definition:
  - **Mooring Area** means any water area that is used to provide temporary or permanent anchorage for **more than twenty (20) boats**. Mooring areas do not include any structures for docking boats.
- 2023 Mooring Area Definition:
  - **Mooring Area** means any water area that is used to provide temporary or permanent anchorage for **more than twenty (20) boats with marine sanitation devices**. Mooring areas do not include any structures for docking boats.

# Growing Area Classifications: Marinas & Moorings

- Based on sanitary survey **NOT** on water sample results
- Surveys include marina and mooring area identifications, surveys, and *pollution assessments*

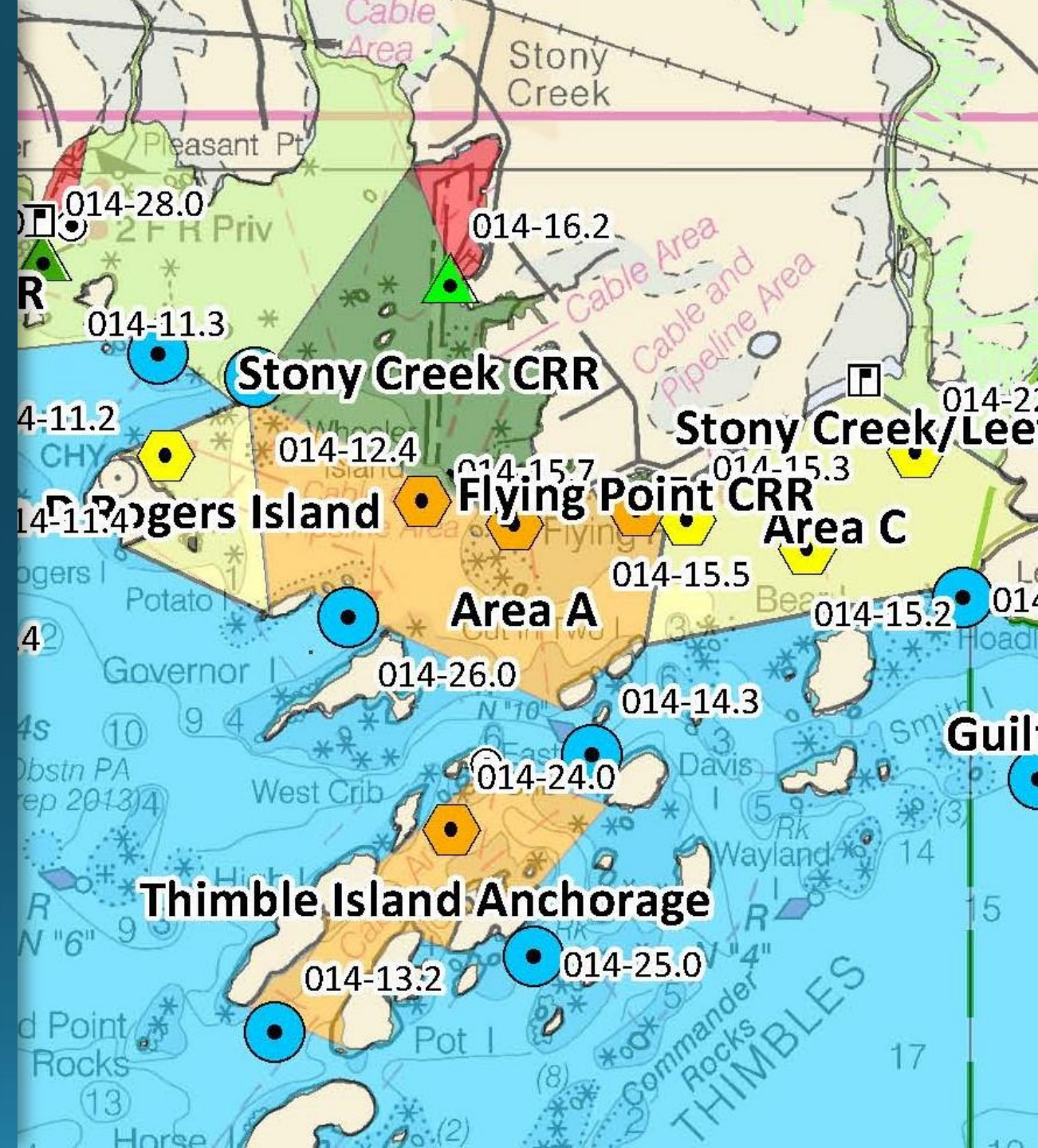


# Classifications:

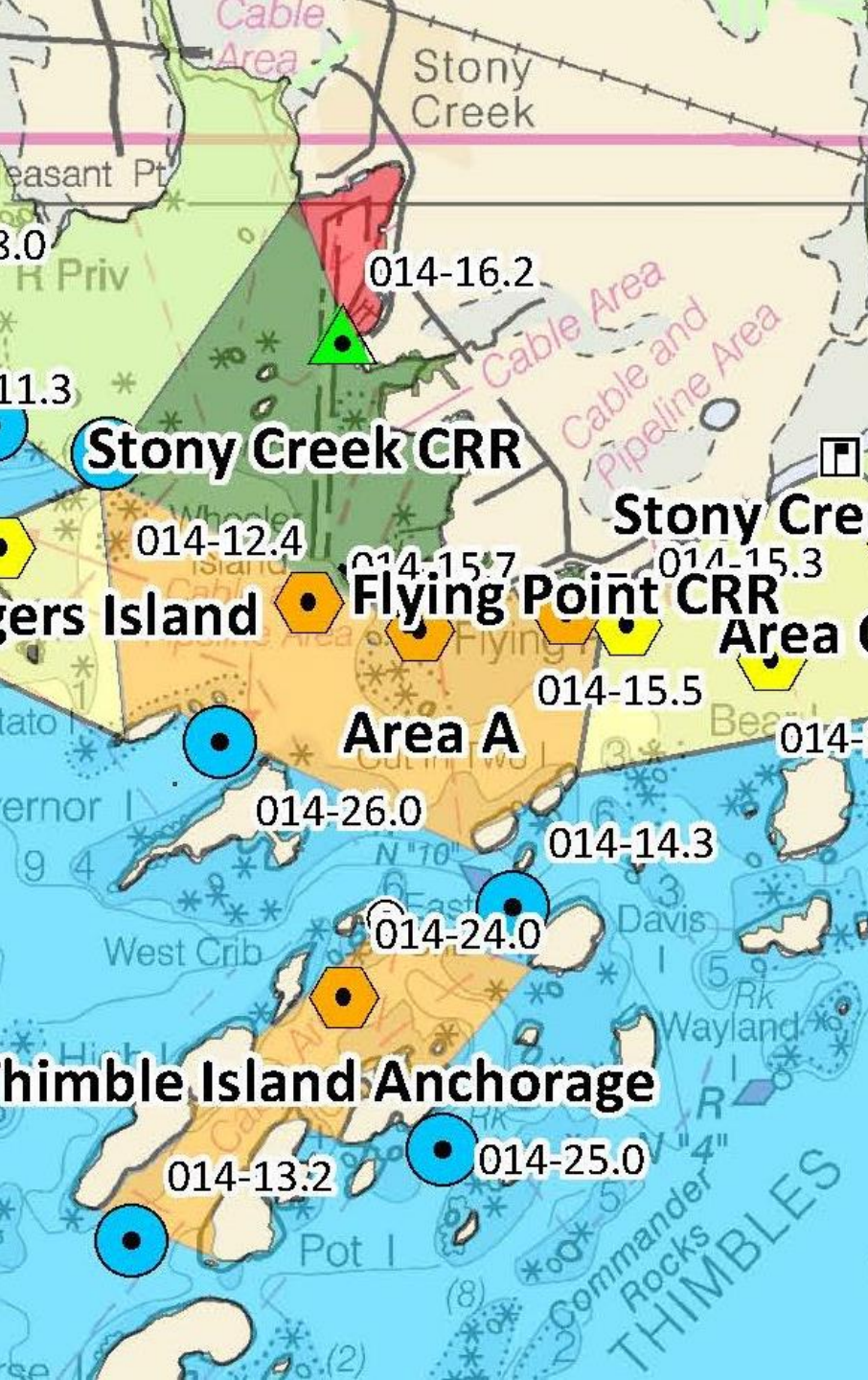
## Marina Proper Chapter IV@05. A.

- Any marina in, or adjacent to, a shellstock growing area shall be classified:

Conditionally Approved (Seasonal), Conditionally Restricted, or Prohibited







# Classifications:

## Mooring Areas

Chapter IV@o6. A.

- The area within any designated mooring area, where there is anchoring of boats, which is in or adjacent to a shellstock growing area shall be classified as Conditionally Approved (seasonal), Conditionally Restricted, Restricted, or Prohibited.

# Growing Area Classifications: Marinas

## @.05 A.

- (1) Prior to the Authority establishing a classification of conditionally approved or conditionally restricted in the marina proper, a pollution assessment supporting the classification will be conducted by the authority.
- (2) The assignment of a prohibited classification within the marina proper does not require a pollution assessment by the Authority.

B. Adjacent Waters. Waters adjacent to marina waters classified under Section A. may be impacted by pollution associated with the marina.

- (1) A dilution analysis shall be used to determine if there is any impact to adjacent waters.
- (2) The dilution analysis shall be based on the volume of water in the vicinity of the marina.

# Growing Area Classifications: Marinas

@.05 Continued.

- (3) The dilution analysis shall incorporate the following:
  - (a) A slip occupancy rate for the marina;
  - (b) An actual or assumed rate of boats which will discharge untreated waste;
  - (c) An occupancy per boat rate (i.e., number of persons per boat);
  - (d) A fecal coliform discharge rate of  $2 \times 10^9$  fecal coliforms per day; and
  - (e) The assumption that the wastes are completely mixed in the volume of water in and around the marina.
  - (f) Documentation, verification and enforcement of Federal No Discharge Zones and locally well enforced no discharge and occupancy by-laws and regulations.**
  - (g) Availability and documented use of pump out boats or facilities.**



# Growing Area Classifications: Mooring Areas

@.06 A. (1)

Prior to the Authority establishing a classification of conditionally approved or conditionally restricted or restricted in the mooring area proper, a pollution assessment supporting the classification will be conducted by the authority. The assessment shall include:

- (a) Boat type and usage
- (b) Density of boats
- (c) Accessibility to boats which could reduce likelihood of overnight occupancy.
- (d) Occupancy rates

# Growing Area Classifications: Mooring Areas

@.o6 A. (1) Continued.

The assessment shall include:

(e) Seasonal use pattern

(f) An actual or assumed rate of boats which will discharge untreated waste

(g) ***Documentation, verification and enforcement*** of federal No Discharge Zones, and locally well enforced no discharge and occupancy regulations or by-laws.

(h) **Availability and documented use of pump out boats.**

# Growing Area Classifications: Mooring Areas

@.06 A. (2)

After assessment determines that the mooring area is not a pollution source and it is documented in the Conditional Area management Plan, the area can be placed in the open status.



# Growing Area Classifications: Mooring Areas

## NSSP-MO Guidance

**@.05 Marinas**

RESERVED

**@.06 Mooring Areas**

RESERVED

# Growing Area Classifications: Mooring Areas

- DoAg will consider any area with  $\geq 20$  moorings to fall under the NSSP definition of a “mooring area”
- If available, DoAg will use information about vessel, type, size, and MSD in pollution assessments
- Other factors will be considered: bathymetry, flow characteristics, density of boats, & usage characteristics of area
- “Mooring” areas identified in Conditionally Approved areas will be reclassified as Conditionally Approved Seasonal. Note: this designation will not necessarily result in a seasonal closure.

# Growing Area Classifications: Mooring Areas

- **2023 ISSC Conference:** Marina & Mooring Guidance was referred to Committee
- New mooring definition created new problems for SSCA's:
  - FDA Specialists are not in alignment with their interpretations and assessments of what equals enforcement
  - Authority over mooring areas is not under SSCA purview and varies state to state
  - **Documentation, verification, and enforcement** of Clean Vessel Act does not happen in the majority of marine waters nationwide
  - SSCA does not have authority to board and inspect boats to determine if vessels equipped with MSD and that valves are properly sealed
  - Information on vessels applying for mooring permits do not always include whether vessels are equipped with MSD
  - How to assess **empty moorings**
  - Puts SSCA in adversarial role with other state agencies



# Growing Area Classifications: Mooring Areas

## Enforcement?

- Technically falls under the responsibility of the EPA & Coast Guard
- CT ENCON unit responds to complaints, if received
- ***No Patrol*** for CVA compliance is happening in CT ***by any authority***
- It is unclear if any agency has statutory authority to inspect vessels for MSD, sealed valves, etc. without evidence of a discharge
- Enforcement is a **requirement** to maintain an **Open Status** Conditionally Approved area
- Routine patrols by Harbormasters in other states have been deemed unacceptable by FDA

# Impacts to Recreational Areas

- Local monitoring of activities may no longer be sufficient to maintain your area in the open status
- Any mooring area  $\geq 20$  boats with heads can no longer remain open when boats are present
- FDA has not clarified what is acceptable patrol & enforcement
- Towns where DoAg has identified improperly classified mooring areas will need to provide assistance identifying available information regarding vessels and any local requirements/ordinances
- Depending on the proximity to commercial shellfishing activity, DoAg may not include empty moorings in the pollution assessment

# What is the future of these areas?

## Short Term

- Some areas will be closed this summer, even if they have remained open in the past
- Areas that have been identified for classification change, or have had classification changes, may not close if there are <20 boats with heads when unoccupied moorings are ignored
- DoAg will work with these Towns to conduct surveys verifying conditions during periods of highest usage

## Long Term

- ISSC Marina/Mooring Committee is crafting the guidance document for submission at the 2025 Conference in October 2025
- Removing  $\geq 20$  boats with MSD would allow the states to make area by area assessments of mooring areas based on what is actually occurring
- FDA has been asked to define what they consider acceptable documentation, verification, and enforcement to be
- As-is, this requirement places the burden of directing the activities of other agencies, over which they have no authority, and reviewing their work for consistency with the Nssp-MO on the SSCA



# Marina Reference Materials

- NSSP Model Ordinance Chapter IV.@.05 & @.06
- NSSP Model Ordinance Public Health Reasons and Explanations, Section III.IV.@.05
- FDA Guideline 1989 Evaluation of Marinas by State Shellfish Sanitation Control Officials
- DA/BA Marina Dilution Calculation Procedure