House Republican Press Release

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Miller: Westport Improperly Limiting Clamming Access

Legislator Says Town Has No Jurisdiction Over State Property

HARTFORD- State Representative Larry Miller (R-122) today called attempts by the town of Westport to limit access to clamming areas improper. Measures under consideration by the Connecticut General Assembly would transfer jurisdiction of the Cokenoe Flats shellfish grounds in Westport from the state to Westport, and would give the Westport Shellfish Commission jurisdiction over recreational clamming in those shellfish grounds. That commission would be given authority to issue recreational clamming permits for use of the grounds by all state residents.

"Westport is attempting to control sections of one of the state's best clamming areas, Cokenoe Flats, which is an infringement on local clammers" said Representative Miller. "The town of Westport has no right to seek jurisdiction over these state lands, and that has been established by the courts."

Miller noted that in the 1983 recreational shellfish boaters were arrested in Westport for not having a Westport recreational shellfishing permit. The filed suit and in the case of Fernando Frillici et al. vs. Town of Westport, recreational shellfishers successfully challenged the authority of Westport to exercise jurisdictional authority over state designated recreational areas. The 1994 decision reinstated the rights of the shellfishers, and cost the residents $300,000 to defend.

"Westport is a wonderful community, and very wealthy, but they don't have the authority to limit the access of all other state residents from enjoying state property," said Miller. "Unfortunately, I think this comes down to case of local officials trying to keep Joe Six-pack from being found on their beaches. In any event, the courts have ruled against Westport on this issue before, and enacting these changes would expose them to another potentially costly lawsuit they have no hope of winning."