

<b>Act Number</b>	<b>Session</b>	<b>Bill Number</b>	<b>Total Number of Committee Pages</b>	<b>Total Number of House Pages</b>	<b>Total Number of Senate Pages</b>
PA 71-229		5811	13	2	2
<u>Committee Pages:</u>				<u>House Pages:</u>	<u>Senate Pages:</u>
<ul style="list-style-type: none"> <li>• <i>Environment</i> 233</li> <li>• <i>Environment</i> 246-256</li> <li>• <i>Environment</i> 264</li> </ul>				<ul style="list-style-type: none"> <li>• 1619-1620</li> </ul>	<ul style="list-style-type: none"> <li>• 1990-1991</li> </ul>

**H-112**

**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
1971**

**VOL. 14  
PART 5  
1968-2502**

Monday, May 3, 1971

23.

roc

THE SPEAKER:

The gentleman from the 118th.

MR. AJELLO: (118th)

Mr. Speaker, there is some disagreement about this. In view of that I would ask that Cal. 560 be Passed, Retaining its Place.

THE SPEAKER:

The motion is to Pass, Retaining. Is there objection. Hearing none, so ordered.

THE CLERK:

Cal. 571, Sub. for H.B. 5811, AN ACT CONCERNING INSTANTANEOUS MINIMUM FLOW OF RIVERS AND STREAMS, File 524.

THE SPEAKER:

Rep. Iwanicki of the 79th.

MR. IWANICKI: (79th)

Mr. Speaker, I move acceptance of the Committee's favorable report and passage of the bill.

THE SPEAKER:

Question is on acceptance and passage. Will you remark.

MR. IWANICKI: (79th)

Mr. Speaker, the intent of this bill is the guarantee that all rivers and streams in Connecticut have a minimum degree of flow ..... life to protect the rivers and streams..... to promote public recreation. This bill authorizes the Water Resources Commission to establish regulations, set forth

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standards pertaining/any dam or construction, would divert or otherwise affect the flow of water in rivers or streams which have been stocked with fish by the State Board of Fisheries and Game. This bill requires the Water Resources Commission to consult and cooperate with all related State agencies to insure that the regulations are consistent with the needs of the public health, flood control, industry, public utilities and water supply. If the Commission discovers that a firm or individual fails to comply with the standards, it may seek injunction relief from the courts, issue an order to the offending party with time and schedule to accomplish the necessary steps to comply with the order. I urge the support of this Assembly in this important bill.

THE SPEAKER:

The gentleman from the 42nd.

MR. TUDAN: (42nd)

Mr. Speaker, this bill is not only excellent, it is long, long overdue.

THE SPEAKER:

Are there any more detailed remarks. If not, all those in favor indicate by saying AYE. Opposed. The bill is PASSED.

THE CLERK:

Cal. 573, Sub. for H.B. 6179, AN ACT CONCERNING ADDING THE CHIEF EXECUTIVE OFFICER OF THE STATE COMMISSION FOR HIGHER EDUCATION AS A MEMBER OF THE STATE BOARD OF EDUCATION. File 528.

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**CONNECTICUT  
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**SENATE**

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SENATOR MONDANI:

I move adoption of the joint committee's report and passage of the bill. Mr. President, this removes the special act which was passed back in the 1943 session which required crossing guards at this particular railroad. The Penn Central Applied to the PUC to put in flashing lights and gates and they were denied on the basis of that special act. Repealing this act, would let them put in this safety measure.

THE CHAIR:

Will you remark further? If not, all those in favor of passage, signify by saying, "aye". Opposed, "nay". The ayes have it; the bill is passed.

THE CLERK:

CAL. NO. 547. Favorable report of the joint standing committee on Corrections Welfare and Humane Institutions. House Bill 5738. An Act Concerning Recovery of Child Welfare Assistance.

SENATOR CIARLONE:

Mr. President, I move acceptance of the committee's favor report and passage of the bill. This bill clarifies the existing statute and makes it clear that if an estate exists, finance and control are allowed to deducte an amount of money that has been paid by the state. However, they have to leave a balance in the estate a maximum of \$600.00.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 549. Favorable report of the joint committee on the Environment. Substitute House Bill 5811. An Act Concerning Instataneous Minimum Flow of

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Rivers and Streams.

SENATOR PAC:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill would permit the state water resources commission to promogate regulations regarding the minimum flow of water on streams that are stocked by the Board of Fisheries and Game. And whose waters have been diverted by any dam. It would require them to, pass these regulations before July 1, 1973. These regulations would be passed after a public hearing, proper notice, 30 days in the Connecticut Law Journal and within 30 days after the public hearing, these regulations would take into consideration, of course, the public health beneath the water and the industry use and in this respect, there are many sageguards in the bill. It does have a provision that if any firm or corporation fails to comply with this statute, they can be enjoined by an action in the Superior Court taken by the Attorney General. I think this is a good bill.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 550. Favorable report of the Joint Committee on Banks and Regulated Activities. Substitute House Bill 6174. An Act Amending the Charter of the Norwich Savings Society.

SENATOR MURPHY:

Mr. President, I move the acceptance of the joint committee's favorable report and passage of the bill. This bill merely amends the charter of this Banking Institution so that its Board of Directors rather than being all.....

**JOINT  
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**ENVIRONMENT**

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I think this is an important part of the wetland act to encourage the people to keep the land in private ownership rather than force the state to buy it. Thank you very much.

Sen. Pac, Any other legislators?

Sen. Gunther, the 21st Senatorial District. I'm speaking of S.B. 368. This bill is probably one of the most important conservation bills of this session. In 1969 we finally succeeded in getting the wetland bill, public act 695 passed to protect Connecticut's wetlands. In the past one and a half year the state has been going through the mapping stages of the law, and we are now beginning to get petitions for the use of the wetlands by their wetlands. If under this law we deny the use of the man's property by virtue of the law we will be required to reimburse him for his interest. Right now there are limited funds if any funds to cover this portion of the law. If state does not provide for the ultimate purchase in the wetland it could destroy years of work to get this protection and conceivably could be the death now for the wetlands bill. It is my understanding that in the state of Maine their law which also requires the ultimate payment from the land that the owner has been denied the use of. That court has ruled that the state cannot buy the land when the owner has the right to use it, otherwise the law was unconstitutional. Our wetlands bill will be in jeopardy if we do not pass S.B. 368. At this moment the Commissioner of Agriculture is due to decide on the disposition of the Great Meadows in Stratford, regardless of his decision this case will be challenged in court. If Connecticut does not provide for the ultimate purchase of these wetlands we will lose the marsh and our law. I would like to say I'm also in favor of Rep. Platt's bill on including it under the open spaces, the 490.

Rep. Lavine, I agree with you totally, but the question is will the Governor allow the 5 million in bond if the legislature passes it ?

Sen. Gunther, All I can say is, I Don't know what the Governor is going to do but, this is one of those emergency situations that I don't think we can ignore. I know today won't have a handful of people that will be up here speaking on this bill, and yet if you remember two years ago we had the entire state up here, screaming and yelling we needed this protection. Now, without the money I can almost predict that our wetlands bill will be destroyed by virtue of a default that the people will be able to use wetlands, and if we don't have the money to buy the interest we're out of business. So I don't know if it's a case of choice or if you have a choice. I think we have to do something about this.

Earl Holdsworth, 125th District. I would like to speak in favor of H.B. 5811. AN ACT CONCERNING INSTANTANEOUS MINIMUM FLOW OF RIVERS AND STREAMS This bill has the support of practically all the fish and game societies, angler societies, etc. The statement of progress is very indicative of exactly what this bill covers, the bill is to insure adequate river and stream flow which is consistent with requirements of public health, public safety, public utilities, public water supplies and industry, and that it will sustain a chronic life in stock rivers and streams of this state. Our ecology at present time is a very important issue, this is part of this whole program which will support and

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Mr. Edward Poriss, I'm here on behalf of H.B. 5811 Minimum Flow. They say there are three cardinal virtues namely, faith, hope, and brevity, but over these it seems that by far the greatest is faith. The Connecticut Fly Fisherman's Association wishes to speak for H.B. 5811 favorably. It is, AN ACT CONCERNING INSTANTANEOUS MINIMUM FLOW OF STREAMS AND RIVERS. There is a definite need for this legislation. There are many instances in this state where streams are dried up, or nearly dried up, by closed impoundments or diversions of water during low-flow months. In many of these instances, more water could be released down stream without harming the situation for which the water is impounded or diverted. This release of water benefits the entire ecology downstream, all the wildlife dependent upon a flow of water, and provides recreational water and promotes an improved health situation. Stagnant water is always more polluted than the same water on the move and this is healthier for more than just fish. At first glance, it may seem that this bill emphasizes water flow for the benefit of stocked fish. This purely practical way of underlining the fact that it makes sense to protect the investment of the taxpayers of the state. Considerable monies are spent for raising and stocking fish in streams and rivers, and these fish need at least some flow of water to remain alive long enough to reproduce. We recognize the great benefits that have been provided to stream flow by some impoundments in this state, impoundments which capture the Spring run-off and release it all summer long, improving the normal flow. These dams are operating under voluntary minimum flow agreements and we applaud them. We also recognize the primary needs of the water companies, small and large, to supply clean water to their customers, and to insure an adequate supply. We recognize the ever pressing need of the electric companies to supply more electricity during the summer months. This bill takes these needs into consideration and does not ask for an unreasonable release of water. It asks only that there not be an unreasonable retention or diversion. Much information on the flow of these rivers and streams is already available, and there are acceptable scientific methods for calculating low flow needs, and thereby, safe amounts to release. This bill asks the experts in the Water Resources Commission to decide these amounts after taking into consideration all the possible uses for this water. It is entirely possible that some companies might well be empowered not to release water during certain months in the interest of public safety. This is not intended as a restrictive or punitive bill at all. This is much more a bill to establish a sensible PUBLIC POLICY concerning streams and rivers for the benefit of the entire environment. We urge you to give favorable committee action and passage of this bill by the legislature. This concludes the statement, but I've been listening to the previous speakers and I'm rather profoundly impressed by what they've had to say. I have been traveling to New Haven for some time, and as you come into the outskirts, the northern outskirts of the city there is an incinerator with which your familiar belching great quantities of particular matter into the air and for awhile there was a large yellow sign in front of this area saying, Help Stamp Out Pollution, and some wise one took a photograph and sent it to the news media who published it. Finally of course, something was done about it. The belching of the smoke stacks are still there, worse than ever, only the sign is gone.

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Evon Kochey, Good Morning Gentleman. I'm here to speak on S.B.298. The board of directors of the Ecology League believe that the time has come for the American people to take a stand for the preservation of their dwindling natural resources. We have lived for too long with the belief that we could wastefully exploit the country without serious consequences. But now we have found that the bill for this waste and mismanagement is far greater than we have ever dreamed. Now is the time to heed the warning and act wisely. We ask that you, as our legislators, give the people of Connecticut through this Protected Rivers Bill 298, the means to preserve and reclaim those areas of our rivers and streams that possess outstanding scenic, recreational, ecological and scientific values. In this way Connecticut can join other states like Tennessee and Washington, who have enacted similar legislation, recognizing the responsibility of the present generation to the future. The Ecology also supports S.B. 368 AN ACT CONCERNING AN AUTHORIZATION OF BONDS FOR IMPLEMENTATION OF THE WETLANDS. Thank you.

Sen. Pac, Any questions ?

Rep. Matthews, 161st District. Mrs. Kochey how many people does your Ecology League have in its membership ?

E. Kochey, Our membership is 250 plus.

Rep. Matthews, Where are they located ?

E. Kochey, We are located in the Northwest corner of Connecticut.

Sen. Pac, There was some question before that somebody was going to submit a bill, is somebody going to submit that today ?

E. Kochey, I believe that has been done, but in the event that it hasn't we have copies of it here. It's simply a final draft that redefines the watershed a little more clearly and the areas involved, the natural boundaries are slightly different.

Ted Maguder, I am assistant professor of biology at the University of Hartford, where I teach ecology, conservation ecology. I'm speaking as a representative of the Connecticut River Ecology Action Corporation, otherwise known as Creac. The organization, Creac, consists of professionals in science, law and conservation and is concerned with the preservation of the Connecticut River Basin. Creac has chapters in each of the four states with Connecticut river watersheds. Your committee is today considering a large number of bills, excellent bills. We should like to lend our strongest support to two of these bills and indicate to you which of the other bills we feel to be valuable contributions for the preservation of the natural areas of our state. Public Act 291 which established a means by which the tidal wetlands of Connecticut can be saved is one the great works of our Connecticut Legislature. Creac strongly supports S.B. 631 which will extend the protection to Connecticut's inland wetlands. Just as the tidal marshlands serve as unique habitat for the energy flow and nutrient cycling in the marine ecosystem, fresh water marshland are also essential for the numerous freshwater plants and animals which can

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only exist, function and reproduce and in a freshwater ecosystem. The floodplains of our rivers and the marshy areas adjoining lakes are the areas 1. where many of our important recreational and sport fish species such as bass, pickerel, and perch breed. DESTROY such habitat and you not only decimate specific fish populations but you also take away another of the areas which provide modern man with an opportunity to relax and retreat from the pressures of today's living. 2. where the upland game bird, the American woodcock breeds. This species of game bird is fast becoming one of the most popular game birds hunted, even surpassing waterfowl in hunting interest. Take away the alder thickets and groves, and woodcock reproductive success drops. Again, an outlet for man's recreational needs is reduced. 3. where breeding habitat for numerous marshland birdlife is found. And perhaps for the osprey and bald eagle, if we are lucky enough to solve the pesticide problem and get them back will be found to nest and breed. 4. where marsh vegetation captures the greatest amount of radiant energy, and serves as the base for energy flow through the food webs of the aquatic ecosystem. And also, such areas serve as: 1. floodplain for flood control 2. floodplain for ground water recharging 3. floodplain for all hunting, trapping and other recreation 4. floodplain for agriculture. We would stress the fact that the floodplain protection is the least expensive means of floodplain management - flood control dams, reservoirs, dikes are all unnecessary. Many of these same reasons force Creac to strongly endorse S.B. 298, an act which will place all of Connecticut's streams under watershed commissions. Our natural water resources need decided action now to insure that our children and grandchildren will be able to enjoy them. Creac supports the idea of protection of public lands against highways contained in S.B. 404 and S.B. 661. We are comparing these bills with H.B. 5500 which is before the transportation committee at this time, but we certainly endorse the intent of these bills. I also have a list of swamps and marshland in Connecticut which I will not read off it would take me too long but there are areas which are of considerable size, such as Robbins Swamp in Canaan which is about 5 square miles. Just to point out to the committee that we are not trying to have every single pothold and pond in Connecticut protected but these areas are of a significant size to have an ecological impact. My feeling as to the interpretation and definition of inland wetlands as opposed to tidal wetlands I think the appropriate designations and definitions can be worked out in committee and should not hold this bill up. Thank you.

W. B. Van Alstyne, From Cornwall Bridge. I'm supporting S.B. 298 which has been supported rather eloquently here. I merely want to emphasize the economic and recreational aspects of that bill. Our rivers are often overlooked as one of our great economic assets. Many people come to fish and to canoe and otherwise use our rivers and I don't think it's been brought out enough that this is not only an ecology bill but an economic bill and that it conserve for future generations a great asset for tourists and for people of the state.

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Robinson Leech, I'm from Salisbury, Connecticut and a former member of this body. There has been a great deal of eloquence here today and I'm not going to take your time because I see you have a long day ahead of you. I'm here to support as a member of the Ecology League S.B. 298 and S.B. 368. Personally I would like to support S.B. 636 as well which was under way when I was here in the House.

Arthur O. Reckert, I'm the Vice-President of the Bristol Fish and Game Association. We are the largest group of this kind in the state of Connecticut, having over 1700 members. We believe we are the largest in New England. We are here in support of H.B. 5811. The statement of purpose of this bill to insure adequate river and stream minimum flow that will sustain aquatic life and stock rivers and streams of this state, and that will protect and promote river and stream, ecology of natural wild life and public recreation. We, the 1700 members plus of the Bristol Fish and Game would like to go on record in support of this bill. Thank you.

Elizabeth Wedda, Salisbury. I simply want to say and record my support I thought I was doing that without speaking for S.B. 298.

Rudolph W. Erling, Bristol. I'm here as one of the member of the Fish and Game Association and in support of that bill H.B. 5811, I stand behind the club and I hope and you do so too. Thank you

Frank Calhoun, I come from Cornwall, I was a former of the Legislature for a number of years and I would simply like to say that I'm very much in favor of S.B. 298. I think it is an excellent bill and I hope you will give it a favorable report. I was also a member of the Governor's Environment Committee (Policy) and I'd like to state that I'm generally in favor of those bills for you which were originated to that committee. There are two bills in that group S.B. 636 and S.B. 405 having to do with the limiting liability for landowners, people using their land for recreational purposes. I originally introduced this legislation back in the, I guess it was around 61, twice it passed the House unfortunately it died in the Senate both times. Finally they have gotten two versions of this bill through. I think that this bill that is before you now would be much better than the present law. I urge it's support.

Isreal Resnikoff, I am the Director of Planning, Bureau Planning Research Connecticut Department of Transportation. There have been various bills introduced in this session of the legislature dealing with protection of environmental values as related to highway location. As there has been a recent change in administration of the Department of Transportation, it is requested that the Department be permitted to defer its comments on these several bills until Commissioner A. Earl Wood has had an opportunity to review them, at which time a written statement will be sent to the Chairman of this committee.

Rep. Matthews, Do you have any idea when that report will be available ?

I. Resnikoff, No, but it will be done as soon as possible.

Rep. Matthews, Is there any time limit ?

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Isreal Resnikoff, Not especially no, but we have lots of thing to do. The sooner it is here the better.

A. F. Turamo, I am a physician and a member of the Advisory Council to the Board of Fisheries and Game, but can not speak officially for that body, I'm also a member as my colleague in the Connecticut Fly Fishermen's Association and it looks today it looks as if all physicians are fly fishermen and vice-versa but it isn't true. I'd like to speak favorably for H.B. 5811, AN ACT CONCERNING INSTANTANEOUS MINIMUM FLOW OF RIVERS AND STREAMS. Our organization was somewhat instrumental in writing up this bill, we feel in a sense it is our baby and we'd like to see it enacted. We're particularly interested in this legislation because we feel it is essential for the proper enviromental control of our natural waterways. The ideas embodied in this act are not new, many impounments through out the nation have been built with provisoos of this sort restricting the under limitation of the natural flow of waterways, in fact in this state Colebrook Reservoir has just such a provision. In essence we are requesting that this sensible form of control be extended to involve all of the recreational rivers and streams of the state. It seems logical that users of our waterways not just for power or water supply be taken into consideration, by the Water Resources Commission when we tamper with the actual flow of fresh water in the state. This includes recreational uses, ecological needs, of humans, and wild life in the area. Our membership has specifically found that many of our stock streams are for good fishing, not just for Spring but through out the Spring, Summer, and Fall. This is because we have a very secret way of catching fish in these other portions of the year. This extends and enhances the state's stocking program so that it is used to the fullest possible extent, unfortunately too many streams although stocked with fish for recreation use are taken out of recreational circulation in July or August by having their flow arbitrarily cut off during the warmer months of the year. Thus, recreational users are lost, the ecology is destroyed, the stocking program is wasted and a health hazard is created. Most of thetime this thoughtlessness is really not necessary, all that we're asking is that we've given some coordination be incorporated with the Board of Fisheries and Game and the appropriate agencies involved. For all of us directly or indirectly depend upon the state of health of our waterways and our wild life, not only for recreation but for survival, all we ask is that these needs be taken into consideration by the passage of this bill. I would also just like to comment a favorable reaction to H.B. 5812, state protection on fishing streams. I feel this is essential for the proper management of our recreational streams by the Board of Fisheries and Game. Thank you.

Mark W. Levy, I'M the legislative chairman of the Connecticut Fly Fishermen's association. And with no particular pride of pauthership I did draft this bill in conjunction with Ted Bampton and with the state water resources people. We've reviewed it and we feel that we have a workable piece of legislation here, which will provide and solve the problem of low flow in certain streams in the state. It seems a sin that the Fish and Game Board will stock streams and it's a growing program and then find that the water suddenly shut off in July, August and various months

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of the year, which of course kills the stream. Also there are areas where we can expand our stocking program if we can get some inland flow legislation through. I believe this bill takes care of the requirements of the water companies and the requirements of the public utilities, power companies. We are not asking them to empty their pilements, we're not asking for water which will in any way endanger their operations. We know that we must have water in the reservoirs for emergency purposes, for drinking water, the power companies need sufficient waters for maintaining their turbines. However, what we are asking is that standards be set forth by water resources to re-a minimum amount of water to come out of these impoundments so that the ecology of the stream will be maintained, so that the stocking program can be kept in good condition, and for the general benefit of the public, canoeing recreation etc., that all of our streams will produce. Are there any questions regarding the text of the bill, I'd be happy to answer them.

Bernard W. Chalecki, I'm Director of the Boating Commission and I'm speak on behalf of the Boating Commission, who presented this bill, AN ACT CONCERNING THE MOORING OF SWIMMING RAFTS, VESSELS, AND OTHER FLOATING OBJECTS. This bill would prohibit the permanent mooring of any swimming, raft, vessel, ski jump, or any other floating object on our lakes and ponds unless approval is obtained from the Boating Commission. Owners of land adjacent to the water's edge may moor vessels and swimming rafts within 50 feet seaward of their property without permission provided they present no boating safety hazard. The reason for this bill is that at the present time there is no regulation, or no agency that is responsible for controlling such objects on our lakes and ponds. At the present time the Commission has a regulation which states that a motor boat can not proceed faster than 6 miles per hour from shore, raft or anchored vessel. And of course what we are running into a problem on many lakes that some of the rafts, inward vessels are too far out in the water. By permitting a vessel to be moored within 50 feet of shore, the speed limit of 6 miles per hour would now extend to a 150 feet. Now the other reason for this bill is that we get many requests from people to moor their vessels and of course at the present time we have no authority to give it to them. Thank you.

Sen. Pac, Thank you Commissioner. Any questions ?

E. J. Bontya, Mr. Chairman, gentlemen, I'm representing the State Shell Commission in opposition to S.B. 153, AN ACT CONCERNING DREDGING FOR OYSTERS. The purpose of restricting methods of working the public shellfish beds has been to conserve the resource and prevent the incursion of commercial operators. These restrictions were effective for many years. Unfortunately, our more recent experience with a change of Section 26-215, contrary to the recommendations of the Commission, can best be described as a disaster. I would like to read a short paragraph from our 1970 Report to the Governor and I quote: "The rehabilitation of town and state spawning beds has been curtailed with the loss of our prime source of oysters. This program, initiated in 1966 with federal funds, has been carried on without additional cost to the state. Our success in propagation of oysters on state beds and the cooperation of the industry in supplying men and equipment for transplanting has been the basis for a continuing program.

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The protection of these beds from depletion was keyed to a condition of the law. However, in 1969, the law was changed and these stocks are now being gathered by individuals under permit for sale as seed oysters. Our loss has been three years of work, the potential of 20,000 bushels of spawners, and the future of the program." The use of mechanical equipment for hauling dredges will only hasten the total depletion of the few remaining stocks of oysters on the public beds. A bushel limit as a implied means neither (as a means of control) is not practical to enforce as the Commission has n't the funds or personnel to provide patrolling from sunrise to sundown seven days a week. The Shell Fish Commission does not consider the proposed revision of Section 26-215 as in the best interest of the shellfishery and is therefore opposed to S. B. 153.

Sen. Gunther, Mr. Bontya, you say your conserving the oyster beds, how many more oyster beds do we have today and how much more oystering is done in the state of Connecticut than was done, let's say, 10 years ago?

E.J. Bontya, Well, about half of what it was 10 years ago actually, although I would like to point out today we have the best stock of oysters on Connecticut in over 15 years.

Sen. Gunther, Who owns the stock, Mr. Bontya ?

E.J. Bontya, The major portion of this stock is commercial companies.

Sen. Gunther, How many major companies are there ?

E.J. Bontya, There are four major companies and about 3 minor companies, plus individual operators.

Sen. Gunther, As of 1969 we passed a bill for the power, prior to 69 how many natural growth oystermen registered in the State of Connecticut ? Take a yr.

E.J. Bontya, As of 1958 was the last time any commercial, any of natural growers bothered to registered because there are no stocks on the natural beds.

Sen. Gunther, How many registered in 1969 ?

E.J. Bontya, Approximately 30-36.

Sen. Gunther, So we are getting our or more farmers back on the oyster beds ?

E.J. Bontya, But we're getting less oysters.

Sen. Gunther, Have we got any more oyster beds Mr. Bontya than we had the yr. prior ?

E.J. Bontya, The stocks on the commercial beds have improved, the stocks have declined.

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Sen. Gunther, Do you also know when you submitted that report to a joint committee here and I think some of our people are sitting her today that you did make that statement that you quoted just now relative to the depletion of the spawners on the Bridgeport natural bed and at that time one of the men who was sitting on the resources council questioned this because he see no spawning oysters that were taken on the dredging on the Bridgeport oyster bed. Will you verify that ?

E.J. Bontya, I recall a statement somewhat to that effect.

Sen. Gunther, Will you recall that man said he worked on the bed that you had actually buoyed up and said there was spawners there and he never saw any ?

E.J. Bontya, It's difficult to differentiate from what is a natural set on that and what are specific spawners, oysters all look the same.

Sen. Gunther, Mr. Bontya the age of the oyster I'm sure that the man that was working at that was well aware of, has worked in there many years before you were a engineer, so I would question this and I intend to question it. I would like to have an open debate on this with the committee, not at this time, in exec.

Rep. Ciampi, I think Mr. Bontya will call you back for an exec. committee.

E.J. Bontya, Sir have you any idea when that will be ?

Rep. Ciampi, Oh, in a week or so.

E.J. Bontya, O.K. Sir, I'll be available.

Richard Woodhall, I'm Chief of the Water Supply Section of the State Health Department. I'm appearing in opposition to H.B. 5811. Under the terms of this bill the Water Resources Commission is to establish instaneous minimum flow standards on all streams and stocked by Board of Fisheries and Games. It would apply to all existing dams as well as those to be built in the future. This could result in diminishment of safe yield available for public water supply from present reservoirs, so that flow would be created and maintained downstream of dams for better fishing. In some cases (such as Roaring Brook proposal in Stafford) the requirement to maintain minimum flow exceeds the safe yield of the reservoir system. This would mean that the entire contents of the water supply reservoir would be used to propagate fish life at the expense of human life. There should be no objection to the application of this concept to all future dams. It should be recognized, however, that most present water supply reservoirs were created at a time in our history when the overall effect of impoundments upon the environment was not considered as it has become fashionable to do in the last 10 years. Our cities and towns have become dependent upon existing water supply reservoirs to maintain their domestic life and business economies. This life blood cannot be drained away without replacement in kind thru the provision of alternate water resources. Perhaps new dams can be built or existing dams raised if it is now deemed expedient to store water for the purpose of regulating stream

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flow. In this way the true economics involved in providing for sport fishing will become evident and amore realistic decision may be arrived at on a case by case basis. I'm also speaking in opposition to H.B. 5182 AN ACT ESTABLISHING STATE POLICY ON PROTECTION OF FISHING STREAMS. This act would assign to a single purpose agency power over the development of the state's water resources. At this time of concern for protection of the entire environment and the wisest use of our resources for the benefit of all, it would seem more appropriate to assign this kind of control to a body representing a much broader range of environmental concerns than one whose sole concern is fishing. I would suggest that all new dams projects be submitted for approval to either the existing Interagency Water Resources Planning Board, which comprises the Board of Fisheries and Game, the Water Resources Commission, the Office of State Planning and the Department of Health or to the proposed Environmental Protection Council. In this way we could be assured that due consideration would be given to recreational uses such as fishing, swimming, boating and hiking, to public water supply, to water power, to agricultural uses, to industrial uses, and to waste disposal instead of giving only piecemeal consideration as the proposed bill would do. I'm also appearing in favor of H.B. 5810 which is AN ACT CONCERNING NONBIODEGRADABLE BEER AND SODA CONTAINERS. The Solid Waste Section of the State Health Department favors the intent of this bill because it would encourage the consumer to return reuseable containers. It also may discourage the retailer from wanting to sell the non returnable bottles, can, or container. The State Department of Health favors legislation which would reduce the volume of solid waste which must be ultimately handled at a refuse disposal area and encourages recycling and reuseable materials.

Sen. Gunther, Mr. Woodhull you know that in 67 we gave the hydraulic company of the state the right to draw water from our streams without any minimum flow standards being established, and your up in opposition to a control of minimum flows not at this time. Now who is watching out for anything other than the drinking water and does your department have no involvement do they in flows or consideration of this ?

R. Woodhull, I think Senator on the bill you referred to, control approval is under the Water Resources Committee or Commission and they must also consult with the Public Utilities Commission before they can give authority to withdraw water from rivers. That is the bill your referring to.

Sen. Gunther, But there is no stipulation of a minimum flow right now, this is up to the discretion of the Water Resources technically.

R. Woodhull, I believe that is correct, yes.

Sen. Gunther, I know that the Bridgeport Hydraulic Company intends to draw not from the watershed but from the Housatonic River below the dam at Indian Wells, on the Housatonic, I think its some 1975.

R. Woodhull, Well, I think that the date has been postponed and further more this is would not be a direct withdrawal into their distribution system, it would involve skimming of flood flows only to an off stream storage sit. That's alittle bit different from direct withdrawal during periods

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of low flow. And I think there was some consideration given in the bill your referring to, to the fact that we must consider low flows, or the Water Resources Commission.

Sen. Gunther, There is no stipulation of exactly what the minimum flow for any stream is ?

R. Woodhull, No, that hasn't been dealt with as yet.

Elmer Garrett, A resident of the Roxbury, Connecticut. I'm a member of the Fairfield, Litchfield Environmental Council. I wish to speak in favor of S.B. 298 for the establishment of scenic and protective river system. I have a statement from the Fairfield and Litchfield Environmental Council which I would like to read, The Fairfield-Litchfield Environmental Council is composed of citizens from 10 communities of Southwestern Connecticut. Our members are keenly aware of the need to preserve our state's fast dwindling natural resources, and, particularly, those sections of wilderness rivers we still have remaining to us. We therefore strongly support S.B. 298 and urge that you do everything necessary to speed its progress. We consider this to be a law badly needed by the State as a whole and to be very essential for Southwest Connecticut. Thank you.

Elizabeth Brown, Glastonbury. I've been on the environmental scene in Connecticut for many years, I'm not going to tell you how many. I was a member of The Environmental Policy Committee and generally endorsed the bills submitted by that Committee. There's one before you today, I do want to comment on and that's the inland wetland bill. I won't give you a lecture on it, I quite agree with all of the things that were in Commissioner Gill's statement. It's a very very necessary kind of protection the inland wetlands. But I don't agree with the way the bill proposed to do it, by just expanding the tidal wetlands, that would place in jeopardy the whole tidal wetlands bill, we certainly don't want to do that. I would endorse a study proposal for legislation to be submitted to you people next year. Another bill I consider important is S.B. 368, Sen. Gunther's bill to authorize funds for damage payments under the tidal wetlands program. Again if we don't have funds for the payment of damages the program will be in jeopardy, so this I think is very, very important at this time. I also endorse H.B. 5811 which would establish minimum of flow on rivers and streams. I think it's very important, I'm much concerned about water supply as is Mr. Woodhull, but I do believe this would be taking into consideration of said minimum flows. One thing I would like to comment on I happen to be a member of the State Water Resources Commission altho I'm not speaking for that group, I'm speaking for the staff of the group, we have a small, very busy, very dedicated and somehow we always manage to find more work for them to do and no money for new people, so I would request that you add to this bill and in appropriation to hire somebody to do the job. Thank you very much.

Alice Kugelman, West Hartford. I'm speaking for the League of Women Voters of Connecticut. As a long time advocate of wetlands protection, the League supports the appropriation of funds to pay damages to wetland owners who have been denied a permit to conduct a regulated activity on their property under Wetlands Act, following a court finding that this denial constitutes a taking without compensation. If damage funds

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are not available the aggrieved property owner could not be paid the necessary amount and he would then be free to carry out the regulated activity. The purpose of the act would be negated and the whole program would be in danger of failure. It would be tragic indeed to lose an important environmental program at this point in time, funding is essential. The league also supports S.B. 398, which would grant a sixty-day moratorium on activity in a threatened wetland in order to allow time for the necessary maps to be prepared. This is a mechanism to buy time, and could be crucial in a few important cases. I'm also speaking for S.B. 631, inland Wetlands. Inland wetlands merit protection for many sound ecological reasons, flood prevention, erosion control, and replenishment of the underground water supply, to name but a few. Inland wetlands, however, are quite different from tidal wetlands, and should probably be protected with a different type of legislation. Most states which protect both types of wetlands treat them independently, using a separate approach for each. The league therefore, while strongly endorsing the purpose of S.B. 631 extends the state Tidal Wetlands Act to cover all wetlands, with no real attempt to define the scope of the term 'wetlands'. It is our opinion that such broad coverage would make the act unworkable. It could cause constitutional problems and thereby place the current tidal wetlands program in jeopardy. We respectfully suggest that this Committee advocate an interim study of the matter of inland wetlands protection. The study committee could investigate various legislative approaches to the problem with the objective of drafting legislation for the next session of the General Assembly. Tidal wetlands and inland wetlands are both important. Each deserves a state program tailored to its unique requirements. In support of S.B. 404 As a result of thorough study of water and related land use problems, League members all over the state realize the overwhelming need to preserve open space. Hardly a week goes by without a report of League activity to protect local parks and open space from highway encroachment. Protection of parks and historic sites has become a pressing problem in our small, highly developed state. Review of highway plans by the proposed Council on Environmental Quality should safeguard these important areas for the enjoyment of future generations. Thank you.

William Glynn, I am appearing on behalf of the Connecticut Waterworks Association. I'm in opposition to H.B. 5182 and 5811, and wishing to make a statement on S.B. 298. H.B. 5182 dealing with the establishment of a state policy of protection of fishing streams, in view of as was pointed out earlier by Mr. Woodhull the water companies and the water bureaus of the state it does not give recognition, to the need for water for consumer purposes. It's true that it is desirable to have a nice flow of water in our streams and to serve the need and desires of fishing but, as you all know, there are many demands on our limited water resources in the state of Connecticut. We feel, frankly, that this bill does give too great a way to the legitimate needs and desires of one part of our society. On H.B. 5811 I noticed that Sen. Gunther mentioned in some of his questions earlier concerning the legislation that was passed in 1967 dealing with the permission, under certain circumstances, to water from rivers that there was no reference in that bill to minimum flow. I do recall very well, Mr. Chairman and Sen. Gunther that the time that legislation was being prepared

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schedule for a hearing on Friday by this committee, is an act concerning a state trail system 6473, and you have before you a S.B. 329 I believe, which is sponsored by the Co-Chairman of the Committee and I might that it might be appropriate to defer the hearing on 6493 till next week and hear them both together, they are some-what related, if you would consider doing that. I'll be happy to answer any questions you might have.

Sen. Pac, Any questions ? Than you Mr. Hibbard.

Alfred Hunyadi, I'm assistant director with the State Board of Fish and Game. We have submitted comments on half a dozen bills, explaining the board's position on these. But I would like to read the comments of the board in connection with H.B. 5811, the state of Connecticut is actively engaged in planning for the orderly development of its land area. Great consideration is being given to the recreational needs of its citizens and the importance of water-based recreation has been stressed. The need for adequate supplies of water for domestic and industrial purposes has been recognized. But, little consideration has been given to any action which would reconcile the competition for water that exists between these two users. There is no general provision in Connecticut law which requires a minimum flow for any stream and although we are cognizant of the demand and need of water for domestic purposes, the requirements of aquatic life and recreation, as well as domestic uses, can be satisfied. Prior attempts to provide for minimum flows have been bitterly opposed by water and power suppliers, generally on the basis of need or that such action dealt with existing facilities without proper consideration being given to the planned life of the systems, thus creating economic hardship or disruption of services. At times, fears have been expressed as to the interests and objective of the agency which might be designated as responsible for the determination of minimum flows. The important principle is that we are planning for the future and water should be and must be considered for all valid uses, and one use should not unnecessarily be tended to the detriment of another. There is no longer any logic in allowing future water supply and power developments to operate so as to divert water for consumptive use from the natural water course to the limit that the stream can no longer sustain aquatic life or support water shed recreation; or to allow the regulation of flows so as to periodically leave the stream inhospitable for the life or use which it normally supports. We believe there is a valid middle-of-the-road approach. The Governor's Committee on Environmental Policy has recognized the urgency of this situation and recommended (no. 48) that the Water Resources Commission be authorized to established and regulate minimum stream flows. H.B. 5811 represents a realistic approach to an old problem by responsible state agencies. We register in support of H.B. 5811. The board represents in support of H.B. 5811. And in reference to the comments that were made earlier by Mr. Richard Woodhull of the Health Department and Mr. Glynn I would like to point out that there is provision in the bill to take care of the needs of water supply people and other utilities, we are not asking that these needs be diminished but we are only seeking the use of what is left over. Thank you.

Sen. Pac. At this time it gives me a great deal of pleasure to introduce Mr. Conservationist himself, Dr. James Horsfall.