

Legislative History for Connecticut Act

<b>Public Act:</b>	01-120	
<b>Bill Number:</b>	6954	
<b>Senate Pages:</b>	2177-2192, 2679, 2926-2927	19
<b>House Pages:</b>	2161-2170, 3596-3603	18
<b>Committee:</b>	Environment: 1217, 1218-1220, 1227-1228, 1264-1266, 1307, 1308, 1368-1369, 1401-1409, 1485-1486	25

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Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

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CONNECTICUT  
GEN. ASSEMBLY  
SENATE

PROCEEDINGS  
2001

VOL. 44  
PART 8  
2157-2486

pat

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Senate

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Thank you, Madam President. The bill has been explained and if there is no objection, would move this to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

Calendar Page 10, Calendar 450, File 324 and 726, Substitute for H.B. 6954 An Act Concerning the Protection of Connecticut's Aquaculture Industry, as amended by House Amendment Schedule "A" which is LC05997. Favorable Report of the Committees on Environment and Energy and Technology. The Clerk is in possession of amendments.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I move adoption of the Joint Committee's Favorable Report and passage of the bill in accordance with the House.

THE CHAIR:

The question is on passage in accordance with the House. Will you remark?

SEN. WILLIAMS:

Thank you, Madam President. This bill would recognize aquaculture as a prime resource for the State

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of Connecticut. Aquaculture are shellfish and fish culture and our marine life off the shore, and it would require that this be a factor taken into consideration by the Connecticut Siting Council when they are siting an infrastructure relating to energy and telecommunications.

In that regard, I'd like to call at this time LCO7056.

THE CLERK:

LCO7056 which will be designated Senate Amendment Schedule "A". It is offered by Senator Peters of the 20th District.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Madam President, I move adoption and seek leave to summarize.

THE CHAIR:

The question is on adoption. Please proceed.

SEN. WILLIAMS:

This is very simple. It strikes the word feasible and replaces it with reasonable.

Now, that may not seem like a huge difference but what it does is, it provides a slightly more flexible standard when evaluating the protective clause of this

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bill.

THE CHAIR:

The question is on adoption of Senate Amendment "A". Will you remark further? Will you remark further? If not, I will try your minds. All those in favor indicate by saying "aye".

ASSEMBLY:

Aye.

THE CHAIR:

Opposed, "nay"? The ayes have it. The amendment is adopted. Will you remark further on the bill as amended? Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. If there's no objection, I would I would move this to the Consent Calendar.

THE CHAIR:

Before we move that, I believe Senator Gunther was seeking the floor. Senator Gunther.

SEN. GUNTHER:

Madam President, I rise for the purpose of an introduction of an amendment. May we call LCO6996.

THE CLERK:

LCO6996 which will be designated Senate Amendment Schedule "B". It is offered by Senator Gunther of the

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21st District.

THE CHAIR:

Senator Gunther..

SEN. GUNTHER:

I move adoption and waive the reading. I'll explain it.

THE CHAIR:

The question is on adoption. Before you remark, Senator Smith.

SEN. SMITH:

Thank you, Madam President. I will be absenting myself from the Chamber under Rule 15 for the purposes of this amendment and any more that may follow with Senator Gunther's name on them.

THE CHAIR:

Thank you, Sir. The Journal will so note. Senator Gunther you have the floor.

SEN. GUNTHER:

Madam President, this is a simple bill. I think there's a good indication for it. The underlying bill itself I think is a statement of purpose for the Siting Council but I do think that after the experience we've had in the past year with the Transenergy application going out of New Haven Harbor, I think that it would pay us to take and dwell on this and spend some time to take

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a look at the Long Island Sound and see what we have out there right now and possibly what we ought to be doing.

This amendment would give us a two year moratorium where the Siting Council could not take any action on any applications going into it.

Frankly, right now you might almost say that they're circling the wagons out there because we have the rejection of the Transenergy line and from the rumor mill it's already starting to develop another application to come back in. We have gas lines that are anticipating another line that's going to have to be put through there and this is right on top of the rejection of this particular application that was made.

The interesting thing I think for a lot of us that were involved in the transenergy is to take a look at what we already have on Long Island Sound. We have structures over there that I don't think anybody really was up to par on looking at the whole Sound.

We have a leaky line going out of Norwalk, going over to Northport that's going to have to be replaced. We have a gas line coming out of Milford. You've got two cable lines going out of the New Haven area which go from New Haven to Shoreham on one of them and you go from Branford down to East Port Jefferson.

The heavy concentration of these lines that our

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there already and the problems we're already having, the western end of the Sound we've got a lobster kill that we haven't identified yet. In the eastern end of the Sound you do have the shell rot and lobsters and that type of thing. We're having all sorts of problems with some of the fin fish.

I think it will be a good idea if we sat tight for two years, take a good look at Long Island Sound. We could be developing a program where we would have the most advantageous place to put these lines through if we could actually spend the time to look at it.

Most of the people don't realize that we already have these corridors that are already established in Long Island Sound and we're not just talking about cutting a little trough through the sound and putting a wire in it. Transenergy ought to prove that to you. They had three lines that ultimately, 300 megawatt lines that would be established and 160 foot wide corridor and then in this corridor not only can you put those lines but it opens up to further lines that could be utilizing those corridors.

So I think, Madam President, I think it's a good idea that we sit tight and have a moratorium for two years and let's take a good look at Long Island Sound and what we ought to be doing with it.

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May we have a roll call on this, Madam President?

THE CHAIR:

A roll call vote will be ordered, Sir. Will you remark further? Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. I appreciate Senator Gunther's bringing this amendment forward. I unfortunately cannot support it, and I think, let me explain.

The step that we're taking here is a very significant step in that now we are requiring the Siting Council to take into consideration our aquaculture resources. This is something that they have not been required to do in the past and I think this is a very significant step. We wouldn't really even need to do that if we were simply to enact a two year moratorium on any placement.

Unfortunately, we haven't been able to evaluate that concept in terms of a separate bill or a public hearing, etc. in the Environment Committee. I'd be happy to work with Senator Gunther and take a look at that for next session, but I think that what we're enacting here in the underlying bill is an excellent first step and if we require further protection in the future, I'd be happy to support that.

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But at this time, I'd prefer to let this bill go forward as is, unamended. Thank you.

THE CHAIR:

Thank you, Sir. Will you remark further on Senate Amendment "B"? Will you remark further? Senator Peters.

SEN. PETERS:

A little lightheaded there for a second. Thank you, Madam President. I rise to associate myself with the remarks of Senator Williams and as much as I hate to oppose my good friend, Senator Gunther, I have to on this amendment.

We have grave concern in this state with respect to transmission lines and getting enough energy into the state. Lord knows, it's been on our plate in terms of evaluating this for some time now.

What the underlying bill does is still require, will add aquaculture to the environmental impact study for Siting Council's consideration. And I think that protects the environment. I certainly am in favor of that.

But I also know that we need to keep our lights on. We need to do it sensibly and we need the flexibility to explore ways of getting that energy into our state.

So I would be opposing the amendment at this time.

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THE CHAIR:

Thank you, Senator. Will you remark further? Will you remark further? If not, would the Clerk please announce a roll call vote. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? Please check the machine to make sure your votes are properly recorded. If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "B".

Total number voting 33; necessary for passage, 17. Those voting "yea", 11; those voting "nay", 22. Those absent and not voting, 3.

THE CHAIR:

The amendment fails. Will you remark further on the bill? Senator Gunther.

SEN. GUNTHER:

Madam President, I rise for another amendment.

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Would the Clerk please call LCO7000.

THE CLERK:

LCO7000 which will be designated Senate Amendment  
Schedule "C". It is offered by Senator Gunther of the  
21st District.

THE CHAIR:

Senator Gunther.

SEN. GUNTHER:

Again, I move adoption of the amendment and waive  
the reading because I'll explain it.

THE CHAIR:

The question is on adoption. Please proceed.

SEN. GUNTHER:

This is another, it's a very simple amendment that  
actually would require any terms or any agreements that  
are made in the Siting Council petitions that are going  
in, that they should be made public and they should be  
fully open to the public for perusal and for the Siting  
Council.

I think one of the things that the Transenergy  
herring that we had was brought out by this and the  
Chairman of the Siting Council actually asked for the  
arrangements had been made between the parties that are  
petitioning and some of the people that were objecting,  
especially some of the major oyster men and the oyster

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growers up there, they had made a deal with them and I call it pretty much hush money.

They had made arrangements with these oyster men and because of the arrangement the court had sealed the arrangements themselves so that they couldn't be divulged to the Siting Council which meant that no matter what you did, you couldn't find out how much was being paid to these people. Not only that, it sealed the oyster men up completely. They couldn't testify. They couldn't discuss anything either with us as individuals or with the newspapers and that.

To me, I think this is absolutely wrong and in fact so did the Siting Council. I was there when they asked the utility company to submit this, even though they were ordered by the court that they didn't have to. But they refused to take and submit that testimony.

I agree with the high head of the Siting Council. This alone should be made part of the record. So this is a simple little amendment. The other one that you just turned down, most of that power that they're talking about developing for the state is one way going out of the state, not going to be used in the State of Connecticut and not available to us and especially with the competition that we have over in Long Island we're going to pay more money for it.

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So if we may, I'd like to have another roll call on this, Madam President. Thank you, Sir. A roll call vote will be ordered. Will you remark further on Senate Amendment "C"? Senator Williams.

SEN. WILLIAMS:

Thank you, Madam President. A question to the proponent please.

THE CHAIR:

Please proceed.

SEN. WILLIAMS:

Through you, Madam President, to Senator Gunther. Senator Gunther, would it be your intention that any information that would come out in terms of the terms of the agreement would include any proprietary information because that would be a very significant concern of mine that any proprietary information not be released and made public.

THE CHAIR:

Senator Gunther.

SEN. GUNTHER:

Through you, Madam President. I'd say that offhand no. Proprietary information I think is, should be confidential and I think should be established as confidential.

I'm talking about agreements that are made between

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the parties where the details of those agreements, and that's not a proprietary type information in my book in this particular instance. So that I'd say no, proprietary should not be divulged because that's protection and that type of thing. But there's an awful lot of room outside of that proprietary information that should be made available to the Siting Council.

THE CHAIR:

Senator Williams.

SEN. WILLIAMS:

Well, Madam President, with that on the record as the intent of this amendment, that no proprietary information should be released, then I would look at this as a friendly amendment and if the Senator would withdraw his request for a roll call, we could vote on that by voice vote.

SEN. GUNTHER:

Madam President, I withdraw the roll call. Thank you.

THE CHAIR:

Actually, I think Senator, because Senator Smith did absent himself, it would probably be appropriate to have the roll call.

SEN. WILLIAMS:

Certainly, Madam President.

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THE CHAIR:

Thank you, Sir. Excuse me, Senator Harp.

SEN. HARP:

Thank you. I just want to take a moment and I guess I could do it later after this vote to commend Senator Gunther on his vigilance on this issue. I don't think that many people know that he attended almost every meeting. As a matter of fact he left our Public Health Care meetings to go to those meetings and was quite distressed to find that there was information that he thought ought to be available to the public that wasn't.

So I commend you for your vigilance and I think that you've done a lot to save our oysters in the Long Island Sound.

THE CHAIR:

Thank you, Senator Harp. Will you remark further on Senate Amendment "C"? If not, would the Clerk please announce a roll call vote. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

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Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on adoption of Senate Amendment Schedule "C".

Total number voting 33; necessary for passage, 17. Those voting "yea", 33; those voting "nay", 0. Those absent and not voting, 3.

THE CHAIR:

The amendment is adopted. Will you remark further on the bill as amended? Senator Williams.

SEN. WILLIAMS:

Madam President, if there's no objection, I would move this to the Consent Calendar. Oh, I'm sorry. I understand for purposes we need to proceed with a roll call vote. Thank you.

THE CHAIR:

Mr. Clerk, would you announce a roll call vote please.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

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THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please announce the tally.

THE CLERK:

Motion is on passage of H.B. 6954 as amended.

Total number voting 34; necessary for passage, 18.

Those voting "yea", 34; those voting "nay", 0. Those absent and not voting, 2.

THE CHAIR:

The bill is passed.

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. An item was recently placed on the Consent Calendar, Page 4, Calendar 205. I would ask that this item be taken off the Consent Calendar and be marked PR.

Madam President, I was in error.

THE CHAIR:

Senator Jepsen.

SEN. JEPSEN:

The bill that I would like taken off Consent would be from Page 1, Calendar 95. It was placed on the Consent Calendar. I would take it off the Consent Calendar and PR that bill.

SB 1069

S-459

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002679

Senate

Wednesday, May 30, 2001

249 is to be passed temporarily.

Page 15, 253 is to be passed temporarily. 254 is PR, 262 is PR. 265, 272 and 277 are PR as well.

Page 16, the first three items, Calendars 279, 282 and 295 are PR. 301 is to be passed temporarily. The balance of the page, 304, 308, and 326 are all PR.

Page 17, 329 is PR. 340 is Go. 349 and 353 are PR. 356 is to be passed temporarily. 358 is Go.

Page 18, 359 is PR, 360 is Go.

366 is to be passed temporarily.

371 is PR, 382 is PR, 425 is PR.

Page 19, 435, SB1148 I move to the Foot of the Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

Disagreeing Actions. Calendar 131 is Go. 385 is to be passed temporarily.

450, HB6954 I move to the Consent Calendar.

THE CHAIR:

Without objection, so ordered.

SEN. JEPSEN:

To various Resolutions that follow, Calendar 506, 507, 508, 509, and 510, are to be PR.

Then, Madam President, from the Foot of the

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SB1046.Calendar page 8. Calendar 490, Substitute forHB5914.Calendar page 9. Calendar 513, Substitute forHB5701.Calendar 515, Substitute for HB6895.Calendar page 10. Calendar 517, Substitute forHB5923.Calendar 528, Substitute for HB6589.Calendar 520, Substitute for HB6690.Calendar 521, Substitute for HB5426.Calendar page 12. Calendar 532, Substitute forHB6909.Calendar page 17. Calendar 340, Substitute forSB1129.Calendar 358, Substitute for SB1226.Calendar page 20. Calendar 450, Substitute forHB6954.

Madam President, I believe that that completes today's first Consent Calendar.

THE CHAIR:

Thank you, sir. Would you once again announce a roll call vote, the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the

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Consent Calendar. Will all Senators please return to the Chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. Clerk, please announce the tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 1.

Total Number Voting	36
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Those voting Yea	36
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Those voting Nay	0
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Those absent and not voting	0
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THE CHAIR:

The Consent Calendar is adopted.

THE CLERK:

Turning to Calendar page 7. Calendar 457, File No. 212, HB5103 AN ACT CONCERNING THE PENALTY FOR ASSAULT OF CIVILIAN DETENTION OFFICERS. As amended by Senate Amendment Schedule A. Favorable report of the Committee on Judiciary.

SEN. COLEMAN:

Madam President?

THE CHAIR:

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CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

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House of Representatives

Tuesday, May 8, 2001

If not, staff and guests, to the Well of the House.  
The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER CURREY:

Have all members voted? Have all members voted? If all members have voted, please check the board and make sure your vote is properly cast.

If all members have voted, the machine will be locked. The Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

H.B. 6860

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not Voting	6

DEPUTY SPEAKER CURREY:

The bill passes.

Will the Clerk please call Calendar 251.

CLERK:

On page 29, Calendar 251, Substitute for H.B. 6954,

House of Representatives

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AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S  
AQUACULTURE INDUSTRY. Favorable Report of the Committee  
on Energy and Technology.

DEPUTY SPEAKER CURREY:

Representative Stratton of the 17th.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. I move acceptance of the  
joint committee's favorable report and passage of the  
bill.

DEPUTY SPEAKER CURREY:

The question is on acceptance and passage. Please  
proceed, Madam.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. Before I get to the  
substance of the bill which deals with protecting  
Connecticut's aquaculture resources, the Clerk has an  
amendment, LCO 5997. Would he call and I be allowed to  
summarize?

DEPUTY SPEAKER CURREY:

Will the Clerk please call LCO 5997, designated  
House "A".

CLERK:

LCO Number 5997, House "A" offered by  
Representative Godfrey, et al.

DEPUTY SPEAKER CURREY:

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Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. This amendment merely changes the effective date of the act from upon passage to July 1, 2001 and I urge adoption.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, nay. The amendment is adopted.

Would you care to remark further on the bill,  
Madam?

REP. STRATTON: (17TH)

Thank you, Madam Speaker. The underlying bill seeks to provide increased protection to the State's precious aquaculture resources in Long Island Sound and in particular, the State has spent hundreds of millions of dollars in efforts to restore health to this incredible resource that we have in the State and it

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seems appropriate that we assure that our legislative sort of protections are as good as they possibly can be as demanding and competing uses come forward for use of that resource.

The bill, in particular, states that it is the policy of the State to seek to protect those resources to the greatest extent possible and adds to the findings or considerations of the Siting Council must make aquaculture specifically added to other environmental considerations that are already there and I would urge passage of the bill.

DEPUTY SPEAKER CURREY:

The question before us is on passage of the bill. Representative Prelli of the 63rd.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, I rise in support of the bill, but I find that, as we've done many other times, we're putting a lot of useless information into our statutes and a lot of unnecessary information into our statutes.

And for that purpose, Madam Speaker, the Clerk has an amendment. It's LCO Number -- excuse me, I grabbed the wrong one, 5609. Could he please call and I be allowed to summarize -- and read, please.

DEPUTY SPEAKER CURREY:

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Will the Clerk please call LCO 5609, designated House "B".

CLERK:

LCO Number 5609, House "B". "Strike Section 1 in its entirety and renumber the remaining sections accordingly."

DEPUTY SPEAKER CURREY:

Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. I move adoption.

DEPUTY SPEAKER CURREY:

The question before us is on adoption. Please proceed, sir.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. Madam Speaker, as I said earlier, I don't think it's necessary for us to put in our statutes everything that's important to the State of Connecticut in somewhat general terms. And if you look at this, aquaculture's an integral part of the environmental resources, that goes without saying. Anybody who knows what the environmental resources are, it goes without saying. It's not needed in the rest of the bill.

Should the Siting Council take this into effect? Yes. But do we need to put and take up space in our

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statutes, as they grow larger and larger, a paragraph that says that something's important to the environment?

No, we all know that. This is just flowery words that have no effect on the bill and therefore should not be there.

And I would urge my colleagues to accept this amendment.

Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

The question before us is on the amendment. Representative Stratton of the 17th.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. I rise in opposition to the amendment primarily for, as Representative Prelli said, we do have such statements in our statutes. And while he may characterize them as unnecessary words, the fact that they exist for other entities within the State, I think does make important that we recognize and give equal standing to things like the importance of aquaculture in the State that we currently do to natural area preserves, potable water, etcetera.

This statement, I think, makes the General Assembly very clearly on record as recognizing the value of this asset, both recreational and economically and ecologically to the State.

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And I would therefore urge rejection of the amendment and inclusion of this language in the statute.

DEPUTY SPEAKER CURREY:

Thank you, Madam. The question before us is on the amendment. Would you care to remark further on the amendment before us?

Representative Prelli for the second time.

REP. PRELLI: (63RD)

Thank you, Madam Speaker. And I understand the statements from the distinguished Chairman of the Environment Committee, yet I doubt, in our statutes, we define public health, we define -- excuse me. That we define safety or we define scenic or we define fish or wildlife, yet we're putting that in the same section. So you're saying those aren't as important.

I understand that at time we have put some other things in there, but I don't think all those terms in that sentence are defined. I'm sure that we won't find all of them. I know that some of them are and I don't question that. But I don't believe all of them are. And I doubt that forests and parks are defined or I doubt that wildlife is defined and those are in that same sentence. We shouldn't be just defining some of them as we go along. That's why I think it's important to start now by not doing any more.

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Thank you, Madam Speaker.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Representative Collins of the 117th.

REP. COLLINS: (117TH)

Thank you, Madam Speaker. I too rise in opposition to the amendment. This last summer when Trans Energy was trying to put their wire across Long Island Sound, it was going right through shellfish beds and it would have been really nice to have this on the records because the shellfish beds were almost being eliminated from conversations when this first started. People just didn't think about it. And these are very precious beds.

It is good to have language in there specifically spelling out how important this is to the State of Connecticut. So I join in opposition to the amendment.

DEPUTY SPEAKER CURREY:

Thank you, sir.

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us?

If not, I'll try your minds.

All those in favor, please signify by saying aye.

REPRESENTATIVES:

Aye.

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DEPUTY SPEAKER CURREY:

All those opposed, no.

REPRESENTATIVES:

No.

DEPUTY SPEAKER CURREY:

The amendment fails.

Would you care to remark further on the bill before us? Would you care to remark further on the bill before us, as amended?

If not, staff and guests, to the Well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members, to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER CURREY:

Have all members voted? Have all members voted? If all members have voted, please check the board and make sure your vote is properly cast.

If all members have voted, the machine will be locked. The Clerk will take a tally.

The Clerk will please announce the tally.

CLERK:

H.B. 6954, as amended by House Amendment Schedule

"A"

House of Representatives

Tuesday, May 8, 2001

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	144
Those voting Nay	0
Those absent and not Voting	6

DEPUTY SPEAKER CURREY:

The bill, as amended passes.

Will the Clerk please call Calendar 287.

CLERK:

On page 31, Calendar 287, Substitute for H.B. 6664,  
AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE  
RELATIVE TO EDUCATIONAL SERVICES FOR CHILDREN WHO ARE  
BLIND OR VISUALLY IMPAIRED. Favorable Report of the  
Committee on Education.

DEPUTY SPEAKER CURREY:

Representative Malone of the 47th. Representative  
Malone, you're requesting to use Representative Backer's  
microphone because your microphone is not working.  
Please pick up Representative Backer's of the 121st,  
Representative Backer.

This is Representative Malone of the 47th. Please  
proceed, sir.

REP. MALONE: (47TH)

Thank you, Madam Speaker. I move for the

H-849

CONNECTICUT  
GEN. ASSEMBLY  
HOUSE

PROCEEDINGS  
2001

VOL. 44  
PART 11  
3421-3770

kmr

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House of Representatives

Wednesday, May 23, 2001

DEPUTY SPEAKER CURREY:

Are there any other announcements or points of personal privilege? Would the Clerk please call Calendar 251.

CLERK:

On Page 41, Calendar 251, Substitute for H.B. 6954

AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S AQUACULTURE INDUSTRY, as amended by House Amendment Schedule "A", Favorable Report of the Committee on Energy and Technology.

DEPUTY SPEAKER CURREY:

Representative Stratton of the 17th.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER CURREY:

The question before us is on acceptance and passage in concurrence with the Senate. Please proceed, Madam.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. As members will remember, this bill was before us last week and seeks to provide some additional protection to the state's precious aquaculture resources. In an attempt to further that protection, the Senate amended it slightly

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Wednesday, May 23, 2001

and at this point I would ask that the Clerk please call LCO7056 previously designated Senate "A" and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Would the Clerk please call LCO7056 previously designated Senate Amendment "A".

CLERK:

LCO7056, Senate "A", offered by Senator Peters.

DEPUTY SPEAKER CURREY:

Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. In an effort to assure that our desire to do this did not get to the ridiculous, the language that we had adopted had said that we should protect these resources by any means that was feasible.

There was some concern that it might be considered feasible to actually pick up oyster shells one by one and move them and that was certainly not what we intended. So the substitution of the word reasonable for feasible is intended to provide the protection we sought without going to ridiculous extremes and I would urge adoption of Senate "A".

DEPUTY SPEAKER CURREY:

The question before us is on the adoption of the

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amendment. Would you care to remark on the amendment before us? Representative Boughton of the 138th.

REP. BOUGHTON: (138TH)

Thank you, Madam Speaker. I would like to also associate my comments with Representative Stratton. I think the amendment is a reasonable, excuse the pun, amendment, and may correct a flaw that we had in this as we sent it upstairs. Thank you.

DEPUTY SPEAKER CURREY:

Thank you, Sir. Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us? If not, I'll try your minds. All those in favor please signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, "no". The amendment is adopted.

Would you care to remark further on the bill?

Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. The Senate also adopted a second amendment, LCO7000 previously designated Senate "C". Would he call and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Would the Clerk please call LCO7000 previously designated Senate Amendment "C".

CLERK:

LCO7000, Senate "C" offered by Senator Gunther.

DEPUTY SPEAKER CURREY:

Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. This amendment sought to assure that the public would be aware of agreements that might be made between someone trying to get approval of the Siting Council and others that might have interest in that project, and wanted to assure that that information would be available to the public which I think is a laudatory goal.

However, the terms of this amendment go far beyond what I think was intended in terms of protecting the resource and do not eliminate some material that would not be appropriate for the public to have.

So I am going to urge rejection of this amendment but would like the members to know that I have an amendment in its place that keeps all of this language and merely adds a little bit to it. So I would urge rejection of Senate "C".

DEPUTY SPEAKER CURREY:

Thank you, Madam. The question before us is on

rejection of Amendment "C". Would you care to remark further? Representative Boughton of the 138th.

REP. BOUGHTON: (138TH)

Thank you, Madam Speaker. Madam Speaker, I would also concur with Representative Stratton. We have an amendment that will be called immediately after this that will correct the problem that Senator Gunther is trying to get at.

DEPUTY SPEAKER CURREY:

The question before us is on rejection of the amendment. All those in favor of rejection of the amendment please signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, "no". The amendment is rejected. Representative Stratton of the 17th.

REP. STRATTON: (17TH)

And thank you, Madam Speaker. As promised, the Clerk has an amendment, LC07351. If he would call and I be allowed to summarize.

DEPUTY SPEAKER CURREY:

Would the Clerk please call LC07351 designated House "C".

CLERK:

House of Representatives

Wednesday, May 23, 2001

LC07351, House "C" offered by Representative  
Stratton.

DEPUTY SPEAKER CURREY:

Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Madam Speaker. This amendment incorporates all the language that was in the rejected Senate "C" and adds merely the line on 54 and 55 that this provision shall not require the public disclosure of proprietary information or trade secrets and I would urge adoption of House "C".

DEPUTY SPEAKER CURREY:

The question before us is on adoption of the amendment. Would you care to remark further?  
Representative Boughton of the 138th.

REP. BOUGHTON: (138TH)

Thank you, Madam Speaker. I would like to concur with Representative Stratton's analysis of this amendment and also say that it would correct the situation that Senator Gunther was concerned about.

I urge its adoption.

DEPUTY SPEAKER CURREY:

Would you care to remark further on the amendment before us? Would you care to remark further on the amendment before us? If not, I'll try your minds. All

House of Representatives

Wednesday, May 23, 2001

those in favor please signify by saying "aye".

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER CURREY:

All those opposed, "no". The amendment is adopted.

Would you care to remark further on the bill before us as amended? Would you care to remark further on the bill before us as amended? If not, staff and guests to the well of the House. The machine will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber.

The House is voting by roll call. Members to the Chamber please.

DEPUTY SPEAKER CURREY:

Have all members voted? Have all members voted? If all members have voted, please check the board to be sure your vote has been properly cast. If all members have voted, the machine will be locked. The Clerk will take a tally. Please announce the tally.

CLERK:

H.B. 6954 as amended by House "A", "C" and Senate Amendment Schedule "A".

Total number Voting	145
Necessary for Passage	73

House of Representatives

Wednesday, May 23, 2001

Those voting yea	145
Those voting nay	0
Those absent and not voting	5

DEPUTY SPEAKER CURREY:

The bill passes as amended.

Will the Clerk please call Calendar 507?

CLERK:

On Page 17, Calendar 507, S.B. 524 AN ACT  
CONCERNING HEALTH INSURANCE COVERAGE FOR MEDICALLY  
NECESSARY INFANT FORMULA. Favorable Report of the  
Committee on Public Health.

DEPUTY SPEAKER CURREY:

Representative Jarjura.

REP. JARJURA: (74TH)

Yes, Madam Speaker. Thank you, Madam Speaker. I  
move for acceptance of the Joint Committee's Favorable  
Report and passage of the bill as amended by the Senate.

DEPUTY SPEAKER CURREY:

Representative Jarjura.

REP. JARJURA: (74TH)

Thank you, Madam Speaker. Madam Speaker, the Clerk  
has in his possession, Senate Amendment "B", or an  
amendment previously designated Senate "B", LC05975. If  
the Clerk would please call and I be allowed to  
summarize.

JOINT  
STANDING  
COMMITTEE  
HEARINGS

ENVIRONMENT  
PART 4  
1011-1340

2001

PRESIDING CHAIRMEN: Senator Williams  
Representative Stratton

## COMMITTEE MEMBERS PRESENT:

SENATORS: LeBeau, Handley,  
McKinney

REPRESENTATIVES: Caruso, Boughton, Backer,  
Bernhard, Chapin, Collins,  
Davis, Jarmoc, Megna,  
McGrattan, Mordasky,  
Mushinsky, Nystrom,  
Piscopo, Prelli, Roy,  
Sharkey, Urban, Widlitz,  
Willis

SENATOR WILLIAMS: We'd like to begin our public hearing today for the Environment Committee. So if Committee members could take their seats, and if any members of the public could take their seat.

We will be hearing first from legislators, agency heads, municipal officials, and then we have quite a number of folks signed up from the general public. I would ask everyone to please confine their remarks to three minutes. And if you've brought written testimony, and you've submitted that, or will submit that within the next week, it will become part of this official record of this public hearing. So even if you don't have time to get through all of your written testimony, that written testimony nonetheless becomes part of the record of this hearing. Our first speaker is Senator George Gunther, to be followed by Rob Guillemain, and Sally Nyren.

SENATOR GUNTHER: Good morning Senator and Representative Stratton. I'm Senator Gunther from the 21st Senatorial District. I'd like to very quickly cover two bills that you have before you. First of all, SB92, I support this bill for the permitting of pound nets.

HB 6954

It's unfortunate that the Department of

Environmental Protection did not give the people in the area an opportunity to be heard on the pound nets approval on Sheffield Island. Although I agree with the Department that I think it was technically not needed, and it was not mandated. Pound nets are probably one of the best ways to catch fin fish. It does not have the negative side of otter trawlers who destroy as many fish as they take. Pound nets allow the release alive, of species that are not stable, or they can't literally take.

Locating a pound net, one of two in the state on Sheffield Island, in a heavily used recreational area is certainly not the best location. A public hearing might have ended up establishing this. SB92 will mandate a public hearing, and I strongly support this.

HB6954, I support this bill, and hope that the final draft will include some additions. Yesterday, the Siting Council had a meeting to receive the Finding of Facts from their staff. It is too bad that every member of this Committee was not there to hear the comments of several members of that council. HB6954 will only help by putting into law a policy relative to siting of electric or fuel lines into an environmentally sensitive area of our state, but I feel additional language is necessary. You should make it as strong as you can. Electric, fuel which means of course, oil and gas, water, communication cables, or any other structures in or on the sea bed of Long Island Sound.

Look at the Connecticut law on aquaculture. I sponsored this law years ago and put that aquaculture in the Agriculture Department. We were the first state in the country to do so. The present law in sections 22-11C, and 22-416 of the general statutes is the definition. This definition relates to "controlled and harvested shell fish and seaweed." The definition should be broadened to other than controlled and harvested species. All fish, shell fish, aquatic plants that are harvested commercially and recreationally should be in the definition of aquaculture in

Connecticut.

I do think you can do it in this Committee, but maybe you can raise a bill that prohibits the courts from allowing applicants who accept endowments to then close the records on how much money they receive, and prohibit them from any communication to boards, or commissions, or committees on the issue. Several Siting council members remarked yesterday that they felt that this petition had not had a full hearing because the people whom the courts had restricted should have been able to testify.

Yesterday's hearing showed that despite major flaws in our law the system works. A preliminary vote by the Siting Council yesterday shows that by a vote of 7 to 2 they would ultimately vote to reject the petition. Credit goes to the Attorney General without whose help our State Aquaculture Division would not have been able to testify. Save our Sound Director John Atkins, the Connecticut Seafood Council, the Coastal Conservation Association, the Long Island Sound of Councils, the New Haven Board of Alderman, and many legislators also deserve the credit for taking the time, and couldn't be bought off by the big utility hush money.

This bill, with some rewording may give that message to Connecticut, that Connecticut is not out for the highest bidder. And I don't know -- I think you can only take that latter part of the recommendation and put it in. I know it would probably have to go to judiciary if you did it. But I think somewhere along the line we've got to stop this business of the courts taking a stipulation and then saying to the people that they made those stipulations. You cannot open your mouth or you're in jeopardy. And I'll tell you, the Siting Council yesterday, several of them, not just one or two, several of them remarked how they thought if these other people who would take stipulations had been allowed to at least come in and testify under oath, that they might have had a better look at this petition that was in there.

So I think this is a damn good bill. I think it's

the least we can do is produce a policy in the state of Connecticut that tells any of the carpet baggers that come here, hey fella's, treat us decent or don't come here. And I think that if you get the change in the language I think that would do it.

SEN. WILLIAMS: Thank you, are there questions? Thanks very much. Next Rob Guillemine, followed by Sally Nyren, and Representative O'Rourke.

ROB GUILLEMIN: Good morning Senator Williams, Representative Stratton, and members of the Environment Committee. My name is Rob Guillemine, and I'm the Environmental Purchasing Coordinator for the Department of Administrative Services. For the last year and a half I've been helping to run their Environmentally Preferable Purchasing Program. Thanks for the opportunity to testify in support of HB6953, AN ACT ESTABLISHING A COMPREHENSIVE POLICY FOR ESTABLISHING PREFERABLE PURCHASES BY STATE AGENCIES.

During the 2000 session every member of the Environment Committee and the state senate approved this proposal, but unfortunately it died on the house calendar. But even without the support of this legislation, we've been able to continue to find opportunities to promote green purchasing where possible. So far our accomplishments include contracts for recycled papers and office supplies, less toxic pest control services, energy efficient computers and copiers, retread truck tires, and recycled traffic cones. We've also initiated pilot projects for refined motor oil, we've manufactured toner cartridges, and green cleaners for janitorial use. Because of these efforts Connecticut has been recognized nationally as a leader in sustainable procurement, in addition to being featured in publications and magazine articles.

In July of this past year DAS was selected as one of ten state agencies to come down to Washington D.C. and participate in the President's White House Conference on green purchasing. This is a great event to go to because we were able to come together with a lot of other green purchasing

SEN. WILLIAMS: If you could identify yourself?

REP. PANARONI: I'm sorry, I'm Representative Peter Panaroni, from the town of Branford. Thank you. I'm here in fully support of HB6198. I know that in my town of Branford we have what we consider to be an expert in this area about Crellan (phonetic) who is signed up later to speak to you.

HB6957  
HB5069

Branford has adopted rules and regulations on lighting and on specifically cutoff lighting. We have several new projects, and hopefully some of you may get the opportunity to ride through our town. There are several new projects that have been built with cutoff lighting, and the difference is amazing. It's hard to describe except that when you see it you really -- it's hard to believe. And the lighting to the ground, you see better. We're not throwing light into the sky. It's like when Bob first came to me and said, when you were a kid did you look up at the sky and see the stars? Well now it's hard to see them because we light it up so well. So hopefully you will look favorably upon this bill, and pass this along.

We do have one in Transportation that's also being worked on that we have raised, and the state is involved in a program to install cutoff lights when you're replacing lights along the highway now. And we're just looking to advance it even further. To have a council and start looking at this lighting issue.

(HB 5449)

Also, if you'll allow me, I'd just like to lend my support if I may to HB6954 concerning the protection of Connecticut's aquacultural industry. On the shore where I do -- down in Branford on the water, the aquacultural industry is big down between our oyster people, our clam beds, the oyster beds not far from my home, they have seen oysters there that they're raising. And of course the lobster industry which we've heard so much about recently, and the problems they have had. So I'd like to lend my support to that bill, and hopefully that will -- I know that the Siting Council -- I heard Senator Gunther mention before,

and I heard it last night, that preliminary vote went 7, 2 to not allow this to happen. But we need to make sure that it doesn't happen, that this doesn't come to be.

And one last one that I'd like to discuss is HB6957 which is an act concerning the trimming trees. I think that this bill is a little bit of an overkill myself. I would like to see if possible, we have a bill in Transportation 5069, which we have heard, and have brought forward and is being discussed now. Perhaps you might consider sending this bill over to Transportation and you can incorporate into -- we've already done it. And we'd be happy to take a close look at it. Thank you for your time.

SEN. WILLIAMS: Thank you for your testimony. Are there questions? Representative Widlitz.

REP. WIDLITZ: Thank you. We'd be glad to put that tree bill in your good hands as long as you pass it, and get it out of the Committee.

REP. PANARONI: Now, do we know who's bill it is? We will absolutely take a close look at it.

SEN. WILLIAMS: Additional questions? Thank you. Scott Shanley, Dr. John Anderson, and Martin Overton.

SCOTT SHANLEY: Good morning. My name is Scott Shanley, I'm a Town Manager of the Town of Enfield. This morning joining me is Councilman Alice Eagan. We're here today to testify in support of HB6957 which the -- was just suggested perhaps the Transportation Committee could take a look at. If it pleases the Chair I would like Councilwoman Eagan to testify on behalf of the town counsel, the town of Enfield.

ALICE EAGAN: Good morning. As Scott stated, I am Alice Eagan, Counsel member from the town of Enfield. On behalf of the entire town council and the residents of Enfield which are members 43,000 I think. I thank you for this opportunity to come before you to speak in support of HB6957.

Last spring, a number of angry calls were received

them in to get the refund. As time went by they did away with that law.

PETER WILCOX: It was not a mandatory refund, it was done early in the industry when glass was very expensive as a way of getting back to distributorship, they value their glass which they put in for a credit to the manufacturer.

REP. MEGNA: Right, but they did away with that at one point, and that's what you're pointing now out to the Committee.

PETER WILCOX: That's quite a while ago.

REP. MEGNA: I'm 42 years old so. I was probably eight years old or something like that. But it was a wonderful way to keep the community clear of litter as some of my other colleagues have pointed out.

PETER WILCOX: Did you then take the money and buy baseball cards, and then throw the wrapper on the ground?

REP. MEGNA: I just wanted to indicate that it was missed in New Jersey.

PETER WILCOX: New Jersey actually doesn't have a system like that anymore, they don't want one because we've helped set up curbside recycling township by township, they have grants that they give to the towns to set up the recycling. Once they see the value of aluminum they're pretty much hesitant -- or anybody else to share it with them, because it helps offset the other costs. But it was quite a while ago, more than a generation ago that they had non mandatory refund deposits on bottles. That was mainly glass bottles, our packaging has shifted very much away from glass.

REP. MEGNA: Thank you.

SEN. WILLIAMS: Additional questions? Thank you very much. Next Joel Reinbold to be followed by Gian Carl Casa, and David Evans.

JOEL REINBOLD: Thank you. It's my pleasure to be here

HB 6954

Representative Stratton, and Senator Williams and other members of the Committee. I'd like to make a few very brief comments and remarks on HB6954, this is an act concerning Connecticut's Aquaculture.

We agree with the intent of this raised bill, and certainly with the intent of Senator Gunther's comments that he's made earlier. As many of you know Mort Galston (phonetic) who is the Chairman of the council who sends his regrets for not being here has been a farmer for many years, and has been a champion of agricultural interests on the state and national level for decades.

Myself, before working with the state of Connecticut I was District Manager with the United States Department of Agriculture. So we fully understand and agree with the interest to protect aquaculture in the state of Connecticut. We do however, have concerns that the bill as it's written just may not be needed. Existing language includes protection for fish and wildlife, and if there's intent to protect shell fish, the protection is already there.

You may want to consider adding aquaculture as an explicit item for protection in the existing criteria of our law as another element. If you don't, if you leave the law written -- if you leave the bill written as it is now it may overemphasize your concerns. That is, it may turn into a prohibition and may suggest that you believe that aquaculture is more important than protection of the natural environment, protection of ecological balance, protection of public health, public safety, protection of scenic historic recreational, protection of forests and parks, protection of air, water quality, and more important than protection of fish and wildlife. So I would be very careful about overemphasizing it as the bill has been written. If you do indeed seek to have it written as it is consider just slipping the word significant in front of the language as we've provided in our written testimony.

Last, I would like to point out that there's maybe the tiniest of defects here that I'm sure would

have been noticed. I believe it's in the wrong section of the statute, that is that it seems to address protection of aquaculture for overhead lines which would be a tough argument. You may want to move it over to 16-50P subsection C, subparagraph 2 which addresses underground or underwater facilities. Questions, comments?

REP. STRATTON: Thank you very much Joel for your comments, and this bill was drafted before the decision. I applaud you for yesterday. But in terms of our anticipated decision, I guess my real question and probably as we decide as a Committee whether to go forward with changing this at all, I think my question to you is much more not looking at the specific language here, but do you think there was guidance, or changes legislatively that could have come from the legislature that would have made argument or the debate in this clearer, that this really was a kind of an incursion that was not something the state would find in it's best interest, or obviously deciding council asked wonderful questions, had a lot of testimony and that kind of thing. I guess my question is were there tools that we could have given you given our concern of protecting this resource that would have made that even more clear that that would have been where you would have come out?

JOEL REINBOLD: That's a great question. I think the information was in the record, but I would have no objection if you were to include language, water, purity and aquaculture in the existing list of criteria. In 16-50P C2, and that is you may consider inserting it just before fish and wildlife, and that I think would help, it sure wouldn't hurt.

REP. STRATTON: Thank you very much.

SEN. WILLIAMS: Additional questions? Thank you. Gian Carl Casa, then David Evans.

GIAN CARL CASA: Good morning Senator Williams, Representative Stratton, members of the Environment Committee. My name is Gian Carl Casa, I'm Director of Legislative Services for the Connecticut

HB6959

problems associated with these containers that have to be deposited. So there are a lot of environmental and economic costs associated with landfills, incineration.

And also the non profit organization I eluded to earlier, Connecticut recycling institute has noted that 75 -- it takes 75 percent more energy to produce a container such as an aluminum container from raw materials than it does to produce that same container from recycled products. There's substantial environmental and economic costs concerning the production of these beverage containers in the first place. So we do support that bill.

Secondly, concerning grant level funding for nitrogen removal in Long Island Sound. As you know hypoxia is caused by excessive nitrogen levels. Is the most serious environmental problem faced by the sound according to the Long Island Sound study. Whether we meet our total maximum daily load requirements largely depends upon the level of funding that nitrogen removal projects have.

HB 6959

So CFE advocates supporting, helping municipalities by increasing the state funding levels. We think that this would avoid unduly burdening, distressed communities, distressed local sewer plant rate players by spreading the significant cost of nitrogen reduction projects throughout the state.

So that's really all I have to say. And I'd be happy to answer any questions about either of these bills.

REP. STRATTON: Thank you Penny, and we'll be happy to receive that information. Randy Blackmer, followed by Leo Smith.

RANDY BLACKMER: Good afternoon Senator Williams, Representative Stratton, members of the Environment Committee. My name is Randy Blackmer, and I represent the Connecticut Farm --

HB 6958 HB 6954  
HB 6961

(Gap turning from tape 2B to 3A.)

In favor of HB6958, AN ACT CONCERNING THE CONNECTICUT GROWN PROGRAM AND THE FARM WINE DEVELOPMENT COUNCIL. (Inaudible.) Almost 70 percent of those surveyed said they would purchase Connecticut Grown products if they knew they were locally grown. That overwhelming response demonstrates our citizens commitment to supporting and buying fresh products from Connecticut farmers.

The proposed grant and aide program of a million dollars certainly helps our farmers with their marketing efforts. Members in Fairfield County turn on their TV's and see New Jersey's fruits and vegetables being advertised as part of the tourism effort that sends a very loud message that we're not doing enough to promote our own industry.

Also I'd like to address the -- to support HB6954, AN ACT CONCERNING PROTECTION OF CONNECTICUT'S AQUACULTURE INDUSTRY. Our Connecticut Aquaculture industry is home to some of the highest quality shellfish in the world. The oysters and clams raised and housed from the beds in Long Island Sound are recognized for their value and excellent flavor. The unique ecosystem that allows us to produce these products can and will be easily disrupted if electric or fuel transmission lines are continuously laid out across the Sound.

The third bill I'd like to speak to is, I speak in favor of HB6961, the humane control of deer. Every year our members suffer hundreds of thousands of dollars in losses due to deer damage. If you think you have it tough when they eat the shrubs around your house, think how our nursery growers feel when the deer clip off 15 acres worth of plantings. Our crops become very, very expensive wildlife feed. We would rather have the income from the sales to feed our families rather than feed the deer.

And I can speak from personal experience. I have a grocery corn, I had a field of approximately 8 acres that the deer got into and did a real job on.

I rent this land, and the person I rent it from was able to look out his upstairs window and counted 29 deer in this one acre field having lunch on me. They mutilated the crops so that it was --

JOINT  
STANDING  
COMMITTEE  
HEARINGS

ENVIRONMENT  
PART 5  
1341-1697

2001



# State of Connecticut

SENATE

STATE CAPITOL  
HARTFORD, CONNECTICUT 06106-1591

**SENATOR GEORGE L. GUNTHER, N.D.**  
DEPUTY MINORITY LEADER-AT-LARGE  
TWENTY-FIRST DISTRICT

890 JUDSON PLACE  
STRATFORD, CONNECTICUT 06615  
TELEPHONES  
CAPITOL: (860) 240-8863  
HOME: (203) 378-8572  
FAX: (860) 240-8308

RANKING MEMBER  
PUBLIC HEALTH COMMITTEE  
REGULATION REVIEW COMMITTEE

MEMBER  
LEGISLATIVE MANAGEMENT COMMITTEE

CO-CHAIRMAN  
BI-STATE LONG ISLAND SOUND COMMITTEE

COMMISSIONER  
ATLANTIC STATES MARINE FISHERIES COMMISSION

MARCH 16, 2001

## TESTIMONY TO THE ENVIRONMENT COMMITTEE, RE: SB 92, "AAC THE PERMITTING OF POUND NETS," AND HB 6954, "AAC THE PROTECTION OF CONNECTICUT'S AQUACULTURE INDUSTRY."

SB 92: I support this bill for permitting of pound nets. It is unfortunate that the Department of Environmental Protection did not give people in the area an opportunity to be heard on the pound net approval on Sheffield Island, although I agree with the Department that it was technically correct to mandate.

Pound nets are probably one of the best ways to catch fin fish. It doesn't have the negative side of otter trawlers who destroy as many fish as they take. Pound nets allow the release, alive, of species that are not harvestable.

Locating a pound net, one of two in the state, on Sheffield Island, in a heavily-used recreational area is certainly not the best location. A public hearing might have ended up establishing this. SB 92 will mandate a public hearing. I strongly support this.

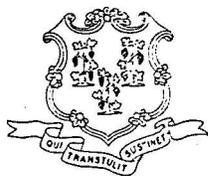
HB 6954: I support this bill and hope the final draft will include some additions. Yesterday, the Siting Council had a meeting to receive the Finding of Facts from their staff. It is too bad that every member of this Committee was not there to hear the comments of several members of the Council. HB 6954 will help by putting into law a policy relative to siting "electric" or "fuel" lines into environmentally sensitive areas of our state, but I feel additional language is necessary. You should make it as strong as you can concerning establishment of electric, fuel (oil and gas), water, communication cables or any other structures in or on the seabed of Long Island Sound..

Look at Connecticut's law on Aquaculture. I sponsored this law years ago that put aquaculture in the Agriculture Department; we were the first state in the country to do so. The present law is in Section 22-11c and 22-416 of the *General Statutes*. This definition relates to "controlled and harvested" shellfish, fish, and seaweed. The definition should be broadened to other than controlled and harvested species. All fish, shellfish, or aquatic plants that are harvested commercially and recreationally should be in the definition of "aquaculture" of Connecticut.

I don't think you can do it in this Committee but maybe a bill can be raised that prohibits the courts from allowing applicants who accept "endowments" to then close the records on how much money the applicants receive and that also prohibits the applicants from any communication to boards or commissions or committees on the issue. Several Siting Council members remarked yesterday that they felt that this petition had not had a full hearing because the people whom the court had restricted should have been able to testify.

Yesterday's hearing showed that despite major flaws in our law the system works. A preliminary vote by the Siting Council yesterday shows that by a vote of 7 to 2 the Council would ultimately vote to reject this petition. Credit goes to the Attorney General without whose help our State Aquaculture Division would not have been able to testify. Save Our Sound's Director John Atkin, the Connecticut Seafood Council, the Coastal Conservation Association, the Long Island Sound Councils, the New Haven Board of Aldermen, and many legislators also deserve credit for taking the time to write to the Council; they couldn't be bought off by big utility hush money.

This bill, with some rewording, may give a message that Connecticut is not for sale to the highest bidder.



# STATE OF CONNECTICUT

## DEPARTMENT OF AGRICULTURE

Bureau of Aquaculture and Laboratory



### CONNECTICUT SEAFOOD COUNCIL

March 16, 2001

Representative Jessie Stratton  
 Senator Donald Williams  
 Co-Chairs  
 Environment Committee  
 Legislative Office Building  
 Hartford, CT 06106

Representative Stratton, Senator Williams, Members of the Environment Committee,

My name is Barbara Gordon. I am the Executive Director of the CT Seafood Council. We are here in support of Raised Bill #6954.

My testimony is specifically in reference to TransEnergie's proposal to place a cable in New Haven harbor, but it reflects our overall opposition to any intrusion of cable into Long Island Sound, which would adversely affect our aquaculture industry.

The attached editorial from the Hartford Courant expresses the views of the CT Seafood Council regarding the TransEnergie proposal.

We are more convinced than ever that the placement of this cable would negatively impact our most valuable shellfish beds, and that reparation would be far from a certainty. Testimony from TransEnergy also makes it quite clear that this would not be the last cable to be placed in the harbor. A very frightening precedent appears to be looming.

Our industry is vulnerable at best. We deal with weather conditions, competition from other states who protect and support their industry in greater measure than CT; market fluctuations and other unpredictable, uncontrollable events such as MSX and lobster die-off. We do not need further burdens.

001402

Rep. Stratton and Sen. Williams – page 2 – 3/16/01

Our fishermen work extremely hard to make a living. Fishing and lobstering remain

Among the most difficult of vocations, but the love and dedication to this age-old industry is ever present. The location of a cable is something which can be controlled. We must take charge, to the degree possible, of the future of this honorable industry. When it is possible to prevent damage, we must do so.

As you know, we have received support in this matter from the Long Island Sound Assembly; President Pro-Tempore of the Senate, Kevin Sullivan; Rep. Jessie Stratton, Chairwoman of the Environment Committee; the New Haven Board of Aldermen; the Southern New England Fishermen and Lobstermen's Association; Save The Sound; the CT Maritime Coalition and bipartisan support from individual legislators.

All are adamant in their opposition to the cable and in their desire to protect one of Connecticut's most valuable resources.

We urge your support of Raised Bill #6954.



Barbara C. Gordon  
Executive Director

129 Ardmore Road  
West Hartford, CT 06119

Phone: 860-523-8705

Fax: 860-523-8960

e-mail: [ctseafoodcouncil@aol.com](mailto:ctseafoodcouncil@aol.com)

<http://www.ctseafood.org>

# Nothing Good Will Come From This Cable

.....  
**BARBARA GORDON**  
 .....

**T**ransEnergie, a member of the Hydro-Quebec Group, has petitioned the Connecticut Siting Council for permission to submerge an electrical cable in Long Island Sound.

The cable would pass directly through the oyster beds in New Haven harbor, bringing power in one direction exclusively — to Long Island. It will be of no value to Connecticut.

The Connecticut Seafood Council strongly urges the siting council to deny the TransEnergie petition.

Ernest Ball, whose family holds 400 acres of prime oyster grounds in New Haven harbor, has said quite correctly in a plea to the siting council that installation of a cable can have an adverse impact on the historically productive shellfish grounds. He's also expressed concern about the potential future effect on the navigational channel passing through the harbor.

He's right. The project that will rip a 4-foot-wide trench through shellfish beds, cause a strong electromagnetic field and produce lingering sediment, which could disrupt the spawning of finfish in the harbor and be of no benefit to the state of Connecticut. Isn't that enough reason for the siting council to

reject it?

We shouldn't allow beds we've worked hard to reinvigorate to be endangered by development. Larry Williams of Guilford, who has been in the shellfish industry since 1973, is calling for a universal ban on development in all shellfish grounds. He questions what type of impact the electromagnetic field and the increased bottom temperatures caused by the cable will

.....  
*A 4-foot-wide trench  
 through shellfish beds  
 could disrupt the  
 spawning of finfish in  
 the harbor and be of no  
 benefit to the state.*  
 .....

have on the shellfish population.

"Mother Nature makes things the way they are and any time man increases or decreases something as critical as bottom temperatures, it is almost never for the better," he said.

The opposition has come from many fronts. John Atkin, president of Save the Sound, an environmental group from Stamford, has expressed concerns about the precedent that would be set by allowing this cable to

be installed. Nick Crismale of Guilford, president of the Connecticut Commercial Lobstermen's Association, worries about the harm the electrical field created by the cable might have on lobsters and their migratory patterns.

Meanwhile, after the state Bureau of Aquaculture has spent the last decade and a half trying to boost the shellfish industry, its director, John Volk says it could threaten the harbor's oyster beds, the most intensely cultivated beds on the Connecticut coast.

It's hard to overstate the many groups along the coast who oppose the TransEnergie project.

State Sen. Toni Harp, D-New Haven, and a majority of the New Haven legislative delegation have also voiced their concerns. The Connecticut Maritime Coalition is against it, as is Attorney General Richard Blumenthal, who has called the state's shellfish industry "an important and fragile resource, and an integral part of Connecticut's heritage."

TransEnergie is a multimillion-dollar corporation. We submit that it can well afford to put additional funding toward an alternate land route. We cannot afford to damage our shellfish crop or jeopardize the future of our industry.

**Barbara Gordon** is executive director of the Connecticut Seafood Council.

# Oysters In Way Of Power Line Proposal

HC 1/17/01

## New Haven-Long Island Trench Would Harm Choice Shellfish Beds, Critics Say

By DANIEL P. JONES  
Courant Environment Writer

A large Canadian power company plans to lay electricity transmission cables between Connecticut and Long Island, rising through shellfish beds in New Haven harbor that are the heart of the state's \$600 million oyster industry.

The two cables, proposed by Hydro-Quebec subsidiary TransEnergie U.S. Ltd., would connect the electricity distribution systems of New England and New York across 24 miles of water. For the foreseeable future, the cables would send power from Connecticut to Long Island.

But the proposed route across Long Island Sound is drawing fire from Connecticut's seafood and maritime interests, and state Attorney General Richard Blumenthal. They say digging in the seabed with a jet spray of water to make a trench for the cables would damage or destroy the state's most important oyster beds.

"These are some of the most intensively cultivated shellfish beds in the country, and the traditional hub of Connecticut's

Please see POWER, Page A9

# Power Line Hits Hurdle In Oysters

Continued from Page A1

oyster production," said John J. Volk, director of the state aquaculture division. "More than 50 percent of Connecticut's oyster production gets its start in New Haven harbor."

Connecticut is second to Louisiana in annual oyster production, though Connecticut oysters typically fetch higher prices because of their quality and taste. The state's oyster industry generates about \$60 million for the regional economy and employs more than 400 people.

Blumenthal, who intervened in the company's application to the Connecticut Siting Council, said the cables would be primarily, if not exclusively, "beneficial to New York residents at a tremendous and unacceptable potential cost to Connecticut."

TransEnergie officials say the \$25 million cable project would allow power to be transmitted in both directions.

The company has an agreement with the Long Island Power Authority that "would likely result in them purchasing power from the New England region," said James Nash, TransEnergie's project director. But, he added, "By offering another path for transmission, it increases the reliability of the Connecticut and New England power grid."

Nash said the project would have a minimal impact on shellfish beds and shouldn't affect oyster production because the company has agreed to contribute at least \$2 million to help restore the beds and create a hatchery. He also said the jetting technique the company plans to employ to dig a trench for the cables is environmentally sensitive.

The company would lay two electric-transmission cables and one fiber-optic cable, which would be used to control the electric transmissions. The cables would link a United Illuminating electrical substation in New Haven with the transmission system at a one-mile Brookhaven nuclear plant in Brookhaven, Conn.

Critics say the high-pressure jet spray of water used to dig the trench would damage oysters and other marine life. It would stir up sediment that would fall back to the bottom, creating a larger area of unstable sand and soil that would take seven years or more to support oyster farming. "An obstacle to harvesting shellfish, National Marine Fisheries Service experts say.

"We have every expectation that there will be both short-term and long-term harm associated with the cable placement," said Michael Ludwig, an ecologist with the fisheries service in Milford.

The cable project initially drew opposition from commercial oyster producers that lease beds in the harbor, including Tallmadge Bros. and BriarPatch Enterprises. The Long Island Soundkeeper, a nonprofit environmental group, also had reservations.

But TransEnergie recently signed agreements with Tallmadge Bros. and BriarPatch. The terms are confidential.

The company also has come to agreements with the Soundkeeper group and the state Department of Agriculture to provide \$1 million to each. The money would be used to help pay for a state seed-oyster hatchery and to help restore oyster beds in New Haven harbor and elsewhere along the Connecticut shore.

Blumenthal intervened in the ongoing siting council case last week when it appeared that Tallmadge Bros. and BriarPatch would settle with TransEnergie.

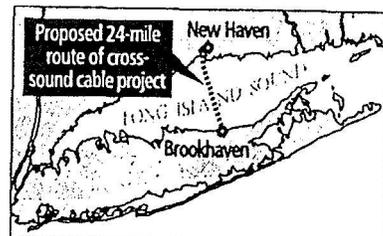
The shellfish beds in the harbor are "public trust" lands owned by the state and held for its citizens, Blumenthal said. He said he intervened because past experience with buried underwater cables shows they "have caused long-term and irreparable harm" to shellfish beds. "It could affect not only oysters but also lobstering," he said.

The siting council, which rules on proposals for things as high-voltage transmission lines, gas pipelines and cellular telephone antennas, will continue a hearing on the issue Jan. 24 in New Britain.

Barbara Gordon, executive director of the Connecticut Seafood Council, said her group is "extremely concerned" with the project because it might jeopardize the oyster beds.

The Connecticut Maritime Coalition, an organization of water-dependent industries and agencies, also is opposed to running the cables through the oyster beds.

"We're not opposed to the cable or to supplying Long Island with power," said William Gash, the coalition's executive director. "We want TransEnergie to go back and look at other routes for the cable to take."



The Hartford Courant

TESTIMONY OF MORTIMER A. GELSTON, CHAIRMAN  
CONNECTICUT SITING COUNCIL

BEFORE A HEARING OF THE ENVIRONMENT COMMITTEE  
ON RAISED BILL NO. 6954

AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S AQUACULTURE  
INDUSTRY

MARCH 16, 2001

Although the Siting Council generally supports the concept to protect the State's aquaculture industry, the Council is concerned that the proposed language would prohibit any electric or natural gas transmission line, even if the benefits to the State of Connecticut substantially outweigh any effect on the State's aquaculture industry. Such a *de facto* prohibition may not be in the State's best environmental and economic interests. Consequently, the Council suggests that the proposed decision criteria be qualified that electric or fuel transmission lines will not pose an undo hazard or create any significant detrimental effect on the State's aquaculture industry.

Thank you for the opportunity to comment on this proposal.

**Connecticut Farm Bureau Association, Inc.**

510 Pigeon Hill Road • Windsor, CT 06095-2141  
(860) 298-4400 • Fax (860) 298-4408 • www.cfba.org

**HB 6954*****AAC Protection of Connecticut's Aquaculture Industry***

Chairwoman Stratton, Chairman Williams and members of the Environment Committee, my name is Randolph Blackmer and I am President of the CT Farm Bureau, an organization made up of 5300 farm family members all across Connecticut. I am here before you to urge you to support HB 6954, AAC Protection of Connecticut's Aquaculture Industry.

Our Connecticut aquaculture industry is home to some of the highest quality shellfish in the world. The oysters and clams raised and harvested from the beds in Long Island Sound are recognized for their value and excellent flavor. The unique ecosystem that allows us to produce these products can and will be easily disrupted if electric or fuel transmission lines are continuously laid out across the Sound.

We respect the Siting Council's knowledge and ability to weigh the options and requests before it, but hope previous circumstances this winter do not become a regular occurrence in the future. Environmental impacts can be great, and while we like to think they can be controlled, one can't provide for certain how nature will react.

Our members who fish the waters off the coast are very hard working people, and they have little desire to enter litigation over this issue. In some cases their livelihoods may be at stake, and we hope you will pass this bill so the location of any future lines will not pose an undue hazard or detrimental effect on our aquaculture industry.

Thank you for your time and attention to this matter.



## STATE OF CONNECTICUT

## CONNECTICUT SITING COUNCIL

Ten Franklin Square, New Britain, CT 06051

Phone: (860) 827-2935 Fax: (860) 827-2950

E-Mail: [siting.council@po.state.ct.us](mailto:siting.council@po.state.ct.us)Web Site: [www.state.ct.us/csc/index.htm](http://www.state.ct.us/csc/index.htm)TESTIMONY OF MORTIMER A. GELSTON, CHAIRMAN  
CONNECTICUT SITING COUNCILBEFORE A HEARING OF THE ENVIRONMENT COMMITTEE  
ON RAISED BILL NO. 6954AN ACT CONCERNING THE PROTECTION OF CONNECTICUT'S AQUACULTURE  
INDUSTRY

MARCH 16, 2001

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Thank you for the opportunity to comment on this proposal.

My name is Lawrence Williams. I have been shell fishing for 28 years.

I would like to endorse Bill # 6954. As a full time shell fisherman, I have experienced many examples of the wonderful potential of Connecticut's shellfish resources.

Starting in 1973 with a tremendous set of oysters in the Housatonic River, right up to the present day, these resources have provided a living for myself and my family.

Indeed, it is my experience wherever I go that Connecticut's program is looked upon by the other states and regions with respect and envy.

We have been the recipients of a long history of litigation protecting this valuable resource. The state of Connecticut, its legislators, as well as industry people have contributed time, careful consideration, experience, as well as reputations defending it.

Recently, there have been large underwater construction projects that directly impact many shell fishing areas. Experience with past projects urges caution, and extremely careful consideration must be taken when pipelines, cables or similar projects are proposed. The shellfish resources, the shellfish industry, as well as other fisheries are dependent on many environmental factors to maintain their resources. For example, water temperature, dissolved oxygen, current food, sunlight, habitat and bottom characteristics are but a few. Major or even minor changes in these areas can lead to serious consequences for the marine environment. Rehabilitation of the bottom after construction projects has never demonstrated itself to be successful.

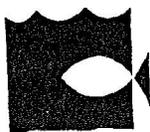
The clear issue facing us today is whether or not the shellfish resources will be able to exist with the massive underwater construction projects that are before us.

The answer, based on what I have previously witnessed, is no.

I have submitted a petition along with my testimony that is signed by a number of fellow shell fishermen. They are as concerned as I am that these projects are as detrimental to the resource, the ground and the industry. I intend to keep this petition active, for I believe many more will sign it.

In conclusion, I would like to thank the state of Connecticut for the opportunity that was given me so many years ago. I have been blessed with a career of shell fishing. My wife and daughter both love and support me. My hope is that I can work towards building a healthy future for the shellfish industry in Connecticut.

I believe that Bill # 6954 will be a large step in assuring there will be one.



Save the Sound®

Save the Sound, Inc.  
185 Mague Avenue  
Stamford, CT 06902  
Tel: 203 327.9786  
Fax: 203 967.2677

Save the Sound, Inc.  
at Garvies Point Museum  
50 Barry Drive  
Glen Cove, NY 11542  
Tel: 516 759.2165  
Fax: 516 759.0644

Toll Free:  
1 866.SAVE LIS

Web:  
[www.savethesound.org](http://www.savethesound.org)

E-mail:  
[savethesound@snet.net](mailto:savethesound@snet.net)

Tommy Jo Atkin, President, Save the Sound, Inc., before the Joint  
Committee on the Environment, March 16, 2001

House Bill No. 6959 -- An Act Concerning Grant Level Funding for Nitrogen  
Removal in Long Island Sound.

House Bill No. 6954 -- An Act Concerning the protection of Connecticut's  
Aquaculture Industry

Senate Bill No. 92 -- An Act Concerning the Permitting of Pound Fishing Nets

Senator Williams, Representative Stratton and Members of the Environment Committee:

My name is John Atkin, and I am President of Save the Sound, Inc. We are based in Stamford, Connecticut and have offices in Glen Cove, New York and Groton, Connecticut. Save the Sound is a 29 year-old, non-profit membership organization dedicated to the restoration, protection and appreciation of Long Island Sound and its watershed through education, research and advocacy.

Save the Sound ("STS") strongly supports H.B. No. 6959 (*An Act Concerning Grant Level Funding for Nitrogen Removal in Long Island Sound*). The state of Connecticut faces a daunting task of reducing the level of nitrogen in the Sound by 58.5%. This reduction cannot be met without a source of funding to assist municipalities with infrastructure upgrades – upgrades costing an estimated \$2.8 billion over the next 25 years.

I am asking for your support for this additional funding for nitrogen removal. This bill would allow an increase in state grants for municipal projects undertaken for nitrogen removal from thirty to fifty percent of the cost of the project, thus making the requisite upgrades more feasible.

STS also supports H.B. No. 6954 (*An Act Concerning the Protection of Connecticut's Aquaculture Industry*).

Connecticut oysters are exported around the world and are renowned for their high quality. The Connecticut oyster harvesting industry employs over 400 people and generates 60 million dollars for the regional economy. Connecticut's oyster aquaculture industry ranks first in the entire United States for dollar value, and second for production.

The Sound's ecosystem is unique and sensitive. The beds and the shellfish they support are extremely sensitive to chemical and physical changes, such as increases in temperature and sedimentation. Any disruption in their habitat can have long-term effects on their ability to survive.

The installation of electric or fuel transmission lines has the potential to disrupt and permanently destroy shellfish beds by disturbing the substrate layers. Shellfish in the direct path of the transmission line would be destroyed. Installation would also cause dispersal of sediment and silt in the water column. Harmful substances contained in the seabed, such as mercury, oils, heavy metals, PCPs, and other contaminants, would become suspended and could contaminate shellfish beds and other marine life. Another concern is the suffocation of shellfish within the impact zone. Clams can survive in an

become suspended and could contaminate shellfish beds and other marine life. Another concern is the suffocation of shellfish within the impact zone. Clams can survive in an environment in which they are covered with dirt, but oysters cannot.

The seabed profile (i.e., the density of the mud, shell, or sand bottom) in shellfish bed areas is extremely critical. Even after restoration attempts to the trenched area of the seabed, there is typically a distortion to the seabed that allows for the accumulation of organic materials prohibitive to oyster production. There is strong evidence to suggest that once the area is disturbed, it can never be restored to its pre-construction condition.

Connecticut's shellfish are a significant natural resource that must be protected at all costs and H.B. No. 6954 is a necessary measure to accomplish this protection.

S.B. No. 92 (An Act Concerning the Permitting of Pound Fishing Nets)

STS also supports S.B. 92, An Act Concerning the Permitting of Pound Fishing Nets. S.B. 92 would require that pound net applications be subject to public notice and comment and the opportunity for a public hearing through the general permit process, in contrast to the existing system of a Certificate of Permission process.

To explain more fully, pound nets are currently permitted by the Connecticut Department of Environmental Protection ("DEP") under the Certificate of Permission ("COP") provision of the Connecticut General Statutes (CGSA § 22a-363b). CGSA § 22a-363b(a) authorizes the issuance of a COP under very limited circumstances. The primary purpose of the COP provision is to relieve persons from the burdens of the permitting process where it would be redundant (i.e., where the permittee is seeking merely to repair an already permitted structure), or where the structure to be erected is temporary. The DEP currently issues a COP for pound nets without considering the location for placement of the impact on recreational fishing.

STS does not believe that it was the legislative intent to allow pound nets to be permitted in this manner. Our main concern is that in issuing a permit under the COP provision, the requirements of the general permit process are circumvented. Under the general permit process (CGSA § 22a-361), the proposal is subject to public notice and comment and the opportunity for a public hearing. In addition, issues such as pound net location and proliferation could be addressed under the general permit process.

S.B. No. 92 addresses these concerns by amending CGSA §22a-363b to preclude the issuance of a COP for pound nets.

Thank you.