

PA12-167

HB5259

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|--------------|------------------------|-----------|
| Environment | 1314-1320 | 7 |
| Senate | 4497A-4497C, 4498-4499 | 5 |
| <u>House</u> | <u>2177-2188</u> | <u>12</u> |
| | | 24 |

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 4
1042 – 1398**

2012



Connecticut Federation of Lakes

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CFL
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Public Hearing – March 2, 2012 Environment Committee

Testimony Submitted by the Connecticut Federation of Lakes
Larry Marsicano, President

In Support of

H.B. No. 5259 – AN ACT REQUIRING THE INSPECTION OF VESSELS AND VESSEL TRAILERS FOR AQUATIC INVASIVE SPECIES

The Connecticut Federation of Lakes (CFL) submits this testimony in support of H.B. 5259 – An Act Requiring the Inspection of Vessels and Vessel Trailers for Aquatic Invasive Species. The raised bill aims to make important modifications and improvements to legislation which was passed and put into effect in June of 2003. That legislation, Section 15-180 from Chapter 268 – Boating, is entitled *Transporting vessel or trailer without inspecting for and properly removing and disposing of vegetation* and states that *no person shall transport a vessel, as defined in section 15-127, or any trailer used to transport such vessel, in the state without first inspecting such vessel for the presence of vegetation and properly removing and disposing of any such vegetation from such vessel or trailer.*

The existing legislation, which has been very helpful in limiting the expansion of invasive plants, needs to be extended to require boat and trailer inspections of not just "vegetation" but all "invasive species" which covers both invasive plants *and invasive animals*. Unfortunately, it is no longer just invasive plants that threaten our waterbodies and State and local economies. Since the fall of 2010 Lakes Lillinonah, Zoar and Housatonic of western Connecticut have all become infected with the aquatic invasive animal zebra mussels (*Dreissena polymorpha*). Before that, introductions and establishment of zebra mussel colonies had occurred at East Twin and West Twin Lakes of Salisbury, CT. This particular nuisance freshwater mollusk can cause extensive ecological,

recreational and commercial damage by their establishment of dense, reef like colonies that can form on all hard substrates in some lakes. Like invasive plants, these organisms can be transported and introduced in other lakes as "hitchhikers" on boats and trailers moving from inland water resource to another. This is one of the primary reasons the current law should be amended to include "aquatic plants and invasive species" (which includes animals like zebra mussels) instead of just the phrase "vegetation".

Mr. Bill Hyatt, CT DEEP Natural Resources Bureau Chief, recently described invasive species as one of the top three threats to our environment. We at the CFL concur with Mr. Hyatt and believe that any proposed improvements in our ability to help prevent the spread of aquatic invasive species should be given appropriate consideration. This proposed bill looks to improve upon on good legislation making it illegal to transport vessels in the State without first inspecting, removing, and disposing of aquatic vegetation and aquatic invasive species (plants and animals) from vessels and trailers. This will require only minor modifications to the existing law and is practical as species like zebra mussels can be readily detected on trailers and boat hulls.

The Connecticut Federation of Lakes fully supports HB 5259 as another step the State of Connecticut can take to prevent the spread of aquatic invasive species.



CANDLEWOOD LAKE AUTHORITY

P.O. BOX 37 • SHERMAN, CONNECTICUT 06784-0037 • (860) 354-6928 • FAX (860) 350-5611

Public Hearing – March 2, 2012 **Environment Committee**

Testimony Submitted by the Candlewood Lake Authority
Larry Marsicano, Executive Director

In Support of

H.B. No. 5259 – AN ACT REQUIRING THE INSPECTION OF VESSELS AND VESSEL TRAILERS FOR AQUATIC INVASIVE SPECIES

The raised bill aims to make important modifications and improvements to legislation which was passed and put into effect in June of 2003. That legislation, Section 15-180 from Chapter 268 – Boating, is entitled *Transporting vessel or trailer without inspecting for and properly removing and disposing of vegetation* and states that *no person shall transport a vessel, as defined in section 15-127, or any trailer used to transport such vessel, in the state without first inspecting such vessel for the presence of vegetation and properly removing and disposing of any such vegetation from such vessel or trailer.*

Since the fall of 2010 Lakes Lillinonah, Zoar and Housatonic of western Connecticut have all become infected with the aquatic invasive animal zebra mussels (*Dreissena polymorpha*). Before that, introductions and establishment of zebra mussel colonies had occurred at East Twin and West Twin Lakes of Salisbury, CT. This particular nuisance freshwater mollusk can cause extensive ecological, recreational and commercial damage by their establishment of dense, reef like colonies that can form on all hard substrates in some lakes. Like invasive plants, these organisms can be transported and introduced in other lakes as “hitchhikers” on boats and trailers moving from inland water resource to another. This is one of the primary reasons the current law should be amended to include “aquatic plants and invasive species” (which includes animals like zebra mussels) instead of just the phrase “vegetation”.

An introduction of an invasive animal species like zebra mussels into a lake like Candlewood Lake could have very serious repercussions and expedite further spread due to the high volume of visitors which visit, boat in Candlewood, and leave for other waters or the Candlewood resident who temporarily takes his boat out of Candlewood to visit another waterbody. Because of that, the Candlewood Lake Authority (CLA) assembled a Zebra Mussel Task Force comprised of a diverse set of stakeholders including the CT DEEP. The work of the Task Force resulted in a public report that included a set of recommendations which included supporting regulatory measures to discourage the further spread of zebra mussels. That report can be found on the CLA's website at www.candlewoodlakeauthority.org and provides details the life history,

spread across North America, and damage this aquatic invasive animal can cause, as well as a set of recommendations.

The proposed bill looks to improve upon on good legislation making it illegal to transport vessels in the State without first inspecting, removing, and disposing of aquatic vegetation and aquatic invasive species. This can be accomplished with some minor modifications and is practical as species like zebra mussels can be readily detected on trailers and boat hulls.

The Candlewood Lake Authority fully supports HB 5259 as another step the State of Connecticut can take to prevent the spread of aquatic invasive species.



Testimony
Elizabeth Gara
Connecticut Water Works Association (CWWA)
Before the
Environment Committee
March 2, 2012

The Connecticut Water Works Association (CWWA) supports HB-5259, AN ACT REQUIRING THE INSPECTION OF VESSELS AND VESSEL TRAILERS FOR AQUATIC INVASIVE SPECIES, which requires the inspection of vessels and trailers and the proper removal of any invasive plant or species from vessels and trailers in Connecticut.

Water companies have long recognized that boats and trailers pose a serious risk of transferring invasive species from one water body to another and adhere to strict requirements when using watercraft to perform sampling or allowing others to access reservoirs for recreation, research, etc. Under current law, in order to protect the quality of the state's public water supplies, a water company must obtain a permit from the state Department of Public Health to authorize certain recreational activities, including the use of boats, on public water supply reservoirs. Water companies must also take steps to ensure that boats and trailers are inspected and cleaned to minimize any risk of invasive species

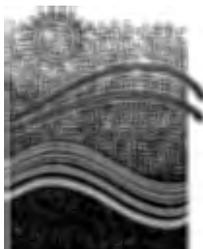
For water companies, aquatic nuisance species are an increasing concern because they grow rapidly, are difficult if not impossible to eradicate and can create permanent and serious problems for the state's public water supplies. Aquatic nuisance species have broad negative implications for water supplies involving the transmission of water to treatment facilities, water quality, recreation, and potentially higher water rates to cover capital and operational costs for managing their impacts.

Potential issues associated with non-native invasive plants such as Eurasian water milfoil in drinking water reservoirs include water quality impacts such as disinfection by-product formation, clogging of intakes and raw water pumps, potential substrates for benthic algae responsible for taste and odor, and overall ecological issues that favor higher algal biomass in reservoirs. Dense growth of invasive plants in shoreline areas can interfere with recreational fishing programs in water supply reservoirs. Successful and cost effective management of these plant populations in recreational lakes generally involves the use of aquatic herbicides. However, herbicides are generally undesirable for use in public water supply sources because of drinking water contamination concerns.

Recently, non-native aquatic species such as zebra mussels have been found in certain lakes in Connecticut. These species pose an additional risk to public water supply systems. Unfortunately, water intake structures provide an excellent habitat for zebra mussels, which can attach to intake pipes, forming thick layers. A water system in Michigan had to shut down because zebra mussels clogged the intake system, causing pump failure. Control alternatives to manage these impacts are limited and potentially very costly to water utility ratepayers.

Prevention is the key to controlling the spread of invasive species. The propensity for zebra mussels to attach to aquatic plants makes boat trailers a likely vector for multiple aquatic invasive species. CWWA therefore fully supports HB-5259 which will strengthen the state's efforts to prevent the proliferation of invasive species which may undermine the integrity of the state's public water supplies.

The Connecticut Water Works Association, Inc. (CWWA) is an association of private, municipal and regional public water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut



Connecticut Department of

**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 2, 2012
Environment Committee

Testimony Submitted by Commissioner Daniel Esty
Presented by Deputy Commissioner Susan Frechette

**Raise House Bill No. 5259 - AN ACT REQUIRING THE INSPECTION OF VESSELS AND VESSEL TRAILERS
FOR AQUATIC INVASIVE SPECIES**

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5259 – An Act Requiring the Inspection of Vessels and Vessel Trailers for Aquatic Invasive Species. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

Currently, any person who transports a vessel or a vessel trailer over the road is required to inspect those items and remove any vegetation before beginning transport. This inspection helps to prevent the spread of aquatic invasive species, or "AIS". This bill seeks to expand this requirement to include invasive animal species in addition to vegetation. Given all that we have learned about the spread of zebra mussels, DEEP believes this change is timely and prudent and we support it.

Implementing the proposed bill as written would allow Connecticut to follow other states that are leading the AIS fight. But, with changes we propose below, DEEP could lead rather than follow. The attached proposed language, if implemented, would allow us a more robust response to AIS by: including all AIS of concern in the inspection and removal requirement; requiring the commissioner to list those AIS of concern while providing a means to convey that list to the public via the Boater's Guide, an annual digest of rules, ordinances, regulations and laws the publication of which is required by law and which is widely anticipated and distributed annually throughout the state; including a requirement to drain all pooled water from vessels and trailers to the extent practicable prior to transport, to reduce the possibility of transporting invisible water-borne AIS; and, providing the commissioner the authority to develop by regulation and implement an AIS inspection self-certification requirement for vessels arriving at or leaving at-risk water bodies.

Our proposed substitute language is provided below.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 424-3401 or Robert.LaFrance@ct.gov

Sec. 15-180. Transporting vessel or trailer without inspecting for and properly removing and disposing of vegetation. Penalty. (a) No person shall transport a vessel, as defined in section 15-127, or any trailer used to transport such vessel, in the state without first inspecting such vessel for the presence of vegetation and properly removing and disposing of any such vegetation from such vessel or trailer.

(b) No person shall transport a vessel, as defined in section 15-127, or any trailer used to transport such vessel, in the state without first inspecting such vessel for the presence of aquatic invasive species, as identified by the commissioner in the annual publication of laws, regulations and ordinances specified in section 15-138, that are visible and identifiable without optical magnification, and properly removing and disposing of any such aquatic invasive species from such vessel or trailer.

(c) No person shall transport a vessel, as defined in section 15-127, or any trailer used to transport such vessel, in the state without first draining water to the extent practicable from the hull or hulls, motor or motors, bilge or bilges, live well or wells, interior cavity or cavities, bait containers, and other boating or trailering equipment before leaving the boat launch or water access area.

(d) No person shall transport a vessel, as defined in section 15-127, or any trailer used to transport such vessel, from any boat launch or water access area on any waterbody identified by the commissioner in the annual publication of laws, regulations and ordinances specified in section 15-138 without first certifying in a manner specified by the commissioner that such vessel or trailer has been inspected, cleaned and drained as identified in this section or as otherwise directed by the commissioner in said annual boating law publication. The commissioner shall by regulation determine the manner and form of certification that shall be required.

[(b)] (e) Any person who violates the provisions of this section shall be fined not more than one hundred dollars for each such violation.

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2012**

**VOL. 55
PART 14
4223 - 4505**



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Bills placed on the Consent Calendar on May 9, 2012

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Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

rgd/tmj/gdm/gbr
SENATE

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May 9, 2012

Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

rgd/tmj/gdm/gbr
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At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

| | |
|-----------------------------|----|
| Total Number Voting | 36 |
| Necessary for Adoption | 19 |
| Those Voting Yea | 36 |
| Those Voting Nay | 0 |
| Those Absent and Not Voting | 0 |

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.

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**CONNECTICUT
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HOUSE**

**PROCEEDINGS
2012**

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your good deed and always be prepared.

Representative Henry Genga.

REP. GENGA (10th):

Thank you, Mr. Speaker. For a point of personal privilege.

SPEAKER DONOVAN:

Please proceed, sir.

REP. GENGA (10th):

Today it's my great pleasure to introduce a good friend from East Hartford, the Reverend Doctor Aaron Lewis. With him is a guest from New York City, actually from Yonkers, New York, former school teacher 20 years, now a law student here. And both of them are here visiting the General Assembly and I ask that you give them the gracious welcome that you normally do.

SPEAKER DONOVAN:

Thank you for joining us here today. Have a great day.

Will the Clerk please call Calendar 148.

THE CLERK:

On page six, Calendar 148, substitute for House Bill Number 5259, AN ACT REQUIRING THE INSPECTION OF VESSELS AND VESSEL TRAILERS FOR AQUADIC INVASIVE

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SPECIES. Favorable report by the Committee on
Environment.

SPEAKER DONOVAN:

Chair Environment, Representative Roy, you have
the floor, sir.

REP. ROY (119th):

Thank you, Mr. Speaker. Mr. Speaker, I move
acceptance of the Joint Committees favorable report and
passage of the Bill.

SPEAKER DONOVAN:

The question is on acceptance of the committee's
favorable report and passage of the Bill.

Will you remark?

REP. ROY (119th): Thank you.

What this Bill does, sir, is to expand the
Responsibilities of boaters who transport boats and
boat trailers through the state. In the past they've
had to look for aquatic vegetables or plant life
sticking to their boats, now we've also asked them to
look for animal life and it has to be visible without
optical help and they're supposed to remove it before
the transport is completed. I move passage.

SPEAKER DONOVAN:

The question is on passage. Remark further?

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Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of the Bill, but as the Chair indicated there is a provision in the Bill that says that these invasives must be both visible and identifiable which negates the need for the word knowingly. In light of that, the Clerk has an Amendment, LCO 3353, I ask that it be called and I be allowed to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 3353 which will be designated House "A".

THE CLERK:

LCO 3353 House "A" offered by Representatives Chapin and Roy.

SPEAKER DONOVAN:

Representative seeks leave of the Chamber to summarize. Any objection? Hearing none, Representative Chapin you may proceed.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. As I indicated before it simply strikes the word knowingly in line 10. We believe the other provisions in the Bill address that particular issue and I move adoption.

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SPEAKER DONOVAN:

The question is on adoption. Will you remark further? Care to remark further?

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. I have a question of the proponent of the Amendment if I could, through you, seeing as you never know when is your last time to do this.

SPEAKER DONOVAN:

Please proceed, sir.

REP. MINER (66th):

Mr. Speaker, I remember when this Bill was before us in the Environment Committee and there was quite a conversation about whether someone would know they actually had what I think some of us referred to as these hijackers. So by taking the word knowingly out, are there any further implications to the person who would be moving the trailer, through you?

SPEAKER DONOVAN:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. I'm not quite sure I understand the gentleman's question. But as I

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understand it the reason we're taking the knowingly out is to eliminate that as an excuse for the person who may be in possession of the trailer or the vessel. So clearly if there's an invasive plant or animal on that vessel or trailer and it is visible and identifiable then I think the thought was that therefore the person should know and shouldn't be allowed to claim that he didn't. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Miner.

REP. MINER (66th):

Fair enough, Mr. Speaker. I'll support the Amendment, thank you.

SPEAKER DONOVAN:

Thank you, sir.

Would you care to remark further on the Amendment? Care to remark further on the Amendment? If not, let me try your minds. All this in favor please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

All those opposed Nay.

The Ayes have it, the Amendment is adopted.

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Would you remark further on the Bill as amended.

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker. A question to the proponent of the Bill, please.

SPEAKER DONOVAN:

Please proceed, sir.

REP. ACKERT (8th):

Thank you. This issue has come up in our -- my local community with Coventry Lake and the concerns of the obviously the condition of the lake. And would there be any -- how would we notify boat users? Would there be signage or something that is -- will be mandatorily put out? Because we've been looking to get signage for the lake to encourage people to actually clean their boats before they come from one water body to another. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Roy.

REP. ROY (119th):

Through newspapers but also through the industry itself. The boaters do talk to one another, there's organizations that will keep them abreast of any changes in the law. Keep them abreast also of any

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changes in the water that they're going to such as the reason for this Bill this year is the discovery of the zebra mussel in some of the western waterways. And we're trying to stem that spread and keep them from the rest of the state and also get it cleaned up in that part of it. Thank you.

SPEAKER DONOVAN:

Representative Ackert.

REP. ACKERT (8th):

Thank you, Mr. Speaker. Just a comment. I am in strong support of this Bill. I hope that we go to the extent of making sure that any of our water bodies that you enter actually has appropriate signage that boaters will know that they are -- they must wash their boat when it goes from one water body to the next. Thank you, Mr. Speaker. Thank you to the proponent.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker and good morning or I guess it's good afternoon.

SPEAKER DONOVAN:

Good afternoon, sir.

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REP. SMITH (108th):

May I have a few questions to the proponent of the Bill, please?

SPEAKER DONOVAN:

Please proceed, sir.

REP. SMITH (108th):

Just I'm curious as to who actually enforces the violations if the gentleman knows that.

SPEAKER DONOVAN:

Representative Roy.

REP. ROY (119th):

Could he please repeat that question a little bit louder?

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Sure. I wondered who enforces the violations.

REP. ROY (119th):

Conservation officers could -- would do that, sir. Through you, Mr. Speaker.

REP. SMITH (108th):

So for instance if a traveler is ready to bring their boat and lodge it into Candlewood Lake, would there be a conservation officer at the loading dock

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during all these periods? Through you, Mr. Speaker.

REP. ROY (119th):

Thank you. Through you, Mr. Speaker. Probably not but they would be called if those people at the dock notice what was happening. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Because I know a lot of times there are several fishing tournaments throughout the year and these fishermen get there quite early four o'clock in the morning, five o'clock in the morning, where there is nobody on hand to inspect the boats which raises a concern for potentially allowing these invasive species into the waters. Is there any provision in this Bill or has there been any thought with this Bill to require at least somebody on hand to inspect when the boats are coming out of the water at some point during the day? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Roy.

REP. ROY (119th):

Yes, thank you. Through you, Mr. Speaker, DEEP

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does not have the manpower to be at every park every day every hour, but certainly they will be circulating throughout the state, they will have others at the docks who if they notice anything on the boat or on the trailer who will notify the DEEP and they can send someone to the site to the scene. Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you. And lastly, the fines there are collected -- assuming there are fines collected, does that money go into the General Fund or is that set aside for perhaps further enforcement for these types of invasive species? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Roy.

REP. ROY (119th):

I would say that it would go through the DEEP, possibly to the General Fund, but possibly for programs of the DEEP. I don't think it's specified at this point, sir.

SPEAKER DONOVAN:

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Representative Smith.

REP. SMITH (108th):

Thank you for your answers and I, too, stand in strong support of the Bill. I think it's a good Bill and a step in the right direction to protect our lakes and waters from these species. So I hope the Chambers will support it as well. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the Bill as amended? Care to remark further on the Bill as amended? If not, staff and guests please come to the Well of the House, members take their seats, the machine will be opened.

THE CLERK:

The House of Representatives is voting my roll
call, members to the Chamber. The House is talking a roll call vote, members to the Chamber please.

SPEAKER DONOVAN:

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

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Representative Betts, for what reason do you stand?

REP. BETTS (78th):

In the affirmative, please.

SPEAKER DONOVAN:

Representative Betts in the affirmative.

Clerk, please announce the tally.

THE CLERK:

House Bill 5259 as amended by House "A".

| | |
|-----------------------------|-----|
| Total Number voting | 139 |
| Necessary for passage | 70 |
| Those voting Yea | 139 |
| Those voting Nay | 0 |
| Those absent and not voting | 12 |

SPEAKER DONOVAN:

Bill as amended is passed.

Are there any announcements or introductions?

Any announcements or introductions?

Representative Rovero. Please proceed, sir.

REP. ROVERO (51st):

Mr. Speaker, as a point of personal privilege, I'd like to have us give a warm welcome to a guest of Mike Alberts', Mae Flexer's and