

Legislative History for Connecticut Act

PA 14-190

HB5417

House	6947-6953	7
Senate	3484-3485	2
Environment	815-816, 1102, 1123, <u>1125, 1149-1150</u>	7
		16

H – 1201

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 21
6912 – 7260**

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted? If all the members have voted, the machine will be locked.

The Clerk will take a tally and the Clerk will announce the tally.

Mr. Clerk, please announce the tally.

THE CLERK:

H.B. 5566, as amended by House "A."

Total Number Voting 144

Necessary for Passage 73

Those voting Yea 144

Those voting Nay 0

Those absent and not voting 7

DEPUTY SPEAKER GODFREY:

The bill, as amended, is passed.

Mr. Clerk, Calendar 180.

THE CLERK:

House Calendar 180 on page 5, favorable report of the Joint Standing Committee on Environment,
Substitute House Bill 5417, AN ACT ESTABLISHING A
SEASON FOR THE TAKING OF GLASS EELS.

mhr/md/ch/cd/gm
HOUSE OF REPRESENTATIVES

437
May 7, 2014

DEPUTY SPEAKER GODFREY:

Representative Gentile.

REP. GENTILE (104th):

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

DEPUTY SPEAKER GODFREY:

Question is on acceptance and passage.

Representative Gentile.

REP. GENTILE (104th):

Yes, Mr. Speaker, the Clerk is in possession of an amendment, LCO 5617. I ask that the Clerk please call and I be granted leave to summarize.

DEPUTY SPEAKER GODFREY:

The Clerk is in possession of LCO Number 5617 which will be designated House Amendment Schedule "A."

Mr. Clerk.

THE CLERK:

House Amendment Schedule "A," 5617, introduced by Miner, et al.

DEPUTY SPEAKER GODFREY:

Representative Gentile.

REP. GENTILE (104th):

Mr. Speaker, this bill eliminates the ban on the taking of glass eels and it establishes harvest restrictions and a limited access permit system.

I move for passage.

DEPUTY SPEAKER GODFREY:

Question is on -- on adoption.

REP. GENTILE (104th):

Adoption.

DEPUTY SPEAKER GODFREY:

Question is on adoption.

Representative Moukawsher.

REP. MOUKAWSHER (40th):

Thank you, Mr. Speaker.

Time is short so I'm going to simply say that I -- I've been vehemently against this bill. The numbers of eels are at historic lows. You know so I -- you know I -- I object to the idea that we're going to exploit a species that right now is being considered for the endangered species list.

So I -- you know I -- I object to it. I'm going to vote against it.

Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker.

Just a clarification of what this amendment does. The amendment establishes -- first of what -- what it does is it eliminates the statutory prohibition on the taking of glass eels and then immediately directs the Commissioner to promulgate regulations that would regulate the taking of glass eels.

What will happen immediately will be that the Commissioner will declare an emergency, close the season, it's been done before, and then once the season has been closed, the Atlantic States Marine Fisheries Commissioner would have the ability to determine whether or not the State of Connecticut is due any allocation out of what it has determined nationally through its science studies is an acceptable catch.

So, Mr. Speaker, I would ask that the -- the Chamber support the amendment. Thank you.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Will you remark further on House "A"?

If not let me try your minds --

mhr/md/ch/cd/gm
HOUSE OF REPRESENTATIVES

440
May 7, 2014

REP. MUSHINSKY (85th):

Here, Mr. Speaker.

DEPUTY SPEAKER GODFREY:

Oh, Representative Mushinsky, I apologize.

REP. MUSHINSKY (85th):

Thank you, Mr. Speaker.

I rise to oppose the amendment and the bill underneath. I fear a gold rush on these eels if this law is changed. The Asian markets have eliminated all their natural eels that why they want to buy glass eels from us and raise them in Asia for the market.

They're very valuable. They're worth up to \$2,000 a pound. Once we open this fishery and this animal already is threatened, we are inviting people to fish at night illegally or otherwise to meet this market and this new demand.

It's premature to pass this bill. The U.S. Fish and Wildlife Services is not even going to rule on the threatened status until September 30, 2015. We should not even be considering this bill until the 2016 Legislative Session.

I urge your rejection.

DEPUTY SPEAKER GODFREY:

Thank you, madam.

Will you remark further on House Amendment
Schedule "A"?

If not, let me try your minds. All those in
favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER GODFREY:

Opposed, nay.

REPRESENTATIVES:

Nay.

DEPUTY SPEAKER GODFREY:

The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended?

If not, staff and guests please come to the well
of the House. Members take your seats. The machine
will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will
members please return to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted? Have all the members
voted?

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

The Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

House Bill 5417, as amended by House "A."

Total Number Voting	144
Necessary for Passage	73
Those voting Yea	92
Those voting Nay	52
Those absent and not voting	7

DEPUTY SPEAKER GODFREY:

The bill, as amended, is passed.

Mr Clerk, Calendar 483.

THE CLERK:

House Calendar 483, favorable report of the Joint
Standing Committee on Finance, Revenue and Bonding,
Substitute for Senate Bill 104, AN ACT PROVIDING
FINANCIAL RELIEF TO NURSING HOMES FOR UNCOMPENSATED
CARE.

DEPUTY SPEAKER GODFREY:

Representative Abercrombie.

REP. ABERCROMBIE (83rd):

Thank you, Mr. Speaker.

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CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2014**

**VETO
SESSION**

**VOL. 57
PART 11
3246 – 3508**

pat/gbr
SENATE

299
May 7, 2014

The bill passes. Senator Looney, do you want to transfer this, please?

SENATOR LOONEY:

Thank you, Madam President. Would move for suspension for immediate transmittal to the House of Calendar Page 22, Calendar 536, Bill 5546.

THE CHAIR:

So ordered, sir. Mr. Clerk.

THE CLERK:

From Agenda, Senate Agenda Number 4, House Bill 5417.

SENATOR MEYER:

Madam President.

THE CHAIR:

I'm sorry. Senator Meyer.

SENATOR MEYER:

I do move acceptance of the Joint Committee's Favorable Report and passage of this bill.

THE CHAIR:

In concurrence with the House?

SENATOR MEYER:

In concurrence with the House.

THE CHAIR:

So motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

Yes. Colleagues. This bill seeks to create a new industry and requires the Department of Energy and

pat/gbr
SENATE

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Environmental Protection to establish a fishing season for glass eels. Go with it.

THE CHAIR:

Will you remark?

SENATOR MEYER:

I urge passage.

THE CHAIR:

Will you remark? If not, we have, a Roll Call Vote will be had on the bill. The machine will be opened.

THE CLERK:

Immediate Roll Call has been ordered in the Senate.
Immediate Roll Call ordered in the Senate.

THE CHAIR:

All members have voted? All members have voted? The machine will be closed. Mr. Clerk.

THE CLERK:

House Bill 5417.

Total number voting	36
Necessary for passage	19
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

The bill passes. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, ask for suspension, or actually emergency certified bill, ask that the Clerk call the item, single item appearing on Senate Agenda Number 3, ask for suspension to take it up immediately, House Bill Number 5597 AN ACT

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
593 – 1065**

2014

REP. GENTILE: Karen, could you please put your microphone on?

KAREN LASKI: Oh, sorry. My name is Karen Laski. I'm on the Board of Connecticut Votes for Animals. Thank you for this hearing.

HBS417

I would like to support House Bill 5422, AN ACT CONCERNING THE AWARENESS OF HEARTWORM DISEASE ON THE DOG LICENSE FORM. I think -- I know when I get something from -- a notice from the town clerk's office, I am -- I'm very serious about it and I think this little box that would say do you use heartworm preventative for your dog would encourage people to use it. I think it's just a great bill.

And I also support Senate Bill 309, AN ACT CONCERNING MUNICIPAL CARE COSTS FOR CONFISCATED ANIMALS. I was very surprised to hear that the town of Bethlehem, Connecticut, had incurred so much cost for the cruelty case that's been going on for a month now because it's being appealed by the so-called owner of these dogs and over \$32,000.

And I think towns should be spared -- towns should be spared. Towns are cleaning up the mess for these cruelty cases and I think the person who perpetrates the cruelty should be more responsible. And I think that will make people think maybe twice about it if there's a monetary punishment for the cruelty.

I also support Senate Bill 316, the labeling of food products that are packaged in the materials containing BPA. I think it's a consumer's right to know. I understand about the public health aspect, but I'm also convinced that BPA is very dangerous from what I've read and listening. And I also think it would encourage companies to not use it.

I oppose House Bill 5417, AN ACT ESTABLISHING A SEASON FOR THE TAKING OF GLASS EELS. I think the young eels are very important to our ecosystem and I know a lot of conservationists around the Westport area are trying to help these young eels make their journey to do what they are supposed to do and come back to this sound and the other fish need them. So I oppose that bill.

Thank you very much for your hearing.

REP. GENTILE: Karen, thank you.. Any questions? Thank you, Karen. Representative Hampton. Representative Hampton will be followed by Carroll Hughes.

REP. HAMPTON: Good afternoon. Senator Meyer, Representative Gentile, Representative Shaban, and distinguished members of the Environment Committee. I'm State Representative John Hampton from the 16th District, Simsbury, and I am here testifying in support H.B. 5424, AN CONCERNING THE RESPONSIBILITIES OF THE WATER PLANNING COUNCIL.

First and foremost, I'd like to thank you for giving this bill a public hearing. H.B. 5424 is a major step towards a comprehensive and dynamic statewide water plan for the distribution, quality, protection, conservation, and administration oversight of one of the state's most vital resources, our water supply.

This legislation was crafted utilizing the recommendations that came from the water sub committees that were convened earlier this year after the first ever Connecticut Water Summit, which brought together major stakeholders to address this issue. They included legislators

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 3
1066 – 1779**

2014

**Environment Committee Testimony for
SB 309, HB 5422 SB 316 and HB 5417**

**Karen Laski
Board Member of CT Votes for Animals**

Hello Everyone,

I would like to express my support for SB 309, An Act concerning municipal care costs for confiscated animals. The town of Bethlehem has incurred tremendous costs for a cruelty case that has been appealing for months. It is important for the animal abuser to assume more financial responsibility of his or her crime and this bill will be an incentive for people to follow laws for animal welfare.

I support HB 5422, An Act concerning awareness of heartworm disease and the standard dog license form. Having a check-off box on a dog license form about whether heartworm preventative is being used will encourage people to consider using the medication if they aren't already. I think when people are paying their dog license fees and see the heartworm note added, they will look at heartworm prevention as more of a requirement rather than an option.

I also support SB 316, An Act requiring the labeling of food products that are packaged in materials that contain Bisphenol-A. This bill would encourage companies not to use BPA in their packaging and would help consumers to make safe choices.

I oppose HB 5417. An Act establishing a season for the taking of glass eels. Young eels are an important part of the eco-system and conservationists are trying hard to keep their journey from the Sound unencumbered.

Thank you for hearing me today.

Karen Laski
279 Fern St.
Manchester, CT 06040



Testimony of: *(not speaking)*
Save the Sound
a program of Connecticut Fund for the Environment

001123



In Support of

S.B. 312 AAC A LONG ISLAND SOUND RESOURCE AND USE
INVENTORY AND A LONG ISLAND SOUND BLUE PLAN

In Opposition to

H.B. 5421 AN ACT AUTHORIZING THE USE OF ALTERNATIVE SEWAGE TREATMENT PLANTS IN
CERTAIN WASTEWATER MANAGEMENT DISTRICTS.

H.B. 5417 AN ACT ESTABLISHING A SEASON FOR THE TAKING OF GLASS EELS

Before the Environment Committee

March 7, 2014

Submitted by Leah Lopez Schmalz, Dir. of Legislative and Legal Affairs

Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.

Dear Senator Meyer, Representative Gentile, and members of the Committee:

Thank you for the opportunity to comment on Senate Bill 312, House Bill 5421 and House Bill 5417, each of which has a potential impact on the health of Long Island Sound.

Blue Plan: S.B. 312

The Long Island Sound region is the most densely populated estuary in the country, with one-tenth of the U.S. population living within a 50 mile drive of its shores. It is truly an urban sea with a wealth of unique habitats, a variety of traditional marine industries, and a vibrant shoreline recreational culture, as the Long Island Sound Citizen Advisory Committee letter attached to these comments demonstrates. However, its role as a link between New England and the Atlantic states has resulted in many environmental battles.

From Islander East to Broadwater, we have seen first-hand, numerous times, what happens when private development comes into direct conflict with public interests. Other use conflicts which are not necessarily controversial—and are arguably beneficial to the health of the Sound and its traditional industries—are also appearing on the horizon: seaweed farming, aquaculture expansion, and harbor improvements to name a few. To ensure natural resources and the public trust are protected and to maximize the economic support provided by the Sound, we must inventory its resources—including ecological, cultural, recreational and commercial interests—and develop a common sense blueprint for better regulating future uses. S.B. 312 would promote a science-based, bi-state approach to preempting these types of battles while providing a framework for analyzing possible use conflicts.

While the Connecticut Department of Energy and Environmental Protection (“CTDEEP”) has many laws it can use to protect Long Island Sound, those laws operate one by one, on a permit by permit basis, and without reference to any overall state goals or plans. This generally means that unless it can prove concrete, explicit adverse impacts, CTDEEP cannot reject a proposal, even when that proposal is an inappropriate use of public

Connecticut has invested heavily in protecting the maritime history and environmental health of Long Island Sound. In return the Sound provides our region with a yield on that investment of nearly \$9 billion each year. Passage of S.B. 312 would ensure that our money and efforts will go toward better understanding the Sound's ecosystem and the fights we should focus on, like stormwater runoff and sewage contamination, instead of the battles that multi-national companies with virtually inexhaustible resources, like Shell Oil, choose for us. Please support the Sound's future by supporting S.B. 312.

Alternative Treatment Systems H.B. 5421

Save the Sound generally opposes HB 5421, which would undermine the laws that protect our harbors and Long Island Sound from underperforming alternative treatment systems ("ATS"). These small sewage treatment facilities are used for developments, small communities, or institutions. Sometimes the result of using these systems is cleaner water for nearby waterbodies, but unfortunately that is not always the case.

The performance track record for these types of facilities is spotty. And according to a report by the Connecticut Council on Environmental Quality released March 6, 2014, the oversight of ATS is lacking. As the report outlines, the solution begins with CTDEEP enforcing permits and ensuring that all ATS are operating under valid permits. The solution is not to punt CTDEEP's Clean Water Act permitting and enforcement authority to local municipalities, as proposed in HB 5421. It is the state of Connecticut that holds the delegated program and related responsibilities under the Clean Water Act, not municipalities.

We urge the Environment Committee to uphold the long standing tradition of protecting the Sound's water quality by rejecting H.B. 5421.

Glass Eels H.B. 5417

Save the Sound opposes HB 5417 which directs CT DEEP to establish a fishing season for glass eels—the tiny juvenile eels that hatch in Connecticut's rivers and migrate downstream to the ocean. There's one problem: taking these eels is prohibited by the Atlantic States Marine Fisheries Commission and the EPA is currently considering making them an endangered species. Connecticut should not jump the gun by establishing a season for them before the EPA and the commission have made their decisions.

Thank you for your consideration.

Sincerely,

Leah L. Schmalz, Dir. of Legislative & Legal Affairs
Save the Sound, a Program of CFE
142 Temple St. 3rd Floor
New Haven, CT 06510
t: 203.787.0646 f: 203.787.024
lschmalz@savethesound.org



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

Public Hearing – March 7, 2014
Environment Committee

Joint Testimony Submitted by Interim Commissioner Robert J. Klee and Commissioner Steven K. Revczky
Presented By Deputy Commissioner Susan Whalen

Raised House Bill No. 5417 - AN ACT ESTABLISHING A SEASON FOR THE TAKING OF GLASS EELS

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5417 – An Act Establishing a Season for the Taking of Glass Eels. The Departments of Agriculture and Energy and Environmental Protection (DEEP) welcome the opportunity to offer the following testimony.

DEEP supports the intent of this proposal which is to ensure that Connecticut commercial fishermen enjoy fair and equitable access to a valuable marine resource comparable to fishermen in other Atlantic coast states. However, we are concerned that the proposed timing (January 1, 2015) does not line up well with advance decisions that need to be made at the federal level and that law enforcement concerns need to be addressed.

Repeal of the statutory prohibition on glass eel harvest is appropriate in that the Atlantic States Marine Fisheries Commission (Commission) is currently considering an amendment to the American eel fishery management plan which could potentially allow states to reopen glass eel fisheries on a limited basis. The Commission has management authority over American eel fisheries between Maine and Florida pursuant to the federal Atlantic Coastal Fisheries Cooperative Management Act (16 U.S.C. 71). At present only Maine and South Carolina are authorized to harvest this early life stage of the American eel.

Amendment general statutes section 26-128a and the authorization of DEEP regulations to establish an open season will position Connecticut to move at the earliest practical time to allow glass eel harvest if the Commission authorizes it. The world aquaculture market demand for glass eels has increased dramatically in recent years, driving the value of this fishery to over \$40 million in 2013 as prices have risen to \$2,000+ per pound. This exceptional value has in turn compelled the Commission to explore options to share access to the glass eel fishery among all interested states.

However, the Commission is mindful that any plan amendment that allows more states to participate in the glass eel fishery must be crafted to simultaneously achieve a higher overall level of eel conservation given this species "depleted" population status. This depleted condition led the U.S. Fish and Wildlife Service (USFWS) to find in 2011 that there is substantial information to warrant listing American eel as threatened under the Endangered Species Act. Under a settlement agreement the USFWS has until September 30, 2015 to publish a finding relative to such listing.

American eels hatch in the mid-Atlantic Ocean and the larvae are dispersed along the East Coast via ocean currents. Glass eels move inshore in the early spring and ascend coastal streams, colonizing inland habitat. Dams may partially or completely block their migratory path and limit their distribution. The eels remain in freshwater for up to 20 years before migrating back to the ocean to reproduce. Hydroelectric turbines and

intakes for drinking water and industry pose risks to these fish. Connecticut has been a leader in promoting eel conservation and providing specialized structures to allow eels to circumvent barrier dams. Despite these efforts, eel populations have experienced significant declines over the past 25 years.

The glass eel fishery involves simple harvesting techniques in coastal streams during late winter/early spring utilizing dip nets and portable fish traps ("fykes"). Fishing generally takes place at night.

It is unlikely that the Commission will authorize glass eel harvest in Connecticut or other new states in time for the 2015 season or before the USFWS has published its ESA finding due by September 30, 2015. We therefore suggest that the earliest the Agency would be able to adopt regulations to establish an open season would be sometime after January 1, 2016.

This fishery has historically posed significant law enforcement challenges due to the high value of the catch, locations fished and time of day. Illegal harvest and sale of glass eels has become an issue of significant concern. Considerable enforcement effort would be required to ensure compliance, including monitoring of wholesale and retail markets. Last year, illegal glass eel cases were made in New Jersey, Rhode Island, Massachusetts, New Hampshire, and Maine. In Connecticut, DEEP EnCon Officers along with Agents from the USFWS seized approximately \$50,000 worth of illegal glass eels from a retail dealer. The opening of a glass eel fishery in Connecticut would increase the likelihood that illegally harvested glass eels would be taken and/or moved through the state. Enforcement capacity will need to be increased substantially in order to effectively implement a glass eel fishery in Connecticut.

Both the Department of Agriculture and DEEP believe establishment of a glass eel season, though appropriate regulations developed by DEEP, would be beneficial to Connecticut's aquaculture and seafood sectors.

Thank you for the opportunity to present testimony on this proposal. We welcome the opportunity to work with the proponents of this bill to address the concerns raised in our testimony. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov (or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov).