



House of Representatives

General Assembly

File No. 630

January Session, 2025

House Bill No. 7170

House of Representatives, April 9, 2025

The Committee on Environment reported through REP. PARKER of the 101st Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE DEPARTMENT OF AGRICULTURE REGARDING AQUACULTURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 26-192k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 [(a)] The Department of Agriculture shall allow the relay of shellfish
4 from shellfish grounds classified as restricted relay to other grounds in
5 accordance with the National Shellfish Sanitation Program Model
6 Ordinance, as amended from time to time, regarding restricted shellfish
7 relay. [The department shall allow the harvest of shellfish from shellfish
8 grounds classified as approved for market on the same day using the
9 same vessel, provided the harvester first harvests the approved market
10 product and lands the product to shore. A harvester shall not begin the
11 relay of shellfish from shellfish grounds classified as restricted relay
12 until all shellfish harvested first from approved market grounds, in
13 market quantities, have been removed from the vessel. Such harvester
14 shall not begin such relay until after the harvester has notified the

15 Department of Energy and Environmental Protection of such relay. The
16 harvester shall provide all information required by the Department of
17 Agriculture regarding shellfish relays to the Department of Energy and
18 Environmental Protection at the time of such notification. For the
19 remainder of the day, the harvester shall not harvest approved market
20 shellfish after beginning such relay.

21 (b) All tag identification information regarding shellfish harvest
22 locations shall be confidential, provided the harvester of the shellfish
23 marks the tag with a unique code corresponding to the shellfish harvest
24 location. The Department of Agriculture shall provide such harvester
25 and the Department of Energy and Environmental Protection with a
26 written code key detailing the harvest location and corresponding code
27 to be used by the harvester.]

28 Sec. 2. Section 26-212 of the general statutes is repealed and the
29 following is substituted in lieu thereof (*Effective from passage*):

30 No person shall take or gather for commercial purposes oysters,
31 clams, mussels or other molluscan shellfish from any natural shellfish
32 bed in the state in any boat or vessel unless it is licensed and numbered
33 in the manner provided in this section. Any person desiring to use any
34 boat or vessel for such purpose may make written application to the
35 Commissioner of Agriculture, stating the name, owner, rig, general
36 description and tonnage of such boat or vessel and the place where it is
37 owned, and the commissioner shall issue to the owner of such boat or
38 vessel a license to take and gather for commercial purposes oysters,
39 clams, mussels or other molluscan shellfish from the natural shellfish
40 beds in the state for the term expiring on the next succeeding [twentieth
41 day of July] thirtieth day of June, unless sooner revoked, upon the
42 payment of thirty dollars; provided, before such license is granted, the
43 owner or master shall prove to the satisfaction of the commissioner that
44 such boat or vessel may legally be used on work on the public beds of
45 the state and that the dredges and other contrivances do not weigh more
46 than thirty pounds. Each boat or vessel so licensed shall, while at work
47 upon any of the natural shellfish beds of the state, display the number

48 of such license in black figures not less than one foot in length. No such
49 license may be transferred. The sale of any boat so licensed shall operate
50 as a forfeiture and revocation of the license, and the license certificate
51 shall be surrendered to the commissioner.

52 Sec. 3. Section 26-213 of the general statutes is repealed and the
53 following is substituted in lieu thereof (*Effective from passage*):

54 No person shall take or gather for commercial purposes oysters,
55 clams, mussels or other molluscan shellfish from any natural shellfish
56 bed in the state and no person shall be permitted upon any boat,
57 licensed pursuant to the provisions of section 26-212, as amended by this
58 act, while the boat is being used for such taking or gathering until the
59 person has been licensed in the manner provided in this section. The
60 person shall apply in writing, to the Commissioner of Agriculture upon
61 blanks to be furnished by the commissioner, stating his name, residence
62 and post-office address and such other information as may be required
63 by said commissioner, and said commissioner, upon payment of a fee of
64 twenty dollars, shall issue to the person a license for such purpose. All
65 licenses so issued shall be revocable at any time by the commissioner
66 and shall expire on the [twentieth day of July] thirtieth day of June in
67 each year. The commissioner shall account to the Treasurer for all
68 moneys received for licenses under the provisions of this section. Any
69 person who violates any of the provisions of this section relating to
70 licensing shall be guilty of a class D misdemeanor.

71 Sec. 4. Section 26-232 of the general statutes is repealed and the
72 following is substituted in lieu thereof (*Effective from passage*):

73 (a) Any person who (1) between the [twentieth day of July] fifteenth
74 day of June and the twentieth day of September, gathers or takes any
75 oysters or shells from any natural oyster bed specified in section 26-193
76 other than any such bed in the Housatonic River, (2) between the
77 [twentieth day of July] fifteenth day of June and the twentieth day of
78 September in any year, gathers or takes any oysters or shells in the
79 Saugatuck River, or (3) between the [twentieth day of July] fifteenth day
80 of June and the twentieth day of October in any year, gathers or takes

81 any oysters or shells in the Housatonic River shall be fined not more
82 than two hundred fifty dollars; provided nothing in this section shall be
83 construed to prohibit the gathering or taking of shells or mussels by the
84 use of tongs in said Housatonic River below a line drawn from a stake
85 on the west bank of said river, at Quimber's Neck Point, so called, and
86 running thence in a northeasterly direction to a stake on the east side of
87 said river. Said stakes shall be located and maintained at said points by
88 the selectmen of the town of Stratford, and a certificate of such location
89 by said selectmen shall be recorded in the office of the town clerk of said
90 town of Stratford. Nothing in this chapter or in chapter 492 shall be
91 construed as prohibiting the excavation of material in deepening the
92 channels of navigable waters by work authorized by the United States
93 government.

94 (b) The Commissioner of Agriculture, upon application of the
95 Stratford Shellfish Commission, may, at any time, close the season for
96 the taking of any shellfish in the Housatonic River for purposes of
97 conserving the resource.

98 Sec. 5. Section 26-207 of the general statutes is repealed and the
99 following is substituted in lieu thereof (*Effective from passage*):

100 Any owner of shellfish grounds, franchise or franchises lying within
101 the exclusive jurisdiction of the state, on or before the first day of July,
102 annually, shall deliver to the Commissioner of Agriculture a statement
103 under oath of such franchise or franchises or grounds belonging to such
104 owner on the first day of June next preceding. Such statement shall
105 specify the lot or lots owned by such owner by numbers as appear upon
106 the last official map published by said commissioner, or, if granted since
107 the publication of such map, according to such number as may be
108 furnished by said commissioner, and the location and number of acres
109 of each lot. Blanks for such statement shall be prepared by said
110 commissioner and furnished to each owner, but failure to receive such
111 blanks shall not relieve any person from the obligation to furnish the
112 statement herein provided for. The commissioner may issue subpoenas
113 to compel the attendance of any person before him, with books of

114 account, documents and maps, and may administer oaths to and
115 examine any person for the purpose of ascertaining the amount and
116 value of such property. Any person who fails to respond to any such
117 subpoena or who, having responded, refuses to testify or who fails to
118 produce any such book or books of account, documents or maps, upon
119 application of said commissioner to the superior court for any judicial
120 district bordering on the waters of Long Island Sound, may be punished
121 for contempt. Said commissioner may exercise the authority of assessors
122 of towns and add ten per cent of the value of the property as a penalty
123 for failure to give in a list. Any person who discloses any information
124 obtained from any such witness or from the books or records of any such
125 owner provided for under the provisions of this section, otherwise than
126 in carrying out the provisions hereof, shall be fined not more than five
127 hundred dollars. Any owner of any shellfish grounds or franchise lying
128 within the exclusive jurisdiction of the state shall certify, in a format
129 determined by the Commissioner of Agriculture, that the owner
130 completed all required business and shellfish-related state tax filings for
131 the preceding year.

132 Sec. 6. Section 26-209 of the general statutes is repealed and the
133 following is substituted in lieu thereof (*Effective from passage*):

134 Any person aggrieved by the action of the Commissioner of
135 Agriculture under section 26-207, as amended by this act, or 26-208 shall
136 have the same right of appeal to the Superior Court as is provided by
137 law for appeals to said court from boards of assessment appeals of
138 towns, except as otherwise provided. Each such appeal shall be taken to
139 the judicial district where the franchise or ground in question is situated
140 or to the judicial district where the owner appealing resides, and said
141 court shall have such powers therein as in appeals from boards of
142 assessment appeals of towns.

143 Sec. 7. Section 26-215 of the general statutes is repealed and the
144 following is substituted in lieu thereof (*Effective from passage*):

145 (a) There shall not be used on any licensed boat any device operated
146 otherwise than by hand power, for hoisting or operating dredges or

147 other implements for gathering oysters, clams, mussels or other shellfish
 148 or oyster shells. Except as provided in subsection (b) of this section, no
 149 person shall use any dredge or other contrivance weighing more than
 150 [thirty] sixty pounds, exclusive of the net or bag, or with a capacity of
 151 more than one and one-half bushels in taking up or dredging for oysters,
 152 clams, mussels or other shellfish or oyster shells in any of the waters of
 153 the state, except upon private designated grounds. Nothing in this
 154 section shall be construed to prevent the use of power in taking up or
 155 dredging for oysters, clams, mussels or other shellfish or shells on
 156 private designated grounds by the owners thereof, or to prevent the use
 157 of excavators for deepening the water in places where there are no
 158 natural oyster or clam beds, or where such beds have not existed within
 159 ten years, by digging or removing the material, permission to use
 160 excavators being first given by the Commissioner of Agriculture, which
 161 permission shall not be given until after a public notice of at least two
 162 weeks of the time when and place where he will hear all parties desiring
 163 to be heard upon such application, which notice shall be posted in the
 164 office of the town clerk of the town where such grounds are located.

165 (b) A local shellfish commission established pursuant to section 26-
 166 257a may allow limited and supervised use of a power dredge or other
 167 contrivance with a capacity of not more than three bushels, for the
 168 purpose of cultivation, enhancement or restoration of natural shellfish
 169 beds located within the jurisdiction of said commission. The use of a
 170 power dredge or other contrivance pursuant to this subsection shall not
 171 be extended to the harvesting or removal of oysters. Such shellfish
 172 commission shall administer such dredging pursuant to section 26-257a.

173 Sec. 8. Section 26-192l of the general statutes is repealed. (*Effective from*
 174 *passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-192k
Sec. 2	<i>from passage</i>	26-212
Sec. 3	<i>from passage</i>	26-213

Sec. 4	<i>from passage</i>	26-232
Sec. 5	<i>from passage</i>	26-207
Sec. 6	<i>from passage</i>	26-209
Sec. 7	<i>from passage</i>	26-215
Sec. 8	<i>from passage</i>	Repealer section

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Resources of the General Fund	GF - Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill shortens the commercial shellfish harvest season. The bill moves up the start date of issuing fines from July 20 to June 15. To the extent this results in additional violations, there could be an associated revenue gain to the resources of the General Fund. The penalties for violating shellfishing restrictions are subject to a fine of up to \$250. Any additional violations and corresponding revenue anticipated from shortening the harvest season is anticipated to be minimal.

The bill makes various other technical and procedural changes that do not result in a fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**HB 7170*****AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE
DEPARTMENT OF AGRICULTURE REGARDING AQUACULTURE.*****SUMMARY**

This bill makes numerous unrelated changes to statutes concerning the state's aquaculture industry. Primarily, it does the following:

1. eliminates state requirements that are not in line with the National Shellfish Sanitation Program Model Ordinance (§ 1);
2. shortens the state's commercial shellfish (e.g., oyster, clam, mussel) harvest season (§§ 2-4);
3. requires shellfish grounds owners and franchise holders to certify to the Department of Agriculture (DoAg) that they complied with all required business and shellfish-related state tax filings for the prior year, and grants them appeal rights (§§ 5 & 6);
4. increases the allowed power dredge limit, from 30 to 60 pounds, for gathering shellfish (§ 7); and
5. repeals requirements for DoAg's shellfish recovery vessel, the John H. Volk, which DoAg no longer owns (§ 8).

EFFECTIVE DATE: Upon passage

§ 1 — SHELLFISH SANITATION

By law, DoAg must allow shell fishermen to relay (i.e. transplant) shellfish from shellfish grounds classified as restricted (i.e. polluted) to other grounds, in keeping with the National Shellfish Sanitation Program Model Ordinance. The ordinance establishes sanitary controls over growing, harvesting, shucking, packing, and distributing shellfish.

The bill eliminates specific requirements under current law that no longer align with the ordinance or are otherwise unnecessary. These include provisions that (1) require identification tags with shellfish location information to be confidential, (2) prescribe the order of harvest and relay, and (3) require a harvester to notify the Department of Energy and Environmental Protection of a planned relay. (In practice, DoAg's combined shellfish harvest and relay license requires market activity to occur before the movement of contaminated fish.)

§§ 2-4 — SHELLFISH HARVEST SEASON

The bill shortens the commercial shellfish harvest season by closing the natural beds sooner than allowed under current law. Specifically, it moves up the annual expiration date of shellfish licenses from July 20 to June 30.

It also revises the time period for assessing penalties for violating shellfishing restrictions. Currently, anyone who takes oysters or shells from natural beds beginning July 20 and through the end of an established period (which varies depending on location), is generally subject to a fine of up to \$250. The bill moves up the start of this period from July 20 to June 15.

§§ 5 & 6 — STATE TAX FILINGS AND APPEAL RIGHTS

The bill requires the owner of shellfish grounds or a franchise within the state's exclusive jurisdiction to certify to the DoAg commissioner that he or she completed all required business and shellfish-related state tax filings for the prior year.

The bill also grants appeal rights to shellfish grounds owners and franchise holders aggrieved by any DoAg commissioner actions under the state law that allows the taxation of shellfish grounds. Appeals must be made to the Superior Court in the judicial district where the franchise or ground is located or the owner appealing resides.

§ 7 — POWER DREDGE LIMIT

The bill increases the allowed power dredge limit, from 30 to 60 pounds, for gathering shellfish. By law, dredges cannot be used for

taking shellfish from public shellfish beds and no dredge can have a capacity of more than 1.5 bushels. (A 60-pound dredge conforms with industry practice and is compatible with the 1.5 bushel capacity limit.)

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 32 Nay 0 (03/24/2025)