



General Assembly

January Session, 2001

Amendment

LCO No. 8041

Offered by:

SEN. COOK, 18th Dist.

SEN. PETERS, 20th Dist.

SEN. WILLIAMS, 29th Dist.

REP. BACKER, 121st Dist.

To: Senate Bill No. 878

File No. 422

Cal. No. 301

**"AN ACT CONCERNING A COASTAL RESOURCES ADVISORY
COUNCIL."**

1 In line 1, before "(NEW)", insert "Section 1."

2 After line 29, insert the following:

3 "Sec. 2. Section 26-194 of the general statutes is repealed and the
4 following is substituted in lieu thereof:

5 (a) The Commissioner of Agriculture may lease in the name of the
6 state, under such regulations as [he] the commissioner may prescribe
7 and for a period not longer than ten years, all shellfish areas that have
8 been conveyed to the state or placed under state jurisdiction by the
9 town of West Haven and any undesignated grounds, within the
10 exclusive jurisdiction of the state, for the purpose of planting and
11 cultivating shellfish. The authority herein conferred shall include the
12 Cormell Reef, Portchester, Great Captain's Island, Field Point and

13 Greenwich Point natural beds as located and described in section 3295
14 of the general statutes, revision of 1918. Any person desiring to lease
15 grounds for such purpose shall make application in writing to the
16 commissioner and all grounds leased by authority of the provisions of
17 this section shall be leased to the highest responsible bidder, for a
18 minimum fee of two dollars per acre. The form of such application and
19 lease shall be approved by the Attorney General, and all such leases
20 shall be recorded in the records of the commissioner. No lease shall be
21 granted to a resident of a state which does not lease shellfish grounds
22 to residents of this state, except that any nonresident who was granted
23 a lease on or before October 1, 1985, may, upon the expiration of such
24 lease, apply for a renewal or further lease as provided in this section.
25 The commissioner shall grant any such lease to nonresidents upon the
26 same terms and conditions as to residents of this state. Any lessee or
27 holder of oyster ground, on the expiration of any lease thereof which
28 has been or which may be granted, shall, upon application to the
29 commissioner, have the preference in the reletting of such ground for a
30 like term to that granted in the original lease, unless such applicant, at
31 the time for granting such application, is in arrears for rent on the
32 original lease of such ground. Such application for such renewal or
33 further lease shall be granted without notice or advertisement of the
34 pendency thereof; provided no renewal or further lease of such ground
35 shall be granted when the commissioner, for cause, ceases to lease such
36 ground for oyster culture. All assignments or transfers of leases shall
37 be subject to the approval of the commissioner and shall be recorded in
38 his records. Any person who interferes with, annoys or molests
39 another in the enjoyment of any lease authorized by the provisions of
40 this section shall be subject to the penalties provided in section 26-237.
41 Any lessee pursuant to this section, upon altering his or her activities
42 in a shellfish area, expanding the intensity of activities within the lease
43 area, or changing the technology used to harvest shellfish within the
44 lease area, as stated in the original application for a lease, shall notify
45 the commissioner, in writing, of such alteration. Upon review of such
46 notification, the commissioner may terminate said lease or may require
47 the lessee to submit a new permit application. Any alternations to

48 activities during the lease term must comply with the Connecticut
49 coastal zone management plan. The provisions of sections 26-212, 26-
50 215 and 26-232 shall not apply to any shellfish grounds leased
51 pursuant to the provisions of this section.

52 (b) The commissioner may designate an agent within the
53 department to exercise the authority of said commissioner under this
54 section.

55 Sec. 3. The Commissioner of Agriculture shall adopt regulations, in
56 accordance with the provisions of chapter 54 of the general statutes,
57 that set criteria for, and limits on, various methods of shellfish
58 technology that may be utilized under a lease pursuant to section 26-
59 194 of the general statutes. Such criteria and limits shall reflect
60 categories of gear used for shellfishing, shellfish hatcheries and use of
61 shellfish beds."