



Senate

General Assembly

File No. 364

February Session, 2004

Substitute Senate Bill No. 551

Senate, March 31, 2004

The Committee on Environment reported through SEN. WILLIAMS of the 29th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING RECREATIONAL FISHING IN CONNECTICUT.

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

1 Section 1. (NEW) (*Effective from passage*) The Commissioner of
2 Environmental Protection shall not close an area to sport fishing, as
3 defined in section 26-1 of the general statutes, pursuant to section 26-
4 16, 26-101, 26-102, 26-111 or 26-112 of the general statutes, unless the
5 commissioner finds, after a hearing held pursuant to section 26-113 of
6 the general statutes, that: (1) The proposed closed area is no larger than
7 that which is supported by the best scientific data available to the
8 commissioner, (2) a timetable is provided for review of the closure of
9 such area not less than once every three years, (3) provisions are made
10 to reopen the closed area to sport fishing when the conditions
11 requiring the closure no longer exist, and (4) notice and an explanation
12 of the closure are posted on the Internet web site of the Department of
13 Environmental Protection.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Environmental Protection	Environmental Conservation/GF - Cost	See Below	See Below

Municipal Impact: None

Explanation

The bill requires that the Department of Environmental Protection (DEP) cannot close an area to sport fishing, until a hearing is held and certain determinations are made. The regulatory process and requirements for this public hearing (estimated at one per year) require the use of the equivalent of one full-time environmental professional, and expert in-house staff that would need to be diverted away from their duties resulting in a cost of \$50,000 per year.

OLR Bill Analysis

sSB 551

AN ACT CONCERNING RECREATIONAL FISHING IN CONNECTICUT**SUMMARY:**

This bill prohibits the Department of Environmental Protection (DEP) commissioner from closing an area to sport fishing unless the commissioner finds, after a holding a public hearing, that:

1. the area proposed for closure is no larger than necessary based on the best scientific data available to the commissioner,
2. a timetable is provided for review of the closure at least once every three years,
3. provisions are made to reopen the closed area to sport fishing when the conditions requiring the closure end, and
4. notice and an explanation of the closure are posted on DEP's website.

EFFECTIVE DATE: Upon Passage

BACKGROUND***Sports Fishing***

By law, "sports fishing" means taking or attempting to take any fish, crustacea, sea scallops, squid, horseshoe crabs or bait species in any water (salt, fresh, or brackish - a mix) by any method other than commercial methods.

Closing State Waters to Fishing

By law, the DEP commissioner may, by regulation, close or open any state body of water to regulate fishing or other public use. He may issue regulations, after notice and public hearing, to, among other

things, establish areas of the water strictly for use by children or the physically handicapped. He may close bodies of water (or portions of them) to fishing or other public use when he determines it is necessary for the management of wildlife or plant species or for public safety reasons (no public hearing is required in these instances). He also has the emergency authority to declare a closed season on any species of fish threatened by undue depletion from any cause, which the bill would not affect.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0