



General Assembly

February Session, 2004

Raised Bill No. 550

LCO No. 2130

02130_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT CONCERNING THE MANAGEMENT OF STATE SHELLFISH
GROUNDS.**

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

1 Section 1. Section 26-194 of the general statutes, as amended by
2 section 2 of public act 03-263, is repealed and the following is
3 substituted in lieu thereof (*Effective June 1, 2004*):

4 (a) The Commissioner of Agriculture may lease in the name of the
5 state, under such regulations as he may prescribe and for a period not
6 longer than ten years, all shellfish areas that have been conveyed to the
7 state or placed under state jurisdiction by the town of West Haven and
8 any undesignated grounds, within the exclusive jurisdiction of the
9 state, for the purpose of planting and cultivating shellfish. The
10 authority herein conferred shall include the Cornell Reef, Portchester,
11 Great Captain's Island, Field Point and Greenwich Point natural beds
12 as located and described in section 3295 of the general statutes,
13 revision of 1918. Any person desiring to lease grounds for such
14 purpose shall make application in writing to the commissioner and all
15 grounds leased by authority of the provisions of this section shall be
16 leased to the highest responsible bidder, for a minimum fee of [two]

17 four dollars per acre. Such lease or lease renewal shall require the
18 lessee to make a good faith effort to cultivate and harvest shellfish
19 from the leased area. Such lease or lease renewal shall prohibit the
20 lessee from entering a contract whereby the lessee agrees not to
21 cultivate and harvest shellfish for any period of time. No lessee may
22 enter an agreement with a third party that will prevent the lessee from
23 carrying out the lessee's obligations under the lease unless the
24 Department of Agriculture and the Attorney General have approved
25 such agreement. The form of such application and lease shall be
26 approved by the Attorney General, and all such leases shall be
27 recorded in the records of the commissioner. No lease shall be granted
28 to a resident of a state which does not lease shellfish grounds to
29 residents of this state, except that any nonresident who was granted a
30 lease on or before October 1, 1985, may, upon the expiration of such
31 lease, apply for a renewal or further lease as provided in this section.
32 The commissioner shall grant any such lease to nonresidents upon the
33 same terms and conditions as to residents of this state. Any lessee or
34 holder of [oyster ground] shellfish grounds, on the expiration of any
35 lease thereof which has been or which may be granted, having fulfilled
36 all of such lessee's or holder's obligations under the lease shall, upon
37 application to the commissioner, have [the] preference in the reletting
38 of such ground for a like term to that granted in the original lease,
39 [unless such applicant, at the time for granting such application, is]
40 excluding the rental fee, which shall not be less than the minimum fee
41 per acre as provided in this subsection. A lease renewal shall not be
42 granted if the applicant is in arrears for rent on the original lease of
43 such [ground] grounds. Such application for such renewal or further
44 lease shall be granted without notice or advertisement of the pendency
45 thereof; provided no renewal or further lease of such ground shall be
46 granted when the commissioner, for cause, ceases to lease such ground
47 for [oyster] shellfish culture. The commissioner shall adopt
48 regulations, in accordance with the provisions of chapter 54, regarding
49 shellfish grounds rental fees at the time of lease renewals. All
50 assignments or transfers of leases shall be subject to the approval of the

51 commissioner and shall be recorded in his records. Any person who
52 interferes with, annoys or molests another in the enjoyment of any
53 lease authorized by the provisions of this section shall be subject to the
54 penalties provided in section 26-237. The provisions of sections 26-212,
55 as amended, 26-215, as amended, and 26-232, as amended, shall not
56 apply to any shellfish grounds leased pursuant to the provisions of this
57 section.

58 (b) Upon request of a lessee, the commissioner may divide or
59 consolidate shellfish grounds leased by such lessee, if the
60 commissioner determines such division or consolidation to be in the
61 best interests of the state. The minimum fee per acre shall apply to
62 shellfish grounds divided or consolidated pursuant to this subsection.

63 [(b)] (c) Notwithstanding the provisions of subsection (a) of this
64 section, any owner of a utility line or public use structure that impacts
65 on a leased area shall pay to the lessee the costs of removing or
66 relocating any shellfish. Nothing in this subsection shall be construed
67 to prohibit the state or any lessee from recovering damages incurred
68 by the state or the lessee caused by the installation, construction or
69 presence of such utility line or public use structure.

70 [(c)] (d) The commissioner may designate an agent within the
71 department to exercise the authority of said commissioner under this
72 section.

This act shall take effect as follows:	
Section 1	June 1, 2004

Statement of Purpose:
To increase the minimum lease fee for shellfish grounds, to require shellfish grounds lessees to comply with lease provisions and to allow the Commissioner of Agriculture to adjust lease fees upon renewal and to divide or consolidate shellfish grounds parcels upon request of a lessee.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]