



General Assembly

February Session, 2004

Raised Bill No. 591

LCO No. 2343

* _____SB00591ET_____042704_____*

Referred to Committee on Environment

Introduced by:
(ENV)

AN ACT CONCERNING THE PROTECTION OF LONG ISLAND SOUND.

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

1 Section 1. Section 25-157 of the general statutes, as amended by
2 section 6 of public act 03-123 and section 1 of public act 03-148, is
3 repealed and the following is substituted in lieu thereof (*Effective from*
4 *passage*):

5 Notwithstanding any other provision of the general statutes, no
6 state agency, including, but not limited to, the Department of
7 Environmental Protection and the Connecticut Siting Council, shall
8 consider or render a final decision for any applications relating to
9 electric power line crossings, gas pipeline crossings or
10 telecommunications crossings of Long Island Sound that has required
11 or will require a certificate issued pursuant to section 16-50k, as
12 amended, or approval by the Federal Energy Regulatory Commission
13 including, but not limited to, electrical power line, gas pipeline or
14 telecommunications applications that are pending or received after
15 June 3, 2002, for a period of [two] three years after June 3, 2002. Such
16 moratorium shall not apply to applications relating solely to the
17 maintenance, repair or replacement necessary for repair of electrical

18 power lines, gas pipelines or telecommunications facilities currently
19 used to provide service to customers located on islands or peninsulas
20 off the Connecticut coast or harbors, embayments, tidal rivers, streams
21 or creeks. Nothing in section 16-244j, this section or sections 25-157a to
22 25-157c, inclusive, as amended, shall be construed to affect the project
23 in the corridor across Long Island Sound, from Norwalk to Northport,
24 New York, to replace the existing electric cables that cross the sound.

25 Sec. 2. Section 26-194 of the general statutes, as amended by section
26 2 of public act 03-263 and section 146 of public act 03-6 of the June 30
27 special session, is repealed and the following is substituted in lieu
28 thereof (*Effective July 1, 2004*):

29 (a) The Commissioner of Agriculture and Consumer Protection may
30 lease in the name of the state, under such regulations as he may
31 prescribe and for a period not longer than ten years, all shellfish areas
32 that have been conveyed to the state or placed under state jurisdiction
33 by the town of West Haven and any undesignated grounds, within the
34 exclusive jurisdiction of the state, for the purpose of planting and
35 cultivating shellfish. The authority herein conferred shall include the
36 Cornell Reef, Portchester, Great Captain's Island, Field Point and
37 Greenwich Point natural beds as located and described in section 3295
38 of the general statutes, revision of 1918. Any person desiring to lease
39 grounds for such purpose shall make application in writing to the
40 commissioner and all grounds leased by authority of the provisions of
41 this section shall be leased to the highest responsible bidder, for a
42 minimum fee of two dollars per acre. Such lease or lease renewal shall
43 require the lessee to make a good faith effort to cultivate and harvest
44 shellfish from the leased area. Such lease or lease renewal shall
45 prohibit the lessee from entering a contract whereby the lessee agrees
46 not to cultivate and harvest shellfish for any period of time. No lessee
47 may enter an agreement with a third party that will prevent the lessee
48 from carrying out the lessee's obligations under the lease unless the
49 Department of Agriculture and Consumer Protection and the Attorney
50 General have approved such agreement. The form of such application

51 and lease shall be approved by the Attorney General, and all such
52 leases shall be recorded in the records of the commissioner. No lease
53 shall be granted to a resident of a state which does not lease shellfish
54 grounds to residents of this state, except that any nonresident who was
55 granted a lease on or before October 1, 1985, may, upon the expiration
56 of such lease, apply for a renewal or further lease as provided in this
57 section. The commissioner shall grant any such lease to nonresidents
58 upon the same terms and conditions as to residents of this state. Any
59 lessee or holder of oyster ground, on the expiration of any lease thereof
60 which has been or which may be granted, shall, upon application to
61 the commissioner, have the preference in the reletting of such ground
62 for a like term to that granted in the original lease, unless such
63 applicant, at the time for granting such application, is in arrears for
64 rent on the original lease of such ground. Such application for such
65 renewal or further lease shall be granted without notice or
66 advertisement of the pendency thereof; provided no renewal or further
67 lease of such ground shall be granted when the commissioner, for
68 cause, ceases to lease such ground for oyster culture. All assignments
69 or transfers of leases shall be subject to the approval of the
70 commissioner and shall be recorded in his records. Any person who
71 interferes with, annoys or molests another in the enjoyment of any
72 lease authorized by the provisions of this section shall be subject to the
73 penalties provided in section 26-237. The provisions of sections 26-212,
74 as amended, 26-215, as amended, and 26-232, as amended, shall not
75 apply to any shellfish grounds leased pursuant to the provisions of this
76 section.

77 (b) Notwithstanding the provisions of subsection (a) of this section,
78 any owner of a utility line or public use structure that impacts on a
79 leased area shall pay to the lessee the costs of removing or relocating
80 any shellfish. Nothing in this subsection shall be construed to prohibit
81 the state or any lessee from recovering damages incurred by the state
82 or the lessee caused by the installation, construction or presence of
83 such utility line or public use structure.

