



General Assembly

January Session, 2007

Amendment

LCO No. 6915

HB0701806915HDO

Offered by:
REP. BACKER, 121st Dist.

To: House Bill No. 7018

File No. 172

Cal. No. 196

"AN ACT CONCERNING IDENTIFICATION OF HARVESTED SHELLFISH."

1 After the last section, add the following and renumber sections and
2 internal references accordingly:

3 "Sec. 501. (NEW) (*Effective from passage*) (a) The Department of
4 Agriculture shall, upon written request of a municipality, enter into a
5 memorandum of understanding with such municipality to authorize
6 the health department or similar agency of the municipality to collect
7 sea water samples for the purpose of shellfish harvest water
8 classification. The memorandum of understanding shall not limit the
9 geographic area from which the municipality may collect such samples
10 and shall not be construed to prevent the municipality from collecting
11 or processing samples for the purpose of improving shellfish harvest
12 water classification. The Department of Agriculture shall provide the
13 municipality with support, documentation and training regarding
14 record keeping and sample collection and transport. The municipality
15 shall provide training to any employees or agents it designates to take

16 such samples.

17 (b) Samples collected by a municipality shall be collected and
18 processed in accordance with the National Shellfish Sanitation
19 Program Model Ordinance, as amended from time to time. Such
20 samples shall be processed by a laboratory certified pursuant to said
21 analysis of a sample processed in a laboratory other than a Department
22 of Agriculture laboratory shall be transmitted directly to said
23 department's Bureau of Aquaculture and to the municipality that
24 submitted the sample.

25 (c) The municipality may, but shall not be required to, assist the
26 Department of Agriculture in sample collection in post rainfall
27 conditions, spill events or routine sampling requirements. The
28 Department of Agriculture shall accept all sample data analysis from
29 samples collected by municipalities pursuant to this section and said
30 department shall include such data analysis in any data base, report,
31 file, calculation or process used by said department to determine or
32 report water quality classification or reclassification.

33 Sec. 502. Section 26-241 of the general statutes is repealed and the
34 following is substituted in lieu thereof (*Effective July 1, 2007*):

35 (a) All stakes, buoys or other markers placed by any person, except
36 buoys placed by the state, so as to mark the divisional line, in whole or
37 in part, between any private and any public or natural oyster, clam or
38 mussel beds, in any waters of this state, shall have the name or initial
39 of the owner plainly marked and visible at high water. Any
40 corporation or person who fails to comply with the provisions of this
41 section shall have committed an infraction.

42 (b) A buoy marking oyster, clam or mussel beds pursuant to
43 subsection (a) of this section or section 26-240 shall be constructed with
44 rigid polystyrene foam or similar buoyant material. Such buoy shall
45 support a vertical pole extending not less than ten feet above the top of
46 such buoy and shall be tethered by a rope or line to an anchoring
47 device of sufficient weight to maintain the position of the buoy. The

48 vertical pole shall not exceed three and one-half inches in diameter at
49 any point and shall not be constructed of a metallic material. A durable
50 waterproof flag not less than six inches in height and eight inches in
51 length shall be affixed to the top of the pole.

52 Sec. 503. (NEW) (*Effective from passage*) A resource assessment
53 permit issued by the Department of Agriculture for the purpose of
54 assessing the viability of a shellfish area shall not authorize more than
55 one hundred acres of assessment area per permit. Said department
56 shall require the placement of buoys at each corner of the assessment
57 area, as defined by the permit applicant, prior to the start of any
58 assessment. Said department shall notify all abutting shellfish
59 groundowners or lease holders of the issuance of such permit not later
60 than five days prior to the effective date of the permit."