



General Assembly

Amendment

January Session, 2007

LCO No. 6938

HB0701806938HRO

Offered by:
REP. MINER, 66th Dist.

To: House Bill No. 7018

File No. 172

Cal. No. 196

(As Amended)

"AN ACT CONCERNING IDENTIFICATION OF HARVESTED SHELLFISH."

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Section 26-192k of the general statutes is repealed and the
4 following is substituted in lieu thereof (*Effective from passage*):

5 (a) The Department of Agriculture shall allow the relay of shellfish
6 from shellfish grounds classified as restricted relay to other grounds in
7 accordance with the National Shellfish Sanitation Program Model
8 Ordinance, as amended from time to time, regarding restricted
9 shellfish relay. The department shall allow the harvest of shellfish from
10 shellfish grounds classified as approved for market on the same day
11 using the same vessel, provided the harvester first harvests the
12 approved market product and lands the product to shore. A harvester
13 shall not begin the relay of shellfish from shellfish grounds classified

14 as restricted relay until all shellfish harvested first from approved
15 market grounds, in market quantities, have been removed from the
16 vessel. Such harvester shall not begin such relay until after the
17 harvester has notified the Department of Environmental Protection of
18 such relay. The harvester shall provide all information required by the
19 Department of Agriculture regarding shellfish relays to the
20 Department of Environmental Protection at the time of such
21 notification. For the remainder of the day, the harvester shall not
22 harvest approved market shellfish after beginning such relay.

23 (b) All tag identification information regarding shellfish harvest
24 locations shall be confidential, provided the harvester of the shellfish
25 marks the tag with a unique code corresponding to the shellfish
26 harvest location. [Such harvester shall provide the Department of
27 Agriculture] The Department of Agriculture shall provide such
28 harvester and the Department of Environmental Protection with a
29 written code key detailing the harvest location and corresponding code
30 to be used by the harvester.

31 Sec. 2. (NEW) (*Effective from passage*) (a) The Department of
32 Agriculture shall, upon written request of a municipality, enter into a
33 memorandum of understanding with such municipality to authorize
34 the health department or similar agency of the municipality to collect
35 sea water samples for the purpose of shellfish harvest water
36 classification. The memorandum of understanding shall not limit the
37 geographic area from which the municipality may collect such samples
38 and shall not be construed to prevent the municipality from collecting
39 or processing samples for the purpose of improving shellfish harvest
40 water classification. The Department of Agriculture shall provide the
41 municipality with guidance regarding record keeping and sample
42 collection and transport. The municipality shall provide training to any
43 employees or agents it designates to take such samples.

44 (b) Samples collected by a municipality shall be collected and
45 processed in accordance with the National Shellfish Sanitation
46 Program Model Ordinance, as amended from time to time. Such

47 samples shall be processed by a laboratory certified pursuant to said
48 analysis of a sample processed in a laboratory other than a Department
49 of Agriculture laboratory shall be transmitted directly to said
50 department's Bureau of Aquaculture and to the municipality that
51 submitted the sample.

52 (c) The municipality may, but shall not be required to, assist the
53 Department of Agriculture in sample collection in post rainfall
54 conditions, spill events or routine sampling requirements. The
55 Department of Agriculture shall accept all sample data analysis from
56 samples collected by municipalities pursuant to this section and said
57 department shall include such data analysis in any data base, report,
58 file, calculation or process used by said department to determine or
59 report water quality classification or reclassification.

60 Sec. 3. Section 26-241 of the general statutes is repealed and the
61 following is substituted in lieu thereof (*Effective July 1, 2007*):

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

69 (b) A buoy marking oyster, clam or mussel beds pursuant to
70 subsection (a) of this section or section 26-240 shall be constructed with
71 rigid polystyrene foam or similar buoyant material. Such buoy shall
72 support a vertical pole extending not less than ten feet above the top of
73 such buoy and shall be tethered by a rope or line to an anchoring
74 device of sufficient weight to maintain the position of the buoy. The
75 vertical pole shall not exceed three and one-half inches in diameter at
76 any point and shall not be constructed of a metallic material. A durable
77 waterproof flag not less than six inches in height and eight inches in
78 length shall be affixed to the top of the pole.

79 Sec. 4. (NEW) (*Effective from passage*) A resource assessment permit
 80 issued by the Department of Agriculture for the purpose of assessing
 81 the viability of a shellfish area shall not authorize more than one
 82 hundred acres of assessment area per permit. Said department shall
 83 require the placement of buoys at each corner of the assessment area,
 84 as defined by the permit applicant, prior to the start of any assessment.
 85 Said department shall notify all abutting shellfish groundowners or
 86 lease holders of the issuance of such permit not later than five days
 87 prior to the effective date of the permit."

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	26-192k
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>July 1, 2007</i>	26-241
Sec. 4	<i>from passage</i>	New section