



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE



Testimony Regarding, proposed House Bills Nos. *5462, 5211, 5467, and 5795*, Before the Environment Committee, February 23rd, 2009.

Senator Meyer, Representative Roy, members of the Environment Committee, my name is F. Philip Prelli, Commissioner of Agriculture. Thank you for the opportunity to testify on the above referenced bills.

The Department of Agriculture is the lead agency on shellfish sanitation and regulation. As such, the Department's Bureau of Aquaculture coordinates the activities of other state agencies with regard to shellfish and acts as a liaison on shellfish matters between the state and municipalities, including local shellfish commissions. (CGS Sec. 26-192a). Below are the Department's comments.

pHB 5462 - An Act Concerning the Regulation of Marine Structures – concerns

HB 5462 proposes requiring the Commissioner of Environmental Protection to adopt regulations concerning the construction of marine structures. The Department of Agriculture authorizes aquaculture permits for commercial underwater shellfish aquaculture gear that is classified as marine structures. Presently aquaculture gear as defined in 22-11c and 22-11h(c) is exempt from the requirements of sections 22a-359 to 22a-363f, inclusive (regulation of dredging and erection of structures and placement of fill in tidal, coastal or navigable waters). The Department requests that the requirements of this proposed bill fall within those sections and not impact shellfish aquaculture gear.

pHB 5211 – An Act Concerning Local Shellfish Commissions - support

The Department shall coordinate the activities of other state agencies with regard to shellfish and shall act as a liaison on shellfish matters between the state and municipalities, including local shellfish commissions. The local shellfish commissions are required to prepare and periodically update a shellfish management plan for shellfish areas under their purview. CGS-26-257a (c) states "The plan shall be submitted to the Commissioner of Agriculture and any appropriate board of selectmen, mayor or warden for review and comment". pHB 5211 proposes "to require that communications and correspondence with local commissions to be in writing and subject to provisions of chapter 14 of general statutes". Although this language is vague and is open to some interpretation, the Department of Agriculture supports requirements that all local shellfish decisions and policies be in writing and subject to review.

pHB 5467 – An Act Concerning the Regulation of Residential Docks by Harbor Management Commissioner - opposed

This bill would authorize harbor management commissions to develop and implement building, design and location standards for private residential docks. The Department of Agriculture is



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE



opposed to pHB5467 as it would further complicate an existing interagency cooperative process (DEP/DOA) whereby these two agencies work in tandem to locate residential docks in areas which limit the environmental impact as well as the impact on private and public recreational shell fishing areas. A determination is made by the Bureau of Aquaculture and the pertinent local shellfish commission prior an applicant's submission to the DEP for DEP's review and final approval. Local harbor management commissions have no authority in enforcing environment law. This could complicate the existing process and make it inefficient and cumbersome. Adding this extra layer of review to the dock permit application will increase the work load of both the local shellfish commissions and the Bureau of Aquaculture. Some determinations could result in an additional or second review by DEP.

Pub 5795 – An Act Concerning Shellfish Water Testing

The Department of Agriculture is questioning the need for HB 5795 in which the statement of purpose duplicates activities presently ongoing by municipalities working under cooperative Memorandums of Understandings written and approved by the Bureau of Aquaculture. This legislation is not needed as there are cooperative agreements that are currently in place that conduct shellfish water testing.

The Department of Agriculture Bureau of Aquaculture, (DA/BA) is the lead agency on shellfish, and, as such, takes steps necessary to ensure compliance with the National Shellfish Sanitation Program Model Ordinance (NSSP MO) (see CGS 26-192a-3). The US Food & Drug Administration regulates the interstate shipment of shellfish through the NSSP MO standards adopted by each State's lead shellfish authority.

DA/BA has authority within the NSSP MO to develop Memorandums of Understanding with municipal departments to conduct water sampling. The DA/BA presently is working with nine municipal departments collecting shellfish water samples under DA/BA approved MOUs. The DA/BA strives to enhance and broaden both recreational and commercial shell fishing opportunities and partnering with cooperating municipal communities may assist in accomplishing that goal.

DA/BA as the state shellfish authority operating under the NSSP MO is required to ensure that shellfish growing waters are correctly classified through a sanctioned routine random water sampling program, a current shoreline survey of pollution sources, and current evaluation of the impacts from water pollution control facilities. The random water sampling program must be performed by individuals trained by DA/BA and collected under the conditions specified in the approved MOU.