



Substitute Senate Bill No. 803

Public Act No. 13-238

AN ACT CONCERNING AQUACULTURE AND THE CULTIVATION OF SEAWEED.

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

Section 1. Subsection (c) of section 26-194 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(c) The Commissioner of Agriculture shall assess the owner of any facility that requires a certificate issued pursuant to section 16-50k or that requires approval by the Federal Energy Regulatory Commission and that crosses any grounds of Long Island Sound within the jurisdiction of the state, including, but not limited to, any shellfish area or leased, designated or granted grounds, an annual host payment fee of forty cents per linear foot for the length of such facility within the jurisdiction of the state. [The Commissioner of Agriculture shall deposit seventy-five per cent of the proceeds of such fee into the expand and grow Connecticut agriculture account established pursuant to section 22-38c and shall transfer the remaining twenty-five per cent to the General Fund.] Seventy-five per cent of the proceeds of such fee shall be deposited in the Shellfish Fund, established pursuant to section 26-237b, and in the expand and grow Connecticut agriculture account, established in section 22-38c. The commissioner

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shall determine the portion of such seventy-five per cent that shall be deposited in each account. The commissioner shall transfer the remaining twenty-five per cent of such proceeds to the General Fund.

Sec. 2. Section 22-11i of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section:

(1) "Aquaculture producer" means any person who engages in the controlled rearing, cultivation and harvesting of aquatic animals or plants in land-based or marine-based culture systems, tanks, containers, impoundments, floating or submerged nets or pens and ponds.

(2) "Aquatic animals" means fresh or saltwater finfish, crustaceans and other forms of aquatic life, including jellyfish, sea cucumber and sea urchin, and the roe of such animals, and all mollusks, which are intended for human consumption. "Aquatic animals" does not include birds or mammals.

(3) "Aquatic plants" means fresh or saltwater algae and plants, including, but not limited to, aquatic macrophyte, microalgae and macroalgae (seaweed) species intended for sea vegetable, biofuel, animal feed, fertilizer, medical, industrial or other commercial applications.

(4) "Seaweed" means any species of marine macroalgae approved by the Commissioner of Agriculture for cultivation in the waters of Long Island Sound.

(5) "Seaweed producer" means any person who engages in the controlled rearing, cultivation and harvesting of seaweed.

(b) The Commissioner of Agriculture shall license and inspect

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aquaculture producers. The commissioner may prescribe the length of term, fee and application for such license. To receive an aquaculture producer license from the commissioner, each aquaculture producer shall: (1) Possess a registration with the United States Food and Drug Administration as a food facility, (2) meet all processing standards and inspection procedures for seafood processing facilities, including, but not limited to, compliance with the provisions of 21 CFR 123--Fish and Fishery Products, Subpart A and the United States Food and Drug Administration's Food Code, as from time to time amended, and (3) pass an inspection conducted by the Department of Consumer Protection prior to the issuance of such license by the commissioner. The provisions of subdivision (2) of this subsection shall not apply to any seaweed or aquatic plant producer who possesses a valid license issued by the commissioner.

(c) Prior to receiving a license from the commissioner to be a seaweed or aquatic plant producer, an applicant shall receive species approval from the commissioner.

[[c)] (d) The Commissioner of Agriculture, in accordance with chapter 54 and in consultation with the Commissioner of Consumer Protection, may adopt regulations to implement the provisions of this section.

Sec. 3. (NEW) (*Effective from passage*) (a) The Commissioner of Agriculture may issue a nontransferable license, in the name of the state, under such policies as the commissioner may prescribe and for a period of not greater than five years and an annual license fee of twenty-five dollars per acre, for the planting and cultivating of seaweed in any area within Connecticut's coastal waters. Any person who has a shellfishing ground lease authorized pursuant to section 26-194 or 26-257a of the general statutes, as amended by this act, shall not be required to remit such annual license fee. Any person licensed pursuant to this section may buy, possess, ship, transport or sell

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seaweed that meets the applicable requirements of sections 22-11h and 22-11i of the general statutes, as amended by this act, and any regulation adopted pursuant to said sections 22-11h and 22-11i. For the purpose of this section, "seaweed" means seaweed, as defined in section 22-11i of the general statutes, as amended by this act.

(b) The General Joint Aquaculture Programmatic Permit Process Review of the Department of Agriculture's Bureau of Aquaculture, the Department of Energy and Environmental Protection's Office of Long Island Sound Programs, and the Army Corps of Engineers may subject any such licensee to the requirements of sections 22a-359 to 22a-363f, inclusive, of the general statutes.

(c) Any such license or license renewal, issued pursuant to this section, shall require the licensee to make a good faith effort to cultivate and harvest seaweed from the licensed area. Any licensee who fulfills all of his or her obligations pursuant to said license, upon the expiration of said license, shall be given preference by the commissioner in the relicensing of such ground for a like term and purpose as that granted in the original license. The commissioner shall not renew the license of any licensee who fails to remit the license fee required pursuant to this section. No application for the renewal of a license pursuant to this section shall be granted without notice or advertisement of the pendency thereof by the commissioner. No renewal of a license for grounds previously leased pursuant to this section shall be granted when the commissioner, for cause, determines to cease licensure of such grounds for seaweed culture.

(d) In no instance shall the Commissioner of Agriculture grant a license to cultivate seaweed pursuant to this section such that the grant of such license interferes with an established right of fishing or an established right of shellfishing. Any license issued pursuant to this section that interferes with an established right of fishing or an established right of shellfishing shall be void.

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(e) Any person who interferes with, annoys or molests another in the enjoyment of any license issued pursuant to this section shall be fined not more than five hundred dollars or imprisoned not more than six months or both.

(f) The Commissioner of Agriculture may adopt regulations, pursuant to chapter 54 of the general statutes, to implement the provisions of this section.

Approved July 2, 2013