

**The Coalition of Connecticut Shell Fisherman (Atlantic Clam Farms of CT, Inc., Pramer Oyster Co., Inc., Hidden Empire, LLC and Norm Bloom & Son, LLC) opposes S. B. 805**

**Bill 805 will create public safety (no mechanism to keep polluted product off market) and enforcement issues.**

**DoAg Response:** The proposed change in HB 805 changing the minimum market size of oysters from three inches to two inches has no bearing on public safety or enforcement with regard to keeping polluted shellfish product off the market. The Department of Agriculture's Bureau of Aquaculture oyster relay licenses currently enable harvesters to transplant any size oyster without limitation from polluted areas classified as Restricted. This represents approximately 80% of the seed acreage where seed oysters are transplanted from. The remaining 20% of the seed acreage is classified as Prohibited, from which a maximum size of 2.75 inches can be transplanted. Harvesters working in either classification must call DEEP dispatch to report the company name, name of vessel, where working, where planting seed oysters, and time of work. No market harvest is allowed on the same day. All market harvest regardless of the size of the oyster that is harvested must occur in designated open areas that appear on the harvester's license; all activities are and will continue to be enforced by DEEP.

**Bill 805 will take valuable seed oyster tracks out of production.**

**DoAg Response:** HB 805 will have no impact on production on valuable seed oyster tracts. HB 805 enables the sale of a market ready 2 inch oyster from a harvesters leased shellfish bed. Harvest beds are located in shellfish beds designated as Conditionally Approved or Approved open waters. The Bill has no impact upon valuable seed oyster tracts (also known as natural beds) as these are not designated as available for harvest. There is no anticipated change to the current status of natural beds as a result of this bill. These natural seed beds will continue to be available for transplant according to the current existing license program.

**Bill 805 will disrupt Connecticut's oyster industry's seed-to-grow-out process by allowing seed to be exported out of state to be grown so its full economic value will benefit under another state.**

**DoAg Response:** HB 805 will have no impact on the interstate sale of oyster seed. No exportation of seed is currently allowed under state statute. The proposed change from three to two inches does not change the existing statutory requirements which state that transplant or relay *must take place within the waters of the state*.

**Bill 805 will encourage an effort to target 2" oysters and our seed beds will be fished out for short term gain.**

**DoAg Response:** HB 805 has no impact on the intensity of harvest from natural seed beds. Under the current statutes and licensing requirements, no size restriction exists on the seed beds classified as Restricted. Seed oystermen target all sizes of oysters set on shell located on public seed oyster beds.

**Bill 805 would significantly reduce the amount of mature 3" oysters on the bottom of Long Island Sound (a) reducing the benefits provided by filter feeding organisms cleaning the waters of Long Island Sound and (b) reducing the spawning biomass which is the basis of a healthy vigorous oyster fishery.**

**DoAg Response:** HB 805 will have no impact on the filter-feeding benefit or spawning biomass of oysters in Long Island Sound. The harvest of oysters from Long Island Sound permanently removes nutrients associated with the tissue of the oyster, which have been sequestered there by the filter-feeding activity. This is one of the primary environmental benefits associated with oyster harvest. Whenever there is any fatality of oysters for any reason (oyster disease, predation, nor'easter storms or hurricanes) all the nutrients that had been sequestered from the Sound up until that point are returned back into the water. The decomposition process uses up oxygen and nutrients are made available in the Sound once again, which contributes to the already elevated nutrient levels existing in the sound. The benefits of harvesting and permanently removing the sequestered nutrients outweigh the loss of filter-feeding activity that is being asserted by the Coalition.

The Department of Agriculture remains committed to developing more shellfish producers and increasing the amount of shellfish produced in CT. Increasing the number of shellfish harvesters as well as the amount of shellfish produced would significantly offset the unknown amount of filtering provided by an unknown number of oysters harvested at two inches.

Secondly, the Department of Agriculture has testified and submitted to the committee the unparalleled scientific NOAA study that looked at oyster biomass and oyster production in Long Island Sound. This study spanned more than twenty four consecutive years (1937-61). This study provided the basis for all current scientific research work regarding oyster recruitment. The study concluded that oyster biomass has *no bearing* on the amount of oyster larval recruitment and that recruitment is significantly impacted by environmental conditions rather than standing biomass. The ability to harvest oysters at two inches rather than three will not have any impact on recruitment in the natural beds.

**There is no need for Senate Bill 805 because a poll of distributors in CT, RI & NY and MA indicated a market preference for a minimum 3” oyster and resulted in negative feedback when offered anything other than a 3” minimum oyster.**

**DoAg Response:** The Department of Agriculture has proposed HB 805 because CT oyster producers currently produce a market ready oyster sized between 2.5 and three inches. These smaller Connecticut oysters have been observed during inspections at shellstock distributors. According to current statutes no oyster should be sold which has not reached a three inch size. Without this statute change the Department of Agriculture will be required to enforce the existing three inch size restriction, which would have a far more damaging impact to the industry. The percentage of smaller oysters that are currently being sold varies from harvester to harvester, but the enforcement of the existing statute could result in fines and possibly sentences for harvesters breaking this law. This would not only negatively impact the individual growers who are caught selling these smaller oysters, but also could be damaging to the reputation of the entire industry.

Additionally, restaurants are requesting a premium Connecticut boutique oyster. Based on our personal communications with a number of reputable CT shellfish distributors, restaurant customers are seeking this premium product; specifically Gulf Shrimp located in Southington and Westport Fishing Company located in Bridgeport. These two successful distributors currently have customers seeking a premium product that CT shellfish companies would be able to fulfill with the proposed legislative change. The Department of Agriculture desires to remedy this situation which the facts stated above indicate no negative impacts to the industry or health of the oyster population.

**Section 26-234b of the General Statutes is the basis of a very successful rebounding oyster industry. If repealed by 805 it will undermine the progress we’ve made to date.**

**DoAg Response:** HB 805 will have no negative impact on the rebounding industry. Legalizing the sale of an oyster smaller than three inches from a privately held lease would enable all oystermen to market an oyster at the size which the market dictates, allowing them to obtain the most premium price for their product. The change will enhance the long-term viability of the Connecticut Shellfish Industry. In addition, there are important economic benefits for the state from related industries, which directly feed on the success of the CT Shellfish Industry, including marinas, which provide anchorage for shellfish boats, as well as boat fuel operations, refrigeration and transportation dealers and services, mechanical services, marine fabricators, etc. The Department believes that the change will allow for a more successful and productive oyster industry that will once again be renowned for producing a premium oyster.

