

## Acts Affecting Lakes, 2012-2017

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### Issue

This report summarizes state laws that passed between 2012 and 2017 affecting lakes (e.g., water quality, land use, recreational activity).

### Summary

We identified 23 acts passed during the last six years that affect lakes, including some that sought to prevent the spread of invasive species, addressed vessel operation requirements, revised fishing license requirements and fees, and restricted phosphate fertilizer use. The report excludes vetoed acts and lake-related bond authorizations.

Not all provisions of the acts are included. Complete summaries of all public acts are available on OLR's webpage: <http://www.cga.ct.gov/olr/>.

## Aquatic Plants and Animals

### *Aquaculture Producers*

In 2012, the legislature passed a law that required the agriculture commissioner to license and inspect aquaculture producers. Under the law, an "aquaculture producer" is anyone who engages in the controlled rearing, cultivation, and harvesting of aquatic animals in land- or marine-based culture systems, tanks, containers, impoundments, floating or submerged nets, or pens and ponds. "Aquatic animals" are fresh or saltwater finfish, crustaceans, and other aquatic life that are intended for human consumption ([PA 12-176](#), § 1, effective October 1, 2012).

The legislature expanded the aquaculture producer law in 2013 to those who rear, cultivate, and harvest aquatic plants. Aquatic plants include fresh or saltwater algae and plants intended for commercial applications such as food, biofuel, or fertilizer, among other things. The law required aquatic plant producer applicants to get species approval from the agriculture commissioner ([PA 13-238](#), § 2, effective July 2, 2013).

## ***Invasive Species***

***Management Program.*** During the 2014 legislative session, the legislature established an aquatic invasive species management grant and prevention and education program, under which the Department of Energy and Environmental Protection (DEEP) could (1) provide grants to municipalities for management efforts, (2) educate boaters on ways to prevent the spread of aquatic invasive species, and (3) conduct rapid response to aquatic invasive species in inland water bodies. Aquatic invasive species are non-native aquatic plants or animals that tend to grow at such a rate that they displace native species and disrupt the ecosystem. They include Eurasian milfoil, fanwort, zebra mussel, quagga mussel, Chinese mitten crab, New Zealand mud snail, Asian clam, and rusty crayfish ([PA 14-217](#), § 248, effective July 1, 2014).

***Penalty.*** A 2013 law lowered the fine, from up to \$1,000 to up to \$85, for importing, possessing, or liberating live fish or aquatic nuisance invertebrates and made a violation an infraction ([PA 13-83](#), §§ 2-3, effective June 5, 2013).

***Vessel Inspection.*** The legislature passed a law in 2012 requiring people who transport a vessel or vessel trailer into the state to first conduct an inspection for aquatic invasive species and properly remove and dispose of any aquatic invasive species that are seen and identifiable. Related, the new law required DEEP-approved safe boating courses to teach boaters how to conduct a proper inspection for aquatic invasive species and dispose of them. Existing law already had these requirements to address the presence of vegetation on transported vessels and trailers ([PA 12-167](#), effective July 1, 2012).

## **Boating and Vessels**

### ***Abandoned Vessels***

In 2014, the legislature revamped the procedure for seizing and disposing of abandoned vessels and established a new administrative process for implementing it. The new law generally expanded the circumstances in which a vessel is considered abandoned. Among other things, it also made abandoning a vessel punishable by a fine of between \$300 and \$500, unless the abandonment

occurs during, and because of conditions that caused, a declared emergency ([PA 14-57](#), effective January 1, 2015).

### ***Electric Motor Boat Operation***

Legislation adopted in 2013 allowed certain people to operate electric motor boats without having a (1) DEEP safe boating certificate or (2) U.S. Coast Guard operator license. It applied to anyone operating a boat between one hour before sunrise and one hour after sunset with an electric motor rated at 106 pounds of thrust or less on inland waters where motor boats over 10 horsepower are banned. By law, a boat owner may not knowingly let a child under age 16 operate the boat unless the child has a safe boating certificate or is supervised by a person age 18 or older who has held a safe boating certificate for at least two years. The new law waived this provision for someone operating a boat under the circumstances described above ([PA 13-98](#), effective October 1, 2013).

### ***Jetted Articulated Vessels***

A jetted articulated vessel (JAV) is a watercraft comprised of a base pumping unit that sends pressurized water through a hose to propel the vessel and elevate an operator into the air. The legislature passed a law in 2016 establishing regulatory requirements for JAV operators similar to those for personal watercraft (e.g., jet ski) operators. Under this law, a JAV operator must be at least age 16 and hold a certificate of personal watercraft operation from DEEP ([PA 16-187](#), effective June 9, 2016).

### ***Operating a Vessel for Water Skiing***

The legislature passed a law during the 2015 regular session that restricted the people who can operate a vessel for water skiing to those who are at least age 16 and who hold specified licenses and certificates, including a DEEP-issued safe water skiing endorsement. The law also required DEEP to amend its regulations to set out the content of safe boating operation courses to (1) require safe water skiing instruction and (2) provide procedures for issuing and revoking safe water skiing endorsements ([PA 15-25](#), most provisions took effect October 1, 2015).

And during the 2015 June Special Session, the legislature passed a provision allowing DEEP's amended safe boating regulations to have provisions establishing a fee for a safe water skiing endorsement and an alternative online course for the endorsement ([PA 15-5](#), June Special Session, § 412, effective June 30, 2015).

## ***Special Transportation Fund***

A provision passed during the 2015 June Special Session allowed Special Transportation Fund money to be used to pay for boating regulation and enforcement by DEEP ([PA 15-5](#), June Special Session, § 40, effective July 1, 2015).

## **Dam Repair and Safety**

### ***Bashan Lake Drawdowns***

A 2016 law required the DEEP commissioner to enter into an agreement with East Haddam and the Bashan Lake Association regarding a schedule for annual water level drawdowns of Lake Bashan to control weeds and to prevent property damage, erosion into the lake, and association property devaluation ([PA 16-141](#), effective June 9, 2016).

### ***Registration, Inspection, and Construction***

The legislature adopted two laws in 2013 that changed the state's dam safety statutes.

One law, among other things, (1) required owners of certain unregistered dams or similar structures to register them by October 1, 2015; (2) generally shifted, from the DEEP commissioner to owners, requirements for inspecting and supervising dam construction work and inspecting existing dams; and (3) required owners of high or significant hazard dams or similar structures to develop and implement emergency action plans ([PA 13-197](#), §§ 1-6, effective October 1, 2013).

The other law allowed the DEEP commissioner to electronically notify a dam construction permit applicant and certain municipal officials of his intent to grant or deny a permit ([PA 13-209](#), § 8, effective October 1, 2013).

## **Fishing**

### ***Interstate Wildlife Violator Compact***

In 2013, the legislature enacted, and committed Connecticut to the terms of, the Interstate Wildlife Violator Compact. The compact is an agreement requiring member states to recognize hunting, fishing, and trapping license sanctions in other member states and take reciprocal action. It establishes a process by which wildlife violations by a non-resident of a member state are handled as if the person were a resident. Under the compact, violators are issued a ticket and released rather than arrested and posting a cash bond as a condition of release. Almost all states participate in the compact ([PA 13-248](#), most provisions took effect July 11, 2013).

## ***Licenses and Fees***

A law passed in 2014 made various changes to the state's fishing statutes. Among other things, it (1) exempted certain students participating in school fishing events or field trips from needing a fishing license; (2) allowed DEEP to designate up to two days per year when it can issue free one-day sport fishing licenses; (3) required fishing guides to annually register with DEEP; and (4) changed certain fishing license fees, including a 50% reduction for 16- and 17-year old residents ([PA 14-201](#), various sections, effective January 1, 2015).

The legislature expanded the 50% reduction in fishing license fees during the 2016 legislative session to include children under 16 years of age ([PA 16-27](#), § 2, effective July 1, 2016).

## ***Poaching***

The legislature passed a law in 2012 increasing the penalty for entering or remaining on a premises to hunt, trap, or fish, when a person knows he or she is not licensed or privileged to do so. The law made it a class B misdemeanor, punishable by up to six months imprisonment, a fine of between \$500 and \$1,000, or both. Previously it was a class C misdemeanor, punishable by up to three months imprisonment, up to a \$500 fine, or both ([PA 12-84](#), effective October 1, 2012).

## **Land Use**

### ***Watershed and Reservoir Property Sales***

This year, the legislature enacted a law requiring municipalities to have certain real property that includes or is part of a watershed, or has a well or reservoir, appraised to determine its fair market value before selling it. The municipalities must also make the appraisal publicly available ([PA 17-238](#), § 13, effective July 1, 2017 and applicable to sales occurring on and after September 1, 2017).

### ***Wetlands and Watercourses***

Before October 1, 2012, an inland wetlands permit for a project needing a zone change or site plan or subdivision approval was generally valid for up to five years. During the 2012 legislative session, a law passed that instead tied the permit's validity period to the length of time that the related development's project approval is valid, which may be up to 10 years. It generally applied this timeframe to projects requiring any municipal zoning and planning commission approval, including incentive housing zones and projects developed under the affordable housing land use appeals procedure. The act also allowed a municipal inland wetlands agency to restrict the time of year in which a regulated activity can be conducted, if it, or its agent, determines that the restrictions are necessary to protect wetlands and watercourses ([PA 12-151](#), effective October 1, 2012).

## Phosphate Reduction

In 2012, the legislature passed a law aimed at reducing phosphorus in state waters, including lakes. It established certain restrictions on using fertilizer, soil amendments, or compost containing more than .67% phosphate. It exempted from the restrictions agricultural land and golf courses. And it authorized the agriculture commissioner to assess civil penalties on people who violate the restrictions ([PA 12-155](#), § 2, effective January 1, 2013).

## Related Misdemeanors/Violations

During the legislature's 2012 regular session, a law was passed making numerous changes to the classification of misdemeanors, including several related to lakes. Among other things, it (1) reduced the penalties for several unclassified misdemeanors to mail-in violations with fines of up to \$250, including illegal use of a vessel registration and violating local reservoir ordinances; (2) eliminated imprisonment as a possible penalty for bathing in a reservoir; and (3) made the first offense of operating a boat while a safe boating certificate is suspended or revoked a class C misdemeanor (previously it was an unclassified misdemeanor)([PA 12-80](#), various sections which were generally effective October 1, 2012).

## State Water Plan

A law passed in 2014 requiring the state's Water Planning Council to prepare a state water plan by July 1, 2017. It (1) specified the plan's required content, which included educating residents about water-resource stewardship and conservation and recommending land use and other measures to ensure a desired water quality and quantity; (2) created a procedure for public notice and comment (the plan became available on July 20, 2017 for a 120-day review and comment period); and (3) required the plan to be submitted to the General Assembly for review and approval ([PA 14-163](#), § 1, effective July 1, 2014). (Two years later, the legislature modified the process for submitting and approving the plan ([PA 16-137](#), effective October 1, 2016).)

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