

Public Hearing – March 14, 2018  
Environment Committee

Testimony Submitted by Commissioner Robert Klee

**Senate Bill 426 - AN ACT CONCERNING AN ACT CONCERNING ABANDONED FISHING GEAR IN LONG ISLAND SOUND**

Thank you for the opportunity to present testimony regarding SB 426.

The Department of Energy and Environmental Protection (DEEP) appreciates the intent behind this bill to address the problem of abandoned commercial fishing gear in Long Island Sound and allow for its removal and disposal.

By way of background, DEEP has been approached by Cornell University Cooperative Extension (CCE) to participate in removing derelict fishing gear from deep waters of the Long Island Sound. The CCE project is funded under a federal grant program that makes funds available for marine debris removal.

Under the CCE program, active commercial lobstermen, accompanied by trained CCE technicians, remove derelict fishing gear from deep waters of the Sound.

In addition to removing gear, CCE assesses and quantifies the extent and distribution of derelict lobster gear. CCE technicians record the condition of the by-catch ensnared in traps and creates composite Geographic Information System (GIS) data layers and maps of areas cleared of the traps. The salvageable derelict traps are returned to their owners when possible, and the rest are recycled.

There are benefits to the American Lobster and other fisheries in LIS when derelict fishing gear is removed. Both lobsters and finfish can be captured in the derelict gear increasing overall mortality of those species without any corresponding harvest benefit.

Below is a photograph of derelict gear removed via the CCE program.



Unfortunately, there are currently legal impediments to authorizing Connecticut's participation in the marine debris removal program. Notably, Connecticut General Statutes section 26-23 states:

**Sec. 26-23. Abandoned or discarded fishing or hunting implements.** Any weapon, article or implement, capable of being used for the purpose of taking, catching or holding any fish, crustacean, wild or game bird, wild or game quadruped, reptile or amphibian, which is *abandoned, discarded or thrown away in an attempt to destroy or conceal evidence or to prevent apprehension*, may be seized and taken into possession by any conservation officer. If the owner or person having custody of any such article at the time it is abandoned, discarded or thrown away fails to claim such article within one year after it comes into the possession of such officer, such article shall be forfeited to the state and may be retained for use by the commissioner, may be sold at public auction or may be destroyed at the discretion of said commissioner. The proceeds from such sales shall be paid to the State Treasurer to be credited to the General Fund.

This provision deals *only* with gear that is "abandoned, discarded or thrown away in an attempt to destroy or conceal evidence or to prevent apprehension." So, rather than amending this provision, DEEP suggests that a new provision be added to this section to authorize participation in the CCE or similar program.

We offer the following for the Committee's consideration.

**Sec. 26-23. Abandoned or discarded fishing or hunting implements.** (a) Any weapon, article or implement, capable of being used for the purpose of taking, catching or holding any fish, crustacean, wild or game bird, wild or game quadruped, reptile or amphibian, which is abandoned, discarded or thrown away in an attempt to destroy or conceal evidence or to prevent apprehension, may be seized and taken into possession by any conservation officer. If the owner or person having custody of any such article at the time it is abandoned, discarded or thrown away fails to claim such article within one year after it comes into the possession of such officer, such article shall be forfeited to the state and may be retained for use by the commissioner, may be sold at public auction or may be destroyed at the discretion of said commissioner. The proceeds from such sales shall be paid to the State Treasurer to be credited to the General Fund.

(b) Notwithstanding section 26-23(a) of the general statutes:

- (1) For purposes of section 26-23(b) "derelict lobster gear" means any lobster pot, trap, warp or live car found in Connecticut Waters that does not have the current Connecticut commercial license number branded on the trap, pot or live car pursuant to section 26-157a and the annual trap tag required pursuant to regulations adopted under section 25-157c for the current trap tag year cycle or a trap tag from the previous year trap tag year cycle attached to it.
- (2) Any derelict lobster gear may be seized by an authorized representative of the commissioner. The commissioner or the commissioner's authorized representative shall attempt to notify the last known licensee of within 30 days of the seizure. If there are no identifying markers and the owner cannot be identified or the last known licensee fails to claim the items seized, the Commissioner may dispose of any such derelict lobster gear, or authorize the disposal of it.

DEEP is happy to work with the Committee and other advocates on improvements to this proposed language.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Lee Sawyer, DEEP's Legislative Liaison, at 860-424-3332 or [Lee.Sawyer@ct.gov](mailto:Lee.Sawyer@ct.gov).