

Environment Committee JOINT FAVORABLE REPORT

Bill No.: SB-226

Title: AN ACT AUTHORIZING DUAL LANDINGS OF FISH IN THE STATE.

Vote Date: 2/25/2019

Vote Action: Joint Favorable Substitute

PH Date: 2/15/2019

File No.: 45

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SPONSORS OF BILL:

Sen. Heather B. Somers, 18th Senate Dist.

Rep. Rick L. Hayes, 51st Assembly Dist.

REASONS FOR BILL:

Connecticut, New York and Rhode Island each establish different daily quotas in regards to the amount of fish a commercial fisherman can legally hold on its vessel. The concern arises when fishermen who hold dual fishing licenses wish to offload their cargo in multiple states. Current law prohibits a commercial fisherman holding a Connecticut license from exceeding the Connecticut quota, even if the commercial fishermen plans to offload their cargo in both Connecticut and other states. After filling the Connecticut quota, any excess fish must be discarded off the vessel. As a result, commercial fishermen will often take multiple trips per day, one for each state the fisherman plans to offload cargo. The commercial fishing community has expressed their concern that this practice is burdensome and dangerous. Commercial fishing is a dangerous business, often requiring travel in harsh weather. The bill requires the Department of Energy and Environmental Protection (DEEP) to enter into an agreement with the other states to allow fishing vessels with dual licenses to catch up to each state's daily quota caught during the Winter I Summer Flounder season and to land the take without penalty.

Substitute Language – LCO No. 4745

The original draft of the bill (1) limited the agreement between states to be applied to fish taken from Connecticut waters, (2) required fishermen to offload in Connecticut first before offloading their cargo in another state, and (3) required fishermen who planned to undertake dual landing to notify DEEP forty-eight hours in advance. Substitute language removed the aforementioned provisions and (1) broadens the taking of fish to include "from state and

federal waters,” (2) limits the dual landing to the Winter I Summer Flounder season, and (3) requires fishermen to complete any landing in each state by the hour specified in the agreement between states. Testimony shared with committee expressed concern that limiting the bill to state waters will attract large out-of-state commercial fishing vessels and will hurt small and local fishermen. Testimony shared by DEEP suggests a pilot approach focusing on summer flounder fishery. Additionally, several commercial fishers have expressed the opinion that “while a dual landings program may be advantageous for a species like summer flounder, it would not be for other species and fisheries.” Furthermore, testimony shared with the committee indicates that the current industry standard for advance notification is one to two hours, not forty-eight hours.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie Dykes, Commissioner, Department of Energy and Environmental Protection

(DEEP): Opposed the bill as originally drafted. Although supportive of the “dual landing” concept, the bill should not apply to all fish species. DEEP already has regulatory authority to implement a “dual landing” program and has been working with Rhode Island and New York to formulate such program with a targeted implementation date of 2020. Furthermore, DEEP expressed that a pilot approach on the summer flounder fishery would be most prudent, and a better pathway to protecting the long-term viability and interests of the state’s fishing industry. Finally, the bill does not include sufficient procedures and safeguards for the enforcement of applicable laws by the commercial fishing industry.

NATURE AND SOURCES OF SUPPORT:

Senator Paul Formica, 20th Senate Dist.: Although supportive of the bill, lines 18 through 19, in regards to the timeline for notification to DEEP, should be altered. A forty-eight hour deadline for notification is not ideal for fisherman because fishermen often do not know what their take will be forty-eight hours in advance of their travel; the industry standard is for a one to two hour advance notification. Furthermore, the committee should consider a seasonal date for dual landings, such as winter fishing, rather than allowing for year-round.

Joseph Gilbert, Owner, Empire Fisheries, LLC: The bill will reduce three trips to one for Connecticut fishermen holding multiple commercial fishing licenses in Connecticut, New York, and Rhode Island. The bill will result in fuel savings, reduce carbon dioxide emissions, and reduce fishermen exposure to the dangers of the sea.

Dan Malone, Captain of F/V Susan C, Santana Fishing LLC: Although in support of the bill, language should limit the dual landings to the winter fishing period. There are not enough summer flounder in Connecticut to incentivize more fishing.

Rob Simmons, First Selectman, Town of Stonington: The last Connecticut commercial fishing fleet is located in the town of Stonington. There are several negative consequences to current law as it relates to offloading fish: (1) Connecticut dock workers and fish processors do not get business from fishermen who opt not to offload in Connecticut, (2) fishermen waste fuel offloading in their state of origin, (3) the quality is less when having to offload in the fishermen’s state of origin.

Senator Heather B. Somers, 18th Senate Dist.: Commercial fishing is one of the most dangerous jobs in the world – in the past month two New England fishermen lost their lives off the coast of Block Island. Fishermen with dual license must often travel multiple times per day, one for each state in which the fishermen holds a license. This is because commercial fishermen in Connecticut are not allowed to hold onboard more than the allowable amount set by the state. This bill would not only increase safety for the fishermen, but would also result in the usage of less fuel, less crew time, and less bycatch. Furthermore, although the bill does not specify a season or species for dual landings, current discussions within the industry recommends starting with a limited wintertime season with winter flounder.

Aaron Williams, Captain of F/V Tradition: Although in support of the bill, language should limit the dual landings to the winter fishing period in federal waters.

New London Seafood Distributors, Inc.: Provides personal examples of how current law negatively impacts the commercial fishing industry. Although supportive of the bill, (1) dual landings should be limited to the winter period from January 1st through April 30th and (2) the forty eight hour notice requirement as written in the bill should be reduced to the current standard of one to three hours during the winter period. In many instances, vessels are unable to predict changes in the weather forty eight hours in advance of travel.

NATURE AND SOURCES OF OPPOSITION:

Bill Lucey, Long Island Soundkeeper, Connecticut Fund for the Environment/Save the Sound: Although supportive of the concept, this bill refers to state waters when it should be referring to federal waters. Additionally, DEEP has indicated that the agency has made efforts to create a pilot program for 2020. The legislature should allocate extra funding to the department so they can work with a consultant to set up a pilot program.

David Simpson: As currently drafted, the bill would only allow harvest in excess of the state's quota in Connecticut waters. This will lead to increased harvest in local waters and will hurt small commercial fishing vessel operators. The bill will attract large out-of-state vessels that normally fish outside state waters. Furthermore, a singular possession limit is an essential tool in fisheries law enforcement.

Reported by: Pamela Bianca / Ussawin R. Bumpen 3/26/2019