

# Statutory Eelgrass Protections in New York and Connecticut

By: Kristen Miller, Senior Legislative Attorney  
November 8, 2023 | 2023-R-0275

## Issue

Summarize (1) New York's Seagrass Protection Act that protects eelgrass and other seagrasses and (2) any statutory protections for eelgrass in Connecticut. **This report has been updated by OLR Report [2024-R-0061](#).**

## Summary

New York's Seagrass Protection Act ([N.Y. Envtl. Conserv. Law §§ 13-0701 to 13-0705](#)) imposes several requirements on the state's Department of Environmental Conservation (NYDEC) to protect seagrass in bays and coastal waters. Among other things, NYDEC must (1) designate seagrass management areas and (2) for these areas, develop plans to help guide the regulation coastal and marine activities that threaten seagrass beds or seagrass restoration efforts. Under the act, seagrass is rooted, vascular, and flowering marine plants that are submerged in bays and coastal waters. It explicitly includes *Zostera marina* (common eelgrass) and *Ruppia maritima* (commonly referred to as beaked ditch-grass or widgeon grass).

Connecticut's Coastal Management Act (CMA) includes eelgrass bed protection in its goals and policies ([CGS § 22a-92\(c\)\(2\)](#)). Specifically, one of the policies for federal and state agencies to consider when carrying out their CMA responsibilities is to generally protect, enhance, and allow for natural eelgrass flat restoration. The CMA seeks to incorporate coastal resource management considerations into the land use decision-making process in the state's coastal area.

Connecticut law also requires the Department of Energy and Environmental Protection (DEEP) commissioner to adopt regulations to protect and restore eelgrass that address (1) protecting existing eelgrass beds from degradation, (2) developing a restoration plan for eelgrass, and (3) periodic monitoring of these measures' effectiveness ([CGS § 26-316](#)). To date, DEEP has not adopted these regulations. (OLR Report [2007-R-0526](#) explains that the legislature created the regulation requirement in 2002, one year after it required the departments of environmental protection (DEP, DEEP's predecessor) and agriculture to report on the effect of commercial and recreational fishing on eelgrass beds ([PA 01-115](#)). DEP stated for the OLR report that the eelgrass report, which was not completed until 2007, did not recommend new regulations.)

## Seagrass Protection Act Requirements

Enacted in 2012, New York's Seagrass Protection Act imposes the following responsibilities on NYDEC:

1. designating seagrass management areas on a geographic or estuarine basis, taking into account likely threats to seagrass;
2. for each designated management area, developing and adopting a seagrass management plan to guide the development and adoption of associated rules and regulations (see below);
3. identifying water quality impacts (e.g., nitrogen pollution) and making recommendations on how to minimize them; and
4. making information on the importance of seagrass protection and the status of seagrass restoration efforts available on its website.

Under the act, any seagrass management plan must be developed after consulting local governments, representatives of recreational boating interests, the marine industries (e.g., shell fishermen and shellfish farmers), affected property owners, and other stakeholders. This required consultation is to help "effectively manage and protect seagrass beds and seagrass restoration efforts at those locations at which [restoration] is reasonably possible." The plans must also seek to preserve, while ensuring no threat to seagrass beds or restoration efforts, (1) traditional recreational activities (e.g., recreational boating and marina operations), (2) finfishing and shellfishing, and (3) tourism.

The act also gives NYDEC the authority to (1) adopt rules and regulations to regulate coastal and marine activities that threaten seagrass beds or seagrass restoration efforts (see above) and (2) restrict use of mechanical-powered fishing or shellfishing gear that may directly impact seagrass beds (e.g., churing, dredges, rakes, tongs).

Information about NYDEC's seagrass management, including links to seagrass maps, is available [here](#).

KLM:rr