

Senate, April 1, 1998. The Committee on Environment reported through SEN. DAILY, 33rd DIST., Chairman of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING AQUACULTURE.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 22a-361
2 of the general statutes, as amended by section 8
3 of public act 97-124, is repealed and the
4 following is substituted in lieu thereof:
5 (a) No person, firm or corporation, public,
6 municipal or private, shall dredge, erect any
7 structure, place any fill, obstruction or
8 encroachment or carry out any work incidental
9 thereto or retain or maintain any structure,
10 dredging or fill, in the tidal, coastal or
11 navigable waters of the state waterward of the
12 high tide line until such person, firm or
13 corporation has submitted an application and has
14 secured from said commissioner a certificate or
15 permit for such work and has agreed to carry out
16 any conditions necessary to the implementation of
17 such certificate or permit. Each application for a
18 permit, except for an emergency authorization, for
19 any structure, filling or dredging which uses or
20 occupies less than five thousand five hundred
21 square feet in water surface area based on the
22 perimeters of the project shall be accompanied by
23 a fee equal to forty cents per square foot

24 provided such fee shall not be less than three
25 hundred fifty dollars. Each application for a
26 permit for any structure, filling or dredging
27 which uses or occupies five thousand five hundred
28 square feet or more but less than five acres in
29 water surface area based on the perimeters of the
30 project shall be accompanied by a fee of two
31 thousand two hundred dollars plus five cents per
32 square foot for each square foot in excess of five
33 thousand five hundred square feet. Each
34 application for a permit for any structure,
35 filling or dredging which uses or occupies five or
36 more acres in water surface area based on the
37 perimeters of the project shall be accompanied by
38 a fee of twelve thousand eight hundred fifteen
39 dollars plus three hundred fifty dollars per acre
40 for each acre or part thereof in excess of five
41 acres. Each application for a mooring area or
42 multiple mooring facility, regardless of the area
43 to be occupied by moorings, shall be accompanied
44 by a fee of three hundred fifty dollars provided
45 that such mooring areas or facilities shall not
46 include fixed or floating docks, slips or berths.

47 APPLICATION FEES FOR AQUACULTURE ACTIVITIES SHALL
48 NOT BE BASED ON AREAL EXTENT. The commissioner may
49 waive or reduce any fee payable to him for (1) a
50 tidal wetlands or coastal resource restoration or
51 enhancement activity, [or] (2) EXPERIMENTAL
52 ACTIVITIES OR DEMONSTRATION PROJECTS, (3)
53 NONPROFIT ACADEMIC ACTIVITIES, OR (4) public
54 access activities in tidal, coastal or navigable
55 waters, provided no fee shall be waived or reduced
56 for activities required by statute, regulation,
57 permit, order or enforcement action. As used in
58 this section, "resource restoration or enhancement
59 activity" means an action taken to return a
60 wetland or coastal resource to a prior natural
61 condition or to improve the natural functions or
62 habitat value of such resource, but shall not
63 include actions required pursuant to an
64 enforcement action of the commissioner, and
65 "public access activities" means activities whose
66 principal purpose is to provide or increase access
67 for the general public to tidal, coastal or
68 navigable waters, including, but not limited to,
69 boardwalks, boat ramps, observation areas and
70 fishing piers. The commissioner may adopt
71 regulations, in accordance with the provisions of

72 chapter 54, to prescribe the amount of the fees
73 required pursuant to this section. Upon the
74 adoption of such regulations, the fees required by
75 this section shall be as prescribed in such
76 regulations.

77 Sec. 2. Subsection (d) of section 22a-361 of
78 the general statutes is amended by adding
79 subdivision (5) as follows:

80 (NEW) (5) Notwithstanding any provision of
81 sections 22a-359 to 22a-363f, inclusive, pending
82 issuance of a general permit for aquaculture
83 activities by the commissioner in accordance with
84 this section, no permit or certificate shall be
85 required for the placement, maintenance or removal
86 of (A) individual structures used for aquaculture
87 as defined in section 22-416, including, but not
88 limited to, cages or bags, which are located on
89 designated state or municipal shellfish beds which
90 structures create no adverse impacts on coastal
91 resources or navigation over their location or (B)
92 any buoys used to mark such structures. Upon
93 issuance of a general permit for aquaculture
94 activities in accordance with this section, any
95 aquaculture activities shall comply with the terms
96 of such general permit or other applicable
97 provisions of section 22a-359 to 22a-363f,
98 inclusive.

99 ENV COMMITTEE VOTE: YEA 22 NAY 0 JFS

structures and dredging permit. It prohibits DEP from basing application fees for aquaculture activities under the structures and dredging law on the area the activity covers. By law, the DEP commissioner may adopt regulations setting application fees that supercede statutory fees.

The bill allows the commissioner to waive or reduce the structures and dredging application fees for experimental activities, demonstration projects, and nonprofit academic activities that are not required by law, permit, order, or enforcement action.

EFFECTIVE DATE: October 1, 1998

FURTHER EXPLANATION

General Permit

The law authorizes the DEP commissioner to issue a general permit under the structures and dredging law for certain minor activities including aquaculture. He must determine that the activity would cause only minimal environmental effects when done separately or cumulatively; be consistent with the purpose of the tidal wetlands, structures and dredging, and coastal management acts; and constitute an acceptable encroachment into public lands and waters.

The bill exempts from the structures and dredging individual permit requirement, until a general permit is issued, the placement, maintenance, or removal of (1) individual structures used for aquaculture, including cages or bags located on state or town shellfish beds, which create no adverse effects on coastal resources or navigation or (2) buoys used to mark these structures. Once the commissioner issues a general permit for aquaculture activities then these activities must comply with the terms in the general permit or, if applicable, other provisions of the structures and dredging law, including obtaining an individual permit. By law the commissioner can require a person to apply for an individual permit for activities not appropriately regulated under the general permit, not in compliance with the permit terms, no longer acceptable under the general permit, or where the relevant law has changed.

BACKGROUND**Definition of Aquaculture**

The law defines aquaculture as the controlled cultivation and harvest of aquatic animals and plants, including shellfish, lobsters, crabs, fish, and commercially important seaweed.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute
Yea 22 Nay 0