

OFFICE OF LEGISLATIVE RESEARCH  
PUBLIC ACT SUMMARY



**PA 23-196**—sSB 1146  
*Environment Committee*

**AN ACT CONCERNING REVISIONS TO VARIOUS PROGRAMS OF THE  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

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**SUMMARY:** This act makes changes in various statutes and programs related to the Department of Energy and Environmental Protection (DEEP), as summarized in the section-by-section analysis below.

**EFFECTIVE DATE:** Upon passage

### § 1 — CONSERVATION OFFICER TRAINING REQUIREMENTS

*Requires conservation officers to become POST-certified within one year after being appointed; updates training requirements for special conservation officers and certain lake patrolmen*

Under prior law, each DEEP-appointed conservation officer or special conservation officer had to either complete a police training course at the state police training school or an equivalent course approved by the Department of Emergency Services and Public Protection (DESPP) commissioner. The act instead requires each conservation officer to become certified by the Police Officer Standards and Training Council (POST) within one year after being appointed. It also requires each special conservation officer to become POST-certified or complete a DESPP commissioner-approved equivalent course.

For lake patrolmen appointed by DEEP as special conservation officers to enforce boating laws in their respective jurisdictions, the act requires each to complete a police training course at a POST-approved training academy. Prior law required them to complete a course at the state police training school or an equivalent DESPP commissioner-approved course.

### §§ 2 & 3 — PUBLIC HEARING NOTICE ON FISHING REGULATIONS

*Requires the DEEP commissioner to post notice of a public hearing on proposed fishing regulations on DEEP's website and the state's eRegulations system; requires her to give the notice to affected municipalities so they may post it on their websites*

The act requires the DEEP commissioner to post notice of a public hearing on proposed fishing regulations for inland and marine fishing (including sport fishing and commercial fishing activities) on DEEP's website and the state's eRegulations system, as well as in newspapers as under existing law. The act requires her to post notice at least 14 days before a hearing.

The act also requires the commissioner, or her designee, to give a copy of a notice on (1) inland fishing regulations to each municipality where the waters are located and (2) marine fishing regulations to each coastal municipality with people substantially affected by the regulations, for publication on the municipalities' websites.

### §§ 4 & 5 — EMERGENCY CLOSED SEASON FOR THREATENED REGULATED SPECIES

*Authorizes the DEEP commissioner to declare an emergency closed season for any regulated species threatened with undue depletion, rather than just a threatened fish species; specifies that this authority applies to recreational and commercial fishing*

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The act expands the DEEP commissioner's authority to declare an emergency closed season because of undue species depletion to any regulated species, not just a threatened fish species. "Regulated species" include any bait species, crustaceans, finfish, horseshoe crabs, sea scallops, squid, or whelk (CGS § 26-1). The act also specifies, by removing a statutory conflict, that the commissioner's emergency closure powers apply to both recreational and commercial fishing.

### § 6 — LAMPREY FISHING NEAR FISHWAYS PROHIBITED

*Prohibits lamprey fishing within 250 feet of a fishway (or other distance the DEEP commissioner sets)*

The act prohibits lamprey fishing within 250 feet of a fishway. The DEEP commissioner may determine and post a different distance she decides is necessary. Existing law already prohibits all other fishing near fishways. (A fishway is a passageway for fish, usually near dams and artificial obstructions.)

Any person who violates the fishing prohibition is subject to a \$250 fine. Each fish taken or possessed is a separate offense (CGS § 26-141).

### § 7 — TRANSFERRING COMMERCIAL FISHING LICENSES

*Expands the circumstances under which DEEP may temporarily reissue or permanently transfer certain commercial fishing licenses*

The act expands the circumstances under which DEEP may temporarily reissue or permanently transfer certain commercial fishing licenses (i.e., principal commercial fishing licenses, general commercial fishing licenses, or commercial lobster pot fishing licenses).

#### *Temporary License Reissue*

Under prior law, the DEEP commissioner could temporarily reissue a commercial fishing license while the licensee was incapacitated and unable to operate a vessel or fish. DEEP could issue a temporary license only to a member of the licensee's immediate family or crew, and for either 12 months, or the period of incapacity, whichever was shorter.

The act instead allows the commissioner to temporarily reissue a license due to a licensee's own incapacity or an immediate family member's medical situation that prevents the licensee from fishing. The temporary license is valid for the duration of the licensee's incapacity or family member's medical situation. The act specifies that any landings made under the temporary license may count toward the requirements for a permanent license transfer.

#### *Permanent License Transfer*

By law, the DEEP commissioner may permanently transfer a commercial fishing license to another person if the original licensee landed regulated species in

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at least five of the prior eight years and reported landings to the commissioner for at least 30 fishing days in each year. The act also allows the commissioner to permanently transfer a license if the original licensee owned a vessel that landed regulated species under a quota-managed species license endorsement in at least five of the prior eight years and reported landings to the commissioner for at least 30 fishing days in each year.

Additionally, the act allows a recipient of a transferred license to use a vessel that is 20% greater, rather than 10% as under prior law, than the length of the largest vessel the original licensee used when fishing with a trawl net.

### *Transfer After the Licensee's Death*

The act expands the circumstances under which the DEEP commissioner may transfer a license following the death of a licensee. By law, she may transfer the license for a two-year period from the date of the licensee's death by using the permanent transfer process described above.

Under the act, if the deceased held a license for less than five calendar years, the DEEP commissioner may transfer the license as long as the licensee landed regulated species, or owned a vessel that did so under a quota-managed species license endorsement, for at least six months of each year in which the licensee held the license and reported the landings to the commissioner as required for at least 30 fishing days each year.

### §§ 8 & 9 — PERMIT OR LICENSE APPLICATION PUBLIC NOTICE

*Requires certain permit or license applicants to publish notice of their application on the affected municipality's and DEEP's websites; requires DEEP to publish certain tentative determinations on its website*

The act modifies the public notice requirements for applications for certain DEEP-issued permits and licenses for various regulated activities (e.g., constructing dams, constructing solid waste facilities, dredging, stream channel encroachment). By law, an applicant must publish notice of an application in a local newspaper. The act also requires the applicant to publish notice on the website where the affected municipality posts local land use decisions and on DEEP's website.

By law, the DEEP commissioner must publish her tentative determination on an application at least 30 days before approving or denying the application. She must publish it in the affected area's local newspaper with substantial circulation at the applicant's expense. Under the act, if the application relates to a single-family residential property, she also must publish her tentative determination on the affected municipality's website where local land use decisions are posted and on DEEP's website.

### §§ 10 & 11 — OPEN SPACE AND WATERSHED LAND ACQUISITION PROGRAM GRANTS

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*Provides an exception to the general program rule that state grants cannot be made for land that is already committed for public use; specifies criteria for the exception to apply*

The Open Space and Watershed Land Acquisition Program (OSWA) gives state grants to municipalities, land trusts, and water companies to buy land to be preserved as open space in perpetuity.

Prior law prohibited OSWA grants for land that was already committed for public use. The act creates an exception to this. Under the act, land will not be considered “already committed for public use” if it is subject to a conservation easement or restriction that resulted from a federally funded land conservation program, municipal conservation grant program, or private conservation grant program before the state’s permanent conservation easement is recorded.

Under the act, in order for this exception to apply, the following must happen:

1. the non-state conservation easement or restriction must be executed after the OSWA grant agreement has been executed;
2. any non-federal holder of easements must subordinate their interests in the land to the state’s interests when the state’s permanent conservation easement is recorded;
3. funds associated with non-state easements or restrictions (i.e., federal funds, municipal grant funds, or private grant funds) must be used as matching funds for the OSWA grant; and
4. the DEEP commissioner must determine that the conveyance of the other conservation easement or restriction, in combination with the acquisition of the state’s interest under OSWA, is one concurrent property acquisition.