

Appendix D: Legislative and Regulatory Efforts

CT DEEP Regulation Proposal Summary

Section 26-55-5 (NEW). The proposed new section will regulate the importation, possession, liberation, and/or use as bait of certain nuisance aquatic invertebrates (initially Chinese mitten crab, New Zealand mud snail, quagga mussel, zebra mussel, Asian clam and rusty crayfish). This proposed regulation will protect the state's aquatic resources from the accidental or purposeful introduction and possible establishment of the species not yet found in CT, and the further spread of the species with existing populations in the state.

Proposed Regulatory Language

Section 3. The Regulations of Connecticut State Agencies are amended by adding section 26-55-5 as follows:

(New) 26-55-5. Possession of nuisance aquatic invertebrates.

(a) The importation, introduction into the state, possession or liberation therein of live specimens or eggs of the following species, genera or families of aquatic invertebrates is prohibited, except that, when it is in the public interest, permits for the importation or possession of specimens may be issued, at the discretion of the Commissioner, for

control, eradication, research or educational purposes:

(1) quagga mussel, including veligers (*Dreissena bugensis*);

(2) zebra mussel, including veligers (*Dreissena polymorpha*);

(3) Chinese mitten crab, (*Eriocheir sinensis*);

(4) New Zealand mud snail (*Potamopyrgus antipodarum*);

(5) any species of aquatic invertebrate whose importation into the United States is prohibited;

(6) any species of aquatic invertebrate designated rare, threatened or endangered; and

(7) any species of aquatic invertebrate which the Commissioner determines is potentially dangerous to humans, established species of fish or established aquatic plants.

(b) The importation, introduction into the state or liberation therein of live specimens or eggs of the following species, genera or families of aquatic invertebrates is prohibited, except that, when it is in the public interest, permits for the importation of specimens may be issued, at the discretion of the Commissioner, for research or educational purposes:

(1) Asian clam (*Corbicula fluminea*); and

(2) Rusty crayfish (*Orconectes rusticus*).

(c) The use of individuals, living or dead, of any species listed previously in this

section as bait is prohibited, except that those species listed in subsection (b) of this section may be used as bait in the waters from which they were taken.

(d) Permits issued by the Commissioner under this section shall be for a term established by the Commissioner and shall not be transferable. The Commissioner may renew such permits upon receipt of a request for renewal on or before thirty (30) calendar days preceding expiration of such permit. The Commissioner may determine the

species, life stages, number of specimens, location and manner of display, confinement, or storage of specimens, and location, timing and method of disposition of any or all specimens under any permit. Each permittee shall report annually to the Commissioner on or before November thirtieth, information on the current status of specimens, results of scientific studies, disposition of specimens and any other information as may be required under said permit.

Notice of Intent to Amend Regulations and Notice of Public Hearing

The Commissioner of Environmental Protection, pursuant to Sections 4-168 and 22a-6 of the General Statutes of Connecticut, hereby gives notice of her intention to adopt a new section 26-55-5, and amend sections 26-48a-1, 26-55-1, 26-66-4, 26-112-43, 26-112-44, 26-112-45, 26-112-46, 26-112-142a-1 and 26-142a-12 of the Regulations of Connecticut State Agencies. These regulations will be adopted under authority of Sections 26-48a, 26-55, 26-66, 26-112 and 26-142a of the General Statutes.

The proposed regulations will: 1) Extend the pheasant hunting season to be consistent with other small game seasons and replace the current pheasant tagging system with a pheasant stamp, 2) Update live fish importation requirements to be consistent with current practices concerning fish health certification, 3) Establish a list of prohibited aquatic nuisance invertebrates, 4) Close two additional areas to waterfowl hunting, 5) Allow children to ice fish with the same number of devices as adults, prohibit the use of gaffs in inland waters and include references to prohibited invertebrates in the definition of bait species, 6) Establish a closed fishing season for three waters and remove one pond from the list of Children's Ponds, 7) exclude rusty crayfish from the list of bait species, 8) Replace all Trophy Trout Lake references with Trout Management Lakes, 9) Establish one Trout Management Area on the West Branch Farmington and Farmington Rivers by combining two existing Trout Management Areas and two existing Trophy Trout Stream areas, 10) Rename Trophy Trout Lakes as Trout Management Lakes and reduce the creel limit for trout during March at two of these lakes, 11) Rename one Wild Trout Management Area, 12) Remove the existing Trophy Trout Stream designations from portions of the West Branch Farmington River and the Farmington River, 13) Exclude rusty crayfish and other nuisance invertebrates from the list of bait species that can be taken commercially in inland waters and sold, and 14) Exclude rusty crayfish from the list of bait species that can be sold under a bait dealers license.

Copies of the proposed regulations small business impact statement and a fiscal note indicating no additional expense to the state or municipal governments to implement these proposed regulations are available for public inspection during normal business hours at the Department of Environmental Protection's Bureau of Natural Resources, Inland Fisheries Division, 6th Floor, 79 Elm Street, Hartford, CT, 06106-5127. A link to the proposed regulations is available on the Department's website at <http://www.ct.gov/dep/publicnotices>. These documents can also be obtained by contacting Bill Foreman at the above address, by phone at (860) 424-3474 or by email (dep.inland.fisheries@ct.gov).

One public hearing has been scheduled to obtain public comment to determine whether to adopt the proposed regulations or to adjust the measures. All interested persons are invited to express their views on the proposed regulations at the following public hearing:

Date: March 16, 2011
Time: 6:30 pm
Location: Department of Environmental Protection
Phoenix Auditorium
79 Elm Street
Hartford, Connecticut 06106

Interested persons may also choose to present their views regarding the proposed regulations in writing. Written comments should be submitted no later than 4:30 PM on March 30, 2011 to Bill Foreman at the Department of Environmental Protection, Inland Fisheries Division, 79 Elm Street, Hartford, CT, 06106-5127. Comments may be submitted by post, facsimile to 860-424-4070 or by electronic mail to william.foreman@ct.gov. Based on public comment, the proposed regulations may be adjusted to meet the objective of the proposal.

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Amey W. Marrella
Commissioner

Date: _____