



**PA 25-170—HB 7170**  
*Environment Committee*

**AN ACT CONCERNING CERTAIN RECOMMENDATIONS OF THE  
DEPARTMENT OF AGRICULTURE REGARDING AQUACULTURE  
AND MINOR REVISIONS TO PROGRAMS AND STATUTES RELATING  
TO THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL  
PROTECTION**

**SUMMARY:** This act makes numerous unrelated changes to statutes concerning the Department of Energy and Environmental Protection (DEEP). Primarily, it does the following:

1. expands the list of real assets under DEEP's control that it may build or repair on its own or with the administrative services (DAS) commissioner's approval (§ 1);
2. expands the types of "by-product materials" subject to the state's atomic energy laws to include certain materials made with fusion machines, to align with changes in federal law (§§ 2 & 3);
3. extends the duration of the declarations DEEP issues to comply with interstate fishery management plans (§ 4);
4. limits the duration of commercial fishing licenses temporarily transferred due to certain medical situations and specifies documentation required for these transfers (§ 5); and
5. eliminates certain defunct programs and obsolete statutes and makes conforming changes (§§ 6-14).

**EFFECTIVE DATE:** Upon passage

**§ 1 — DEEP CONSTRUCTION PROJECTS**

The act expands the types of real assets that DEEP may independently (without DAS approval) construct or repair or for which it may enter construction or repair contracts. Under prior law, DEEP could do so for any dam or flood and erosion control system under its control and management.

Under the act, DEEP may do so for the following under its control and management: (1) service roads, trails, greenways, bridges, and dams; (2) flood prevention, climate resilience, and erosion control systems (e.g., dams, dikes, seawalls, and nonstructural and nature-based measures to prevent flood or erosion damage); and (3) other civil or natural resource infrastructure.

The act also raises the cap on alterations, repairs, or additions the DEEP commissioner may make to any other real asset she controls and manages. Under prior law the cap was \$500,000, unless she had the DAS commissioner's prior approval, in which case it was \$1 million. The act increases these caps to \$1 million and \$3 million, respectively.

## OLR PUBLIC ACT SUMMARY

It also requires DAS to annually adjust these caps for inflation, beginning July 1, 2028, and post them on its website. DAS must adjust them using the percentage change in the U.S. Department of Labor's Producer Price Index by Commodity: Construction (Partial), not seasonally adjusted, or its successor index. DAS must round the adjustment to the nearest multiple of \$100.

### §§ 2 & 3 — DEFINITIONS OF BY-PRODUCT MATERIAL AND FUSION MACHINE

The act expands the definition of “by-product material” under the state’s laws on atomic energy and ionizing radiation, which concern DEEP’s coordination and supervision of atomic activities in the state and regulation of certain radioactive materials, following federal law. Under prior law, “by-product material” included any material that was made radioactive with a particle accelerator for commercial, medical, or research uses. Under the act, it also includes any material made radioactive with a fusion machine, regardless of use. Under the act, as under federal law, a “fusion machine” is a machine capable of (1) transforming atomic nuclei through fusion processes into different particles and (2) directly capturing and using the resulting products, including particles, heat, or other electromagnetic radiation.

### § 4 — DECLARATIONS MADE TO COMPLY WITH INTERSTATE FISHERY MANAGEMENT PLANS

Existing DEEP regulations authorize the commissioner to issue declarations setting or adjusting closed seasons and length, creel, and trip limits to comply with interstate fishery management plans adopted by the Atlantic States Marine Fisheries Commission or U.S. Department of Commerce (Conn. Agencies Regs. § 26-159a-22). Under the regulations, these declarations’ maximum durations were limited to 120 days (or 240 days if the commissioner has published a notice of intent to amend the regulation). The act instead requires that these declarations remain in effect until new ones are made or the regulation is amended.

### § 5 — COMMERCIAL FISHING LICENSE TRANSFERS

Existing law allows the DEEP commissioner to temporarily reissue certain commercial fishing licenses (i.e. principal or general commercial fishing licenses and commercial lobster pot fishing licenses) if (1) the license holder either becomes temporarily incapacitated and unable to fish or operate a vessel or (2) an immediate family member’s medical situation prevents the licensee from fishing. The act requires the licensee to submit a written request for the reissuance and include a medical note from the applicable treating practitioner. The act also defines “temporary incapacitation” as a reported physical or mental illness or injury that will affect a person for a limited period. Under prior law, the temporary license is valid for the duration of the licensee’s incapacity or family member’s medical situation. Under the act, the temporary license is instead valid for the remainder of the calendar year in which it is issued, and the licensee may renew the license and

reapply for a temporary transfer license if the incapacity or medical situation continues.

The act also makes a clarifying change to existing law that allows the DEEP commissioner to permanently transfer a commercial fishing license to another person if the original licensee, among other requirements, reported landings to the commissioner for at least 30 fishing days in each year. The act specifies that these landings must be license specific.

#### §§ 6-14 — REPEAL OF DEFUNCT OR OBSOLETE PROGRAMS

The act eliminates the following defunct programs and statutes:

1. the Face of Connecticut account for acquiring, restoring, or managing specific types of property and the related Face of Connecticut Steering Committee, which determined how the commissioner spent the account's funds;
2. the municipal solid waste recycling program (which, among other things, authorized grants to municipalities and regional organizations for recycling facilities) and the related advisory council charged with helping the DEEP commissioner implement the program;
3. the Lobster Restoration Advisory Committee, charged with advising the DEEP commissioner on developing a lobster v-notch conservation program to enhance the Long Island Sound's lobster stock;
4. the Natural Area Preserves Advisory Committee, charged with advising the DEEP commissioner on acquiring, designating, and maintaining natural preserve areas, among other things; and
5. requirements for the Department of Agriculture's (DoAg) shellfish recovery vessel, the John H. Volk, which the department no longer owns.

#### BACKGROUND

##### *Related Act*

PA 25-152, § 23, also repeals requirements for DoAg's shellfish recovery vessel.