



House of Representatives

File No. 838

General Assembly

January Session, 2023

(Reprint of File No. 487)

House Bill No. 6813
As Amended by House Amendment
Schedules "A" and "B"

Approved by the Legislative Commissioner
May 30, 2023

AN ACT AUTHORIZING THE ESTABLISHMENT OF A SEABIRD AND SHOREBIRD PROTECTION PROGRAM.

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) The Commissioner of
2 Energy and Environmental Protection may establish a list of seabirds
3 and shorebirds that are identified by said commissioner from the
4 regulations adopted pursuant to sections 26-306 to 26-308, inclusive, of
5 the general statutes for inclusion in a seabird and shorebird protection
6 program.

7 (b) Pursuant to the seabird and shorebird protection program, the
8 commissioner may designate seabird and shorebird protection areas.
9 Such seabird and shorebird protection areas may be designated for the
10 months of March first to September fifteenth of any calendar year, or
11 any period of time therein, on public property that is owned by the state
12 and is located within the coastal area, as described in subsection (a) of
13 section 22a-94 of the general statutes.

14 (c) The commissioner shall identify any such seabird and shorebird
15 protection area by marking such area with string fencing, posts and
16 associated signage. The commissioner may utilize agents or volunteers
17 to install such string fencing, posts and associated signage.

18 (d) No person shall enter any seabird and shorebird protection area
19 designated and identified by the commissioner in accordance with the
20 provisions of this section unless such person is duly authorized by the
21 commissioner to enter such seabird and shorebird protection area.

22 (e) No person shall allow any pet or other animal under such person's
23 control to be closer than twenty-five feet from any seabird and shorebird
24 protection area designated and identified pursuant to this section except
25 for a service animal, as defined in section 22-345 of the general statutes.

26 (f) No person who operates any vehicle or bicycle shall allow such
27 vehicle or bicycle to be closer than twenty-five feet from any seabird and
28 shorebird protection area designated and identified pursuant to this
29 section.

30 (g) Any person who violates any provision of subsection (d), (e) or (f)
31 of this section shall have committed a separate infraction for each such
32 violation.

33 Sec. 2. (NEW) (*Effective October 1, 2023*) Any conservation officer
34 appointed pursuant to section 26-5 of the general statutes and any other
35 officer authorized to serve criminal process may enforce the provisions
36 of section 1 of this act.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2023</i>	New section
Sec. 2	<i>October 1, 2023</i>	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 24 \$	FY 25 \$
Resources of the General Fund	GF - Potential Revenue Gain	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill allows the Department of Energy and Environmental Protection (DEEP) to designate and identify shorebird protection areas along state-owned public property and establishes a 25-foot setback area for pets, bicycles, and vehicles from these protection areas.

It establishes a separate infraction for each violation for anyone who disturbs these protected bird areas. This results in a potential General Fund revenue gain from fines to the extent violations are enforced. Infractions are not crimes and are punishable by fines that usually range from \$100 to \$300.

House "A" made several technical changes that are not expected to have a fiscal impact.

House "B" replaced the underlying bill with the provisions and impacts describe above.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of violations.

OLR Bill Analysis**HB 6813 (as amended by House "A" and "B")******AN ACT AUTHORIZING THE ESTABLISHMENT OF A SEABIRD AND SHOREBIRD PROTECTION PROGRAM.*****SUMMARY**

This bill (1) allows the Department of Energy and Environmental Protection (DEEP) commissioner to establish a seabird and shorebird protection program under which she may designate and identify protected areas on state-owned public property within the state's coastal area (i.e., the coastline along Long Island Sound) and (2) makes it an infraction to disturb these areas.

The bill authorizes the commissioner to create a list of birds to be protected. The list must include seabirds and shorebirds identified in state regulations as endangered, threatened, or of special concern.

Under the bill, the commissioner may designate seabird and shorebird protection areas on state-owned public property along the state's coastal area for any period from March 1 to September 15 each year. The commissioner must identify each protected area with string fencing, posts, and signs. She may have volunteers or her agents help install these.

The bill prohibits people from doing the following:

1. entering an identified protected area without the DEEP commissioner's authorization;
2. allowing a pet or other animal under their control, except for a service animal, from coming within 25 feet of an identified protected area; and

- 3. operating a vehicle or bicycle within 25 feet of an identified protected area.

Under the bill, a person commits a separate infraction for each violation. The bill authorizes DEEP-appointed conservation officers and officers who can serve criminal process to enforce the bill’s provisions.

*House Amendment “A” (1) requires the DEEP commissioner to draw from the established list of species that are endangered, threatened, and species of concern when developing the list of birds to be protected, rather than from Connecticut’s Wildlife Action Plan; (2) specifies the officers that can enforce the bill’s provisions; and (3) removes a provision from the underlying bill that would have allowed committed infractions to be handled through the Centralized Infractions Bureau.

*House Amendment “B” (1) reduces the area in the underlying bill from which pets, vehicles, and bicycles are prohibited from within 100 feet of the protected area to within 25 feet; (2) narrows the places in the underlying bill where the DEEP commissioner can designate protected areas to state-owned public property within the state’s coastal area; and (3) specifies the dates between which she may designate protected areas.

EFFECTIVE DATE: October 1, 2023

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 33 Nay 0 (03/24/2023)