



General Assembly

January Session, 2015

Raised Bill No. 6035

LCO No. 1062



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING A LONG ISLAND SOUND RESOURCE AND
USE INVENTORY AND A LONG ISLAND SOUND BLUE PLAN.***

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

1 Section 1. (NEW) (*Effective July 1, 2015*) (a) The Commissioner of
2 Energy and Environmental Protection, in conjunction with the Long
3 Island Sound Resource and Use Inventory and Blue Plan Advisory
4 Committee, established pursuant to subsection (c) of this section, and
5 within available resources, shall: (1) Coordinate the completion of a
6 Long Island Sound Resource and Use Inventory by a Long Island
7 Sound Inventory and Science subcommittee to be convened by The
8 University of Connecticut. Such resource and use inventory shall be
9 comprised of the best available information and data regarding the
10 natural resources within Long Island Sound and the uses of Long
11 Island Sound, including, but not limited to, all: (A) Plants; (B) animals;
12 (C) habitats; (D) ecologically significant areas in nearshore and
13 offshore waters and substrates of such waters; (E) uses of such waters
14 and substrates, including, but not limited to: (i) Recreational and
15 commercial boating and fishing, (ii) shellfish beds, (iii) aquaculture
16 facilities, (iv) shipping corridors, (v) energy facilities, and (vi) electric

17 power line, gas pipeline and telecommunications crossings; and (F)
18 any updates and additions to the comprehensive environmental
19 assessment and plan completed, in accordance with section 25-157a of
20 the general statutes; and (2) develop a Long Island Sound Blue Plan
21 that may include maps, illustrations and other media. Such Long
22 Island Sound Blue Plan shall: (A) Establish the state's goals, siting
23 priorities and standards for ensuring effective stewardship of the
24 waters of Long Island Sound held in trust for the benefit of the public;
25 (B) promote science-based management practices that take into
26 account the existing natural, social, cultural, historic and economic
27 characteristics of planning areas within Long Island Sound; (C)
28 preserve and protect traditional riparian and water-dependent uses
29 and activities; (D) promote maximum public accessibility to Long
30 Island Sound's waters for traditional public trust uses, such as
31 recreational and commercial boating and fishing, except when
32 necessary to protect coastal resources, preserve public health, safety
33 and welfare, or when it is in the interest of national security; (E) reflect
34 the importance of the waters of Long Island Sound to the citizens of
35 this state who derive livelihoods and recreational benefits from
36 boating and fishing; (F) analyze the implications of existing and
37 potential uses and users of Long Island Sound with a focus on
38 avoiding potential use conflicts; (G) be based upon the Long Island
39 Sound Resources and Uses Inventory, prepared pursuant to
40 subdivision (1) of this subsection, with provision for the ongoing
41 acquisition and application of up-to-date resource and use data,
42 including seafloor mapping; (H) reflect the value of biodiversity and
43 ecosystem health in regard to the interdependence of ecosystems; (I)
44 identify and protect special, sensitive or unique estuarine and marine
45 life and habitats, including, but not limited to, scenic and visual
46 resources; (J) adapt to evolving knowledge and understanding of the
47 marine environment, including adaptation to climate change and rise
48 in sea level; (K) foster sustainable uses that capitalize on economic
49 opportunity without significant detriment to the ecology or natural
50 beauty of Long Island Sound; (L) support the infrastructure necessary

51 to sustain the economy and quality of life for the citizens of this state;
52 (M) be coordinated, to the maximum extent feasible, with local,
53 regional and federal planning entities and agencies, including, but not
54 limited to, the Long Island Sound Study and National Ocean Policy's
55 Northeast Regional Planning Body and the Connecticut-New York Bi-
56 State Marine Spatial Planning Working Group; (N) be coordinated,
57 developed and implemented, to the maximum extent feasible, with the
58 state of New York; (O) be developed through a transparent and
59 inclusive process that seeks widespread participation of the public and
60 stakeholders and encourages public participation in decision making;
61 (P) identify appropriate locations and performance standards for
62 activities, uses and facilities regulated under existing state permit
63 programs, including, but not limited to, measures to guide siting of
64 uses in a manner compatible with said Long Island Sound Blue Plan;
65 (Q) be consistent with the state plan of conservation and development
66 and the goals and policies described in section 22a-92 of the general
67 statutes; and (R) reflect the importance of planning for Long Island
68 Sound as an estuary that crosses state boundaries, including the
69 identification of potential measures that encourage such planning. The
70 commissioner may accept, on behalf of the state, any gifts, grants,
71 donations or bequests for the purposes of assisting the completion of
72 the Long Island Sound Resources and Use Inventory and the
73 development of a Long Island Sound Blue Plan.

74 (b) For the purposes of this section, the submerged lands and waters
75 subject to the commissioner's planning, management and coordination
76 authority under the Long Island Sound Blue Plan shall include Long
77 Island Sound and its bays and inlets from the mean high water line, as
78 defined by the most recent data of the National Oceanic and
79 Atmospheric Administration, to the state's waterward boundaries with
80 the states of New York and Rhode Island. Any siting policies,
81 identification of locations, or performance standards for activities, uses
82 and facilities under the Long Island Sound Blue Plan shall apply in a
83 spatial planning area located seaward of the bathymetric contour of

84 minus ten feet North American Vertical Datum to the state's
85 waterward boundaries with the states of New York and Rhode Island
86 provided such planning area shall not extend into any river that flows
87 into the sound beyond the first motor vehicle bridge or railroad bridge
88 that crosses such river. Such spatial planning area shall be designated
89 on a map to be prepared by the advisory committee established
90 pursuant to subsection (c) of this section.

91 (c) There is established a Long Island Sound Resource and Use
92 Inventory and Blue Plan Advisory Committee that shall assist the
93 Commissioner of Energy and Environmental Protection with the
94 drafting of the Long Island Sound Resource and Use Inventory and the
95 Long Island Sound Blue Plan, described in subsection (a) of this
96 section. Said advisory committee shall consist of the following
97 members: (1) The Commissioner of Energy and Environmental
98 Protection, or the commissioner's designee, (2) the Secretary of the
99 Office of Policy and Management or the secretary's designee, (3) a
100 member from a marine-related program at The University of
101 Connecticut, (4) a representative of the Department of Transportation,
102 (5) a representative of the Department of Agriculture, (6) a
103 representative of the Connecticut Siting Council, (7) a representative of
104 the marine trades industry, appointed by the minority leader of the
105 Senate, (8) a representative of a conservation organization that
106 specializes in coastal issues, appointed by the president pro tempore of
107 the Senate, (9) a representative of the gas and electric distribution
108 industries, appointed by the Governor, (10) a representative of the
109 commercial finfish industry, appointed by the speaker of the House of
110 Representatives, (11) a representative of the recreational fishing and
111 hunting community, appointed by the minority leader of the House of
112 Representatives, (12) a representative of a nonprofit conservation
113 organization with expertise in marine assessments and planning,
114 appointed by the Governor, (13) a representative of the shellfish
115 industry, appointed by the Governor, (14) two representatives of
116 coastal municipalities, one appointed by the majority leader of the

117 House of Representatives and one appointed by the Governor, and (15)
118 a representative of the commercial boating or shipping industries,
119 appointed by the majority leader of the Senate. The commissioner shall
120 convene the first meeting of such advisory committee not later than
121 sixty days after the effective date of this section and shall serve as the
122 chairperson of such advisory committee. The commissioner may
123 request members of the advisory committee to assist with
124 administrative functions of the advisory committee, including, but not
125 limited to, convening and noticing meetings and drafting assessments
126 and reports. The advisory committee shall be located in the
127 Department of Energy and Environmental Protection for
128 administrative purposes only.

129 (d) The Long Island Sound Resource and Use Inventory and Blue
130 Plan Advisory Committee shall hold not less than three public
131 hearings in different coastal municipalities of the state to receive
132 comments and submissions from the public and interested persons
133 and may provide for other public outreach and input measures, as
134 appropriate, to assure sufficient stakeholder engagement and
135 representation. The advisory committee shall assist the commissioner
136 in completing a draft of the Long Island Sound Resource and Use
137 Inventory and the Long Island Sound Blue Plan not later than March 1,
138 2019.

139 (e) During the drafting of the Long Island Sound Resource and Use
140 Inventory and Long Island Sound Blue Plan, and prior to making such
141 draft available for public comment, in accordance with subsection (f) of
142 this section, the advisory committee shall consult with the
143 Commissioner of Economic and Community Development,
144 representatives of the telecommunications industry, waterfront
145 businesses, a tribal nation and the tourism or recreation industry.
146 Additionally, the advisory committee shall, to the extent feasible,
147 consult with the applicable New York state agencies, advisory
148 counterparts and the Connecticut-New York Bi-State Marine Spatial
149 Planning Working Group to devise a mutually agreeable process for

150 developing the Long Island Sound Resource and Use Inventory and
151 Long Island Sound Blue Plan.

152 (f) Upon completion of the draft Long Island Sound Resource and
153 Use Inventory and the Long Island Sound Blue Plan, the commissioner
154 shall make such draft available for public review and comment and
155 shall publish notice thereof in not less than five newspapers of general
156 circulation, the Environmental Monitor and the Connecticut Law
157 Journal. The commissioner shall cause such draft and notice of public
158 comment period to be posted on the Internet web site of the
159 Department of Energy and Environmental Protection and the Office of
160 Policy and Management. Such notice of public comment period shall
161 provide for a public comment period of not less than ninety days. Not
162 later than ninety days after the end of such public comment period, the
163 commissioner shall adopt a final draft of the Long Island Sound
164 Resource and Use Inventory and the Long Island Sound Blue Plan.

165 (g) Upon completion of the final draft of the Long Island Sound
166 Blue Plan, such plan shall be submitted to the joint standing committee
167 of the General Assembly having cognizance of matters relating to the
168 environment. Said committee, not later than forty-five days after the
169 start of the next occurring legislative session following receipt of such
170 plan, shall submit such plan, in conjunction with the committee's
171 recommendation for approval or disapproval of such plan, to the
172 General Assembly. Such plan shall become effective when approved
173 by a majority vote of each chamber of the General Assembly. In the
174 event that the General Assembly disapproves the plan, in whole or in
175 part, such plan shall be deemed to be rejected and shall be returned to
176 the advisory committee for revision.

177 (h) Upon approval of such inventory and plan: (1) Such plan shall
178 be considered as a factor in the review of applications pursuant to
179 sections 16-50k, 22-11h, 22-11i, 22-11j, 22a-6k, 22a-359, 22a-361, 22a-
180 363b, 22a-363d, 22a-430, 25-157b, 26-194 and 26-257a of the general
181 statutes and Section 401 of the Federal Water Pollution Control Act

182 and may be utilized for guidance in preapplication discussions
183 between the Commissioner of Energy and Environmental Protection
184 and applicants, (2) the Commissioner of Energy and Environmental
185 Protection shall seek necessary federal approval to incorporate the
186 Long Island Sound Blue Plan as an enforceable policy in the state's
187 coastal management program under the federal Coastal Zone
188 Management Act, (3) the Commissioner of Energy and Environmental
189 Protection shall, within available resources, develop and implement a
190 public outreach and information program to provide information to
191 the public regarding the Long Island Sound Blue Plan, (4) the
192 Commissioner of Energy and Environmental Protection shall provide
193 for the review and update of such inventory and plan at least once
194 every five years and any revision to such inventory and plan shall
195 become effective upon approval by the General Assembly, in
196 accordance with subsection (g) of this section, (5) the advisory
197 committee, not later than six months after such approval, shall advise
198 the commissioner on the operation, implementation and updating of
199 the inventory and plan, as applicable, and shall meet on a quarterly
200 basis to review implementation of such plan, identify emerging issues
201 and recommend any necessary or desirable alterations or
202 improvements to such plan, and (6) the advisory committee shall,
203 within available resources, hold not less than one public hearing each
204 year to receive comments and submissions from the public on such
205 inventory and plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2015	New section

Statement of Purpose:

To establish a Long Island Sound Resource and Use Inventory and a Long Island Sound Blue Plan that will become part of the state's coastal management program.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]