



House of Representatives

File No. 630

General Assembly

February Session, 2024 **(Reprint of File No. 100)**

House Bill No. 5222
As Amended by House Amendment
Schedule "A"

Approved by the Legislative Commissioner
May 1, 2024

AN ACT ESTABLISHING A NO-WAKE ZONE ON THE PAWCATUCK RIVER AND AUTHORIZING THE PURCHASE OF CERTAIN RIPARIAN BUFFERS.

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

1 Section 1. (NEW) (*Effective July 1, 2024*) (a) No person shall operate a
2 vessel in excess of slow-no-wake on the Pawcatuck River between the
3 area known as "Pawcatuck Rock" at Red Navigation Marker No. 16 and
4 the area known as "Graves Neck" at Red Navigation Marker No. 6.

5 (b) Any violation of subsection (a) of this section shall be an
6 infraction. The Commissioner of Energy and Environmental Protection
7 shall administer the provisions of this section in accordance with
8 chapter 268 of the general statutes.

9 Sec. 2. (NEW) (*Effective from passage*) Notwithstanding any provision
10 of the general statutes, the Department of Energy and Environmental
11 Protection may utilize funds available for stormwater infrastructure for

12 the purpose of acquiring conservation easements located along streams
13 and rivers in the state, provided any such conservation easement
14 requires the property owner to maintain a buffer along such stream or
15 river in a vegetated condition. The Commissioner of Energy and
16 Environmental Protection may determine the percentage of such funds
17 to be utilized for the purposes described in this section. For purposes of
18 this section, "vegetated condition" means the retention of native trees,
19 shrubs and herbaceous cover in lieu of lawn, golf courses and athletic
20 fields.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	New section
Sec. 2	<i>from passage</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 25 \$	FY 26 \$
Resources of the General Fund	GF - Potential Revenue Gain	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which establishes a slow-no-wake zone on a portion of the Pawcatuck River and makes a violation of the zone an infraction, results in a potential annual minimal General Fund revenue gain from fines beginning in FY 25. The amount of the revenue gain, if any, depends on the number of boaters fined and the amount of the infraction fine, which is not defined by the bill. If the bill passes and is codified with the portion of statute addressing boating safety, the fine will be \$80; however, if codified elsewhere, the fine is unknown.

House "A" alters the original bill by allowing the Department of Energy and Environmental Protection to use stormwater infrastructure funds to acquire conservation easements under certain circumstances. This provision has no fiscal impact as it does not require additional resources to be spent.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of fines levied and any changes in the applicable fine.

OLR Bill Analysis**HB 5222 (as amended by House "A")******AN ACT ESTABLISHING A NO-WAKE ZONE ON THE PAWCATUCK RIVER.*****SUMMARY**

This bill allows the Department of Energy and Environmental Protection (DEEP) to use funds available for stormwater infrastructure to acquire conservation easements along streams and rivers in the state, regardless of any state law requiring otherwise. The DEEP commissioner may set the percentage of stormwater infrastructure funds that may be used for this purpose. The property owner of an acquired conservation easement must keep native trees, shrubs, and herbaceous cover along the stream or river instead of lawn, golf courses, and athletic fields (i.e., a “vegetated condition” buffer).

The bill also creates a “slow-no-wake” zone for boating vessel operators on the Pawcatuck River, which is near the Rhode Island border, between Pawcatuck Rock (red marker No. 16) and Graves Neck (red market No. 6). It makes a violation of the zone an infraction, and requires the DEEP commissioner to administer the provision.

“Slow-no-wake” is defined in DEEP boating safety regulations. It means that a vessel must (1) produce no more than a minimum wake and (2) not go faster than six miles per hour over the ground unless a higher speed is needed to maintain steerage in strong currents. In no case can the vessel’s wake be strong enough to cause injury to people or damage to vessels or structures (Conn. Agencies Regs., § 15-121-A1(j)).

*House Amendment “A” adds the provisions on conservation easements and vegetated condition buffers.

EFFECTIVE DATE: Upon passage, except for the slow-no-wake provisions, which are effective July 1, 2024.

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 34 Nay 0 (03/08/2024)