



General Assembly

February Session, 2014

Amendment

LCO No. 3774

SB0031203774SD0

Offered by:

SEN. WILLIAMS, 29th Dist.
SEN. LOONEY, 11th Dist.
SEN. COLEMAN, 2nd Dist.
SEN. DOYLE, 9th Dist.
SEN. LEBEAU, 3rd Dist.

SEN. DUFF, 25th Dist.
SEN. SLOSSBERG, 14th Dist.
SEN. STILLMAN, 20th Dist.
SEN. MEYER, 12th Dist.

To: Subst. Senate Bill No. 312

File No. 423

Cal. No. 280

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective July 1, 2014*) (a) The Commissioner of
4 Energy and Environmental Protection, in conjunction with the Long
5 Island Sound Resource and Use Inventory and Blue Plan Advisory
6 Committee, established pursuant to subsection (c) of this section, and
7 within available resources, shall: (1) Coordinate the completion of a
8 Long Island Sound Resource and Use Inventory by a Long Island
9 Sound Inventory and Science subcommittee to be convened by The
10 University of Connecticut. Such resource and use inventory shall be
11 comprised of the best available information and data regarding the

12 natural resources within Long Island Sound and the uses of Long
13 Island Sound, including, but not limited to, all: (A) Plants; (B) animals;
14 (C) habitats; (D) ecologically significant areas in nearshore and
15 offshore waters and substrates of such waters; (E) uses of such waters
16 and substrates, including, but not limited to: (i) Recreational and
17 commercial boating and fishing, (ii) shellfish beds, (iii) aquaculture
18 facilities, (iv) shipping corridors, (v) energy facilities, and (vi) electric
19 power line, gas pipeline and telecommunications crossings; and (F)
20 any updates and additions to the comprehensive environmental
21 assessment and plan completed, in accordance with section 25-157a of
22 the general statutes; and (2) develop a Long Island Sound Blue Plan
23 that may include maps, illustrations and other media. Such Long
24 Island Sound Blue Plan shall: (A) Establish the state's goals, siting
25 priorities and standards for ensuring effective stewardship of the
26 waters of Long Island Sound held in trust for the benefit of the public;
27 (B) promote science-based management practices that take into
28 account the existing natural, social, cultural, historic and economic
29 characteristics of planning areas within Long Island Sound; (C)
30 preserve and protect traditional riparian and water-dependent uses
31 and activities; (D) promote maximum public accessibility to Long
32 Island Sound's waters for traditional public trust uses, such as
33 recreational and commercial boating and fishing, except when
34 necessary to protect coastal resources, preserve public health, safety
35 and welfare, or when it is in the interest of national security; (E) reflect
36 the importance of the waters of Long Island Sound to the citizens of
37 this state who derive livelihoods and recreational benefits from
38 boating and fishing; (F) analyze the implications of existing and
39 potential uses and users of Long Island Sound with a focus on
40 avoiding potential use conflicts; (G) be based upon the Long Island
41 Sound Resources and Uses Inventory, prepared pursuant to
42 subdivision (1) of this subsection, with provision for the ongoing
43 acquisition and application of up-to-date resource and use data,
44 including seafloor mapping; (H) reflect the value of biodiversity and
45 ecosystem health in regard to the interdependence of ecosystems; (I)
46 identify and protect special, sensitive or unique estuarine and marine

47 life and habitats, including, but not limited to, scenic and visual
48 resources; (J) adapt to evolving knowledge and understanding of the
49 marine environment, including adaptation to climate change and rise
50 in sea level; (K) foster sustainable uses that capitalize on economic
51 opportunity without significant detriment to the ecology or natural
52 beauty of Long Island Sound; (L) support the infrastructure necessary
53 to sustain the economy and quality of life for the citizens of this state;
54 (M) be coordinated, to the maximum extent feasible, with local,
55 regional and federal planning entities and agencies, including, but not
56 limited to, the Long Island Sound Study and National Ocean Policy's
57 Northeast Regional Planning Body and the Connecticut-New York Bi-
58 State Marine Spatial Planning Working Group; (N) be coordinated,
59 developed and implemented, to the maximum extent feasible, with the
60 state of New York; (O) be developed through a transparent and
61 inclusive process that seeks widespread participation of the public and
62 stakeholders and encourages public participation in decision making;
63 (P) identify appropriate locations and performance standards for
64 activities, uses and facilities regulated under existing state permit
65 programs, including, but not limited to, measures to guide siting of
66 uses in a manner compatible with said Long Island Sound Blue Plan;
67 (Q) be consistent with the state plan of conservation and development
68 and the goals and policies described in section 22a-92 of the general
69 statutes; and (R) reflect the importance of planning for Long Island
70 Sound as an estuary that crosses state boundaries, including the
71 identification of potential measures that encourage such planning. The
72 commissioner may accept, on behalf of the state, any gifts, grants,
73 donations or bequests for the purposes of assisting the completion of
74 the Long Island Sound Resources and Use Inventory and the
75 development of a Long Island Sound Blue Plan.

76 (b) For the purposes of this section, the submerged lands and waters
77 subject to the commissioner's planning, management and coordination
78 authority under the Long Island Sound Blue Plan shall include Long
79 Island Sound and its bays and inlets from the mean high water line, as
80 defined by the most recent data of the National Oceanic and

81 Atmospheric Administration, to the state's waterward boundaries with
82 the states of New York and Rhode Island. Any siting policies,
83 identification of locations, or performance standards for activities, uses
84 and facilities under the Long Island Sound Blue Plan shall apply in a
85 spatial planning area located seaward of the bathymetric contour of
86 minus ten feet North American Vertical Datum to the state's
87 waterward boundaries with the states of New York and Rhode Island.
88 Such spatial planning area shall be designated on a map to be
89 prepared by the advisory committee established pursuant to
90 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	<i>July 1, 2014</i>	New section
-----------	---------------------	-------------