



Senate

File No. 697

General Assembly

February Session, 2000

(Reprint of File No. 238)

Substitute Senate Bill No. 32
As Amended by House Amendment
Schedules "A", "B", "C" and "D"

Approved by the Legislative Commissioner
April 29, 2000

An Act Concerning Urban Harbors, Boating Safety And Water Systems In The State.

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

1 Section 1. Subdivision (1) of subsection (c) of section 22a-92 of the
2 general statutes is repealed and the following is substituted in lieu
3 thereof:

4 (1) Policies concerning development, facilities and uses within the
5 coastal boundary are: (A) To minimize the risk of spillage of petroleum
6 products and hazardous substances, to provide effective containment
7 and cleanup facilities for accidental spills and to disallow offshore oil
8 receiving systems that have the potential to cause catastrophic oil spills
9 in the Long Island Sound estuary; (B) to disallow any filling of tidal
10 wetlands and nearshore, offshore and intertidal waters for the purpose
11 of creating new land from existing wetlands and coastal waters which
12 would otherwise be undevelopable, unless it is found that the adverse
13 impacts on coastal resources are minimal; (C) to initiate in cooperation
14 with the federal government and the continuing legislative committee
15 on state planning and development a long-range planning program for

16 the continued maintenance and enhancement of federally-maintained
17 navigation facilities in order to effectively and efficiently plan and
18 provide for environmentally sound dredging and disposal of dredged
19 materials; to encourage, through the state permitting program for
20 dredging activities, the maintenance and enhancement of existing
21 federally-maintained navigation channels, basins and anchorages and
22 to discourage the dredging of new federally-maintained navigation
23 channels, basins and anchorages; (D) to reduce the need for future
24 dredging by requiring that new or expanded navigation channels,
25 basins and anchorages take advantage of existing or authorized water
26 depths, circulation and siltation patterns and the best available
27 technologies for reducing controllable sedimentation; (E) to disallow
28 new dredging in tidal wetlands except where no feasible alternative
29 exists and where adverse impacts to coastal resources are minimal; (F)
30 to require that new or improved shoreline rail corridors be designed
31 and constructed so as (i) to prevent tidal and circulation restrictions
32 and, when practicable, to eliminate any such existing restrictions, (ii) to
33 improve or have a negligible adverse effect on coastal access and
34 recreation and (iii) to enhance or not unreasonably impair the visual
35 quality of the shoreline; (G) to require that coastal highways and
36 highway improvements, including bridges, be designed and
37 constructed so as to minimize adverse impacts on coastal resources; to
38 require that coastal highway and highway improvements give full
39 consideration to mass transportation alternatives and to require that
40 coastal highways and highway improvements where possible enhance,
41 but in no case decrease coastal access and recreational opportunities;
42 (H) to disallow the construction of major new airports and to
43 discourage the substantial expansion of existing airports within the
44 coastal boundary; to require that any expansion or improvement of
45 existing airports minimize adverse impacts on coastal resources,
46 recreation or access; (I) to manage the state's fisheries in order to
47 promote the economic benefits of commercial and recreational fishing,
48 enhance recreational fishing opportunities, optimize the yield of all
49 species, prevent the depletion or extinction of indigenous species,
50 maintain and enhance the productivity of natural estuarine resources

51 and preserve healthy fisheries resources for future generations; (J) to
52 make effective use of state-owned coastal recreational facilities in order
53 to expand coastal recreational opportunities including the
54 development or redevelopment of existing state-owned facilities where
55 feasible; [and] (K) to require as a condition in permitting new coastal
56 structures, including but not limited to, groins, jetties or breakwaters,
57 that access to, or along, the public beach below mean high water must
58 not be unreasonably impaired by such structures and to encourage the
59 removal of illegal structures below mean high water which
60 unreasonably obstruct passage along the public beach; and (L) to
61 promote the revitalization of inner city urban harbors and waterfronts
62 by encouraging appropriate reuse of historically developed
63 shorefronts, which may include minimized alteration of an existing
64 shorefront in order to achieve a significant net public benefit, provided
65 (i) such shorefront site is permanently devoted to a water dependant
66 use or a water dependent public use such as public access or recreation
67 for the general public and the ownership of any filled lands remain
68 with the state or an instrumentality thereof in order to secure public
69 use and benefit in perpetuity, (ii) landward development of the site is
70 constrained by highways, railroads or other significant infrastructure
71 facilities, (iii) no other feasible, less environmentally damaging
72 alternatives exist, (iv) the adverse impacts to coastal resources of any
73 shorefront alteration are minimized and compensation in the form of
74 resource restoration is provided to mitigate any remaining adverse
75 impacts, and (v) such reuse is consistent with the appropriate
76 municipal coastal program or municipal plan of development.

77 Sec. 2. The Commissioner of Environmental Protection shall grant a
78 permit to the United States Army Corp of Engineers for emergency
79 dredging of Clinton Harbor not later than fifteen days after receipt of
80 certification, and corresponding evidence substantiating certification,
81 that the dredging activity will not negatively impact Clinton Harbor or
82 any area designated as a disposal area for dredged material.

83 Sec. 3. South Central Regional Water Authority shall, in consultation
84 with the Commissioner of Environmental Protection, develop a

85 management plan setting forth performance based monitoring and
86 mitigation procedures to be met during the operation of the proposed
87 Lake Whitney Water Treatment Plant to protect the environmental
88 quality of Lake Whitney and the Mill River corridor in New Haven
89 County and to avoid unacceptable adverse impacts on the ecology and
90 the aesthetics of the area.

91 Sec. 4. Section 15-140f of the general statutes is repealed and the
92 following is substituted in lieu thereof:

93 (a) The Commissioner of Environmental Protection shall formulate
94 courses in safe boating operation.

95 (b) The commissioner shall adopt regulations in accordance with the
96 provisions of chapter 54 setting forth the content of safe boating
97 operation courses. Such regulations may include provisions for
98 examinations, issuance of safe boating certificates and establishment of
99 reasonable fees for the course and examination and for issuing
100 certificates, temporary certificates, and duplicate certificates. Any fees
101 collected pursuant to such regulations shall be deposited in the boating
102 account established pursuant to section 15-155.

103 [(c) The commissioner may enter into reciprocal agreements with
104 other states having similar safe boating or certificate programs
105 acceptable to the commissioner.]

106 (c) Any person who [successfully completes a safe boating course of
107 instruction or] holds a certificate from another state [which] that has a
108 reciprocal agreement with the commissioner may operate a vessel on
109 the waters of this state.

110 Sec. 5. Sections 20 to 24, inclusive, of public act 98-209 are repealed.

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OLR Amended Bill Analysis

sSB 32 (as amended by House "A", "B", "C", and "D")*

AN ACT CONCERNING URBAN HARBORS.**SUMMARY:**

This bill amends the Coastal Management Act to require federal, state, and municipal agencies, under certain circumstances, to promote the revitalization of inner city urban harbors and waterfronts by encouraging the appropriate reuse of historically developed shorefronts. Current law generally restricts development in coastal areas and requires agencies to promote various other policies.

The bill requires the environmental protection commissioner to grant a permit to the U.S. Army Corps of Engineers for emergency dredging of Clinton Harbor. He must do this within 15 days of receiving certification that the dredging will not harm the harbor or any area used to dispose of the dredged material.

The bill requires the South Central Regional Water Authority, in consultation with the Department of Environmental Protection (DEP), to develop a management plan establishing performance based monitoring and mitigation procedures to be met during the operation of the proposed water treatment plant on Lake Whitney. The program must protect the environmental quality of the lake and the Mill River corridor and avoid unacceptable harm to the ecology and the aesthetics of the area.

The bill eliminates DEP's explicit authority to enter into reciprocal agreements with other states having acceptable safe boating or boater certificate program. It eliminates the right of a person who has successfully completed such a program in another state to operate a boat in Connecticut. It retains the right of someone who has a certificate from another state that has a reciprocal agreement with Connecticut to operate a boat here.

Finally, the bill repeals provisions of PA 98-209 validating the

corporate existence of the Brookfield Water Company.

*House Amendment "A" adds the Lake Whitney provisions.

*House Amendment "B" adds the provision on boating.

*House Amendment "C" modifies the circumstances under which the commissioner must grant a dredging permit to the Corps of Engineers and eliminates a requirement that the dredging be conducted in accordance with Massachusetts state regulations.

*House Amendment "D" adds the provisions on the Brookfield Water Company.

EFFECTIVE DATE: October 1, 2000

URBAN HARBORS AND THE COASTAL MANAGEMENT ACT

Under the bill, agencies must promote the revitalization of inner city harbors and waterfronts, which may include the minimized alteration of the existing shoreline, to achieve a net significant net public benefit. To be subject to this provision:

1. the shoreline site must be permanently devoted to water dependent use such as public access or public recreation;
2. any land created by landfill must be owned by the state or one of its instrumentalities (e.g. a municipality) to ensure public use and access in perpetuity;
3. development of the site away from the shore must be constrained by significant infrastructure facilities such as highways or railroads;
4. there must be no other feasible, less environmentally damaging alternative;
5. the harm to coastal resources of any shoreline alteration must be minimized, and the development must include compensation in the form of resource restoration to mitigate any remaining harm; and

6. the reuse must be consistent with the appropriate municipal coastal program or plan of development.

BROOKFIELD WATER COMPANY

The bill repeals provisions of PA 98-209 that authorized the continued incorporation of this company for the purpose of supplying Brookfield and its inhabitants with an abundant supply of water. Under the act, the town or any fire or school district in town may contract with the corporation for water and may assess and collect a tax to meet its liabilities under the contract. The company is authorized under the act to:

1. open public streets and grounds to repair, install, replace, and maintain water pipes in Brookfield and its immediate vicinity;
2. construct, repair, and maintain reservoirs, aqueducts, canals, and other sources of water and associated facilities;
3. install fire hydrants; and
4. remove existing nuisances and prohibit building other nuisances on streams used for water supply.

Under the act, the company may take and hold lands, springs, streams, or ponds necessary to supply water, preserve its purity, and prevent its contamination. It must pay just compensation to anyone whose property will be injured by the taking in accordance with the determination of three disinterested people appointed by the Superior Court to set the amount. The court must approve the award. Its approval constitutes a final judgment.

These provisions would have become effective as an amendment to the company's certificate of incorporation if, not later than October 1, 1999, they were accepted at a meeting of the corporation's stockholders and filed after the meeting with the secretary of the state.

BACKGROUND

Coastal Management Act

The act coordinates federal, state, and local efforts to regulate the development of the state's coast and coastal resources. It authorizes municipalities to adopt coastal management programs for the area within the coastal boundary and landward of the mean high-water mark. It requires municipalities to conduct coastal site plan reviews in conjunction with reviews conducted by land use agencies. Activities in coastal areas require a number of state and local approvals.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 24 Nay 0