



General Assembly

Amendment

February Session, 2002

LCO No. 3292

HB0560903292HD0

Offered by:

REP. STRATTON, 17th Dist.

SEN. WILLIAMS, 29th Dist.

To: Subst. House Bill No. 5609

File No. 298

Cal. No. 177

"AN ACT CONCERNING THE PROTECTION OF LONG ISLAND SOUND."

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

3 "Section 1. (NEW) (*Effective from passage*) Notwithstanding any other
4 provision of the general statutes, no state agency, including, but not
5 limited to, the Department of Environmental Protection and the
6 Connecticut Siting Council, shall consider or render a final decision for
7 any applications relating to electric power line crossings, gas pipeline
8 crossings or telecommunications crossings of Long Island Sound
9 including, but not limited to, electrical power line, gas pipeline or
10 telecommunications applications that are pending or received after the
11 effective date of this section for a period of one year after the effective
12 date of this section. During such twelve-month moratorium on
13 applications relating to crossings of Long Island Sound, the Institute of
14 Sustainable Energy at the Eastern Connecticut State University shall

15 convene a working group of all interested parties to establish priorities
16 and develop strategies for minimizing the number, geographical
17 distributions and environmental impact of such crossings of Long
18 Island Sound.

19 Sec. 2. (NEW) (*Effective from passage*) Not later than one year from
20 the effective date of this section, a comprehensive environmental
21 assessment and plan shall be completed under the direction of the
22 Institute for Sustainable Energy in conjunction with the assistance of a
23 representative of: (1) The Department of Environmental Protection; (2)
24 the Director of the Bureau of Aquaculture of the Department of
25 Agriculture; (3) the Department of Public Utility Control; (4) the
26 Connecticut Siting Council; (5) the Bureau of Aviation and Ports,
27 Connecticut Coastline Port Authority of the Department of
28 Transportation; (6) the Connecticut Seafood Council; (7) the Atlantic
29 States Marine Fisheries; (8) Save the Sound, Inc.; (9) the Connecticut
30 Fund for the Environment, Inc.; (10) the Long Island Soundkeeper; (11)
31 the State Geologist; and (12) no more than two representatives each
32 from the electrical cable power industry and the gas pipeline industry,
33 one representative from the telecommunications industry; and shall
34 consult with those federal agencies regarding matters within such
35 agency's jurisdiction. Nothing in this section shall prohibit the
36 participation of other persons in the development of the
37 comprehensive environmental assessment and plan. Such assessment
38 and plan shall include, but not be limited to, the following: (A) In
39 consultation with the Institute of Water Resources at The University of
40 Connecticut and The University of Connecticut Cooperative Extension
41 Service, a comprehensive inventory and mapping of all existing
42 environmental data on the natural resources of Long Island Sound,
43 including, but not limited to: All coastal resources, as defined in
44 section 22a-93 of the general statutes, all points of public access and
45 public use, locations of rare and endangered species including the
46 breeding and nesting areas for such rare and endangered species,
47 locations of historically productive fishing grounds and locations of
48 unusual and important submerged vegetation; (B) an evaluation of the

49 relative importance and uniqueness of the natural resources of Long
50 Island Sound; (C) an assessment of the present status, future potential
51 and environmental impacts of proposed methods of providing power
52 to Long Island that do not require the laying of a power line or cable
53 within Long Island Sound; (D) an evaluation of methods to minimize
54 the numbers and impacts of electric power line crossings, gas pipeline
55 crossings and telecommunications crossings within Long Island
56 Sound, including an evaluation of the individual and cumulative
57 environmental impacts of any such proposed crossings; (E)
58 identification and prioritization of resources in Long Island Sound that
59 are most ecologically sensitive; (F) an inventory of current crossings of
60 Long Island Sound and an evaluation of the current environmental
61 status of those areas that have crossings; (G) recommendations for
62 providing for regional energy needs while protecting Long Island
63 Sound to the maximum extent possible; and (H) recommendations on
64 natural resource performance bond levels to reimburse the state in the
65 event that future electric power line crossings or gas pipeline crossings
66 substantially damage the public trust in the natural resources of Long
67 Island Sound.

68 Sec. 3. (NEW) (*Effective from passage*) Any application for an electric
69 power line, gas pipeline or telecommunications crossing of Long
70 Island Sound that is considered by either the Department of
71 Environmental Protection or the Connecticut Siting Council after the
72 creation of the comprehensive environmental assessment and plan,
73 described in section 2 of this act, shall additionally be evaluated for
74 such application's: (1) Likelihood to impair the public trust in Long
75 Island Sound based on the information contained in the
76 comprehensive environmental assessment and plan; (2) consistency
77 with the recommendations of the comprehensive environmental
78 assessment; and (3) environmental impact, both individual and
79 cumulative, as anticipated by the comprehensive environmental
80 assessment and plan described in section 2 of this act.

81 Sec. 4. (NEW) (*Effective from passage*) Notwithstanding any provision
82 of the general statutes, the Connecticut Siting Council, within fifteen

83 days of the effective date of this section shall submit the state's
 84 advisory opinion to the Federal Energy Regulatory Commission
 85 requesting that, on behalf of the state, the Federal Energy Regulatory
 86 Commission not approve any new individual electric power line
 87 crossing or gas pipeline crossings until the comprehensive
 88 environmental assessment and plan described in section 2 of this act is
 89 completed and that the Federal Energy Regulatory Commission avoid
 90 environmental damage to Long Island Sound to the greatest extent
 91 possible when licensing any future gas pipelines by considering the
 92 recommendations contained in the comprehensive environmental
 93 assessment and plan described in section 2 of this act. Notwithstanding
 94 the provisions of this act, if the Federal Energy Regulatory
 95 Commission proceeds with consideration of a gas pipeline application,
 96 regardless of the siting council's request the Connecticut Siting Council
 97 shall review such proposed gas pipeline project and recommend siting,
 98 construction procedures and environmental mitigation measures to the
 99 Federal Energy Regulatory Commission for such project that conform
 100 with the comprehensive environmental assessment and plan described
 101 in section 2 of this act, to the degree such assessment and plan
 102 information is available."

This act shall take effect as follows:	
Section 1	<i>from passage</i>
Sec. 2	<i>from passage</i>
Sec. 3	<i>from passage</i>
Sec. 4	<i>from passage</i>