



General Assembly

**Amendment**

February Session, 2002

LCO No. 3637

\*SB0048803637HR0\*

Offered by:

REP. WARD, 86<sup>th</sup> Dist.

REP. POWERS, 151<sup>st</sup> Dist.

REP. CAFERO, 142<sup>nd</sup> Dist.

REP. DELGOBBO, 70<sup>th</sup> Dist.

REP. FLAHERTY, 68<sup>th</sup> Dist.

REP. HAMZY, 78<sup>th</sup> Dist.

REP. PRELLI, 63<sup>rd</sup> Dist.

To: Subst. Senate Bill No. 488

File No. 118

Cal. No. 367

**"AN ACT CONCERNING THE RECORDING OF SITING COUNCIL PROCEEDINGS AND REQUESTS FOR RECONSIDERATION OF SITING COUNCIL DECISIONS."**

1 After line 17, insert the following:

2 "Sec. 2. (NEW) (*Effective from passage*) Notwithstanding any other  
3 provision of the general statutes, no state agency, including, but not  
4 limited to, the Department of Environmental Protection and the  
5 Connecticut Siting Council, shall consider or render a final decision  
6 after the effective date of this section for a period of one year after the  
7 effective date of this section for any applications relating to (1) an  
8 electric power line crossing or gas pipeline crossing of Long Island  
9 Sound including, but not limited to, an electrical power line or gas  
10 pipeline application that is pending or has been received as of the  
11 effective date of this section, or (2) an aboveground electric  
12 transmission expansion project including, but not limited to, an

13 application for such project that is pending or has been received as of  
14 the effective date of this section. During such twelve-month  
15 moratorium on applications relating to crossings of Long Island  
16 Sound, the Institute of Sustainable Energy at the Eastern Connecticut  
17 State University shall convene a working group of all interested parties  
18 to establish priorities and develop strategies for minimizing the  
19 number and geographical distributions of such crossings of Long  
20 Island Sound and shall make recommendations to the General  
21 Assembly concerning such strategy. The provisions of this section shall  
22 not apply to any project to replace an existing leaking cross-sound  
23 electric transmission cable.

24 Sec. 3. (NEW) (*Effective from passage*) (a) Not later than one year from  
25 the effective date of this section, a comprehensive environmental  
26 assessment and plan shall be completed under the direction of the  
27 Institute for Sustainable Energy in conjunction with the assistance of a  
28 representative of: (1) The Department of Environmental Protection; (2)  
29 the aquaculture division of the Department of Agriculture; (3) the  
30 Department of Public Utility Control; (4) the regional independent  
31 system operator, as defined in section 16-1 of the general statutes, as  
32 amended; (5) the National Marine Fisheries; (6) Save the Sound, Inc.;  
33 (7) the Connecticut Fund for the Environment, Inc.; and (8) no more  
34 than three representatives each from the electrical cable power  
35 industry and the gas pipeline industry.

36 (b) Nothing in this section shall prohibit the participation of other  
37 persons in the development of the comprehensive environmental  
38 assessment and plan.

39 (c) The comprehensive environmental assessment and plan shall  
40 include, but not be limited to, the following: (1) An assessment of the  
41 present status, future potential and environmental impacts of  
42 proposed methods of providing power to Long Island that do not  
43 require the laying of a power line or cable within Long Island Sound;  
44 (2) an evaluation of methods to minimize the numbers and impacts of  
45 electric power line crossings and gas pipeline crossings within Long

46 Island Sound; (3) an identification of those resources in Long Island  
47 Sound that are ecologically sensitive including, but not limited to,  
48 areas of environmental contamination that should be avoided; (4)  
49 recommendations for providing for regional energy needs while  
50 protecting Long Island Sound to the maximum extent possible; (5)  
51 recommendations on natural resource performance bond levels to  
52 reimburse the state in the event that future electric power line  
53 crossings or gas pipeline crossings substantially damage the public  
54 trust in the natural resources of Long Island Sound; and (6) an  
55 identification of regional energy needs and the facilities necessary to  
56 ensure the adequate supply of reliable energy to the region.

57 Sec. 4. (NEW) (*Effective from passage*) Any application for an electric  
58 power line or gas pipeline crossing of Long Island Sound that is  
59 considered by either the Department of Environmental Protection or  
60 the Connecticut Siting Council after the creation of the comprehensive  
61 environmental assessment and plan, described in section 5 of this act,  
62 shall additionally be evaluated for such application's: (1) Likelihood to  
63 impair the public trust in Long Island Sound based on the information  
64 contained in the comprehensive environmental assessment and plan;  
65 and (2) the extent to which the application is consistent with the  
66 recommendations of the comprehensive environmental assessment  
67 and plan described in section 3 of this act.

68 Sec. 5. (NEW) (*Effective from passage*) Notwithstanding any provision  
69 of the general statutes, the Connecticut Siting Council, within fifteen  
70 days of the effective date of this section shall submit the state's  
71 advisory opinion to the Federal Energy Regulatory Commission  
72 requesting that, on behalf of the state, the Federal Energy Regulatory  
73 Commission not approve any individual new electric power line  
74 crossing or gas pipeline crossings until the comprehensive  
75 environmental assessment and plan described in section 3 of this act is  
76 completed and that the Federal Energy Regulatory Commission avoid  
77 environmental damage to Long Island Sound to the greatest extent  
78 possible when licensing any future gas pipelines by considering the  
79 recommendations contained in the comprehensive environmental

80 assessment and plan described in section 3 of this act."