



General Assembly

February Session, 2002

Amendment

LCO No. 4234

SB0015404234SR0

Offered by:

SEN. GUNTHER, 21st Dist.

To: Subst. Senate Bill No. 154

File No. 195

Cal. No. 152

"AN ACT CONCERNING REDUCTION OF STATE AND LOCAL ENERGY COSTS."

1 After line 14, insert the following:

2 "Sec. 3. (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 for
6 any applications relating to (1) electric power line crossings, gas
7 pipeline crossings or telecommunications crossings of Long Island
8 Sound including, but not limited to, electrical power line, gas pipeline
9 or telecommunications applications that are pending or received after
10 the effective date of this section, or (2) applications relating to above-
11 ground electric transmission expansion projects including, but not
12 limited to, applications for such projects that are pending or have been
13 received as of the effective date of this section for a period of one year
14 after 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, geographical distributions and environmental impact of such
20 crossings of Long Island Sound.

21 Sec. 4. (NEW) (*Effective from passage*) Not later than one year from
22 the effective date of this section, a comprehensive environmental
23 assessment and plan shall be completed under the direction of the
24 Institute for Sustainable Energy in conjunction with the assistance of a
25 representative of: (1) The Bureau of Fisheries of the Department of
26 Environmental Protection; (2) the Director of the Bureau of
27 Aquaculture of the Department of Agriculture; (3) the Department of
28 Public Utility Control; (4) the Connecticut Siting Council; (5) the
29 Bureau of Aviation and Ports, Connecticut Coastline Port Authority of
30 the Department of Transportation; (6) the Connecticut Seafood
31 Council; (7) the Atlantic States Marine Fisheries; (8) Save the Sound,
32 Inc.; (9) the Connecticut Fund for the Environment, Inc.; (10) the
33 National Marine Fisheries; (11) the State Geologist; (12) the National
34 Oceanographic and Atmospheric Administration; and (13) no more
35 than one representative from the electrical cable power industry, the
36 gas pipeline industry and the telecommunications industry; and shall
37 consult with those federal agencies regarding matters within such
38 agency's jurisdiction. Nothing in this section shall prohibit the
39 participation of other persons in the development of the
40 comprehensive environmental assessment and plan. Such assessment
41 and plan shall include, but not be limited to, the following: (A) In
42 consultation with the Institute of Water Resources at The University of
43 Connecticut and The University of Connecticut Cooperative Extension
44 Service, a comprehensive inventory and mapping of all existing
45 environmental data on the natural resources of Long Island Sound,
46 including, but not limited to: All coastal resources, as defined in
47 section 22a-93 of the general statutes, all points of public access and
48 public use, locations of rare and endangered species including the
49 breeding and nesting areas for such rare and endangered species,

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

71 Sec. 5. (NEW) (*Effective from passage*) Any application for an electric
72 power line, gas pipeline or telecommunications crossing of Long
73 Island Sound that is considered by either the Department of
74 Environmental Protection or the Connecticut Siting Council after the
75 creation of the comprehensive environmental assessment and plan,
76 described in section 4 of this act, shall additionally be evaluated for
77 such application's: (1) Likelihood to impair the public trust in Long
78 Island Sound based on the information contained in the
79 comprehensive environmental assessment and plan; (2) consistency
80 with the recommendations of the comprehensive environmental
81 assessment; and (3) environmental impact, both individual and
82 cumulative, as anticipated by the comprehensive environmental
83 assessment and plan described in section 4 of this act.

84 Sec. 6. (NEW) (*Effective from passage*) Notwithstanding any provision
85 of the general statutes, the Connecticut Siting Council, within fifteen
86 days of the effective date of this section, shall submit the state's
87 advisory opinion to the Federal Energy Regulatory Commission
88 requesting that, on behalf of the state, the Federal Energy Regulatory
89 Commission not approve any new individual electric power line
90 crossing or gas pipeline crossings until the comprehensive
91 environmental assessment and plan described in section 4 of this act is
92 completed and that the Federal Energy Regulatory Commission avoid
93 environmental damage to Long Island Sound to the greatest extent
94 possible when licensing any future gas pipelines by considering the
95 recommendations contained in the comprehensive environmental
96 assessment and plan described in section 4 of this act. Notwithstanding
97 the provisions of this act, if the Federal Energy Regulatory
98 Commission proceeds with consideration of a gas pipeline application,
99 regardless of the siting council's request the Connecticut Siting Council
100 shall review such proposed gas pipeline project and recommend siting,
101 construction procedures and environmental mitigation measures to the
102 Federal Energy Regulatory Commission for such project that conform
103 with the comprehensive environmental assessment and plan described
104 in section 4 of this act, to the degree such assessment and plan
105 information is available.

106 Sec. 7. (NEW) (*Effective from passage*) Operating costs for the
107 assessment and plan to be completed in accordance with section 4 of
108 this act shall be paid for by public service companies, as defined in
109 section 16-1 of the general statutes, as amended."