



General Assembly

Amendment

February Session, 2002

LCO No. 4557

HB0560904557HD0

Offered by:

REP. STRATTON, 17th Dist.
REP. BEALS, 88th Dist.
REP. CARDIN, 53rd Dist.
REP. DEMARINIS, 40th Dist.
REP. DONOVAN, 84th Dist.
REP. DUFF, 137th Dist.
REP. HAMM, 34th Dist.
REP. MANTILLA, 4th Dist.
REP. MCCLUSKEY, 20th Dist.
REP. MCGRATTAN, 42nd Dist.
REP. MEGNA, 97th Dist.
REP. O'CONNOR, 35th Dist.
REP. PANARONI, 102nd Dist.
REP. ROY, 119th Dist.
REP. SHARKEY, 103rd Dist.
REP. TALLARITA, 58th Dist.
REP. THOMPSON, 13th Dist.
REP. TRUGLIA, 145th Dist.
REP. URBAN, 43rd Dist.
REP. VILLANO, 91st Dist.
REP. WALKER, 93rd Dist.
REP. WALLACE, 109th Dist.
REP. WIDLITZ, 98th Dist.
REP. WILLIS, 64th Dist.
REP. METZ, 101st Dist.
REP. MILLER, 122nd Dist.

REP. TERCYAK, 26th Dist.
REP. WINKLER, 41st Dist.
SEN. WILLIAMS, 29th Dist.
SEN. ANISKOVICH, 12th Dist.
REP. COLLINS, 117th Dist.
REP. CURREY, 10th Dist.
SEN. BOZEK, 6th Dist.
SEN. CIOTTO, 9th Dist.
SEN. COLAPIETRO, 31st Dist.
SEN. COLEMAN, 2nd Dist.
SEN. CRISCO, 17th Dist.
SEN. DAILY, 33rd Dist.
SEN. FINCH, 22nd Dist.
SEN. FONFARA, 1st Dist.
SEN. GAFFEY, 13th Dist.
SEN. HANDLEY, 4th Dist.
SEN. HARP, 10th Dist.
SEN. HARTLEY, 15th Dist.
SEN. JEPSEN, 27th Dist.
SEN. LEBEAU, 3rd Dist.
SEN. LOONEY, 11th Dist.
SEN. PENN, 23rd Dist.
SEN. PETERS, 20th Dist.
SEN. PRAGUE, 19th Dist.
SEN. SULLIVAN, 5th 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. Such moratorium shall not apply to applications
13 relating solely to the maintenance, repair or replacement necessary for
14 repair of electrical power lines, gas pipelines or telecommunications
15 facilities currently used to provide service to customers located on
16 islands or peninsulas off the Connecticut coast or harbors,
17 embayments, tidal rivers, streams or creeks. Nothing in this section
18 shall be construed to affect the project in the corridor across Long
19 Island Sound, from Norwalk to Northport, New York, to replace the
20 existing electric cables that cross the sound. During such twelve-month
21 moratorium on applications relating to crossings of Long Island
22 Sound, the Institute of Sustainable Energy at the Eastern Connecticut
23 State University shall chair and convene a task force of the parties
24 described in section 3 of this act in order to undertake the tasks
25 described in section 3 of this act.

26 Sec. 2. (NEW) (*Effective from passage*) (a) Notwithstanding any other
27 provision of the general statutes, no state agency, including, but not
28 limited to, the Department of Environmental Protection and the
29 Connecticut Siting Council, shall render a final decision for any

30 applications relating to electric transmission lines from Bethel to
31 Norwalk including, but not limited to, applications that are pending or
32 received on and after the effective date of this section until February 1,
33 2003. During such interim period, the Institute for Sustainable Energy
34 shall chair and convene a working group comprised of: (1) Two
35 representatives chosen by the chief elected officials of Bethel, Redding,
36 Weston, Wilton and Norwalk, one of whom shall have environmental
37 expertise and one of whom shall have energy expertise; (2) one
38 representative of the Connecticut Fund for the Environment; (3) two
39 representatives of the applicant company; and (4) one representative of
40 the New England Independent System Operator, Inc. and develop a
41 comprehensive assessment and report on: (A) The economic
42 considerations and environmental preferences and appropriateness of
43 installing such transmission lines underground or overhead; (B) the
44 feasibility of meeting all or part of the electric power needs of the
45 region through distributive generation; and (C) the electric reliability,
46 operational and safety concerns of the region's transmission system
47 and the technical and economic feasibility of addressing those
48 concerns with currently available electric transmission system
49 equipment. The Institute for Sustainable Energy shall publish its report
50 on or before January 1, 2003, and shall also include recommendations
51 for any legislative changes deemed necessary as a result of such
52 assessment. Any decision or opinion rendered on any application for
53 an electric transmission line from Bethel to Norwalk by either the
54 Department of Environmental Protection or the Connecticut Siting
55 Council after the publication of such comprehensive assessment and
56 report, shall be evaluated to determine such application's consistency
57 with such assessment. Nothing in this section shall be construed to
58 prevent routine maintenance and repair of such electric transmission
59 lines.

60 (b) Any applicant that elects to proceed with its application for an
61 electric transmission line from Bethel to Norwalk before any state
62 agency, including, but not limited to, the Department of
63 Environmental Protection and the Connecticut Siting Council, during

64 the interim period described in subsection (a) of this section, shall
65 accrue no legal rights or financial entitlements by proceeding with its
66 application.

67 Sec. 3. (NEW) (*Effective from passage*) Not later than one year from
68 the effective date of this section, a comprehensive environmental
69 assessment and plan shall be completed under the direction of the
70 Institute for Sustainable Energy. In conducting the comprehensive
71 environmental assessment and plan, a task force shall work with the
72 Institute of Sustainable Energy that consists of the task force members
73 contained in Executive Order Number 26 of Governor John G.
74 Rowland and a representative of: (1) The Bureau of Fisheries of the
75 Department of Environmental Protection; (2) the Director of the
76 Bureau of Aquaculture of the Department of Agriculture; (3) the
77 Bureau of Aviation and Ports, Connecticut Coastline Port Authority of
78 the Department of Transportation; (4) the Connecticut Seafood
79 Council; (5) the Atlantic States Marine Fisheries; (6) Save the Sound,
80 Inc.; (7) the Connecticut Fund for the Environment, Inc.; (8) the Long
81 Island Soundkeeper; (9) the State Geologist; and (10) no more than one
82 representative each from the holder of a permit for a merchant cable,
83 one representative from an applicant for a gas pipeline, one
84 representative from each local gas and electric distribution company
85 and one representative from the telecommunications industry.
86 Nothing in this section shall prohibit the task force from soliciting the
87 participation of other persons in the development of the
88 comprehensive environmental assessment and plan including, but not
89 limited to, federal agencies regarding matters within such agency's
90 jurisdiction. Such assessment and plan shall include, but not be limited
91 to, a review and analysis of those criteria set forth in Executive Order
92 Number 26 of Governor John G. Rowland in addition to the following:
93 (A) In consultation with the Institute of Water Resources at The
94 University of Connecticut and The University of Connecticut
95 Cooperative Extension Service, a comprehensive inventory and
96 mapping of all existing environmental data on the natural resources of
97 Long Island Sound, including, but not limited to: All coastal resources,

98 as defined in section 22a-93 of the general statutes, all points of public
99 access and public use, locations of rare and endangered species
100 including the breeding and nesting areas for such rare and endangered
101 species, locations of historically productive fishing grounds and
102 locations of unusual and important submerged vegetation; (B) an
103 evaluation of the relative importance and uniqueness of the natural
104 resources and an identification of the most ecologically sensitive
105 natural resources of Long Island Sound; (C) an assessment of the
106 present status, future potential and environmental impacts on Long
107 Island Sound of meeting the region's energy needs that do not require
108 the laying of a power line or cable within Long Island Sound; (D) an
109 evaluation of methods to minimize the numbers and impacts of electric
110 power line crossings, gas pipeline crossings and telecommunications
111 crossings within Long Island Sound, including an evaluation of the
112 individual and cumulative environmental impacts of any such
113 proposed crossings; (E) an inventory of current crossings of Long
114 Island Sound and an evaluation of the current environmental status of
115 those areas that have crossings; (F) an evaluation of the reliability and
116 operational impacts to the state and region of proposed crossings of
117 Long Island Sound and an evaluation of the impact on reliability by
118 recommended limitations on such crossings; (G) recommendations for
119 providing for regional energy needs while protecting Long Island
120 Sound to the maximum extent possible; and (H) recommendations on
121 natural resource performance bond levels to insure and reimburse the
122 state in the event that future electric power line crossings, gas pipeline
123 crossings or telecommunications crossings substantially damage the
124 public trust in the natural resources of Long Island Sound. For the
125 purposes of sections 1, 3, 4 and 5 of this act, "Long Island Sound" shall
126 include its harbors, embayments, tidal rivers, streams and creeks to the
127 extent that any such projects would impact such harbors, embayments,
128 tidal rivers, streams and creeks.

129 Sec. 4. (NEW) (*Effective from passage*) Any application for an electric
130 power line, gas pipeline or telecommunications crossing of Long
131 Island Sound that is considered by any state agency, including, but not

132 limited to, the Department of Environmental Protection or the
133 Connecticut Siting Council, after the creation of the comprehensive
134 environmental assessment and plan, described in section 3 of this act,
135 shall additionally be evaluated for such application's: (1) Likelihood to
136 impair the public trust in Long Island Sound based on, but not limited
137 to, the information contained in the comprehensive environmental
138 assessment and plan; (2) consistency with the recommendations of the
139 comprehensive environmental assessment; and (3) environmental
140 impact, both individual and cumulative, including but not limited to
141 those impacts anticipated by the comprehensive environmental
142 assessment and plan described in section 3 of this act.

143 Sec. 5. (NEW) (*Effective from passage*) Notwithstanding any provision
144 of the general statutes, the Connecticut Siting Council, within fifteen
145 days of the effective date of this section shall submit the state's
146 advisory opinion to the Federal Energy Regulatory Commission
147 requesting that, on behalf of the state, the Federal Energy Regulatory
148 Commission not approve any new individual electric power line
149 crossing, gas pipeline crossing or telecommunications crossing until
150 the comprehensive environmental assessment and plan described in
151 section 3 of this act is completed and that the Federal Energy
152 Regulatory Commission avoid environmental damage to Long Island
153 Sound to the greatest extent possible when licensing any future project
154 by considering the recommendations contained in the comprehensive
155 environmental assessment and plan described in section 3 of this act.
156 Notwithstanding the provisions of this act, if the Federal Energy
157 Regulatory Commission proceeds with consideration of any such
158 project, regardless of the Siting Council's request, the Connecticut
159 Siting Council shall review such proposed project and recommend
160 siting, construction procedures and environmental mitigation
161 measures to the Federal Energy Regulatory Commission for such
162 project that conform with the comprehensive environmental
163 assessment and plan described in section 3 of this act, to the degree
164 such assessment and plan 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>
Sec. 5	<i>from passage</i>