



# House of Representatives

General Assembly

**File No. 305**

February Session, 2004

Substitute House Bill No. 5526

*House of Representatives, March 29, 2004*

The Committee on Planning and Development reported through REP. WALLACE of the 109th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING HARBOR MANAGEMENT PLANS.**

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

1 Section 1. Section 22a-113n of the general statutes is repealed and  
2 the following is substituted in lieu thereof (*Effective from passage*):

3 (a) The plan shall identify existing and potential harbor problems,  
4 establish goals and make recommendations for the use, development  
5 and preservation of the harbor. Such recommendations shall identify  
6 officials responsible for enforcement of the plan and propose  
7 ordinances to implement the plan. The plan shall include, but not be  
8 limited to, provisions for the orderly, safe and efficient allocation of the  
9 harbor for boating by establishing (1) the location and distribution of  
10 seasonal moorings and anchorages, (2) unobstructed access to and  
11 around federal navigation channels, anchorage areas and harbor  
12 facilities, and (3) space for moorings and anchorages for transient  
13 vessels.

14 (b) The plan may recommend: (1) Boundaries for development areas  
 15 to be approved and established by the Commissioner of  
 16 Environmental Protection in accordance with the provisions of section  
 17 22a-360; (2) designations for channels and boat basins for approval and  
 18 adoption by the Commissioner of Environmental Protection in  
 19 accordance with the provisions of section 22a-340; (3) lines designating  
 20 the limits of areas for the location of vessels with persons living aboard  
 21 to be approved and adopted by the director of health in accordance  
 22 with section 19a-227; (4) pump-out facilities, including the designation  
 23 of no discharge zones in accordance with Section 312 of the federal  
 24 Clean Water Act; [and] (5) regulations for the operation of vessels on  
 25 the harbor pursuant to the provisions of section 15-136; (6) standards  
 26 and criteria for the construction and location of private residential  
 27 docks and piers; and (7) standards and criteria for the management of  
 28 scenic resources and visual impacts within the waters of the  
 29 municipality. Upon adoption of the plan, any recommendation made  
 30 pursuant to this section shall be binding on any official of the state,  
 31 municipality or any other political subdivision when making  
 32 regulatory decisions or undertaking or sponsoring development  
 33 affecting the area within the commission's jurisdiction, unless such  
 34 official shows cause why a different action should be taken.

This act shall take effect as follows:	
Section 1	<i>from passage</i>

**PD** Joint Favorable Subst.

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:

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 05 \$	FY 06 \$
Department of Environmental Protection	Environmental Quality/GF - Cost	Minimal	Minimal
Transportation, Dept.	TF - Cost	Potential	Potential

Note: TF=Transportation Fund

**Municipal Impact:**

Municipalities	Effect	FY 05 \$	FY 06 \$
Various Municipalities	Cost	Minimal	Minimal

**Explanation**

Any increase in the workloads of the Departments of Environmental Protection (DEP) or Transportation (DOT) due to considering additional factors in submitted harbor management plans is anticipated to be minimal and handled within routine agency duties.

Allowing harbor management plans to include/recommend additional standards and criteria could minimally increase municipal harbor management commission’s workload. Any increase is also anticipated to be handled within their normal activities.

**OLR Bill Analysis**

sHB 5526

***AN ACT CONCERNING HARBOR MANAGEMENT PLANS*****SUMMARY:**

This bill allows harbor management commissions to recommend standards and criteria for (1) constructing and locating private residential docks and piers and (2) managing scenic resources and views within a town's waters. Commissions may include the recommendations in the harbor management plans the law authorizes them to prepare. State and local officials must comply with an approved plan when issuing permits or approving development projects or explain why they should not.

EFFECTIVE DATE: Upon passage

**BACKGROUND*****Harbor Management Plans***

These plans are prepared by harbor commissions, which any town with navigable waters may establish. Commissions can recommend boundaries for development areas, designations for channels and boat basins, areas for locating houseboats, pump-out facilities, and regulations for operating vessels in the harbors. Commissions must submit the plans to the transportation and environmental protection commissioners for approval, after which local bodies may adopt the plans by ordinance.

Local officials must comply or consider the plan when issuing permits or approving development projects. Harbor masters must comply with the plan when issuing permits for moorings and anchorages. Land use commissions and development agencies must submit applications to the harbor commission upon request for comment. These entities need a two-thirds vote of their members to approve project if the commission commented unfavorably on it.

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 14    Nay 2