



House of Representatives

General Assembly

File No. 415

February Session, 2004

Substitute House Bill No. 5643

House of Representatives, April 1, 2004

The Committee on Environment reported through REP. WIDLITZ of the 98th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING A MARINE PROTECTION AREA AND THE RECOMMENDATIONS OF THE LONG ISLAND SOUND TASK FORCE.

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

1 Section 1. (NEW) (*Effective October 1, 2004*) Not later than July 1,
2 2006, the Commissioner of Environmental Protection shall adopt
3 regulations, in accordance with the provisions of chapter 54 of the
4 general statutes, to establish a marine protection area in Long Island
5 Sound to protect the ecological, recreational, educational and aesthetic
6 qualities of the sound. Such regulations shall include, but not be
7 limited to, (1) the boundaries of such protection area, as described in
8 terms of latitude and longitude, and (2) prohibitions of certain utility
9 facilities that would damage, diminish, degrade, impair, destroy or
10 otherwise harm such protection area.

11 Sec. 2. Section 18 of public act 03-140 is repealed and the following is
12 substituted in lieu thereof (*Effective July 1, 2004*):

13 Not later than December 1, 2004, the Connecticut Energy Advisory
14 Board shall develop infrastructure criteria guidelines for the evaluation
15 process under subsection (f) of section 16a-7c, which guidelines shall
16 be consistent with state environmental policy, state economic
17 development policy, the state's policy regarding the restructuring of
18 the electric industry, as set forth in section 16-244, and the findings in
19 the comprehensive energy plan prepared pursuant to section 16a-7a,
20 and shall include, but not be limited to, the following: (1)
21 Environmental preference standards; (2) efficiency standards,
22 including, but not limited to, efficiency standards for transmission,
23 generation and demand-side management; (3) generation preference
24 standards; (4) electric capacity, use trends and forecasted resource
25 needs; (5) natural gas capacity, use trends and forecasted resource
26 needs; and (6) national and regional reliability criteria applicable to the
27 regional bulk power grid, as determined in consultation with the
28 regional independent system operator, as defined in section 16-1, as
29 amended. In developing environmental preference standards, the
30 board shall consider the recommendations and findings of the task
31 force established pursuant to section 25-157a, as amended, and
32 Executive Order Number 26 of Governor John G. Rowland.

33 Sec. 3. (*Effective from passage*) The Connecticut Energy Advisory
34 Board established pursuant to section 16a-3 of the general statutes, as
35 amended, shall identify any data or information in addition to the
36 findings of the task force established pursuant to section 25-157a of the
37 general statutes, as amended, and Executive Order Number 26 of
38 Governor John G. Rowland that would enhance the capability of state
39 agencies having cognizance of matters relating to Long Island Sound
40 to plan for, manage and evaluate future proposed uses of, and
41 encroachments into, Long Island Sound bottomlands. Not later than
42 January 1, 2005, the board shall submit a report of its findings and any
43 legislative recommendations, in accordance with section 11-4a of the
44 general statutes, to the joint standing committee of the General
45 Assembly having cognizance of matters relating to the environment.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>July 1, 2004</i>
Sec. 3	<i>from passage</i>

ENV *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	GF - Cost	See Below	See Below

Note: GF=General Fund

Municipal Impact: None

Explanation

Requiring the Department of Environmental Protection (DEP) to adopt regulations by July 1, 2006 to establish a marine protection area in Long Island Sound is anticipated to result in the need for outside resources, an additional employee or the diversion of staff away from their current duties at a cost of \$75,000. This assumes that DEP has the required information and research and data to delineate the boundaries of the area. It is unclear who/what entity will contract or pay for the additional data and information necessary to delineate the area. These costs would be significant.

The bill requires the Connecticut Energy Advisory Board (CAEB) to consider the recommendations and findings of the task force established pursuant to CGS 25-157a Executive Order 26 and develop environmental preference standards. Adding things that the CAEB must consider when developing environmental preference standards is not anticipated to result in a fiscal impact to the board. Additionally, the bill requires the CAEB to identify data or information in addition to the findings of the task force that would enhance the capability of state agencies to manage and evaluate future proposed uses of the Long Island Sound bottomlands and report such findings to the General Assembly by January 1, 2005. This requirement is not anticipated to result in a fiscal impact.

OLR Bill Analysis

sHB 5643

AN ACT CONCERNING A MARINE PROTECTION AREA AND THE RECOMMENDATIONS OF THE LONG ISLAND SOUND TASK FORCE**SUMMARY:**

This bill requires the Department of Environmental Protection (DEP) commissioner, by July 1, 2006, to adopt regulations creating a Marine Protection Area to protect the ecological, recreational, educational, and aesthetic qualities of Long Island Sound. The regulations must (1) include the area's boundaries, described by latitude and longitude; and (2) prohibit certain utility facilities that would damage, diminish, degrade, impair, destroy, or otherwise harm the protected areas.

By law, the Connecticut Energy Advisory Board must develop, by December 1, 2004, guidelines to evaluate proposals for alternative solutions addressing the state's energy needs. The guidelines must include environmental preference standards. The bill requires the board, in developing these standards, to consider the recommendations and findings of the Task Force on Long Island Sound. The task force, created by PA 02-95, in conjunction with Governor Rowland's Executive Order 26, examined ways to provide for the region's energy needs while protecting the Sound. It issued its report in June 2003.

The bill requires the board to identify any data or information, in addition to the task force findings, that would enhance state agencies' ability to plan for, manage, and evaluate future proposed uses of, and encroachment into, the bottom of the Sound. The board must report its findings and any recommendations to the Environment Committee by January 1, 2005.

EFFECTIVE DATE: Upon passage for the board to identify any additional data, July 1, 2004 for it to consider task force findings in developing environmental preference standards, and October 1, 2004 for the DEP commissioner to adopt regulations for marine protection

areas.

BACKGROUND

Related Bill

SB 591, which the Environment Committee on March 17, reported favorably to the Finance, Revenue and Bonding Committee, (1) extends a moratorium on decisions on applications to build new electric power lines, gas pipelines, and telecommunications crossings in Long Island Sound until June 3, 2005 (2) and imposes an annual fee of 30 cents per linear foot on the portion of such crossings in state waters.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0