



# House of Representatives

General Assembly

**File No. 459**

January Session, 2009

Substitute House Bill No. 6590

*House of Representatives, April 2, 2009*

The Committee on Planning and Development reported through REP. SHARKEY of the 88th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## **AN ACT CONCERNING STANDARDS OF REVIEW BY INLAND WETLANDS AGENCIES.**

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

1 Section 1. Subsection (b) of section 22a-41 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *October 1, 2009*):

4 (b) (1) In the case of an application [which] that received a public  
5 hearing pursuant to (A) subsection (k) of section 22a-39, or (B) a  
6 finding by the inland wetlands agency that the proposed activity may  
7 have a significant impact on wetlands or watercourses, a permit shall  
8 not be issued unless the commissioner finds on the basis of the record  
9 that a feasible and prudent alternative does not exist. In making his  
10 finding, the commissioner shall consider the facts and circumstances  
11 set forth in subsection (a) of this section. The finding and the reasons  
12 therefor shall be stated on the record in writing.

13 (2) In the case of an application [which] that is denied on the basis of  
 14 a finding that there may be feasible and prudent alternatives to the  
 15 proposed regulated activity [which] that have less adverse impact on  
 16 wetlands or watercourses, the commissioner or the inland wetlands  
 17 agency, as the case may be, shall propose on the record in writing the  
 18 types of alternatives [which] that the applicant may investigate  
 19 provided this subdivision shall not be construed to shift the burden  
 20 from the applicant to prove that he is entitled to the permit or to  
 21 present alternatives to the proposed regulated activity.

22 (3) In the case of an application that proposes a regulated activity on  
 23 the same property for which the commissioner or the inland wetlands  
 24 agency, as the case may be, has previously denied an application for a  
 25 regulated activity permit, the commissioner or the inland wetlands  
 26 agency shall consider such application de novo.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	22a-41(b)

**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:

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***OFA Fiscal Note***

***State Impact:*** None

***Municipal Impact:*** None

***Explanation***

There is no fiscal impact under the bill's provisions.

***The Out Years***

***State Impact:*** None

***Municipal Impact:*** None

**OLR Bill Analysis**

**sHB 6590**

***AN ACT CONCERNING STANDARDS OF REVIEW BY INLAND WETLANDS AGENCIES.***

**SUMMARY:**

By law, the environmental protection commissioner issues permits for excavations and other regulated activities conducted by state agencies in or near inland wetlands, and local inland wetland agencies issue permits for such activities conducted by other parties. Under this bill, when a permit application proposes a regulated activity on the same property for which the commissioner or wetlands agency has previously denied a permit application, the commissioner or wetlands agency must consider such application de novo, i.e., as a new application.

EFFECTIVE DATE: October 1, 2009

**COMMITTEE ACTION**

Planning and Development Committee

Joint Favorable Substitute

Yea 18 Nay 0 (03/13/2009)