



General Assembly

Substitute Bill No. 6590

January Session, 2009

* HB06590ENV 041409 *

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2 repealed and the following is substituted in lieu thereof (*Effective*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.*

ENV *Joint Favorable*