



Substitute Senate Bill No. 124

Public Act No. 10-106

AN ACT CONCERNING LONG ISLAND SOUND, COASTAL PERMITTING AND CERTAIN GROUP FISHING LICENSES AND PERMITS FOR SOLID WASTE FACILITIES.

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

Section 1. (NEW) (*Effective October 1, 2010*) (a) Any recipient of a permit, certificate or other authorization issued pursuant to sections 22a-32, 22a-361, 22a-363b and 22a-363d of the general statutes, as amended by this act, on or after October 1, 2010, shall file on the land records of the municipality in which the subject property is located a certified copy or notice of such permit, certificate or authorization not later than thirty days after the issuance of such permit, certificate or authorization.

(b) Prior to transferring any real property on which an activity regulated pursuant to sections 22a-32, 22a-361, 22a-363b and 22a-363d of the general statutes, as amended by this act, exists, the owner of such property shall file a certified copy or notice of the most recent permit, certificate or authorization issued under said sections on the land records of the municipality in which such property is located.

Sec. 2. Section 15-170 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Substitute Senate Bill No. 124

For the purposes of this section and sections 15-171 to 15-175, inclusive:

(a) "Discharge" means spill, leak, pump, pour, emit, empty or dump;

(b) "Docking facility" means any public, private or commercial marina, yacht club, dock, wharf or in-water mooring used for anchoring, berthing, mooring, serving or otherwise handling vessels, and includes a facility organized as a common interest community;

(c) "Marine sanitation device" means any equipment for installation on board a vessel which is designed to receive, retain, treat or discharge sewage;

(d) "Sewage" means human [and animal excretions and domestic and manufacturing] body wastes [in an amount which is determined by regulations adopted by the Commissioner of Environmental Protection to be detrimental to the public health] and the wastes from toilets and other receptacles intended to receive or retain body wastes;

(e) "Vessel" means every description of watercraft, other than a seaplane on water, used or capable of being used as a means of transportation on water; and

(f) "No discharge zone" means [the following: In the town of Greenwich, all waters shoreward of a line running from Byram Point to Great Captain Island and Little Captain Island and from there to Flat Neck Point; in the city of Stamford, Stamford Harbor and Westcott Cove; in the city of Norwalk and the towns of Westport and Fairfield, all waters shoreward of a line running from Bell Island pole to Sheffield Island, to Hammock Island, to Copps Island, to Goose Island, to Cockenoe Island and thence to Cedar Point; in the town of Fairfield and the city of Bridgeport, Ash Creek and all waters shoreward of a line running from the point at Grover Hill to Penfield Reef and thence southwesterly to red bell buoy number 22 off Sunken Island and

Substitute Senate Bill No. 124

thence southwesterly to Cockenoe Island in Westport; in the towns of Fairfield and Stratford and in the city of Milford, all waters shoreward of a line running from Penfield Reef to Stratford Point, continuing north to Milford Point, to include all tidal waters of the Housatonic River north to the crossing of Interstate 95; in the city of Milford, Milford Harbor, from the southwest end of Silver Beach to Charles Island to Welsh's Point; in the cities of New Haven and West Haven, all waters shoreward of a line running from Lighthouse Point westerly to Bradley Point; in the town of Branford, Branford Harbor from Johnson Point to Clam Island to Linden Point and Thimble Islands; in the towns of Madison, Clinton and Westbrook, Clinton Harbor and Duck Island Roads; in the town of Groton, all waters shoreward of a line running from Groton Long Point to Morgan Point and thence to Mason Point; and the Connecticut River from the Bissell Bridge between Windsor and East Windsor south to its mouth, north of a line running from Lynde Point in Old Saybrook to Griswold Point in Old Lyme] those bodies of water in this state that the United States Environmental Protection Agency designates as no discharge areas pursuant to 33 USC 1322.

Sec. 3. Section 22a-32 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

No regulated activity shall be conducted upon any wetland without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon any wetland shall file an application for a permit with the commissioner, in such form and with such information as the commissioner may prescribe. Such application shall include a detailed description of the proposed work and a map showing the area of wetland directly affected, with the location of the proposed work thereon, together with the names of the owners of record of adjacent land and known claimants of water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause a copy

Substitute Senate Bill No. 124

of such application to be mailed or sent by electronic means to the chief administrative officer in the town or towns where the proposed work, or any part thereof, is located, and the chairman of the conservation commission and shellfish commission of the town or towns where the proposed work, or any part thereof, is located. [No sooner than thirty days and not later than sixty days after the receipt of such application, the] The commissioner or [his] the commissioner's duly designated hearing officer shall hold a public hearing on such application, provided, whenever the commissioner determines that the regulated activity for which a permit is sought is not likely to have a significant impact on the wetland, [he] the commissioner may waive the requirement for public hearing after publishing notice, in a newspaper having general circulation in each town wherever the proposed work or any part thereof is located, of [his] the commissioner's intent to waive said requirement and of [his] the commissioner's tentative decision regarding the application, except that the commissioner shall hold a hearing on such application upon request of the applicant or upon receipt of a petition, signed by at least twenty-five persons, requesting such a hearing. The following shall be notified of the hearing by mail or by electronic means not less than fifteen days prior to the date set for the hearing: All of those persons and agencies who are entitled to receive a copy of such application in accordance with the terms hereof and all owners of record of adjacent land and known claimants to water rights in or adjacent to the wetland of whom the applicant has notice. The commissioner shall cause notice of [his] the commissioner's tentative decision regarding the application and such hearing to be published at least once not more than thirty days and not fewer than ten days before the date set for the hearing in the newspaper having a general circulation in each town where the proposed work, or any part thereof, is located. All applications and maps and documents relating thereto shall be open for public inspection at the office of the commissioner. At such hearing any person or persons may appear and be heard.

Substitute Senate Bill No. 124

Sec. 4. Section 22a-35a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

The Commissioner of Environmental Protection, within available appropriations and bond authorizations, shall conduct wetlands restoration and enhancement projects, including but not limited to, open water marsh management and coastal culvert and tide gate management. Such projects (1) shall maximize successful recolonization of tidal wetland vegetation and long-term control of mosquitoes, mosquito larvae and mosquito habitats, (2) shall be consistent with the provisions of sections 22a-28 to 22a-30, inclusive, and sections 22a-90 to [22a-112] 22a-111, inclusive, as amended by this act, and (3) shall be consistent with preservation, protection and restoration of tidal wetland values.

Sec. 5. Section 22a-90 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

Sections 22a-90 to [22a-112] 22a-111, inclusive, as amended by this act, shall be known and may be cited as the "Coastal Management Act".

Sec. 6. Section 22a-97 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) The commissioner shall provide, within available appropriations, technical, coordinating and research services to promote the effective administration of this chapter at the federal, state and local levels.

(b) The commissioner shall have the overall responsibility for general supervision of the implementation of this chapter and shall monitor and evaluate the activities of federal and state agencies and the activities of municipalities to assure continuing, effective, coordinated and consistent administration of the requirements and

Substitute Senate Bill No. 124

purposes of this chapter.

[(c) The commissioner shall prepare and submit to the General Assembly and the Governor, on or before December first of each year, a written report summarizing the activities of the department concerning the development and implementation of this chapter during the previous year. Such report shall include, but not be limited to: (1) The department's accomplishments and actions in achieving the goals and policies of this chapter including, but not limited to, coordination with other state, regional, federal and municipal programs established to achieve the purposes of this chapter and research programs established pursuant to subsection (a) of section 22a-112; (2) recommendations for any statutory or regulatory amendments necessary to achieve such purposes; (3) a summary of municipal and federal programs and actions which affect the coast; (4) recommendations for any programs or plans to achieve such purposes; (5) any aspects of the program or the chapter which are proving difficult to accomplish, suggested reasons for such difficulties and proposed solutions to such difficulties; (6) a summary of the expenditure of federal and state funds under this chapter; and (7) a request for an appropriation of funds necessary to match federal funds and provide continuing financial support for the program. Such report shall comply with the provisions of section 46a-78. On and after October 1, 1996, the report shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to the environment and, upon request, to any member of the General Assembly. A summary of the report shall be submitted to each member of the General Assembly if the summary is two pages or less and a notification of the report shall be submitted to each member if the summary is more than two pages. Submission shall be by mailing the report, summary or notification to the legislative address of each member of the committee or the General Assembly, as applicable.]

Substitute Senate Bill No. 124

Sec. 7. Section 22a-113m of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

The commission, in consultation with the Commissioners of Environmental Protection and Transportation, shall prepare or cause to be prepared a management plan for the most desirable use of the harbor for recreational, commercial, industrial and other purposes. For those towns in the coastal area as defined in section 22a-94, the plan shall provide for the preservation and use of the coastal resources of the harbor in a manner consistent with the provisions of sections 22a-90 to [22a-112] 22a-111, inclusive, as amended by this act, and any municipal coastal plan adopted pursuant to section 22a-101 by any municipality that is a member of the commission. A copy of the plan shall be forwarded to the U.S. Army Corps of Engineers for review, comments and recommendations. Such plan shall be submitted for approval to the Commissioners of Environmental Protection and Transportation. Said commissioners shall act on the plan not more than sixty days after submission of such plan. Upon approval by said commissioners, the plan may be adopted by ordinance by the legislative body of each municipality establishing the commission. The ordinance shall specify the effective date of the plan. A modification to the plan may be proposed at any time and shall be approved in the same manner as the plan. The plan shall be reviewed annually by the commission and the Commissioners of Environmental Protection and Transportation.

Sec. 8. Subsections (a) and (b) of section 22a-361 of the 2010 supplement to the general statutes are repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) (1) No person, firm or corporation, public, municipal or private, shall dredge, erect any structure, place any fill, obstruction or encroachment or carry out any work incidental thereto or retain or maintain any structure, dredging or fill, in the tidal, coastal or

Substitute Senate Bill No. 124

navigable waters of the state waterward of the high tide line until such person, firm or corporation has submitted an application and has secured from [said commissioner] the Commissioner of Environmental Protection a certificate or permit for such work and has agreed to carry out any conditions necessary to the implementation of such certificate or permit.

[Each] (A) Except as provided in subdivision (3) of this subsection, each application for a permit, except for an emergency authorization, for any structure, filling or dredging which uses or occupies less than five thousand five hundred square feet in water surface area based on the perimeters of the project shall be accompanied by a fee equal to eighty cents per square foot provided such fee shall not be less than six hundred sixty dollars.

[Each] (B) Except as provided in subdivision (3) of this subsection, each application for a permit for any structure, filling or dredging which uses or occupies five thousand five hundred square feet or more but less than five acres in water surface area based on the perimeters of the project shall be accompanied by a fee of three thousand five hundred fifty dollars plus ten cents per square foot for each square foot in excess of five thousand five hundred square feet.

[Each] (C) Except as provided in subdivision (3) of this subsection, each application for a permit for any structure, filling or dredging which uses or occupies five or more acres in water surface area based on the perimeters of the project shall be accompanied by a fee of nineteen thousand four hundred seventy-five dollars plus five hundred twenty-five dollars per acre for each acre or part thereof in excess of five acres.

[Each] (D) Except as provided in subdivision (3) of this subsection, each application for a mooring area or multiple mooring facility, regardless of the area to be occupied by moorings, shall be

Substitute Senate Bill No. 124

accompanied by a fee of six hundred sixty dollars provided that such mooring areas or facilities shall not include fixed or floating docks, slips or berths.

(E) Application fees for aquaculture activities shall not be based on areal extent.

(2) The commissioner may waive or reduce any fee payable [to him] pursuant to subdivision (1) of this subsection for [(1)] (A) a tidal wetlands or coastal resource restoration or enhancement activity, [(2)] (B) experimental activities or demonstration projects, [(3)] (C) nonprofit academic activities, or [(4)] (D) public access activities in tidal, coastal or navigable waters, provided no fee shall be waived or reduced for activities required by statute, regulation, permit, order or enforcement action. The application fee for the retention of a structure built in violation of this subsection where such structure is ineligible for a certificate of permission under section 22a-363b, as amended by this act, shall be four times the fee calculated in accordance with subparagraphs (A) to (D), inclusive, of subdivision (1) of this subsection. The commissioner may lower any such fee based upon the commissioner's finding of significant extenuating circumstances, including, but not limited to, whether the applicant acquired such real estate interest in the work site after the date of the unauthorized activity and is not otherwise liable for the unauthorized activity as a result of actions taken prior to the acquisition and did not know and had no reason to know of the unauthorized activity. As used in this section, "resource restoration or enhancement activity" means an action taken to return a wetland or coastal resource to a prior natural condition or to improve the natural functions or habitat value of such resource, but shall not include actions required pursuant to an enforcement action of the commissioner, and "public access activities" means activities whose principal purpose is to provide or increase access for the general public to tidal, coastal or navigable waters,

Substitute Senate Bill No. 124

including, but not limited to, boardwalks, boat ramps, observation areas and fishing piers.

(3) The commissioner may adopt regulations in accordance with the provisions of chapter 54 to vary the permit fees described in subdivision (1) of this subsection and the cost of public notice required pursuant to section 22a-6h, provided such regulations shall contain a simplified schedule that promotes expedited approval of applications that are consistent with all applicable standards and criteria. In the event the commissioner adopts such regulations, such permit fees shall be the amount established in such regulations.

(b) The commissioner, at least thirty days before approving or denying an application for a permit, shall provide or require the applicant to provide, by certified mail, return receipt requested, or by electronic means to the applicant, to the Commissioner of Transportation, the Attorney General and the Commissioner of Agriculture and to the chief executive officer, the chairmen of the planning, zoning, harbor management and shellfish commissions of each town in which such structure, fill, obstruction, encroachment or dredging is to be located or work to be performed, and to the owner of each franchised oyster ground and the lessee of each leased oyster ground within which such work is to be performed and shall publish once in a newspaper having a substantial circulation in the area affected, notice of (1) the name of the applicant; (2) the location and nature of the proposed activities; (3) the tentative decision regarding the application; and (4) any additional information the commissioner deems necessary. There shall be a comment period following the public notice during which interested persons may submit written comments. The commissioner may hold a public hearing prior to approving or denying an application if, in the commissioner's discretion, the public interest will best be served by holding such hearing. The commissioner shall hold a public hearing if the

Substitute Senate Bill No. 124

commissioner receives a petition requesting such hearing that is signed by twenty-five or more persons and an application will: (A) Significantly impact any shellfish area, as determined by the director of the Bureau of Aquaculture at the Department of Agriculture, (B) have interstate ramifications, or (C) involve any project that requires a certificate issued pursuant to section 16-50k or approval by the Federal Energy Regulatory Commission. Following such notice and comment period and public hearing, if applicable, the commissioner may, in whole or in part, approve, modify and approve or deny the application. The commissioner shall provide to the applicant and the persons set forth above, by certified mail, return receipt requested, or by electronic means, notice of [his] the commissioner's decision. If the commissioner requires the applicant to provide the notice specified in this subsection, the applicant shall certify to the commissioner, no later than twenty days after providing such notice, that such notice has been provided in accordance with this subsection.

Sec. 9. Subsection (d) of section 22a-361 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(d) (1) The Commissioner of Environmental Protection may issue a general permit for any minor activity regulated under sections 22a-28 to 22a-35, inclusive, as amended by this act, or sections 22a-359 to 22a-363f, inclusive, as amended by this act, if the commissioner determines that such activity would (A) cause minimal environmental effects when conducted separately, (B) cause only minimal cumulative environmental effects, (C) not be inconsistent with the considerations and the public policy set forth in sections 22a-28 to 22a-35, inclusive, as amended by this act, and section 22a-359, as applicable, (D) be consistent with the policies of the Coastal Management Act, and (E) constitute an acceptable encroachment into public lands and waters. Such activities may include routine minor maintenance and routine

Substitute Senate Bill No. 124

minor repair of existing structures, fill, obstructions, encroachments or excavations; substantial maintenance consisting of rebuilding, reconstructing or reestablishing to a preexisting condition and dimension any structure, fill, obstruction, encroachment or excavation; maintenance dredging of areas which have been dredged and continuously maintained as serviceable; activities allowed pursuant to a perimeter permit; the removal of structures, derelict vessels, debris, rubbish or similar discarded material or unauthorized fill material; minor alterations or amendments to authorized activities consistent with the authorization for such activities; activities which have been required or allowed by an order of the commissioner; open water marsh management by or under the supervision of the Department of Public Health or Department of Environmental Protection; conservation activities of or under the supervision or direction of the Department of Environmental Protection; construction of individual residential docks which do not create littoral or riparian conflicts, navigational interference, or adverse impacts to coastal resources as defined by section 22a-93, which are not located in tidal wetlands as defined by section 22a-29 and which extend no further than forty feet waterward of mean high water or to a depth of minus four feet mean low water, whichever point is more landward; installation of scientific measuring or monitoring devices; survey activities including excavation of test pits and core sampling and driving of test pilings; construction of utility lines; aquacultural activities; and installation and removal of small seasonal structures including floats and moorings. Any person conducting an activity for which a general permit has been issued shall not be required to obtain an individual permit or certificate under any other provision of sections 22a-28 to 22a-35, inclusive, as amended by this act, or sections 22a-359 to 22a-363f, inclusive, as amended by this act, for that activity except as provided in subdivision (3) of this subsection. A general permit shall clearly define the activity covered thereby and may include such conditions and requirements as the commissioner deems appropriate,

Substitute Senate Bill No. 124

including, but not limited to, construction timing, methodologies and durations, resource protection practices, management practices, and verification and reporting requirements. The general permit may require any person proposing to conduct any activity under the general permit to register such activity, including obtaining approval from the commissioner, before the general permit becomes effective as to such activity. Registrations and applications for approval under the general permit shall be submitted on forms prescribed by the commissioner. Any approval by the commissioner under a general permit may include conditions specific to the proposed activity to ensure consistency with the requirements for issuance of the general permit. The commissioner shall prepare, and annually amend, a list of holders of general permits under this section, which list shall be made available to the public.

(2) Notwithstanding any other procedures specified in sections 22a-28 to 22a-35, inclusive, as amended by this act, and sections 22a-359 to 22a-363f, inclusive, as amended by this act, any regulations adopted thereunder, and chapter 54, the commissioner may issue a general permit in accordance with the following procedures: (A) The commissioner shall publish in a newspaper having a substantial circulation in the affected area or areas notice of intent to issue a general permit; (B) the commissioner shall allow a comment period of thirty days following publication of such notice during which interested persons may submit written comments concerning the permit to the commissioner and the commissioner shall hold a public hearing if, within said comment period, he receives a petition signed by at least twenty-five persons; (C) the commissioner may not issue the general permit until after the comment period; (D) the commissioner shall publish notice of any permit issued in a newspaper having substantial circulation in the affected area or areas; and (E) summary suspension may be ordered in accordance with subsection (c) of section 4-182. Any person may request that the commissioner issue,

Substitute Senate Bill No. 124

modify or revoke a general permit in accordance with this subsection.

(3) Subsequent to the issuance of a general permit, the commissioner may require any person whose activity is or may be covered by the general permit to apply for and obtain an individual permit or certificate under the provisions of sections 22a-28 to 22a-35, inclusive, as amended by this act, or sections 22a-359 to 22a-363f, inclusive, as amended by this act, for all or any portion of the activities covered by the general permit, if the commissioner determines that an individual permit is necessary to assure consistency with purposes and policies of such sections, and the Coastal Management Act. The commissioner may require an individual permit under this subdivision in cases including, but not limited to, the following: (A) The permittee is not in compliance with the conditions of the general permit; (B) an individual permit or certificate is appropriate because of circumstances specific to the site; (C) circumstances have changed since the time the general permit was issued so that the permitted activity is no longer acceptable under the general permit; or (D) a change has occurred in relevant law. The commissioner may require an individual permit or certificate under this section only if the affected person has been notified in writing that an individual permit or certificate is required. The notice shall include a brief statement of the reasons for the decision.

(4) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this section.

[(5) Notwithstanding any provision of sections 22a-359 to 22a-363f, inclusive, pending issuance of a general permit for aquaculture activities by the commissioner in accordance with this section, no permit or certificate shall be required for the placement, maintenance or removal of (A) individual structures used for aquaculture, as defined in section 22-416, including, but not limited to, cages or bags, which are located on designated state or municipal shellfish beds which structures create no adverse impacts on coastal resources or

Substitute Senate Bill No. 124

navigation over their location or (B) any buoys used to mark such structures. Upon issuance of a general permit for aquaculture activities in accordance with this section, any aquaculture activities shall comply with the terms of such general permit or other applicable provisions of sections 22a-359 to 22a-363f, inclusive.]

Sec. 10. Section 22a-363b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

(a) Routine maintenance of permitted structures, fill, obstructions or encroachments or routine maintenance of structures, fill, obstructions or encroachments in place prior to June 24, 1939, and continuously maintained and serviceable since that date shall be exempt from the requirements of obtaining certificates of permission or permits pursuant to section 22a-363a, as amended by this act, this section or section 22a-361, as amended by this act. The following activities may be eligible for a certificate of permission, in accordance with the provisions of subsections (c) and (d) of this section: (1) Substantial maintenance or repair of existing structures, fill, obstructions or encroachments authorized pursuant to section 22a-33 or section 22a-361, as amended by this act; (2) substantial maintenance of any structures, fill, obstructions or encroachments in place prior to June 24, 1939, and continuously maintained and serviceable since such time; (3) maintenance dredging of areas which have been dredged and continuously maintained and serviceable as authorized pursuant to section 22a-33 or section 22a-361, as amended by this act; (4) activities allowed pursuant to a perimeter permit and requiring authorization by the commissioner; (5) the removal of derelict structures or vessels; (6) minor alterations or amendments to permitted activities consistent with the original permit; (7) minor alterations or amendments to activities completed prior to June 24, 1939; (8) placement of temporary structures for water-dependent uses, as defined in section 22a-93; (9) open water marsh management, tidal wetland restoration, resource

Substitute Senate Bill No. 124

restoration or enhancement activity, as defined in subsection (a) of section 22a-361, as amended by this act, and conservation activities undertaken by or under the supervision of the Department of Environmental Protection; [and] (10) the placement or reconfiguration of piers, floats, docks or moorings within existing waterward boundaries of recreational marinas or yacht clubs which have been authorized pursuant to section 22a-33 or 22a-361, as amended by this act; and (11) substantial maintenance or repair of structures, fill, obstructions or encroachments placed landward of the mean high waterline and waterward of the high tide line completed prior to October 1, 1987, and continuously maintained and serviceable since said date. Notwithstanding the provisions of sections 22a-29 to 22a-35, inclusive, as amended by this act, the commissioner may issue a certificate of permission for activities enumerated in this subsection which are to be conducted in tidal wetlands. Upon issuance, such certificate shall be in lieu of the permit required pursuant to section 22a-32, as amended by this act.

(b) The commissioner may issue a certificate of permission for activities which [have been] were completed prior to [January 1, 1980] January 1, 1995, for which permits, certificates or emergency authorizations [are] were required pursuant to section 22a-32, as amended by this act, this section, section 22a-361 or 22a-363d, as amended by this act, which [have been] were conducted without such permit, certificate or emergency authorization, provided the applicant demonstrates that such activity [does not interfere with navigation or littoral or riparian rights and does not cause adverse impacts on coastal resources, as defined in section 22a-93] complies with all applicable standards and criteria. In determining the eligibility of activities conducted without prior authorization, the commissioner may consider whether the applicant acquired such real estate interest in the work site after the date of conduct of the unauthorized activity, is not otherwise liable for the unauthorized activity as a result of

Substitute Senate Bill No. 124

actions taken prior to the acquisition and did not know and had no reason to know of the unauthorized activity. The commissioner may authorize the maintenance of or minor alterations to unauthorized activities consistent with this subsection. Unauthorized activities which are ineligible for certificates of permission may be subject to applicable enforcement actions by the commissioner.

(c) A request for a certificate of permission shall be made to the Commissioner of Environmental Protection. If a proposed activity is within a category listed in subsection (a) or (b) of this section the commissioner may, in whole or in part, approve, modify and approve or deny a certificate. The commissioner shall issue such a certificate if the eligible proposed activity is consistent with a permit issued pursuant to section 22a-33 or 22a-361, as amended by this act, or was in place prior to June 24, 1939, and continuously maintained and serviceable since such time. If the eligible proposed activity does not have a permit or has not received any prior permits, the commissioner shall determine if the information provided is sufficient to determine if the proposed activity complies with the applicable standards and criteria and may (1) issue a certificate of permission if the commissioner finds that the information indicates compliance with all applicable standards and criteria, or (2) require the submittal of a complete application for a permit pursuant to section 22a-32 or 22a-361, as amended by this act, if the commissioner finds that the information is not sufficient to indicate compliance with the standards and criteria. If the commissioner finds that changes in conditions or circumstances associated with a permitted structure, fill, obstruction or encroachment are likely to result in significant impacts to the environment or coastal resources, the commissioner may require an application for a permit pursuant to section 22a-32 or 22a-361, as amended by this act. If the commissioner finds that the structure, fill, obstruction or encroachment is not in substantial compliance with the permit or authorization under which a certificate of permission is

Substitute Senate Bill No. 124

requested, and is not consistent with applicable standards and criteria, the commissioner shall not issue a certificate of permission. For the purposes of this [subsection] section, standards and criteria are those specified in sections 22a-33 and 22a-359 and regulations adopted pursuant to section 22a-30, in any regulations adopted pursuant to subsection (c) of said section 22a-361, as amended by this act, in the water quality standards of the Department of Environmental Protection, and in sections 22a-92 and 22a-98 for activities within the coastal boundary, as defined in section 22a-93.

(d) The commissioner shall, within forty-five days of receipt of a request for a certificate of permission, issue such certificate or notify the person making such request that (1) additional information or an application for a permit pursuant to section 22a-32 or section 22a-361, as amended by this act, is required, or (2) the structure, fill, obstruction or encroachment is not eligible for a certificate of permission. If the commissioner requests additional information from an applicant, the commissioner shall make a determination on the application no later than ninety days from the date of receipt of the request for a certificate of permission. If the commissioner fails to respond within forty-five days of receipt of a request, the certificate of permission shall be deemed approved, except that no certificate of permission for dredging, activities located within tidal wetlands, as defined in section 22a-29, or activities conducted without prior authorization shall be deemed approved by virtue of the commissioner's failure to respond.

(e) Notwithstanding the provisions of the general statutes, the commissioner shall not issue a certificate of permission for a pound net, weir or similar fish harvesting structure that was not utilized prior to June 6, 2001. The commissioner may issue a permit for such fish harvesting structure, in accordance with section 22a-361, as amended by this act, provided, if the commissioner receives a petition signed by twenty-five or more persons during the public comment period

Substitute Senate Bill No. 124

provided in subsection (b) of section 22a-361, as amended by this act, for the application for any such permit, the commissioner shall hold a public hearing on such permit application.

Sec. 11. Section 22a-363a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2010*):

For the purposes of this section and sections 22a-361, 22a-361a, 22a-362, and 22a-363a, 22a-363b and 22a-363d to 22a-363f, inclusive, as amended by this act: "Substantial maintenance" means rebuilding, reconstructing, or reestablishing to a preexisting condition and dimension any structure, fill, obstruction or encroachment; [including maintenance dredging;] "routine maintenance" means replacement and repair of out-of-water structures including the surfaces of docks, piers, wharves and bridges, replacement or repair in any year of up to twenty-five per cent of all pilings approved in accordance with section 22a-361, as amended by this act, and seasonal installation, reinstallation or repair of floating docks, provided that all locations, dimensions, elevations and materials shall remain the same as or equivalent to that approved in accordance with said section; "perimeter permit" means a permit issued in accordance with said section, establishing boundaries waterward of the high tide line within which recreational marinas layout of in-water slips, docks and moorings may be reconfigured; "work" means any activity, construction, or site preparation, erection of structures or placement of fill, including but not limited to grading, excavating, dredging or disposing of dredged material, depositing of soil, stones, sand, gravel, mud, aggregate or construction materials, filling, removing vegetation or other material, or other modification of a site within the tidal, coastal or navigable waters of the state waterward of the high tide line.

Sec. 12. Section 26-27 of the 2010 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

Substitute Senate Bill No. 124

(a) Except as provided in subsection (b), (c), (e), [or] (f), (g) or (h) of this section and other provisions of this chapter providing specific license exemption, no person shall take, hunt or trap, or shall attempt to take, hunt or trap, or assist in taking, hunting or trapping, any wild bird or mammal and no person more than sixteen years of age shall take, attempt to take, or assist in taking any fish or bait species in the inland waters or marine district by any method or land marine fish and bait species in the state, regardless of where such marine fish or bait species are taken, without first having obtained a license as provided in this chapter. No person under sixteen years of age shall hunt or trap, except as provided in section 26-38.

(b) Any landowner who has a domiciliary residence in this state, [his] such landowner's spouse or lineal descendants may hunt, trap or fish on land owned by [him] such landowner or on land leased by [him] such landowner and on which [he] such landowner is actually domiciled, which land is not used for club, fishing or hunting purposes, without a license, subject to the provisions of this chapter.

(c) No fishing license shall be required for any person who is rowing a boat or operating the motor of a boat from which other persons are taking or attempting to take fish.

(d) The taking of fish and bait species as herein provided shall be regarded as sport fishing and the taking or landing of such species in the inland waters or marine district by commercial methods for commercial purposes shall be governed by other provisions of this chapter.

(e) No fishing license shall be required for any resident of the state who is participating in a fishing derby authorized in writing by the Commissioner of Environmental Protection provided (1) no fees are charged for such derby, (2) such derby has a duration of one day or less, and (3) such derby is sponsored by a nonprofit civic service

Substitute Senate Bill No. 124

organization. Such organization shall be limited to one derby in any calendar year.

(f) The Commissioner of Environmental Protection may designate one day in each calendar year when no license shall be required for sport fishing.

(g) No fishing license shall be required for any person who is fishing as a passenger on a party boat, charter boat or head boat registered under section 26-142a and operating solely in the marine district.

(h) No fishing license shall be required for any person who participates in a fishing event conducted by an organization that receives a group fishing license, as provided in subsection (h) of section 26-30, as amended by this act, provided any person who participates in such group fishing event shall be subject to all other provisions of the general statutes and the regulations of Connecticut state agencies that relate to fishing.

Sec. 13. Section 26-28 of the 2010 supplement to the general statutes, as amended by section 35 of public act 10-3, is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) Except as provided in [subsection (b)] subsections (b) and (c) of this section, the fees for firearms hunting, archery hunting, trapping and sport fishing licenses or for the combination thereof shall be as follows: (1) Resident firearms hunting license, nineteen dollars; (2) resident fishing license, twenty-eight dollars; (3) resident marine waters fishing license, ten dollars; (4) one-day resident marine waters fishing license, five dollars; (5) resident all-waters fishing license, thirty-two dollars; (6) resident combination license to fish in inland waters and firearms hunt, thirty-eight dollars; (7) resident combination license to fish in marine waters and firearms hunt, twenty-five dollars; (8) resident combination license to fish in all waters and firearms hunt,

Substitute Senate Bill No. 124

thirty-eight dollars; (9) resident combination license to fish in all waters and bow and arrow permit to hunt deer and small game issued pursuant to section 26-86c, as amended by this act, sixty-five dollars; (10) resident firearms super sport license to fish in all waters and firearms hunt, firearms private land shotgun or rifle deer permit issued pursuant to section 26-86a, as amended by this act, and permit to hunt wild turkey during the spring season on private land issued pursuant to section 26-48a, as amended by this act, eighty dollars; (11) resident archery super sport license to fish in all waters, bow and arrow permit to hunt deer and small game issued pursuant to section 26-86c, as amended by this act, and permit to hunt wild turkey during the spring season on private land issued pursuant to section 26-48a, as amended by this act, eighty-two dollars; (12) resident firearms super sport license to fish in all waters and firearms hunt, firearms private land shotgun or rifle deer permit, muzzleloader private land deer permit, pursuant to section 26-86, as amended by this act, and private land permit to hunt wild turkey during spring season pursuant to section 26-48a, as amended by this act, eighty-four dollars; (13) resident firearms super sport license to fish in all waters and firearms hunt, migratory bird conservation stamp, and migratory bird harvest permit (HIP), sixty dollars; (14) resident trapping license, thirty-four dollars; (15) resident junior trapping license for persons under sixteen years of age, eleven dollars; (16) junior firearms hunting license, eleven dollars; (17) nonresident firearms hunting license, ninety-one dollars; (18) nonresident inland waters fishing license, fifty-five dollars; (19) nonresident inland waters fishing license for a period of three consecutive days, twenty-two dollars; (20) nonresident marine waters fishing license, fifteen dollars; (21) nonresident marine waters fishing license for a period of three consecutive days, eight dollars; (22) nonresident all-waters fishing license, sixty-three dollars; (23) nonresident combination license to firearms hunt and inland waters fish, one hundred ten dollars; (24) nonresident combination license to fish in all waters and firearms hunt, one hundred twenty dollars; (25)

Substitute Senate Bill No. 124

nonresident combination license to fish in marine waters and firearms hunt, ninety-four dollars; and (26) nonresident trapping license, two hundred fifty dollars. Persons sixty-five years of age and over who have been residents of this state for not less than one year and who meet the requirements of subsection (b) of section 26-31 may be issued an annual license to firearms hunt or to fish or combination license to fish and firearms hunt or a license to trap without fee. The issuing agency shall indicate on a combination license the specific purpose for which such license is issued. The town clerk shall retain a recording fee of one dollar for each license issued by him.

(b) Any nonresident residing in one of the New England states or the state of New York may procure a license to hunt or to fish or to hunt and fish for the same fee or fees as a resident of this state if he is a resident of a state the laws of which allow the same privilege to residents of this state.

(c) The fee for a group fishing license, as described in subsection (h) of section 26-30, as amended by this act, shall be two hundred fifty dollars.

Sec. 14. Section 26-30 of the general statutes is amended by adding subsection (h) as follows (*Effective from passage*):

(NEW) (h) The Commissioner of Environmental Protection may issue a group fishing license to any tax-exempt organization qualified under Section 501(c)(3) of the Internal Revenue Code of 1986, or any subsequent corresponding internal revenue code of the United States, as amended from time to time, for the purpose of conducting a group fishing event or events for persons: (1) With a service-related or other disability who receive services at a facility of the United States Department of Veterans Affairs Connecticut Healthcare System, (2) who receive mental health or addiction services from: (A) The Department of Mental Health and Addiction Services, (B) state-

Substitute Senate Bill No. 124

operated facilities, as defined in section 17a-458, or (C) programs or facilities funded by the Department of Mental Health and Addiction Services, as provided for in sections 17a-468b, 17a-469, 17a-673 and 17a-676, (3) with mental retardation or autism who receive services from the Department of Developmental Services, as provided for in section 17a-217, or from facilities licensed by the Department of Developmental Services, as provided for in section 17a-227, or (4) receiving care from the Department of Children and Families, as provided for in section 17a-94, or from programs or child-care facilities licensed pursuant to section 17a-145, 17a-147 or 17a-154. Any such organization shall conduct not more than fifty such events, including marine and inland water events, in any calendar year and each such event shall be limited to not more than fifty persons. Application for such a group fishing license shall be submitted once per calendar year on a form prescribed by the commissioner and with the necessary fee and shall provide such information as required by the commissioner. All fishing activities conducted pursuant to such group license shall be supervised by staff or volunteers of the organization conducting the event or events. Such staff or volunteers shall possess such group fishing license at the site of any such event or events. Each such staff member or volunteer shall have a license to fish. Such organization shall, not later than ten days after such group fishing event, report to the commissioner, on forms provided by the commissioner, information on the results of such event. Such information shall include, but not be limited to, the total: (i) Number of participants, (ii) hours fished, (iii) number of each species caught, and (iv) number of each species not released. Such organization shall not charge a fee to any person that participates in any such group fishing event conducted pursuant to such group fishing license and any such group fishing event shall not be used by such organization as a fund raising event.

Sec. 15. (*Effective from passage*) The Commissioner of Environmental Protection shall not make a determination of need or approve any

Substitute Senate Bill No. 124

permit application that is pending or filed as of the effective date of this section for a new solid waste facility located within one thousand feet of a primary or secondary aquifer, or the expansion of any such existing facility, until there exists a need for such additional capacity, as determined by the Solid Waste Management Plan.

Sec. 16. Subdivision (27) of subsection (a) of section 2c-2b and sections 22a-112 to 22a-113c, inclusive, of the general statutes are repealed. (*Effective from passage*)

Vetoed June 8, 2010