



Senate

General Assembly

File No. 368

January Session, 2011

Senate Bill No. 835

Senate, April 5, 2011

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE STRUCTURES AND DREDGING PERMIT PROCESS.

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

1 Section 1. Subsection (b) of section 22a-361 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2011*):

4 (b) The commissioner, at least thirty days before approving or
5 denying an application for a permit, shall provide or require the
6 applicant to provide notice, by certified mail, return receipt requested,
7 or by electronic means to the applicant, to the Commissioner of
8 Transportation, the Attorney General and the Commissioner of
9 Agriculture and to the chief executive officer, the chairmen of the
10 planning, zoning, harbor management and shellfish commissions of
11 each town in which such structure, fill, obstruction, encroachment or
12 dredging is to be located or work to be performed, and to the owner of
13 each franchised oyster ground and the lessee of each leased oyster
14 ground within which such work is to be performed and shall publish

15 such notice once in a newspaper having a substantial circulation in the
 16 area affected. [] Such notice [of] shall contain (1) the name of the
 17 applicant; (2) the location and nature of the proposed activities; (3) the
 18 tentative decision regarding the application; and (4) any additional
 19 information the commissioner deems necessary. There shall be a
 20 comment period following the public notice during which interested
 21 persons may submit written comments. The commissioner may hold a
 22 public hearing prior to approving or denying an application if, in the
 23 commissioner's discretion, the public interest will best be served by
 24 holding such hearing. The commissioner shall hold a public hearing if
 25 the commissioner receives a written request for such a hearing from
 26 the applicant, or a petition requesting such hearing that is signed by
 27 twenty-five or more persons and an application will: (A) Significantly
 28 impact any shellfish area, as determined by the director of the Bureau
 29 of Aquaculture at the Department of Agriculture, (B) have interstate
 30 ramifications, or (C) involve any project that requires a certificate
 31 issued pursuant to section 16-50k or approval by the Federal Energy
 32 Regulatory Commission. Following such notice and comment period
 33 and public hearing, if applicable, the commissioner may, in whole or in
 34 part, approve, modify and approve or deny the application. The
 35 commissioner shall provide to the applicant and the persons set forth
 36 above, by certified mail, return receipt requested, or by electronic
 37 means, notice of the commissioner's decision. If the commissioner
 38 requires the applicant to provide the notice specified in this subsection,
 39 the applicant shall certify to the commissioner, no later than twenty
 40 days after providing such notice, that such notice has been provided in
 41 accordance with this subsection. Any applicant aggrieved by a final
 42 decision of the commissioner after a hearing on such matter may
 43 appeal to the Superior Court in accordance with the provisions of
 44 section 4-183.

| | | |
|---|-----------------|------------|
| This act shall take effect as follows and shall amend the following sections: | | |
| Section 1 | October 1, 2011 | 22a-361(b) |

ENV *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note***State Impact:*** None***Municipal Impact:*** None***Explanation***

The bill which expands the opportunities for additional hearings before both the Department of Environmental Protection (DEP) and the state courts under certain conditions is not anticipated to result in a fiscal impact. It is anticipated that any increased hearings could be accommodated within existing resources by both DEP and the Judicial Department.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis**SB 835*****AN ACT CONCERNING THE STRUCTURES AND DREDGING PERMIT PROCESS.*****SUMMARY:**

This bill requires the Department of Environmental Protection (DEP) commissioner to hold a public hearing on an application to conduct certain activities in tidal, coastal, or navigable waters below the high tide line if the applicant requests one in writing. By law, DEP regulates dredging, erecting structures, placing fill, and related work, in such waters.

Under existing law, the commissioner may hold a public hearing if he determines it is in the public interest. He must hold one if he receives a petition signed by at least 25 people requesting one and the project will (1) significantly affect a shellfish area, (2) have interstate ramifications, or (3) require a certificate of compatibility and public need or approval from the Federal Energy Regulatory Commission.

The bill allows an applicant aggrieved by the commissioner's final decision after a hearing to appeal to Superior Court. It also makes technical changes.

EFFECTIVE DATE: October 1, 2011

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 27 Nay 0 (03/18/2011)