CONNECTICUT MARINE TRADES ASSOCIATION

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February 22, 2012

Environment Committee
Legislative Office Building
Hartford, CT 06106

Re: **R.B. No. 5128 AN ACT CONCERNING CERTAIN REVISIONS TO THE COASTAL ZONE MANAGEMENT STATUTES.**

Senator Meyer, Representative Roy and Distinguished Members;

The Connecticut Marine Trades Association (CMTA) and our membership urge you to **not support R.B. No. 5128 AN ACT CONCERNING CERTAIN REVISIONS TO THE COASTAL ZONE MANAGEMENT STATUTES**. This bill, changing Section 22a-92 of the general statutes is a very sensitive and impacting area for the waterfront and marine community. Supporting changes three decades ago, waterfront property owners gave up significant control of the future of their properties in exchange for primary considerations of the uses of those same properties. Passage of R.B No. 5128 will seriously dilute those protections and allow changes to the properties by municipalities, who by their nature are driven by local commissions and local politics. Should it pass, some very important legal rights previously given to property owners can and will be vacated. This should not be allowed to happen.

Section 1. (a)(5) References "**a rise in sea level**" as a value to consider when in the planning process of a project. While this factor may need some consideration, the extent of rise and the timeline that should really be considered has not yet been sufficiently evaluated in the public conversation. Any local decisions based upon "sea level rise" can only be a guess or an approximation, neither of which should have standing when deciding on private property uses. If and when such levels are scientifically determined and accepted, such criteria may be considered but until then local commissions do not have the technological capability to make those decisions.

Section 1. (b)(K) has been offered to begin a legal process to "**foster strategic retreat of property ownership**" in short a property taking strategy, again based on future potentials of property flooding, an very unknown timeline. Should any waterfront property, due to long term water level increases, become inundated and now be found below the high tide line, there are many restrictions and constraints already in place to address those concerns. Planning ahead is frequently a smart move, planning to take someone's property on a guess, and well into the future is, or should be illegal.

Section 3. (b) makes reference to "vulnerability of the site…to a rise in sea level" and municipalities would be required to factor that into any decision making about the future use of any site and Section 4. (c) also would require an "assessment…of the impact that a rise in sea level will have on the … life span", another guessing game without the data to be considered accurate, in any sense. In (e) following, (4) disallows reconstruction if a "building was significantly damaged and rebuilt after prior flooding or storm events". This statement does not differentiate when a building could have been reconstructed, perhaps even years prior, having no bearing on current or future events. Again, local and municipal commissions

rarely have the expertise, data available and capability of making sound and accurate decisions, especially when the subject is taking waterfront property from an owner.

The final Section 4. (f) references giving any board or commission having jurisdiction over such plan the time period provided by the general statutes or any special act to come to a decision. However, this section provides that if the coastal site plan decision is not made, it will be deemed rejected. Another unfair and unacceptable handling of an application.

The Coastal Area Statutes, (22a-92, 22a-93, 22a-106, and 22a-105) are too impacting on waterfront and coastal property owners, especially commercial owners and operators trying to earn a living running a business or a water dependent activity on such a site. Making such significant changes that would be impacting future uses based on suppositions and guesses are not in the public's interest. As encumbrances to a property may evolve because of changes in nature over the years then that is the time to make decisions about any changes in uses or values, not before.

We urge the Committee to **not support R.B. No. 5128 AN ACT CONCERNING CERTAIN REVISIONS TO THE COASTAL ZONE MANAGEMENT STATUTES.** There are too many unacceptable and unsupportable changes proposed therein to the Coastal Area Statutes all based on the future of sea level rise. It's too soon to consider such overwhelming changes.

Thank you for the opportunity to comment on these issues and please know that we are available to discuss them at any time.

Sincerely,

John S. Johnson
Legislative Chair
The Kowalski Group

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