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**Testimony of David Sutherland – Director of Government Relations  
Before the Environment Committee – March 16<sup>th</sup>, 2012**

**In Opposition to Bill 376 – AAC THE COASTAL MANAGEMENT ACT AND  
SHORELINE FLOOD AND EROSION CONTROL STRUCTURES**

On behalf of The Nature Conservancy, I would like to express our opposition to Bill 376.

This bill would make a significant change to the laws governing municipal permitting of sea walls, bulkheads, and other shoreline “armoring” structures. By requiring municipal commissions, in order to reject a permit application, to devise an engineering plan to accomplish the applicant’s objectives, this bill would set a new precedent in Connecticut’s regulatory law. The language also gives a local commission no choice but to approve an application, with either an option presented by the applicant, or a new one developed by the commission. There would be no possibility of a commission rejecting an application.

While necessary and effective in many cases, “armoring” structures can have significant drawbacks. During Storm Irene, numerous sea walls did not work, and others prolonged or intensified flooding. In many locations, armoring destroys tidal wetlands and flats, and beaches by creating a scouring away of these resources. This eliminates both the protection of property these resources provide by absorbing wave energy, and critical habitat for finfish, shellfish, and coastal birds.

We do not have statistics on municipal commissions, but DEEP data on recent applications it has received for coastal structures in their jurisdiction show a very low rate of project rejections. Out of 236 applications the agency received in the past three years, it rejected five. It approved 170; forty nine are pending; and six have been withdrawn. Even in the 37 cases where people installed structures without getting necessary permits and DEEP required them to apply for one retroactively, only one was rejected. Twenty nine were issued, six are pending, and one was withdrawn.

Sea walls and other flood and erosion control structures are needed to protect some buildings and infrastructure. But communities need the ability to be very deliberate in determining whether or where to allow them. We as a state need to become much more sophisticated in assessing which methods of protecting coastal infrastructure are most appropriate for specific locations. One section of this bill could help do this by requiring applicants to submit alternative options for protecting their property.

The rest of the bill, however, would establish an inappropriate and unprecedented regulatory framework that would significantly hinder local commissions in performing their duties and likely create further delays in the permitting process.