



Senate

General Assembly

File No. 277

February Session, 2012

Senate Bill No. 351

Senate, April 5, 2012

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 CERTAIN CEMETERY EROSION MITIGATION EFFORTS WITHIN THE COASTAL BOUNDARY.

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

1 Section 1. Subsection (b) of section 22a-92 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) In addition to the policies stated in subsection (a) of this section,
5 the following policies are established for federal, state and municipal
6 agencies in carrying out their responsibilities under this chapter:

7 (1) Policies concerning development, facilities and uses within the
8 coastal boundary are: (A) To manage uses in the coastal boundary
9 through existing municipal planning, zoning and other local
10 regulatory authorities and through existing state structures, dredging,
11 wetlands, and other state siting and regulatory authorities, giving
12 highest priority and preference to water-dependent uses and facilities
13 in shorefront areas; (B) to locate and phase sewer and water lines so as

14 to encourage concentrated development in areas which are suitable for
15 development; and to disapprove extension of sewer and water services
16 into developed and undeveloped beaches, barrier beaches and tidal
17 wetlands except that, when necessary to abate existing sources of
18 pollution, sewers that will accommodate existing uses with limited
19 excess capacity may be used; (C) to promote, through existing state
20 and local planning, development, promotional and regulatory
21 authorities, the development, reuse or redevelopment of existing
22 urban and commercial fishing ports giving highest priority and
23 preference to water dependent uses, including but not limited to
24 commercial and recreational fishing and boating uses; to disallow uses
25 which unreasonably congest navigation channels, or unreasonably
26 preclude boating support facilities elsewhere in a port or harbor; and
27 to minimize the risk of oil and chemical spills at port facilities; (D) to
28 require that structures in tidal wetlands and coastal waters be
29 designed, constructed and maintained to minimize adverse impacts on
30 coastal resources, circulation and sedimentation patterns, water
31 quality, and flooding and erosion, to reduce to the maximum extent
32 practicable the use of fill, and to reduce conflicts with the riparian
33 rights of adjacent landowners; (E) to disallow the siting within the
34 coastal boundary of new tank farms and other new fuel and chemical
35 storage facilities which can reasonably be located inland and to require
36 any new storage tanks which must be located within the coastal
37 boundary to abut existing storage tanks or to be located in urban
38 industrial areas and to be adequately protected against floods and
39 spills; (F) to make use of rehabilitation, upgrading and improvement of
40 existing transportation facilities as the primary means of meeting
41 transportation needs in the coastal area; (G) to encourage increased
42 recreational boating use of coastal waters, where feasible, by (i)
43 providing additional berthing space in existing harbors, (ii) limiting
44 non-water-dependent land uses that preclude boating support
45 facilities, (iii) increasing state-owned launching facilities, and (iv)
46 providing for new boating facilities in natural harbors, new protected
47 water areas and in areas dredged from dry land; (H) to protect coastal
48 resources by requiring, where feasible, that such boating uses and

49 facilities (i) minimize disruption or degradation of natural coastal
50 resources, (ii) utilize existing altered, developed or redevelopment
51 areas, (iii) are located to assure optimal distribution of state-owned
52 facilities to the state-wide boating public, and (iv) utilize ramps and
53 dry storage rather than slips in environmentally sensitive areas; (I) to
54 protect and where feasible, upgrade facilities serving the commercial
55 fishing and recreational boating industries; to maintain existing
56 authorized commercial fishing and recreational boating harbor space
57 unless the demand for these facilities no longer exists or adequate
58 space has been provided; to design and locate, where feasible,
59 proposed recreational boating facilities in a manner which does not
60 interfere with the needs of the commercial fishing industry; and (J) to
61 require reasonable mitigation measures where development would
62 adversely impact historical, archaeological, or paleontological
63 resources that have been designated by the state historic preservation
64 officer.

65 (2) Policies concerning coastal land and water resources within the
66 coastal boundary are: (A) To manage coastal bluffs and escarpments so
67 as to preserve their slope and toe; to discourage uses which do not
68 permit continued natural rates of erosion and to disapprove uses that
69 accelerate slope erosion and alter essential patterns and supply of
70 sediments to the littoral transport system; (B) to manage rocky
71 shorefronts so as to insure that development proceeds in a manner
72 which does not irreparably reduce the capability of the system to
73 support a healthy intertidal biological community; to provide feeding
74 grounds and refuge for shorebirds and finfish, and to dissipate and
75 absorb storm and wave energies; (C) to preserve the dynamic form and
76 integrity of natural beach systems in order to provide critical wildlife
77 habitats, a reservoir for sand supply, a buffer for coastal flooding and
78 erosion, and valuable recreational opportunities; to insure that coastal
79 uses are compatible with the capabilities of the system and do not
80 unreasonably interfere with natural processes of erosion and
81 sedimentation, and to encourage the restoration and enhancement of
82 disturbed or modified beach systems; (D) to manage intertidal flats so
83 as to preserve their value as a nutrient source and reservoir, a healthy

84 shellfish habitat and a valuable feeding area for invertebrates, fish and
85 shorebirds; to encourage the restoration and enhancement of degraded
86 intertidal flats; to allow coastal uses that minimize change in the
87 natural current flows, depth, slope, sedimentation, and nutrient
88 storage functions and to disallow uses that substantially accelerate
89 erosion or lead to significant despoliation of tidal flats; (E) to preserve
90 tidal wetlands and to prevent the despoliation and destruction thereof
91 in order to maintain their vital natural functions; to encourage the
92 rehabilitation and restoration of degraded tidal wetlands and where
93 feasible and environmentally acceptable, to encourage the creation of
94 wetlands for the purposes of shellfish and finfish management, habitat
95 creation and dredge spoil disposal; (F) to manage coastal hazard areas
96 so as to insure that development proceeds in such a manner that
97 hazards to life and property are minimized and to promote
98 nonstructural solutions to flood and erosion problems except in those
99 instances where structural alternatives prove unavoidable and
100 necessary to protect existing inhabited structures, infrastructural
101 facilities or water dependent uses; (G) to promote, through existing
102 state and local planning, development, promotional and regulatory
103 programs, the use of existing developed shorefront areas for marine-
104 related uses, including but not limited to, commercial and recreational
105 fishing, boating and other water-dependent commercial, industrial and
106 recreational uses; (H) to manage undeveloped islands in order to
107 promote their use as critical habitats for those bird, plant and animal
108 species which are indigenous to such islands or which are increasingly
109 rare on the mainland; to maintain the value of undeveloped islands as
110 a major source of recreational open space; and to disallow uses which
111 will have significant adverse impacts on islands or their resource
112 components; (I) to regulate shoreland use and development in a
113 manner which minimizes adverse impacts upon adjacent coastal
114 systems and resources; and (J) to maintain the natural relationship
115 between eroding and depositional coastal landforms and to minimize
116 the adverse impacts of erosion and sedimentation on coastal land uses
117 through the promotion of nonstructural mitigation measures.
118 Structural solutions are permissible when necessary and unavoidable

119 for the protection of infrastructural facilities, cemetery or burial
120 grounds, water-dependent uses, or existing inhabited structures, and
121 where there is no feasible, less environmentally damaging alternative
122 and where all reasonable mitigation measures and techniques have
123 been provided to minimize adverse environmental impacts.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-92(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 permits the use of retaining walls to minimize adverse environmental impacts on cemeteries or burial grounds, does not result in a fiscal impact to the state or municipalities.

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

OLR Bill Analysis**SB 351*****AN ACT CONCERNING CERTAIN CEMETERY EROSION MITIGATION EFFORTS WITHIN THE COASTAL BOUNDARY.*****SUMMARY:**

This bill adds cemetery and burial grounds to the list of land uses that can be protected by structural solutions within the coastal boundary.

By law, it is state policy in the coastal boundary for federal, state, and municipal agencies to (1) maintain the natural relationship between eroding and depositional coastal landforms and (2) minimize the adverse effects of erosion and sedimentation by promoting nonstructural mitigation measures.

But current law allows structural solutions to erosion and sedimentation's adverse effects, such as retaining walls, when necessary and unavoidable to protect (1) infrastructural facilities, (2) water-dependent uses, and (3) existing inhabited structures. There must be no feasible, less environmentally damaging alternative, and all reasonable mitigation measures and techniques must have been taken to minimize adverse environmental impacts.

The bill also makes a technical change.

EFFECTIVE DATE: Upon passage

BACKGROUND***Coastal Boundary***

By law, the "coastal boundary" is the furthest inland of (1) the 100-year-frequency coastal flood zone, (2) a 1,000-foot setback from the mean high-water mark, or (3) a 1,000-foot setback from the inland

boundary of the tidal wetlands (CGS § 22a-94(b)).

COMMITTEE ACTION

Environment Committee

Joint Favorable

Yea 28 Nay 0 (03/21/2012)