



General Assembly

February Session, 2012

Raised Bill No. 5127

LCO No. 971

00971_____ENV

Referred to Committee on Environment

Introduced by:
(ENV)

**AN ACT DEFINING THE HIGH TIDE LINE FOR THE TIDAL, COASTAL
AND NAVIGABLE WATERS OF THE STATE.**

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

1 Section 1. Section 22a-359 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) The Commissioner of Energy and Environmental Protection
4 shall regulate dredging and the erection of structures and the
5 placement of fill, and work incidental thereto, in the tidal, coastal or
6 navigable waters of the state waterward of the high tide line. Any
7 decisions made by the commissioner pursuant to this section shall be
8 made with due regard for indigenous aquatic life, fish and wildlife, the
9 prevention or alleviation of shore erosion and coastal flooding, the use
10 and development of adjoining uplands, the improvement of coastal
11 and inland navigation for all vessels, including small craft for
12 recreational purposes, the use and development of adjacent lands and
13 properties and the interests of the state, including pollution control,
14 water quality, recreational use of public water and management of
15 coastal resources, with proper regard for the rights and interests of all
16 persons concerned.

17 (b) After consultation with the Commissioner of Transportation, the
18 Commissioner of Energy and Environmental Protection may consider
19 any sunken or grounded vessel, scow, lighter or similar structure lying
20 within the tidal, coastal or navigable waters of the state to be an
21 encroachment subject to the provisions of this section and sections 22a-
22 360 to 22a-363, inclusive.

23 (c) As used in this section and sections 22a-360 to [22a-363] 22a-
24 363b, inclusive, "high tide line" means [a line or mark left upon tide
25 flats, beaches, or along shore objects that indicates the intersection of
26 the land with the water's surface at the maximum height reached by a
27 rising tide. The mark may be determined by (1) a line of oil or scum
28 along shore objects, (2) a more or less continuous deposit of fine shell
29 or debris on the foreshore or berm, (3) physical markings or
30 characteristics, vegetation lines, tidal gauge, or (4) by any other
31 suitable means delineating the general height reached by a rising tide.
32 The term includes spring high tides and other high tides that occur
33 with periodic frequency but does not include storm surges in which
34 there is a departure from the normal or predicted reach of the tide due
35 to the piling up of water against a coast by strong winds such as those
36 accompanying a hurricane or other intense storm] the location of the
37 topographical elevation of the highest predicted tide for the period
38 beginning in 1983 and ending in 2001, referenced to the most recent
39 National Tidal Datum Epoch as published by the National
40 Oceanographic and Atmospheric Administration and described in
41 terms of feet of elevation above the North American Vertical Datum of
42 1988. For the tidal epoch in effect as of October 1, 2012, such elevations,
43 as indicated in feet of elevation, shall be as follows for each
44 municipality adjacent to the tidal, coastal or navigable waters of the
45 state: Ansonia 5.4', Branford 4.4', Bridgeport 5.0', Chester 2.9', Clinton
46 3.8', Cromwell 3.3', Darien 5.2', Deep River 2.9', Derby 5.4', East
47 Hartford 3.8', East Haddam 3.0', East Hampton 3.0', East Haven 4.5',
48 East Lyme 2.3', East Windsor 3.9', Essex 2.8', Fairfield 5.1', Glastonbury
49 3.5', Greenwich 5.3', Groton 2.0', Guilford 4.1', Haddam 3.0', Hartford
50 3.8', Ledyard 2.3', Lyme 2.9', Madison 4.0', Middletown 3.1', Milford

51 (Housatonic River) 5.1' and Milford 4.7', Montville 2.3', New Haven
 52 4.6', New London 2.0', Norwalk 5.2', Norwich 2.4', Old Lyme
 53 (Connecticut River) 2.9' and Old Lyme 2.5', Old Saybrook (Connecticut
 54 River) 2.9' and Old Saybrook 3.2', Orange 5.4', Portland 3.3', Preston
 55 2.3', Rocky Hill 3.4', Shelton 5.4', South Windsor 3.9', Stamford 5.3',
 56 Stonington 2.0', Stratford (Housatonic River) 5.0' and Stratford 4.8',
 57 Waterford 2.1', West Haven 4.6', Westbrook 3.3', Westport 5.2',
 58 Wethersfield 3.6', Windsor 3.9', and Windsor Locks 3.9'. The
 59 commissioner may adopt regulations pursuant to chapter 54 to
 60 establish the high tide line for each municipality adjacent to the tidal,
 61 coastal or navigable waters of the state for tidal epochs commencing
 62 on and after 2020.

63 (d) For any tidal, coastal or navigable waters of the state located
 64 upstream of a tide gate, weir, or other device that modifies the flow of
 65 tidal waters, the high tide line for such tidal, coastal or navigable
 66 waters shall be the elevation of mean high water as found at the
 67 downstream location of such device.

68 (e) As used in this section and sections 22a-360 to 22a-363a,
 69 inclusive, "navigable waters" means Long Island Sound, any cove, bay
 70 or inlet of Long Island Sound, and that portion of any tributary, river
 71 or stream that empties into Long Island Sound upstream to the first
 72 permanent obstruction that directs navigation for watercraft from
 73 Long Island Sound.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	22a-359

Statement of Purpose:

To define the high tide line for the tidal, coastal and navigable waters of the state in order to provide greater certainty in the field determination of such boundary for both the regulatory and enforcement responsibilities of the Department of Energy and Environmental Protection.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]