



General Assembly

**Substitute Bill No. 86**

February Session, 2012

\* \_\_\_\_\_SB00086ENVJUD031512\_\_\_\_\_\*

**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2 repealed and the following is substituted in lieu thereof (*Effective*  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, 2012*):

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  
7 requested, or by electronic means to the applicant, to the  
8 Commissioner of Transportation, the Attorney General and the  
9 Commissioner of Agriculture and to the chief executive officer, the  
10 chairmen of the planning, zoning, harbor management and shellfish  
11 commissions of each town in which such structure, fill, obstruction,  
12 encroachment or dredging is to be located or work to be performed,  
13 and to the owner of each franchised oyster ground and the lessee of  
14 each leased oyster ground within which such work is to be performed  
15 and shall publish such notice once in a newspaper having a substantial  
16 circulation in the area affected. [ ] Such notice [of] shall contain (1) the  
17 name of the applicant; (2) the location and nature of the proposed  
18 activities; (3) the tentative decision regarding the application; and (4)  
19 any additional information the commissioner deems necessary. There

20 shall be a comment period following the public notice during which  
 21 interested persons may submit written comments. The commissioner  
 22 may hold a public hearing prior to approving or denying an  
 23 application if, in the commissioner's discretion, the public interest will  
 24 best be served by holding such hearing. The commissioner shall hold a  
 25 public hearing if the commissioner receives: [a] (A) A written request  
 26 for such public hearing from the applicant; or (B) a petition signed by  
 27 twenty-five or more persons requesting such public hearing [that is  
 28 signed by twenty-five or more persons and] on an application that  
 29 will: [(A)] (i) Significantly impact any shellfish area, as determined by  
 30 the director of the Bureau of Aquaculture at the Department of  
 31 Agriculture, [(B)] (ii) have interstate ramifications, or [(C)] (iii) involve  
 32 any project that requires a certificate issued pursuant to section 16-50k  
 33 or approval by the Federal Energy Regulatory Commission. Following  
 34 such notice and comment period and public hearing, if applicable, the  
 35 commissioner may, in whole or in part, approve, modify and approve  
 36 or deny the application. The commissioner shall provide to the  
 37 applicant and the persons set forth above, by certified mail, return  
 38 receipt requested, or by electronic means, notice of the commissioner's  
 39 decision. If the commissioner requires the applicant to provide the  
 40 notice specified in this subsection, the applicant shall certify to the  
 41 commissioner, [no] not later than twenty days after providing such  
 42 notice, that such notice has been provided in accordance with this  
 43 subsection. Any applicant aggrieved by a final decision of the  
 44 commissioner after a public hearing held pursuant to this subsection  
 45 may appeal therefrom in accordance with the provisions of section 4-  
 46 183.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2012	22a-361(b)

**ENV**

*Joint Favorable Subst. C/R*

**JUD**