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:

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 Subsection (b) of section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof (Effective from passage):

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

(1) Policies concerning development, facilities and uses within the coastal boundary are: (A) To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas; (B) to locate and phase sewer and water lines so as to encourage concentrated development in areas which are suitable for development; and to disapprove extension of sewer and water services
into developed and undeveloped beaches, barrier beaches and tidal
wetlands except that, when necessary to abate existing sources of
pollution, sewers that will accommodate existing uses with limited
excess capacity may be used; (C) to promote, through existing state
and local planning, development, promotional and regulatory
authorities, the development, reuse or redevelopment of existing
urban and commercial fishing ports giving highest priority and
preference to water dependent uses, including but not limited to
commercial and recreational fishing and boating uses; to disallow uses
which unreasonably congest navigation channels, or unreasonably
preclude boating support facilities elsewhere in a port or harbor; and
to minimize the risk of oil and chemical spills at port facilities; (D) to
require that structures in tidal wetlands and coastal waters be
designed, constructed and maintained to minimize adverse impacts on
coastal resources, circulation and sedimentation patterns, water
quality, and flooding and erosion, to reduce to the maximum extent
practicable the use of fill, and to reduce conflicts with the riparian
rights of adjacent landowners; (E) to disallow the siting within the
coastal boundary of new tank farms and other new fuel and chemical
storage facilities which can reasonably be located inland and to require
any new storage tanks which must be located within the coastal
boundary to abut existing storage tanks or to be located in urban
industrial areas and to be adequately protected against floods and
spills; (F) to make use of rehabilitation, upgrading and improvement of
existing transportation facilities as the primary means of meeting
transportation needs in the coastal area; (G) to encourage increased
recreational boating use of coastal waters, where feasible, by (i)
providing additional berthing space in existing harbors, (ii) limiting
non-water-dependent land uses that preclude boating support
facilities, (iii) increasing state-owned launching facilities, and (iv)
providing for new boating facilities in natural harbors, new protected
water areas and in areas dredged from dry land; (H) to protect coastal
resources by requiring, where feasible, that such boating uses and
facilities (i) minimize disruption or degradation of natural coastal
resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the state-wide boating public, and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas; (I) to protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry; and (J) to require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer.

(2) Policies concerning coastal land and water resources within the coastal boundary are: (A) To manage coastal bluffs and escarpments so as to preserve their slope and toe; to discourage uses which do not permit continued natural rates of erosion and to disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system; (B) to manage rocky shorefronts so as to insure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies; (C) to preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to insure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and enhancement of disturbed or modified beach systems; (D) to manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy
shellfish habitat and a valuable feeding area for invertebrates, fish and
shorebirds; to encourage the restoration and enhancement of degraded
intertidal flats; to allow coastal uses that minimize change in the
natural current flows, depth, slope, sedimentation, and nutrient
storage functions and to disallow uses that substantially accelerate
erosion or lead to significant despoliation of tidal flats; (E) to preserve
tidal wetlands and to prevent the despoliation and destruction thereof
in order to maintain their vital natural functions; to encourage the
rehabilitation and restoration of degraded tidal wetlands and where
feasible and environmentally acceptable, to encourage the creation of
wetlands for the purposes of shellfish and finfish management, habitat
creation and dredge spoil disposal; (F) to manage coastal hazard areas
so as to insure that development proceeds in such a manner that
hazards to life and property are minimized and to promote
nonstructural solutions to flood and erosion problems except in those
instances where structural alternatives prove unavoidable and
necessary to protect existing inhabited structures, infrastructural
facilities or water dependent uses; (G) to promote, through existing
state and local planning, development, promotional and regulatory
programs, the use of existing developed shorefront areas for marine-
related uses, including but not limited to, commercial and recreational
fishing, boating and other water-dependent commercial, industrial and
recreational uses; (H) to manage undeveloped islands in order to
promote their use as critical habitats for those bird, plant and animal
species which are indigenous to such islands or which are increasingly
rare on the mainland; to maintain the value of undeveloped islands as
a major source of recreational open space; and to disallow uses which
will have significant adverse impacts on islands or their resource
components; (I) to regulate shoreland use and development in a
manner which minimizes adverse impacts upon adjacent coastal
systems and resources; and (J) to maintain the natural relationship
between eroding and depositional coastal landforms and to minimize
the adverse impacts of erosion and sedimentation on coastal land uses
through the promotion of nonstructural mitigation measures.
Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, cemetery or burial grounds, water-dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.

This act shall take effect as follows and shall amend the following sections:

| Section 1 | from passage | 22a-92(b) |

Statement of Purpose:
To enable the erection of structures to mitigate erosion that threatens certain cemetery grounds within the coastal boundary.

[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.]