



Committee on Planning and Development
Connecticut Audubon Society Testimony in Opposition to parts of SB 459 and 460
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The Connecticut Audubon Society operates two coastal facilities near the mouth of the Housatonic River, one at Milford Point, the other at Stratford Point. With its dunes, barrier beaches, sandbars, mudflats and 1,500 acres of tidal marsh – as well as the Housatonic estuary itself – it is one of the most vibrant areas for biological diversity in all of Connecticut.

As long-time occupants of the state's coast, and as an organization that focuses on the protection of the state's birds and their habitats in general, we believe that SB 459 and SB 460 could potentially be devastating to vulnerable coastal properties on Long Island Sound.

We are particularly opposed to a provision of SB 459 that would allow construction of seawalls without a permit.

Seawalls have their function in the protection of coastal areas. But poorly placed seawalls can do more harm than good, particularly to neighboring properties.

If a landowner "hardens" his or her shoreline with a seawall, it can cause erosion on neighboring properties, and perhaps cause a domino effect, leading to more seawalls, as nearby landowners try to protect their property from the damage caused by the first seawall. Evidence from our Stratford Point coastal restoration site also indicates that seawalls can damage nearby salt marshes, which themselves serve an important erosion protection function.

This would undermine the natural storm protection that barrier beaches, intact dunes and salt marshes provide now. It would also lead to dramatic changes in habitat over the short and long-term at Milford Point, Stratford Point and elsewhere, including many state-owned beaches and nature preserves.

More generally, Connecticut's beaches are important habitats for a number of species that are rare and vulnerable. A law that allows landowners to build seawalls without a permit

would subject these habitats to erosion and undermine the natural protections that dunes, barrier beaches and marshes provide.

These species include Roseate Terns, Least Terns and Piping Plovers, all of which are legally protected by the state and federal endangered species acts. Those acts make it illegal to damage and alter the birds' habitat in any way.

We are also concerned with a provision in SB 460 that would require the Department of Energy and Environmental Protection to issue a retroactively coastal structures completed before 1995, even if they were built illegally and if the DEEP or the local government did not send a notice of violation before last October. (We are grateful to our colleagues at Save the Sound for providing this analysis of 460.)

DEEP can now allow maintenance on such structures, but SB 460 would require them to do so and removes the applicant's obligation to prove that the activity complies with current standards.

The bill would also change the date after which many structures and other coastal projects are grandfathered into the law, from 1939 to 1995. (The current law means that most grandfathered structures withstood the very powerful hurricane of 1938.) Because the shoreline has undergone extensive development, this change would increase the number of inappropriate seawalls, buildings, decks and docks that can be rebuilt despite storm damages.

As sea level rises, and as Connecticut is faced with the likelihood of more frequent powerful storms, protecting our coast is essential. We believe strongly however that these provisions of SB 459 and SB 460 would do the opposite.