



General Assembly

February Session, 2014

Raised Bill No. 312

LCO No. 1804



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

**AN ACT CONCERNING A LONG ISLAND SOUND RESOURCE AND
USE INVENTORY AND A LONG ISLAND SOUND BLUE PLAN.**

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) The Secretary of the
2 Office of Policy and Management, in conjunction with the Long Island
3 Resource and Use Inventory and Blue Plan Advisory Committee,
4 established pursuant to subsection (c) of this section, and within
5 available resources, shall: (1) Coordinate the completion of a Long
6 Island Sound Resource and Use Inventory that is comprised of the best
7 available information and data regarding the natural resources within
8 Long Island Sound and the uses of Long Island Sound, including, but
9 not limited to, all: (A) Plants; (B) animals; (C) habitats; (D) ecologically
10 significant areas in nearshore and offshore waters and substrates of
11 such waters; (E) uses of such waters and substrates, including, but not
12 limited to: (i) Commercial and recreational fishing, (ii) shellfish beds,
13 (iii) aquaculture facilities, (iv) shipping corridors, (v) energy facilities,
14 and (vi) electric power line, gas pipeline and telecommunications
15 crossings; and (F) any updates and additions to the comprehensive
16 environmental assessment and plan completed, in accordance with

17 section 25-157a of the general statutes; and (2) develop a Long Island
18 Sound Blue Plan that may include maps, illustrations and other media.
19 Such Long Island Sound Blue Plan shall: (A) Establish the state's goals,
20 siting priorities and standards for ensuring effective stewardship of the
21 waters of Long Island Sound held in trust for the benefit of the public;
22 (B) promote science-based management practices that take into
23 account the existing natural, social, cultural, historic and economic
24 characteristics of planning areas within Long Island Sound; (C)
25 preserve and protect traditional riparian and water-dependent uses
26 and activities; (D) promote maximum public accessibility to Long
27 Island Sound's waters for traditional public trust uses, such as
28 navigation and fishing, except when necessary to protect coastal
29 resources, preserve public health, safety and welfare, or when it is in
30 the interest of national security; (E) reflect the importance of the waters
31 of Long Island Sound to the citizens of this state who derive
32 livelihoods and recreational benefits from fishing; (F) analyze the
33 implications of existing and potential uses and users of Long Island
34 Sound with a focus on avoiding potential use conflicts; (G) be based
35 upon the Long Island Sound Resources and Uses Inventory, prepared
36 pursuant to subdivision (1) of this subsection, with provision for the
37 ongoing acquisition and application of up-to-date resource and use
38 data, including seafloor mapping; (H) reflect the value of biodiversity
39 and ecosystem health in regard to the interdependence of ecosystems;
40 (I) identify and protect special, sensitive or unique estuarine and
41 marine life and habitats, including, but not limited to, scenic and visual
42 resources; (J) adapt to evolving knowledge and understanding of the
43 marine environment, including adaptation to climate change and rise
44 in sea level; (K) foster sustainable uses that capitalize on economic
45 opportunity without significant detriment to the ecology or natural
46 beauty of Long Island Sound; (L) support the infrastructure necessary
47 to sustain the economy and quality of life for the citizens of this state;
48 (M) be coordinated with local, regional and federal planning entities
49 and agencies, including, but not limited to, the National Ocean Policy's
50 Long Island Sound Study and Northeast Regional Planning Body; (N)

51 be coordinated, developed and implemented, to the maximum extent
52 feasible, with the state of New York; (O) be developed through a
53 transparent and inclusive process that seeks widespread participation
54 of the public and stakeholders and encourages public participation in
55 decision making; (P) identify appropriate locations and performance
56 standards for activities, uses and facilities regulated under existing
57 state permit programs, including, but not limited to, measures to guide
58 siting of uses in a manner compatible with said Long Island Sound
59 Blue Plan; (Q) be consistent with the state plan of conservation and
60 development and the goals and policies described in section 22a-92 of
61 the general statutes. The secretary may accept, on behalf of the state,
62 any gifts, grants, donations or bequests for the purposes of assisting
63 the completion of the Long Island Sound Resources and Uses
64 Inventory and the development of a Long Island Sound Blue Plan.

65 (b) For the purposes of this section, the submerged lands and waters
66 subject to the commissioner's planning, management and coordination
67 authority under the Long Island Sound Blue Plan shall include Long
68 Island Sound and its bays, inlets and tributaries from the mean high
69 water line, as defined by the most recent tidal epoch, to the state's
70 waterward boundaries with the states of New York and Rhode Island.
71 Any siting policies, identification of locations, or performance
72 standards for activities, uses and facilities under the Long Island
73 Sound Blue Plan shall apply in a spatial planning area located seaward
74 of the bathymetric contour of minus ten feet North American Vertical
75 Datum to the state's waterward boundaries with the states of New
76 York and Rhode Island. Such spatial planning area shall be designated
77 on a map to be prepared by the advisory committee established
78 pursuant to subsection (c) of this section.

79 (c) There is established a Long Island Sound Resource and Use
80 Inventory and Blue Plan Advisory Committee that shall assist the
81 Secretary of the Office of Policy and Management with the drafting of
82 the Long Island Sound Resource and Use Inventory and the Long
83 Island Sound Blue Plan, described in subsection (a) of this section. Said

84 advisory committee shall consist of the following members: (1) The
85 Commissioner of Energy and Environmental Protection, or the
86 commissioner's designee, (2) a member from a marine-related program
87 at The University of Connecticut, (3) a representative of the Office of
88 Maritime Affairs within the Department of Transportation, (4) a
89 representative of the Bureau of Aquaculture within the Department of
90 Agriculture, (5) the Commissioner of Economic and Community
91 Development, or the commissioner's designee, (6) a representative of
92 the marine trades industry, (7) a representative of a conservation
93 organization that specializes in coastal issues, (8) a representative of
94 the gas and electric distribution industries, (9) a representative of the
95 telecommunications industry, (10) a representative of the commercial
96 shellfish and finfish industries, (11) a representative of the recreational
97 fishing community, (12) a representative of a nonprofit organization
98 with expertise in marine assessments and planning, and (13) a chief
99 elected official of a coastal municipality, or such official's designee.
100 Each appointed member shall be appointed by the Secretary of the
101 Office of Policy and Management and shall serve at the pleasure of the
102 secretary. The secretary shall convene the first meeting of such
103 advisory committee not later than sixty days after the effective date of
104 this section and shall serve as the chairperson of such advisory
105 committee. The secretary may request members of the advisory
106 committee to assist with administrative functions of the advisory
107 committee, including, but not limited to, convening and noticing
108 meetings and drafting assessments and reports. The advisory
109 committee shall be located in the Office of Policy and Management for
110 administrative purposes only.

111 (d) The Long Island Sound Resource and Use Inventory and Blue
112 Plan Advisory Committee shall hold not less than three public
113 hearings in different coastal municipalities of the state to receive
114 comments and submissions from the public and interested persons
115 and may provide for other public outreach and input measures, as
116 appropriate, to assure sufficient stakeholder engagement and

117 representation. The advisory committee shall assist the secretary in
118 completing a draft of the Long Island Sound Resource and Use
119 Inventory and the Long Island Sound Blue Plan not later than July 1,
120 2016.

121 (e) Upon completion of the draft Long Island Sound Resource and
122 Use Inventory and the Long Island Sound Blue Plan, the secretary shall
123 make such draft available for public review and comment and shall
124 publish notice thereof in not less than five newspapers of general
125 circulation, the Environmental Monitor and the Connecticut Law
126 Journal. The secretary shall cause such draft and notice of public
127 comment period to be posted on the Internet web site of the
128 Department of Energy and Environmental Protection and the Office of
129 Policy and Management. Such notice of public comment period shall
130 provide for a public comment period of not less than ninety days. Not
131 later than ninety days after the end of such public comment period, the
132 secretary shall adopt a final draft of the Long Island Sound Resource
133 and Use Inventory and the Long Island Sound Blue Plan.

134 (f) Upon completion of the final draft of the Long Island Sound
135 Resource and Use Inventory and the Long Island Sound Blue Plan,
136 such inventory and plan shall be submitted to the joint standing
137 committee of the General Assembly having cognizance of matters
138 relating to the environment. Said committee, not later than forty-five
139 days after the start of the next occurring legislative session following
140 receipt of such inventory and plan, shall submit such inventory and
141 plan, in conjunction with the committee's recommendation for
142 approval or disapproval of such inventory and plan, to the General
143 Assembly. Such inventory and plan shall become effective when
144 approved by a majority vote of each chamber of the General Assembly.
145 In the event that the General Assembly disapproves the plan, in whole
146 or in part, such inventory and plan shall be deemed to be rejected and
147 shall be returned to the advisory committee for revision.

148 (g) Upon approval of such inventory and plan: (1) All state agency

149 plans and activities and all certificates, licenses, permits and approvals
150 issued by any state agency for any proposed structures, uses or
151 activities in areas subject to the plan shall be consistent with such
152 inventory and plan, (2) the Commissioner of Energy and
153 Environmental Protection shall seek necessary federal approval to
154 incorporate the Long Island Sound Blue Plan as an enforceable policy
155 in the state's coastal management program under the federal Coastal
156 Zone Management Act, (3) the secretary and the Commissioner of
157 Energy and Environmental Protection shall, within available resources,
158 develop and implement a public outreach and information program to
159 provide information to the public regarding the Long Island Sound
160 Blue Plan, (4) the secretary and the Commissioner of Energy and
161 Environmental Protection shall provide for the review and update of
162 such inventory and plan at least once every five years and any revision
163 to such inventory and plan shall become effective upon approval by
164 the General Assembly, in accordance with subsection (f) of this section,
165 (5) the advisory committee, not later than six months after such
166 approval, shall advise the secretary on the operation, implementation
167 and updating of the inventory and plan, as applicable, and shall meet
168 on a quarterly basis to review implementation of such plan, identify
169 emerging issues and recommend any necessary or desirable alterations
170 or improvements to such plan, and (6) the advisory committee shall,
171 within available resources, hold not less than one public hearing each
172 year to receive comments and submissions from the public on such
173 inventory and plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2014</i>	New section

Statement of Purpose:

To establish a Long Island Sound Resource and Use Inventory and a Long Island Sound Blue Plan that will become part of the state's coastal management program.

[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.]