



General Assembly

February Session, 2014

Raised Bill No. 444

LCO No. 2462



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT ESTABLISHING AN "IMPORTANT BIRD AREAS" PROGRAM.

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) For the purposes of
2 this section:

3 (1) "Important bird area" means any waters or lands of the state, or
4 portions thereof, that provide habitat to one or more species of
5 breeding or nonbreeding birds and that are bounded by natural or
6 anthropogenic features or boundaries; and

7 (2) "Qualifying nonprofit organization" means a national nonprofit
8 organization, or a branch of a national nonprofit organization, that
9 conserves and restores natural ecosystems, with a focus on birds and
10 other wildlife and the restoration of habitat for such birds and other
11 wildlife.

12 (b) There is established an Important Bird Areas Program that may
13 consist of state-owned waters, lands, or portions thereof, that are
14 necessary to safeguard and enhance: (1) Populations of wild birds that

15 are native to the state, and (2) the habitats located within such lands
16 and waters that such wild birds depend upon for breeding, migration,
17 shelter and sustenance. Such program shall be administered by the
18 Commissioner of Energy and Environmental Protection. For the
19 purpose of identifying important bird areas, the Commissioner of
20 Energy and Environmental Protection may use information collected
21 by any qualifying nonprofit organization. Prior to using any such
22 information collected by a qualifying nonprofit organization, the
23 commissioner shall verify that such information was collected by
24 individuals trained in scientific data collection, wildlife biology or
25 ornithology. Any qualifying nonprofit organization that collected
26 information used by the commissioner to identify an important bird
27 area shall be available to work with the commissioner, business,
28 affected property owners and local governments to assist in
29 implementing strategies to maintain or enhance the identified
30 important bird area.

31 (c) To be eligible for designation as part of the Important Bird Areas
32 Program, such state-owned waters or lands, or portions thereof, shall:
33 (1) Be recognized as an important bird area by a qualifying nonprofit
34 organization, and (2) consist of one or more of the following locations:
35 (A) A waterfowl concentration location that regularly supports not less
36 than two thousand birds, including, but not limited to, loons, grebes,
37 cormorants, geese, ducks, coots, and moorhens, (B) a pelagic seabird
38 location that regularly supports not less than one hundred birds of
39 open water, including, but not limited to, shearwaters, storm-petrels,
40 terns, fulmars, gannets, jaegers, alcids or ten thousand gulls at one
41 time during some part of the year, provided the primary food source
42 for such gulls is not anthropogenic, (C) a shorebird concentration
43 location that supports not less than three hundred birds, including, but
44 not limited to, plovers and sandpipers during some part of the year,
45 (D) a wading bird concentration location that supports not less than
46 one hundred birds, including, but not limited to, bitterns, herons,
47 egrets, ibises during some part of the year, (E) a migratory

48 concentration location that is a flight corridor rest stop-over for either a
49 high number or a large diversity of migratory songbirds during either
50 the spring or fall season, (F) a diverse species location that supports a
51 distinct group of indigenous bird species that is the consequence of
52 local habitats that contain unique vegetation and geological,
53 geographical, topographical, or microclimatological characteristics, (G)
54 an individual species concentration location that supports not less than
55 one bird species during one or more seasons of the year as a regionally
56 unique and dense population for such species of bird, (H) a species-at-
57 risk location that: (i) Supports a significant population of a species that
58 is listed either federally or by the state as endangered, threatened or of
59 special concern, (ii) supports a species of bird that is verified by either
60 the Commissioner of Energy and Environmental Protection or the state
61 ornithologist as being rare or declining in the state, or (iii) is an
62 exceptional, rare or remnant native habitat, vegetative community or
63 landscape segment that supports one or more significant habitat
64 dependent populations of wild bird species, or (I) a bird research
65 location where a wild bird population research or monitoring project
66 of not less than five consecutive years in duration is conducted and
67 contributes to the science of ornithology or bird conservation policy
68 through publicly accessible scholarly or scientific publications.

69 (d) The Commissioner of Energy and Environmental Protection or
70 the head of any other state agency that has ownership or custody and
71 control over state-owned waters or lands, or any portion thereof, that
72 meet the eligibility criteria for designation as an important bird area,
73 pursuant to subsection (c) of this section, may designate such state-
74 owned waters or lands, or any portion thereof, as an important bird
75 area provided such designation is consistent with the duties and
76 responsibilities of such state agency. Prior to making any such
77 designation, the Commissioner of Energy and Environmental
78 Protection or other agency head, as applicable, shall publish notice
79 concerning the impending designation of an important bird area in the
80 Environmental Monitor. Such notice shall provide for a thirty-day

81 public comment period commencing on the next business day
82 following the date of publication. Whenever an agency head, other
83 than the Commissioner of Energy and Environmental Protection,
84 intends to make such a designation, a copy of the notice described in
85 this subsection shall be forwarded by such agency head to the
86 Commissioner of Energy and Environmental Protection.

87 (e) Any state-owned waters or lands, or portion thereof, designated
88 as an important bird area pursuant to this section shall be described
89 and depicted upon a map and a copy of such map and any related
90 documents shall be retained by the Commissioner of Energy and
91 Environmental Protection. The commissioner shall make any such map
92 and related documents available to the general public for research and
93 reference purposes. The commissioner shall retain an inventory of any
94 state-owned waters or lands, or portion thereof, that are designated as
95 an important bird area pursuant to this section.

96 (f) The Commissioner of Energy and Environmental Protection or
97 other agency head, as applicable, may seek to remove the designation
98 of all or a portion of such state-owned waters or lands that said
99 commissioner or agency head, as applicable, designated as an
100 important bird area. Prior to any such removal the Commissioner of
101 Energy and Environmental Protection or agency head, as applicable,
102 shall publish a finding that the designated important bird area, or
103 portion thereof, no longer meets the eligibility criteria described in
104 subsection (c) of this section. Such finding shall be published in the
105 Environmental Monitor and shall provide for a thirty-day public
106 comment period commencing on the next business day following the
107 date of publication.

108 (g) (1) There is established an Important Bird Areas Program
109 Advisory Committee within the Department of Energy and
110 Environmental Protection that shall consist of the following members
111 appointed by the Commissioner of Energy and Environmental
112 Protection: (A) A representative of the Department of Energy and

113 Environmental Protection's wildlife division, (B) a representative of the
114 Department of Energy and Environmental Protection's state parks
115 division, (C) a representative from each of the Department of Energy
116 and Environmental Protections' land protection and planning
117 programs, (D) a representative of a qualifying nonprofit organization,
118 (E) a representative of an academic institution that has expertise in
119 water or land conservation or ornithology, and (F) any additional
120 member, as the commissioner deems appropriate. The State
121 Ornithologist shall be a member of such advisory committee. Each
122 member of the advisory committee who is not otherwise a state
123 employee shall not receive compensation for his or her service on the
124 advisory committee. Each member of the advisory committee shall
125 serve at the pleasure of the commissioner. The advisory committee
126 shall meet not less than twice each calendar year.

127 (2) The advisory committee described in subdivision (1) of this
128 subsection shall advise the commissioner on the eligibility criteria for
129 important bird areas, as described in subsection (c) of this section,
130 criteria, and the designation, management, educational research and
131 use of such important bird areas. The advisory committee may make
132 recommendations to the commissioner for modification of the
133 eligibility criteria for important bird areas, as described in subsection
134 (c) of this section, and for the use of any such important bird area,
135 provided any such recommended use shall be consistent with the
136 duties and responsibilities of the state agency that designated such
137 important bird area.

138 (h) The Commissioner of Energy and Environmental Protection
139 shall adopt regulations, in accordance with the provisions of chapter
140 54 of the general statutes, to implement the provisions of this section.
141 Such regulations shall include, but not be limited to, procedures for the
142 commissioner to develop and revise a management guidance
143 summary for each designated important bird area. Any such
144 management guidance summary shall outline important resources and
145 opportunities for enhancing bird conservation in such designated areas

146 and any threats to such conservation. In developing any such
147 management guidance summary, the commissioner may use
148 information provided by a qualifying nonprofit organization.

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 an Important Bird Areas Program that will help identify such areas in the state and develop guidance for the conservation of such areas.

[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.]