

State of Connecticut

Department of Energy and Environmental Protection

**Statement of Reasons Pursuant to
Connecticut General Statutes Section 4-168d**

February 10, 2014

Proposed Amendments to the Regulations of Connecticut State Agencies

Sections 23-4-1

Alcoholic Beverages in State Parks and Recreation Areas

Prepared by:

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**Comment Period Concluded:
February 7, 2014**

I. INTRODUCTION

On January 6, 2014, the Commissioner of Energy and Environmental Protection (“Department” or “DEEP”) published a notice of intent to amend sections 23-4-1 of the Regulations of Connecticut State Agencies (“RCSA”). These regulations are being amended under the authority of 4-168, 22a-6 and 23-4 of the Connecticut General Statutes. Pursuant to such notice, a comment period was open from that date, until February 7, 2014. A copy of this Public Notice is provided as an attachment to this Statement. During the comment period, there were no comments received by the Department regarding these proposed amendments.

II. ADMINISTRATIVE REQUIREMENTS

As required by the Connecticut General Statutes (“CGS”) Sec. 4-168(d), this report describes: (1) The final wording of the proposed regulation; (2) a statement of the principal reasons in support of its intended action; and (3) a statement of the principal considerations in opposition to its intended action as urged in written or oral comments on the proposed regulations and the reasons for accepting or rejecting such considerations in revisions of the regulations. A summary of proposed Amendments to the Regulations are included at the conclusion of the Regulation.

III. REGULATORY BACKGROUND

Revisions to RCSA sections 23-4-1 are authorized under sections 22a-6 and 23-4-1 of the CGS.

IV. SUMMARY OF PROPOSED AMENDMENTS TO REGULATIONS AS PROPOSED FOR PUBLIC COMMENT

The purpose of the amendments to these regulations is to clarify the State Park and Forest Recreations Areas where the possession and use of Alcohol are prohibited.

V. STATEMENT OF PRINCIPAL REASONS IN SUPPORT OF THE PROPOSED REGULATIONS AND THE DEPARTMENT’S RESPONSE TO SUCH REASONS

There were no comments received by the public in support of these proposed amendments.

VI. STATEMENT OF PRINCIPAL REASONS IN OPPOSITION OF THE REGULATIONS PROPOSED FOR PUBLIC HEARING AND THE DEPARTMENT’S RESPONSE TO SUCH REASONS

There were no comments received by the public in opposition to these proposed amendments.

Proposed version of the Regulations:

Subsection (e) of section 23-4-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

(e) Alcoholic beverages.

- (1) The possession or consumption of alcoholic beverages in the following state parks and state forest recreation areas is prohibited:
 - (A) Bigelow Hollow State Park;
 - (B) Black Rock State Park and campground;
 - (C) Eagleville Dam;
 - (D) Hopeville Pond State Park and campground;
 - (E) Housatonic Meadows State Park and campground;
 - (F) Indian Well State Park;
 - (G) Kent Falls State Park;
 - (H) Kettletown State Park and campground;
 - (I) Macedonia Brook State Park and campground;
 - (J) Mansfield Hollow State Park;
 - (K) Mashamoquet Brook State Park, East Killingly Pond area;
 - (L) Miller's Pond State Park;
 - (M) Osbornedale State Park;
 - (N) Mt. Misery and Green Falls campgrounds in Pachaug State Forest;
 - (O) Silver Sands State Park;
 - (P) Squantz Pond State Park; and
 - (Q) Sherwood Island State Park.

- (2) For any state park or state forest recreation area not listed in subdivision (1), the following requirements apply:
 - (A) The possession or consumption of alcoholic beverages is prohibited on state park beaches, state forest recreation area beaches, boardwalks and other areas so posted.
 - (B) The possession of beer in containers larger than one [(1)] liter is prohibited.
 - (C) The sale of alcoholic beverages is prohibited, unless authorized in writing by the Commissioner.
 - [(4) The Commissioner shall have the authority to ban the possession or use of alcohol in any state park acquired or opened after April 1, 2006.]
 - (D) The [Commissioner] commissioner shall have the authority to temporarily ban, for periods up to a maximum of ninety [(90)] days, the possession or use of alcohol at specific recreation areas if its possession or consumption is creating public safety issues as determined by the [Commissioner] commissioner.
 - (E) The possession or consumption of alcoholic beverages by a minor on- lands under the commissioner's control is prohibited.

Final Version of the Proposed Regulations (Identical to the Proposed Version):

Subsection (e) of section 23-4-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

(e) Alcoholic beverages.

- (1) The possession or consumption of alcoholic beverages in the following state parks and state forest recreation areas is prohibited:
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 - (B) Black Rock State Park and campground;
 - (C) Eagleville Dam;
 - (D) Hopeville Pond State Park and campground;
 - (E) Housatonic Meadows State Park and campground;
 - (F) Indian Well State Park;
 - (G) Kent Falls State Park;
 - (H) Kettletown State Park and campground;
 - (I) Macedonia Brook State Park and campground;
 - (J) Mansfield Hollow State Park;
 - (K) Mashamoquet Brook State Park, East Killingly Pond area;
 - (L) Miller's Pond State Park;
 - (M) Osbornedale State Park;
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 - (E) The possession or consumption of alcoholic beverages by a minor on ~~lands~~ under the commissioner's control is prohibited.

Statement of Purpose

The current subsection regulates alcohol in state parks and recreation areas, including where or when alcohol is or may be prohibited and restrictions on volume and sales. For public convenience, the proposed subsection explicitly lists the parks and recreation areas that have prohibited alcohol since prior to October 1, 1999 and that still prohibit alcohol, pursuant to section 23-4 of the Connecticut General Statutes, regardless of the adoption of the proposed subsection. These parks and recreational areas are Bigelow Hollow State Park; Black Rock State Park; Eagleville Dam; Housatonic Meadows State Park and campground; Indian Well State Park, Maples area; Macedonia Brook State Park and campground; Mansfield Hollow State Park; Mashamoquet Brook State Park, East Killingly Pond area; Miller's Pond State Park; Osbornedale State Park; Silver Sands State Park; Squantz Pond State Park; and Sherwood Island State Park. The proposed subsection expands on this list of alcohol-prohibited parks and recreation areas by including the areas that have been added in recent years pursuant to the regulatory authority of the Commissioner under RCSA 23-4-1 (e)(2)(D) by adding Hopeville Pond State Park; all of Indian Well State Park; Kent Falls State Park in Kent, Kettle town State Park and campground; and Mt. Misery and Green Falls campgrounds in Pachaug State Forest.

April 4, 2014
Date

Thomas J. Tyler