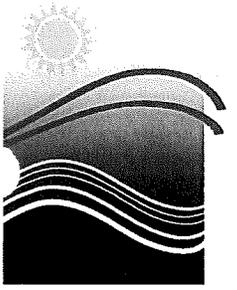


Section 8
Miscellaneous
(Revised for Resubmission)

Notifications:

**Office of the Governor
Office of Policy and Management**



Connecticut Department of

**ENERGY &
ENVIRONMENTAL
PROTECTION**

July 29, 2013

VIA ELECTRONIC MAIL

Ms. Laura Stefon
Office of the Governor
210 Capitol Avenue, Room 212
Hartford, CT 06106
laura.stefon@ct.gov

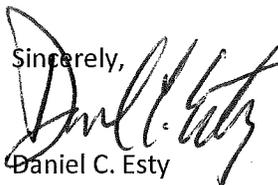
Re: Proposed Regulation to Implement a Slow-No-Wake Zone on Lake Waramaug, Town of Warren

Dear Ms. Stefon:

Enclosed for your review is a proposed amendment to the Regulations of the Connecticut State Agencies (RCSA) that, if implemented, will create a new Slow-No-Wake zone for vessels operating on Lake Waramaug in an area entirely within the Town of Warren near Lake Waramaug State Park. Also enclosed are the requisite statement of purpose, fiscal note (no anticipated impact), and small business impact analysis (no anticipated impact). Since there is no anticipated adverse impact to small business, we have not conducted a regulatory flexibility analysis.

This proposed amendment seeks to add RCSA Section 15-121-B15p to the boating regulations, implementing a Slow-No-Wake zone on Lake Waramaug in the northern portion of the cove adjacent to Lake Waramaug State Park, for the purpose of minimizing user conflicts by controlling boat wakes from powerboats in an area frequented by bathers, occupants of manually-propelled vessels (such as canoes and kayaks). This amendment is supported by the May 16, 2013 vote of the Town of Warren legislative body and petition of ten or more persons, as described in Section 15-136(b)(2) of the General Statutes. There is no anticipated fiscal impact to the municipality or to the State.

If you have any questions or require any additional please contact Eleanor C. Mariani, Boating Division Director, at (860) 434-8638, or the Department of Energy and Environmental Protection's legislative liaison, Robert LaFrance, at (860) 424-3401. Thank you for your attention to this proposal.

Sincerely,

Daniel C. Esty
Commissioner

DE/tfd

Enclosures

cc: Robert LaFrance, DEEP



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

August 12, 2013

Commissioner Daniel C. Esty
Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106-5127

Re: Proposed Regulation

Dear Commissioner Esty:

Your agency's proposed regulation entitled **Lake Waramaug Slow-No-Wake-Zone, OPM #1688**, transmitted to this office on August 6, 2013, has been reviewed and approved substantively by the Governor's Office, subject to the comments of OPM.

Please feel free to proceed with the regulation-making process set forth in Chapter 54 of the Connecticut General Statutes.

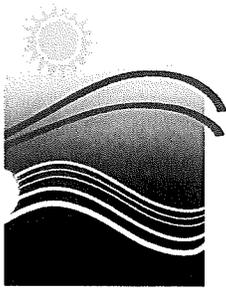
Thank you very much.

Sincerely,

A handwritten signature in black ink, appearing to read "B. Adams", with a long horizontal flourish extending to the right.

Bruce H. Adams
Deputy Legal Counsel

cc: Michael Sullivan, Undersecretary, OPM
Timothy Delgado, Boating Division, DEEP



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

July 29, 2013

VIA ELECTRONIC MAIL

Mr. Michael J. Sullivan
Under Secretary for Legal Affairs
Office of the Secretary
Office of Policy and Management
450 Capitol Avenue
Hartford, CT 06106-1379
Michael.J.Sullivan@ct.gov

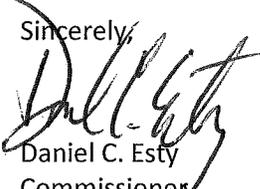
Re: Proposed Regulation to Implement a Slow-No-Wake Zone on Lake Waramaug, Town of Warren

Dear Mr. Sullivan:

Enclosed for your review is a proposed amendment to the Regulations of the Connecticut State Agencies (RCSA) that, if implemented, will create a new Slow-No-Wake zone for vessels operating on Lake Waramaug in an area entirely within the Town of Warren near Lake Waramaug State Park. Also enclosed are the requisite statement of purpose, fiscal note (no anticipated impact), and small business impact analysis (no anticipated impact). Since there is no anticipated adverse impact to small business, we have not conducted a regulatory flexibility analysis.

This proposed amendment seeks to add RCSA Section 15-121-B15p to the boating regulations, implementing a Slow-No-Wake zone on Lake Waramaug in the northern portion of the cove adjacent to Lake Waramaug State Park, for the purpose of minimizing user conflicts by controlling boat wakes from powerboats in an area frequented by bathers, occupants of manually-propelled vessels (such as canoes and kayaks). This amendment is supported by the May 16, 2013 vote of the Town of Warren legislative body and petition of ten or more persons, as described in Section 15-136(b)(2) of the General Statutes. There is no anticipated fiscal impact to the municipality or to the State.

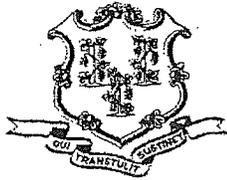
If you have any questions or require any additional please contact Eleanor C. Mariani, Boating Division Director, at (860) 434-8638, or the Department of Energy and Environmental Protection's legislative liaison, Robert LaFrance, at (860) 424-3401. Thank you for your attention to this proposal.

Sincerely,

Daniel C. Esty
Commissioner

DE/tfd

Enclosures

cc: Robert LaFrance, DEEP



STATE OF CONNECTICUT
OFFICE OF POLICY AND MANAGEMENT
OFFICE OF THE SECRETARY

INTERDEPARTMENTAL MEMORANDUM

TO: Daniel C. Esty, Commissioner
Department of Energy & Environmental Protection

Timothy F. Delgado
Boating Division
Department of Energy & Environmental Protection

FROM: Michael J. Sullivan, Undersecretary of Legal Affairs *MS*
Office of Policy and Management

RE: OPM Approval of Proposed Regulations
Lake Waramaug Slow-No-Wake-Zone
OPM No. 1688

DATE: August 6, 2013

The above-captioned regulation is approved substantively. The regulations and this memorandum have been transmitted to the Office of the Governor for review and final approval.

If you wish to make substantive revisions to the proposed regulations, please advise this office in a cover memorandum and include the **original OPM ID Number**.

If you have any questions, please feel free to call me at (860) 418-6298.

cc: Laura Stefon
Office of the Governor

Notifications:

“Fifty Dollar” List

10/8
TFD

Matthew Ranelli, Esq.
Shipman & Goodwin, LLP
One Constitution Plaza
Hartford, CT 06103-1919

encl ✓

10/8
TFD

Janice Deshais
CT DEP, Office of Adjudications
79 Elm Street
Hartford, CT 06106

encl

10/8
TFD

The Honorable Edward Meyer
Senator
Environment Committee
CT State Legislature
LOB, Room 3200, Hartford, CT 06106

encl

10/8
TFD

The Honorable Linda Gentile
Environment Committee
CT State Legislature
LOB, Room 3200, Hartford, CT 06106

Linda.Gentile@
Cga.ct.gov

10/8
TFD

The Honorable William Dickinson
Mayor of Wallingford
45 South Main Street
Wallingford, CT 06492

encl ✓

10/8
TFD

Judy A. Zanotta
Murtha Cullina LLP
CityPlace I
185 Asylum Street
Hartford, CT 06106-3469
jzanotta@murthalaw

**Legal Sufficiency
Request and Certification**

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Connecticut Department of

ENERGY &
ENVIRONMENTAL
PROTECTION

Marine Fisheries Headquarters and Boating Division

333 Ferry Road • Old Lyme, CT 06371

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

29 May 2014

Ms. Kimberly Massicotte
Assistant Attorney General
55 Elm Street
P.O. Box 120
Hartford, Connecticut 06106

Re: Legal Sufficiency Review of Proposal to Establish a Slow No Wake Zone on Lake Waramaug

Dear Assistant Attorney General Massicotte:

Pursuant to Section 4-169 of the Connecticut General Statutes, I submit for your consideration and for the approval of the Attorney General a proposal to establish a Slow-No-Wake zone on Lake Waramaug, in the towns of Warren, Washington and Kent. Specifically, this proposal would create a slow-no-wake zone in the northern portion of the cove of Lake Waramaug that is adjacent to Lake Waramaug State Park, for the purpose of minimizing user conflicts by controlling motorboat wakes in an area frequented by bathers and occupants of manually-propelled vessels.

This amendment is proposed under the authority granted to the Commissioner in Section 15-121(b)(11) of the Connecticut General Statutes (CGS) and its proposal is compelled by the May 16, 2013 vote of the Town of Warren legislative body and petition of ten or more persons pursuant to CGS Section 15-136(b)(2). A courtesy review of the proposed regulation was provided by Scott Koschwitz of your office and was approved on September 30, 2013. The Notice of Intent for this proposal was posted on the website of the Secretary of the State on October 1, 2013, and concurrently on the DEEP website. As announced in the Notice of Intent, a public hearing (as required under CGS Section 15-136(b)(2)) was held on November 7, 2013, in the Town of Warren. Public comment was accepted from October 1, 2013 until January 6, 2014.

If you should have any questions regarding this submittal, please contact me at (860) 447-4354 or Eleanor C. Mariani, Director of the Boating Division, at (860) 434-8638. Thank you for your assistance with this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy F. Delgado".

Timothy F. Delgado
Environmental Analyst

TFD/tfd
Enclosures

Commissioner's Certification

I, Robert Klee, Commissioner of the Department of Energy and Environmental Protection (DEEP), make the following certifications with respect to the proposal to amend the boating safety regulations to implement a slow-no-wake zone on Lake Waramaug:

- 1) On 1 October 2013 DEEP gave notice of this amendment, as more fully set forth on the internet website of the Secretary of the State. Additional notices were given following. True copies are attached in the accompanying document in Section 6. The notices were also posted on the DEEP internet website concurrently.
- 2) The 1 October 2013 notice was mailed or emailed, as indicated, to the persons listed in Section 8 of the accompanying document who had requested advance notice of the regulation adoption proceedings of the DEEP. On the same date, the notice was also sent electronically to the Co-Chairpersons of the Environmental Committee of the Connecticut General Assembly.
- 3) On 30 July 2013 a fiscal note and a small business impact statement concerning the amendment were prepared, true copies of which are included in the accompanying document in Appendix B of Section 7. The fiscal note addresses the anticipated impact on the state or any municipality, and the small business impact statement addresses any anticipated impact on small business.
- 4) All interested persons were given until 6 January 2014 to submit data, views or arguments concerning the amendment and to inspect and copy the fiscal note referred to in item (3).
- 5) On 7 November 2013 DEEP conducted a public hearing, at which persons were invited to present comments concerning the proposed amendment.
- 6) Pursuant to Connecticut General Statute (CGS) Section 4-168(d), DEEP prepared a Hearing Officer's Report that fully considers all comments made concerning the amendment and responds to those comments, and includes a statement of principal reasons in support of the proposed amendment. The Hearing Officer's Report is included in Section 7 of the accompanying document.
- 7) The Hearing Officer's Report identifies all individuals who attended the public hearing described in item (5) (see the sign-up sheets included in Appendix C of Section 7) and those who submitted comments on the amendment (Appendix D of Section 7). No individuals requested a copy of the amendment.
- 8) On 1 May 2014 DEEP prepared a revised fiscal note pursuant to CGS Section 4-168 and a revised small business impact statement, true copies of which are included in Sections 4 and 5, respectively, of the accompanying document.
- 9) DEEP prepared a notice indicating that DEEP has available for inspection and copying: (a) the final wording of the proposal and (b) the Hearing Officer's report described in item (6) above. On or before 4 August 2014, pending approval of the accompanying document by the Office of the Attorney General, DEEP will send the notice, a draft copy of which is attached hereto, to the Office of the Secretary of the State for online publication, publish a copy of the notice on DEEP's internet site, and send copies electronically or by mail to all persons identified in the accompanying document who expressed the desire to be notified or provided comment regarding the proposed amendment.

Date

6/12/14



Robert Klee
Commissioner



Connecticut Department of

**ENERGY &
ENVIRONMENTAL
PROTECTION**

Marine Fisheries Headquarters and Boating Division

P.O. Box 280 • Old Lyme, CT 06371

www.ct.gov/deep

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NOTICE OF AVAILABILITY OF REGULATIONS

Amendment of the Regulations of the Connecticut State Agencies by the Addition of Section 15-121-B15p to Establish a Slow-No-Wake Zone on Lake Waramaug

The Department of Energy and Environmental Protection (DEEP) hereby gives notice that it has decided to take action on the proposed addition of Section 15-121-B15p to the Regulations of the Connecticut State Agencies, which establishes a slow-no-wake zone in northern portion of the cove that is adjacent to Lake Waramaug State Park for the purpose of minimizing user conflicts by controlling motorboat wakes in an area frequented by bathers and occupants of manually-propelled vessels.

The DEEP held a public hearing on 7 November 2013 to receive comment on the proposed amendment and accepted comment until 6 January 2014. In consideration of information received during the comment period, the DEEP now revises the original proposal in accordance with the recommendations of the Hearing Officer.

A copy of the final wording of the proposed amendment and the Hearing Officer's report is available on-line via the DEEP at:

<http://www.ct.gov/deep/cwp/view.asp?A=2586&Q=532880>

or by contacting:

Timothy F. Delgado
Department of Energy and Environmental Protection
Bureau of Outdoor Recreation
Boating Division
P.O. Box 280
Old Lyme, CT 06371
timothy.delgado@ct.gov

Telephone: (860) 447-4354

Timothy F. Delgado
Environmental Analyst

Date

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Notice of Decision

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NOTICE OF DECISION TO TAKE ACTION ON PROPOSED REGULATIONS

**Amendment of the Regulations of the Connecticut State Agencies by the Addition
of
Section 15-121-B15p to Establish a Slow-No-Wake Zone on Lake Waramaug**

In accordance with the provisions of Section 4-168(d) of the Connecticut General Statutes (CGS) the Department of Energy and Environmental Protection (DEEP) hereby gives notice that it has decided to proceed with the proposed addition of Section 15-121-B15p to the Regulations of the Connecticut State Agencies, which establishes a slow-no-wake zone in northern portion of the cove that is adjacent to Lake Waramaug State Park for the purpose of minimizing user conflicts by controlling motorboat wakes in an area frequented by bathers and occupants of manually-propelled vessels. A Notice of Intent to adopt, amend, or repeal regulations was posted on the regulations webpage of the Secretary of the State on 1 October 2013, and a subsequent extension was posted on 27 November 2013

The DEEP held a public hearing on 7 November 2013 to receive comment on the proposed amendment and accepted comment until 6 January 2014. In consideration of information received during the comment period, the DEEP now revises the original proposal in accordance with the recommendations of the Hearing Officer.

As required by the Freedom of Information Act and CGS Section 4-168(d), the Hearing Officer's Report (which includes the final wording of the proposed regulation, a statement of the principal reasons in favor of the proposed action, a statement of the principal considerations opposed to the proposed action, and a statement of the DEEP's reasons for accepting or rejecting such considerations) is available for download or review at on-line via the DEEP at:

<http://www.ct.gov/deep/cwp/view.asp?A=2586&Q=532880>

and is available for copy or review by contacting:

Timothy F. Delgado
Department of Energy and Environmental Protection
Bureau of Outdoor Recreation
Boating Division
P.O. Box 280
Old Lyme, CT 06371
timothy.delgado@ct.gov

Telephone: (860) 447-4354

/s/Timothy F. Delgado

7 July 2014

Timothy F. Delgado
Environmental Analyst

Date

Notice of Decision - Notification List

- A: Persons Notified by Mail (11 July 2014)
- B: Persons Notified by Email (11 July 2014)
- C: Master Checklist

A: Persons Notified by Mail

First Selectman Mark E. Lyon
Town of Washington
Bryan Memorial Hall
2 Bryan Plaza
P.O. Box 383
Washington Depot, CT 06794

First Selectman Jack E. Travers
Town of Warren
Selectman's Office
50 Cemetery Road
Warrant, CT 06754

Cynthia and Lee Vance
107 North Shore Road
Warren, CT 06777

Anne-Marie and Donald Morris
18 Arrow Point Road
New Preston, CT 06777

James Kelly
80 Kielwasser Road
New Preston, CT 06777

Matthew Ranelli, Esq.
Shipman and Goodman, LLP
One Constitution Plaza
Hartford, CT 06103

The Honorable William Dickinson
Mayor of Wallingford
45 South Main Street
Wallingford, CT 06492

Delgado, Timothy

From: Delgado, Timothy
Sent: Friday, July 11, 2014 2:22 PM
To: 'OutboardBob@aol.com'; 'u15291@snet.net'; 'Schein, Mark'; 'Keith Angell'; 'Craig Bibb'; 'mechy mestre'; 'John Lancaster'; 'Brown, Bob'; 'dtrm30@aol.com'; 'Kimberly Zeytoonjian'; 'LINDAPAUFRANK@aol.com'; 'richard.loughney@snet.net'; 'Richard C. Kleinberg'; 'Margaret Fields'; 'Tom Yamin'; 'DAVIS I G A'; 'David Robinson'; 'david robinson'; 'ghberner'; 'heather@sevenstarsstudio.com'; 'Thomas Auth'; 'Joan Larned'; 'MOLLY BUTLER HART'; 'Carol Santoleri'; 'Ken Hecken'; 'hcbrau@charter.net'; 'Jim Hicks'; 'Lisa Cornelio'; 'John Santoleri'; 'Betty Sutter'; 'Bob Papsin'; 'kevin brady'; 'Edwin Matthews'; '4ears@charter.net'; 'selectmen@washingtonct.org'; 'Colleen Frisbie'; 'firstselectman@townofkentct.org'; 'sjomygatt@hotmail.com'; 'Chris Garrity'; 'Edgar Berner'; 'Doug Hamilton'; 'RICHARD REBUSMEN'; 'Anthony Mann'; 'Lisa Stuart'; 'BRIAN ZIPP'; 'levesque_marc@yahoo.com'; 'Tom McGowan'; 'steve.sordj@washingtonct.org'; 'scott.flaton@washingtonct.org'; 'Elaine Mullen'; 'parkie51@optonline.net'; 'Eric Madoff'; 'Sam Carroll'; 'Peter Haddad'; 'Lisa Roumel'; 'Richard Aube'; 'Tom.Peer@rbs.com'; 'Peter Klemm'; 'walkovich2000j@aol.com'; 'Jim Hicks'; 'Charlie P. Eaton'; 'Neary, Jim'; 'Hackney, Robert'
Cc: Mariani, Eleanor; LaFrance, Robert; 'edward.meyer@cga.ct.gov'; 'Linda.Gentile@cga.ct.gov';
Subject: Notice of Decision: Lake Waramaug Slow-No-Wake Proposal
Attachments: Notice of Decision 070314.doc
Importance: Low

NOTICE OF DECISION TO TAKE ACTION ON PROPOSED REGULATIONS

Amendment of the Regulations of the Connecticut State Agencies by the Addition of Section 15-121-B15p to Establish a Slow-No-Wake Zone on Lake Waramaug

In accordance with the provisions of Section 4-168(d) of the Connecticut General Statutes (CGS) the Department of Energy and Environmental Protection (DEEP) hereby gives notice that it has decided to proceed with the proposed addition of Section 15-121-B15p to the Regulations of the Connecticut State Agencies, which establishes a slow-no-wake zone in northern portion of the cove that is adjacent to Lake Waramaug State Park for the purpose of minimizing user conflicts by controlling motorboat wakes in an area frequented by bathers and occupants of manually-propelled vessels. A Notice of Intent to adopt, amend, or repeal regulations was posted on the regulations webpage of the Secretary of the State on 1 October 2013, and a subsequent extension was posted on 27 November 2013

The DEEP held a public hearing on 7 November 2013 to receive comment on the proposed amendment and accepted comment until 6 January 2014. In consideration of information received during the comment period, the DEEP now revises the original proposal in accordance with the recommendations of the Hearing Officer.

As required by the Freedom of Information Act and CGS Section 4-168(d), the Hearing Officer's Report (which includes the final wording of the proposed regulation, a statement of the principal reasons in favor of the proposed action, a statement of the principal considerations opposed to the proposed action, and a statement of the DEEP's reasons for accepting or rejecting such considerations) is available for download or review at on-line via the DEEP at:

<http://www.ct.gov/deep/cwp/view.asp?A=2586&Q=532880>

and is available for copy or review by contacting:

Timothy F. Delgado
Department of Energy and Environmental Protection
Bureau of Outdoor Recreation
Boating Division
P.O. Box 280
Old Lyme, CT 06371
timothy.delgado@ct.gov

Telephone: (860) 447-4354

/s/Timothy F. Delgado
July 2014

7

Timothy F. Delgado
Date
Environmental Analyst

Notice of Decision

**Proposed Addition of RCSA Section 15-121-B15p to Create a Slow-No-Wake Zone on
Lake Waramaug, Warren, CT**

**HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index**

Exhibit 1-39 (**39 For**), 40-67 (**28 Against**) and 68-69 (**2 Provisional**)

Public Hearing 8 November 2013

Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
FOR				
1	Mark Lyon	First Selectman, Washington - ... "they are often in conflict with high speed motor boats posing an increased risk of boating accidents..."	mail	1-Nov-13
2	Jack Travers	First Selectman, Warren - "I support the findings of the Authority and the proposed DEEP regulation."	mail	31-Oct-13
3	Cynthia Vance	"Having a powerboat and manually propelled vessels, we are actely aware of the danger that motorized vehicles can pose to bathers and those operating manual vessels. We look froward to having seeing this amendment passed."	mail	22-Oct-13
4	Lee Vance			
5 ✓	Edgar Berner	Chairman, Lake Waramaug Authority - "Over the past five years, the Marine Patrol has observed a marked increase in all categories of users in this small area of the lake and has witnessed several close call run-ins between motorboats and small crafts."	email, audio Trk7 @ 6:53	10/18/13 and 11/8/13 (audio)
6 ✓	Chris Garrity	I write you to lend my support to the idea of a Slow-No Wake zone in the north cove of Lake Waramaug. It is the busiest end of the lake, no doubt and the lake is only getting busier with rowers, paddle boarders, kayakers and swimmers who are the most directly effected by motor boat wakes.	email	21-Oct-13
7 ✓	Sandy Papsin	I feel it is in the very best interest of those using the north cove water area of Lake Waramaug, that the SLOW NO WAKE regulation should be enacted for the safety of all. The wake in that narrow area of the Lake created by motor boats both with and without skiers is dangerous to swimmers, kayaks, canoes, and sailboats.	email	23-Oct-13

mail
mail
mail →

Notice of Decision

**HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index**

Exhibit 1-39 (39 For), 40-67 (28 Against) and 68-69 (2 Provisional)

Public Hearing 8 November 2013

Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
8 ✓	Dean Sarjeant	I fully support this initiative because of my concern that the operation of motorboats at higher speeds (often towing water-skiers or recreational floating devices) in the limited area of this narrow arm of the lake produces major wake and wave action creating a substantial risk of danger to occupants of "people powered" vessels, such as canoes, kayaks and rowboats, as well as to sailboats and swimmers concentrated in the State Park area. As a local fire-fighter and first responder it is my belief that this is an accident waiting to happen.	email	24-Oct-13
9 ✓	Edwin Matthews	We are fortunate not to have already had serious motor boat accidents on the lake...I row on this lake nearly every day from April to November and swim in the lake nearly every day in the now lengthening summer. In fact, I know of no person who makes more regular use of Lake Waramaug than do I	email	24-Oct-13
10 ✓	Kevin Brady	I, Kevin Brady, member of Lake Waramaug Authority appreciate your support of the proposed Slow No Wake regulation. Those who benefit and value the use of Lake Waramaug know that this proposal is crucial.	email	24-Oct-13
11 ✓	Bob Papsin	I support the efforts of both the Lake Waramaug Association and the Lake Waramaug Authority in their desire to see the slow no wake regulation to fruition.	email	26-Oct-13
12 ✓	Betty Sutter	I feel a slow zone for motor boats in the area of the State Park waters would be very desirable for reasons of safety. Since it is at the end of a long stretch, boats towing water skiers, or not, tend to swing around in that dead end area. This poses an extreme hazard for recreational kyackers [sic] very often novice boaters. Before a tragedy occurs, I do think it would be a very wise regulation to have in place.	email	26-Oct-13
13 ✓	John Santoleri	However the narrow area where the proposed slow zone is located is congested and used by a large number of canoe paddlers, kayakers, and swimmers; these uses are incompatible with high speed motor boats pulling skiers, which need a very large radius to execute the required turn around at the end of the State park.	email	28-Oct-13

Notice of Decision

HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index

Exhibit 1-39 (39 For), 40-67 (28 Against) and 68-69 (2 Provisional)

Public Hearing 8 November 2013

Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
✓ 14	Lisa Cornelio	I've been swimming and rowing on the lake for 25 years, and would love to see the safety in this area improved.	email	29-Oct-13
✓ 15	Jim Hicks	I have sailed and paddled canoes on the lake for many years so I am well aware of the vulnerability of small boats to the wakes of power boats, even when they are operated at moderate speeds. The most dangerous spot by far is the narrow and often congested area (where swimmers are also at risk) that is the focus of this regulation.	email	29-Oct-13
✓ 16	Carolyn Brau	Motor boats are powerful and sometimes travel too fast thru the area where the no-wake zone is proposed. Please enact this ordinance [sic] so the everyone's safety will be enhanced.	email	29-Oct-13
✓ 17	Ken Hecken	...there is a significant safety hazard at the north end of the Lake due to swimmers, canoes and kyacks mixing with power boats in the waters off the State Park. I strongly support the proposed slow no wake zone !	email	30-Oct-13
✓ 18	Carol Santoleri	The lake near the state park has become a mecca for families with children of all ages. Many of these families enjoy a variety of water-based activities such as swimming, kayaking, and canoeing -- all forms of healthy and enjoyable exercise. A safe zone should be provided for the families who wish to use the lake in this way.	email	30-Oct-13
✓ 19	Molly Butler Hart	There is a clear and present danger that a kayacker [sic] or a swimmer could be seriously injured or killed by speeding boats in the area.	email	31-Oct-13
✓ 20	Joan Larned	The increase in high speed motorized vehicles, especially in the State Park area has made it virtually impossible for the non[motorized boaters and swimmers to be safe in the waters. I would no longer allow a member of my family to sail, kayak, canoe or swim in the area as they have been doing for many years in the past.	email	31-Oct-13
✓ 21	Paul Frank	As motor boats have increased in size and power over the years, wake and wave action has become more evident and dangerous to those operating "people powered " craft there.	email, audio Trk9 @ 5:30; Trk10 @ 1:15	10/31/13 and 11/8/13 (audio)

Notice of Decision

**HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index**

Exhibit 1-39 (39 For), 40-67 (28 Against) and 68-69 (2 Provisional)

Public Hearing 8 November 2013

Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
✓ 22	Thomas Auth	As participants in various motorboat related activities on the Lake, we are comfortable that given the implementation of the safety zone, there will be ample room for us and all other motorboat users to enjoy the full range of possible activities on the Lake, without negatively impacting recreational enjoyment at all.	email	1-Nov-13
✓ 23	Heather Allen	A Slow-No-Wake zone would help greatly to ensure the safety of all who use that part of the lake, and would also help foster the balanced recreational use of the lake in	email	1-Nov-13
✓ 24	Gail Berner	I am writing in support of the proposed slow-no wake zone in the northernmost portion of Lake Waramaug adjacent to the State Park. Over the past few years the lake has had a dramatic increase in the number of small non motorized boats such as kayaks, canoes and sailboats many of them originating at the State Park.	email	2-Nov-13
✓ 25	David Robinson	I have also witnessed a number of close calls and feel that it is just a matter of time before there is a tragedy that could be avoided by this action.	email, audio Trk 4 @9:50	11/4/13 & 11/8/13 (audio)
✓ 26	Gary Davis	I can attest to the fact that this end of the lake can be very busy with canoes, kayaks, paddleboats, swimmers, jet skis and power boats. The area proposed for the no wake zone should be adequate to help prevent an accident.	email, audio Trk 5 @1:05	11/6/13 & 11/8/13 (audio)
✓ 27	Tom Yamin	My reasons for being in strong support of enacting such a regulation are to primarily improve the safety of non-motorized boaters, such as canoes, kayaks, sailboats, rowboats, etc and most certainly for the safety of swimmers in the narrow northern most corner of Lake Waramaug along the State Park beach and canoe rental facility and between the park and Arrow Point Rd.	email	7-Nov-13
✓ 28	Margaret Fields	I have lived at the end of the lake opposite the state park for twenty [years]. Over that time, I have seen boats speed close to our dock, boats cruise in and around canoes and kayaks, In addition, there are people who swim off the state park beyond the markers and are hard to see in the water. Someday one of the swimmers will be hit.	email	7-Nov-13

Notice of Decision

**HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index**

Exhibit 1-39 (39 For), 40-67 (28 Against) and 68-69 (2 Provisional)

Public Hearing 8 November 2013

Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
✓ 29	Richard Kleinberg	The proposed regulation will ensure public enjoyment of the Lake while imposing a negligible restriction on boaters, who have normal access to the remainder of the Lake.	email	8-Nov-13
✓ 30	Richard Loughney	... to improve the safety of non-motorized boaters and swimmers in that area	email	8-Nov-13
✓ 31	Mary Loughney			
✓ 32	Linda Frank	My boat is a kayak and I know how scary it can be when a large motorboat goes by leaving a huge wake, and they are getting higher.	email, audio Trk9 @ 9:00	11/11/13 and 11/8/13 (audio)
✓ 33	Kimberly Zeytoonjian	I have spent 46 years on the lake and both my husband and I support the following proposal for the Slow -NO Wake zone. This will only help to keep people safe.	email	14-Nov-13
✓ 34	Douglas Zeytoonjian			
✓ 35	Resident Trooper Steve Sordi	I started to really see how congested it was getting in that area... If we don't do something, something bad is going to happen.	Audio, Trk5 @ 8:02; Trk9 @3:30	8-Nov-13
✓ 36	Ofc. Scott Flaton	Within the last two years there has been a considerable increase in activity, especially around the state park area.	Audio Trk6 @5:22	8-Nov-13
✓ 37	Tom McGowan	I observed that people who live on the lake don't seem to know the boating laws.	Audio Trk8 @ 7:00	8-Nov-13
✓ 38	James Hicks	<i>no testimony, checked "for" box</i>	PH Sign-in	8-Nov-13
✓ 39	Marc Levesque	I have witnessed, on a number of occasions, pleasure boaters entering and exiting the state park cove area on full plane. This action would certainly wake the state park shoreline and any kayakers in the cove.	email	15-Dec-13

AGAINST

✓ 40	Richard Rebusmen	There are several motor boating speed limits which already adequately protect canoe and kayak users thru this area. Further extension seems unnecessary & overly restrictive.	facsimile, audio Trk6 @7:32; Trk7@8:30; Trk10 @ 0:30, email	11/8/13 and 12/29/13
✓ 41	John Lancaster	The evidence does not suggest that there is currently a safety "problem" on the lake... we can't support this specific proposal due to the increased disturbance and risk of injury it will bring to the lake waters near our house and other areas of the lake beyond the waters of the state park where our children and others swim, kayak, canoe, etc	mail, email, audio Trk5 @1:52	10/22/13 and 11/8/13 (audio)

Notice of Decision

**HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index**

Exhibit 1-39 (**39 For**), 40-67 (**28 Against**) and 68-69 (**2 Provisional**)

Public Hearing 8 November 2013

Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
42	Anne - Marie Morris	We are firmly against the proposed regulation, which would restrict our activities and our ability to enjoy our lake.	mail, email, audio Trk9 @ 8:15	11/17/13 and 11/8/13 (audio)
43	Donald Morris			
✓ 44	Mr. Tracy Fryer	In addition to the LWA's exaggeration of the risk to non-powered vessels, I feel that this additional regulation, in conjunction with the other various and numerous regulations that have been imposed on the Lake over the years, will severely restrict overall enjoyment of the lake and will have an extremely adverse impact on my property values.	email	15-Oct-13
✓ 45	Mrs. Tracy Fryer			
✓ 46	Robert Brown	For instance, is it possible that restricting a certain area of the lake from skiers will actually increase the density of said activity in other parts of the lake making for a less safe environment overall? Who will be held responsible if any actions taken actually lead to real safety issues on the lake? Have issues such as these been considered and studied?	email	22-Oct-13
✓ 47	Mercedes Mestre	You should also know , that the faster a boat goes, the smaller the wake so essentially what you will create with this NO Wake zone by asking people to go 5mph is MORE WAKE!	email	28-Oct-13
✓ 48	Craig Bibb	The area where jet skis and other motor boats would be banned does indeed get crowded on a few summer weekends each year for perhaps 4 to 5 hours on those days. The total number of crowded days per year is roughly 6 to 8. The means there are about 30-40 hours a YEAR when lake users would benefit from the proposed regulation. But, the regulation, as written, would ban motor boats in that cove for 8760 hours a year (every day all day). This is insane overkill.	email	4-Nov-13
✓ 49	Keith Angell	Don't penalize the entire lake motor boating community, when these non-powered boats (which I won and use as well) already have almost 20% of the lake under restriction, and have such limited 'high usage' – a few hours during midday on a few days per year.	email	5-Nov-13
✓ 50	Mark Schein	I am concerned that creating a no wake area would force more motor boats into the rest of our small lake and make things more dangerous for swimmers and kayakers in the rest of the lake.	email	15-Nov-13

mail

Notice of Decision

**HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index**

Exhibit 1-39 (39 For), 40-67 (28 Against) and 68-69 (2 Provisional)
Public Hearing 8 November 2013
Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
✓ 51	Raymond Schaber	I am a CT. boater and am opposed to the no wake zone for Lake Waramaug. The issue is covered by Speed Regulations and Reckless Operation sections in the CT. Boaters Guide page 29.	email	15-Nov-13
✓ 52	Bob Zipps	The person who initiated the proposal stated that during these occasional instances that it is an accident waiting to happen. However, the proposal is completely unreasonable in that the proposal completely places all of the burden on the power boater, and none on the operators of the hand powered craft.	email, audio Trk7@0:48; Trk10 @ 1:30	11/19/13 & 11/8/13 (audio)
mail 53	James Kelley	There's no real discussion here about what boats <i>do</i> on the lake.	audio Trk8 @ 0:00	8-Nov-13
✓ 54	Anthony Mann	"...boats would be turning at high speeds in front of our property where our children, family, and friends swim, paddleboard and boat. Forcing motor boaters out of the northern area would make it less safe for us as well as other people on the lake."	emailed letter	25-Nov-13
✓ 55	Lisa Stuart	If boats have less room to navigate, this new zone will certainly create new dangers.	email	24-Nov-13
✓ 56	Charlie Eaton	I feel it is unnecessary because we have been boating on the lake for 40 years and in the time frame we have observed a very significant reduction in the number of boats on the lake to the extent that motor boating just doesn't seem like a problem.	email	22-Nov-13
✓ 57	Jim Neary	Current rules and regulations, and frequent patrolling, do an excellent job making the lake a safe and secure recreational boating venue. In fact, I am not aware of any significant accidents or water safety events on the lake over the last decade.	email	22-Nov-13
✓ 58	Robert Hackney	We're aware that many good intentioned people believe that restricting access to the area near the state park is a good idea; but we've yet to hear a reason for that other than 'just because.' We also worry about the unintended consequences of concentrating boat traffic in other parts of the lake.	email	22-Nov-13
✓ 59	Brian R. Zipp	... We can't support this specific proposal due to the increased disturbance and risk of injury it will bring to the lake waters near our house and other areas of the lake beyond the waters of the state park where our children and other swim, kayak, canoe, etc	email	5-Dec-13

Notice of Decision

HEARING OFFICER'S REPORT
Public Comment Summary and Exhibit Index

Exhibit 1-39 (39 For), 40-67 (28 Against) and 68-69 (2 Provisional)

Public Hearing 8 November 2013

Comment Closing Date 6 January 2014

Exhibit	Commenter	Pull Quote	Type	Date
60 ✓	Roger Parkhouse	It is not a very large lake and putting a speed limit/no wake zone on any part of the lake would only make our rides that much shorter. I have boated in the section of the lake by the state park many times and have never encountered boat traffic.	email	14-Dec-13
61 ✓	Eric Madoff	With the greatly enlarged area of the slow-no-wake zone under this proposal, the current boating traffic of the lake will be squeezed into a smaller area of the lake.	email	19-Dec-13
62 ✓	Peter Haddad	...we are concerned that this proposed restriction from motor boat usage on this part of the lake will result in greater density of motor boat usage elsewhere on the lake, creating a more dangerous situation.	email	4-Jan-14
63 ✓	Annie Haddad			
64 ✓	Lisa Roumell	We are concerned that the new zone will create more traffic and congestion in the other parts of the Lake, and, in doing so, will actually decrease the water craft safety on the Lake, as compared to current safety conditions.	email	3-Jan-14
65 ✓	Mark Rosenthal			
66 ✓	Richard Aube	Boater density on a lake is a zero sum game – if you reduce it on one end of the lake, you increase it everywhere else, when you make it safer for some, you make it more dangerous for others.	email	6-Jan-14
67 ✓	Tom Peer	I hold the view the proponents of the wake zone restriction have not established a need for this proposed restricted zone.	email	6-Jan-14

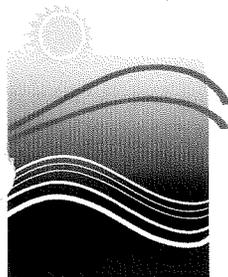
PROVISIONAL

68 ✓	Doug Hamilton	If the line were reduced to 1250 feet these areas would still be protected, accomplishing your objective	email	14-Oct-13
69 ✓	Elaine Mullen	So while I do not think there should be any restriction, perhaps as a compromise, the no wake zone could be on Saturdays and Sundays in July and August, for example.	email	6-Jan-14

Notice of Decision

**Rejection without Prejudice
And
Resubmission (New)**

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Connecticut Department of

**ENERGY &
ENVIRONMENTAL
PROTECTION**

Rejected without Prejudice 9/23/14

May 15, 2014

Senator Andres Ayala
Representative Selim G. Noujaim
Co-Chairs, Regulation Review Committee
State Capitol, Room 011
Hartford, CT 06106

RE: Proposal to Establish a Slow-No-Wake Zone on Lake Waramaug, Towns of Washington, Warren and Kent

Dear Senator Ayala and Representative Noujaim:

Pursuant to section 4-170 of the Connecticut General Statutes, I submit for your consideration and approval the enclosed proposal to amend the boating safety regulations by adding Section 15-121-B15p to the Regulations of the Connecticut State Agencies. The amendment is proposed under the authority granted to the Commissioner in Section 15-121(b)(11) of the Connecticut General Statutes (CGS) and compelled by the May 16, 2013 vote of the Town of Warren legislative body and petition of ten or more persons pursuant to CGS Section 15-136(b)(2).

The proposal would create a slow-no-wake zone in the northern portion of the cove of Lake Waramaug, adjacent to Lake Waramaug State Park, for the purpose of minimizing user conflicts by controlling motorboat wakes in an area frequented by bathers and occupants of manually-propelled vessels.

If there are any general questions regarding this submission, please contact Robert LaFrance, the Department's Legislative Liaison, at 860-424-3401 (office) or 860-622-1797 (cell). Thank you for your assistance with this matter.

Sincerely,

Robert Klee
Commissioner

cc: Robert LaFrance

R-39 Rev. 03/2012
(Title page)

Rejected without Prejudice 9/23/14

IMPORTANT: Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
REGULATION
of

NAME OF AGENCY

Department of Energy and Environmental Protection

Concerning

SUBJECT MATTER OF REGULATION

Lake Waramaug Slow-No-Wake Zone

Section 15-121-B15p of the Regulations of the Connecticut State Agencies is added as follows:

(NEW) No person shall operate a motorboat on Lake Waramaug in excess of slow-no-wake from May 15 through September 15, inclusive, in the cove adjacent to Lake Waramaug State Park north of a line that is perpendicular to a line bearing 145 degrees and passing through a point that is located 1,300 feet from the northernmost reach of the cove and midway between the shores of the cove.

Rejected without Prejudice 9/23/14

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

Under this proposal, the boating safety regulations will be amended to add a Slow-No-Wake zone on Lake Waramaug in the northern portion of the cove adjacent to Lake Waramaug State Park from mid-May to mid-September, for the purpose of minimizing user conflicts by controlling boat wakes from powerboats in an area frequented by bathers and occupants of manually-propelled vessels during the time of year when user conflict is most likely to occur. The term "Slow-No-Wake" is defined in Section 15-121-A1 of the Regulations of the Connecticut State Agencies.

The proposal of this amendment as written is compelled by the 16 May 2013 vote of the Town of Warren legislative body and petition of ten or more persons, as prescribed under Section 15-136(b)(2).

There is no anticipated fiscal impact to the municipality or to the State. There is no anticipated adverse impact to small business.

This proposal is offered under the authority granted to the Commissioner in Section 15-121(b)(11) of the General Statutes.

CERTIFICATION

This certification statement must be completed in full, including items 3 and 4, if they are applicable.

- 1) I hereby certify that the above (check one) Regulations Emergency Regulations
- 2) are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)

a. Connecticut General Statutes section(s) CGS Section 15-121(b)(11).

b. Public Act Number(s) _____
(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)

3) And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the **Connecticut Law Journal** on 1 October 2013;
(Insert date of notice publication if publication was required by CGS Section 4-168.)

4) And that a public hearing regarding the proposed regulations was held on 8 November 2013;
(Insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)

5) And that said regulations are EFFECTIVE (check one, and complete as applicable)
 When filed with the Secretary of the State

OR on (insert date) _____

DATE <i>5/15/2014</i>	SIGNED (Head of Board, Agency or Commission) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED Commissioner, Department of Energy and Environmental Protection
--------------------------	--	--

APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended

DATE <i>6/03/14</i>	SIGNED (Attorney General or AG's designated representative) <i>[Signature]</i>	OFFICIAL TITLE, DULY AUTHORIZED <i>Robert W. Clark, Special Counsel</i>
------------------------	---	--

Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.

(For Regulation Review Committee Use ONLY)

- Approved Rejected without prejudice
- Approved with technical corrections Disapproved in part, (Indicate Section Numbers disapproved only)
- Deemed approved pursuant to CGS Section 4-170(c)

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE <i>9-23-14</i>	SIGNED (Administrator, Legislative Regulation Review Committee) <i>[Signature]</i>
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Two certified copies received and filed and one such copy forwarded to the Commission on Official Legal Publications in accordance with CGS Section 4-172, as amended.

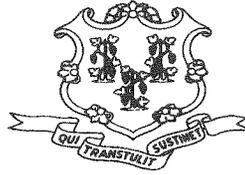
DATE	SIGNED (Secretary of the State)	BY
------	---------------------------------	----

(For Secretary of the State Use ONLY)

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Andres Ayala
Co-Chair



Representative Selim G. Noujaim
Co-Chair

September 25, 2014

Daniel C. Esty, Commissioner
Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106

Dear Commissioner Esty:

Proposed Regulation
2014-018

Department of Energy & Environmental Protection
"LAKE WARAMAUG SLOW-NO-WAKE-ZONE" The
Regulations of Connecticut State Agencies is amended
adding Section 15-121-B15p. (CLJ Notice Date: 10/1/2013
A.G. Approval Date 6/23/2014 - Bearing a Deadline Date
of 10/9/2014).

The above captioned regulation was **LRRC - Rejected Without Prejudice** by the
Legislative Regulation Review Committee on 9/23/2014. The action was based on the
recommendations of the Legislative Commissioners' Office. The necessary corrections
are listed on the attached pages.

The regulation should be corrected and then resubmitted to the Legislative Regulation
Review Committee with a summary of the changes listed by paragraph. If this is a
mandated regulation then the regulation must be resubmitted to this office no later than
the 1st Tuesday of the second month following the regulation's rejection.

Sincerely,

A handwritten signature in black ink, appearing to read "Kirstin L. Breiner".

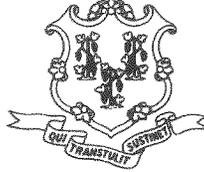
Kirstin L. Breiner, Administrator
Legislative Regulation Review Committee

The Connecticut General Assembly

Legislative Commissioners' Office

Edwin J. Maley, Jr.
Commissioner
William A. Hamzy
Commissioner

Larry G. J. Shapiro
Director



Legislative Office Building
Suite 5500
Hartford, Connecticut
06106-1591
(860) 240-8410
fax (860) 240-8414
e-mail: lco@cga.ct.gov

Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: September 23, 2014

Regulation No:	2014-18
Agency:	Department of Energy and Environmental Protection
Subject Matter:	Lake Waramaug Slow-No-Wake Zone
Statutory Authority: (copy attached)	15-121,15-136

	Yes or No
Mandatory	Y
Federal Requirement	N
Permissive	N

For the Committee's Information:

Substantive Concerns:

While the regulation only consists of one sentence, the provision requires the application of geometry to discern the applicable slow-no-wake zone which is inconsistent with existing regulations designating other such zones. On its face, the provision does not seem to readily provide notice to boaters of the location of the slow-no-wake zone since the points referred to in the regulation do not appear to be physical locations or to be readily identified in relation to a landmark or physical marker of any kind.

Technical Corrections:

1. The introductory language of the regulation should be "The Regulations of Connecticut State Agencies are amended by adding section 15-121-B15p as follows" for proper form. In addition, if the intent is to include a catchline one should be added after "(NEW)".
2. In the first line, the name of the town or towns where the lake is located should be inserted for clarity and consistency.

Recommendation:

<p>Approval in whole with technical corrections with deletions with substitute pages Disapproval in whole or in part <input checked="" type="checkbox"/> Rejection without prejudice</p>
--

Reviewed by: Bradford M. Towson / Shannon McCarthy

Date: September 3, 2014

Sec. 15-121. Administrative procedure. (Bolding added below) (a) Unless otherwise provided in this chapter, the Commissioner of Energy and Environmental Protection shall administer the provisions of this chapter and for such purpose shall have exclusive jurisdiction of all waters of the state, subject to the authority of the United States in respect to the navigable waters of the United States.

(b) In the performance of his duties under part II the commissioner shall: (1) Classify all waters and all vessels for the purpose of establishing uniformity in the regulation of such waters and such vessels; (2) prescribe uniform navigation aids for state waters and regulate the use of such aids; (3) establish restricted zones or sea lanes within navigable waters and adopt regulations pertaining thereto for the purpose of protecting the natural ecology of such waters and the abutting shoreline from environmental damage resulting from marine accidents which cause the release of petroleum products or other hazardous substances and materials into the waters of the state, provided before establishing such lanes, zones and regulations the commissioner shall consider at least the following factors: (i) The danger in transporting the type of material; (ii) the evidence of deleterious incidents arising from the transportation of such hazardous materials; (iii) available alternatives; (iv) the public need; and (v) the effect on interstate commerce; and further provided any such regulations promulgated by the commissioner shall list and define the substances and materials which are classified as hazardous; (4) prescribe uniform standards for safety devices and equipment required by part II and certify the types of devices and equipment which meet such standards; (5) designate and assist the several towns in designating prohibited and restricted boating areas and waters limited to special boating purposes and prescribe uniform standards for the marking and regulation of such areas; (6) adopt such regulations respecting water skiing and underwater swimming and diving as he finds necessary for public safety; (7) study, plan and recommend the development of boating facilities, safety education and means of improving boating safety; (8) in cooperation with the Department of Public Health, investigate matters relating to and recommend means of improving boating sanitation; (9) cooperate with the Department of Transportation concerning regulations governing the operation of seaplanes on state waters; (10) cooperate with the United States and the several states in promoting uniformity of boating laws and regulations and their administration and enforcement; and (11) **subject to the applicable provisions of chapter 54 and the limitations of part II,**

adopt such regulations to provide for public safety and environmental quality as he finds necessary to administer and enforce the provisions of said part and to promote the safe use and protection of waters and the safe operation of vessels; provided the commissioner shall make no regulations respecting the operation of vessels on Long Island Sound except as are necessary to secure inshore waters and establish and secure restricted areas.

(c) In the performance of his duties under part III the commissioner shall: (1) Establish, by regulations adopted in accordance with the provisions of chapter 54, criteria for the issuance of marine dealer identification numbers; (2) establish a uniform system for the display of motorboat identification numbers in conformity with such system as the United States may employ pursuant to the federal Boat Safety Act of 1971; (3) provide in such system for the display of distinctive marine dealers' identification numbers; (4) compile and publish periodically boating accident statistics and submit such statistics, together with copies of all accident reports and other reports or studies, as required, to the secretary of the department of the United States in which the United States Coast Guard is operating; and (5) subject to the applicable provisions of chapter 54, adopt such regulations to provide for the public safety as are necessary to administer the provisions of part III.

Sec. 15-136. Ordinances and regulations. (a) Any town, by ordinance, may make local regulations respecting the operation of vessels on any body of water within its territorial limits. Upon adoption, each such ordinance shall be submitted to the commissioner and, if not disapproved by him within sixty days thereafter, shall take effect as provided in subsection (c) of this section. The commissioner may disapprove any ordinance or part thereof which he finds to be arbitrary, unreasonable, unnecessarily restrictive, inimical to uniformity or inconsistent with the policy of this part.

(b) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, respecting the operation of vessels on any body of water which lies within the territorial limits of two or more towns (1) when no local regulations exist or (2) when such action is required to establish uniformity in the boating regulations of the several towns. Any town, by vote of its legislative body, and any group of ten or more interested persons may petition the commissioner for the adoption, amendment or repeal of the regulations. The commissioner shall hold a public hearing on each such petition in the petitioning town or in one of the towns

which will be affected, giving all interested persons an opportunity to present their views. Notice of such hearing, stating the date, time and place thereof and the substance of the proposed regulation, shall be published at least ten days prior thereto in a newspaper of general circulation in the town or towns which will be affected.

(c) All regulations adopted pursuant to the provisions of this section shall take effect upon their publication and posting as required by section 15-138.

Commissioner's Certification

I Robert Klee, Commissioner of the Department of Energy and Environmental Protection (DEEP), make the following certifications with respect to the proposal to amend the boating safety regulations to implement a slow-no-wake zone on Lake Waramaug (LRRC File No. 2014-018):

- 1) On 1 October 2013 DEEP gave notice of this amendment, as more fully set forth on the internet website of the Secretary of the State. Additional notices were given following. True copies are attached in the accompanying document in Section 6. The notices were also posted on the DEEP internet website concurrently.
- 2) The 1 October 2013 notice was mailed or emailed, as indicated, to the persons listed in Section 8 of the accompanying document who had requested advance notice of the regulation adoption proceedings of the DEEP. On the same date, the notice was also sent electronically to the Co-Chairpersons of the Environmental Committee of the Connecticut General Assembly.
- 3) On 30 July 2013 a fiscal note and a small business impact statement concerning the amendment were prepared, true copies of which are included in the accompanying document in Appendix B of Section 7. The fiscal note addresses the anticipated impact on the state or any municipality, and the small business impact statement addresses any anticipated impact on small business.
- 4) All interested persons were given until 6 January 2014 to submit data, views or arguments concerning the amendment and to inspect and copy the fiscal note referred to in item (3).
- 5) On 7 November 2013 DEEP conducted a public hearing, at which persons were invited to present comments concerning the proposed amendment.
- 6) Pursuant to Connecticut General Statute (CGS) Section 4-168(d), DEEP prepared a Hearing Officer's Report that fully considers all comments made concerning the amendment and responds to those comments, and includes a statement of principal reasons in support of the proposed amendment. The Hearing Officer's Report is included in Section 7 of the accompanying document.
- 7) The Hearing Officer's Report identifies all individuals who attended the public hearing described in item (5) (see the sign-up sheets included in Appendix C of Section 7) and those who submitted comments on the amendment (Appendix D of Section 7). No individuals requested a copy of the amendment.
- 8) On 1 May 2014 DEEP prepared a revised fiscal note pursuant to CGS Section 4-168 and a revised small business impact statement, true copies of which are included in Sections 4 and 5, respectively, of the accompanying document.
- 9) DEEP prepared a notice indicating that DEEP has available for inspection and copying: (a) the final wording of the proposal and (b) the Hearing Officer's report described in item (6) above and that on 11 July 2014 the Office of the Secretary of the State published such notice.
- 10) On 23 September 2014 the matter was heard by the Legislative Regulation Review Committee and was rejected without prejudice in consideration of substantive and technical concerns raised by the Legislative Commissioners' Office, and that such concerns have been addressed in preparation for resubmission of the matter to the LRRC on 4 November 2014.

10/17/14
Date



Robert Klee
Commissioner