



Senate

General Assembly

File No. 96

January Session, 2015

Substitute Senate Bill No. 866

Senate, March 17, 2015

The Committee on Environment reported through SEN. KENNEDY of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE LEASING OF LIGHTHOUSE BOTTOMLANDS.

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

1 Section 1. Section 22a-27w of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 The state of Connecticut, acting through the Commissioner of
4 Energy and Environmental Protection, is authorized to grant a lease or
5 other appropriate authorization [over] to allow for the occupancy of
6 submerged lands held in public trust by the state underlying or
7 associated with [the Penfield Reef Lighthouse] lighthouses for the
8 purpose of facilitating the preservation of [said lighthouse. Such lease
9 or other authorization shall constitute a right of occupancy so as to
10 facilitate the preservation of such lighthouse] such lighthouses
11 pursuant to the [federal] National Historic Lighthouse Preservation
12 Act of 2000, 16 USC 470w-7, provided any such lease shall be for
13 [consideration as determined by the Commissioner of Energy and
14 Environmental Protection, for a term of no more than ten years, subject

15 to subsequent renewals, and] a term: (1) Of thirty years with the option
 16 to renew whenever such lighthouse is sold pursuant to said act, or (2)
 17 that is coterminous with the applicable lease whenever such lighthouse
 18 is leased pursuant to said act. Any such lease shall contain appropriate
 19 conditions to ensure consistency with the goals and policies of section
 20 22a-92 and with other interests of the state, including, but not limited
 21 to, reasonable public access whenever such lease is to a nonprofit
 22 organization, preservation of historic structures and education of the
 23 public regarding such structures. Nothing in this section and no
 24 provision in any lease authorized pursuant to this section shall be
 25 construed to relieve any lessee from the obligation to obtain any
 26 applicable federal, state or local permit for the construction of any new
 27 structure or appurtenance on such submerged lands.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-27w

ENV Joint Favorable Subst.

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 16 \$	FY 17 \$
Department of Energy and Environmental Protection	GF - Potential Revenue Gain	See Below	See Below

Municipal Impact: None

Explanation

The bill expands the Department of Energy and Environmental Protection (DEEP) commissioner’s authority to lease submerged lands under lighthouses for preservation purposes under certain circumstances. Currently, the commissioner’s authority is limited to submerged lands under the Penfield Reef Lighthouse, off the coast of Fairfield.

This may result in a revenue gain of up to \$30,000 per location.¹

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the amount and terms of the lease.

¹ The State of New York charges a one-time fee of 10% of the purchase price for a 25 year renewable lease. The State of New Jersey does not charge anything for the sale of its offshore lighthouses. Saybrook Breakwater Lighthouse is anticipated to sell for approximately \$300,000. Therefore a 10% lease of the submerged portion would be \$30,000.

OLR Bill Analysis**sSB 866*****AN ACT CONCERNING THE LEASING OF LIGHTHOUSE
BOTTOMLANDS.*****SUMMARY:**

This bill expands the Department of Energy and Environmental Protection commissioner's authority to lease, or otherwise allow the occupancy of, submerged lands under or associated with lighthouses in order to preserve these structures.

Current law limits his authority to the lands under or associated with the Penfield Reef Lighthouse, off the coast of Fairfield. It allows him, for consideration he sets, to lease or otherwise authorize control over the lands to preserve it pursuant to state and federal law. The law currently limits any lease to no more than 10 years, subject to renewal, and ensures reasonable public access, preservation, and education.

The bill allows the commissioner instead to lease or otherwise authorize the occupancy of submerged lands under or associated with any lighthouse in Connecticut's waters. The land leases must be (1) for 30 years, subject to renewal, if the lighthouse is sold or (2) coterminous with the lighthouse's lease. The bill also limits the requirement to provide reasonable public access to nonprofit organization lessees.

Lastly, the bill specifies that it does not relieve lessees from obtaining necessary permits to build new structures or appurtenances on the submerged lands.

EFFECTIVE DATE: Upon passage

BACKGROUND***Related Federal Law***

The 2000 National Historic Lighthouse Preservation Act (NHLPA) (16 USC § 470w-7) creates a formal process for federal agencies to follow when transferring certain lighthouses no longer needed for maritime navigation. The process applies to lighthouses on or eligible for the National Register of Historic Places.

Under the NHLPA process, lighthouse transferees must (1) agree to comply with the conditions in the NHLPA and (2) be financially able to maintain the lighthouse. Eligible transferees include federal and state agencies, local communities, nonprofit entities, and educational and community development organizations. The lighthouses must be available to the general public for educational, recreational, cultural, or historic preservation at reasonable times and under reasonable conditions.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (02/27/2015)