



General Assembly

**Substitute Bill No. 6839**

January Session, 2015



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

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

1 Section 1. (NEW) (*Effective July 1, 2015*) (a) There is established a  
2 Long Island Sound Resource and Use Inventory and Blue Plan  
3 Advisory Committee that shall assist the Commissioner of Energy and  
4 Environmental Protection with the drafting of the Long Island Sound  
5 Resource and Use Inventory and the Long Island Sound Blue Plan,  
6 described in subsection (b) of this section. Such advisory committee  
7 shall consist of the following members: (1) The Commissioners of  
8 Energy and Environmental Protection, Transportation, and  
9 Agriculture, or said commissioners' designees, (2) the Secretary of the  
10 Office of Policy and Management, or the secretary's designee, (3) a  
11 faculty member of the Department of Marine Sciences at The  
12 University of Connecticut, as appointed by the Governor, (4) a  
13 representative of the Connecticut Siting Council, (5) a representative of  
14 the marine trades industry, as appointed by the minority leader of the  
15 Senate, (6) a representative of a conservation organization that  
16 specializes in coastal issues, as appointed by the president pro tempore  
17 of the Senate, (7) a representative of the gas and electric distribution  
18 industries, as appointed by the Governor, (8) a representative of the  
19 commercial finfish industry, as appointed by the speaker of the House  
20 of Representatives, (9) a representative of the recreational fishing and

21 hunting community, as appointed by the minority leader of the House  
22 of Representatives, (10) a representative of a nonprofit conservation  
23 organization with expertise in marine assessments and planning, as  
24 appointed by the Governor, (11) a representative of either the shellfish  
25 industry or an organization familiar with commercial or recreational  
26 aquaculture, as appointed by the Governor, (12) two representatives of  
27 coastal municipalities, one appointed by the majority leader of the  
28 House of Representatives and one appointed by the Governor, and (13)  
29 a representative of the commercial boating or shipping industries,  
30 appointed by the majority leader of the Senate. The Commissioner of  
31 Energy and Environmental Protection shall convene the first meeting  
32 of such advisory committee not later than sixty days after the effective  
33 date of this section and shall serve as the chairperson of such advisory  
34 committee. The commissioner may request members of the advisory  
35 committee to assist with administrative functions of the advisory  
36 committee, including, but not limited to, convening and noticing  
37 meetings and drafting assessments and reports. The advisory  
38 committee shall be located in the Department of Energy and  
39 Environmental Protection for administrative purposes only.

40 (b) The Commissioner of Energy and Environmental Protection, in  
41 conjunction with the Long Island Sound Resource and Use Inventory  
42 and Blue Plan Advisory Committee, established pursuant to  
43 subsection (a) of this section, and within available resources, shall: (1)  
44 Coordinate the completion of a Long Island Sound Resource and Use  
45 Inventory by a Long Island Sound Inventory and Science  
46 subcommittee to be convened by The University of Connecticut. Such  
47 resource and use inventory shall be comprised of the best available  
48 information and data regarding the natural resources within Long  
49 Island Sound and the uses of Long Island Sound, including, but not  
50 limited to, all: (A) Plants; (B) animals; (C) habitats; (D) ecologically  
51 significant areas in nearshore and offshore waters and substrates of  
52 such waters; (E) uses of such waters and substrates, including, but not  
53 limited to: (i) Recreational and commercial boating and fishing, (ii)  
54 shellfish beds, (iii) aquaculture facilities, (iv) shipping corridors, (v)

55 energy facilities, and (vi) electric power line, gas pipeline and  
56 telecommunications crossings; and (F) any updates and additions to  
57 the comprehensive environmental assessment and plan completed, in  
58 accordance with section 25-157a of the general statutes; and (2)  
59 develop a Long Island Sound Blue Plan that may include maps,  
60 illustrations and other media. Such Long Island Sound Blue Plan shall:  
61 (A) Establish the state's goals, siting priorities and standards for  
62 ensuring effective stewardship of the waters of Long Island Sound  
63 held in trust for the benefit of the public; (B) promote science-based  
64 management practices that take into account the existing natural,  
65 social, cultural, historic and economic characteristics of planning areas  
66 within Long Island Sound; (C) preserve and protect traditional  
67 riparian and water-dependent uses and activities; (D) promote  
68 maximum public accessibility to Long Island Sound's waters for  
69 traditional public trust uses, such as recreational and commercial  
70 boating and fishing, except when necessary to protect coastal  
71 resources, preserve public health, safety and welfare, or when it is in  
72 the interest of national security; (E) reflect the importance of the waters  
73 of Long Island Sound to the citizens of this state who derive  
74 livelihoods and recreational benefits from boating and fishing; (F)  
75 analyze the implications of existing and potential uses and users of  
76 Long Island Sound with a focus on avoiding potential use conflicts; (G)  
77 be consistent with the Long Island Sound Resources and Uses  
78 Inventory, prepared pursuant to subdivision (1) of this subsection,  
79 with provision for the ongoing acquisition and application of up-to-  
80 date resource and use data, including seafloor mapping; (H) reflect the  
81 value of biodiversity and ecosystem health in regard to the  
82 interdependence of ecosystems; (I) identify and protect special,  
83 sensitive or unique estuarine and marine life and habitats, including,  
84 but not limited to, scenic and visual resources; (J) adapt to evolving  
85 knowledge and understanding of the marine environment, including  
86 adaptation to climate change and rise in sea level; (K) foster  
87 sustainable uses that capitalize on economic opportunity without  
88 significant detriment to the ecology or natural beauty of Long Island  
89 Sound; (L) support the infrastructure necessary to sustain the economy

90 and quality of life for the citizens of this state; (M) be coordinated, to  
91 the maximum extent feasible, with local, regional and federal planning  
92 entities and agencies, including, but not limited to, the Long Island  
93 Sound Study and National Ocean Policy's Northeast Regional  
94 Planning Body and the Connecticut-New York Bi-State Marine Spatial  
95 Planning Working Group; (N) be coordinated, developed and  
96 implemented, to the maximum extent feasible, with the state of New  
97 York; (O) be developed through a transparent and inclusive process  
98 that seeks widespread participation of the public and stakeholders and  
99 encourages public participation in decision making; (P) identify  
100 appropriate locations and performance standards for activities, uses  
101 and facilities regulated under existing state permit programs,  
102 including, but not limited to, measures to guide siting of uses in a  
103 manner compatible with said Long Island Sound Blue Plan; (Q) be  
104 consistent with the state plan of conservation and development and  
105 the goals and policies described in section 22a-92 of the general  
106 statutes; and (R) reflect the importance of planning for Long Island  
107 Sound as an estuary that crosses state boundaries, including the  
108 identification of potential measures that encourage such planning. The  
109 commissioner may accept, on behalf of the state, any gifts, grants,  
110 donations or bequests for the purposes of assisting the completion of  
111 the Long Island Sound Resources and Use Inventory and the  
112 development of a Long Island Sound Blue Plan.

113 (c) For the purposes of this section, the submerged lands and waters  
114 subject to the commissioner's planning, management and coordination  
115 authority under the Long Island Sound Blue Plan shall include Long  
116 Island Sound and its bays and inlets from the mean high water line, as  
117 defined by the most recent data of the National Oceanic and  
118 Atmospheric Administration, to the state's waterward boundaries with  
119 the states of New York and Rhode Island. Any siting policies,  
120 identification of locations, or performance standards for activities, uses  
121 and facilities under the Long Island Sound Blue Plan shall apply in a  
122 spatial planning area located seaward of the bathymetric contour of  
123 minus ten feet North American Vertical Datum to the state's

124 waterward boundaries with the states of New York and Rhode Island  
125 provided such planning area shall not extend into any river that flows  
126 into the sound beyond the first motor vehicle bridge or railroad bridge  
127 that crosses such river. Such spatial planning area shall be designated  
128 on a map to be prepared by the advisory committee established  
129 pursuant to subsection (a) of this section.

130 (d) The Long Island Sound Resource and Use Inventory and Blue  
131 Plan Advisory Committee shall hold not less than three public  
132 hearings in different coastal municipalities of the state to receive  
133 comments and submissions from the public and interested persons  
134 and may provide for other public outreach and input measures, as  
135 appropriate, to assure sufficient stakeholder engagement and  
136 representation. The advisory committee shall assist the commissioner  
137 in completing a draft of the Long Island Sound Resource and Use  
138 Inventory and the Long Island Sound Blue Plan not later than March 1,  
139 2019.

140 (e) During the drafting of the Long Island Sound Resource and Use  
141 Inventory and Long Island Sound Blue Plan, and prior to making such  
142 draft available for public comment, in accordance with subsection (f) of  
143 this section, the advisory committee shall consult with the  
144 Commissioner of Economic and Community Development,  
145 representatives of the telecommunications industry, waterfront  
146 businesses, the state's two federally recognized Indian tribes and the  
147 tourism or recreation industry. Additionally, the advisory committee  
148 shall, to the extent feasible, consult with the applicable New York state  
149 agencies, advisory counterparts and the Connecticut-New York Bi-  
150 State Marine Spatial Planning Working Group to devise a mutually  
151 agreeable process for developing the Long Island Sound Resource and  
152 Use Inventory and Long Island Sound Blue Plan.

153 (f) Upon completion of the draft Long Island Sound Resource and  
154 Use Inventory and the Long Island Sound Blue Plan, the  
155 Commissioner of Energy and Environmental Protection shall make  
156 such draft available for public review and comment and shall publish

157 notice thereof in the Environmental Monitor and the Connecticut Law  
158 Journal. The commissioner shall cause such draft and notice of public  
159 comment period to be posted on the Internet web site of the  
160 Department of Energy and Environmental Protection and the Office of  
161 Policy and Management. Such notice of public comment period shall  
162 provide for a public comment period of not less than ninety days. Not  
163 later than ninety days after the end of such public comment period, the  
164 commissioner shall adopt a final draft of the Long Island Sound  
165 Resource and Use Inventory and the Long Island Sound Blue Plan.

166 (g) Upon completion of the final draft of the Long Island Sound  
167 Blue Plan, such plan shall be submitted to the joint standing committee  
168 of the General Assembly having cognizance of matters relating to the  
169 environment. Said committee, not later than forty-five days after the  
170 start of the next occurring legislative session following receipt of such  
171 plan, shall conduct a public hearing on the plan. Not later than forty-  
172 five days after such public hearing, said committee shall submit such  
173 plan, in conjunction with the committee's recommendation for  
174 approval or disapproval of such plan, to the General Assembly. Such  
175 plan shall become effective when approved by a majority vote of each  
176 chamber of the General Assembly. In the event that the General  
177 Assembly disapproves the plan, in whole or in part, such plan shall be  
178 deemed to be rejected and shall be returned to the advisory committee  
179 for revision.

180 (h) Upon approval of such inventory and plan: (1) Such plan shall  
181 be considered as a factor in the review of applications pursuant to  
182 sections 16-50k, 22-11h, 22-11i, 22-11j, 22a-6k, 22a-359, 22a-361, 22a-  
183 363b, 22a-363d, 22a-430, 25-157b, 26-194 and 26-257a of the general  
184 statutes and Section 401 of the Federal Water Pollution Control Act  
185 and may be utilized for guidance in preapplication discussions  
186 between the Commissioner of Energy and Environmental Protection  
187 and applicants, (2) the Commissioner of Energy and Environmental  
188 Protection shall seek necessary federal approval to incorporate the  
189 Long Island Sound Blue Plan as an enforceable policy in the state's

190 coastal management program under the federal Coastal Zone  
191 Management Act, (3) the Commissioner of Energy and Environmental  
192 Protection shall, within available resources, develop and implement a  
193 public outreach and information program to provide information to  
194 the public regarding the Long Island Sound Blue Plan, (4) the  
195 Commissioner of Energy and Environmental Protection shall provide  
196 for the review and update of such inventory and plan at least once  
197 every five years and any revision to such inventory and plan shall  
198 become effective upon approval by the General Assembly, in  
199 accordance with subsection (g) of this section, (5) the advisory  
200 committee, not later than six months after such approval, shall advise  
201 the commissioner on the operation, implementation and updating of  
202 the inventory and plan, as applicable, and shall meet on a quarterly  
203 basis to review implementation of such plan, identify emerging issues  
204 and recommend any necessary or desirable alterations or  
205 improvements to such plan, and (6) the advisory committee shall,  
206 within available resources, hold not less than one public hearing each  
207 year to receive comments and submissions from the public on such  
208 inventory and plan.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2015</i>	New section

**ENV**      *Joint Favorable Subst.*

**PD**        *Joint Favorable*