



Substitute House Bill No. 6839

Public Act No. 15-66

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:

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

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Representatives, (9) a representative of the recreational fishing and hunting community, as appointed by the minority leader of the House of Representatives, (10) a representative of a nonprofit conservation organization with expertise in marine assessments and planning, as appointed by the Governor, (11) a representative of either the shellfish industry or an organization familiar with commercial or recreational aquaculture, as appointed by the Governor, (12) two representatives of coastal municipalities, one appointed by the majority leader of the House of Representatives and one appointed by the Governor, and (13) a representative of the commercial boating or shipping industries, appointed by the majority leader of the Senate. The Commissioner of Energy and Environmental Protection shall convene the first meeting of such advisory committee not later than sixty days after the effective date of this section and shall serve as the chairperson of such advisory committee. The commissioner may request members of the advisory committee to assist with administrative functions of the advisory committee, including, but not limited to, convening and noticing meetings and drafting assessments and reports. The advisory committee shall be located in the Department of Energy and Environmental Protection for administrative purposes only.

(b) The Commissioner of Energy and Environmental Protection, in conjunction with the Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee, established pursuant to subsection (a) of this section, and within available resources, shall: (1) Coordinate the completion of a Long Island Sound Resource and Use Inventory by a Long Island Sound Inventory and Science subcommittee to be convened by The University of Connecticut. Such resource and use inventory shall be comprised of the best available information and data regarding the natural resources within Long Island Sound and the uses of Long Island Sound, including, but not limited to, all: (A) Plants; (B) animals; (C) habitats; (D) ecologically significant areas in nearshore and offshore waters and substrates of

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such waters; (E) uses of such waters and substrates, including, but not limited to: (i) Recreational and commercial boating, (ii) recreational and commercial fishing, (iii) waterfowl hunting, (iv) shellfish beds, (v) aquaculture facilities, (vi) shipping corridors, (vii) energy facilities, and (viii) electric power line, gas pipeline and telecommunications crossings; and (F) any updates and additions to the comprehensive environmental assessment and plan completed, in accordance with section 25-157a of the general statutes; and (2) develop a Long Island Sound Blue Plan that may include maps, illustrations and other media. Such Long Island Sound Blue Plan shall: (A) Establish the state's goals, siting priorities and standards for ensuring effective stewardship of the waters of Long Island Sound held in trust for the benefit of the public; (B) promote science-based management practices that take into account the existing natural, social, cultural, historic and economic characteristics of planning areas within Long Island Sound; (C) preserve and protect traditional riparian and water-dependent uses and activities; (D) promote maximum public accessibility to Long Island Sound's waters for traditional public trust uses, such as recreational and commercial boating and fishing, except when necessary to protect coastal resources, preserve public health, safety and welfare, or when it is in the interest of national security; (E) reflect the importance of the waters of Long Island Sound to the citizens of this state who derive livelihoods and recreational benefits from boating and fishing; (F) analyze the implications of existing and potential uses and users of Long Island Sound with a focus on avoiding potential use conflicts; (G) be consistent with the Long Island Sound Resources and Uses Inventory, prepared pursuant to subdivision (1) of this subsection, with provision for the ongoing acquisition and application of up-to-date resource and use data, including seafloor mapping; (H) reflect the value of biodiversity and ecosystem health in regard to the interdependence of ecosystems; (I) identify and protect special, sensitive or unique estuarine and marine life and habitats, including, but not limited to, scenic and visual

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resources; (J) adapt to evolving knowledge and understanding of the marine environment, including adaptation to climate change and rise in sea level; (K) foster sustainable uses that capitalize on economic opportunity without significant detriment to the ecology or natural beauty of Long Island Sound; (L) support the infrastructure necessary to sustain the economy and quality of life for the citizens of this state; (M) be coordinated, to the maximum extent feasible, with local, regional and federal planning entities and agencies, including, but not limited to, the Long Island Sound Study and National Ocean Policy's Northeast Regional Planning Body and the Connecticut-New York Bi-State Marine Spatial Planning Working Group; (N) be coordinated, developed and implemented, to the maximum extent feasible, with the state of New York; (O) be developed through a transparent and inclusive process that seeks widespread participation of the public and stakeholders and encourages public participation in decision making; (P) identify appropriate locations and performance standards for activities, uses and facilities regulated under existing state permit programs, including, but not limited to, measures to guide siting of uses in a manner compatible with said Long Island Sound Blue Plan; (Q) be consistent with the state plan of conservation and development and the goals and policies described in section 22a-92 of the general statutes; and (R) reflect the importance of planning for Long Island Sound as an estuary that crosses state boundaries, including the identification of potential measures that encourage such planning.

(c) For the purposes of this section, the submerged lands and waters subject to the commissioner's planning, management and coordination authority under the Long Island Sound Blue Plan shall include Long Island Sound and its bays and inlets from the mean high water line, as defined by the most recent data of the National Oceanic and Atmospheric Administration, to the state's waterward boundaries with the states of New York and Rhode Island. Any siting policies, identification of locations, or performance standards for activities, uses

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and facilities under the Long Island Sound Blue Plan shall apply in a spatial planning area located seaward of the bathymetric contour of minus ten feet North American Vertical Datum to the state's waterward boundaries with the states of New York and Rhode Island provided such planning area shall not extend into any river that flows into the sound beyond the first motor vehicle bridge or railroad bridge that crosses such river or area along such river that is authorized by the Commissioner of Economic and Community Development, pursuant to section 32-70 of the general statutes, to be an enterprise zone that shall be known as a defense plant zone. Such spatial planning area shall be designated on a map to be prepared by the advisory committee established pursuant to subsection (a) of this section.

(d) The Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee shall hold not less than three public hearings in different coastal municipalities of the state to receive comments and submissions from the public and interested persons and may provide for other public outreach and input measures, as appropriate, to assure sufficient stakeholder engagement and representation, provided one such public hearing shall be held in a coastal municipality east of the Connecticut River, one such public hearing shall be held in a coastal municipality west of the Housatonic River and one such public hearing shall be held in a coastal municipality located between the Connecticut River and the Housatonic River. The advisory committee shall assist the commissioner in completing a draft of the Long Island Sound Resource and Use Inventory and the Long Island Sound Blue Plan not later than March 1, 2019.

(e) During the drafting of the Long Island Sound Resource and Use Inventory and Long Island Sound Blue Plan, and prior to making such draft available for public comment, in accordance with subsection (f) of

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this section, the advisory committee shall consult with the Commissioner of Economic and Community Development, representatives of the telecommunications industry, waterfront businesses, the state's two federally recognized Indian tribes and the tourism or recreation industry. Additionally, the advisory committee shall, to the extent feasible, consult with the applicable New York state agencies, advisory counterparts and the Connecticut-New York Bi-State Marine Spatial Planning Working Group to devise a mutually agreeable process for developing the Long Island Sound Resource and Use Inventory and Long Island Sound Blue Plan.

(f) Upon completion of the draft Long Island Sound Resource and Use Inventory and the Long Island Sound Blue Plan, the Commissioner of Energy and Environmental Protection shall make such draft available for public review and comment and shall publish notice thereof in the Environmental Monitor and the Connecticut Law Journal. The commissioner shall cause such draft and notice of public comment period to be posted on the Internet web site of the Department of Energy and Environmental Protection and the Office of Policy and Management. Such notice of public comment period shall provide for a public comment period of not less than ninety days. Not later than ninety days after the end of such public comment period, the commissioner shall adopt a final draft of the Long Island Sound Resource and Use Inventory and the Long Island Sound Blue Plan.

(g) Upon completion of the final draft of the Long Island Sound Blue Plan, such plan shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to the environment. Said committee, not later than forty-five days after the start of the next occurring legislative session following receipt of such plan, shall conduct a public hearing on the plan. Not later than forty-five days after such public hearing, said committee shall submit such plan, in conjunction with the committee's recommendation for

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approval or disapproval of such plan, to the General Assembly. Such plan shall become effective when approved by a majority vote of each chamber of the General Assembly. In the event that the General Assembly disapproves the plan, in whole or in part, such plan shall be deemed to be rejected and shall be returned to the advisory committee for revision.

(h) Upon approval of such inventory and plan: (1) Such plan shall be considered as a factor in the review of applications pursuant to sections 16-50k, 22-11h, 22-11i, 22-11j, 22a-6k, 22a-359, 22a-361, 22a-363b, 22a-363d, 22a-430, 25-157b, 26-194 and 26-257a of the general statutes and Section 401 of the Federal Water Pollution Control Act and may be utilized for guidance in preapplication discussions between the Commissioner of Energy and Environmental Protection and applicants, (2) the Commissioner of Energy and Environmental Protection shall seek necessary federal approval to incorporate the Long Island Sound Blue Plan as an enforceable policy in the state's coastal management program under the federal Coastal Zone Management Act, (3) the Commissioner of Energy and Environmental Protection shall, within available resources, develop and implement a public outreach and information program to provide information to the public regarding the Long Island Sound Blue Plan, (4) the Commissioner of Energy and Environmental Protection shall provide for the review and update of such inventory and plan at least once every five years and any revision to such inventory and plan shall become effective upon approval by the General Assembly, in accordance with subsection (g) of this section, (5) the advisory committee, not later than six months after such approval, shall advise the commissioner on the operation, implementation and updating of the inventory and plan, as applicable, and shall meet on a quarterly basis to review implementation of such plan, identify emerging issues and recommend any necessary or desirable alterations or improvements to such plan, and (6) the advisory committee shall,

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within available resources, hold not less than one public hearing each year to receive comments and submissions from the public on such inventory and plan.

Approved June 19, 2015