



General Assembly

February Session, 2016

Raised Bill No. 78

LCO No. 732



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

***AN ACT CONCERNING THE DISPOSITION OF DREDGED MATERIALS
FROM CERTAIN HARBORS AND PORTS ON LONG ISLAND SOUND.***

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

1 Section 1. Subsection (c) of section 22a-92 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (c) In addition to the policies stated in subsections (a) and (b), the
5 following policies are established for federal and state agencies in
6 carrying out their responsibilities under this chapter:

7 (1) Policies concerning development, facilities and uses within the
8 coastal boundary are: (A) To minimize the risk of spillage of petroleum
9 products and hazardous substances, to provide effective containment
10 and cleanup facilities for accidental spills and to disallow offshore oil
11 receiving systems that have the potential to cause catastrophic oil spills
12 in the Long Island Sound estuary; (B) to disallow any filling of tidal
13 wetlands and nearshore, offshore and intertidal waters for the purpose
14 of creating new land from existing wetlands and coastal waters which

15 would otherwise be undevelopable, unless it is found that the adverse
16 impacts on coastal resources are minimal; (C) to initiate in cooperation
17 with the federal government and the continuing legislative committee
18 on state planning and development a long-range planning program for
19 the continued maintenance and enhancement of federally maintained
20 navigation facilities in order to effectively and efficiently plan and
21 provide for environmentally sound dredging and disposal of dredged
22 materials in a manner that is informed by benthic studies and surveys
23 and that disfavors the open water placement of dredged materials; to
24 encourage, through the state permitting program for dredging
25 activities, the maintenance and enhancement of existing federally
26 maintained navigation channels, basins and anchorages and to
27 discourage the dredging of new federally maintained navigation
28 channels, basins and anchorages; (D) to reduce the need for future
29 dredging by requiring that new or expanded navigation channels,
30 basins and anchorages take advantage of existing or authorized water
31 depths, circulation and siltation patterns and the best available
32 technologies for reducing controllable sedimentation; (E) to disallow
33 new dredging in tidal wetlands except where no feasible alternative
34 exists and where adverse impacts to coastal resources are minimal; (F)
35 to require that new or improved shoreline rail corridors be designed
36 and constructed so as (i) to prevent tidal and circulation restrictions
37 and, when practicable, to eliminate any such existing restrictions, (ii) to
38 improve or have a negligible adverse effect on coastal access and
39 recreation and (iii) to enhance or not unreasonably impair the visual
40 quality of the shoreline; (G) to require that coastal highways and
41 highway improvements, including bridges, be designed and
42 constructed so as to minimize adverse impacts on coastal resources; to
43 require that coastal highway and highway improvements give full
44 consideration to mass transportation alternatives and to require that
45 coastal highways and highway improvements where possible enhance,
46 but in no case decrease coastal access and recreational opportunities;
47 (H) to disallow the construction of major new airports and to
48 discourage the substantial expansion of existing airports within the

49 coastal boundary; to require that any expansion or improvement of
50 existing airports minimize adverse impacts on coastal resources,
51 recreation or access; (I) to manage the state's fisheries in order to
52 promote the economic benefits of commercial and recreational fishing,
53 enhance recreational fishing opportunities, optimize the yield of all
54 species, prevent the depletion or extinction of indigenous species,
55 maintain and enhance the productivity of natural estuarine resources
56 and preserve healthy fisheries resources for future generations; (J) to
57 make effective use of state-owned coastal recreational facilities in order
58 to expand coastal recreational opportunities including the
59 development or redevelopment of existing state-owned facilities where
60 feasible; (K) to require as a condition in permitting new coastal
61 structures, including but not limited to, groins, jetties or breakwaters,
62 that access to, or along, the public beach below mean high water must
63 not be unreasonably impaired by such structures and to encourage the
64 removal of illegal structures below mean high water which
65 unreasonably obstruct passage along the public beach; and (L) to
66 promote the revitalization of inner city urban harbors and waterfronts
67 by encouraging appropriate reuse of historically developed
68 shorefronts, which may include minimized alteration of an existing
69 shorefront in order to achieve a significant net public benefit, provided
70 (i) such shorefront site is permanently devoted to a water dependent
71 use or a water dependent public use such as public access or recreation
72 for the general public and the ownership of any filled lands remain
73 with the state or an instrumentality thereof in order to secure public
74 use and benefit in perpetuity, (ii) landward development of the site is
75 constrained by highways, railroads or other significant infrastructure
76 facilities, (iii) no other feasible, less environmentally damaging
77 alternatives exist, (iv) the adverse impacts to coastal resources of any
78 shorefront alteration are minimized and compensation in the form of
79 resource restoration is provided to mitigate any remaining adverse
80 impacts, and (v) such reuse is consistent with the appropriate
81 municipal coastal program or municipal plan of development.

82 (2) Policies concerning coastal land and other resources within the
 83 coastal boundary are: (A) To manage estuarine embayments so as to
 84 ensure that coastal uses proceed in a manner that assures sustained
 85 biological productivity, the maintenance of healthy marine
 86 populations and the maintenance of essential patterns of circulation,
 87 drainage and basin configuration; to protect, enhance and allow
 88 natural restoration of eelgrass flats except in special limited cases,
 89 notably shellfish management, where the benefits accrued through
 90 alteration of the flat may outweigh the long-term benefits to marine
 91 biota, waterfowl, and commercial and recreational finfisheries and (B)
 92 to maintain, enhance, or, where feasible, restore natural patterns of
 93 water circulation and fresh and saltwater exchange in the placement or
 94 replacement of culverts, tide gates or other drainage or flood control
 95 structures.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	22a-92(c)

Statement of Purpose:

To establish a preference for not disposing of harbor and port dredged materials through open water placement and to have benthic surveys and studies inform the decision of how to dispose of such dredged materials.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]