



Public Hearing – March 14, 2018
Environment Committee

Testimony Submitted by Commissioner Robert Klee

SB 340 — AN ACT CONCERNING THE USE OF MAN-MADE STRUCTURES TO MARK THE COASTAL JURISDICTION LINE

Thank you for the opportunity to present testimony regarding SB 340. The Department of Energy and Environmental Protection (DEEP) has some concerns about the bill and respectfully offers the following testimony.

Public Act 12-101 changed the jurisdictional line for the state's coastal permitting program from the high tide line to the coastal jurisdiction line, a formulation developed in cooperation with the Connecticut Association of Land Surveyors to determine permit jurisdiction through a fixed elevation rather than a field determination. Since then, the coastal jurisdiction line (CJL) has brought clarity and predictability to the coastal permitting program and has been well accepted by the regulated community. Thus, it is unclear what problem or issue prompted this proposal.

Moreover, the language of the raised bill would tend to create arbitrary changes in regulatory jurisdiction at each point where a man-made structure exists. Current language allows the use of mean high water at the jurisdictional line upstream of tidegates and other structures that restrict tidal flow, in order to avoid regulating areas which are essentially dry land based solely on elevation. As written, SB 340 would apply mean high water wherever a man-made structure exists, whether or not such structure affects tidal dynamics. This would, in some cases, result in DEEP relinquishing longstanding regulatory jurisdiction over areas that are subject to tidal action.

DEEP would be happy to work with the proponents of this bill to clarify existing regulatory practice or explore alternative language to address any demonstrated problems regarding the CJL.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact DEEP's legislative liaison, Lee Sawyer at 860-424-3332 or Lee.Sawyer@ct.gov.