

## **Environment Committee Public Hearing – February 21, 2020**

Testimony Submitted by Nathan Frohling, Director of External Affairs, The Nature Conservancy

**H.J. No. 1 – House Joint Resolution No. 1 (COMM) ENVIRONMENT. 'RESOLUTION PROPOSING THE ADOPTION OF THE LONG ISLAND SOUND BLUE PLAN', to adopt the Long Island Sound Blue Plan.**

Thank you for the opportunity to present testimony on behalf of The Nature Conservancy in **full support** of House Joint Resolution No. 1. The Blue Plan has been a priority for The Nature Conservancy from its beginnings including the call to create it through CGA PA 15-66.

In addition to playing an active role in the creation of the Long Island Sound (LIS) Blue Plan as Director of Coastal and Marine Initiatives for The Nature Conservancy, it has also been my privilege to serve as an appointed member of the Blue Plan Advisory Committee, to Chair the Blue Plan Stakeholder Engagement Sub-committee, to lead the Blue Plan Ecological Characterization Work Team and to serve as a core member of the Blue Plan Development Team. We have been diligently working on developing the Blue Plan for more than four years.

The LIS Blue Plan is about protecting what we love about the Sound in the face of change and new demands – protecting existing human uses and economic activity and the integrity of marine life and their habitats. It is about enabling better design and more efficient approval of new uses of the Sound while assuring those new uses are compatible with existing uses and natural resources. The Blue Plan is about making better decisions more easily and avoiding conflicts. It's about building a foundation of information and a framework of decision-making that allows us to achieve a future vision of the Sound we can depend on.

### **Why the Blue Plan is needed:**

Prior costly and difficult conflicts between new project proponents and stakeholders (e.g. Broadwater, Islander East) brought awareness that existing management of the Sound is not adequate to protect the values, uses and resources that are held dear to millions. It is also true that often the issue is not whether a new use is desirable, but where and how best to locate it to assure compatibility with the many interests and resources. A changing climate adds to the need to establish a foundation for protecting the Sound in the face of change and increasing demands. Without the informed and integrated approach of the Blue Plan, the aggregate of single decisions over time will create a future where the integrity of those values, uses and resources is uncertain. The fundamental need is to complete a new and comprehensive understanding of *what* it is that we care about and *where* those attributes occur along with guidance for sustaining them. With that foundation we are better able to make decisions that enable new uses while protecting the existing human uses and ecological features that we care about. That in a word is the Blue Plan.

**The Blue Plan is a wealth of newly accessible information about the Sound:**

The Blue Plan process identified, mapped and recognizes 29 Significant Human Uses and associated areas in the Sound (SHUA) from recreational fishing to maritime commerce. Fourteen (14) “Ecologically Significant Areas” (ESA) have been identified and recognized in the Blue Plan representing places critical for marine life and their associated habitats. Never has this extent and depth of information and research been gathered together, integrated and mapped, providing a new, in-depth and usable picture for all of LIS, both Connecticut and New York. **The Blue Plan Map Viewer** is easily and publicly available and can display the Blue Plan maps in an interactive and flexible way to be of great utility to all users – whether for general information or as a powerful new tool for applicants and regulators alike.

**Blue Plan information is based on best available, most up to date science and expertise:**

Leading marine scientists and experts were brought together to form the “Ecological Experts Group” and served alongside a marine ecology consultant to assemble the unprecedented set of maps and information for the “Ecologically Significant Areas.” Parameters guiding the use of the information and the need to continually update it are also noted in the Blue Plan. Significant Human Use Areas (SHUA) and associated maps were formed through the assemblage of existing information and complemented with new information in consultation with relevant experts in each sector. Much of the new information was collected through “participatory mapping” where experts identified significant areas (e.g. rec fishing) and why those areas are both significant and enduring. The Blue Plan will be updated annually and revised no more than every 5-years.

**The Blue Plan provides protection in several ways:**

One: the vast assemblage of scientific and expert information in usable form now provides a foundation for all parties to better understand what needs to be protected and how to do so (this applies to both the State of Connecticut (CT) and the State of New York (NY) and all parties engaged in LIS); Two: Blue Plan policies provide guidance and direction for how the Sound as a whole and the identified areas of significance in particular can be protected; Three: the Blue Plan will enable establishment of “federal consistency” with federal agencies so that federal decisions and funding associated with LIS are consistent with the Blue Plan and its policies. This is a significant enhancement of protection for LIS.

**Blue Plan Policies clarify the existing permitting process:**

The policies of the Blue Plan work in conjunction with and as an added tool for existing permitting processes, bringing in new place-based understanding of the Sound and providing direction and guidance for how to assure new uses are compatible with existing uses and environmental resources. Together this provides for better, more consistent, predictable & transparent decision-making. Finally, regulatory authorities already have a mandate to minimize impacts to the environment and human uses; the Blue Plan policies provide clarity on how to do that more effectively and efficiently.

**Blue Plan Policies are not new regulations:**

Project applicants should not be concerned that the Blue Plan represents more restrictions to growth and new uses. The Blue Plan is not a new permitting program, there is no new permit required. The way it works is that Blue Plan policies “shall be considered *as a factor* in decision-making” under existing permit processes – meaning that while Blue Plan policies provide important guidance they are not a mandate. There is flexibility to allow consideration

of all aspects of a given application. The Blue Plan policies are to be considered by only 4 existing State-related authorities: The Department of Environmental Protection, the Department of Agriculture, the Connecticut Siting Council and local shellfish commissions. Blue Plan policies are not more stringent or restrictive than the standards or “bar” set under existing regulations, rather they are clearer and more specific about what matters where. This should make it easier for applicants to navigate the permitting process. Blue Plan policies are not retroactive to existing projects or existing permits. Finally, and very importantly, Blue Plan policies only apply in the deeper waters of the designated policy area which is located and fixed on a map. The policy area is in offshore waters intentionally outside the coastal zone. As such, Blue Plan policies won’t be used in association with docks, seawalls and other typical coastal projects unless the proposed project is so unusual or large that it extends into the offshore waters of the Blue Plan policy area. Even under that unlikely scenario, as noted above, the policies, fully considered, remain reasonable and consistent with existing permitting norms.

**Stakeholder Engagement was key:**

In addition to the intentionally diverse set of stakeholders on the Blue Plan Advisory Committee, many meetings, webinars, events and other activities were held to engage the diversity of LIS stakeholders and public between 2016 and 2020. Over 2,000 participants and nearly 100 meetings and webinars were held. The process was transparent, inclusive and responsive. People told us what they wanted the Plan to be and helped shape it at all stages of the process.

**The State of New York:**

New York State agencies and institutions were involved in the Blue Plan process, particularly the information gathering phase and the Department of Environmental Conservation. New York decision-making is expected to benefit from the extensive information because it is Sound-wide, robust, based on NY-input and easily and publicly accessible.

**Blue Plan Process: thorough, on-time and without cost to the State:**

The Blue Plan process met the schedule and specifications of PA 55-66. It was collaborative and involved extensive stakeholder and public input. The Blue Plan had no state fiscal note and will not have one associated with its approval; it will make the State more efficient and effective in its decision-making. Significant in-kind and grant resources were assembled by multiple partners to pull off the Blue Plan. The process has been bi partisan from the start and remained so throughout. The Blue Plan gives us an assessment and understanding of LIS that we’ve never had before and is favorable to both the economy and the environment. It will enable better decisions and protection for what we need and love about the Sound in a changing world.

Thank you for the opportunity to present testimony on this resolution. Should you have any questions, please do not hesitate to contact me.

Sincerely,



Nathan M. Frohling,  
Director of External Affairs