



**Harbor Management Commission  
Selectmen's Office  
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TRANSMITTED VIA EMAIL

February 20, 2020

Environment Committee  
Legislative Office Building  
Room 3200  
Hartford, Connecticut 06106

**Subject: Testimony for H.J. 1, Long Island Sound Blue Plan**

Dear Members of the Environment Committee

On behalf of the Town of Greenwich Harbor Management Commission (HMC), I am writing to transmit comments concerning the Long Island Sound Blue Plan—a subject of your upcoming February 21, 2020 Public Hearing.

Representatives of the HMC, along with representatives of other municipal harbor management commissions in Connecticut, have followed closely the development of the Blue Plan by the Connecticut Department of Energy and Environmental Protection (DEEP). We have participated in meetings with DEEP officials and others to offer constructive comments intended to help advance our shared goals for most effectively managing the conservation and beneficial use of Long Island Sound.

Among our topics of discussion have been questions concerning the effect of the Blue Plan on municipal harbor management jurisdictions, including the Greenwich Harbors Area (GHA)—the area of jurisdiction of the HMC and the state-approved and town-adopted Greenwich Harbor Management Plan. A significant portion of the GHA would fall within the jurisdiction of the Blue Plan.

Our comments, similar to the comments of other harbor management commissions, are effectively summarized in the attached letter previously sent to DEEP by the Connecticut Harbor Management Association, a volunteer organization consisting of representatives of harbor management commissions from along the entire Connecticut coast. It is my understanding that the Association will be providing additional comments for consideration at your Public Hearing.

As a result of our discussions, DEEP has provided assurances that the Blue Plan is not intended to conflict with local harbor management jurisdictions and will not diminish or otherwise adversely impact municipal harbor management plans and authorities. Those assurances were reiterated during a December 4, 2019 telephone conference facilitated by State Representative Stephen R. Meskers that included representatives of DEEP, the HMC, and Greenwich Shellfish Commission. During that conversation, it was agreed by all participants that the following course of action would be pursued.

1. At such time as DEEP presents the Blue Plan to the General Assembly, Representative Meskers will state, as part of the legislative record, that the intent of the Blue Plan is not to diminish or otherwise adversely impact municipal harbor management jurisdictions, authorities, or plans.
2. The HMC will work with other harbor management commissions to draft proposed additions and clarifications to the existing Blue Plan sections concerning harbor management authorities, including Blue Plan chapters two and four. We will review our proposal with DEEP prior to requesting, at the appropriate time, an amendment to the Blue Plan to address the jurisdictional and other harbor management matters. Such an amendment will be to clarify the Blue Plan's intended effects on and relationship with municipal harbor management jurisdictions, not to diminish the plan's effectiveness or approval by the General Assembly.
3. The discussed interests of the HMC and other harbor management commissions with respect to the Blue Plan and other matters of interest to will be brought to the attention of the Bipartisan Coastal Caucus of Connecticut legislators.

With respect to item no. 2 above, please allow me to provide one example of the sort of clarification that we believe is necessary. Page 2-44 in the Blue Plan now states that “*Upon adoption of a state-approved [harbor management] plan, both state and local regulatory actions must be consistent with the plan's recommendations, although the harbor management commission does not have direct regulatory authority [CGS §22a-113n(b)].*”

A necessary clarification to the Blue Plan would make clear that it is not just the recommendations of a harbor management plan that state actions must be consistent with. State actions must also be consistent with the recommendations of the affected harbor management commission, made pursuant to the plan. The following provision of the Greenwich Harbor Management Plan, approved by the Commissioner of DEEP, and of other municipal harbor management plans are quite clear in this regard.

*Pursuant to Sec. 22a-113n of the Connecticut General Statutes, a recommendation of the HMC that is consistent with and adequately supported by the Plan [emphasis added] with respect to a proposed project shall be binding on any official of the State of Connecticut when making regulatory decisions or undertaking or sponsoring development affecting the GHA, unless such official shows cause why a different action should be taken.*

In conclusion, the HMC, along with all other harbor management commissions, supports the planning and management needed to ensure that the environmental, economic, and cultural values of Long Island Sound are preserved and enhanced for future generations. As DEEP and others pursue that vision through the Blue Plan, we believe that of equal importance to avoiding conflicts with local harbor management authority is that consideration should be given to how the Blue Plan can serve as a positive influence to advance the interests of municipal harbor management commissions and harbor management plans for safe and beneficial use of the state's harbors and conservation of coastal resources. We will address this opportunity in our proposed amendments.

Thank you for considering our comments. If you have any questions or require any additional information, please contact me at (203) 247-0509 or [mike@vanops.us](mailto:mike@vanops.us).

Sincerely,

A handwritten signature in black ink, appearing to read 'MVO', with a long horizontal line extending to the right.

Michael Van Oss

Chairman, Greenwich Harbor Management Commission

Enclosure

cc:

First Selectman Fred Camillo

Rep. Stephen R. Meskers, House District 150

State Senator Christine Cohen, Co-Chair, Coastal Caucus

State Representative Cristin McCarthy Vahey, Co-Chair, Coastal Caucus

HMC Commissioners

Mr. Roger Bowgen, Chair, Greenwich Shellfish Commission

Dr. John Pinto, President, CT Harbor Management Association