AN ACT CONCERNING PUBLIC ACCESS TO CERTAIN COASTAL RESOURCES.

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

Section 1. Subsection (a) of section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

(a) The following general goals and policies are established by this chapter:

(1) To ensure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with the rights of private property owners and the capability of the land and water resources to support development, preservation or use without significantly disrupting either the natural environment or sound economic growth;

(2) To preserve and enhance coastal resources in accordance with the policies established by chapters 439, 440, 446i, 446k, 447, 474 and 477;
(3) To give high priority and preference to uses and facilities which are dependent upon proximity to the water or the shorelands immediately adjacent to marine and tidal waters;

(4) To resolve conflicts between competing uses on the shorelands adjacent to marine and tidal waters by giving preference to uses that minimize adverse impacts on natural coastal resources while providing long term and stable economic benefits;

(5) To consider in the planning process the potential impact of a rise in sea level, coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and minimize the necessity of public expenditure and shoreline armoring to protect future new development from such hazards;

(6) To encourage public access to the waters of Long Island Sound [by expansion, development and effective utilization of state-owned recreational facilities within the coastal area that are] consistent with sound resource conservation procedures and constitutionally protected rights of private property owners;

(7) To conduct, sponsor and assist research in coastal matters to improve the data base upon which coastal land and water use decisions are made;

(8) To coordinate the activities of public agencies to ensure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan of conservation and development adopted pursuant to part I of chapter 297;

(9) To coordinate planning and regulatory activities of public agencies at all levels of government to ensure maximum protection of coastal resources while minimizing conflicts and disruption of economic development; and
(10) To ensure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 22a-93, as amended by this act, and to ensure that any restrictions or exclusions of such facilities or uses are reasonable. Reasonable grounds for the restriction or exclusion of a facility or use in the national interest shall include a finding that such a facility or use: (A) May reasonably be sited outside the coastal boundary; (B) fails to meet any applicable federal and state environmental, health or safety standard; or (C) unreasonably restricts physical or visual access to coastal waters. This policy does not exempt any nonfederal facility in use from any applicable state or local regulatory or permit program nor does it exempt any federal facility or use from the federal consistency requirements of Section 307 of the federal Coastal Zone Management Act.

Sec. 2. Subdivision (1) of subsection (c) of section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

(1) Policies concerning development, facilities and uses within the coastal boundary are: (A) To minimize the risk of spillage of petroleum products and hazardous substances, to provide effective containment and cleanup facilities for accidental spills and to disallow offshore oil receiving systems that have the potential to cause catastrophic oil spills in the Long Island Sound estuary; (B) to disallow any filling of tidal wetlands and nearshore, offshore and intertidal waters for the purpose of creating new land from existing wetlands and coastal waters which would otherwise be undevelopable, unless it is found that the adverse impacts on coastal resources are minimal; (C) to initiate in cooperation with the federal government and the continuing legislative committee on state planning and development a long-range planning program for the continued maintenance and enhancement of federally maintained navigation facilities in order to effectively and efficiently plan and provide for environmentally sound dredging and disposal of dredged materials; to encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing

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federally maintained navigation channels, basins and anchorages and to
discourage the dredging of new federally maintained navigation
channels, basins and anchorages; (D) to reduce the need for future
dredging by requiring that new or expanded navigation channels,
basins and anchorages take advantage of existing or authorized water
depths, circulation and siltation patterns and the best available
technologies for reducing controllable sedimentation; (E) to disallow
new dredging in tidal wetlands except where no feasible alternative
exists and where adverse impacts to coastal resources are minimal; (F)
to require that new or improved shoreline rail corridors be designed and
constructed so as (i) to prevent tidal and circulation restrictions and,
when practicable, to eliminate any such existing restrictions, (ii) to
improve or have a negligible adverse effect on coastal access and
recreation, and (iii) to enhance or not unreasonably impair the visual
quality of the shoreline; (G) to require that coastal highways and
highway improvements, including bridges, be designed and
constructed so as to minimize adverse impacts on coastal resources; to
require that coastal highway and highway improvements give full
consideration to mass transportation alternatives and to require that
coastal highways and highway improvements where possible enhance,
but in no case decrease coastal access and recreational opportunities; (H)
to disallow the construction of major new airports and to discourage the
substantial expansion of existing airports within the coastal boundary;
to require that any expansion or improvement of existing airports
minimize adverse impacts on coastal resources, recreation or access; (I)
to manage the state's fisheries in order to promote the economic benefits
of commercial and recreational fishing, enhance recreational fishing
opportunities, optimize the yield of all species, prevent the depletion or
extinction of indigenous species, maintain and enhance the productivity
of natural estuarine resources and preserve healthy fisheries resources
for future generations; (J) to promote public access to public beaches and
marine and tidal waters and make effective use of state-owned coastal
recreational facilities in order to expand coastal recreational
opportunities including the development or redevelopment of existing
state-owned] facilities where feasible; (K) to require as a condition in
permitting new coastal structures, including but not limited to, groins, jetties or breakwaters, that access to, or along, the public beach below mean high water must not be unreasonably impaired by such structures and to encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach; and (L) to promote the revitalization of inner city urban harbors and waterfronts by encouraging appropriate reuse of historically developed shorefronts, which may include minimized alteration of an existing shorefront in order to achieve a significant net public benefit, provided (i) such shorefront site is permanently devoted to a water dependent use or a water dependent public use such as public access or recreation for the general public and the ownership of any filled lands remain with the state or an instrumentality thereof in order to secure public use and benefit in perpetuity, (ii) landward development of the site is constrained by highways, railroads or other significant infrastructure facilities, (iii) no other feasible, less environmentally damaging alternatives exist, (iv) the adverse impacts to coastal resources of any shorefront alteration are minimized and compensation in the form of resource restoration is provided to mitigate any remaining adverse impacts, and (v) such reuse is consistent with the appropriate municipal coastal program or municipal plan of development.

Sec. 3. Section 22a-93 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2023):

For the purposes of this chapter:

(1) "Commissioner" means the Commissioner of Energy and Environmental Protection;

(2) "Municipality" means any town listed in subsection (a) of section 22a-94, the city of Groton, the borough of Stonington, the borough of Groton Long Point, the borough of Fenwick and the borough of Woodmont, but shall not include any special district;

(3) "Coastal area" means those lands described in subsection (a) of section 22a-94;
(4) "Coastal boundary" means the boundary described in subsection (b) of section 22a-94;

(5) "Coastal waters" means those waters of Long Island Sound and its harbors, embayments, tidal rivers, streams and creeks, which contain a salinity concentration of at least five hundred parts per million under the low flow stream conditions as established by the commissioner;

(6) "Public beach" means that portion of the shoreline held in public fee ownership by the state or that portion of the shoreline below the mean high tide elevation that is held in public trust by the state;

(7) "Coastal resources" means the coastal waters of the state, their natural resources, related marine and wildlife habitat and adjacent shorelands, both developed and undeveloped, that together form an integrated terrestrial and estuarine ecosystem; coastal resources include the following: (A) "Coastal bluffs and escarpments" means naturally eroding shorelands marked by dynamic escarpments or sea cliffs which have slope angles that constitute an intricate adjustment between erosion, substrate, drainage and degree of plant cover; (B) "rocky shorefronts" means shorefront composed of bedrock, boulders and cobbles that are highly erosion-resistant and are an insignificant source of sediments for other coastal landforms; (C) "beaches and dunes" means beach systems including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sandflats; (D) "intertidal flats" means very gently sloping or flat areas located between high and low tides composed of muddy, silty and fine sandy sediments and generally devoid of vegetation; (E) "tidal wetlands" means "wetland" as defined by section 22a-29; (F) "freshwater wetlands and watercourses" means "wetlands" and "watercourses" as defined by section 22a-38; (G) "estuarine embayments" means a protected coastal body of water with an open connection to the sea in which saline sea water is measurably diluted by fresh water including tidal rivers, bays, lagoons and coves; (H) "coastal hazard areas" means those land areas inundated during coastal storm events or subject to erosion induced by such events, including flood hazard areas as defined
and determined by the National Flood Insurance Act, as amended (USC 42 Section 4101, P.L. 93-234) and all erosion hazard areas as determined by the commissioner; (l) "developed shorefront" means those harbor areas which have been highly engineered and developed resulting in the functional impairment or substantial alteration of their natural physiographic features or systems; (j) "island" means land surrounded on all sides by water; (K) "nearshore waters" means the area comprised of those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour; (L) "offshore waters" means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour; (M) "shorelands" means those land areas within the coastal boundary exclusive of coastal hazard areas, which are not subject to dynamic coastal processes and which are comprised of typical upland features such as bedrock hills, till hills and drumlins; and (N) "shellfish concentration areas" means actual, potential or historic areas in coastal waters, in which one or more species of shellfish aggregate;

(8) "Zoning commission" means the municipal zoning commission established under section 8-1 or by any special act or the combined planning and zoning commission established under section 8-4a;

(9) "Planning commission" means the municipal planning commission established under section 8-19 or by any special act or the combined planning and zoning commission established under section 8-4a;

(10) "Municipal coastal plans" means the plans listed in subsections (b) and (d) of section 22a-101;

(11) "Municipal coastal regulations" means the regulations and ordinances listed in subsection (b) of section 22a-101;

(12) "Federal Coastal Zone Management Act" and "federal act" means the U.S. Coastal Zone Management Act of 1972, as amended;

(13) "Coastal site plans" means the site plans, applications and project
209 referrals listed in section 22a-105;

210 (14) "Facilities and resources which are in the national interest" means: (A) Adequate protection of tidal wetlands and related estuarine resources; (B) restoration and enhancement of Connecticut's shellfish industry; (C) restoration, preservation and enhancement of the state's recreational and commercial fisheries, including anadromous species; (D) water pollution control measures and facilities consistent with the requirements of the federal Clean Water Act, as amended; (E) air pollution control measures and facilities consistent with the requirements of the federal Clean Air Act, as amended; (F) continued operations of existing federally-funded dredged and maintained navigation channels and basins; (G) energy facilities serving state-wide and interstate markets, including electric generating facilities and facilities for storage, receiving or processing petroleum products and other fuels; (H) improvements to the existing interstate rail, highway and water-borne transportation system; (I) provision of adequate state or federally-owned marine-related recreational facilities, including natural areas and wildlife sanctuaries; and (J) essential maintenance and improvement of existing water-dependent military, navigational, resource management and research facilities;

229 (15) "Adverse impacts on coastal resources" include but are not limited to: (A) Degrading water quality through the significant introduction into either coastal waters or groundwater supplies of suspended solids, nutrients, toxics, heavy metals or pathogens, or through the significant alteration of temperature, pH, dissolved oxygen or salinity; (B) degrading existing circulation patterns of coastal waters through the significant alteration of patterns of tidal exchange or flushing rates, freshwater input, or existing basin characteristics and channel contours; (C) degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction; (D) degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff; (E) increasing the hazard of coastal flooding through significant alteration of shoreline
configurations or bathymetry, particularly within high velocity flood
zones; (F) degrading visual quality through significant alteration of the
natural features of vistas and view points; (G) degrading or destroying
essential wildlife, finfish or shellfish habitat through significant
alteration of the composition, migration patterns, distribution, breeding
or other population characteristics of the natural species or significant
alteration of the natural components of the habitat; and (H) degrading
tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and
escarpments through significant alteration of their natural
characteristics or function;

(16) "Water-dependent uses" means those uses and facilities which
require direct access to, or location in, marine or tidal waters and which
therefore cannot be located inland, including but not limited to:
Marinas, recreational and commercial fishing and boating facilities,
finfish and shellfish processing plants, waterfront dock and port
facilities, shipyards and boat building facilities, water-based
recreational uses, navigation aides, basins and channels, industrial uses
dependent upon water-borne transportation or requiring large volumes
of cooling or process water which cannot reasonably be located or
operated at an inland site and uses which provide general public access
to marine or tidal waters;

(17) "Adverse impacts on future water-dependent development
opportunities" and "adverse impacts on future water-dependent
development activities" include but are not limited to (A) locating a non-
water-dependent use at a site that (i) is physically suited for a water-
dependent use for which there is a reasonable demand or (ii) has been
identified for a water-dependent use in the plan of development of the
municipality or the zoning regulations; (B) replacement of a water-
dependent use with a non-water-dependent use; [J] and (C) siting of a
non-water-dependent use which would substantially reduce or inhibit
existing or potential public access to a public beach or marine or tidal
waters;

(18) "Zoning board of appeals" means the municipal zoning board of
appeals established pursuant to section 8-5 or any special act; and

(19) "Rise in sea level" means the most recent sea level change scenario updated pursuant to subsection (b) of section 25-68o.

Sec. 4. (NEW) (Effective July 1, 2023) (a) For purposes of this section, "municipality" has the same meaning as provided in section 22a-93 of the general statutes, as amended by this act.

(b) Notwithstanding any provision of the general statutes or any special act, municipal charter or home rule ordinance, no municipality shall (1) prohibit nonresidents of such municipality from entering or using a municipal park or municipal beach adjacent to marine or tidal waters, or a municipal facility associated with such park or beach, unless such prohibition applies to residents of such municipality; or (2) impose on nonresidents a fee for such entrance or use, or parking associated with such entrance or use, that is greater than twice the amount of any fee charged to residents for the same purpose.

This act shall take effect as follows and shall amend the following sections:

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<th>Section 1</th>
<th>July 1, 2023</th>
<th>22a-92(a)</th>
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<tbody>
<tr>
<td>Sec. 2</td>
<td>July 1, 2023</td>
<td>22a-92(c)(1)</td>
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<td>Sec. 3</td>
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<td>22a-93</td>
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<tr>
<td>Sec. 4</td>
<td>July 1, 2023</td>
<td>New section</td>
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Statement of Purpose:
To (1) clarify that certain goals and policies concerning coastal management shall apply to all public coastal resources, and (2) prohibit municipalities from restricting nonresident access to municipal parks and beaches that are accessible to residents or imposing fees for such access that are greater than fifty per cent of any fees charged to residents.

[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.]