



General Assembly

Substitute Bill No. 5433

February Session, 2024



AN ACT ESTABLISHING A PROCEDURE FOR THE STATE HISTORIC PRESERVATION OFFICER TO MAKE DETERMINATIONS CONCERNING CERTAIN ENVIRONMENTAL EFFECTS.

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

- 1 Section 1. (NEW) (*Effective October 1, 2024*) (a) As used in this section:
- 2 (1) "Actions which may significantly affect the environment" has the
3 same meaning as provided in section 22a-1c of the general statutes;
- 4 (2) "Historic structures and landmarks" has the same meaning as
5 provided in section 10-410 of the general statutes;
- 6 (3) "Sponsoring agency" has the same meaning as described in
7 sections 22a-1 to 22a-1h, inclusive, of the general statutes;
- 8 (4) "State entity" means a state department, institution or agency
9 under sections 22a-1 to 22a-1h, inclusive, of the general statutes;
- 10 (5) "State funding recipient" means a recipient of state funding under
11 sections 22a-1 to 22a-1h, inclusive, of the general statutes; and
- 12 (6) "State Historic Preservation Officer" means the individual
13 appointed by the Governor pursuant to 54 USC 302301(1), as amended
14 from time to time, to administer the state historic preservation program
15 in accordance with 54 USC 302303, as amended from time to time.

16 (b) A sponsoring agency may, in accordance with sections 22a-1 to
17 22a-1h, inclusive, of the general statutes, consult with the State Historic
18 Preservation Officer to determine whether an individual activity or a
19 sequence of planned activities proposed to be undertaken by the
20 sponsoring agency, a state entity or a state funding recipient is within
21 the category of actions which may significantly affect the environment
22 because such activity or sequence of activities could have a major impact
23 on the state's historic structures and landmarks. The State Historic
24 Preservation Officer shall, in making such determination, collaborate
25 with the sponsoring agency, state entity or state funding recipient, as
26 applicable. An initial determination by the State Historic Preservation
27 Officer shall be made not later than thirty days after the officer receives
28 information the officer deems reasonably necessary to make such
29 determination.

30 (c) If the State Historic Preservation Officer determines that such
31 individual activity or sequence of planned activities will not have any
32 effect on historic structures and landmarks, or is not within the category
33 of actions which may significantly affect the environment because such
34 activity or sequence of activities will not have a major impact on historic
35 structures and landmarks, said officer shall provide written notice of
36 such determination to the sponsoring agency.

37 (d) (1) If the State Historic Preservation Officer determines that such
38 individual activity or sequence of planned activities is within the
39 category of actions which will significantly affect the environment
40 because such activity or sequence of activities will have a major impact
41 on historic structures and landmarks, the officer shall, in collaboration
42 with the sponsoring agency, state entity or state funding recipient, as
43 applicable, propose a mitigation plan requiring such sponsoring agency,
44 state entity or state funding recipient to mitigate such impact.

45 (2) The sponsoring agency, state entity or state funding recipient, as
46 applicable, shall, to the extent possible, submit to the State Historic
47 Preservation Officer all pertinent information regarding such individual
48 activity or sequence of planned activities that may affect such mitigation

49 plan. Such information shall be considered by the officer in the
50 development of the mitigation plan.

51 (3) The State Historic Preservation Officer shall memorialize the
52 mitigation plan in a proposed mitigation agreement that may be
53 executed by the officer and the sponsoring agency, state entity or state
54 funding recipient, as applicable. The execution of such mitigation
55 agreement shall constitute a determination by the State Historic
56 Preservation Officer that said officer is satisfied the environmental effect
57 will be mitigated.

58 (e) (1) If the sponsoring agency, state entity or state funding recipient
59 declines to execute a proposed mitigation agreement as described in
60 subdivision (3) of subsection (d) of this section, such sponsoring agency,
61 state entity or state funding recipient may, not later than fifteen days
62 after the State Historic Preservation Officer proposes such mitigation
63 plan, submit a request to the Commissioner of Economic and
64 Community Development to review the proposed mitigation plan and
65 to make recommendations to revise such plan. Such request shall be in
66 the form and manner prescribed by the commissioner and may include
67 a request for a conference with the commissioner, the State Historic
68 Preservation Officer, the sponsoring agency, the state entity or the state
69 funding recipient, as applicable, and any other interested party.

70 (2) (A) Not later than thirty days after receiving such request, the
71 commissioner shall (i) if such conference was requested, hold such
72 conference, and (ii) make recommendations, if any, for revisions to the
73 mitigation plan. If such revisions are recommended, the State Historic
74 Preservation Officer shall include such revisions in a revised mitigation
75 plan and shall memorialize such revised mitigation plan in a revised
76 mitigation agreement. Such revised mitigation agreement may be
77 executed by the officer and the sponsoring agency, state entity or state
78 funding recipient, as applicable. The execution of such revised
79 mitigation agreement shall constitute a determination by the State
80 Historic Preservation Officer that said officer is satisfied the
81 environmental effect will be mitigated.

82 (B) If the commissioner makes no recommendations for revisions to
83 the mitigation plan, the review by the commissioner pursuant to this
84 subsection shall be concluded. The sponsoring agency, state entity or
85 state funding recipient, as applicable, may subsequently elect to execute
86 the mitigation agreement proposed by the State Historic Preservation
87 Officer pursuant to subdivision (3) of subsection (d) of this section. The
88 execution of such mitigation agreement shall constitute a determination
89 by the State Historic Preservation Officer that said officer is satisfied the
90 environmental effect will be mitigated.

91 (f) A state funding recipient may, at any time while the State Historic
92 Preservation Officer is making a determination or developing a
93 mitigation plan pursuant to this section, elect to pay mitigation costs of
94 the lesser of fifteen per cent of such state funding or seven hundred fifty
95 thousand dollars. If such state funding recipient makes such election,
96 the State Historic Preservation Officer shall memorialize such election in
97 a mitigation agreement executed by the officer and such recipient. The
98 execution of such mitigation agreement shall constitute a determination
99 by the State Historic Preservation Officer that said officer is satisfied the
100 environmental effect will be mitigated.

101 (g) If the State Historic Preservation Officer proposes a mitigation
102 plan pursuant to subdivision (1) of subsection (d) of this section but a
103 mitigation agreement is not executed under subsection (d), (e) or (f) of
104 this section, the sponsoring agency may conduct an early public scoping
105 process in accordance with subsection (b) of section 22a-1b of the
106 general statutes.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2024	New section

CE Joint Favorable Subst.