



General Assembly

**Proposed Substitute  
Bill No. 312**

February Session, 2014

LCO No. 2922

**AN ACT CONCERNING A LONG ISLAND SOUND RESOURCE AND  
USE INVENTORY AND A LONG ISLAND SOUND BLUE PLAN.**

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

1 Section 1. (NEW) (*Effective October 1, 2014*) (a) The Secretary of the  
2 Office of Policy and Management, in conjunction with the Long Island  
3 Sound Resource and Use Inventory and Blue Plan Advisory  
4 Committee, established pursuant to subsection (c) of this section, and  
5 within available resources, shall: (1) Coordinate the completion of a  
6 Long Island Sound Resource and Use Inventory that is comprised of  
7 the best available information and data regarding the natural resources  
8 within Long Island Sound and the uses of Long Island Sound,  
9 including, but not limited to, all: (A) Plants; (B) animals; (C) habitats;  
10 (D) ecologically significant areas in nearshore and offshore waters and  
11 substrates of such waters; (E) uses of such waters and substrates,  
12 including, but not limited to: (i) Recreational and commercial boating  
13 and fishing, (ii) shellfish beds, (iii) aquaculture facilities, (iv) shipping

14 corridors, (v) energy facilities, and (vi) electric power line, gas pipeline  
15 and telecommunications crossings; and (F) any updates and additions  
16 to the comprehensive environmental assessment and plan completed,  
17 in accordance with section 25-157a of the general statutes; and (2)  
18 develop a Long Island Sound Blue Plan that may include maps,  
19 illustrations and other media. Such Long Island Sound Blue Plan shall:  
20 (A) Establish the state's goals, siting priorities and standards for  
21 ensuring effective stewardship of the waters of Long Island Sound  
22 held in trust for the benefit of the public; (B) promote science-based  
23 management practices that take into account the existing natural,  
24 social, cultural, historic and economic characteristics of planning areas  
25 within Long Island Sound; (C) preserve and protect traditional  
26 riparian and water-dependent uses and activities; (D) promote  
27 maximum public accessibility to Long Island Sound's waters for  
28 traditional public trust uses, such as recreational and commercial  
29 boating and fishing, except when necessary to protect coastal  
30 resources, preserve public health, safety and welfare, or when it is in  
31 the interest of national security; (E) reflect the importance of the waters  
32 of Long Island Sound to the citizens of this state who derive  
33 livelihoods and recreational benefits from boating and fishing; (F)  
34 analyze the implications of existing and potential uses and users of  
35 Long Island Sound with a focus on avoiding potential use conflicts; (G)  
36 be based upon the Long Island Sound Resources and Uses Inventory,  
37 prepared pursuant to subdivision (1) of this subsection, with provision  
38 for the ongoing acquisition and application of up-to-date resource and  
39 use data, including seafloor mapping; (H) reflect the value of  
40 biodiversity and ecosystem health in regard to the interdependence of  
41 ecosystems; (I) identify and protect special, sensitive or unique  
42 estuarine and marine life and habitats, including, but not limited to,  
43 scenic and visual resources; (J) adapt to evolving knowledge and  
44 understanding of the marine environment, including adaptation to  
45 climate change and rise in sea level; (K) foster sustainable uses that  
46 capitalize on economic opportunity without significant detriment to

47 the ecology or natural beauty of Long Island Sound; (L) support the  
48 infrastructure necessary to sustain the economy and quality of life for  
49 the citizens of this state; (M) be coordinated with local, regional and  
50 federal planning entities and agencies, including, but not limited to,  
51 the Long Island Sound Study and National Ocean Policy's Northeast  
52 Regional Planning Body; (N) be coordinated, developed and  
53 implemented, to the maximum extent feasible, with the state of New  
54 York; (O) be developed through a transparent and inclusive process  
55 that seeks widespread participation of the public and stakeholders and  
56 encourages public participation in decision making; (P) identify  
57 appropriate locations and performance standards for activities, uses  
58 and facilities regulated under existing state permit programs,  
59 including, but not limited to, measures to guide siting of uses in a  
60 manner compatible with said Long Island Sound Blue Plan; (Q) be  
61 consistent with the state plan of conservation and development and  
62 the goals and policies described in section 22a-92 of the general  
63 statutes. The secretary may accept, on behalf of the state, any gifts,  
64 grants, donations or bequests for the purposes of assisting the  
65 completion of the Long Island Sound Resources and Uses Inventory  
66 and the development of a Long Island Sound Blue Plan.

67 (b) For the purposes of this section, the submerged lands and waters  
68 subject to the secretary's planning, management and coordination  
69 authority under the Long Island Sound Blue Plan shall include Long  
70 Island Sound and its bays and inlets from the mean high water line, as  
71 defined by the most recent data of the National Oceanic and  
72 Atmospheric Administration, to the state's waterward boundaries with  
73 the states of New York and Rhode Island. Any siting policies,  
74 identification of locations, or performance standards for activities, uses  
75 and facilities under the Long Island Sound Blue Plan shall apply in a  
76 spatial planning area located seaward of the bathymetric contour of  
77 minus ten feet North American Vertical Datum to the state's  
78 waterward boundaries with the states of New York and Rhode Island.  
79 Such spatial planning area shall be designated on a map to be

80 prepared by the advisory committee established pursuant to  
81 subsection (c) of this section.

82 (c) There is established a Long Island Sound Resource and Use  
83 Inventory and Blue Plan Advisory Committee that shall assist the  
84 Secretary of the Office of Policy and Management with the drafting of  
85 the Long Island Sound Resource and Use Inventory and the Long  
86 Island Sound Blue Plan, described in subsection (a) of this section. Said  
87 advisory committee shall consist of the following members: (1) The  
88 Commissioner of Energy and Environmental Protection, or the  
89 commissioner's designee, (2) a member from a marine-related program  
90 at The University of Connecticut, (3) a representative of the Office of  
91 Maritime Affairs within the Department of Transportation, (4) a  
92 representative of the Bureau of Aquaculture within the Department of  
93 Agriculture, (5) the Commissioner of Economic and Community  
94 Development, or the commissioner's designee, (6) a representative of  
95 the Connecticut Siting Council, (7) a representative of the marine  
96 trades industry, (8) a representative of a conservation organization that  
97 specializes in coastal issues, (9) a representative of the gas and electric  
98 distribution industries, (10) a representative of the commercial  
99 shellfish and finfish industries, (11) a representative of the recreational  
100 fishing community, and (12) a representative of a nonprofit  
101 organization with expertise in marine assessments and planning. Each  
102 appointed member shall be appointed by the Governor and shall serve  
103 at the pleasure of the Governor. The secretary shall convene the first  
104 meeting of such advisory committee not later than sixty days after the  
105 effective date of this section and shall serve as the chairperson of such  
106 advisory committee. The secretary may request members of the  
107 advisory committee to assist with administrative functions of the  
108 advisory committee, including, but not limited to, convening and  
109 noticing meetings and drafting assessments and reports. The advisory  
110 committee shall be located in the Office of Policy and Management for  
111 administrative purposes only.

112 (d) The Long Island Sound Resource and Use Inventory and Blue  
113 Plan Advisory Committee shall hold not less than three public  
114 hearings in different coastal municipalities of the state to receive  
115 comments and submissions from the public and interested persons  
116 and may provide for other public outreach and input measures, as  
117 appropriate, to assure sufficient stakeholder engagement and  
118 representation. The advisory committee shall assist the secretary in  
119 completing a draft of the Long Island Sound Resource and Use  
120 Inventory and the Long Island Sound Blue Plan not later than July 1,  
121 2017.

122 (e) During the drafting of the Long Island Sound Resource and Use  
123 Inventory and Long Island Sound Blue Plan, and prior to making such  
124 draft available for public comment, in accordance with subsection (f) of  
125 this section, the advisory committee shall consult with representatives  
126 of the telecommunications industry, coastal municipalities, waterfront  
127 businesses, a tribal nation, the shell fish industry, the commercial fin  
128 fishing community, the tourism or recreation industry and an  
129 organization involved with coastal or marine hunting.

130 (f) Upon completion of the draft Long Island Sound Resource and  
131 Use Inventory and the Long Island Sound Blue Plan, the secretary shall  
132 make such draft available for public review and comment and shall  
133 publish notice thereof in not less than five newspapers of general  
134 circulation, the Environmental Monitor and the Connecticut Law  
135 Journal. The secretary shall cause such draft and notice of public  
136 comment period to be posted on the Internet web site of the  
137 Department of Energy and Environmental Protection and the Office of  
138 Policy and Management. Such notice of public comment period shall  
139 provide for a public comment period of not less than ninety days. Not  
140 later than ninety days after the end of such public comment period, the  
141 secretary shall adopt a final draft of the Long Island Sound Resource  
142 and Use Inventory and the Long Island Sound Blue Plan.

143 (g) Upon completion of the final draft of the Long Island Sound  
144 Resource and Use Inventory and the Long Island Sound Blue Plan,  
145 such inventory and plan shall be submitted to the joint standing  
146 committee of the General Assembly having cognizance of matters  
147 relating to the environment. Said committee, not later than forty-five  
148 days after the start of the next occurring legislative session following  
149 receipt of such inventory and plan, shall submit such inventory and  
150 plan, in conjunction with the committee's recommendation for  
151 approval or disapproval of such inventory and plan, to the General  
152 Assembly. Such inventory and plan shall become effective when  
153 approved by a majority vote of each chamber of the General Assembly.  
154 In the event that the General Assembly disapproves the plan, in whole  
155 or in part, such inventory and plan shall be deemed to be rejected and  
156 shall be returned to the advisory committee for revision.

157 (h) Upon approval of such inventory and plan: (1) Such plan shall  
158 be considered as a factor in the review of applications pursuant to  
159 section 25-157b, 22a-361 and 22a-359 of the general statutes and may be  
160 utilized for guidance in pre-application discussions between the  
161 Commissioner of Energy and Environmental Protection and  
162 applicants, (2) the Commissioner of Energy and Environmental  
163 Protection shall seek necessary federal approval to incorporate the  
164 Long Island Sound Blue Plan as an enforceable policy in the state's  
165 coastal management program under the federal Coastal Zone  
166 Management Act, (3) the secretary and the Commissioner of Energy  
167 and Environmental Protection shall, within available resources,  
168 develop and implement a public outreach and information program to  
169 provide information to the public regarding the Long Island Sound  
170 Blue Plan, (4) the secretary and the Commissioner of Energy and  
171 Environmental Protection shall provide for the review and update of  
172 such inventory and plan at least once every five years and any revision  
173 to such inventory and plan shall become effective upon approval by  
174 the General Assembly, in accordance with subsection (f) of this section,  
175 (5) the advisory committee, not later than six months after such

176 approval, shall advise the secretary on the operation, implementation  
177 and updating of the inventory and plan, as applicable, and shall meet  
178 on a quarterly basis to review implementation of such plan, identify  
179 emerging issues and recommend any necessary or desirable alterations  
180 or improvements to such plan, and (6) the advisory committee shall,  
181 within available resources, hold not less than one public hearing each  
182 year to receive comments and submissions from the public on such  
183 inventory and plan.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	<i>October 1, 2014</i>	New section
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