



Notice of Intent to Amend the Boating Safety Regulations to Extend a Slow-No-Wake Zone in Squantz Cove (Candlewood Lake, New Fairfield)

In accordance with section 4-168 of the Connecticut General Statutes (CGS) the Commissioner of the Department of Energy and Environmental Protection (DEEP) hereby gives notice of his intent to amend Section 15-121-B15a of the Regulations of the Connecticut State Agencies to extend a Slow-No-Wake zone in Squantz Cove on Candlewood Lake. This amendment is being proposed under the authority granted to the Commissioner in CGS Section 15-121(b)(11) and pursuant to a vote of the town of New Fairfield legislative body and petition of ten or more persons requesting the subject action under CGS Section 15-136.

Description: Under this proposal an existing Slow-No-Wake zone will be extended from 1500 feet southeast from the Squantz Cove Causeway to 2500 feet. The purpose of the proposal is to “improve safety on the waters of Squantz Cove and to minimize potential for damage to boats, docks and other property by excessive wakes...created by boats leaving and entering the State boat launch and using the confined waters of Squantz Cove at high speed...” (letter to Robert Klee, DEEP Commissioner, from Susan Chapman, First Selectman, New Fairfield, 16 June 2014). The term “Slow-No-Wake” is defined in Section 15-121-A1 of the Regulations of the Connecticut State Agencies.

There is no anticipated fiscal impact to the municipality or to the State. There is no anticipated adverse impact to small business.

Written Comments: All interested persons are invited to submit comments regarding the proposed amendment to the DEEP-Marine Headquarters, Boating Division, P.O. Box 280, Old Lyme, CT 06371. All comments should be directed to the attention of Timothy Delgado and must be received between 8:00 AM on 29 September 2014 and 4:00 PM on 28 November 2014. Comments may be submitted by post, facsimile to (860) 434-3501 or by electronic mail to timothy.delgado@ct.gov. Only those written comments containing the name and address of the commenter will be considered.

Public Hearing: In addition to accepting written comments, DEEP will also hold the public hearing described below. The Commissioner requests that any person giving oral comment at the hearing also submit a written copy of such comments.

PUBLIC HEARING
29 October 2014
6:30 PM
New Fairfield Community Room
33 Route 37
New Fairfield, CT

Copies of the proposed amendment, the associated fiscal and small business impact statements, and statement required under 22a-6(h) are available for public inspection during normal business hours and may be obtained from Timothy Delgado at the DEEP Marine Headquarters located at 333 Ferry Road, Old Lyme, Connecticut, 06371. The same documents will be posted on [DEEP's website](#).

The Connecticut Department of Energy and Environmental Protection is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Please contact us at (860) 418-5910 or deep.accommodations@ct.gov if you: have a disability and need a communication aid or service; have limited proficiency in English and may need information in another language; or if you wish to file an ADA or Title VI discrimination complaint. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

/s/ Robert Klee
Robert Klee
Commissioner

10/2/14 _____
Date

IMPORTANT: Use this form (REGS-1) to submit permanent regulations to the Legislative Regulation Review Committee.
For emergency regulations, use form REGS-1-E instead.
For non-substantive technical amendments and repeals proposed without prior notice or hearing as permitted by subsection (g) of CGS 4-168, as amended by PA 13-247 and PA 13-274, use form REGS-1-T instead.

Please read the additional instructions on the back of the last page (Certification Page) before completing this form. Failure to comply with the instructions may cause disapproval of proposed regulations.

State of Connecticut
REGULATION
of the

NAME OF AGENCY: Department of Energy and Environmental Protection

Concerning

SUBJECT MATTER OF REGULATION: Extension of Squantz Cove (Candlewood Lake) Slow-No-Wake Zone

Subsection (a) of Section 15-121-B15a of the Regulations of the Connecticut State Agencies is amended to read as follows:

(a) On the waters of Candlewood Lake, including Squantz Pond, [no person shall operate a vessel in excess of the following speed limits] the following restrictions shall apply:

- (1) [25] No person shall operate a vessel in excess of twenty-five (25) miles per hour from one half hour after sunset to one half hour before sunrise;
- (2) [45] No person shall operate a vessel in excess of forty-five (45) miles per hour [daytime limit] from one half hour before sunrise to one half hour after sunset;
- (3) Within the area of Lattins Cove, from the end northerly for two-thousand five-hundred (2,500) feet no person shall operate a vessel in excess of Slow-No-Wake. Said Slow-No-Wake area may at and by the sole discretion of the [commissioner] Commissioner, be otherwise [deliniated] delineated by regulatory marker(s).
- (4) Within the area of Squantz Cove, from the causeway southeasterly for [one] two- thousand [five hundred] five-hundred (2,500) feet [shall be a] no person shall operate a vessel in excess of Slow-No-Wake [area]. Said Slow-No-Wake area [may at and by the sole discretion of the commissioner,] shall be otherwise [deliniated] delineated by one regulatory [marker(s)] marker in the vicinity of the State boat launch visible to all watercraft entering and leaving the State boat launch and one regulatory marker approximately two-thousand five-hundred (2,500) feet southeasterly of the causeway visible to all watercraft entering Squantz Cove.

Statement of Purpose

Pursuant to CGS Section 4-170(b)(3), "Each proposed regulation shall have a statement of its purpose following the final section of the regulation." Enter the statement here.

Under this proposal the boating safety regulations will be amended to extend an existing Slow-No-Wake zone in Squantz Cove, Candlewood Lake, in the Town of New Fairfield. The proposal of this amendment follows the 12 June 2014 vote of the Town of New Fairfield legislative body and petition of ten or more persons, as prescribed under Section 15-136(b)(2).

This proposal seeks to "improve safety on the waters of Squantz Cove and to minimize potential for damage to boats, docks and other property by excessive wakes...created by boats leaving and entering the State boat launch and using the confined waters of Squantz Cove at high speed..." (letter to Robert Klee, DEEP Commissioner, from Susan Chapman, First Selectman, New Fairfield, 16 June 2014). The term "Slow-No-Wake" is defined in Section 15-121-A1 of the Regulations of the Connecticut State Agencies.

There is no anticipated fiscal impact to the municipality or to the State. There is no anticipated adverse impact to small business.

This proposal is offered under the authority granted to the Commissioner in Section 15-121(b)(11) of the General Statutes.

CERTIFICATION

This certification statement must be completed in full.

I hereby certify that the above Regulation(s)

- 1) is/are (check all that apply) adopted amended repealed by this agency pursuant to the following authority(ies): (complete all that apply)
- a. **Connecticut General Statutes section(s)** _____.
- b. **Public Act Number(s)** _____.
(Provide public act number(s) if the authorizing act has not yet been codified in the Connecticut General Statutes.)

And I further certify

- 2) that **Notice of Intent** to adopt, amend or repeal said regulation(s) was electronically submitted to the Secretary of the State on _____, and posted to the Secretary's regulations website on _____; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 3) and that a public hearing regarding the proposed regulation(s) was held on _____ or that no public hearing was held; *(Insert date(s) of mandatory public hearing(s) held pursuant to CGS 4-168(a), as amended, or other applicable statute, and/or voluntary hearing, or if no hearing was held, check the box for that statement.)*
- 4) and that notice of **Decision to Take Action** on said regulations was electronically submitted to the Secretary of the State on _____, and posted to the Secretary's regulations website on _____; *(Insert dates notice was (a) emailed to the Secretary of the State and (b) posted on the Secretary's website, if notice and posting were required by CGS 4-168, as amended by PA 13-247 and PA 13-274.)*
- 5) and that said regulation(s) is/are **EFFECTIVE** (check one, and complete as applicable)
- When posted online by the Secretary of the State.
- OR on (insert date) _____.

6) SIGNED (Head of Board, Agency or Commission)	OFFICIAL TITLE, DULY AUTHORIZED	DATE
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APPROVED by the Attorney General as to legal sufficiency in accordance with CGS Section 4-169, as amended.

DATE	SIGNED (Attorney General or AG's designated representative)	OFFICIAL TITLE, DULY AUTHORIZED
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*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation.*

(For Regulation Review Committee Use ONLY)

APPROVED in WHOLE or WITH technical corrections deletions substitute pages

DEEMED APPROVED, pursuant CGS 4-170(c), as amended.

Rejected without Prejudice Disapproved, pursuant to CGS 4-170(c), as amended.

By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended	DATE	SIGNED (Administrator, Legislative Regulation Review Committee)
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In accordance with CGS Section 4-172, as amended by PA 13-247 and PA 13-274, one certified paper copy and one electronic copy with agency head certification statement received on the date(s) specified below.

DATE	SIGNED (Secretary of the State)	BY
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(For Secretary of the State Use ONLY)

Date Posted to SOTS Regulations Website:

Date Electronic Copy Forwarded to the Commission on Official Legal Publications:

SOTS file stamp:

GENERAL INSTRUCTIONS

1. All regulations proposed for adoption, amendment or repeal, *except* emergency regulations, must be presented to the Attorney General for determination of legal sufficiency. (See CGS Section 4-169.)
2. After approval by the Attorney General, the original and one electronic copy (in Word format) of all regulations proposed for adoption, amendment or repeal must be presented to the Legislative Regulation Review Committee for its action. (See CGS Section 4-168, as amended by PA 13-247, section 28, and PA 13-274, and CGS Section 4-170.)
3. Each proposed regulation section must include the appropriate regulation section number and a section heading. (See CGS Section 4-172.)
4. New language added to an existing regulation must be in underlining or CAPITAL LETTERS, as determined by the Regulation Review Committee. (See CGS 4-170(b).)
5. Existing language to be deleted must be enclosed in [brackets]. (See CGS 4-170(b).)
6. A completely new regulation or a new section of an existing regulation must be preceded by the word "(NEW)" in capital letters. (See CGS Section 4-170(b).)
7. The proposed regulation must have a statement of its purpose following the final section of the regulation. (See CGS Section 4-170(b).)
8. The *Certification Statement* portion of this form must be completed, including all applicable information regarding notice submission and website posting date(s) and public hearing(s). (See more specific instructions below.)
9. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: <http://www.cga.ct.gov/rr/>.
10. A copy of the Legislative Commissioners' Regulations Drafting Manual is located on the LCO website at http://www.cga.ct.gov/lco/pdfs/Regulations_Drafting_Manual.pdf.

CERTIFICATION STATEMENT INSTRUCTIONS

(Numbers below correspond to the numbered sections of the Certification Statement page)

1. a) Indicate whether the regulation contains newly adopted sections, amendments to existing sections, and/or repeals of existing sections. **Check all cases that apply.**
b) Indicate the specific legal authority that permits or requires adoption, amendment or repeal of the regulation. If the relevant public act has been codified in the most current biennial edition of the *Connecticut General Statutes*, indicate the relevant statute number(s) instead of the public act number. If the public act has not yet been codified, indicate the relevant public act number.
2. An agency must electronically submit notice of its intent to adopt the regulation to the Secretary of the State at regulations.sots@ct.gov for posting on the Secretary's regulations website. Enter both the date notice of intent was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website. For emergency regulations, use Form Regs-1-E instead of this form. For non-substantive technical amendments and repeals adopted without prior notice or hearing as permitted by subsection (g) of CGS 4-168, use Form REGS-1-T instead of this form.
3. CGS 4-168(a), as amended by PA 13-247 and PA 13-274, prescribes requirements for holding a public hearing on proposed regulations. Enter the date(s) of all hearing(s) held under that section, if any, also enter the date(s) of any hearing(s) the agency was required to hold under the provisions of any other law; and enter the date(s) of any public hearing(s) the agency elected to hold voluntarily. If no public hearing was held, mark (X) the check box.
4. **NEW REQUIREMENT:** CGS 4-168(d), as amended by PA 13-247 and PA 13-274, prescribes requirements electronically submitting notice of decision to take action (proceed with adoption) of a proposed regulation for posting to the Secretary's regulations webpage. Enter both the date notice of decision was submitted to the Secretary of the State *and* the date the notice was posted on the Secretary's website.
5. As applicable, enter the specific effective date of the regulation; or indicate that it is effective upon posting online by the Secretary of the State. **Please note the important information below.**
Permanent regulations adopted after July 1, 2013 are effective upon posting online by the Secretary of the State (SOTS), or at a *later* date specified by the agency, or at a *later* date if required by statute. See CGS 4-172(b). An effective date may not precede the date of posting online by SOTS, and it may not precede the effective date of the public act requiring or permitting the regulation.
6. Submit the original proposed regulation to your agency commissioner for signature.