

# **CONNECTICUT COASTAL MANAGEMENT ACT**

## **SECTION 5 - CONNECTICUT COASTAL MANAGEMENT ACT**

Connecticut General Statutes Sections 22a-90 through 22a-112

Public Act 00-152 – An Act Concerning Urban Harbors, Boating Safety and  
Water Systems in the State

Reference Guide to Coastal Policies and Definition

# CONNECTICUT COASTAL MANAGEMENT ACT

## Connecticut General Statutes

### CHAPTER 444\*

\*Cited. 192 C. 353, 354, 358–365. Coastal management act cited. 203 C. 364, 374; 222 C. 269, 275. Coastal area management act, Sec. 22a-90 et seq. cited. 227 C. 71, 77, 78, 93. Coastal management act cited. 228 C. 187, 195, 199.

Coastal Management Act Sec. 22a-90 et seq. cited. 35 CA 317–325.

Coastal Management Act cited. 43 CS 386, 387, 400.

**Sec. 22a-90. Short title: Coastal Management Act.** Sections 22a-90 to 22a-112, inclusive, shall be known and may be cited as the "Coastal Management Act".

(P.A. 78-152, S. 1, 11; P.A. 83-487, S. 28, 33.)

History: P.A. 78-152 effective July 1, 1979; P.A. 83-487 amended section to include Secs. 22a-97 to 22a-112, inclusive, under short title.

**Sec. 22a-91. Legislative findings.** The General Assembly finds that:

- (1) The waters of Long Island Sound and its coastal resources, including tidal rivers, streams and creeks, wetlands and marshes, intertidal mudflats, beaches and dunes, bluffs and headlands, islands, rocky shorefronts, and adjacent shorelands form an integrated natural estuarine ecosystem which is both unique and fragile;
- (2) Development of Connecticut's coastal area has been extensive and has had a significant impact on Long Island Sound and its coastal resources;
- (3) The coastal area represents an asset of great present and potential value to the economic well-being of the state, and there is a state interest in the effective management, beneficial use, protection and development of the coastal area;
- (4) The waterfront of Connecticut's major urban ports is underutilized and many existing urban waterfront uses are not directly dependent on proximity to coastal waters;
- (5) The coastal area is rich in a variety of natural, economic, recreational, cultural and aesthetic resources, but the full realization of their value can be achieved only by encouraging further development in suitable areas and by protecting those areas unsuited to development;
- (6) The key to improved public management of Connecticut's coastal area is coordination at all levels of government and consideration by municipalities of the impact of development on both coastal resources and future water-dependent development opportunities when preparing plans and regulations and reviewing municipal and private development proposals; and
- (7) Unplanned population growth and economic development in the coastal area have caused the loss of living marine resources, wildlife and nutrient-rich areas, and have endangered other vital ecological systems and scarce resources.

(P.A. 78-152, S. 2, 11; P.A. 79-535, S. 1, 25.)

History: P.A. 78-152 effective July 1, 1979; P.A. 79-535 entirely replaced Subdivs. (3) and (5) which had addressed the demand for recreational opportunity in coastal areas and the lack of full protection for "natural features and processes" and the lack of beneficial development and added Subdivs. (6) and (7).

**Sec. 22a-92. Legislative goals and policies.** (a) The following general goals and policies are established by this chapter:

- (1) To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with 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 coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and reduce the necessity of public expenditure to protect future 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 insure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan for 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 insure maximum protection of coastal resources while minimizing conflicts and disruption of economic development; and
- (10) To insure 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 and to insure 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.

(b) In addition to the policies stated in subsection (a), the following policies are established for

federal, state and municipal agencies in carrying out their responsibilities under this chapter:

(1) Policies concerning development, facilities and uses within the coastal boundary are: (A) To manage uses in the coastal boundary through existing municipal planning, zoning and other local regulatory authorities and through existing state structures, dredging, wetlands, and other state siting and regulatory authorities, giving highest priority and preference to water-dependent uses and facilities in shorefront areas; (B) to locate and phase sewer and water lines so as to encourage concentrated development in areas which are suitable for development; and to disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used; (C) to promote, through existing state and local planning, development, promotional and regulatory authorities, the development, reuse or redevelopment of existing urban and commercial fishing ports giving highest priority and preference to water dependent uses, including but not limited to commercial and recreational fishing and boating uses; to disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor; and to minimize the risk of oil and chemical spills at port facilities; (D) to require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners; (E) to disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical storage facilities which can reasonably be located inland and to require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills; (F) to make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area; (G) to encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land; (H) to protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the state-wide boating public and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas; (I) to protect and where feasible, upgrade facilities serving the commercial fishing and recreational boating industries; to maintain existing authorized commercial fishing and recreational boating harbor space unless the demand for these facilities no longer exists or adequate space has been provided; to design and locate, where feasible, proposed recreational boating facilities in a manner which does not interfere with the needs of the commercial fishing industry and (J) to require reasonable mitigation measures where development would adversely impact historical, archaeological, or paleontological resources that have been designated by the state historic preservation officer.

(2) Policies concerning coastal land and water resources within the coastal boundary are: (A) To manage coastal bluffs and escarpments so as to preserve their slope and toe; to discourage uses which do not permit continued natural rates of erosion and to disapprove uses that accelerate slope erosion and alter essential patterns and supply of sediments to the littoral transport system;

(B) to manage rocky shorefronts so as to insure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies; (C) to preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities; to insure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation, and to encourage the restoration and enhancement of disturbed or modified beach systems; (D) to manage intertidal flats so as to preserve their value as a nutrient source and reservoir, a healthy shellfish habitat and a valuable feeding area for invertebrates, fish and shorebirds; to encourage the restoration and enhancement of degraded intertidal flats; to allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation, and nutrient storage functions and to disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats; (E) to preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions; to encourage the rehabilitation and restoration of degraded tidal wetlands and where feasible and environmentally acceptable, to encourage the creation of wetlands for the purposes of shellfish and finfish management, habitat creation and dredge spoil disposal; (F) to manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized and to promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water dependent uses; (G) to promote, through existing state and local planning, development, promotional and regulatory programs, the use of existing developed shorefront areas for marine-related uses, including but not limited to, commercial and recreational fishing, boating and other water-dependent commercial, industrial and recreational uses; (H) to manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland; to maintain the value of undeveloped islands as a major source of recreational open space; and to disallow uses which will have significant adverse impacts on islands or their resource components; (I) to regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources and (J) to maintain the natural relationship between eroding and depositional coastal landforms and to minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts.

(c) In addition to the policies stated in subsections (a) and (b), the following policies are established for federal and state agencies in carrying out their responsibilities under this chapter: (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 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 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.

(2) Policies concerning coastal land and other resources within the coastal boundary are: (A) To manage estuarine embayments so as to insure that coastal uses proceed in a manner that assures sustained biological productivity, the maintenance of healthy marine populations and the maintenance of essential patterns of circulation, drainage and basin configuration; to protect, enhance and allow natural restoration of eelgrass flats except in special limited cases, notably shellfish management, where the benefits accrued through alteration of the flat may outweigh the long-term benefits to marine biota, waterfowl, and commercial and recreational finfisheries and (B) to maintain, enhance, or, where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures.

(d) In addition to the policies in this section, the policies of the state plan of conservation and development adopted pursuant to part I of chapter 297 shall be applied to the area within the coastal boundary in accordance with the requirements of section 16a-31.

(P.A. 78-152, S. 3, 11; P.A. 79-535, S. 2, 25; P.A. 90-230, S. 33, 101; P.A. 00-152, S. 1.)

History: P.A. 78-152 effective July 1, 1979; P.A. 79-535 added reference to chapter 474a in Subsec. (a)(3), rephrased Subsec. (a)(6), referred to "state" rather than "public expenditures" in Subsec. (a)(8) and added reference to actions consistent with state plan for conservation and development, added Subdiv. (10) re insuring that use is in national interest and that restrictions or exclusions of uses and facilities are reasonable, and added Subsecs. (b) to (d) establishing policies for federal, state and municipal agencies in carrying out their responsibilities; P.A. 90-230 corrected internal references in Subsec. (a)(2); P.A. 00-152 amended Subsec. (c)(1) by adding new Subpara. (L) re revitalization of urban harbors and waterfronts.

Cited. 43 CS 386, 387, 395.

Subsec. (a):

Subdiv. (6) cited. 182 C. 611, 617.

Subdiv. (2) cited. 43 CS 386, 388. Subdiv. (1) cited. Id., 386, 389.

Subsec. (b):

Subdiv. (1)(D) cited. 43 CS 386, 388. Subdiv. (2)(E) cited. Id., 386, 388, 393. Subdiv. (1)(H) cited. Id., 386, 389. Subdiv. (2) cited. Id., 386, 395.

Subsec. (c):

Subdiv. (1)(B) cited. 43 CS 386, 388.

**Sec. 22a-93. Definitions.** For the purposes of this chapter:

(1) "Commissioner" means the Commissioner of 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; (I) "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; (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 referrals listed in section 22a-105;
- (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;

(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, and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters; and

(18) "Zoning board of appeals" means the municipal zoning board of appeals established

pursuant to section 8-5 or any special act.

(P.A. 78-152, S. 4, 11; P.A. 79-535, S. 3, 25; P.A. 82-250, S. 1, 6; P.A. 83-587, S. 83, 96; P.A. 95-218, S. 7.)

History: P.A. 78-152 effective July 1, 1979; P.A. 79-535 redefined "municipality" and "coastal waters" in specific rather than general terms, redefined "public beach" to specify those owned by state, expanded definition of "coastal resources" and added Subdivs. (8) to (16) defining various planning and zoning commissions, coastal plans and regulations, the applicable federal act, "facilities and resources which are in the national interest", "adverse impacts on coastal resources" and "water dependent uses"; P.A. 82-250 added definitions for "adverse impacts on future water dependent development opportunities", "adverse impacts on future water dependent development activities" and "zoning board of appeals"; P.A. 83-587 substituted reference to federal clean air act for reference to clean water act in Subdiv. (14); P.A. 95-218 amended the definition of "adverse impacts on coastal resources" to make a minor clarification re patterns of tidal exchange.

Subdiv. (7):

Subpara. (E) cited. 43 CS 386, 395, 396.

Subdiv. (16):

Cited. 228 C. 187, 200.

Subdiv. (17):

Cited. 228 C. 187, 200.

**Sec. 22a-94. Coastal area; coastal boundary. Commissioner to prepare maps.** (a) The Connecticut coastal area shall include the land and water within the area delineated by the following: The westerly, southerly and easterly limits of the state's jurisdiction in Long Island Sound; the towns of Greenwich, Stamford, Darien, Norwalk, Westport, Fairfield, Bridgeport, Stratford, Shelton, Milford, Orange, West Haven, New Haven, Hamden, North Haven, East Haven, Branford, Guilford, Madison, Clinton, Westbrook, Deep River, Chester, Essex, Old Saybrook, Lyme, Old Lyme, East Lyme, Waterford, New London, Montville, Norwich, Preston, Ledyard, Groton and Stonington.

(b) Within the coastal area, there shall be a coastal boundary which shall be a continuous line delineated on the landward side by the interior contour elevation of the one hundred year frequency coastal flood zone, as defined and determined by the National Flood Insurance Act, as amended (USC 42 Section 4101, P.L. 93-234), or a one thousand foot linear setback measured from the mean high water mark in coastal waters, or a one thousand foot linear setback measured from the inland boundary of tidal wetlands mapped under section 22a-20, whichever is farthest inland; and shall be delineated on the seaward side by the seaward extent of the jurisdiction of the state.

(c) The coastal boundary as defined in subsection (b) of this section shall be shown on maps or photographs prepared by the commissioner which supplement flood hazard rate maps prepared by the United States Department of Housing and Urban Development under the National Flood Insurance Act. Such maps shall be sufficiently precise to demonstrate whether the holdings of a property owner, or portions thereof, lie within the coastal boundary. Copies of such maps or photographs shall be filed with the commissioner and with the clerk of each coastal municipality.

(d) The maps described in subsection (c) of this section shall be promulgated not later than July 1, 1980. Prior to final adoption of any map, the commissioner shall hold a public hearing in accordance with the provisions of chapter 54 within the applicable coastal town. The

commissioner may use interim maps prepared on United States Geological Survey Topographic base at a scale of one to twenty-four thousand or their metric equivalent. In preparing such interim maps, the commissioner may use any man-made structure, natural feature, property line, preliminary flood hazard boundary maps as prepared by the United States Department of Housing and Urban Development, or a combination thereof which most closely approximates the landward side of the boundary. Further, the commissioner may use city or town property tax maps or aerial photographs, state tidal wetlands photographs, or similar maps of property delineation as they are available.

(e) The commissioner may, from time to time, amend such maps described in subsection (c) of this section. Prior to the adoption of an amendment to any map, the commissioner shall hold a public hearing in the affected municipality in accordance with the provisions of chapter 54. The commissioner shall consider for amendment changes in the boundary petitioned by the coastal municipality, by any person owning real property within the boundary, or by twenty-five residents of such municipality. The commissioner shall approve, deny or modify such petition within sixty days of receipt and shall state, in writing, the reasons for his action. All amendments to the boundary shall be consistent with subsection (b).

(f) A municipal coastal boundary may be adopted by the municipal planning commission of each coastal municipality in accordance with the notice, hearing and other procedural requirements of section 8-24. Such boundary may be delineated by roads, property lines or other identifiable natural or man-made features, provided such boundary shall approximate and in no event diminish the area within the coastal boundary as defined in subsection (b) and as mapped under subsection (d). Such boundary shall be sufficiently precise to demonstrate whether the holdings of a property owner, or portions thereof, lie within the boundary. Upon adoption such boundary shall be submitted to the commissioner for mapping in accordance with subsection (c). The municipal planning commission may, at its own discretion or upon request of a property owner, amend the coastal boundary in accordance with the procedures and criteria of this subsection.

(g) All property lying within the coastal boundary shall be subject to the regulatory, development and planning requirements of this chapter.

(P.A. 78-152, S. 5, 11; P.A. 79-535, S. 4, 25.)

History: P.A. 78-152 effective July 1, 1979; P.A. 79-535 substituted "towns" for "municipalities", clarified coastal boundary by including reference to 1,000 foot linear setback, substituting "high water mark" for "high tide" and deleting description of specific types of environment to be included, i.e. coastal waters, submerged lands, intertidal zones, etc. in Subsec. (b), changed deadline for maps in Subsec. (d) from "within twenty-four months of July 1, 1979", to "July 1, 1980", added provisions in Subsec. (e) re petitions to change boundaries, and added Subsecs. (f) and (g) re adoption of boundaries and re applicability of chapter to property within the established coastal boundary.

Cited. 228 C. 187, 189.

**Sec. 22a-95. Duties of commissioner. Model municipal coastal program.** (a) The commissioner shall, on a continuing basis, assist coastal municipalities in carrying out their responsibilities under this chapter.

(b) The commissioner shall provide each coastal municipality with resource factor maps and other information concerning the location and condition of its coastal resources and shall also provide general technical background information on the beneficial and adverse impacts of various types of development on coastal resources.

(c) The commissioner shall respond to questions regarding the requirements of this chapter, shall respond to requests by coastal municipalities for background technical information and shall meet reasonable requests by such municipalities for technical staff assistance in developing and implementing municipal coastal programs and coastal site plan reviews.

(d) The commissioner shall consult regularly with officials of coastal municipalities regarding implementation of this chapter and shall periodically hold workshops with municipal officials responsible for making decisions under this chapter.

(e) The commissioner shall prepare a model municipal coastal program which shall include, but not be limited to: (1) Model municipal coastal plans and regulations; (2) suggested planning methodologies useful in revising municipal coastal plans; (3) suggested regulatory methods useful in revising municipal coastal regulations to conform to and effectuate the purposes of municipal coastal plans and (4) suggested criteria and procedures for undertaking municipal coastal site plan reviews.

(f) Written technical information provided by the commissioner to coastal municipalities shall be in clear and readily understandable language.

(P.A. 78-152, S. 6, 8, 11; P.A. 79-535, S. 5, 25.)

History: P.A. 79-535 replaced previous provisions which had established interim study committee to recommend plan for coastal area management and had set forth commissioner's duties concerning plans establishment with new provisions re commissioner's duties to assist coastal municipalities in fulfilling their responsibilities.

**Sec. 22a-96. Commissioner authorized to enter into agreements; designated as**

**representative of state.** (a) The commissioner is authorized to enter into written agreements with federal agencies concerning the matters set forth in subsection (b) of this section having an interest in or regulatory authority in the coastal area. Such agreements shall be consistent with the provisions of sections 22a-90 to 22a-96, inclusive, and chapters 439, 440, 446i, 447, 474 and 477, shall indicate the respective powers and duties of the commissioner and the federal agency or agencies thereunder and shall provide for cooperation and coordination in the implementation of state and federal programs with jurisdiction in the coastal area in a manner consistent with the provisions of sections 22a-90 to 22a-96, inclusive.

(b) Agreements concerning regulatory programs of the U.S. Army Corps of Engineers and the U.S. Coast Guard, Bridges Section, may include the following: (1) Procedures for conducting joint hearings on permit applications; (2) procedures for issuing common and joint application materials and instructions for permit applications; (3) procedures for timely exchange of technical materials related to permit applications and other matters and (4) procedures for coordinating the timing and sequence of the issuance of decisions on permit applications.

(c) The commissioner is authorized to (1) represent the state in formal proceedings regarding "federal consistency" as defined in the federal act; (2) request, receive and administer funds under said act and (3) develop and coordinate, in cooperation with other state agencies, plans to achieve the purposes of sections 22a-90 to 22a-96, inclusive.

(d) The commissioner is designated as the representative of the state in all matters concerning the consistency of federal activities, projects or proposals with the policies and provisions of sections 22a-90 to 22a-96, inclusive.

(P.A. 78-152, S. 7, 9-11; P.A. 90-230, S. 34, 101.)

History: Subsec. (c) effective May 23, 1978, and Subsecs. (a), (b) and (d) effective July 1, 1979; P.A. 90-230 corrected an internal reference in Subsec. (a).

**Sec. 22a-97. Duties of the commissioner. Technical, coordinating and research services.**

**Supervision. Annual report.** (a) The commissioner shall provide, within available appropriations, technical, coordinating and research services to promote the effective administration of this chapter at the federal, state and local levels.

(b) The commissioner shall have the overall responsibility for general supervision of the implementation of this chapter and shall monitor and evaluate the activities of federal and state agencies and the activities of municipalities to assure continuing, effective, coordinated and consistent administration of the requirements and purposes of this chapter.

(c) The commissioner shall prepare and submit to the General Assembly and the Governor, on or before December first of each year, a written report summarizing the activities of the department concerning the development and implementation of this chapter during the previous year. Such report shall include, but not be limited to: (1) The department's accomplishments and actions in achieving the goals and policies of this chapter including, but not limited to, coordination with other state, regional, federal and municipal programs established to achieve the purposes of this chapter and research programs established pursuant to subsection (a) of section 22a-112; (2) recommendations for any statutory or regulatory amendments necessary to achieve such purposes; (3) a summary of municipal and federal programs and actions which affect the coast; (4) recommendations for any programs or plans to achieve such purposes; (5) any aspects of the program or the chapter which are proving difficult to accomplish, suggested reasons for such difficulties and proposed solutions to such difficulties; (6) a summary of the expenditure of federal and state funds under this chapter and (7) a request for an appropriation of funds necessary to match federal funds and provide continuing financial support for the program. Such report shall comply with the provisions of section 46a-78. On and after October 1, 1996, the report shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to the environment and, upon request, to any member of the General Assembly. A summary of the report shall be submitted to each member of the General Assembly if the summary is two pages or less and a notification of the report shall be submitted to each member if the summary is more than two pages. Submission shall be by mailing the report, summary or notification to the legislative address of each member of the committee or the General Assembly, as applicable.

(P.A. 79-535, S. 17, 25; P.A. 96-251, S. 10.)

History: P.A. 96-251 amended Subsec. (c) by requiring that on and after October 1, 1996, reports be submitted to environment committee and upon request to any legislator and by adding provisions on submission of report summaries to legislators.

**Sec. 22a-98. Commissioner to coordinate regulatory programs.** The commissioner shall coordinate the activities of all regulatory programs under his jurisdiction with permitting authority in the coastal area to assure that the administration of such programs is consistent with the goals and policies of this chapter. Such programs include, but are not limited to: (1) Regulation of wetlands and watercourses pursuant to chapter 440; (2) regulation of stream encroachment pursuant to sections 22a-342 to 22a-349, inclusive; (3) regulation of dredging and the erection of structures or the placement of fill in tidal, coastal or navigable waters pursuant to sections 22a-359 to 22a-363f, inclusive; and (4) certification of water quality pursuant to the federal Clean Water Act of 1972 (33 USC 1411, Section 401). The commissioner shall assure consistency with such goals and policies in granting, denying or modifying permits under such

programs. Any person seeking a license, permit or other approval of an activity under the requirements of such regulatory programs shall demonstrate that such activity is consistent with all applicable goals and policies in section 22a-92 and that such activity incorporates all reasonable measures mitigating any adverse impacts of such actions on coastal resources and future water-dependent development activities. The coordination of such programs shall include, where feasible, the use of common or combined application forms, the holding of joint hearings on permit applications and the coordination of the timing or sequencing of permit decisions. (P.A. 79-535, S. 21, 25; P.A. 83-525, S. 1; P.A. 96-145, S. 16; P.A. 99-225, S. 12, 33.)

History: P.A. 83-525 required that any person seeking a permit or approval of any activity under the requirements of a regulatory program demonstrate that such activity incorporates all reasonable measures mitigating damage to coastal resources; P.A. 96-145 deleted former Subdiv. (4) re removal of sand and gravel, renumbering former Subdiv. (5) accordingly; P.A. 99-225 added a provision regarding coordination of dredging regulation with coastal management, effective July 1, 1999.

Cited. 43 CS 386, 387, 395.

**Sec. 22a-99. Testimony by coastal municipality on permits and licenses. Appeal from decision of the commissioner.** A coastal municipality may submit written testimony to the commissioner and may appear by right as a party to any hearing before said commissioner concerning any permit or license to be issued by said commissioner for an activity occurring within the coastal boundary of the municipality or occurring within the coastal boundary of any adjacent municipality and within five hundred feet of the boundary of such municipality and may appeal any decision of the commissioner concerning such permit or license. (P.A. 79-535, S. 18, 25.)

**Sec. 22a-100. State plans and actions to be consistent with this chapter.** (a) All major state plans, other than the state plan for conservation and development adopted pursuant to part I of chapter 297, which affect the coastal area shall be consistent with the goals and policies stated in section 22a-92 and existing state plans, other than the state plan for conservation and development adopted pursuant to part I of chapter 297, which affect the coastal area shall, on or before July 1, 1981, be revised, if necessary, to insure consistency with this chapter. Agencies responsible for revising state plans, other than the state plan for conservation and development adopted pursuant to part I of chapter 297, shall consult with the commissioner in making such revisions.

(b) Each state department, institution or agency responsible for the primary recommendation or initiation of actions within the coastal boundary which may significantly affect the environment, as defined in section 22a-1c, shall insure that such actions are consistent with the goals and policies of this chapter and incorporate all reasonable measures mitigating any adverse impacts of such actions on coastal resources and future water-dependent development activities. The Secretary of the Office of Policy and Management shall consider the consistency of such proposed actions with such goals and policies in determining whether or not an environmental impact evaluation prepared pursuant to section 22a-1b satisfies the requirements of sections 22a-1a to 22a-1h, inclusive, and regulations adopted pursuant thereto. The commissioner shall amend such regulations, if necessary, to insure consistency with the goals and policies of this chapter. (P.A. 79-535, S. 20, 25; P.A. 83-525, S. 2.)

History: P.A. 83-525 amended Subsec. (b), requiring agencies to insure that actions which might

affect the environment incorporate all reasonable safeguards against any adverse affect.

**Sec. 22a-101. Municipal coastal programs.** (a) In order to carry out the policies and provisions of this chapter and to provide more specific guidance to coastal area property owners and developers, coastal municipalities may adopt a municipal coastal program for the area within the coastal boundary and landward of the mean high water mark.

(b) A municipal coastal program shall include, but is not limited to: (1) Revisions to the municipal plan of conservation and development under section 8-23 or special act, insofar as it affects the area within the coastal boundary, such revisions to include an identification and written description of the municipality's major coastal-related issues and problems, both immediate and long-term, such as erosion, flooding, recreational facilities, and utilization of port facilities and to include a description of the municipal boards, commissions and officials responsible for implementing and enforcing the coastal program, a description of enforcement procedures and a description of continuing methods of involving the public in the implementation of the municipal coastal program; (2) revisions to the municipal zoning regulations under section 8-2 or under special act and revisions to the following regulations and ordinances if the municipality has adopted such regulations or ordinances, and insofar as such regulations or ordinances affect the area within the coastal boundary: (A) Historic district ordinances under section 7-147b; (B) waterway encroachment line ordinances under section 7-147; (C) subdivision ordinances under section 8-25; (D) inland wetland regulations under subsection (e) of section 22a-42 and section 22a-42a; (E) sewerage ordinances under section 7-148; (F) ordinances or regulations governing filling of land and removal of soil, loam, sand or gravel under section 7-148; (G) ordinances concerning protection and improvement of the environment under section 7-148; and (H) regulations for the supervision, management, control, operation or use of a sewerage system under section 7-247.

(c) If a municipality has not yet adopted a municipal plan of conservation and development under section 8-23, a municipal planning commission may prepare a municipal coastal plan of development solely for that portion of municipality within the coastal boundary in accordance with subsection (b) of this section and section 22a-102.

(d) A municipal coastal program may include revisions to the following municipal plans or programs which revisions shall be consistent with the municipal plan of conservation and development revised in accordance with subsection (b) of this section and section 22a-102: (1) The community development plan under sections 8-169c and 8-169d; (2) the harbor improvement plan under section 13b-56; (3) the redevelopment plan under sections 8-125 and 8-127; (4) the port development plan under section 7-329c; (5) the capital improvement plan under section 8-160; (6) the open space plan under section 12-107e; (7) any development project plan or plans under section 8-189; and (8) the municipal water pollution control plan under section 7-245.

(e) Revisions to the municipal plan of development in accordance with subsection (b) of this section and section 22a-102 may include a description of any development projects, acquisition plans, open space tax abatement programs, flood and erosion control projects and other nonregulatory measures which the municipality intends to undertake in order to promote wise management of coastal resources.

(P.A. 79-535, S. 7, 25; P.A. 82-327, S. 10; P.A. 85-409, S. 1, 8; P.A. 95-335, S. 18, 26.)

History: P.A. 82-327 changed a reference to sewer ordinance adopted under Sec. 7-153 to Sec. 7-148 to acknowledge a transfer; P.A. 85-409 removed reference to planned unit development

regulations under Secs. 8-13c and 8-13d, which were repealed by that act; P.A. 95-335 amended Subsecs. (b) to (d) to change "plan of development" to "plan of conservation and development", effective July 1, 1995.

**Sec. 22a-102. Municipal plan of development. Proposed municipal land use regulations.** (a)

In revising the municipal plan of conservation and development in accordance with subsection (b) of section 22a-101, the municipal planning commission shall follow: (1) The policies and goals in section 22a-92; (2) criteria listed in section 8-23.

(b) In adopting any proposed municipal plan of conservation and development, zoning regulations or changes thereto or other municipal coastal regulations listed in subdivision (2) of subsection (b) of section 22a-101 or changes thereto, the following criteria shall also be considered: (1) The character and distribution of the coastal resources defined in section 22a-93 within its coastal boundary, the capacity of and limitations on such resources to support development, and the types and methods of development compatible with the wise use, protection and enhancement of such resources; (2) the nature and pattern of existing development and (3) the need for public services.

(c) The municipal planning commission may revise its municipal plan of conservation and development by making such changes as: Modifications of land use categories, changes in the density and intensity of land use, alteration in plan policies; modifications in growth strategies, changes in acquisition priorities, and alterations in public infrastructure, highway and other capital improvement projects.

(d) The municipal planning commission shall submit its proposed revisions to the municipal plan of conservation and development prepared in accordance with subsections (a) and (b) of this section and section 22a-101 to the commissioner and the regional planning agency for review and comment prior to the final adoption of such revisions in accordance with section 8-23. Upon receipt of such proposed revisions the commissioner and the regional planning agency shall review them for consistency with requirements and criteria listed in subsections (a) and (b) of this section and said section 22a-101 and shall within ninety days notify the municipality in writing of any suggested modifications to the proposed revisions. Upon receipt of such comments or ninety days after receipt by the commissioner of proposed revisions, the municipal planning commission may modify and adopt the proposed revisions in accordance with said section 8-23.

(P.A. 79-535, S. 8, 25; P.A. 83-287, S. 1; P.A. 95-335, S. 19, 26.)

History: P.A. 83-287 amended Subsec. (b) to require that any proposed municipal land use or coastal regulation, not only a revision to a municipal plan of development, reflect coastal management criteria; P.A. 95-335 amended section to change "plan of development" to "plan of conservation and development", effective July 1, 1995.

**Sec. 22a-103. Municipal zoning regulations. Criteria and process for revision.** (a) In revising zoning regulations and other municipal coastal regulations and ordinances listed in subdivision (2) of subsection (b) of section 22a-101, the municipal agency with jurisdiction over such regulations or ordinances shall consider the criteria in section 8- 2 and the other sections of the general statutes or special act authorizing such regulations. Such regulations shall conform to and effectuate the policies and land and water use strategies of the municipal coastal plans revised under sections 22a-101 and 22a-102 and the criteria listed in subsections (a) and (b) of section 22a-102.

(b) The municipal agency with jurisdiction over the zoning regulations and other municipal coastal regulations and ordinances listed in subdivision (2) of subsection (b) of section 22a-101 shall submit its proposed revisions of such regulations and ordinances to the commissioner for his review and comment prior to final adoption of such revisions in accordance with the appropriate statutory requirements regarding amendment of such regulations or ordinances. Upon receipt of the proposed revisions to the municipal coastal regulations, the commissioner shall review them for their consistency with the municipality's previously adopted municipal plan of conservation and development and the criteria listed in subsections (a) and (b) of section 22a-102, and shall within ninety days notify the municipality in writing of any suggested modifications. Upon receipt of the commissioner's comments or ninety days after his receipt of proposed revisions the municipal agency with jurisdiction over such regulations may modify and adopt the proposed revisions in accordance with the appropriate statutory requirements regarding amendment of such regulations and ordinances.

(c) In revising zoning regulations under chapter 124 for the area within the coastal boundary the municipal zoning commission may utilize any lawful zoning techniques, including but not limited to, modifications of use categories, alteration of density and intensity of use, special use zones, overlay zones, special permit regulations, sign controls, design controls, landscaping and gardening regulations, hazard or geological review requirements, conservation, cluster, open space and lot coverage requirements, minimum lot sizes, setback requirements, and bonus and incentive zoning regulations.

(d) In revising subdivision regulations under chapter 126 the municipal planning commission may utilize any lawful technique including, but not limited to, conservation, cluster, open space, park and recreation regulations.

(P.A. 79-535, S. 9, 25; P.A. 85-409, S. 2, 8; P.A. 95-335, S. 20, 26.)

History: P.A. 85-409 substituted reference to chapter 124 for reference to chapter 124a in Subsec. (c); P.A. 95-335 amended Subsec. (b) to change "plan of development" to "plan of conservation and development", effective July 1, 1995.

**Sec. 22a-104. Implementation of municipal coastal program. Amendments.** (a) If a municipality has adopted a municipal coastal program in accordance with sections 22a-101, 22a-102 and 22a-103, such program shall be implemented by those municipal bodies exercising legal authority for the regulatory decisions listed in subsection (b) of section 22a-105. The provisions of subsections (b) to (e), inclusive, of this section shall apply to such municipality.

(b) Amendments to the municipal plan of conservation and development affecting the area within the coastal boundary or municipal coastal regulations shall be made in accordance with subsection (e) of this section and sections 22a-101, 22a-102 and 22a-103.

(c) When amendments are made to the municipal plan of conservation and development affecting the area within the coastal boundary, the municipality shall also make such amendments to the zoning regulations and other municipal coastal regulations listed in subdivision (2) of subsection (b) of section 22a-101 in accordance with applicable statutory requirements regarding amendment of such regulations and ordinances as are necessary to insure that such regulations conform to and effectuate the policies and land and water use strategies of the amended plans.

(d) When amendments are made to zoning regulations and other municipal coastal regulations listed in subdivision (2) of subsection (b) of section 22a-101 without prior amendments to corresponding provisions of municipal coastal plans, such regulations, as amended, shall

conform to and effectuate the policies and land and water use strategies of the municipal coastal plans and the criteria listed in subsections (a) and (b) of section 22a-102.

(e) Any proposed municipal plan of conservation and development or zoning regulations or changes thereto affecting the area within the coastal boundary, regardless of whether the municipality affected has adopted a municipal coastal program in accordance with sections 22a-101, 22a-102 and 22a-103, shall be consistent with the policies of section 22a-92 and the criteria of subsection (b) of said section 22a-102. The commissioner shall be notified of any such proposed municipal plan of conservation and development or zoning regulations or changes thereto at least thirty-five days prior to the commencement of the hearing thereon. The commissioner may comment on and make recommendations on such proposals or changes. Such comment shall be read into the record of the public hearing and shall be considered by the appropriate board or commission before final action on the proposals or changes. Failure to comment by the commissioner shall not be construed to be approval or disapproval.

(P.A. 79-535, S. 10, 25; P.A. 83-287, S. 2, 3; P.A. 95-335, S. 21, 26.)

History: P.A. 83-287 amended Subsec. (a) to clarify the application of Subsecs. (b) to (e), inclusive, to municipalities with coastal programs and replaced previous Subsec. (e) re procedure for adoption of proposed amendments with new provisions; P.A. 95-335 amended Subsecs. (b), (c) and (e) to change "plan of development" to "plan of conservation and development", effective July 1, 1995.

**Sec. 22a-105. Coastal site plan reviews.** (a) Coastal municipalities shall undertake coastal site plan reviews in accordance with the requirements of this chapter.

(b) The following site plans, plans and applications for activities or projects to be located fully or partially within the coastal boundary and landward of the mean high water mark shall be defined as "coastal site plans" and shall be subject to the requirements of this chapter: (1) Site plans submitted to a zoning commission in accordance with section 22a-109; (2) plans submitted to a planning commission for subdivision or resubdivision in accordance with section 8-25 or with any special act; (3) applications for a special exception or special permit submitted to a planning commission, zoning commission or zoning board of appeals in accordance with section 8-2 or with any special act; (4) applications for a variance submitted to a zoning board of appeals in accordance with subdivision (3) of section 8-6 or with any special act, and (5) a referral of a proposed municipal project to a planning commission in accordance with section 8-24 or with any special act.

(c) In addition to the requirements specified by municipal regulation, a coastal site plan shall include a plan showing the location and spatial relationship of coastal resources on and contiguous to the site; a description of the entire project with appropriate plans, indicating project location, design, timing, and methods of construction; an assessment of the capability of the resources to accommodate the proposed use; an assessment of the suitability of the project for the proposed site; an evaluation of the potential beneficial and adverse impacts of the project and a description of proposed methods to mitigate adverse effects on coastal resources.

(d) Municipalities, acting through the agencies responsible for the review of the coastal site plans defined in subsection (b) of this section, may require a filing fee to defray the reasonable cost of reviewing and acting upon an application.

(e) The board or commission reviewing the coastal site plan shall, in addition to the discretion granted in any other sections of the general statutes or in any special act, approve, modify, condition or deny the activity proposed in a coastal site plan on the basis of the criteria listed in

section 22a-106 to ensure that the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable. The provisions of this chapter shall not be construed to prevent the reconstruction of a building after a casualty loss.

(f) Notwithstanding the provisions of any other section of the general statutes to the contrary, the review of any coastal site plan pursuant to this chapter shall not be deemed complete and valid unless the board or commission having jurisdiction over such plan has rendered a final decision thereon. If such board or commission fails to render a decision within the time period provided by the general statutes or any special act for such a decision, the coastal site plan shall be deemed rejected.

(P.A. 79-535, S. 11, 25; P.A. 82-250, S. 2, 6; P.A. 83-525, S. 3; P.A. 84-53, S. 1, 2; P.A. 85-409, S. 3, 8.)

History: P.A. 82-250 amended Subsec. (b) to require that municipalities with planning and zoning functions authorized by special act comply with coastal site plan review; P.A. 83-525 added a new Subsec. (f) which requires a board or commission to decide on a coastal site plan before it is to be considered complete and valid; P.A. 84-53 amended Subsec. (e) by adding provision clarifying the lack of authority of a board or commission to prevent reconstruction after a casualty loss; P.A. 85-409 removed reference to plans submitted to planning commission for approval of planned unit development under Sec. 8-13f which was repealed by the same act. Cited. 192 C. 353, 358–360, 362, 363. Cited. 228 C. 187, 196, 203.

Subsec. (c):

Cited. 228 C. 187, 196.

Subsec. (e):

Cited. 228 C. 187, 196.

Subsec. (f):

Cited. 192 C. 353, 364.

**Sec. 22a-106. Criteria and process for action on coastal site plans.** (a) In addition to determining that the activity proposed in a coastal site plan satisfies other lawful criteria and conditions, a municipal board or commission reviewing a coastal site plan shall determine whether or not the potential adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities are acceptable.

(b) In determining the acceptability of potential adverse impacts of the proposed activity described in the coastal site plan on both coastal resources and future water-dependent development opportunities a municipal board or commission shall: (1) Consider the characteristics of the site, including the location and condition of any of the coastal resources defined in section 22a-93; (2) consider the potential effects, both beneficial and adverse, of the proposed activity on coastal resources and future water-dependent development opportunities and (3) follow all applicable goals and policies stated in section 22a-92 and identify conflicts between the proposed activity and any goal or policy.

(c) Any persons submitting a coastal site plan as defined in subsection (b) of section 22a-105 shall demonstrate that the adverse impacts of the proposed activity are acceptable and shall demonstrate that such activity is consistent with the goals and policies in section 22a-92.

(d) A municipal board or commission approving, modifying, conditioning or denying a coastal site plan on the basis of the criteria listed in subsection (b) of this section shall state in writing the findings and reasons for its action.

(e) In approving any activity proposed in a coastal site plan, the municipal board or commission shall make a written finding that the proposed activity with any conditions or modifications imposed by the board: (1) Is consistent with all applicable goals and policies in section 22a-92; (2) incorporates as conditions or modifications all reasonable measures which would mitigate the adverse impacts of the proposed activity on both coastal resources and future water-dependent development activities.

(P.A. 79-535, S. 12, 25.)

Cited. 192 C. 353, 358–360, 362, 363. Cited. 228 C. 187, 190, 196, 203.

Subsec. (c):

Cited. 228 C. 187, 196.

Subsec. (d):

Cited. 228 C. 187, 190, 198.

Subsec. (e):

Cited. 228 C. 187, 196, 198.

**Sec. 22a-106a. Civil penalty.** Any person who conducts an activity within the coastal boundary without having received a lawful approval from a municipal board or commission under all of the applicable procedures and criteria listed in sections 22a-105 and 22a-106 or who violates the terms and conditions of an approval under said sections shall be liable for a civil penalty of not more than one thousand dollars for each offense. Each violation shall be a separate and distinct offense and in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense. The Commissioner of Environmental Protection may request the Attorney General to bring a civil action in the superior court for the judicial district of Hartford to seek imposition and recovery of such civil penalty.

(P.A. 87-438, S. 1; P.A. 88-230, S. 1, 12; 88-364, S. 41, 123; P.A. 90-98, S. 1, 2; P.A. 93-142, S. 4, 7, 8; P.A. 95-220, S. 4–6.)

History: P.A. 88-230 replaced "judicial district of Hartford-New Britain at Hartford" with "judicial district of Hartford", effective September 1, 1991; P.A. 88-364 made a technical change; P.A. 90-98 changed the effective date of P.A. 88-230 from September 1, 1991, to September 1, 1993; P.A. 93-142 changed the effective date of P.A. 88-230 from September 1, 1993, to September 1, 1996, effective June 14, 1993; P.A. 95-220 changed the effective date of P.A. 88-230 from September 1, 1996, to September 1, 1998, effective July 1, 1995.

**22a-107. Bond as a condition to coastal site plan approval.** As a condition to a coastal site plan approval a board or commission may require a bond, escrow account or other surety or financial security arrangement to secure compliance with any modifications, conditions and other terms stated in its approval of a coastal site plan.

(P.A. 79-535, S. 13, 25.)

**Sec. 22a-108. Violations.** Any activity within the coastal boundary not exempt from coastal site plan review pursuant to subsection (b) of section 22a-109, which occurs without having received a lawful approval from a municipal board or commission under all of the applicable procedures and criteria listed in sections 22a-105 and 22a-106, or which violates the terms or conditions of such approval, shall be deemed a public nuisance. Municipalities shall have the authority to exercise all enforcement remedies legally available to them for the abatement of such nuisances including, but not limited to, those under section 8-12. After notifying the municipality in which

the activity is located, the commissioner may order that such a public nuisance be halted, abated, removed or modified and that the site of the violation be restored as nearly as reasonably possible to its condition prior to the violation, under the authority of sections 22a-6 and 22a-7. The commissioner may request the Attorney General to institute proceedings to enjoin or abate any such nuisance. Upon receipt of a petition signed by at least twenty- five residents of the municipality in which an activity is located the commissioner shall investigate to determine whether or not an activity described in the petition constitutes a public nuisance. Within ninety days of receipt of such petition, the commissioner shall make a written determination and provide the petitioning municipality with a copy of such determination.

(P.A. 79-535, S. 14, 25; P.A. 82-250, S. 3, 6.)

History: P.A. 82-250 amended the section to authorize the commissioner to request the attorney general to enjoin or abate the public nuisance caused by an activity in violation of the coastal site plan review process, and applied section to activities "not exempt" from review rather than to activities "subject to" review requirements.

**Sec. 22a-109. Coastal site plans. Review.** (a) A coastal site plan shall be filed with the municipal zoning commission to aid in determining the conformity of a proposed building, use, structure, or shoreline flood and erosion control structure as defined in subsection (c), fully or partially within the coastal boundary, with the specific provisions of the zoning regulations of the municipality and the provisions of sections 22a-105 and 22a-106, and in the case of shoreline flood and erosion control structures, the provisions of sections 22a-359 to 22a-363, inclusive, and any regulations adopted thereunder. A coastal site plan required under this section may be modified or denied if it fails to comply with the requirements already set forth in the zoning regulations of the municipality and, in addition, the coastal site plan may be modified, conditioned or denied in accordance with the procedures and criteria listed in sections 22a-105 and 22a-106. A coastal site plan for a shoreline flood and erosion control structure may be modified, conditioned or denied if it fails to comply with the requirements, standards and criteria of sections 22a-359 to 22a-363, inclusive, and any regulations adopted thereunder. Review of a coastal site plan under the requirements of this section shall supersede any review required by the municipality under subsection (g) of section 8-3 and shall be in addition to any applicable zoning regulations of any special district exercising zoning authority under special act. The provisions of this section shall not be construed to limit the authority of the Commissioner of Environmental Protection under sections 22a-359 to 22a- 363, inclusive.

(b) The zoning commission may by regulation exempt any or all of the following uses from the coastal site plan review requirements of this chapter: (1) Minor additions to or modifications of existing buildings or detached accessory buildings, such as garages and utility sheds; (2) construction of new or modification of existing structures incidental to the enjoyment and maintenance of residential property including but not limited to walks, terraces, driveways, swimming pools, tennis courts, docks and detached accessory buildings; (3) construction of new or modification of existing on-premise structures including fences, walls, pedestrian walks and terraces, underground utility connections, essential electric, gas, telephone, water and sewer service lines, signs and such other minor structures as will not substantially alter the natural character of coastal resources or restrict access along the public beach; (4) construction of an individual single-family residential structure except when such structure is located on an island not connected to the mainland by an existing road bridge or causeway or except when such structure is in or within one hundred feet of the following coastal resource areas: Tidal wetlands,

coastal bluffs and escarpments and beaches and dunes; (5) activities conducted for the specific purpose of conserving or preserving soil, vegetation, water, fish, shellfish, wildlife and other coastal land and water resources; (6) interior modifications to buildings, and (7) minor changes in use of a building, structure or property except those changes occurring on property adjacent to or abutting coastal waters. Gardening, grazing and the harvesting of crops shall be exempt from the requirements of this chapter. Notwithstanding the provisions of this subsection, shoreline flood and erosion control structures as defined in subsection (c) of this section shall not be exempt from the requirements of this chapter.

(c) For the purposes of this section, "shoreline flood and erosion control structure" means any structure the purpose or effect of which is to control flooding or erosion from tidal, coastal or navigable waters and includes breakwaters, bulkheads, groins, jetties, revetments, riprap, seawalls and the placement of concrete, rocks or other significant barriers to the flow of flood waters or the movement of sediments along the shoreline. The term shall not include any addition, reconstruction, change or adjustment to any walled and roofed building which is necessary for such building to comply with the requirements of the Code of Federal Regulations, Title 44, Part 50, and any municipal regulation adopted thereunder.

(d) A copy of each coastal site plan submitted for any shoreline flood and erosion control structure shall be referred to the Commissioner of Environmental Protection within fifteen days of its receipt by the zoning commission. The day of receipt shall be determined in accordance with subsection (c) of section 8-7d. The commissioner may comment on and make recommendations on such plans. Such comments and recommendations shall be submitted to the zoning commission within thirty-five days of the date of receipt of the coastal site plan by the commissioner and shall be considered by the zoning commission before final action on the plan. If the commissioner fails to comment on a plan within the thirty-five-day period or any extension granted by the zoning commission, the zoning commission may take final action on such plan. Failure to comment by the commissioner shall not be construed to be approval or disapproval.

(e) The zoning commission may, at its discretion, hold a hearing on a coastal site plan required by this section. The commission shall hold a hearing on a coastal site plan for a shoreline flood and erosion control structure upon the request of the Commissioner of Environmental Protection.

(f) The zoning commission shall set forth the reasons for any decision to deny, modify or condition a coastal site plan submitted under this section. A copy of any decision shall be sent by certified mail to the person who submitted such plan within fifteen days after such decision is rendered. A copy of any decision on a coastal site plan for a shoreline flood and erosion control structure shall be sent to the Commissioner of Environmental Protection within fifteen days after such decision is rendered. The commission shall publish notice of the approval or denial of a coastal site plan, in a newspaper having a general circulation in the municipality, not more than fifteen days after such decision is rendered.

(g) The coastal site plan review required under this section shall be subject to the same statutory requirements as subsections (a) and (b) of section 8-7d for the purposes of determining the time limitations on the zoning commission in reaching a final decision.

(h) In addition to the requirements of subsection (f) of section 8-3, no building permit or certificate of occupancy shall be issued for a building, use or structure subject to the zoning regulations of a municipality and located fully or partially within the coastal boundary, or for any shoreline flood and erosion control structure as defined in subsection (c) of this section, and located fully or partially within the coastal boundary, without certification in writing by the official charged with enforcement of such regulations that such building, use, structure or

shoreline flood and erosion control structure has been reviewed and approved in accordance with the requirements of this chapter or is a use exempt from such review under regulations adopted by the zoning commission in accordance with this section.

(i) A municipality by vote of its legislative body may delegate its responsibility for coastal site plan review under this section to a special district exercising zoning authority under special act for the area within both the coastal boundary and limits of the special district, subject to acceptance by the special district of such responsibility following the procedures listed in section 7-327. The municipality may revoke the delegation of such responsibilities and the special district may also revoke acceptance of such responsibility under this subsection at any time. Notwithstanding the provisions of this subsection, the town of Groton shall delegate authority for coastal site plan review to the Noank fire district.

(j) A municipal zoning commission reviewing, in accordance with this section, a coastal site plan for a building use, structure, or shoreline flood and erosion control structure occurring within the limits of a special district exercising zoning authority under special act shall provide a copy of the coastal site plan to the chief elected official of such district and shall provide an adequate opportunity for comment by such official prior to making a final decision on the coastal site plan. A special district delegated the responsibility for coastal site plan reviews in accordance with subsection (i) of this section shall provide a copy of any coastal site plan submitted for its review to the municipal zoning commission of the town in which the project is to occur and shall provide an adequate opportunity for comment by the zoning commission prior to making a final decision on the coastal site plan.

(P.A. 79-535, S. 15, 25; P.A. 82-250, S. 4, 6; P.A. 83-525, S. 4, 5; P.A. 87-495, S. 1.)

History: P.A. 82-250 amended Subsec. (b) to authorize zoning commissions to exempt from coastal site plan review interior modifications to buildings and minor use changes in a building structure or property and to make technical corrections; P.A. 83-525 amended Subsec. (b) by limiting a zoning commission's power to exempt construction of a single-family residential structure to those structures not located on an island connected to the mainland by an existing road, bridge or causeway and amended Subsec. (d) by requiring the commission to publish notice of the approval of a coastal site plan; P.A. 87-495 amended Subsec. (a) by applying provisions to shoreline flood and erosion control structures, added new Subsec. (c) defining shoreline flood and erosion control structures and new Subsec. (d) regarding review of shoreline flood and erosion control structures and relettered the section accordingly and amended new Subsecs. (f), (h) and (j) to apply to shoreline flood and erosion control structures.

Cited. 192 C. 353, 355, 358, 363; Id., 367, 369. Cited. 225 C 432, 438. Cited. 228 C. 187, 189.

Cited. 7 CA 684, 694. Cited. 35 CA 317, 321, 323.

Subsec. (a):

Cited. 192 C. 353, 359, 362, 363.

Cited. 35 CA 317, 318, 321–323, 325.

Subsec. (d):

Cited. 225 C. 1, 4. Cited. 228 C. 187, 192.

Subsec. (e):

Express incorporation of Sec. 8-7d(b) reflects intent to incorporate as well the presumption of Sec. 8-3(g) making the sixty-five day period mandatory. 192 C. 353, 356, 358, 359, 364. Any application under statute not expressly denied or modified within the statutory period is deemed approved by operation of law. Id., 367, 369, 370. Cited. 222 C. 269, 275. Cited. 228 C. 187, 192. Cited. 6 CA 284, 289.

Subsec. (f):

Cited. 192 C. 353, 356.

Subsec. (g):

Cited. 222 C. 269, 276. Cited. 225 C. 432, 438.

Cited. 35 CA 317, 322.

Subsec. (h):

Cited. 222 C. 269, 275.

**Sec. 22a-110. Testimony by commissioner on municipal actions. Appeals.** The commissioner or his designee may submit written testimony to any municipal board or commission and may appear by right as a party to any hearing before such municipal board or commission concerning any proposed municipal plan of conservation and development or zoning regulations or changes thereto affecting the area within the coastal boundary or the review of a coastal site plan or a municipal approval, permit or license for a building, use or structure affecting the area within the coastal boundary and said commissioner may appeal, or appear as a party to any appeal of, a municipal decision concerning such matters whether or not he has appeared as a party before the municipal board or commission. If the decision of such board or commission is upheld by a court of competent jurisdiction, the state shall reimburse the municipality within three months for all costs incurred in defending the decision.

(P.A. 79-535, S. 19, 25; P.A. 83-287, S. 4; P.A. 95-335, S. 22, 26.)

History: P.A. 83-287 expanded the commissioner's authorization to submit testimony or appear before a municipal agency to any proposal concerning municipal land use regulations affecting the coastal boundary; P.A. 95-335 changed "plan of development" to "plan of conservation and development", effective July 1, 1995.

Cited. 35 CA 317, 320.

**Sec. 22a-111. Connecticut River Gateway Committee. Consistency.** (a) The minimum standards established by the Connecticut River Gateway Committee under section 25-102d and revisions to such standards adopted by the Connecticut River Gateway Commission under subsection (c) of section 25-102g before January 1, 1980, shall be deemed to be consistent with the goals, policies and purposes of this chapter.

(b) On or after January 1, 1980, the commission shall make no revisions to such standards which are inconsistent with the goals and policies stated in subsections (a) and (b) of section 22a-92.

(c) No provision of this chapter shall be deemed to derogate from the authority of the commission to approve or disapprove the adoption, amendment or repeal of local zoning, subdivision or planning regulations under subsection (b) of section 25-102g, provided any such approval or disapproval shall be consistent with the goals and policies stated in subsections (a) and (b) of section 22a-92.

(P.A. 79-535, S. 16, 25.)

**Sec. 22a-112. Financial assistance. Grants to municipalities. Contracts or grant agreements concerning coastal management.** (a) In order to carry out the purposes of this chapter, the commissioner shall equitably allocate any funds received for the implementation of this chapter between coastal-related state programs, which may include coastal research projects, and municipal coastal programs.

(b) Upon receipt by the commissioner of a written application from a coastal municipality, said

commissioner shall make a grant to such municipality of not less than twenty- five hundred dollars to be used to carry out the responsibilities of such municipality under this chapter, provided, on or after July 1, 1980, funds shall be allocated to coastal municipalities in accordance with subsections (c) and (d).

(c) The commissioner shall provide, within available appropriations, continuing financial assistance to coastal municipalities to carry out their responsibilities under this chapter. Municipalities may apply annually for financial assistance in carrying out their responsibilities for municipal coastal site plan reviews under sections 22a-105 to 22a- 109, inclusive, and for the purpose of preparing and implementing municipal coastal programs under sections 22a-101 to 22a-104, inclusive. The commissioner shall, by regulations adopted in accordance with chapter 54, establish reasonable application requirements consistent with federal application requirements. In reviewing municipal applications for financial assistance the commissioner shall consider: (1) The area, length of shorefront, population and development pressures within the municipality's coastal boundary, (2) the nature of the municipality's coastal resources and coastal- related problems, (3) the demonstrated capacity and commitment of the municipality to carrying out the purposes of this chapter, (4) the number of coastal site plan reviews conducted by the municipality, (5) the availability of funds, and (6) the state plan for conservation and development adopted pursuant to part I of chapter 297.

(d) Not less than thirty per cent of any funds received annually by the state under Section 306 of the federal Coastal Zone Management Act shall be provided annually to coastal municipalities for municipal coastal site plan reviews under sections 22a-105 to 22a-109, inclusive. Up to an additional twenty per cent of any funds received annually by the state under Section 306 of the federal Coastal Zone Management Act shall as a first priority be provided annually to assist coastal municipalities which have chosen to prepare and implement a municipal coastal program under sections 22a-101 to 22a-104, inclusive, provided that if in any one year the total amount of all grants to municipalities which have agreed to adopt municipal coastal programs is less than twenty per cent of such federal funds received in that year, the difference shall be allocated for the purposes of this chapter in accordance with subsection (a).

(e) Any funds appropriated to the Department of Environmental Protection for the purposes of subsection (b) of this section and for the purpose of providing matching funds to implement a coastal management program pursuant to this chapter which are not used for such purposes shall be allocated to coastal municipalities in accordance with subsection (c) of this section.

(f) The legislative body of a municipality or, in the case of a municipality for which the legislative body is a town meeting or a representative town meeting, the board of selectmen may, by majority vote, authorize the chief executive officer to enter into contracts or grant agreements concerning coastal management with the commissioner. Such contracts or agreements include but are not limited to those for funding of coastal site plan review, municipal coastal program and any other demonstration or coastal research project funded in accordance with this section.

(P.A. 79-535, S. 6, 24, 25; P.A. 82-250, S. 5, 6; P.A. 86-336, S. 2, 19.)

History: P.A. 82-250 added Subsec. (f) authorizing the legislative body or board of selectmen of a coastal community to empower the chief executive officer of a coastal community to enter into contract or grant agreements with the commissioner for funding coastal site plan review, municipal coastal programs and coastal research projects; P.A. 86-336 amended Subsec. (c) to limit provision of continuing financial assistance to coastal municipalities to "within available appropriations".

**Sec. 22a-113. Estuarine embayment program established.** The Commissioner of Environmental Protection shall establish and implement a program to address problems of water quality, siltation and erosion in estuarine embayments, as defined in subdivision (7) of section 22a-93.

(P.A. 86-382, S. 1, 6.)

**Sec. 22a-113a. Grants. Eligibility.** (a) The Commissioner of Environmental Protection may make a grant to any municipality, as defined in section 22a-93, for a project to improve the quality of estuarine embayments, as defined in subdivision (7) of said section. The amount of the grant shall not exceed fifty per cent of the cost of implementation and related costs of any such project. Related costs may include costs of design and data collection and monitoring before and after the project is completed, but shall not include costs for operation, maintenance or upkeep of any such project.

(b) The commissioner shall evaluate the eligibility of a project for a grant and award such a grant based on the degree of public benefit from such project. He shall determine such benefit by assessing (1) the conditions and problems of the estuarine embayment and their causes; (2) the cost of the project; (3) the short and long term impact of the project; (4) the accessibility of the embayment to the public; and (5) the level of public concern for the condition of the embayment. In making such an assessment, the commissioner shall consider (A) the effect of the project on the embayment, including the effect on water quality, sedimentation, wetlands, shell and fin fisheries, biota, tidal flushing, tidal flow, bathymetry, substrate quality, hydraulics, navigability and flooding, (B) public health and public recreational opportunities and (C) any other factors the commissioner deems relevant. No grant shall be made unless the project for which such grant is made is consistent with policies and standards established in this chapter and the municipality's coastal management program approved in accordance with the provisions of sections 22a-101 to 22a-104, inclusive.

(c) The legislative body of a municipality or, in the case of a municipality for which the legislative body is a town meeting or a representative town meeting, the board of selectmen, by majority vote, may authorize the chief executive officer to enter into contracts or grant agreements concerning estuarine embayment improvement projects with the Commissioner of Environmental Protection. Two or more municipalities may, with the approval of their legislative bodies, or, as provided in this section, with the approval of their boards of selectmen, jointly undertake estuarine embayment improvement projects. The state share of a joint project shall not exceed fifty per cent of the cost of the project.

(P.A. 86-382, S. 2, 6.)

**Sec. 22a-113b. Regulations.** The Commissioner of Environmental Protection shall adopt regulations in accordance with chapter 54 to carry out the purposes of section 22a-113a.

(P.A. 86-382, S. 3, 6.)

**Sec. 22a-113c. State bond issue authorized for estuarine embayment projects.** For the purposes described in section 22a-113a, the State Bond Commission shall have the power, from time to time to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate two hundred forty- six thousand five hundred dollars. All provisions of section 3-20, or the exercise of any right or power granted thereby which are not inconsistent with the provisions of sections 22a-113 to 22a-113b, inclusive, are hereby

adopted and shall apply to all bonds authorized by the State Bond Commission pursuant to said sections, and temporary notes in anticipation of the money to be derived from the sale of any such bonds so authorized may be issued in accordance with said section 3-20 and from time to time renewed. Such bonds shall mature at such time or times not exceeding twenty years from their respective dates as may be provided in or pursuant to the resolution or resolutions of the State Bond Commission authorizing such bonds. None of said bonds shall be authorized except upon a finding by the State Bond Commission that there has been filed with it a request for such authorization, which is signed by or on behalf of the Secretary of the Office of Policy and Management and states such terms and conditions as said commission, in its discretion, may require. Said bonds issued pursuant to sections 22a- 113 to 22a-113b, inclusive, shall be general obligations of the state and the full faith and credit of the state of Connecticut are pledged for the payment of the principal of and interest on said bonds as the same become due, and accordingly and as part of the contract of the state with the holders of said bonds, appropriation of all amounts necessary for punctual payment of such principal and interest is hereby made, and the Treasurer shall pay such principal and interest as the same become due.

(P.A. 86-382, S. 4, 6; P.A. 88-343, S. 13, 32; May Sp. Sess. P.A. 92-7, S. 16, 36.)

History: P.A. 88-343 increased the bond authorization from two hundred thousand dollars to five hundred thousand dollars and provided for the request for authorization to come from the secretary of the office of policy and management rather than the commissioner of environmental protection; May Sp. Sess. P.A. 92-7 decreased the bond authorization from five hundred thousand dollars to two hundred forty-six thousand five hundred dollars.

**Secs. 22a-113d to 22a-113j.** Reserved for future use.



***Substitute Senate Bill No. 32***

***Public Act No. 00-152***

***An Act Concerning Urban Harbors, Boating Safety And Water Systems In The State.***

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

Section 1. Subdivision (1) of subsection (c) of section 22a-92 of the general statutes is repealed and the following is substituted in lieu thereof:

(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 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 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; [and] (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 dependant 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. 2. The Commissioner of Environmental Protection shall grant a permit to the United States Army Corp of Engineers for emergency dredging of Clinton Harbor not later than fifteen days after receipt of certification, and corresponding evidence substantiating certification, that the dredging activity will not negatively impact Clinton Harbor or any area designated as a disposal area for dredged material.

Sec. 3. South Central Regional Water Authority shall, in consultation with the Commissioner of Environmental Protection, develop a management plan setting forth performance based monitoring and mitigation procedures to be met during the operation of the proposed Lake Whitney Water Treatment Plant to protect the environmental quality of Lake Whitney and the Mill River corridor in New Haven County and to avoid unacceptable adverse impacts on the ecology and the aesthetics of the area.

Sec. 4. Section 15-140f of the general statutes is repealed and the following is substituted in lieu thereof:

(a) The Commissioner of Environmental Protection shall formulate courses in safe boating operation.

(b) The commissioner shall adopt regulations in accordance with the provisions of chapter 54 setting forth the content of safe boating operation courses. Such regulations may include provisions for examinations, issuance of safe boating certificates and establishment of reasonable fees for the course and examination and for issuing certificates, temporary certificates, and duplicate certificates. Any fees collected pursuant to such regulations shall be deposited in the boating account established pursuant to section 15-155.

[(c) The commissioner may enter into reciprocal agreements with other states having similar safe boating or certificate programs acceptable to the commissioner.]

(c) Any person who [successfully completes a safe boating course of instruction or] holds a certificate from another state [which] that has a reciprocal agreement with the commissioner may operate a vessel on the waters of this state.

Sec. 5. Sections 20 to 24, inclusive, of public act 98-209 are repealed.

Approved May 16, 2000

# **REFERENCE GUIDE TO COASTAL POLICIES AND DEFINITIONS**

**May, 1992**

**This guide is designed to supplement, but not replace,  
Planning Report 30 Coastal Policies and Use Guidelines.**

**For Use Guidelines refer to Planning Report 30**

**Connecticut Coastal Management Act**  
**Statutorily Defined**  
**Definitions, Policies & Adverse Impacts**

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## INTRODUCTION

The attached policies, taken from and developed specifically for the Connecticut Coastal Management Act, together with those preexisting the Act, provide the foundation for the coastal management program. Their purpose is to guide all federal and state planning, development, acquisition and regulatory activities that are subject to the management program within the coastal area. Further, they are to guide all municipal planning, development, acquisition and regulatory activities that are subject to the management program within the coastal boundary. In short, the coastal policies provide uniform standards and criteria for all public agencies that conduct or regulate activities subject to the management program. The policies have been adopted as an integral part of the Act and are directly enforceable through implementation of the management program.

To assist in the evaluation of adverse impacts on coastal resources and water-dependent uses associated with activities in the coastal area, the Act specifically defines the adverse impacts which must be considered for all coastal development proposals and in conjunction with all applicable coastal policies.

The Connecticut Coastal Management Act also defines all coastal resources within the land and water areas of the coastal boundary. Such resource definitions range from natural resources (e.g. tidal wetlands, beaches and dunes) to man-made resources (e.g. developed shorefront). Each defined resource category has a set of specific statutory policies pertaining to it. The defined coastal resources have been mapped (resource factor maps) and copies of such maps are available through DEP's Office of Long Island Sound Programs and each coastal municipality.

Connecticut's coastal management program incorporates a resource management/impact zoning concept to be used by both state and municipal agencies. Uses and activities subject to the management program are evaluated, through all applicable state and municipal permit programs, for their consistency with the coastal policies and for their adverse impacts on coastal resources and water-dependent uses. To provide the necessary guidance to implement this resource-based approach to coastal management, the policies are divided into three broad categories - 1) coastal resource policies, 2) coastal use policies, and 3) governmental process policies.

The Coastal Management Act's "coastal resource" policies apply to all uses occurring in or affecting any resource category defined in the Act. Guidance on the location of coastal resources is provided by the resource factor maps.

The Act also contains specific "coastal use" policies for major uses and activities subject to the management program. These policies pertain to certain major uses and activities independent of their location within the coastal area. They must be considered in addition to and in conjunction with all applicable coastal resource policies and potential adverse impacts.

The third broad category of policies, "governmental process" policies, pertain to intergovernmental coordination, permit simplification, planning programs, national interest and related topics. Their purpose is to provide direction and standards for program implementation, coordination and long-range planning, by governmental entities in Connecticut.

## USING THE COASTAL POLICIES

The initial step in assuring consistency with the coastal policies for any use or activity subject to the management program is to determine the coastal resources on or near the site which may be affected. The coastal resource definitions and coastal resource factor maps will aid the applicant in determining these resources.

Once an accurate identification of the resources has been made, the coastal resource policies corresponding to each of the resources identified should be reviewed to determine which are applicable to the project.

The next step is to review the coastal use policies to determine if there are specific policies regarding the use or activity under consideration. The applicable coastal resource policies together with any applicable coastal use policies will indicate the criteria and standards with which the proposed activity or use must be consistent.

Review of applicable coastal policies constitutes the resource management component of the resource management/impact zoning system established by the Connecticut Coastal Management Act. The applicant bears the burden of demonstrating consistency with applicable coastal policies. For guidance in determining consistency with state policies, refer to the Connecticut General Statutes section 22a-92 and Planning Report 30. Assuming that the applicant has adequately demonstrated consistency with the coastal policies, the remaining step in the evaluation process is to assess the adverse impacts on the affected coastal resources and water-dependent use opportunities. The adverse impacts to be considered are defined by the Act. The magnitude of the impact is dependent upon the nature of the project (e.g. its size, available infrastructure such as sewers, water service, method and time of construction) and the project's location (e.g. the fragility of the affected resources). While the coastal resources and coastal use policies are designed to provide specific locational and siting criteria for major uses or facilities, the minimization or elimination of defined adverse impacts is designed to prevent significant long-term degradation of the coastal resources.

Once the applicant feels that consistency has been adequately demonstrated and that adverse impacts associated with the use or activity have been sufficiently evaluated, required permits are sought through municipal zoning and state regulatory programs. The review of the application by the permitting agency or agencies includes determination of consistency with the coastal policies and assessment of the adverse impacts, upon which permit certification is based. Further, any federal permits required must be issued consistent with the coastal policies under the state's federal consistency review responsibilities through coastal management. If a permit for a use or activity subject to the management program is issued without such certification, it does not constitute a legal permit.

## **DEFINITIONS OF ADVERSE IMPACTS**

### **Characteristics & Functions of Resources**

Degrading tidal wetlands, beaches and dunes, rocky shorefronts, and bluffs and escarpments through significant alteration of their natural characteristics or function [CGS section 22a-93(15)(H)].

### **Coastal Flooding**

Increasing the hazard of coastal flooding through significant alteration of shoreline configurations or bathymetry, particularly within high velocity flood zones. CGS section 22a-3(15)(E)

### **Coastal Waters Circulation Patterns**

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. CGS section 22a-93(15)(B)

### **Drainage Patterns**

Degrading natural or existing drainage patterns through the significant alteration of groundwater flow and recharge and volume of runoff. CGS section 22a-93(15)(D)

### **Patterns of Shoreline Erosion and Accretion**

Degrading natural erosion patterns through the significant alteration of littoral transport of sediments in terms of deposition or source reduction. CGS section 22a-93(15)(C)

### **Visual Quality**

Degrading visual quality through significant alteration of the natural features of vistas and view points. CGS section 22a-93(15)(F)

### **Water-Dependency**

"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; and (C) siting of a non-water-dependent use which would substantially reduce or inhibit existing public access to marine or tidal waters. CGS section 22a-93(17)

### **Water Quality**

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. CGS section 22a-93(15)(A)

### **Wildlife, Finfish, Shellfish Habitat**

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. CGS section 22a-93 (15)(G)

## **COASTAL RESOURCES & OTHER DEFINITIONS**

### **BEACHES AND DUNES**

"Beaches and Dunes" means beach systems including barrier beach spits and tombolos, barrier beaches, pocket beaches, land contact beaches and related dunes and sandflats. CGS section 22a-93(7)(C)

### **BLUFFS AND ESCARPMENTS**

"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. CGS section 22a-93(7)(A)

### **COASTAL HAZARD AREAS**

"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 (U.S.C. 42 Section 4101, P.L. 93-234) and all erosion hazard areas as determined by the commissioner. CGS section 22a-93(7)(H)

### **COASTAL WATERS AND ESTUARINE EMBAYMENTS**

"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. CGS section 22a-93(5)

"Nearshore Waters" means the area comprised those waters and their substrates lying between mean high water and a depth approximated by the ten meter contour. CGS section 22a-93(7)(K)

"Offshore Waters" means the area comprised of those waters and their substrates lying seaward of a depth approximated by the ten meter contour. CGS section 22a-93(7)(L)

"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. CGS section 22a-93(7)(G)

### **DEVELOPED SHOREFRONT**

"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. CGS section 22a-93(7)(I)

### **FRESHWATER WETLANDS AND WATERCOURSES**

"Freshwater Wetlands and Watercourses" means "wetlands" and "watercourses" as defined by CGS section 22a-38 and CGS section 22a-93(7)(F).

"Wetlands" means land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35, inclusive, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and flood plain by the National Cooperative Soil Survey, as may be amended from time to time, of the Soil Conservation Service of the United States Department of Agriculture. CGS section 22a-38(15)

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, public or private, which are contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35, inclusive. CGS section 22a-38(16)

### **GENERAL RESOURCE**

"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. CGS section 22a-93(7)

### **INTERTIDAL FLATS**

"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. CGS section 22a-93(7)(D)

### **ISLANDS**

"Island" means land surrounded on all sides by water. CGS section 22a-93(7)(J)

### **ROCKY SHOREFRONT**

"Rocky Shorefront" means shorefront composed of bedrock, boulders and cobbles that are highly erosion-resistant and are an insignificant source of sediments for other coastal landforms. CGS section 22a-93(7)(B)

### **SHELLFISH CONCENTRATION AREAS**

"Shellfish Concentration Areas" means actual, potential or historic areas in coastal waters, in which one or more species of shellfish aggregate. CGS section 22a-93(7)(N)

### **SHORELANDS**

"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. CGS section 22a-93(7)(M)

### **TIDAL WETLANDS**

"Tidal Wetlands" means "wetland" as defined by CGS Section 22a-29. CGS section 22a-93(7)(E)

"Wetland" means those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some but not necessarily all, of the following: (wetland vegetation - see CGS section 22a-29(2) for complete list of species).

## WATER-DEPENDENT USES

"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. CGS section 22a-93(16)

## POLICIES

### RESOURCE POLICIES

#### **General Resources**

- 1 To preserve and enhance coastal resources in accordance with the policies established by chapters 439 (Environmental Protection Department and State Policy), 440 (Wetlands and Watercourses), 446i (Water Resources), 446k (Water Pollution Control), 447 (State Parks and Forests), 474 (Pollution), and 477 (Flood Control and Beach Erosion) [CGS section 22a-92(a)(2)].
- 2 The general assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protect its natural resources and environment- and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state. CGS section 22a-1 as referenced by CGS section 22a-92(a)(2)
- 3 It is hereby found and declared that there is a public trust in the air, water and other natural resources of the state of Connecticut and that each person is entitled to the protection, preservation and enhancement of the same. CGS section 22a-15 as referenced by CGS section 22a-92(a)(2)
- 4 **THE COMMISSIONER SHALL CARRY OUT THE ENVIRONMENTAL POLICIES OF THE STATE AND SHALL HAVE ALL POWERS NECESSARY AND CONVENIENT TO FAITHFULLY DISCHARGE THIS DUTY. IN ADDITION TO, AND CONSISTENT WITH THE ENVIRONMENT POLICY OF THE STATE, THE COMMISSIONER SHALL** (a) promote and coordinate management of water, land and air resources to assure their protection, enhancement and proper allocation and utilization; **(B) PROVIDE FOR THE PROTECTION AND MANAGEMENT OF** plants, trees, **FISH, SHELLFISH**, wildlife and other animal life of all types, including the preservation of endangered species; (c) provide for the protection, enhancement and management of the

public forests, parks, open spaces and natural area preserves; (d) provide for the protection, enhancement and management of inland, marine and coastal water resources, including, but not limited to, wetlands, rivers, estuaries and shorelines; (e) provide for the prevention and abatement of all water, land and air pollution including, but not limited to, that related to particulate, gases, dust, vapors, noise, radiation, odors, nutrients and cooled or heated liquids, gases and solids; (f) provide for control of pests and regulate the use, storage and disposal of pesticides and other chemicals which may be harmful to man, sea life, animals, plant life or natural resources; (g) regulate the disposal of solid waste and liquid waste, including but not limited to, domestic and industrial refuse, junk motor vehicles, litter and debris, which methods shall be consistent with sound health, scenic environmental quality and land use practices; (h) regulate the storage, handling and transportation of solids, liquids and gases which may cause or contribute to pollution; and (I) provide for minimum state-wide standards for the mining, extraction or removal of earth materials of all types. CGS Section 22a-5, referenced by CGS section 22a-92(a)(2)

### **Beaches & Dunes**

- 5 To preserve the dynamic form and integrity of natural beach systems in order to provide critical wildlife habitats, a reservoir for sand supply, a buffer for coastal flooding and erosion, and valuable recreational opportunities. [CGS section 22a-92(b)(2)(C)].
- 6 To insure that coastal uses are compatible with the capabilities of the system and do not unreasonably interfere with natural processes of erosion and sedimentation. [CGS section 22a-92(b)(2)(C)].
- 7 To encourage the restoration and enhancement of disturbed or modified beach systems [CGS section 22a-92(b)(2)(C)].
- 8 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 [CGS section 22a-92(c)(1)(K)].

### **Bluffs & Escarpments**

- 9 To manage coastal bluffs and escarpments so as to preserve their slope and toe [CGS section 22a-92(b)(2)(A)].
- 10 To discourage uses which do not permit continued natural rates of erosion [CGS section 22a-92(b)(2)(A)].
- 11 To disapprove uses that accelerate slope erosion and alter essential patterns and supply of

sediments to the littoral transport system [CGS section 22a-92(b)(2)(A)].

### **Coastal Hazard Area**

- 12 To manage coastal hazard areas so as to insure that development proceeds in such a manner that hazards to life and property are minimized [CGS section 22a-92(b)(2)(F)].
- 13 To promote nonstructural solutions to flood and erosion problems except in those instances where structural alternatives prove unavoidable and necessary to protect existing inhabited structures, infrastructural facilities or water-dependent uses [CGS section 22a-92(b)(2)(F)].
- 14 To maintain the natural relationship between eroding and depositional coastal landforms [CGS Section 22a-92(b)(2)(J)].
- 15 To minimize the adverse impacts of erosion and sedimentation on coastal land uses through the promotion of nonstructural mitigation measures. [CGS Section 22a-92(b)(2)(J)]
- 16 Structural solutions are permissible when necessary and unavoidable for the protection of infrastructural facilities, water-dependent uses, or existing inhabited structures, and where there is no feasible, less environmentally damaging alternative and where all reasonable mitigation measures and techniques have been provided to minimize adverse environmental impacts [CGS Section 22a-92(b)(2)(J)].
- 17 To maintain, enhance, or, where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures [CGS section 22a-92(c)(2)(B)].
- 18 It is hereby found and declared that, because of the occurrence of severe storms accompanied by winds up to hurricane force, abnormal high tides and tide flooding, the lives and property of residents and other persons within areas exposed to such hazards are endangered, and that, in the interest of public health, safety and general welfare, it is necessary to minimize, and as far as possible to prevent, loss of life, property and revenue to municipalities and the state from taxation by the construction of protective works on or near shores and beaches within such areas. As title to the land between high and low watermark is vested in the state, it is further found and declared to be in the public interest to secure such exposed areas by the most economical and effective means for safeguarding life and protecting property and, because it is uneconomical and ineffective for the general purpose for an individual landowner to attempt to maintain protective installations separated from and lacking co-extension with those of abutting properties, that it is in the public interest to provide ways and means for collective and cooperative action to alleviate the dangers and destruction common to such exposed areas. It is further found and declared that because of the recurrence of severe flooding of many of the waterways of the state and their tributaries, taking a huge toll in life and property, extensive flood protection measures must be

inaugurated. It is, therefore, found and declared to be in the public interest that encroachment limits along waterways be established and any flood control features at dams and reservoirs be utilized as a part of the construction and installation of any flood control project. CGS Section 25-69, referenced by CGS section 22a-92(a)(2)

- 19 Land areas fronting on the ocean, or on bays, inlets and coves, or bordering on rivers in which tides occur, that are subject to the full force of storms; or land areas in direct contact with storm waves, including banks, bluffs, cliffs, promontories and headlands or similar topographical or geological formations, that are subject to erosion through wave action; or open beach areas, including spits, dunes and barrier beaches, that are subject to loss of sand through high waves, strong currents or scouring wave action; or land areas subject to inundation during storms or vulnerable to storm damage because of geographic situation, may be classed as exposed areas within the meaning of sections 25-69 to 25-75, inclusive. The limits of such areas shall be the extent of the natural configuration of the land surface not necessarily co-extensive with political boundaries, and shall include privately-owned and municipally-owned properties upon which public money may be spent and public debt incurred for the protection and conservation thereof, and taxes levied to support expenditures for such purposes. CGS section 25-70, referenced by CGS section 22a-92(a)(2)
- 20 The commissioner shall establish, along any tidal or inland waterway or flood-prone area considered for stream clearance, channel improvement or any form-of flood control or flood alleviation measure, lines beyond which, in the direction of the waterway or flood-prone area, no obstruction or encroachment shall be placed by any person, firm or corporation, public or private, unless authorized by said commissioner. The commissioner shall issue or deny permits upon applications for establishing such encroachments based upon his findings of the effect of such proposed encroachments upon the flood carrying and water storage capacity of the waterways and floodplain, flood heights, hazards to life and property, and the protection and preservation of the natural resources and ecosystems of the state, including but not limited to ground and surface water, animal, plant and aquatic life, nutrient exchange, and energy flow, with due consideration given to the results of similar encroachments constructed along the reach of waterway. CGS section 22a-342, referenced by CGS section 22a-92(a)(2)

### **Coastal Waters & Estuarine Embayments**

- 22 It is found and declared that the pollution of the waters of the state is inimical to the public health, safety and welfare of the inhabitants of the state, is a public nuisance and is harmful to wildlife, fish and aquatic life and impairs domestic, agricultural, industrial, and that the use of public funds recreational and other legitimate beneficial uses of water, and the granting of tax exemptions for the purpose of controlling and eliminating such pollution is a public use and purpose for which moneys may be expended and tax exemptions granted, and the necessity and public interest for the enactment of this chapter and the elimination of pollution is hereby declared as a matter of legislative determination. CGS section 22a-422, as referenced by CGS section 22a-92(a)(2)

**23 TO MANAGE ESTUARINE EMBAYMENTS SO AS TO INSURE THAT COASTAL USES PROCEED IN A MANNER THAT ASSURES SUSTAINED BIOLOGICAL PRODUCTIVITY, THE MAINTENANCE OF HEALTHY MARINE POPULATIONS** and the maintenance of essential patterns of circulation, drainage and basin configuration [CGS section 22a-92(c)(2)(A)].

**24 TO PROTECT, ENHANCE AND ALLOW NATURAL RESTORATION OF EELGRASS FLATS EXCEPT IN SPECIAL LIMITED CASES, NOTABLY SHELLFISH MANAGEMENT, WHERE THE BENEFITS ACCRUED THROUGH ALTERATION OF THE FLAT MAY OUTWEIGH THE LONG-TERM BENEFITS TO MARINE BIOTA, WATERFOWL, AND COMMERCIAL AND RECREATIONAL FINFISHERIES [CGS SECTION 22A-92(C)(2)(A)].**

25 The commissioner of environmental protection shall adopt, and may thereafter amend, standards of water quality applicable to the various waters of the state or portions thereof as provided in subdivision (a) of section 22a-6. Such standards shall be consistent with the federal Water Pollution Control Act and shall be for the purpose of qualifying the state and its municipalities for available federal grants and for the purpose of providing clear and objective public policy statements of a general program to improve the water resources of the state; provided no standard of water quality adopted shall plan for, encourage or permit any wastes to be discharged into any of the waters of the state without having first received the treatment available and necessary for the elimination of pollution. Such standards of quality shall: (1) apply to interstate waters or portions thereof within the state; (2) apply to such other waters within the state as the commissioner may determine is necessary; (3) protect the public health and welfare and promote the economic development of the state; (4) preserve and enhance the quality of state waters for present and prospective future use for public water supplies, propagation of fish and aquatic life and wildlife, recreational purposes and agricultural, industrial and other legitimate uses; (5) be consistent with health standards as established by the state department of health. CGS section 22a-426(a), as referenced by CGS section 22a-92(a)(2)

#### **Developed Shorefront**

**26 TO PROMOTE, THROUGH EXISTING STATE AND LOCAL PLANNING, DEVELOPMENT, PROMOTIONAL AND REGULATORY PROGRAMS, THE USE OF EXISTING DEVELOPED SHOREFRONT AREAS FOR MARINE-RELATED USES, INCLUDING BUT NOT LIMITED TO COMMERCIAL AND RECREATIONAL FISHING, BOATING AND OTHER WATER-DEPENDENT COMMERCIAL, INDUSTRIAL AND RECREATIONAL USES [CGS SECTION 22A-92(B)(2)(G)].**

#### **Freshwater Wetlands & Watercourses**

**27 IT IS, THEREFORE, THE PURPOSE OF SECTIONS 22A-36 TO 22A-45, INCLUSIVE, TO PROTECT THE CITIZENS OF THE STATE BY MAKING PROVISIONS FOR THE PROTECTION, PRESERVATION, MAINTENANCE AND USE OF THE INLAND WETLANDS AND WATERCOURSES BY** minimizing their disturbance and pollution; maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; **PREVENTING LOSS OF FISH AND OTHER BENEFICIAL AQUATIC ORGANISMS, WILDLIFE AND VEGETATION AND THE DESTRUCTION OF THE NATURAL HABITATS THEREOF**; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn. CGS Section 22a-36 as referenced by CGS section 22a-92(a)(2).

28 In carrying out the purposes and policies of sections 22a-36 to 22a-45, inclusive, including matters relating to regulating, licensing and enforcing of the provisions thereof, the commissioner shall take into consideration all relevant facts and circumstances, including but not limited to:

- (1)The environmental impact of the proposed action;
- (2)The alternatives to the proposed action;
- (3)The relationship between short-term uses of environment and the maintenance and enhancement of long-term productivity;
- (4)irreversible and irretrievable commitments of resources which would be involved in the proposed activity;
- (5)The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened; and
- (6)The suitability or unsuitability of such activity to the area for which it is proposed. CGS section 22a-41(a), referenced by CGS section 22a-92(a)(2)

## **Intertidal Flats**

- 29 TO MANAGE INTERTIDAL FLATS SO AS TO PRESERVE THEIR VALUE AS A NUTRIENT SOURCE AND RESERVOIR, A HEALTHY SHELLFISH HABITAT AND A VALUABLE FEEDING AREA FOR INVERTEBRATES, FISH AND SHOREBIRDS [CGS SECTION 22A-92(B)(2)(D)].**
- 30 TO ENCOURAGE THE RESTORATION AND ENHANCEMENT OF DEGRADED INTERTIDAL FLATS [CGS SECTION 22A-92(B)(2)(D)].**
- 31 To allow coastal uses that minimize change in the natural current flows, depth, slope, sedimentation and nutrient storage functions [CGS section 22a-92(b)(2)(D)].
- 32 To disallow uses that substantially accelerate erosion or lead to significant despoliation of tidal flats [CGS section 22a-92(b)(2)(D)].
- 33 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 [CGS section 22a-92(c)(1)(K)].

## **Islands**

- 34 To manage undeveloped islands in order to promote their use as critical habitats for those bird, plant and animal species which are indigenous to such islands or which are increasingly rare on the mainland [CGS section 22a-92(b)(2)(H)].
- 35 To maintain the value of undeveloped islands as a major source of recreational open [CGS section 22a-92(b)(2)(H)].
- 36 To disallow uses which will have significant adverse impacts on islands or their resource components [CGS section 22a-92(b)(2)(H)].

## **Rocky Shorefront**

- 37 To manage rocky shorefronts so as to insure that development proceeds in a manner which does not irreparably reduce the capability of the system to support a healthy intertidal biological community; to provide feeding grounds and refuge for shorebirds and finfish, and to dissipate and absorb storm and wave energies [CGS section 22a-92(b)(2)(B)].

## **Shellfish Concentration Area**

- 38 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 [CGS SECTION 22A-92(C)(1)(I)].**

- 39 THE DEPARTMENT OF HEALTH SERVICES IS EMPOWERED TO PROHIBIT THE TAKING OR HARVESTING OF SHELLFISH IN CERTAIN TIDAL FLATS, SHORES AND COASTAL WATERS WHENEVER IT FINDS BY EXAMINATIONS AND SURVEYS THAT SUCH FLATS, SHORES OR COASTAL WATERS ARE CONTAMINATED OR POLLUTED TO THE EXTENT THAT THE WATERS DO NOT MEET STANDARDS OF PURITY ESTABLISHED BY SAID DEPARTMENT, AND THAT SHELLFISH OBTAINED THEREFROM MAY BE UNFIT FOR FOOD AND DANGEROUS TO THE PUBLIC HEALTH. SUCH CLOSURE MAY BE PERMANENT, TEMPORARY OR CONTINGENT UPON THE OCCURRENCE OF SPECIFIED EVENTS. CGS SECTION 19A-98(A)**
- 40 THE DEPARTMENT OF HEALTH SERVICES MAY INSPECT SHELLFISH BEDS AND AREAS IN THIS STATE WHERE SHELLFISH ARE GROWN OR HARVESTED FOR MARKET, ALL BOATS, TOOLS AND APPLIANCES USED IN THE PRODUCTION AND PREPARATION OF SHELLFISH FOR MARKET AND ALL WHARVES OR BUILDINGS WHERE SHELLFISH ARE OPENED, PACKED AND PREPARED FOR SALE OR SHIPMENT. IT MAY PRESCRIBE REGULATIONS FOR THE SANITARY GROWTH, PRODUCTION AND PREPARATION OF SHELLFISH FOR MARKET. CGS SECTION 19A-96**
- 41 NOTHING IN SECTIONS 19A-95 TO 19A-101, INCLUSIVE, SHALL PROHIBIT THE TAKING OF SHELLFISH BY COMMERCIAL HARVESTERS FROM PERMANENTLY CLOSED AREAS WHEN THEY ARE REMOVED FOR TRANSPLANTING TO APPROVED AREAS UNDER PERMITS ISSUED BY THE DEPARTMENT OF HEALTH SERVICES AND UNDER SUPERVISION OF STATE AND LOCAL HEALTH AGENCIES HAVING JURISDICTION. CGS SECTION 19A-101**

#### **Shorelands**

- 42 To regulate shoreland use and development in a manner which minimizes adverse impacts upon adjacent coastal systems and resources [CGS section 22a-92(b)(2)(I)].

#### **Tidal Wetlands**

- 43 To preserve tidal wetlands and to prevent the despoliation and destruction thereof in order to maintain their vital natural functions [CGS section 22a-92(b)(2)(E)].

44 To encourage the rehabilitation and restoration of degraded tidal wetlands [CGS section 22a-92(b)(2)(E)].

**45 WHERE FEASIBLE AND ENVIRONMENTALLY ACCEPTABLE, TO ENCOURAGE THE CREATION OF WETLANDS FOR THE PURPOSE OF SHELLFISH AND FINFISH MANAGEMENT**, habitat creation and dredge spoil disposal [CGS section 22a-92(b)(2)(E)].

**46 IT IS DECLARED THAT MUCH OF THE WETLANDS OF THIS STATE HAVE BEEN LOST OR DESPOILED BY UNREGULATED DREDGING, DUMPING, FILLING AND LIKE ACTIVITIES AND DESPOILED BY THESE AND OTHER ACTIVITIES, THAT SUCH LOSS OR DESPOLIATION WILL ADVERSELY AFFECT, IF NOT ENTIRELY ELIMINATE, THE VALUE OF SUCH WETLANDS AS SOURCES OF NUTRIENTS TO FINFISH, CRUSTACEA AND SHELLFISH OF SIGNIFICANT ECONOMIC VALUE**; that such loss or despoliation will destroy such wetlands as habitats for plants and animals of significant economic value and will eliminate or substantially reduce marine commerce, recreation and aesthetic enjoyment and that such loss of despoliation will, in most cases, disturb the natural ability of tidal wetlands to reduce flood damage and adversely affect the public health and welfare; that such loss or despoliation will substantially reduce the capacity of such wetlands to absorb silt and will thus result in the increased silting of channels and harbor areas to the detriment of free navigation. Therefore, it is declared to be the public policy of this state to preserve the wetlands and to prevent the despoliation and destruction thereof. CGS section 22a-28 as referenced by CGS section 22a-92(a)(2)

47 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 [CGS Section 22a-92(c)(1)(B)].

**48 IN GRANTING, DENYING OR LIMITING ANY PERMIT THE COMMISSIONER OR HIS DULY DESIGNATED HEARING OFFICER SHALL CONSIDER THE EFFECT OF THE PROPOSED WORK WITH REFERENCE TO THE PUBLIC HEALTH AND WELFARE, MARINE FISHERIES, SHELLFISHERIES**, wildlife, the protection of life and property from flood, hurricane and other natural disasters, and the public policy set forth in Sections 22a-28 to 22a-35 inclusive. The fact that the department of environmental protection is in the process of acquisition of any tidal wetlands by negotiation or condemnation under the provisions of section 26-17a, shall be sufficient basis for denial of any permit. CGS section 22a-33 as referenced by CGS section 22a-92(a)(2)

## **ACTIVITIES POLICIES**

## General Development

- 49 To insure that the development, preservation or use of the land and water resources of the coastal area proceeds in a manner consistent with 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 [CGS section 22a-92(a)(1)].
- 50 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 [CGS section 22a-92(a)(4)].

**51 IT IS HEREBY FOUND AND DECLARED THAT THERE IS A CONTINUING NEED IN THE STATE FOR:** (1) Economic development and activity to provide and maintain employment and tax revenues, promote the export of products and services beyond state boundaries, encourage innovation in products and services, and support or broaden the economic base of the state, the control, abatement and prevention of pollution to protect the public health and safety, and the development and use of indigenous and renewable energy resources to assist industrial and commercial businesses in meeting their energy requirements; (2) the development of recreation facilities to promote tourism, to provide and maintain employment and tax revenues and to promote the public welfare; (3) the development of commercial and retail sales and services facilities in urban areas to provide and maintain construction, permanent employment and tax revenues, to improve conditions of deteriorated physical development, slow economic growth and eroded financial health of the public and private sectors in urban areas and to revitalize the economy of urban areas; (4) assistance to public service businesses providing transportation and utility services in the state; **(5) DEVELOPMENT OF THE COMMERCIAL FISHING INDUSTRY TO PROVIDE AND MAINTAIN EMPLOYMENT AND TAX REVENUES;** and (6) assistance to nonprofit and governmental entities in financing facilities providing health, educational, charitable, community, cultural, agricultural, consumer or other services benefiting the citizens of the state; that the availability of financial assistance and suitable facilities are important inducements to industrial, commercial and nonprofit enterprises to remain or locate in this state and to provide economic development projects, recreation projects, urban projects, public service projects, commercial fishing projects, health care projects and nonprofit projects; that there are significant barriers inhibiting access by the authority and eligible financial institutions to the public capital markets and expansion of the secondary loan market to assist in financing economic development and other projects in the state; that the exercise by the authority of the powers in this chapter will promote economic development by increasing access to the public capital markets for the authority and eligible financial institutions; and that therefore the necessity in the public interest and for the public benefit and good for the provisions of this chapter is hereby declared as a matter of legislative determination. It is further found and declared that there is a necessity in the state of creating a department of economic development to coordinate and be responsible for matters affecting

the growth of business and industry in the state and the maintenance and development of industry in the state as well as the promotion of tourism in the state and for the establishment and creation of an authority to assist the department and the state to carry out the needs and policies of the state as set forth in this section. It is further found and declared that existing, pending and proposed federal legislation has limited and restricted and may further limit and restrict the power of the authority to issue obligations the interest on which is exempt from federal income -taxation; that the ability of the authority to issue obligations to provide financing for projects is essential to the maintenance and expansion of employment and the tax base in the state and to the economic development and health, education and general welfare of the state; and that the issuance of obligations the interest on which may be includable in the holder's gross income for the purposes of federal income taxation serves a needed public purpose; and therefore the necessity in the public interest and for the public benefit and good for the provisions of this chapter is hereby declared as a matter of legislative determination. CGS section 32-23c

## **Boating**

- 52 To encourage increased recreational boating use of coastal waters, where feasible, by (i) providing additional berthing space in existing harbors, (ii) limiting non-water-dependent land uses that preclude boating support facilities, (iii) increasing state-owned launching facilities, and (iv) providing for new boating facilities in natural harbors, new protected water areas and in areas dredged from dry land [CGS section 22a-92(b)(1)(G)].
- 53 To protect coastal resources by requiring, where feasible, that such boating uses and facilities (i) minimize disruption or degradation of natural coastal resources, (ii) utilize existing altered, developed or redevelopment areas, (iii) are located to assure optimal distribution of state-owned facilities to the statewide boating public and (iv) utilize ramps and dry storage rather than slips in environmentally sensitive areas [CGS section 22a-92(b)(1)(H)].
- 54 TO PROTECT AND WHERE FEASIBLE, UPGRADE FACILITIES SERVING THE COMMERCIAL FISHING AND RECREATIONAL BOATING INDUSTRIES [CGS SECTION 22A-92(B)(1)(I)].**
- 55 TO MAINTAIN EXISTING AUTHORIZED COMMERCIAL FISHING AND RECREATIONAL BOATING HARBOR SPACE UNLESS THE DEMAND FOR THESE FACILITIES NO LONGER EXISTS OR ADEQUATE SPACE HAS BEEN PROVIDED [CGS SECTION 22A-92(B)(1)(I)].**
- 56 TO DESIGN AND LOCATE, WHERE FEASIBLE, PROPOSED RECREATIONAL BOATING FACILITIES IN A MANNER WHICH DOES NOT INTERFERE WITH THE NEEDS OF THE COMMERCIAL FISHING INDUSTRY [CGS SECTION 22A-92(B)(1)(I)].**

57 In performance of his duties under pan B the commissioner shall (1) Classify all waters and all vessels for the purpose of establishing uniformity in the regulation of such waters and such vessels; (2) prescribe uniform navigation aids for state waters and regulate the use of such aids; (3) establish restricted zones or sea lanes within navigable waters and adopt regulations pertaining thereto for the purpose of protecting the natural ecology of such waters and the abutting shoreline from environmental damage resulting from marine accidents which cause the release of petroleum products or other hazardous substances and materials into the waters of the state, provided before establishing such lanes, zones and regulations the commissioner shall consider at least the following factors: (i) The danger in transporting the type of material; (ii) the evidence of deleterious incidents arising from the transportation of such hazardous materials; (iii) available alternatives; (iv) the public need; and (v) the effect on interstate commerce; and further provided any such regulations promulgated by the commissioner shall list and define the substance and materials which are classified as hazardous; (4) prescribe uniform standards for safety devices and equipment required by part 11 and certify the types of devices and equipment which meet such standards; (5) designate and assist the several towns in designating prohibited and restricted boating areas and waters limited to special boating purposes and prescribe uniform standards for the marking and regulation of such areas; (6) adopt such regulations respecting water skiing and underwater swimming and diving as he finds necessary for public safety; (7) study, plan and recommend the development of boating facilities, safety education and means of improving boating safety; (8) in cooperation with the department of health, investigate matters relating to and recommended means of improving boating sanitation; (9) cooperate with the department of transportation and the bureau of aeronautics concerning regulations governing the operation of seaplanes on state waters; (10) cooperate with the United States and the several states in promoting uniformity of boating laws and regulations and their administration and enforcement, and (11) subject to the applicable provisions of chapter 54 and section 4-117 and the limitations of part H, adopt such regulations to provide for public safety and environmental quality as he finds necessary to administer and enforce the provisions of said part and to promote the safe use and protection of waters and the safe operation of vessels, provided the commissioner shall make no regulations respecting the operation of vessels on Long Island Sound except as are necessary to secure inshore waters and establish and secure restricted areas. CGS section 15-121(b)

### **Coastal Recreation & Access**

58 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 [CGS section 22a-92(a)(6)].

59 To 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 [CGS section 22a-92(c)(1)(J)].

- 60 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 [CGS section 22a-92(c)(1)(K)].
- 61 In making grants-in-aid for open space land acquisition or development to the commissioner of environmental protection shall: (a) Seek to achieve a reasonable balance among all parts of the state in the relative adequacy of present areas devoted to recreational and conservation purposes and the relative anticipated future needs for additional areas devoted to recreational and conservation purposes; (b) give due consideration to special park requirement needs of urban areas; (c) wherever possible, give priority to land which will be utilized for multiple recreational and conservation purposes; (d) give due consideration to coordination with the plans of departments of the state and regional planning agencies with respect to land use or acquisition and (e) give primary consideration to the needs of municipalities that have formed local housing partnerships pursuant to the provisions of CGS section 8-336f. CGS section 7-131f.
- 62 To such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired by municipalities or regional authorities pursuant to any program participated in by this state under authority of sections 22a-21 to 22a-26, inclusive, such areas and facilities shall be publicly maintained for outdoor recreation or natural resources purposes, and such city or other local governmental unit shall give such assurances to the state as may be required by the commissioner of environmental protection, that it has available sufficient funds to meet its share of the cost of the project and that the acquired or developed areas will be operated and maintained at municipal or regional expense for public outdoor recreation or natural resources use. CGS section 22a-27 as referenced by CGS section 22a-92(a)(2)

### **Coastal Structures & Filling**

- 63 To require that structures in tidal wetlands and coastal waters be designed, constructed and maintained to minimize adverse impacts on coastal resources, circulation and sedimentation patterns, water quality, and flooding and erosion, to reduce to the maximum extent practicable the use of fill, and to reduce conflicts with the riparian rights of adjacent landowners [CGS section 22a-92(b)(1)(D)].
- 64 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 [CGS section 22a-92(c)(1)(B)].
- 65 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 [CGS section 22a-92(c)(1)(K)].

- 66 To encourage the removal of illegal structures below mean high water which unreasonably obstruct passage along the public beach [CGS section 22a-92(c)(1)(K)].
- 67 To maintain, enhance, or where feasible, restore natural patterns of water circulation and fresh and saltwater exchange in the placement or replacement of culverts, tide gates or other drainage or flood control structures [CGS section 22a-92(c)(2)(B)].
- 68 The commissioner of environmental protection shall regulate dredging and the erection of structures and the placement of fill, and work incidental thereto, in the tidal, coastal, or navigable waters of the state waterward of the high tide line. Any decisions made by the commissioner pursuant to this section shall be made with due regard for indigenous aquatic life, fish and wildlife, the prevention or alleviation of shore erosion and coastal flooding, the use and development of adjoining uplands, the improvement of coastal and inland navigation for all vessels, including small craft for recreational purposes, the use and development of adjacent lands and properties and the interests of the state, including pollution control, water quality, recreational use of public water and management of coastal resources, with proper regard for the rights and interests of all persons concerned. CGS section 22a-359(a), as referenced by CGS section 22a-92(a)(2)

### **Cultural Resources**

- 69 To require reasonable mitigation measures where development would adversely impact historical, archaeological or paleontological resources that have been designated by the state historic preservation officer [CGS section 22a-92(b)(1)(J)].
- 70 Any municipality may, by vote of its legislative body and in conformance with the standards and criteria formulated by the Connecticut historical commission, establish within its confines an historic district or districts to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places associated with the history of or indicative of a period or style of architecture of the municipality, of the state or of the nation. CGS section 7-147a(b)
- 71 The legislative body of any municipality may make appropriations for the purpose of carrying out the provisions of sections 7-147a to 7-147k, inclusive. CGS section 7-147a(c)
- 72 Any municipality or private organization may acquire, relocate, restore, preserve and maintain historic structures and landmarks and may receive funds from the state and federal government for such purposes. Grants-in-aid may be made to owners of historic structures or landmarks in an amount not to exceed fifty percent of the non-federal share of the total cost of such acquisition, relocation, historic preservation and restoration. Grants-in-aid shall be

made through an assistance agreement signed by the owners. Subsequent to the execution of any such assistance agreement, advances of funds may be made by the commissioner to the owner of such an historic structure or landmark. CGS section 10-321a

- 73 It is found that the lower Connecticut River and the towns abutting the river possess unique scenic, ecological, scientific and historic value contributing to public enjoyment, inspiration and scientific study, that it is in the public interest that the provisions of this chapter be adopted to preserve such values and to prevent deterioration of the natural and traditional riverway scene for enjoyment of present and future generations of Connecticut citizens and that the powers of the commissioner of environmental protection, conferred by the provisions of section 22a-25, should be exercised in the furtherance of the purposes hereof in conformity with his general responsibility to preserve the natural resources of the state. CGS section 25-102a
- 74 The commission may, using such funds as may be appropriated to it or available from any other source, acquire by gift, grant, bequest, devise, lease, purchase or otherwise historic structures or landmarks, including such adjacent land as may be necessary for the comfort and safety of the visiting public, which the commission determines to be of national or state historical importance and to be of such concern to the public at large that they should be held forever in good condition for visitation by the public and for the protection of the heritages of the people of this state and nation. The commission may restore, maintain and operate such properties in such a condition as to render them suitable for public visitation and to inform the public of the historic event or circumstance connected therewith. The commission may charge reasonable visitation fees in order to help defray the cost of maintenance and operation. CGS section 10-321d.

### **Dams, Dikes & Reservoirs**

- 75 All dams, dikes, reservoirs and other similar structures, with their appurtenances, without exception and without further definition or enumeration herein, which, by breaking away or otherwise, might endanger life or property, shall be subject to the jurisdiction conferred by this chapter. CGS section 22a-401 [formerly CGS section 25-110, as referenced by CGS section 22a-92(a)(2)]
- 76 The commissioner or his representative, engineer or consultant shall determine the environmental impact of the construction work on the inland wetlands of the state, in accordance with the provisions of sections 22a-36 to 22a-45, inclusive, and the need for a fishway in accordance with the provisions of section 26-136, and examine the documents and inspect the site, and, upon approval thereof, the commissioner shall issue a permit authorizing the proposed construction work under -such conditions as the commissioner may direct. CGS Section 22a-403 [formerly CGS section 25-112 as referenced in CGS section 22a-92(a)(2)]

## **Dredging & Navigation**

- 77 To encourage, through the state permitting program for dredging activities, the maintenance and enhancement of existing federally maintained navigation channels, basins and anchorages [CGS section 22a-92(c)(1)(C)].
- 78 Discourage the dredging of new federally maintained navigation channels, basins and anchorages [CGS section 22a-92(c)(1)(C)].
- 79 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 [CGS section 22a-92(c)(1)(D)].
- 80 To disallow new dredging in tidal wetlands except where no feasible alternative exists and where adverse impacts to coastal resources are minimal [CGS section 22a-92(c)(1)(E)].

**81 THE COMMISSIONER OF ENVIRONMENTAL PROTECTION SHALL REGULATE THE TAKING AND REMOVAL OF SAND, GRAVEL AND OTHER MATERIALS FROM LANDS UNDER TIDAL AND COASTAL WATERS WITH DUE REGARD FOR THE PREVENTION OR ALLEVIATION OF SHORE EROSION, THE PROTECTION OF NECESSARY SHELLFISH GROUNDS AND FINFISH HABITATS,** the preservation of necessary wildlife habitats, the development of adjoining uplands, the rights of riparian property owners, the creation and improvement of channels and boat basins, the improvement of coastal and inland navigation for all vessels including small craft for recreational purposes and the Improvement, protection or development of uplands bordering upon tidal and coastal waters, with due regard for the rights and interests of all persons concerned. CGS section 22a-383 as referenced by CGS 22a-92(a)(2)

82 Harbor masters shall have the general care and supervision of the harbors and navigable waterways over which they have jurisdiction, subject to the discretion and control of the commissioner of transportation, and shall be responsible to the commissioner for the safe and efficient operation of such harbor and navigable waterways in accordance with the provisions of this chapter. The commissioner may delegate, any of his powers and duties under this chapter to such harbor masters or to any existing board of harbor commissioners, but shall at all times be vested with responsibility for the overall supervision of the harbors and navigable waterways of the state. CGS section 15-1

## **Energy Facilities**

83 The legislature finds that power generating plants and transmission lines for electricity and fuels, community antenna television towers and telecommunication towers have had a

significant impact on the environment and ecology of the state of Connecticut; and that continued operation and development of such power plants, lines and towers, if not properly planned and controlled, could adversely affect the quality of the environment, the ecological, scenic, historic and recreational values of the state. The purposes of this chapter are: to provide services at the lowest reasonable cost to consumers with the need to protect the environment and ecology of the state and to minimize damage to scenic, historic, and recreational values; to provide environmental quality standards and criteria for the location, design, construction and operation of facilities for the furnishing of public utility services at least as stringent as the federal environmental quality standards and criteria, and technically sufficient to assure the welfare and protection of the people of the state; to encourage research to develop new and improved methods of generating, storing and transmitting electricity and fuel and of transmitting and receiving television and telecommunications with minimal damage to the environment and other values described above; to require annual forecasts of the demand for electric power, together with identification and advance planning of the facilities needed to supply that demand and to facilitate local, regional, state-wide and interstate planning to implement the foregoing purposes. CGS section 16-50g

- 84 In a certification proceeding, the council shall render a decision upon the record either granting or denying the application &s filed, or granting it upon such ten-ns, conditions, limitations or modifications of the construction or operation of the facility as the council may deem appropriate. The council's decision shall be rendered within twelve months of the filing of an application concerning a facility described in subdivisions (1) to (3), inclusive, of subsection (a) of section 16-50i or subdivision (4) of said subsection if the application was incorporated in an application concerning a facility described in subdivision (1) of said subsection, and within one hundred eighty days of the filing of any other application concerning a facility described in subdivision (4) of said subsection and an application concerning a facility described in subdivisions (5) and (6) of said subsection, provided such time periods may be extended by the council by not more than one hundred eighty days with the consent of the applicant. The council shall file, with its order, an opinion stating in full its reasons for the decision. The council shall not grant a certificate, either as proposed or as modified by the council, unless it shall find and determine: (1) A public need for the facility and the basis of the need; (2) the nature of the probable environmental impact, including a specification of every significant adverse effect, whether alone or cumulatively with other effects, on, and conflict with the policies of the state concerning the natural environment, ecological balance, public health and safety, scenic, historic and recreational values, forests and parks, air and water purity and fish and wildlife; (3) why the adverse effects or conflicts referred to in subdivision (2) of this subsection are not sufficient reason to deny the application; (4) in the case of an electric transmission line, (A) what part, if any, of the facility shall be located overhead, (B) that the facility conforms to a long-range plan for expansion of the electric power grid of the electric systems serving the state and interconnected utility systems and will serve the interests of electric system economy and reliability, and © that the overhead portions of the facility, if any, are consistent with the purposes of this chapter, with such regulations as the council may adopt pursuant to

subsection (a) of section 16-50t, and with the Federal Power Commission "Guidelines for the Protection of Natural Historic Scenic and Recreational Values In the Design and Location of Rights-of-Way and Transmission Facilities" or any successor guidelines and any other applicable federal guidelines; (5) in the case of an electric or fuel transmission line, that the location of the line will not pose an undue hazard to persons or property along the area traversed by the line. CGS section 16-50p(a)

## **Fisheries**

**85 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 [CGS SECTION 22A-92(C)(1)(I)].**

**86 THE PARTY STATES, FOR THE PURPOSE OF PROMOTING THE RESTORATION OF ANADROMOUS ATLANTIC SALMON, HEREINAFTER REFERRED TO AS ATLANTIC SALMON, TO THE CONNECTICUT RIVER BASIN BY THE DEVELOPMENT OF A REGIONAL PROGRAM FOR STOCKING, PROTECTION, MANAGEMENT, RESEARCH AND REGULATION, DO HEREBY ESTABLISH THE CONNECTICUT RIVER ATLANTIC SALMON COMMISSION. CGS SECTION 26-302, ARTICLE I**

## **Fuel, Chemical & Hazardous Materials**

87 To minimize the risk of oil and chemical spills at port facilities [CGS section 22a-92(b)(1)(C)].

88 To disallow the siting within the coastal boundary of new tank farms and other new fuel and chemical facilities which can reasonably be located inland [CGS section 22a-92(b)(1)(E)].

89 To require any new storage tanks which must be located within the coastal boundary to abut existing storage tanks or to be located in urban industrial areas and to be adequately protected against floods and spills [CGS section 22a-92(b)(1)(E)].

90 To minimize the risk of spillage of petroleum products and hazardous substances [CGS section 22a-92(c)(1)(A)].

91 To provide effective containment and clean up facilities for accidental spills [CGS section 22a-92(c)(1)(A)].

- 92 To disallow offshore oil receiving systems that have the potential to cause catastrophic oil spills in the Long Island Sound estuary [CGS section 22a-92(c)(1)(A)].
- 93 The commissioner of environmental protection shall, to the extent possible, immediately, whenever there is discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes upon any land or into any of the waters of the state or into any offshore or coastal waters, which may result in pollution of the waters of the state, damage to beaches, wetlands, stream banks or coastal areas, or damage to sewers or utility conduits or other public or private property or which may create an emergency, cause such discharge, spillage, uncontrolled loss, seepage or filtration to be contained and removed or otherwise mitigated by whatever method said commissioner considers best and most expedient under the circumstances. The commissioner shall also determine the person, firm or corporation responsible for causing such discharge, spillage, uncontrolled loss, seepage or filtration. CGS section 22a-449(a), as referenced by CGS section 22a-92(a)(2)
- 94 The commissioner may: 1) License terminals in the state for the loading or unloading of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes and shall adopt, in accordance with Chapter 54, reasonable regulations in connection therewith for the purposes of identifying terminals subject to licensure and protecting the public health and safety and for preventing the discharge, spillage, uncontrolled loss, seepage or filtration of oil or petroleum or chemical liquids or solid, liquid or gaseous product or hazardous wastes. Each license issued under this section shall be valid for a period of not more than one year commencing July first, unless sooner revoked by the commissioner and there shall be charged for each such license or renewal thereof a fee established by regulation and sufficient to cover the reasonable cost of the state of inspecting and licensing such terminals; 2) provide by regulations for the establishment and maintenance in operating condition and position of suitable equipment to contain as far as possible the discharge, spillage, uncontrolled loss, seepage or filtration of any oil or petroleum or chemical liquids or solid, liquid-or gaseous products or hazardous wastes; 3) inspect periodically all hoses, gaskets, tanks, pipelines and other equipment used in connection with the transfer, transportation or storage of oil or petroleum or chemical liquids or solid, liquid or gaseous products or hazardous wastes to make certain that they are in good operating condition, and order the renewal of any such equipment found unfit for further use. Any person, firm or corporation which operates any such terminal in this state on or after the first day of July following the effective date of regulations adopted pursuant to this subsection, without a license issued by the commissioner, shall be fined one hundred dollars per day during any period of unlicensed operation. CGS section 22a-449(b), as referenced by CGS section 22a-92(a)(2)
- 95 The safe and sanitary disposal of toxic or hazardous wastes shall be the responsibility of the generator and shall be accomplished in a manner approved by the commissioner. CGS 22a-220(a) [formerly CGS section 19-524n, as referenced by CGS section 22a-92(a)(2)]

96 The commissioner of environmental protection shall (1) provide and maintain necessary equipment and train adequate emergency response personnel for the purpose of oil spill containment and removal within the lower Connecticut river and adjacent shoreline area; and (2) assist in and coordinate the development of oil spill containment and removal contingency plans for the towns located within the lower Connecticut river and adjacent shoreline area. CGS section 25-102t(b)

### **Open Space & Agricultural Lands**

97 It is hereby declared (a) that it is in the public interest to encourage the preservation of farm land, forest land and open space land in order to maintain a readily available source of food and farm products close to the metropolitan areas of the state (b) that it is in the public interest to prevent the forced conversion of farm land, forest land and open space land to more intensive uses as the result of economic pressures caused by the assessment thereof for the purposes of property taxation at values incompatible with their preservation as such farm land, forest land and open space land, and (c) that the necessity in the public interest of the enactment of the provisions of sections 7-131c and 12-107b to 12-107e, inclusive, is a matter of legislative determination. CGS section 12-107a

98 The general assembly finds that the growing population and expanding economy of the state have had a profound impact on the ability of public and private sectors of the state to maintain and preserve agricultural land for farming and food production purposes, that unless there is a sound, state-wide program for its preservation, remaining agricultural land will be lost to succeeding generations and that the conservation of certain arable agricultural land and adjacent pastures, woods, natural drainage areas and open space is vital for the well-being of the people of Connecticut. CGS section 22-26aa

99 Connecticut is a state of relatively small area, undergoing rapid industrialization and rapid diminution of areas remaining in their natural condition. It is, therefore, declared to be the public policy that carefully selected areas of land and water of outstanding scientific and educational interest be preserved. In implementation of this policy, there is established a Connecticut system of natural area preserve. CGS section 23-5a as referenced by CGS section 22a-92(a)(2)

### **Ports & Harbors**

**100 TO PROMOTE, THROUGH EXISTING STATE AND LOCAL PLANNING, DEVELOPMENT, PROMOTIONAL AND REGULATORY AUTHORITIES, THE DEVELOPMENT, REUSE OR REDEVELOPMENT OF EXISTING URBAN AND COMMERCIAL FISHING PORTS GIVING HIGHEST PRIORITY AND PREFERENCE TO WATER-DEPENDENT USES, INCLUDING BUT NOT LIMITED TO COMMERCIAL AND RECREATIONAL FISHING AND BOATING USES**

101 To disallow uses which unreasonably congest navigation channels, or unreasonably preclude boating support facilities elsewhere in a port or harbor [CGS section 22a-92(b)(1)(C)].

### **Sewer & Water Lines**

102 To locate and phase sewer and water lines, so as to encourage concentrated development in areas which are suitable for development [CGS section 22a-92(b)(1)(B)].

103 to disapprove extension of sewer and water services into developed and undeveloped beaches, barrier beaches and tidal wetlands except that, when necessary to abate existing sources of pollution, sewers that will accommodate existing uses with limited excess capacity may be used [CGS section 22a-92(b)(1)(B)].

### **Solid Waste**

104 Each municipal authority shall make provisions for the safe and sanitary disposal of all solid wastes which are generated within its boundaries, including septic tank pumping, sludge from water pollution abatement facilities and water supply treatment plants, solid residues and sludge from air pollution control facilities and solid wastes from commercial, industrial, agricultural and mining operations, but excluding wastes which are toxic or hazardous. CGS section 22a-220 [formerly CGS section 19-524n, as referenced by CGS section 22a-92(a)(2)]

105 The commissioner shall administer and enforce the plumbing and implementation requirements of this chapter. He shall examine all existing or proposed solid waste facilities, provide for their planning, design, construction and operation in a manner which conserves, improves and protects the natural resources and environment of the state and shall order their alteration, extension and replacement when necessary to conserve, improve and protect the state's natural resources and environment and to control air, water and land pollution so that the health, safety and welfare of the people of the state may be safeguarded and enhanced. CGS section 19-524b

### **Transportation**

106 To make use of rehabilitation, upgrading and improvement of existing transportation facilities as the primary means of meeting transportation needs in the coastal area [CGS section 22a-92(b)(1)(F)].

107 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

[CGS section 22a-92(c)(1)(F)].

- 108 To require that coastal highways and highway improvements, including bridges, be designed and constructed so as to minimize adverse impacts on coastal resource [CGS section 22a-92(c)(1)(G)].
- 109 To require that coastal highway and highway improvements give full consideration to mass transportation alternatives [CGS section 22a-92(c)(1)(G)].
- 110 To require that coastal highways and highway improvements where possible enhance, but in no case decrease coastal access and recreational opportunities [CGS section 22a-92(c)(1)(G)].
- 111 To disallow the construction of major new airports [CGS section 22a-92(c)(1)(H)].
- 112 To discourage the substantial expansion of existing airports within the coastal boundary [CGS section 22a-92(c)(1)(H)].
- 113 To require that any expansion or improvement of existing airports minimize adverse impacts on coastal resources, recreation or access [CGS section 22a-92(c)(1)(H)].

#### **Water Dependent Uses**

**114 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 [CGS SECTION 22A-92(A)(3)].**

**115 TO MANAGE USES IN THE COASTAL BOUNDARY THROUGH EXISTING MUNICIPAL PLANNING, ZONING AND OTHER LOCAL REGULATORY AUTHORITIES AND THROUGH EXISTING STATE STRUCTURES, DREDGING, WETLANDS, AND OTHER STATE SITING AND REGULATORY AUTHORITIES, GIVING HIGHEST PRIORITY AND PREFERENCE TO WATER-DEPENDENT USES AND FACILITIES IN SHOREFRONT AREAS [CGS SECTION 22A-92(B)(1)(A)].**

#### **OTHER POLICIES**

##### **Intergovernmental Coordination of Planning and Regulatory Activities**

- 116 To coordinate planning and regulatory activities of public agencies at all levels of government to insure maximum protection of coastal resources while minimizing conflicts and disruption of economic development. CGS Sec. 22a-92(a)(9)

## **Coordination and Consistency of State Programs, Projects, Expenditures, And Acquisitions**

- 117 To coordinate the activities of public agencies to insure that state expenditures enhance development while affording maximum protection to natural coastal resources and processes in a manner consistent with the state plan for conservation and development adopted pursuant to Part I of chapter 297. CGS Sec. 22a-92(a)(8)
- 118 In addition to the policies in this section, the policies of the state plan of conservation and development adopted pursuant to Part I of chapter 297 shall be applied to the area within the coastal boundary in accordance with the requirements of section 16a-31. CGS Sec. 22a-92(d)
- 119 In furtherance of and pursuant to sections 22a-1 and 22a-15, the general assembly, recognizing the profound impact of man's activity on the inter-relations of all components of the natural environment, particularly the profound influence of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances, and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the state government, in cooperation with federal and local governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements to present and future generations of Connecticut's residents.

In order to carry out the policy set forth in sections 22a-1a to 22a-1f, inclusive, it is the continuing responsibility of the state government to use all practicable means, consistent with other essential considerations of the state policy, to improve and coordinate state plans, functions, programs, and resources to the end that the state may: (1) Fulfill the responsibility of each generation as trustee of the environment for succeeding generations; (2) assure for all residents of the state safe, healthful, productive, and esthetically and culturally pleasing surroundings; (3) attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences; (4) preserve important historic; cultural, and natural aspects of our Connecticut heritage, and maintain, wherever possible, an environment which supports diversity and variety of individual choice; (5) achieve an ecological balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; (6) enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources; and (7) practice conservation in the use of energy, maximize the use of energy efficient systems and minimize the environmental impact of energy production and use. CGS Sec. 22a-1a(a) and (b) as referenced by CGS Sec. 22a-92(a)(2)

- 120 The general assembly finds that the growing population and expanding economy of the state have had a profound impact on the life-sustaining natural environment. The air, water, land and other natural resources, taken for granted since the settlement of the state, are now recognized as finite and precious. It is now understood that human activity must be guided by and in harmony with the system of relationships among the elements of nature. Therefore the general assembly hereby declares that the policy of the state of Connecticut is to conserve, improve and protects its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people in the state. It shall further be the policy of the state to improve and coordinate the environmental plans, functions, powers and programs of the state, in cooperation with the federal government, regions, local governments other public and private organizations and concerned individuals, and to manage the basic resources of air, land and water to the end that the state may fulfill its responsibility as trustee of the environment for the present and future generations. CGS Sec. 22a-1 as referenced by CGS Sec. 22a-92(a)(2)
- 121 The secretary of the office of policy and management shall develop a form for capital development impact statements on which state agencies shall indicate the manner in which a planned or requested capital project or program addresses the following goals: (1) Revitalization of the economic base of urban areas by rebuilding older commercial and industrial areas, and encouraging new industries to locate in the central cities in order to protect existing jobs and create new job opportunities needed to provide meaningful economic opportunity for inner city residents; (2) revitalization of urban neighborhoods to reduce the isolation of various income, age and minority groups through the promotion of fair and balanced housing opportunities for low and moderate income residents; (3) revitalization of the quality of life for the residents of urban areas by insuring quality education, comprehensive health care, access to balanced transportation, adequate recreation facilities, responsive public safety, coordinated effective human service programs, decent housing and employment and clean water and by insuring full and equal rights and opportunities for all people to reap the economic and social benefits of society; (4) coordination of the conservation and growth of all areas of the state to insure that each area preserves its unique character and sense of community and further insure a balanced growth and prudent use of the state's resources. The secretary shall establish criteria for determining the capital projects and programs for which such statements shall be required to be filed with said secretary and with the state bond commission. CGS Sec. 4-66b as referenced by CGS Sec. 22a-92(a)(8)

### **Flooding and Erosion Planning**

- 122 To consider in the planning process the potential impact of coastal flooding and erosion patterns on coastal development so as to minimize damage to and destruction of life and property and reduce the necessity of public expenditure to protect future development from such hazards. CGS Sec. 22a-92(a)(5)

## **Dredging and Dredged Material Disposal Planning**

- 123 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. CGS Sec. 22a-92(c)(1)(C)

## **Coastal Related Research**

- 124 To conduct, sponsor and assist research in coastal matters to improve the data base upon which coastal land and water use decisions are made. CGS Sec. 22a-92(a)(7)

## **NATIONAL INTEREST FACILITIES AND RESOURCES**

**DEFINITION - "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 statewide 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 waterborne transportation system; (I) provisions 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.**  
(Source: CGS Sec. 22a-93(14))

- 125 To insure that the state and the coastal municipalities provide adequate planning for facilities and resources which are in the national interest as defined in section 3 of this act and to insure 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. CGS Sec. 22a-92(a)(10)

### **Air Resources & Air Quality (Pollution)**

- 126 The commissioner, in the manner provided in subdivision (1) of section 22a-6, shall have the power to formulate, adopt, amend and repeal regulations to control and prohibit air pollution throughout the state or in such areas of the state as are affected thereby, which regulations shall be consistent with the Federal Air Pollution Control Act and which qualify the state and its municipalities for available federal grants. Any person heard at the public hearing on any such regulations shall be given written notice of the determination of the commissioner. (Source: CGS Sec. 22a-174(a))
- 127 The commissioner, in making regulations and issuing orders and in enforcing the provisions of this chapter, shall take into consideration all of the facts and circumstances bearing on the reasonableness of the activity involved and the regulations proposed to control it, including: (a) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened to be caused; (b) the social and economic value of the activity involved; (c) the suitability or unsuitability of such activity to the area in which it is located; and (d) the practicability, both scientific and economic, of reducing or eliminating the discharge resulting from such activity. In all cases the commissioner shall exercise a wide discretion in weighing the equities involved and the advantages and disadvantages to the residents of the area involved and to any lawful business, occupation or activity involved resulting from requiring compliance with the specific requirements of any order or regulation. (Source: CGS Sec. 22a-176)