Legislative History for Connecticut Act

SB 13 PA 247 scanned 1984

House 305-306, 4200-4209 (12)

Senate 313, 1600-1602, 1611 (5)

Environment (Interim) 16-21, 30-33, 41, 42-45, 49-52 (19)

~~LAW/LEGISLATIVE REFERENCE~~
DO NOT REMOVE FROM LIBRARY

total 36p.

Transcripts from the Joint Standing Committee Public Hearing(s) and/or Senate and House of Representatives Proceedings

Connecticut State Library
Compiled 2015

H-368

CONNECTICUT GEN. ASSEMBLY HOUSE

PROCEEDINGS 1984

VOL. 27
PART 1
1-401

GOVERNMENT ADMINISTRATION AND ELECTIONS.

SPEAKER STOLBERG:

So ordered.

CLERK:

Senate Bill 132, AN ACT CONCERNING A CHILDREN'S TRUST FUND. The committee recommends a Change of Reference to the Committee on Appropriations.

SPEAKER STOLBERG:

So ordered.

CLERK:

Senate Bill 392, AN ACT CONCERNING WAIVER BY THE CITY OF DERBY OF THE RIGHT TO PURCHASE THE ANSONIA-DERBY WATER COMPANY. The committee recommends a Change of Reference to the Committee on Planning and Development.

SPEAKER STOLBERG:

So ordered.

CLERK:

Senate Bill 394, AN ACT CONCERNING AN APPROPRIATION TO THE CONNECTICUT RIVER ASSEMBLY. The committee recommends a Change of Reference to the Committee on Appropriations.

SPEAKER STOLBERG:

So ordered.

CLERK:

Substitute Senate Bill 13, AN ACT CONCERNING HARBOR

MANAGEMENT. The committee recommends a Change of Reference to the Committee on Planning and Development.

SPEAKER STOLBERG:

So ordered.

CLERK:

Substitute Senate Bill 276, AN ACT CONCERNING THEFT OF NONMETERED UTILITY SERVICE. The committee recommends a change of Reference to the Committee on Judiciary.

SPEAKER STOLBERG:

So ordered.

CLERK:

Substitute Senate Bill 274, AN ACT CONCERNING ACQUISITION OF THE ANSONIA DERBY WATER COMPANY BY THE SOUTH CENTRAL CONNECTICUT REGIONAL WATER AUTHORITY. The committee recommends a Change of Reference to the Committee on Planning and Development.

SPEAKER STOLBERG:

So ordered.

CLERK:

Senate Bill 211, AN ACT CONCERNING ELIMINATION OF THE LOCAL SHARE REQUIREMENT FOR HUMAN RESOURCE DEVELOPMENT PROGRAMS. The committee recommends a Change of Reference to the Committee on Appropriations.

H-378

CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1984

VOL. 27
PART 11
3863-4213

Will the Clerk please announce the tally.

CLERK:

House Bill 5825 as amended by House "A".

Total number voting	147
Necessary for passage	74
Those voting yea	90
Those voting nay	57
Those absent and not voting	4

SPEAKER STOLBERG:

The bill is passed.

Has the Clerk received business to be read in at this time?

CLERK:

Yes, Mr. Speaker, the Clerk has in his possession House Resolution No. 17, RESOLUTION ADOPTING THE REPORT OF THE SELECT COMMITTEE OF THE HOUSE OF REPRESENTATIVES TO CONSIDER INSTITUTION OF IMPEACHMENT PROCEEDINGS AGAINST JAMES H. KINSELLA, JUDGE OF PROBATE AND ARTICLES OF IMPEACHMENT.

SPEAKER STOLBERG:

Tabled for the Calendar.

CLERK:

Calendar Page 16, Calendar No. 579, File 468, Substitute for Senate Bill No. 13, AN ACT CONCERNING HARBOR MANAGEMENT. Favorable Report of the Committee on Planning

And Development.

SPEAKER STOLBERG:

Rep. Betsy Gibson.

REP. GIBSON: (40th)

Mr. Speaker, I move acceptance of the Committee's Joint Favorable Report and passage of the bill.

SPEAKER STOLBERG:

Will you remark.

REP. GIBSON: (40th)

Yes, Mr. Speaker. One moment, please.

SPEAKER STOLBERG:

Will you remark further on the bill.

REP. GIBSON: (40th)

Mr. Speaker, this is enabling legislation for municipalities to form a Harbor Management Commission through a local ordinance. This bill is needed to help towns have control of their waterfront. It would also allow municipalities to grant mooring and anchorages and to develop harbors along with maintenance of their harbors.

This is consistent with the CAM act and has worked well in Newport, Rhode Island and I urge adoption of this bill.

SPEAKER STOLBERG:

Will you remark further on the bill. Will you remark further.

If not, will members please be seated. Rep. Mora Lyons.

REP. LYONS: (146th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Lyons.

REP. LYONS: (146th)

Mr. Speaker, I would like to rise in opposition to this bill and I think a few points need to be made. If you look closely at the bill, it does say that it is permissive, however, the Army Corps of Engineers did come before the Environment Committee and at that time I asked the individual, the gentleman there if indeed a city or a town had this particular plan, would they then get a priority listing over those who do not have this particular plan. And the answer by the gentleman was, yes, indeed, if you've gone through the approval process, the technology and the funding is from the federal government, indeed, those who have an approved plan would get a priority over those towns and municipalities who do not have an approved plan.

So, I would really question the permissability of the bill. Also, if you look in current statutes, Chapter 13b, under that particular statute we are currently

allowed to have a harbor development agency by a municipality, so I really question the need for this particular piece of legislation.

The legislation also allows the municipality to permit boat within the harbor, permit boats that are currently mooring in the harbor. In order to do this they will charge a fee up to $100. Also in order to do this, we will now have to have a full time harbor master. In order to have a full time harbor master, I question where the fees will go that we will be collecting on the permit. The fess are indeed supposed to go to the improvement of the harbor, but obviously a full time harbor master plus staff would cost a considerable bit of money.

So I think perhaps we should look closely into the bill and obviously it is up to each one of the individuals here to determine if it is indeed permissive. I am not sure that it is. I would question the permissibility and to me, once again, this bill does add another tax onto the boating community. The past two years we just went through an entire boating registration fee update. both private marinas and municipal marinas, anyone within the harbor, even through they currently are paying the fee to have a secured mooring would indeed also, if the

municipality adopts this have to pay for a permitting process. And I -- as I said, I am opposed to the bill and I think perhaps the individuals in this chamber might look at it again. Thank you.

REP. CASEY: (118th)

Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further, Rep. Casey.

REP. CASEY: (118th)

Yes, Mr. Speaker. I rise in support of this bill and as boat owners and marine owners and municipalities that have written me all in favor of this bill. They know the ramifications. Milford is one of the few towns in the East Coast that actually has gone forward and as they said, you can put it together. A harbor head commission is what Milford has and the federal government is holding up $600,000 for money earmarked for Milford until we come up with some kind of plan. But the problem is the scatter shot approach that exists out there. Although Milford had a harbor plan in order to develop the harbor, it still has 5 or 6 other agencies doing development at the same time. There wasn't any coordination. It just slowed up the whole works in order to get this program and make this program work, more effectively, more efficiently,

and more importantly on time. This is a step in the right direction. It was brought on through the efforts of Sen. Gunther, but it was requested by the Army Corps of Engineers that Connecticut participate in such a program.

And I'll just sum it up by statements from Richard A, Roche who is the Chief Environment Section of the Regulatory Branch of Operation of the Army Corps of Engineers and he summed it up this way.

The problem is this because responsibility for regulating the development in harbors is in several hands. Everyone assumes the other guy is minding the store and as a result, no one does. This is the necessary bill and allows the municipalities to do it if they wish and I certainly hope that this Chamber will allow the municipalities to make up their own minds. Thank you, Mr. Speaker.

SPEAKER STOLBERG:

Will you remark further on the bill? Rep. Rudolf.

REP. RUDOLF: (139th)

Mr. Speaker. This is a timely bill and I hope that my colleagues in the chamber will support this. Connecticut happens to have as one of its major assets 253 miles of shore line on Long Island Sound. In supporting this natural resource are the many harbors and that is the problem today. That we do not have good management within

our harbor system. The enabling legislation provides for a local commission with representation from local boards and commissions to bring about the local import that is so sorely needed. The bill further provides an orderly process of identifying existing and potential harbor problems establishing goals, and making recommendations for the use, development and preservation of our harbors.

Finally, Connecticut will embark on an overall planning program with local control. The future of Connecticut's major asset must not be allowed to flounder in muddy waters. The bill is vitally important to our economic and recreational development and I urge adoption.

SPEAKER STOLBERG:

Will you remark further. If not will members please be seated. Staff and guests come to the well of the House. Will you remark further.

REP. GIBSON: (40th)

Mr. Speaker.

SPEAKER STOLBERG:

Rep. Gibson.

REP. GIBSON: (40th)

Mr. Speaker, if I could just clarify one point. This is enabling legislation. There's nothing in there that says there's going to be a fee of $100 charged for

each mooring. It would be up to the Harbor Commission if they decided to charge a fee, it could be anywhere up to an amount and that money would be used for the development of that water. It would also give the local residents in the State of Connecticut more opportunity to have moorings for their boats. I really urge the adoption of this bill.

SPEAKER STOLBERG:

Will all members please be seated. Staff and guests come to the well of the House. Will you remark further. Rep. Parker.

REP. PARKER: (31st)

Thank you, Mr. Speaker. Through you, a question to the proponent.

SPEAKER STOLBERG:

Please frame your question, maam.

REP. PARKER: (31st)

In reading the legislative research office critique on this bill, I thought that there could be an overlap with what the Coastal Management legislation does, is there. Is there an overlap of duties and functions. For example, this committee could set development boundaries but coastal management okay's development right on the edge of the water. There are other areas too, simply put,

is there an overlap.

SPEAKER STOLBERG:

Rep. Gibson.

REP. GIBSON: (40th)

Mr. Speaker, yes, it is my understanding that yes, there is not an overlap.

REP. PARKER: (31st)

Thank you, very much.

SPEAKER STOLBERG:

will all members please be seated, staff and guests to the well of the House. Will you remark further. Will you remark further. If not the machine will be opened.

CLERK:

The House of Representatives is voting by roll. Will the members please return to the Chamber immediately. The House of Representatives is voting by roll. Will the members please return to the Chamber immediately.

SPEAKER STOLBERG:

Have all the members voted? Have all the members voted? If all the members have voted the machine will be locked and the Clerk will take the tally.

Will the Clerk please announce the tally.

CLERK:

Senate Bill 13.

Total Number Voting	147
Necessary for Passage	74
Those Voting Yea	126
Those Voting Nay	21
Those Absent and Not Voting	4

SPEAKER STOLBERG:

The bill is passed.

Are there any announcements or points of personal privilege at this time. Rep. William Dyson.

REP. DYSON: (94th)

Mr. Speaker. A point of information please. I'd like to provide this chamber with some information and I wonder if I might be able to do that at this point, sir.

SPEAKER STOLBERG:

Please proceed, Rep. Dyson.

REP. DYSON: (94th)

Mr. Speaker, for every member of this chamber you have probably --

SPEAKER STOLBERG:

Rep. Dyson, just a moment please. Will the House please come to order. Rep. Dyson you have the floor.

S-221

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1984

VOL 27
PART 1
1-410
INDEX

THE CHAIR:

Without objection, so ordered.

THE SENATE AGENDA DATED THURSDAY, MARCH 15th, 1984 IS AS FOLLOWS:

PETITION RECEIVED IN THE CLERK'S OFFICE UNDER JOINT RULE 19

Petition #1
General Law
SB 396 An Act Concerning Automobile Dealerships.

To be referred to the committee indicated.

INTRODUCTION OF SENATE AND HOUSE LIST OF BILLS (LIST #18)

Reading waived and bills referred to committees indicated on list.

SENATE BILLS FAVORABLY REPORTED WITH A CHANGE OF REFERENCE

APPROPRIATIONS

Substitute SB 102. An Act Concerning the Membership of the Teacher's Retirement Board.

Referred to Government Administration and Elections.

ENVIRONMENT

Substitute SB 13. An Act Concerning Harbor Management.

Referred to Planning and Development.

PLANNING AND DEVELOPMENT

SB 346. An Act Concerning Loans For Housing Authorities For The Development Of Elderly Housing Projects.

Referred to Finance, Revenue and Bonding.

GOVERNMENT ADMINISTRATION AND ELECTIONS

Substitute SB 448. An Act Establishing An Office Of Inspector General.

Referred to Judiciary.

S-224

CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
1984

VOL. XXVII
PART 4
1227-1615

for in the Senate. Will all Senators please be seated.

THE CHAIR:

Question before the chamber is a motion to adopt calendar No. 298, substitute for House Bill No. 5588, File No. 113, 454. The machine is open. Please record your vote. Senator Wilber Smith. Senator Reginald Smith. Senator Truglia. Has everyone voted? Machine is closed. Clerk, please tally the vote. Result of the vote, 26 yea, 7 nay. The bill is adopted.

THE CLERK:

On page 4, calendar 335, File No. 468, Substitute for Senate Bill No. 13. An Act Concerning Harbor Management. Favorable Report of the Committee on Planning and Development. Senator Gunther.

THE CHAIR:

Senator Gunther.

SENATOR GUNTHER:

Mr. President, I move acceptance of the committee's favorable report and passage of the bill.

THE CHAIR:

Will you remark?

SENATOR GUNTHER:

This bill is the harbor management bill. It's an enabling piece of legislation that is permissive, that will allow the communities on that have harbor facilities to establish harbor commissions. They can either be existing commissions or they can set up by ordinance any combination of memberships whether it be local planning and zoning, conservation, shellfish or flood control boards and the responsibility of that commission - oh, in-

cidentally, it will allow two or more towns to join together and form a Harbor Commission, the bi-community or multiple communities will have an equal number of members on this commission if established. It will have the responsibility of coming up with a plan for that particular harbor development. The plan on the preliminary basis after it's been developed will then be submitted to the DEP the CAM section of that, the DOT and to the U.S. Corps of Engineers. That plan then, if accepted, would be sent back to the town with the comments relative to its acceptance or non acceptance of the recommendations of that particular plan. At that point, the community would, by ordinance, adopt the plan and after adoption by the community, they then could take and go to both CAM and DOT in the State of Connecticut and the U.S. Corps of Engineers and if they approve, they could get some general permitting. Now the important part of this particular legislation would be that it would take all the nitty gritty type enforcement that the U.S. Corps of Engineers now has to do, it would take that responsibility, put it back into the local community. The Corps is very desirous of getting this type of responsibility and also the responsibility for properly planning the harbor developments of all the harbors in the State of Connecticut. It would relieve them of the minor type permits that they have to go through and all the enforcement of the violations and that sort of thing. The bill itself is very comprehensive. It spells out the various responsibilities and, of course, the enforcement of this would go into the hands of the Harbor Masters. They presently have the enforcement but right now we don't have any planning. We have nothing that sets up any guidelines for the Harbor Masters themselves. Finally, it would allow for the establishment of fee schedules

for the permitting of anchorages and that, Fee schedule would be limited to $100.00 or less. It would be up to the legislative body to take and adopt that fee. The fee would then go into a special fund which would be used for harbor maintenance or improvement or planning. This is an excellent bill, Mr. President. It's something that I think would bring the local control of harbor development back into the community. It would not supercede permitting in either the state level or on the federal level through the Corps for any major project that would be proposed for a harbor. If there's no objection, I would suggest it be moved to the consent calendar.

THE CHAIR:

Without objection, so ordered.

THE CLERK:

On page 10, calendar 452, File No. 649, Substitute for Senate Bill 478. An Act Establishing A Per Se Violation For The Operation Of A Motor Vehicle While Having A Specified Blood Alcohol Content. Favorable Report of the Committee on Judiciary. The Clerk has an amendment.

THE CHAIR:

Senator Owens.

SENATOR OWENS:

Yes, Mr. President. I move acceptance of the joint committee's favorable report and passage of the bill.

THE CHAIR:

Clerk, please call the amendment.

THE CLERK:

Clerk has Senate Amendment Schedule "A", LCO No. 3031. Senator Owens.

THE CHAIR:

Please give your attention to the Clerk who will call those items that have been referred to the consent calendar.

THE CLERK:

On page 4, calendar No. 335. Page 9, calendar 442. Page 4, calendar 335.

THE CHAIR:

No. 442 is PRd. PRd.

THE CLERK:

Excuse me, Mr. President. Why don't I start from the beginning.

THE CHAIR:

442 is PRd.

THE CLERK:

What's the first number? SB13 - SB478

THE CHAIR: HJ7 - SB538

Page 4, middle of the page.

THE CLERK:

Page 4, calendar 335. On page 10, calendar 452, calendar 453 and page 14, calendar 412 and 442 was passed retained, Mr. President.

THE CHAIR:

Are there any changes, any omissions, corrections? The machine is open. Please record your vote. Has everyone voted? Senator Regina Smith. Machine is closed. Clerk, please tally the vote. Result of the vote, 33 yea, zero nay. The consent calendar is adopted. Senator Owens.

JOINT

STANDING

COMMITTEE

INTERIM

HEARINGS

ENVIRONMENT

1-189

INDEX

1983-1984

MS. TOBIN: (continued)
was acquired by the state, so we would oppose this bill.

The second bill that I would like to talk about is LCO SB 13 No. 367, An Act Concerning Harbor Management. The DEP strongly supports the concept of this bill. We feel that it has great potential for substantial benefits to the state. I have a long list of minor wording changes that I will submit to you so I won't take up your time right now, but I also have several comments, several specific comments that I would like to make before you today, and they are in no particular order.

The first concerns the fact that there is a lap of a policy section of the bill, outlining the purposes of the bill and we suggest that it be added, and we suggest that it stress the need to ensure fair and equitable use of the resource which belongs to the people of the state, i.e., the navigable waters and the waters below mean high tide, and that this use be served to all the people of the state.

On 131, which concerns the commission membership, we feel that the "may" which suggests several members for the commission be changed to a "shall", and the reason for this is to ensure coordination of the Harbor Commission with other related municipal agencies.

In Section 3, we feel that this be clarified to ensure that the plan is effective only after approved in entirety by DEP and DOT, and that a likewise procedure is followed for amendments.

In Section 5, we would suggest or recommend, actually a bit more strongly that other sensitive resources such as tidal wetlands, beaches, dunes and inner-tidal flats also be considered.

Lines 128 through 130, we feel that these lines don't really add anything to the bill, and it was unclear to us what the purpose of those lines were, and if it was intended that they do add something, that this be clarified but we'd like to strongly state that this should in no way be construed to delegate any DEP permitting authority.

On line 136, which concerns mooring permits, we'd like to

MS. TOBIN: (continued)
suggest a right of continuance of these permits, unless a change is made in the mooring plan by the department management commission, and that goes through all the approvals.

We would also like to ensure that all the related ordinances passed by the towns, be approved by the DEP and DOT as a part of the plan, and I have several comments related to the fee section of the proposal.

First of all, on line 148a, I believe, or 149, yes 149 that the "may" there be changed to "shall" to ensure that all the fees collected are used only for the benefits of the harbor for the use of the public and also that the words "for the public" be added in there.

One issue that should be looked at is oversight for the spending of this money.

We also would like to raise the issue that these fees are being collected -- okay, the question of the whole concept of fees, just raise a few questions, not that we're opposed to it, but the fact that as drafted the fees apply only to a small segment of users, those that have moorings on the harbor. a great many other users such as those that have slips and other structures. These other users will also benefit by the money collected by those paying the mooring fees, and some of those other users are more consumptive of the resources of the harbor.

We also feel that if high fees are implemented, that this will function as a disincentive to the implementation of a harbor management plan, which of course, we support.

This concludes my comments for now. I'd be happy to answer any questions, and will submit the exact wording changes to you. Any questions?

REP. BERTINUSON: Rep. Savage.

REP. SAVAGE: I'm quite interested in your comments on fees and particularly I take it the department is not in favor of very high fees. Did I read you right on that, or --

MS. TOBIN: Well, I think that the fee of $100 may be high in certain situations. I think this has to be looked at carefully, considering the situation of the town. There are some towns which could very well charge fees to the maximum, and that that would be reasonable for the services offered, where it would not discourage the use of the plan. I think it all has to be balanced. I'm not prepared to to say flatly outright that we're opposed to that.

REP. SAVAGE: You're not prepared to make any positive recommendations at this point.

MS. TOBIN: Not about that right now. Just opening up the issue.

REP. SAVAGE: Thank you.

REP. BERTINUSON: Any other questions?

SEN. GUNTHER: Terry, just quickly.

REP. BERTINUSON: Sen. Gunther.

SEN. GUNTHER: Sen. Gunther. Lines 128 through 130, I think that that very frankly is one of the things is that we're trying to accomplish here. It says, upon adoption of the plan and issuance of the general permit, that would be done after preliminary overview of the DEP and the corps of engineers and the DOT and adoption by ordinance that your department is saying that you don't want to have that then go down into the local level; that if it's put into a plan, and that whole plan is adopted, after all these stages, that you don't want them to have the authority to take and implement the plan, anything within that plan?

MS. TOBIN: If the plan's appropriate we adopted, the town may then implement anything coming under their jurisdiction, including that, delegated to them under a general permit. In terms of DEP authority, our method of delegation of that is through the delegation bill which passed last year and no permitting authority is included. DEP permitting process by this bill is down to the plan, unless the department or the commissioner shows cause that another decision should be made, and that would be with the structure for permit applications.

SEN. GUNTHER: All right, well, can you give me a for instance? What wouldn't you want --

MS. TOBIN: Well, the trouble --

SEN. GUNTHER: What we're trying to do, and I think you know this, what we're trying to do is end bureaucracy, get down to the basic concept of planning and development of your harbor, and then put that down where it would be enforced, and overviewed by the local community, on an adopted plan that's gone through all these steps and in that way, get the bureaucracy the hell out of the business of doing this and putting it into the local community itself.

Now, if you're going to have to take and go back and get the general after you've approved the plan, and then start with two strikes on it, you get a preliminary approval and get a secondary approval, you get the ordinance passed by the town. The town cannot change that plan unless they go through ordinance, and that again would have to come back and probably be approved by each one of these levels if you made a change.

Now, what you're trying to do at that point is get all of this red tape and get all the bureaucracy out of it and get down to the business of planning those harbors, and if you're going to take and insist that all on the permittee have to go in and have another permit on top of it, you're just spinning your wheels as far as I'm concerned, unless there's areas that this does not cover.

MS. TOBIN: Okay, the problem that I see with this are two-fold. First, there's a great deal of mention of the general permit by the corps. Nobody really knows as of yet what will be included in that general permit, so it is difficult for us to say that we would approve of anything included in that general permit, because we don't know which authorities might be in there. I'm hoping, I don't know if anyone from the corps has signed up to speak, but I'm hoping that there will be somebody because I'd be interested in their comments. The difficulties in terms of permitting on the harbors in terms of state permitting, we have not gotten very many complaints from the local people. I think the EP has been fairly consistent

MS. TOBIN: (continued)
in permitting what is considered a state resource, that land below mean high water.

The way we see the plan is a guide to DEP decision making that if the local plan is consistent. If we have no problems with it; if there are no overriding factors regarding the state's interest, that all decisions will be made consistent with that plan, but we feel that it does need that oversight, and are not prepared to delegate any permitting authority, and the committee dealt with the issue of delegation of permitting authority last year, and limited it to just enforcement. And we feel that the department is bound by this bill.

SEN. GUNTHER: Again, I get back down to something very basic. You've got a preliminary overview of it. You've got a secondary overview of an adopted plan, and you still don't think that that's enough control?

MS. TOBIN: It depends what all is in the plan. It's very hard -- we're talking very vaguely --

SEN. GUNTHER: I hope the corps can -- Mr. Roach was going to try to get here this morning. I don't see him here yet, but I'd like to have the -- I hope that the corps does come.

MS. TOBIN: Yes, I wanted to clarify -- that was another comment I meant to make, which is just how vague the term "general permit" is, and point out that the section in the act that we just talked about is one area in particular where it comes up and the other one is in the fee authority where it says the commission may charge fees for any activity under the general permit. Since we don't know what all those activities are, they may be able to charge fees for some programs that may involve some other permits for which there is a fee, and you know, until that's defined, we may not want to give that authority. Any more questions?

REP. CASEY: Just one, Rachel. Section 10, would DOT and the Commission of Environmental Protection indeed be able to come up with a model harbor plan in six months after the adoption of this legislation?

MS. TOBIN: We believe that's a reasonable time table. Most of these are not all that extensive. We have some models in the office now. Two towns in the state have either adopted or are working on plans, so we have a fairly good idea. At least, from our department. I can't speak for DOT.

REP. BERTINUSON: Thank you.

SEN. SKOWRONSKI: Okay, that concludes the portion of the hearing for state agency heads. Before going to the public portion, we'd just like to introduce newly arrived members of the committee. To our left is Rep. John Savage. Behind us, Reps. John Mordasky and Peggy Beckett-Rinker. In the back row, Reps. Sid Holbrook, Jack Tiffany and Moira Lyons, and in the back row on the right is Rep. Doreen DelBianco. I believe everyone else who's here are the members of the environment staff in the back row.

Okay, the next speaker on the public portion will be Martin Burke from the Connecticut Water Works Association.

MR. MARTIN BURKE: Sen. Skowronski, Rep. Bertinuson, members of the Environment Committee, my name is Martin Burke and I represent the Connecticut Water Works Association. Our association is of the public water supply utilities serving Connecticut. Membership is open to all Connecticut water utilities and there are currently 21 publicly owned and 17 investor owned water companies in the association serving a population of approximately 2¼ million people.

Naturally, as purveyors of public water, the members of the association have an obligation to provide sufficient quantities of high quality water at reasonable cost, and in view of this obligation, are keenly aware and concerned with effective regulation of water utilities. We would like to comment briefly, and of course, submit some written testimony and comment on five bills concerning water supply. Two of them are very much interrelated and were discussed by Dr. Lloyd. Those are the ones concerning hearings on water supply protection orders HB 5058 and the bill authorizing civil enforcement for water pollution abatement. HB 5057 Both of these are advocated by the Department of Health Services which is attempting to vigorously monitor water quality in Connecticut.

MR. VERDERAME: (continued)
that the lobster population in New Haven is in jeopardy. I think the draggers should be stopped. They're also dumping mud continuously in New Haven. I think the population, the lobster population in that area is in jeopardy.

One other thing. I don't think these draggers should be allowed to drag at night in Long Island Sound. They're prohibited from dragging west of the 73 degree line, but yet they're allowed to drag in the other parts of Connecticut. I don't see the reason for this. We have just as much gear as the lobstermen west of the 73 degree line. I feel we're being picked on and that the lobster population east of the 73 degree line is in jeopardy.

SEN. SKOWRONSKI: Thank you. Just one question. How did -- what did the 73 degree line have to do with your losing -- having your equipment damaged?

MR. VERDERAME: Very simple. I fish just east of the 73 degree line, so now we have draggers there all day long dragging in our area, back and forth in the prime lobster areas. Now, we've had draggers out there for three days and three nights at a time. I can't personally say that they're dragging there during the daytime, and then going west of the 73 degree line, and then coming back in daylight into our area, but I do know that our traps are disappearing day after after day after day, and it's not only me that's --

SEN. SKOWRONSKI: That would have existed, though with or without the 73 degree line, right, the problem?

MR. VERDERAME: No, the problem is, since you've closed off part of the sound, the concentration of draggers are working off New Haven instead of, -- they would be spread out over different areas. Everyone wouldn't be in just one area.

SEN. SKOWRONSKI: Okay. Thank you. Any questions? Thank you very much. The next speaker is Dennis Snow from the Connecticut Marine Trades Association.

MR. DENNIS SNOW: My name is Dennis Snow. I'm the president

MR. SNOW: (continued) AAC Harbor Management SB 13
of the Connecticut Marine Trades Association. I'd like to speak in favor of LCO No. 367, and offer some comments on the bill.

We agree with the DEP in that a policy statement should be adopted to ensure the understanding of the intent of the bill. But I'd like to make a couple of comments and make a few constructive changes if I may.

Section 1, line 20, I think that "may" should be replaced by "shall". And going further in the same section, the word "existing board", we question whether or not an existing board would be applicable to a harbor management commission.

For example, if a town wanted to appoint a Planning and Zoning Board as the harbor management commission, it would greatly limit the scope and intent of the bill. Some municipalities have a harbor authority board. That would be okay, if they were made the harbor commission, but I think it would greatly limit the scope if it would just be confined to our existing committee.

We would like to see and suggest that the board be made up of persons who represent the following interests: Marine Trades, Recreational and commercial boating, shell fishing, environment and conservation, as well as planning and zoning.

In Seciton 4, lines 65 through 68, the bill states that the plan will identify problems, establish goals and make recommendations for the development and preservation of the harbor. We would like to see the addition of the land around the harbor. This would serve to further fortify the coastal area management act already in place.

Section 8, line 137 deals with the list of moorings to be kept by the harbormaster. We believe that something should be inserted in there that the list and locatino of these moorings shall be evaluated annually by the commission. This would further improve the communications between the harbormaster and the commission.

Section 11 deals with the appointment of a harbormaster,

MR. SNOW: (continued)
We believe that the harbormaster should be required in this statute to attend meetings of the harbor commission. The end result of this would be, as I said before, better communications between the actual commission and the man out there in the field who sees what's going on and can bring additional input to the people on the board who may in fact, never even to get to go out and see what's happening within the harbor. Any questions?

SEN. SKOWRONSKI: Are there any questions? I think, just what would be helpful to the committee, and I suggest it to you, Mr. Snow, and others, if you have specific language changes, if you could type those up and submit those to the committee, it's very helpful. Sometimes it's hard to keep up with all the changes you're suggesting by handwritten notes, so if you want to submit something to the committee, it may receive even better consideration. Thank you. The next speaker is Bob Crook from the Connecticut Sportsmen's Alliance, and Connecticut Marine Trades Association. Are you branching out this year, Bob?

MR. CROOK: No, I had those accounts last year, Senator. Good morning. My name is Bob Crook. I'm the lobbyist for Connecticut Marine Trades and for Connecticut Sportsmen's Alliance.

I think Mr. Snow has addressed about everything I had on the harbor management plan except one item. In line 143, Section 9, there's some concern that the wording, "or any other activity", as Ms. Tobin brought out, could be expanded into a lot of payments for a lot of different things. We'd like to have this delineated a little bit or totally excluded at this point.

Secondly, in that paragraph, there might be a question on the fee. If we're talking totally about a mooring or an anchorage fee, $100 is really reasonable in some areas. Now, in some areas it may not be enough. So I think the committee could look at that and possibly develop a higher fee.

And in line 149, we'd like to see, as the DEP would like to see that the word "may" changed to "shall", and this -- all this money go into a fund for the development of the

MR. CROOK: (continued)
harbor. And we'd also like to recommend that there be legislative oversight by the municipalities, legislative body for this money. So it wouldn't be the -- the harbor commission wouldn't be a body spending money all its own.

But in general, we're in support of the bill, both organizations.

The second bill I'd like to speak on is LCO 53, which is penalties for violating striped bass regulations. The SB 14 Sportsmen's Alliance and the Connecticut Marines Trade are both in support of this concept, and dispense stronger management plans by most of the ten states along the stripers migratory path from Maryland to Maine. It is the near unanimous belief that the fish population, the striped bass population's declined requires a stronger management effort.

Last year, Rhode Island, New York, Delaware and virtually all the states have pretty much the same strict standards enforce right now, as far as length of fish, as far as limits go and so forth. What they don't have, is they don't have penalties. I'm not going to say -- I don't think -- I don't know how to put this. The penalties recommended are pretty severe. I think the penalties have to be severe, but I'm not sure that these are the right penalties to impose upon, for instance the $100 on a first time offender. We can envision somebody fishing at night, which striped fishing takes place, surf fishing, and usually a striper fisherman will mark his rod with a piece of tape, as for the 16" or for the 24". Knowing how the conservation officers work and their philosophy is generally, if it's wrong, pinch them, let the courts decide it.

A striper fisherman could very easily be out there at night and get a 15 and 7/8" fish, and I will almost guarantee that he will be arrested by the conservation officer for that violation. The conservation officers are not in the business of judging. In that case, the individual would certainly be wrong. He would go to court, and he would be fined $100 and he would automatically have a misdemeanor on his record, conservation offense misdemeanor. That is pretty stringent. We have no

MR. BERNSTEIN: (continued)
back. You have nothing to worry about.

I was talking to a gentleman after one of our meetings who said, yea, I know those guys who were picked up around Pleasure Beach area, with all the stripers. One of them said to me, he said, I paid a $62.00 fine. Big deal. He said, "I was out again, two days later, came in with 405 pounds of fish".

AAC Authorizing Recreational Activity on Storage and Distribution Reservoirs HB 5055

Fairfield County League is 1000% in back of LCO 347. The more places to fish, the happier we'll be. We now have filtration plants, and I believe in every decent sized reservoir. There can be no problem.

SB 13

The LCO 367, the harbor management plan, we think it's a fantastic idea. I know that we know that fine points have to be worked out, but basically we're 100% for it. Are there any questions?

REP. BERTINUSON: I take it, Mr. Bernstein, that you're not in favor of mercy for the first offense on the stripers, is that --

MR. BERNSTEIN: No, madam. When the light turns yellow, I'm the damned fool who stops. I hope the rest of the world do it, there'll be fewer accidents. If you're not sure of the size of the fish, let it live. Maybe you'll catch the same one a week later, and it'll be full sized.

SB 15

REP. BERTINUSON: And, on the lobster bill, are you proposing that we ought to extend it at this point, the two year period?

MR. BERNSTEIN: Yes, madam. If you don't do it now, we'll just have to come back again next year, if it is felt necessary or advisable to do so.

REP. BERTINUSON: As far as I know, we have not had any indication that they will not be able to meet that time frame, but that perhaps --

MR. BERNSTEIN: Give them a break. Everyone says, everyone connected with the state, overworked.

REP. BERTINUSON: That's true. Are there any questions?

MR. BERNSTEIN: No questions, Dr. Gunther? Thank you very much.

REP. BERTINUSON: The next speaker is Joseph Tamsky.

MR. JOSEPH TAMSKY: Madame Chairman, and members of the committee, I'm Joseph Tamsky. I'm the Planning Director of the City of Norwalk, and I'm here to talk on LCO Bill 367. Harbor Management SB 13

First, a little background from the perspective of the City of Norwalk. We are actively now actively considering establishing a Harbor Management Commission for the city. We feel the need, based on three points, or imperatives.

First of all, as you know, there's been a terrific increase and interest and concern for the waterfront for our harbors. This followed -- well, actually I think it took place before the coastal management bill that you passed in 1980-81, but it certainly has a continued at a great pace since. Everybody in town seems to be interested in the harbor and in the waterfront and in making sure that it's available for all the people.

The second reason is our desire to achieve what we consider local control over our waterfront and harbor. We look forward to the Army Corps of Engineers implementing their general permit. We look forward to DEP perhaps following suit on a similar level. We like, as I'm prepared to suggest, further on here, we'd like the possibility of appointing our own harbormaster, rather than leaving that to the Governor.

The third reason is the need that we see for close coordination between the several city departments and other agencies which deal with one or more elements of harbor management or the administration of the harbor. We have a shellfish commission. We have a conservation commission, a planning and zoning commission, a parks and recreation commission, a department of public works, redevelopment agency. I think I count -- of course the Marine Police and the harbormaster. I think we counted from six to

MR. TAMSKY: (continued)
nine different agencies that work some or all of the time in our harbor, and unfortunately they don't all know what the other is doing. They're not all familiar with the other's objectives, and purposes. We think that a harbor management commission established more or less along the lines that you have suggested here will help us to achieve that coordination. That's one of the objectives, certainly.

I have comments -- I have related them to certain lines. I have certain comments that I've related to lines on the draft bill that I received last week, and I'll go through them, if I may, quickly on this basis.

Page one, lines 26 through 37, this should make clear that these provisions apply alike to single and multiple municipality harbor commissions. The language is unclear to me, at least. It starts out with an individual municipality, then goes into the possibility of joint commissions between adjacent communities, and it's not clear that all of the language in setting the commission applies to both, and it should be. I think it's a minor ambiguity.

Page two, lines 41 and 42. These provisions should make clear that their authority is constrained by the local charter or code and a local budget, although state grants would be appropriate and of course very welcome.

Page two, line 59, should provide just 35 days as referrals under the coastal area management act provide in what we consider similar circumstances today.

Page two, line 60 and 61, this should state more clearly that a harbor management plan must be adopted by the local legislative body on recommendation by the harbor management commission. I guess on rereading that a few times, I concluded that it was intended to say that, but it didn't catch me the first time I read it, certainly.

On page 3, line 90, I prefer that there be no provision for an official harbormaster, I presume, to act in the manner contrary to the harbor management plan. I'm personally not sure what the language is included there refers to, show cause, that may be satisfactory. It seems

MR. TAMSKY: (continued)
to me, however, I would just simply prefer no deviation from the duly adopted harbor management plan, a plan which has been reviewed by the corps of engineers, by the State of Connecticut DEP and Transportation Department and duly approved by the local legislative body. It seems to me that it should be superior to the acts of any individual officer.

Page 4, lines 117 through 123. I suggest that you refer to a provision of the statutes on planning and zoning for an example of what I think might be a preferable way to handle this referral matter. 824 requires that when an agency in the community wishes to take certain specific actions, it must refer the proposal to the Planning and Zoning Commission, and at least 35 days before action is taken on that proposal, presumably by a common council or legislative body. I think this act should provide that on matters that have relevance to the harbor management commission, the proposal should be referred to the harbor management commission. The harbor management commission should be given 35 days to respond. If it does not respond within that time, then its approval should be presumed. If it does not, then it seems to me, and this is a modification, I would think that it would be preferable to have just a simple majority to overrule the action of the harbor management commission.

I don't think the two-thirds majority is necessary or desirable in most cases, even God forbid, in the case of planning and zoning commissions.

Page 5, lines 147 and 148. I suggest that you should avoid cluttering up the statutes, if I may use that term with numerical provisions, even whereas in this case, they appear more than ample, the $100 possibility for a mooring fee. That certainly seems much more than ample from my point of view, but I think that the use of terms like reasonable and appropriate can be interpreted locally much more effectively.

Page 5, lines 148 and 151, it is important, we believe to make clear that fees should be deposited in the locality's general fund. Please avoid the prospect of establishing an independent agency outside the constraints

MR. TAMSKY: (continued)
of a locality's administrative organization and budget. These are the sort of things that we think of in the local community and the locality. Perhaps you in the legislature don't think of them as often.

Page 5, 157, 161. I think it would be very desirable to provide that locality, acting through its chief executive officer, may appoint a harbormaster, as the statutes provide in the case of the five mile river commission. I'm sorry I didn't get the citation for the statutes setting up the five mile river commission. It was approved by the legislature, I think, about in 1972 or 73, and it provides that that commission, which in that case, is the joint commission of the Towns of Norwalk, and Darien, may appoint its own harbormaster. We think that it's appropriate that the locality provide its own harbormaster and have authority to appoint such an individual.

Thank you very much for hearing me, and I'm prepared to answer any questions if I can.

REP. BERTINUSON: Thank you. Are there questions? Thank you very much. Do you have a copy of those proposed changes?

MR. TAMSKY: No, I didn't have time to make them up.

REP. BERTINUSON: I think we noted most of them, but we would appreciate -- next speaker is Nicholas Fengelly.

AAC the Penalty for Violating Striped Bass Regulations SB 14

MR. NICHOLAS FENGELLY: Ladies and gentlemen, thank you for the opportunity of being here. My name is Nicholas Fengelly. I'm from Fairfield, Connecticut. I'm President of the Hansen Striped Bass Club, a group of about 45 people, a group that's been in existence since the late forties. I represent a group individually and collectively of about 25 to 30 other Fairfield and Southport fishermen, who have voiced their opinions to me, and I am, or formerly was a member of the State of Connecticut's Citizen Striped Bass Advisory Committee.

I've been fishing for striped bass since 1936. I've taken hundreds of people out fishing for striped bass. I've seen smiles come on people's faces like you can't believe. I have four daughters. I broke each of them

MR. FENGELLY: (continued)
or underneath the limit.

It's my opinion that your body strongly consider the bill that Sen. Gunther has proposed, and I thank you very much for allowing me to speak.

REP. BERTINUSON: Thank you. Are there questions? Thank you. The next speaker is Bart Mansi.

MR. BART MANSI: Good morning. I'm a commercial lobsterman out of New Haven, Connecticut, and I'm here to speak on LCO No. 333. AAC A Lobster on any Vessel using an Otter Trawl, Beam Trawl or SB15 Similar Device.

I guess Andrew and John Orso covered just about everything that I had to say about it. I would just like to say something about the 73 degree line. There was a law made last year about taking lobsters west of the 73 degree line. You can only have 100. I think the reason why they did extend it to us is because the guys in our area wanted to be fair to everybody, and we were fair, and now we've got them all near us. Now we got the raw end of the deal.

REP. BERTINUSON: Okay. Thank you. Are there questions? The next speaker is Allen Berren.

MR. ALLEN BERREN: Thank you. I'm Allen Berren. I'm Chairman of the Task Force to develop a harbor management SB 13 plan for the Town of Milford. I wear several hats, harbormaster there, and on a boatyard, and several other things.

The public hearings and workshops that we've held in Milford have indicated the public's desire to maintain its waterfront facilities, and I don't notice anywhere in this particular bill, even though we talk about fee structures and things like that, where those monies would necessarily go to improve the public's, either existing or future projects. Maintenance is an enormous issue around the waterfront. If you don't keep after docks, piers, launching ramps, and things like that, they deteriorate to the point that the public cannot use them.

We are dealing with a management plan. It's not a planning

MR. BERREN: (continued)
document, and it's not a development document, and I think that's also misunderstood, is that we're dealing with the management of a resource over a long period of time, and not necessarily going to design today or tomorrow those specific issues that will be perfect forever, and that we have to allow the future managers if you will, to manage the resource.

The fault in our local government, in my opinion, is that we have no consistency or durability, is maybe a better way of saying it, of our commissioners. A local harbor commission or harbor management commission has got to be designed, if you will, by the legislature, so that it can deal on a long term basis with those public agencies that do exist, the State Corps of Engineers and not be subject to the whim of local politics, if you will, having people come in during the job, and then disappearing from the scene, so that I would ask you to consider in your qualifications --

(Gap between tapes - per notation of committee secretary)

-- actually have and our workshop brought out several times that the public wants better access to its local agency and at the moment the harbor commission is somewhat isolated from the local governmental process, and if the harbormaster is going to be an important part of that process, we really ought to be careful how that local ordinance is going to be designed.

The issue of fees, over on the next page, around 146, I think the issue of fees is misunderstood, very badly misunderstood, even by those in this room. The city does not provide , the city does not provide the moorings. The city provides the mooring area. The state provides the mooring area, and if you're talking very, very high fee structures, I think you're starting to imply that the communities are going to provide ground tackle and maintain equipment that they're not presently equipped to do so. If you're talking about a fee structure, you also have to take into consideration that a harbor has a lot of activities, in that management of a harbor that does not generate any fees at all, and it starts to imply that the only fees that will be spent on the harbor are those fees that will be generated by those

MR. BERREN: (continued)
boating resources, mooring fees and ignoring the fact that there are a lot of other activities that don't generate a nickel for anybody, but that are very important in every harbor, visual access, the public's desire to go down there, conservation issues, and this begins to imply that a local finance director could say, well, gee we don't have to spend any money on the harbor at all. The harbor doesn't provide any fee for that.

So that, unfortunately, I think it starts to imply that the revenue that's spent on the harbor will be that which is generated by the specific fees. The community must continue to support through its other departments the resources in the harbor.

About 73, I'm concerned about the dual responsibility of a harbormaster to the transportation commission and the local harbor commission. It's a little bit awkward. I think we haven't yet decided, at least we haven't in Milford, the role the harbormaster will play, or if any. And I thank you very much.

I think consistency of the commissioners becomes extremely important, and along with that, even though it's hard to legislate the qualifications of commissioners. We appoint people who have absolutely no interest in the harbor, don't show up at meetings, and therefore the harbor and the waterfront issues suffer very severely, and I think to be credible the Harbor Management Commission has to impose obligations on the people that are willing to serve.

REP. BERTINUSON: Thank you. Are there questions? Rep. Casey.

REP. CASEY: Allen, on that line, what kind of criteria or qualifications, because there's one section here where the Governor's going to be appointing the harbormaster. What type of qualifications, would you, from your experience, and I know you have a whole history of management and knowledge of the harbor, would you expect a harbormaster to have.

MR. BERREN: The patience of Job. I don't know how to answer that because we struggle locally. I'm sure you cannot please everyone, but the harbormaster or the commissioners

MR. BERREN: (continued)
have really got to understand what the issues are, or they're not properly qualified.

It would be -- people come to your commission, or this specific agency because you have a sensitivity to the issues. That does not happen, necessarily, at the local level. And the public, whether it be the watermen or the conservation people or the police department or the public works department, every department in the community, if a woman or man can't even read a blueprint or a chart or understand what the legislation is regulating or the rules regulating a harbor, then we really are in serious trouble with our local commissions.

REP. CASEY: There was a recommendation put forth by one of the gentlemen, I don't know whether it was the Marine Trades Association, but he listed several different representative bodies --

MR. BERREN: Oh yeah, representative bodies --

REP. CASEY: -- (inaudible)

MR. BERREN: I would agree. We find in Milford we get surprises down there because projects will be in front of the zoning and planning board that the harbor commission never even hears about, and the -- in fact, the State of Connecticut and the Corps of Engineers become almost a court of last resort. When you hold your public hearing through DEP or the Corps of Engineers, a lot of time, that's the only opportunity the public has to provide any input to the process, and we must be doing that at the local level. We have got to do that within a municipal plan.

I mean, the state has to spend money for hearings. There may be opposition or not. I'm not speaking of it, whether it's in opposition but just to learn what's going on, what the proposals are. And conservation and development issues have got to meet on a common ground.

REP. BERTINUSON: Are there other questions? Thank you very much. The next speaker is Gary Yerman.