

Act Number: 09-012 (Special Act)

Bill Number: 5823

Senate Pages: 5661-5663

3

House Pages: 6516-6527

12

Committee: Environment: 16-28, 319-326

21

Page Total:

37

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2009**

**VOL. 52
PART 17
5352 - 5682**

mhr
SENATE

257
June 2, 2009

for immediate transmittal to the House of
Representatives of Calendar Page 28, Calendar 337,
Senate Bill 1033.

THE CHAIR:

Without objection, so ordered, sir.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. Have a couple of items to
place on the Consent Calendar; first, Mr. President,
Calendar Page 1, Calendar 474, Senate Resolution
Number 18, and on Calendar Page 19, Calendar 703,
House Bill 5823.

THE CHAIR:

(Inaudible?)

THE CLERK:

Calendar 703.

THE CHAIR:

Thank you. Thank you, sir.

SENATOR LOONEY:

Yes, Mr. President. If the Clerk might call that
Consent Calendar.

THE CHAIR:

Mr. Clerk, please call the Consent Calendar.

A VOICE:

(Inaudible.)

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A VOICE:

Oh, okay. I didn't realize that.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been called in the Senate. Will all Senators please return to the chamber.

Mr. President, there are two items placed on the Consent Calendar. The first is on Calendar Page 1, Calendar 474, Senate Resolution Number 18, and Calendar Page 19, Calendar 703, House Bill 5823.

Mr. President, that completes those items placed on the Consent Calendar.

THE CHAIR:

Please call the Consent Calendar, and the machine will be open.

THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have

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voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion is on adoption, Consent Calendar Number 1:

Total Number Voting 36

Those voting Yea 36

Those voting Nay 0

Those absent and not voting 0

THE CHAIR:

Consent Calendar Number 1 passes.

Senator Looney.

SENATOR LOONEY:

Yes, Mr. President. Mr. President, the Clerk is in possession of Senate Agenda Number 2 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Mr. President, the Clerk is in possession of Senate Agenda Number 2, for Tuesday, June 2, 2009. Copies have been distributed.

THE CHAIR:

Senator Looney.

SENATOR LOONEY:

Yes; thank you, Mr. President. Mr. President, I

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
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PART 21
6516 – 6874**

THE CLERK:

On page 37, Calendar 326, House Bill Number 5823,
AN ACT CONCERNING THE RECREATIONAL USE OF CANDLEWOOD
LAKE, favorable report of the Committee on Planning
and Development.

DEPUTY SPEAKER McCLUSKEY:

The Honorable Chair of the Environment Committee,
Representative Roy, you have the floor, sir.

REP. ROY (119th):

Thank you, Mr. Speaker. I move acceptance of the
Joint Committee's favorable response and passage of
the bill.

DEPUTY SPEAKER McCLUSKEY:

The question before the Chamber is acceptance of
the Joint Committee's favorable report and passage of
the bill. Will you remark?

REP. ROY (119th):

Thank you. Yes, Mr. Speaker, what this bill does
is ask the Department of Environmental Protection to
control the size of the boats and the horsepower of
the engines on craft that are used on Candlewood Lake.
I move passage.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir. Will you remark? Will you

remark?

The distinguished Ranking Member of the Environment Committee, Representative Chapin, you have the floor.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Mr. Speaker, this bill -- what it does is it provides an opportunity for the Department of Environmental Protection to look at the various issues surrounding the largest lake in Connecticut.

In recent years we've seen a number of bills come before the Legislature that deal specifically with Candlewood, and rather than take a piecemeal approach every single year, we thought it best if DEP took a comprehensive look at those issues, whether they include carrying capacity of the lake or things that may affect the water quality of the lake. We felt that the passage of this bill would allow DEP to actually study all of those issues that we have either addressed in the past or that may come up in the near future.

So, as it stands now, this bill would provide that opportunity to study those issues and in no way regulates or inhibits activities on the lake. It's

simply a study, and I would encourage my colleagues to support it. Thank you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill?

The distinguished member from Litchfield, Representative Miner, you have the floor, sir.

REP. MINER (66th):

Thank you, Mr. Chairman -- Mr. Speaker. Just to show you there's a little diversity on this side. I have asked some questions about this bill in the past, and I remain a little concerned not so much about wanting to know the information, but the -- the course that we're setting and the direction that we're headed.

My concern is that these are waters of the state of Connecticut. They're not owned by the people who live around Candlewood Lake. Just like Bantam Lake, as much as we consider it kind of our home, is not under the ownership of Morris and Litchfield. And my concern is that there will probably be individuals who own boats, that own property on Candlewood Lake. And my question through you is that, if it's determined at that point that the Commissioner and the towns feel

that a boat 22.5 feet is too long, what happens to people on Candlewood Lake that have those boats currently? Through you.

DEPUTY SPEAKER McCLUSKEY:

Representative Roy.

REP. ROY (119th):

Thank you, Mr. Speaker. I believe they will either have to find another lake for their craft or move down to a smaller craft. Through you, Mr. Speaker.

DEPUTY SPEAKER McCLUSKEY:

Representative Miner.

REP. MINER (66th):

Thank you, Mr. Speaker. And that's exactly my fear is that because of my preference or somebody else's preference that we may end up in a situation where one size doesn't fit all and that we're going to try and restrict where heretofore we haven't had a reason to restrict it.

I don't have a problem -- in fact I think it's a great idea that people look at this type of information, but I am fearful that out of it is going to come restrictions that may not be in the best interest of all the people around Candlewood Lake and

may not be for the State of Connecticut.

And I think what's going to happen once this happens here, we'll be having these requests in every town and lake in the state of Connecticut. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill?

The distinguished lady from New Fairfield, Representative Carson, you have the floor, madam.

REP. CARSON (108th):

Thank you, Mr. Speaker. I rise also in support of this bill. I'd like to make it very clear to everybody that this has been a major concern. For those who are concerned about the Candlewood area residents, certainly we are. I represent three of the towns who sit on Candlewood Lake. And frankly the boat sizes now we know -- the lake is about 5,400 acres. We have probably about 5,600 water craft.

A lot of them are jet skis and that kind of thing. But we also have right now close to 500 boats with cabins. We're talking boats that are already over 30 feet. We're not trying to ban anything. As a matter of fact, we want to learn. We're trying -- and frankly, the five towns don't have the expertise to

together figure out what is the safest way to proceed and what should the recommendations be going forward.

We just have so many people on that lake. And anyone who's ever been there will certainly recognize this. So we're asking the help of the Department of Environmental Protection to give us information and for them to gather information. They don't have the information right now. So we're asking for their help. We'd like to see what comes out of it. That's all that's going to happen. From there, who knows, I mean maybe at some point in time they'll say 40-foot boats shouldn't be here; they should be on the Long Island Sound. I don't know what the answer is going to be, but we certainly have a lot of questions.

The residents have been concerned for a number of years. Their number one concern on the lake is overcrowding. Their number two concern is the size of the boats because of the wakes that they cause, soil erosion and that kind of stuff. That being said, we just want to gather information, and I stand in strong support of this bill. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further on the bill?

The Honorable Vice Chair of the General Law Committee, Representative Taborsak, you have the floor, sir.

REP. TABORSAK (109th):

Thank you, Mr. Speaker. I'd like to -- I rise in support of this bill and would like to align my remarks with Representative Carson. This is a bill that will allow us to basically gather information about boating safety issues on Candlewood Lake. And that's simply it. We are not married to any sort of path by passing this bill and having the DEP look into this issue.

If the DEP comes back with information and a recommendation about boat size on Candlewood Lake in a year, we can certainly take that information, report it back to our towns. We are not then required to pass a law. We can certainly have our towns take advantage of home rule and make decisions according to the information that we can get. This is really an information gathering exercise. There are boating safety issues on Candlewood Lake.

I hear from my constituents on this issue every year. Those -- the main issues are the boating -- boat density on the lake and the size of craft. So

this is a good bill. I urge my colleagues to support it. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill?

The honorable gentleman from Glastonbury, Representative Kehoe, you have the floor, sir.

REP. KEHOE (31st):

Thank you very much, Mr. Speaker. I also want to rise in support of this bill. For those people from -- not from the western part of the State, Candlewood Lake is really one of the crown jewels of our waterway -- inland waterways. And when you just let something go with continued unexpanded -- unrestricted use, both in the size and the horsepower of the boats, effectively you're beginning to kill the goose that laid the golden egg with this great resource.

And I think it's very appropriate to study the size and horsepower and density of the boats that are on there so that it can be maintained in a way that all people can benefit from its use. Thanks very much.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill?

The Honorable lady from Monroe, Representative Hovey, you have the floor, madam.

REP. HOVEY (112th):

Thank you, Mr. Speaker. Mr. Speaker, I rise in support of this bill with some reservations. I think all of our lakes in the state of Connecticut are probably suffering from a similar situation where they seem to be overcrowded. We have people coming from out-of-state using our ramps and using our lakes. But also one of the things that is occurring is that we're just not able to legislate common sense.

And recently at our own lake with our own boat we were pulling a water skier with someone on a personal water craft jumping the wake behind the water skier at what would be considered an unsafe distance and you -- you actually use your recreational craft for the activity that you're using it for sometimes at your own peril because of the people who are out there who seem to feel that their interest is more important than the interests of the mass or of the individual who is actually participating in the sport and that individual's safety.

So, I'll be very interested to hear and see what

the results of this study are. And I think it's especially timely. And the fact that it has to come back before this body for any type of legislation gives me relief in that sense, so I will support it and look forward to hearing the results. Thank you, sir.

DEPUTY SPEAKER McCLUSKEY:

Thank you, madam, for your remarks.

Will you remark further?

The honorable gentleman from Brookfield, Representative Scribner, you have the floor, sir.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. I just rise briefly in support of the bill before us, Representing one of the five communities that border the boundaries of Candlewood Lake, I've known for many years the growing concern about the increased volume of boats and the size of the boats on the lake as it pertains to safety. Many areas of the lake are very narrow passages in nature which causes even more significant and real concern.

And, of course, because there are state boat launches to this body of water, it attracts people from all over the state as well as bordering states.

And we've had a number of very serious incidents in recent time. This strictly provides an opportunity for the DEP, who has jurisdiction over the safety patrol at the lake, to gather increased and more detailed information to evaluate how we go about improving the safety for all those that use the lake. And I urge its adoption. Thank you.

DEPUTY SPEAKER McCLUSKEY:

Thank you, sir, for your remarks.

Will you remark further on the bill? Will you remark further on the bill? If not, will staff and guests please come to the well of the House. Will the members please take your seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is voting by roll call. Members to the chamber.

DEPUTY SPEAKER McCLUSKEY:

Have all the members voted? Have all the members voted? Will the members please check the board to make sure your vote is properly cast. If all the members have voted, the machine will be locked. And will the Clerk please take a tally. Will the Clerk

please announce that tally.

THE CLERK:

House Bill Number 5823

Total number voting	145
Necessary for Passage	73
Those voting Yea	145
Those voting Nay	0
Those absent and not voting	6

DEPUTY SPEAKER McCLUSKEY:

Bill passes.

Will the Clerk please call Calendar 520.

THE CLERK:

On page 42, Calendar 520 substitute for House
Bill Number 6664, AN ACT CONCERNING REVISIONS TO
VARIOUS STATUTES CONCERNING THE CRIMINAL JUSTICE
SYSTEM, favorable report of the Committee on
Appropriations.

DEPUTY SPEAKER McCLUSKEY:

The Honorable Chair of the Judiciary Committee,
Representative Lawlor, you have the floor, sir.

REP. LAWLOR (99th):

Good afternoon, Mr. Speaker. Mr. Speaker I move
acceptance of the Joint Committee's favorable report
and passage of the bill.

**JOINT
STANDING
COMMITTEE
HEARINGS**

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delay or do not return unless or until you are advised it is safe to do so. In the event of a lockdown, please remain in the hearing room and stay away from the exit doors until the "all clear" is announced.

Okay. With that our first speaker for our first hearing of the new session is Representative Carson and Larry Marsicano.

REP. CARSON: Good morning, Mr. Chairman.

REP. ROY: Delighted to see you, Representative Carson.

REP. CARSON: Thank you, same to you Representative Roy.

HB 5823

First I'd like to just say that I'm very appreciative that the committee has brought this bill forward today. Senator Capiello I would guess some six or so years ago, tried to -- move this bill forward and it didn't quite make it to a public hearing, so thank you to you and the ranking members in the committee for bringing this forward.

I would like very much if I could to turn the bulk of my testimony over to Larry Marsicano who's out on that Candlewood Lake just about all the time, and I think he'll be able to speak firsthand about some of these issues.

Thank you.

LARRY MARSICANO: Good afternoon. And, again, thank you for -- for taking this time for this hearing for this testimony.

You have in front of you a -- a report that we put together recently, kind of highlighting some of the recreational pressures on

Candlewood Lake. We actually put this together kind of in advance of some of the FRC work that's going on out on the lake. But the report does go to some length that explains some of the recreational pressures. We were here last year explaining those, some of those to you, and we are very supportive of this idea of trying to create some management standards on the lake to help reduce some of the recreational pressures there.

There is -- trying to understand recreational pressures and boating pressures on the lake is not an exact science, it's kind of one of those -- kind of part science, part art but there is some effort to quantify that. And based on any of the models, whether they're the ones that are developed in Connecticut or elsewhere, our recreational pressure, our boating pressure on that lake has reached a level where something does need to be done.

What can be done is somewhat limited based on -- on resources. One of the things that -- that is being done elsewhere is trying to limit boat size. Boat size can have an affect on how many boats you can actually have out there. It can affect the capacity of -- of the -- or the in-use capacity of a lake whereby, for instance, if you have a lake of one size you can have a lot of canoes out there, they don't need a lot of operating space. If you have the same lake, you might reduce the number if they were all small power boats. By the time you get up to very large boats, let's say over 28, 30 feet, which we are seeing more and more regularly on the lake, then you even have less space for -- for those boats to operate. They need more space to operate safely.

So one of the ways you can help reduce some of

the pressures on Candlewood is by reducing or maintaining some kind of size standard out there on the lake. Larger boats also have a tendency to displace and throw more water and wakes which can cause shoreline erosion, they also -- we have a -- I get calls regularly from the community around the lake about damage to docks and damage to boats from the wake action on the lake. They also have, the larger boats now with -- most of them onboard heads which are required to be sealed off if they're going to be on any of the inland waters of Connecticut, but that takes someone checking and I do hear tales from some of our folks at the marinas on the lake that, you know, some of those boats have sealed those heads off and some -- some haven't.

So -- so the larger boats -- trying to address that issue would be one way in trying to reduce some of the recreational pressure on Candlewood and we would greatly appreciate any help we can get in trying to do that.

REP. CARSON: And if I could just summarize, Mr. Chairman, I want to make it clear that right now we're not trying to throw anybody off the lake who's out there. We're certainly welcoming all the users. We want to look forward. We don't know how many more of these bigger boats will be, you know, on this lake in the next 10, 20 years. So we just want to get some guidance, some recommendations from DEP. We're not asking -- we certainly want to do it within available appropriations. We understand there is some budget constraints, but we think, perhaps, they can use some of their resources to find out -- we know there isn't a magic formula that says this size lake should have this size boat or this size horsepower or whatever. But if they could possibly use some of their resources, see what

other communities, other states have done and perhaps work with the five towns surrounding the lake to, you know, work together over the next few years to try to come up with some good plan for the future.

Thank you.

REP. ROY: Thank you. Now you're a private association that runs the or controls the lake?

LARRY MARSICANO: No. The Lake Authority is a local government agency. We were set up by the five towns through ordinance through -- through the statutes.

REP. ROY: Okay. State statutes or local?

LARRY MARSICANO: State.

REP. ROY: State. Okay. So the DEP does have some jurisdiction to come in -- into this since there are state statutes in play?

LARRY MARSICANO: Correct.

REP. ROY: Okay. Maybe we can also ask some of those people with the big boats if they'll help up with our budget?

Any questions, comments?

Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman.

I don't know if there's a clear delineation between the length of boats with heads and those without. But certainly water quality is an issue both for the Lake Authority as well as community members. And I do have concerns

about boats with heads, and I don't believe there's any pump-out facilities on the lake, so is there a clear-cut industry standard for the length of both those with heads and those without?

LARRY MARSICANO: I don't believe there are. Typically now the newer boats with cabins, typically many of those will now have those kinds of facilities on them. And it's those kinds of vessels that we're seeing consistent growth in on -- on the lake. So don't know if there is a actual industry standard for that, but we do get reports of those quite a bit.

One of the recreational trends that -- that seems to be increasing on the lake is -- is rafting. So everyone will jump in their boat from the dock and take off and they will find the quiet cove to raft-up. And oftentimes it is those -- those larger boats and what we have done in the past our -- our lake patrol is -- we've done some dye testing, where they can see if those facilities do actually flush-out into -- into the open water. So those boats are out there, fortunately we haven't come across that problem yet but it is those boats that kind of present the problem.

REP. CHAPIN: And my second question deals motor size and possible length restrictions on other Connecticut lakes. And I don't know if you know the answer to that but I am aware that there are some lakes that I think the cutoff is ten horse or less, or under ten horsepower --

LARRY MARSICANO: Squantz Pond just -- which is essentially connected to Candlewood, does have a horsepower restriction. I believe Highland Lake actually has a -- a boat size limit up there. So there are some precedents out there

for -- for this kind of management step.

REP. CHAPIN: Thank you and thank you both for your time today.

REP. CARSON: Thank you.

REP. ROY: Thank you.

Representative Moukawsher.

REP. MOUKAWSHER: Thank you, Mr. Chairman.

You have boat launches on the lake, so you have a lot of outside -- when I say "outside," outside the five towns. You must have a lot of traffic there that come from people other than those residents, I would imagine.

LARRY MARSICANO: Yes. We have two state launches and each of those, I believe, can hold up to a 100, I think that's 100 parking spots. We have the five town launches. We have I believe it's eight marinas, commercial marinas on -- on the lake with their own launch facilities. We also have many -- we have 60-something miles of shoreline on the lake, and there are many, about 60 private communities and many of those private communities have -- have a launch there as well. So we have -- one of our problems there is -- is the -- is the extent of access. It's very difficult to control that access.

REP. MOUKAWSHER: Well the reason I ask that was I wondered if one of the goals you might have is to limit use of the lake by people that don't live in the five towns that comprise your private associations. Is that something you're thinking of?

LARRY MARSICANO: No. No. I mean, you know,

Candlewood is a -- is a public resource. It's meant to be used by all. That said, you know, when you have everyone using the lake you do encounter your fair share of user conflict. And we are I think the poster child of user conflict for aquatic resources or freshwater resources in Connecticut. But I don't personally believe it would be right to limit anyone's use of the lake.

REP. MOUKAWSHER: If you had your choice of say, ideally what size motor -- I mean, I imagine you have something in mind. Just, you know, you don't have to say absolutely or, you know, if you have some range of -- I'd just like an idea of what you'd like to do.

LARRY MARSICANO: We would really like to try to work with more expertise on -- on these sorts of issues. Again, it's not an exact science -- so we're looking for some input on what would be an appropriate length or an appropriate engine size on the -- on the lake.

REP. CARSON: If I could also respond. You know, our first selectman from one of the towns, New Fairfield, indicated that maybe I'm guessing in the early nineties, he had a 22-foot boat on that lake and it was one of the largest ones, now it's 32. You know, so we really truly don't have a size, horsepower number, magic number in mind. We really don't. We're just really, you know, again I think as Larry pointed out, there are some user conflicts, we worry about safety, and we're just wanting to look down the road and say, You know, okay, where are we going with this? And we should look -- be a little proactive.

REP. MOUKAWSHER: Okay. Thanks very much.

REP. CARSON: Thank you.

REP. MOUKAWSHER: Thank you, Mr. Chairman.

REP. ROY: Thank you.

Representative Miller.

REP. MILLER: Thank you, Mr. Chairman.

Two questions. What kind of oversight is there on the lake? Whether it be the harbor masters or whoever. And secondly, the eight marinas you talked about, do they all have pump-out operations?

LARRY MARSICANO: I'll start with your -- your last question, the second question, first. Some of those marinas provide services to their clientele. And they may work in conjunction, as I understand it, with some of the local septic pump-out facilities, so you need your boat taken care of and they would hook you up that way. But there's really no public facility to -- to address that, so if you -- if you don't belong to one of the marinas, the question is, how do you get your boat pumped-out? And I don't know the answer to that.

To your first question, the DEP provides public safety, law -- boating law enforcement or law enforcement in general, the Lake Authority also staffs a lake patrol and we're empowered by the DEP to enforce boating safety laws.

REP. MILLER: Thank you.

REP. ROY: Thank you.

Representative Kehoe.

REP. KEHOE: Thank you very much, Mr. Chairman.

I just wanted to add a voice of support for your efforts there. I've been a longtime user of that lake and you know, I've seen the quality of the -- of the ability to use it really decline. In many respects, if you are not in a big boat, you take your life in your hands, particularly if you're trying to have children on the water. Because with the bigger boats and less visibility and attention to detail that's out there, you know, pretty much the high user times you don't want to go out there. And if you do go out the white caps are such that it's almost as bad as being out on the ocean, no less the Sound. So I do think that some reasonable cap on length and horsepower, and of course speed along with it are very appropriate for -- a lot of people don't realize what a natural resource Candlewood is. I believe it's our largest lake in Connecticut and it does provide valuable recreation for people in the state and I do hope we'll be able to accomplish those goals.

Thank you.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

If not, thank you both very much.

REP. CARSON: Thank you. And thank you, Mr. Chairman, I would suggest to Representative Kehoe do what the residents do, come during the week in the morning.

LARRY MARSICANO: And don't come with a canoe.

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md/gbr ENVIRONMENT COMMITTEE

February 2, 2009
11:00 A.M.

REP. ROY: That depends on what size boat he has first.

REP. CARSON: Thank you.

REP. ROY: Okay. Ralph Eno, First Selectman of Lyme.

RALPH ENO: Good morning, Chairman Roy, members of the committee. My name's Ralph Eno, I am First Selectman in the town of Lyme. I'm also here today as a member of the board of directors of the Connecticut Council of Small Towns.

I do not have any prepared remarks for you because the bill upon which I wish to comment did not come to my attention until just basically the other day. It's proposed bill 5474, An Act Concerning Private, Municipal and State Recycling.

There is an element that raises concerns. COST does not have a pro or con position at this juncture. Basically starting at line five a portion of the bill reads: "It is further proposed that the General Statutes be amended to require state agencies to create a sustainability plan to require certain municipalities to provide curbside recycling" and it goes on from there. First off out of the gate, it sounds like another unfunded mandate brewing in the works. From a small town perspective I'm not sure that curbside recycling is a viable alternative for increasing the number of recyclables that you take out of the waste stream.

For example, specifically in my community, we have a voluntary drop site permit from the DEP where it's open seven days a week, 24 hours a day. And my last review of DEP recycling

statistics indicates that we do better than most towns in terms of pounds per person recapture than towns that have curbside recycling. So specifically to Lyme, I would hope we're not in cross hairs when this consideration gets fleshed out a little bit more.

And on a little bit broader basis in terms of the impact of curbside recycling on smaller, rural communities, it doesn't strike me as being a very green approach to having large vehicles rolling across lots of miles of small country roads in towns with very low population densities to recapture miniscule amounts of cans, bottles, and newspapers. If you had to balance it out, I would say that there are probably more effective ways to -- to enhance recycling goals at least on a small town level.

So it's a cautionary note in terms of what is actually meant and what communities would be impacted by a curbside recycling mandate.

And I thank you very much for your time and consideration.

REP. ROY: Thank you, sir.

Are there any --

Representative Willis.

REP. WILLIS: Thank you very much.

And thank you for your comments. I always like to say when I hear comments about curbside recycling, that my towns don't have curbs. And we don't have -- we don't have municipal pick up, so this would be a huge unfunded mandate on my community. So, particularly we're in the process of building

a new facility to be shared regionally. So
thank you very much.

RALPH ENO: It would indeed be a very significant
mandate if the pick ups were to be done
municipally.

REP. ROY: Any other questions or comments from
members of the committee?

Representative Camillo.

REP. CAMILLO: Thank you, Mr. Chairman.

Just to add to what the gentleman said, I too
come from a town that does very well as far as
recycling rates. And we're finding the same
thing where there's some resistance to
curbside, and if -- I think the committee
should take into consideration the fact that
if a town is doing really well or they have
another circumstance where there's -- it's a
rural area, it may not be that cost-effective.
So I would certainly agree with their comments
on that and hope the committee takes that into
consideration.

Thank you.

REP. ROY: Thank you.

Representative Hurlburt.

REP. HURLBURT: Thank you, Mr. Chairman.

Thank you for your testimony today. I
represent two small towns and we don't have
curbside -- well, two of the three towns I
represent rather -- but they do have a
transfer station. You said there are other
alternatives that small towns could pursue in
an effort to increase recycling, could you

elaborate on that a little bit for everybody here?

RALPH ENO: Well, for example, transfer stations could certainly marginally expand ours. Certainly local education initiatives go a long way toward bringing the public into the fold in terms of telling your taxpayers what the financial impacts are if you, for example, throw recyclables into MSW waste stream. I think most small towns have facilities in place that could accommodate increased recycling goals with perhaps cost-effective education thrust, if you will, through your RPOs, RPAs, and COGs. There are certainly ways to get the word out and utilize mechanisms that are already in place.

REP. ROY: Thank you.

Any other questions or comments from members of the committee?

If not, Mr. Eno, thank you very, very much.

RALPH ENO: Thank you all very much for your consideration.

REP. ROY: Representative Schofield is the last signee on the officials and she's not with us today.

A VOICE: Ah, she's right there.

REP. ROY: Oh, I was told you weren't going to make an appearance.

Representative Schofield, thank you.

REP. SCHOFIELD: I may disappear halfway through. Thank you very much for the opportunity to testify on behalf of House Bill 5474. And my



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 2, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

Proposed House Bill No. 5823 An Act Concerning the Recreational Use of Candlewood Lake

Thank you for the opportunity to present testimony on HB. 5823, the Department of Environmental Protection (DEP) is pleased to provide comments relating to this bill. As a hydropower impoundment, presently operated by First Light Power Resources, and Connecticut's largest lake, Candlewood Lake presents tremendous recreational opportunities as well as some unique management challenges.

DEP owns and operates two State boat launches on Candlewood Lake that provide access for a total of 200 boats. Historic boat counts performed by the Candlewood Lake Association recorded approximately 6,000 resident boats, although only about 10% are generally in use at any one time. While these numbers put a lot of boats on the lake, from a safety perspective, there is no clear cut off on vessel size to reduce accidents or fatalities. As a point of information, a review of boating accidents on Candlewood Lake over the last five years (see below) reveals that most of the accidents included boats 26 feet and under.

The DEP would be happy to work with the lake communities and user groups to assess whether there is general acceptance for these types of regulatory changes. The DEP has concerns with the staff time and financial resources that would need to be committed to such a rule making in the absence of such a consensus. We would therefore suggest that the communities and user groups engage in a collaborative process to discuss these ideas with a goal of making recommendations to the DEP for regulatory consideration.

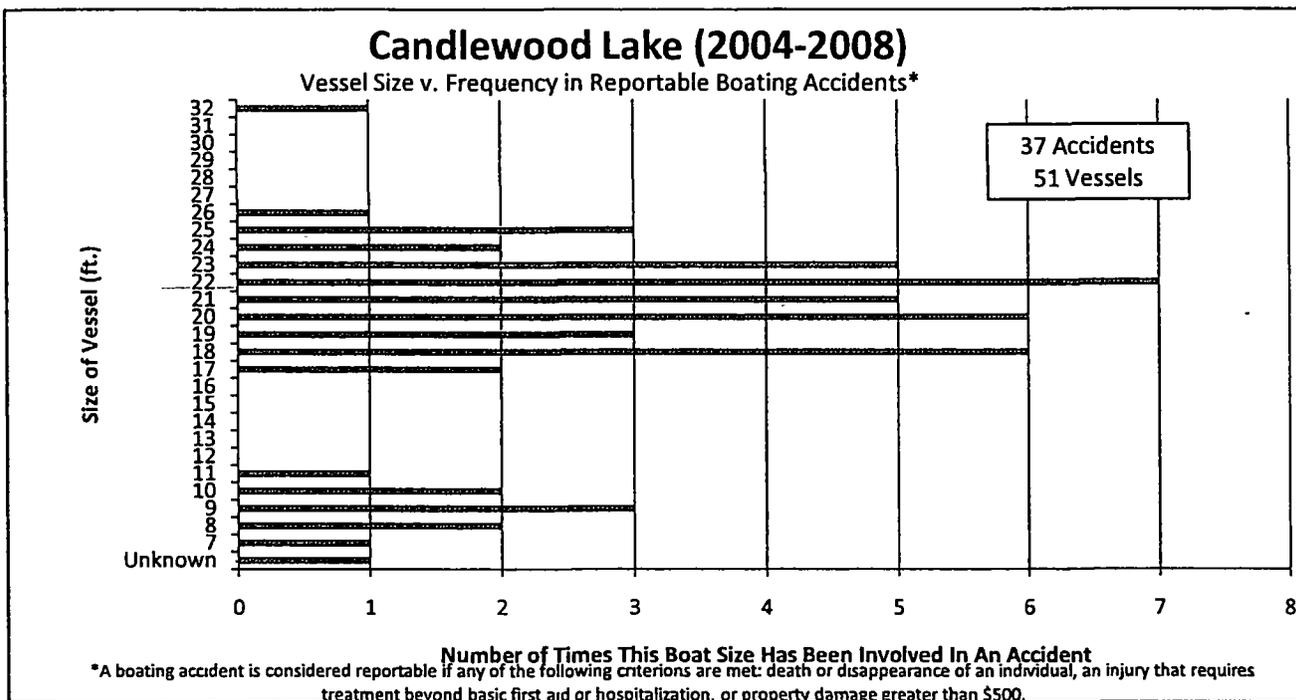
Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact the Department's legislative liaison, Robert La France, at 424-3401.

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CANDLEWOOD LAKE AUTHORITY

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Public Hearing – February 2, 2009 Environment Committee

Testimony Submitted by Larry Marsicano, Executive Director
Candlewood Lake Authority
January 26, 2009

Introduction

Thank you for the opportunity to present testimony regarding Proposed Bill 5823 – AN ACT CONCERNING THE RECREATIONAL USE OF CANDLEWOOD LAKE. The Candlewood Lake Authority supports this bill for the reasons outlined below.

Candlewood Lake is the largest lake in Connecticut with approximately 5,500 acres of surface water and over 60 miles of shoreline. The lake was created in the late 1920s as part of a hydroelectric project. Since that time lakeside homes and communities (tax districts, associations, etc.) have increased to occupy approximately 60% of the shoreline, which accentuates many of the recreational user conflict issues. From a recreational perspective the lake is arguably Connecticut's most important inland water resource, with diverse recreational boating communities utilizing the lake's waters.

Like other natural resources attracting many outdoor recreation enthusiasts, Candlewood suffers from overcrowding and recreational user conflict. Conflicts exist between various user groups on the water as well as between user groups on the water and the residents of the shoreline areas.

Many local residents, elected leaders, and the Candlewood Lake Authority (CLA) believe that recreational use of Candlewood Lake has reached levels that not only create user conflict, but also jeopardize public safety on the lake, despite the efforts of the Connecticut Department of Environmental Protection (CTDEP), their Environmental Conservation (ECON) Police, and the CLA and their Marine Patrols (CLAMP) who provide a law enforcement presence. This was evidenced in a report out of Western Connecticut State University which polled local residents on lake concerns (Table 1). Because of this, it is the position of the CLA that efforts must be taken to reduce some of the recreational pressures.

Quantifying recreational pressures in lakes is challenging at best. Data on lake use is often lacking. Determining what constitutes unsafe conditions can be subjective. There are models in the literature that attempt to quantify boating carrying capacity, i.e. the number of boats (in-use or total) a lake safely supports. In the case of Candlewood Lake, there is some quantifiable data on recreational usage and some attempts to determine carrying capacity have been made. This testimony provides some of the recent recreational use data for Candlewood, compares it to other lakes in the State, and looks at attempts to quantify carrying capacity based on models developed in Connecticut.

Table 1. Top ten concerns of community members from 2001 study.

Concern	Frequency Of Observation (%)
Nuisance Weeds	4.9
Jet Skiers / Jet Skis	8.0
Open Space Preservation	8.6
Not Enough Lake Patrols	9.0
Fishing Tournaments	9.9
Noise Pollution	11.6
Day Users/Ramp Fees/Out-of-Staters Users	16.8
Decreasing Water Quality	17.6
Increasing Size of Boats	18.3
Overcrowded Conditions	23.2

In-Use Carrying Capacity

Mr. Michael Payton from the CT DEP Boating Division developed a modeling tool to aid in gauging carrying capacity in lakes. This model is similar in some ways to other models used across the country to assess recreational boating pressures on water resources. It must be emphasized that these models are only a tools, and that carrying capacities can be influenced by variables not always incorporated in a particular model, including the shape of the waterbody (circular vs. irregular).

Using the Payton model, the in-use vessels carrying capacity for Candlewood Lake is estimated at 448 vessels, i.e. the maximum of vessels capable of operating on the lake safely is 448; numbers of in-use vessels above that may compromise safety. The model's calculation of total carrying capacity (in-use and docked/moored vessels) is estimated to be 4,480 vessels.

The FERC-approved Recreation Management Plan requires FirstLight Power Resources to conduct six aerial in-use watercraft counts on Candlewood Lake from May through Labor Day every sixth year of the current license. The first set of data was collected in the summer of 2008. The data collected this past summer (Table 2)

indicates that in-use capacity (448 vessels) was often surpassed based on the Payton Model. It should be noted that the data was collected during a year when fuel prices were at unprecedented high levels.

Table 2. In-use boating activity on Candlewood Lake. Data was collected by flyovers conducted on summer holiday and other selected weekends. Counts are compared to the in-use boating carrying capacities developed by Michael Peyton of the CT DEP.

Date	Powerboats	Sailboats	Canoe / Kayak	PWC	Total	Peyton's Carrying Capacity
May 25 th	318	17	10	3	348	Not exceeded
June 21 st	426	3	9	13	451	Exceeded
July 12 th	417	9	12	12	450	Exceeded
July 19 th	476	4	14	21	515	Exceeded
August 9 th	403	11	5	17	436	Not exceeded
August 31 st	581	10	20	26	637	Exceeded
Mean	437	9	12	15	473	Exceeded

In the Recreation Plan submitted to and approved by FERC, the power company's consultant utilized a density standard of 12 acres per vessel. By dividing the entire lake surface (5,420 acres) by the standard, one is able to determine a theoretical maximum number of in-use vessels on the lake, which equals 452 vessels. Based on the 2008 aerial flyover data, this theoretical maximum number was reached or exceeded on four of the five dates data was collected. The mean number of in-use vessels also exceeds the theoretical maximum number. It should be noted that actual in-use vessel densities are higher in selected areas of the lake since the in-use vessels are not equally distributed across the lake.

Vessels Size

Models to estimate carrying capacity use a variety of variables in their formulas. Some for instance look at the shape of the lake, i.e. round and open vs. irregular with arms and small coves. Vessel type and size can also influence the carrying capacity of a waterbody. For example, many more canoes could operate on a given lake without jeopardizing safety than could small power boats because small power boats need more area to operate safely. Larger power boats would need even more room to operate safely than small power boats. Therefore a higher percentage of larger power boats on a lake could reduce the carrying capacity number.

There has been an increase over time on the number of larger vessels with cabins on Candlewood Lake. These larger vessels typically contain on-board heads that are required to be sealed before use on Connecticut's inland waters. These vessels also have the potential to displace larger volumes of water during operation and throw large

wakes which can result in shoreline erosion and personal property damage to docks and vessels attached to those docks. The Candlewood Lake Authority receives complaints of this nature often.

Total Carrying Capacity

Since the early 1980s, the CLA has conducted a moored/docked vessel count on Candlewood Lake. In the early morning hours of the first weeks in August, CLA staff slowly cruise along the entire shoreline and count all vessels docked, moored, or beached. Counts include vessels observed along private residential areas, community marinas, commercial marinas, and municipal marinas. Trends gleaned from those counts are provided in Fig. 1.

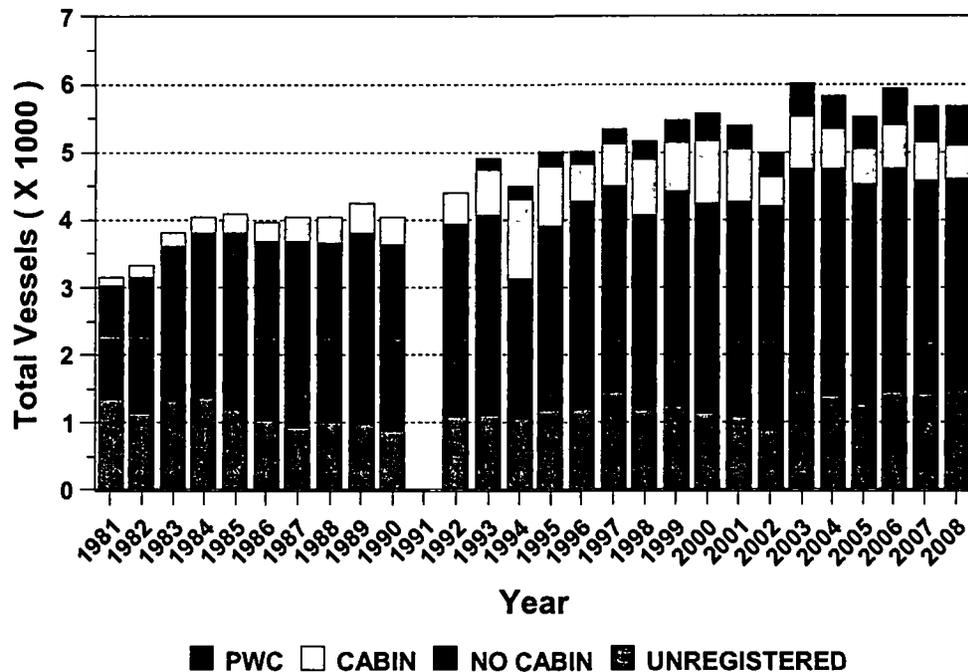


Figure 1. Results of the CLA's annual docked/moored vessel count.

Total carrying capacity has been exceeded at Candlewood since 1993 based on the Payton model (4,480 total vessels) and the CLA's moored/docked vessel counts total. It must be pointed out that the CLA's vessel data do not typically include vessels that access the lake for a short period of time by way of the numerous boat ramps on Candlewood Lake.

There are few data available that provide insights into the visiting / transient boating population on Candlewood Lake. Those that do exist include:

- There are two state ramps on Candlewood Lake and one on Squantz Pond. The CT DEP Boating Guide (2008) specifies that parking at both ramps on Candlewood can accommodate 100 cars.
- Each of the five municipalities bordering Candlewood Lake provides a ramp at their park on the lake. Data on town permits or passes issued by each municipality may be available.
- Many of the approximately 65 lakeside communities (tax districts, associations, etc.) have a launch ramp. An undetermined number of homes on the lake also have ramps. There is no known data on use of those ramps.

Fishing Tournaments

One of the few quantifiable sources of recreational use data for Candlewood Lake comes from the records maintained by the CT DEP Fisheries Division on permitted fishing tournaments. Up until this year, the CLA has used notifications of tournaments emailed to us by the Fisheries Division to determine numbers of tournaments on Candlewood and other inland waters each year. This year however, the Fisheries Division was able to provide data on tournaments permitted in 2008 in an Excel spreadsheet. There were 899 tournaments permitted by the CT DEP in 2008 on Connecticut's inland waters with 169 of the total permitted for Candlewood Lake. Total vessels permitted in bass tournaments on Candlewood were 3,270 with numbers of vessels for a given tournament ranging from as few as four to as many as 95.

In recent years an increase in the number of night tournaments has been noted. This may be due to the lack of availability to clubs to hold tournaments on Candlewood during the day since they, by rule, can not use more than half of the available public parking spaces at the CTDEP ramps. In 2007 and 2008, 22 and 13 night tournaments, respectively, were scheduled. In both years, Candlewood Lake led the state in the number of night tournaments scheduled.

Lastly, it was determined in a survey conducted by the CLA in 2000 that Candlewood Lake hosts more organized fishing tournaments than any other lake in New England. Part of that is due to the fact that tournaments are not prohibited in Connecticut during the spawning season as they are in other New England states.

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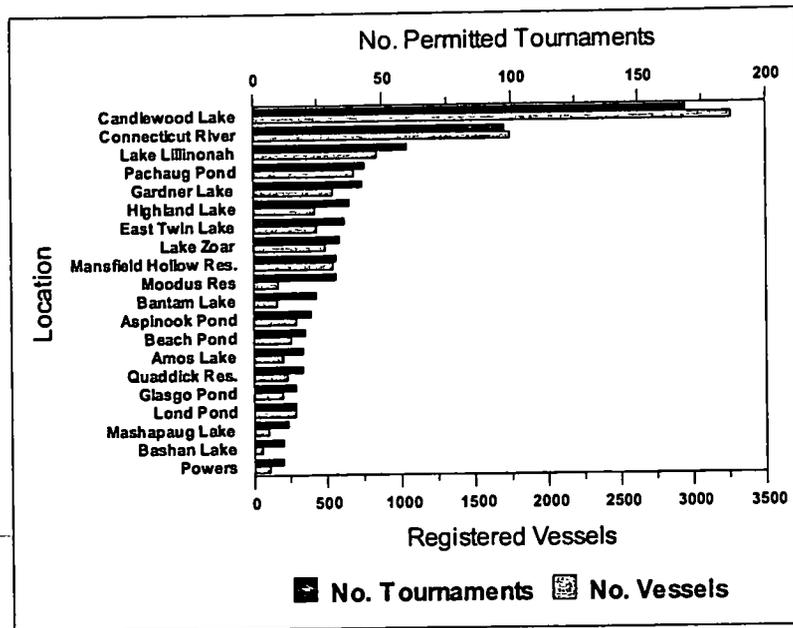


Figure 2. Total tournaments and total vessels permitted by the CT DEP in 2008 for inland waters hosting ten or more tournaments based on data provided by Fisheries Division. There are 46 other inland waterbodies in Connecticut that hosted nine or less tournaments in 2008.

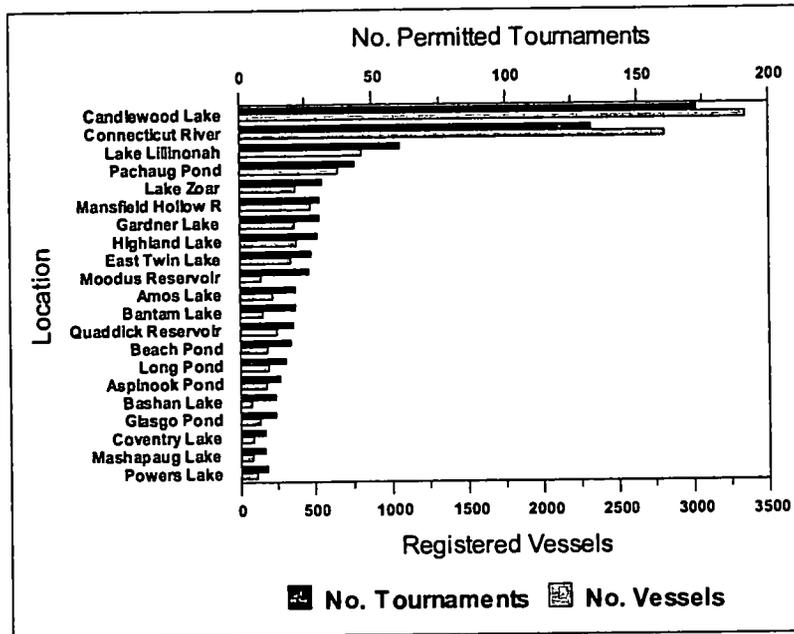


Figure 3. Total tournaments and total vessels permitted by the CT DEP in 2007 for inland waters hosting ten or more tournaments based on notifications from Fisheries compiled by the CLA.