

**PA13-179**

SB1012

Environment	1438, 1440, 1441, 1450-1452, 1475, 1476-1477, 1493-1494, 1495-1496, 1553, 1589-1600	26
House	8282-8345	64
Planning & Development	1578, 1581	2
Senate	3054-3056, 3122-3141	23

**H – 1173**

**CONNECTICUT  
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HOUSE**

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Members please report to the Chamber immediately?

DEPUTY SPEAKER SAYERS:

Have all the Members voted? Have all the Members voted? Please check the board to see that your vote has been properly cast. If all the Members have voted, then the machine will be locked and the clerk will take a tally.

A VOICE:

138, 0, 12

DEPUTY SPEAKER SAYERS:

The Clerk will announce the tally.

THE CLERK:

House Bill 6477, as amended by House "A".

Total Number Voting 138

Necessary for Passage 70

Those voting Yea 138

Those voting Nay 0

Absent and Not Voting 12

DEPUTY SPEAKER SAYERS:

The bill as amended passes.

Will the Clerk please call Calendar Number 654?

THE CLERK:

Yes, Madam Speaker. On Page 35 of today's

Calendar, Calendar Number 654, Favorable Report of the

SB1012

Joint Standing Committee on Planning and Development,  
Substitute Senate Bill 1012, AN ACT CONCERNING A BEST  
PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING.

DEPUTY SPEAKER SAYERS:

Representative Albis, you have the floor, sir.

REP. ALBIS (99th):

Thank you, Madam Speaker. Madam Speaker, I move  
for acceptance of the Joint Committee's Favorable  
Report and passage of the bill in concurrence with the  
Senate.

DEPUTY SPEAKER SAYERS:

The question is acceptance of the Joint  
Committee's Favorable Report and passage of the bill.

Representative Albis, you still have the floor,  
sir.

REP. ALBIS (99th):

Thank you, Madam Speaker. Madam Speaker, the  
underlying bill comes from a recommendation of the  
Shoreline Preservation Taskforce which requires the  
Department of Energy and Environmental Protection to  
come up with a Best Practices Guide for coastal  
permitting by looking at other states and -- and how  
they determine their best practices so that we can  
better -- or foster a better environment between the

department and applicants for coastal permitting.

Madam Speaker, the Clerk also has an amendment, LCO Number 7829. I would ask that the Clerk please call the amendment, and I be granted leave of the Chamber to summarize.

DEPUTY SPEAKER SAYERS:

Will the Clerk please call LCO Number 7829, and it shall be designated Senate Amendment "A".

THE CLERK:

Senate Amendment "A", LCO 7829, introduced by Senator Cassano, et al.

DEPUTY SPEAKER SAYERS:

The Representative seeks leave of the Chamber to summarize the amendment. Is there any objection to summarization? Is there any objection?

Hearing none, Representative Albis you may proceed with summarization.

REP. ALBIS (99th):

Thank you, Madam Speaker. Madam Speaker, this amendment is the product of a -- a compromise between legislators from both sides of the aisle and the Department of Energy and Environmental Protection. It -- it includes a number of changes to the Coastal Management Act, and in -- in many cases it is geared

toward the same thing that the underlying bill is geared toward, which is fostering a better relationship between the department and applicants for coastal permitting -- for coastal permits and -- and other shoreline structures.

Madam Speaker, this -- this amendment also covers many recommendations that were laid out in the Shoreline Preservation Taskforce as well as a number of concerns that we heard in our public hearings that we held last summer.

Madam Speaker, I move adoption.

DEPUTY SPEAKER SAYERS:

The question before the Chamber is adoption of -- of Senate Amendment Schedule "A". Will you remark on the amendment? Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Madam Speaker. I am going to -- I rise in support of the amendment, and I'll have a -- a fair amount of detailed questions when the amendment becomes a bill, assuming that's the direction we go in. But I urge my colleagues to support the amendment for the reasons all ready said by the Vice-chairman, that this was a collective effort by a lot of parties. There's a lot of -- there's a lot of detail in here

which we'll explore, but we'll do that once it becomes a bill through. Thank you, Madam Chair.

DEPUTY SPEAKER SAYERS:

Will you remark further? Will you remark further on the amendment that is before us? If not, I will try your minds. All those in favor, please signify by saying Aye.

REPRESENTATITVES:

Aye.

DEPUTY SPEAKER SAYERS:

All those opposed, Nay. The amendment is adopted.

Will you remark further on the bill as amended? Will you remark further? Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Madam Chair, and through you, Madam Chair -- I keep saying Chair -- Madam Speaker, if I may, a few questions, or several questions to the proponent.

DEPUTY SPEAKER SAYERS:

Please frame your questions, sir.

REP. SHABAN (135th):

Thank you, Madam Speaker. And through you, just

going back to what was originally the bill, which is actually Section 1 of the original Bill 1012, there's been a lot of back and forth about what this means or what this could mean, so through you Madam Speaker, and just to allay any concerns of anyone in the Chamber, does this part of the bill, Section 1, will this make any requirements or prohibitions, or impose any extra burdens on our municipalities or our coastal municipalities? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, no it will not.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And -- and I think that it's important to note because, in fact, I think it speaks for itself, but since it's come in the context of several other bills, there's -- there was a fair amount of concern that, oh, wait a second, what are we doing here with -- where high tide is, or sea level rise, and -- and what that could and could not

mean. The original bill, which is now Section 1, basically says let's get the information, and let's start planning for it accordingly.

So through you, Madam Speaker, working through what was the amendment and now the bill, looking at the original or, I'm sorry, the first section which is labeled Section 501 for convenience of LCO, the -- we're making some revisions to Section 22A-93. So just for the information of the Chamber, through you, Madam Speaker, what is Title 22A? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. This is part of the Coastal Management Act. I -- I'm sorry, I don't know exactly which part off the top of my head, but this was part of a bill that was passed last year and signed into law by the governor. It was then titled Senate Bill 376, and what -- what it does is it defines sea level rise in statute. We are just making some small changes to that -- to that definition.

Number one, if you can see on Line 10, we add the word "administration" into the -- into the language, and that was done because that was accidentally left

out in -- in last year's bill.

Also on Lines 10 and 11, we clarify that we're referring to the tide gauges that are located in Bridgeport and New London which do gather sea level rise data on a daily basis. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And I think that is important. The gentleman described it in an affirmative way. This -- some of the back and forth on the way this bill came through the Environment Committee as well -- if we're going to set sea level rise, how do we do it? Who do we look to? What kind of measures should we -- should we trust? And there was some disagreement about what -- should we set a number? Should we agree on a number? What are we going to do? And I think the establishment or the use of NOAA, the National Oceanic and Atmospheric Administration, their -- their information from the two tide stations -- tide gauges that are set in the bill, I think that makes the most sense and was a -- a wise -- a wise choice.

Through you, Madam Speaker. Proceeding -- well actually let me -- sticking just with the NOAA calculations, the gentleman did a whole lot of work on a Coastal Management Sea Level Rise Taskforce, and -- and part of that -- part of his task there, and part of the work on this bill -- some questions and discussions came up about what potentially insurance companies, actuaries do, or have done in connection with sea level rise. What -- what do they think about it, and, you know, if in fact the NOAA numbers and potential actuarial numbers correspond in any way.

So through you, Madam Speaker, that's essentially my question. If -- for the information of the Chamber, how do -- what -- what are the insurance companies looking at in connection with sea level rise. Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, that -- that is a very excellent question, and I can tell you Madam Speaker, that in the Shoreline Preservation Taskforce, we did invite a -- the vice-president of the Insurance Industry Institute out of New York City

to come and present to our taskforce. And -- and he gave us some very interesting information which basically detailed that -- the insurance companies do take into account the dollar amounts in damage. And within the last 15 to 20 years, they've seen an increase in -- in the dollar amounts, not -- even more so than would be tied to inflation. So I -- I think they are seeing some sort of correlation between the rising sea levels, but it's more in line with the extreme weather events that we've seen. I think I mentioned to the good Representative earlier today that in the past -- or since 2004, 11 of the top 15 costliest weather events in our nation's history have occurred. That's just in the past nine years, and I think that significantly tells you that insurance companies are thinking for the future. They understand that there is a greater potential for -- for damage along the coastline than there may have been in previous decades, so to the good Representative's question, yes, the insurance companies are using this information, and it -- it is very important to them. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. So when this information is gathered from -- from the NOAA tide stations, and again for the information of the Chamber, it could in fact show that perhaps going forward that sea level changes could, in fact, go down. It -- that's -- that's potential -- that's potentially true, isn't it, through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. Yes, that is correct. They could indeed show that sea levels are -- are going down. In Section -- in section 505 of the amendment, Line -- particularly Line 60 to 67, it does require that the definition of sea level rise be updated every ten years. So it could, in fact, reflect the fact that sea levels are going down. It could also reflect the fact that they are rising at a more rapid rate than they -- they have been in the past. So there -- there is that room for flexibility to update it to the most current -- current data.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker, and I thank the gentleman for clarifying that, because that, too, I think assuages some of the concerns that some folks had that some of these efforts, just out of presumption that the sea level -- sea levels were going up. I think the -- the evidence is pretty clear that, in fact, they have been over the last few years, but that could, in fact, change.

So, you know, looking -- looking at the amendment, which is now the bill, Section 503 says we're going to take that information, up or down, whichever way you have to consider it, in municipal planning which is, of course, smart. Section 504 of the bill says we're going to take that information, up or down; we're going to consider it in civil preparedness. That's a good idea. Section 505, which the gentleman just referenced, says we're going to reset that number; let's take a look at it every ten years or so and see which way the numbers are going. Again, it's a good idea. Section 506, again, let's look at these numbers, which way -- whatever way

they're going, and we'll consider it in connection with coastal site plans.

Now, through you, Madam Speaker, I note that -- I think it was Section 506 is where a different bill -- I think it was Senate Bill 5, or 459 came in, because this amendment is the amalgamation of several amendments or bills that kind of all came together.

Through you, Madam Speaker, could the gentleman describe for the Chamber what exactly -- what's the effort that we're pursuing, starting in Section 506? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, Section 506 makes one change to the Coastal Management Act, and that is to add elevated decks to the list of possible exemptions that a zoning commission may exempt from a coastal site plan review. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So, just -- just so

we're clear on this, you know, the list -- there's a list of potential structures and projects starting on Line 71, going down I think all the way almost to 99, that's basically a list of things that, in fact, the local zoning commission can exempt out of the Coastal Management Act. Am I reading that correctly? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, the gentleman is absolutely correct.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And again, a good idea. It -- some of the concerns of folks on some of these coastal bills, and -- and what we're going to do to plan for things -- this actually gets DEEP potentially out of the way and puts it back in the hands of the locals to say all right this particular de minimis activities; we'll take care of it; we don't have to run to DEEP every time we want to do something. So, again, I think a good idea.

Starting in Section 507 of the amendment, now the bill, if the gentleman could describe for us what effort is being pursued and augured there? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. I -- I feel like this section is a very important one. What it does is allows the Commissioner to ask of a person who -- an entity that has a permit for dredging to offer that dredge material to a municipality or other entity such as a Special Taxing District, for the purposes of beach renourishment, or something along those lines. I think that's very important. It allows our communities to be able to replenish their beaches and -- and keep their -- their homes or other structures along the coastline a little more safe. So, through you, Madam Speaker, I -- I think that is the intent of this section.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So under existing law

now, under -- it's Title 22A. I think it's -- it's some of the sections that are cited here in the amendment -- under existing law now, if a party or -- or some enterprise wants to dredge below -- I think it's called the Coastal Governance Line -- but for sake of ease, basically high tide, more or less high tide. If someone wants to dredge below high tide, what must they do under existing law presently?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, they must get a permit through the Department of Energy and Environmental Protection.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So I -- I think the Chamber will see in Section 507, the new language starting on Lines 120, Section 2, or the new Section 2 -- that existing section, does what the gentleman suggested, that is part of that permit -- as part of that permit DEEP can say well, you know what, instead

of taking your dredge material and put it over here, we're going to ask you to put it somewhere else. And through you, Madam Speaker, if such -- such a requirement is a condition of a dredging permit, are there any fees or recompense for the permittee? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. No.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. I do note that down in Lines, I think it's 130 through 132, there does seem to be, let's see, if municipalities get hit with the requirement, they -- they could get reimbursed the cost of transporting such sand, gravel, or other material and -- or, I guess for certain districts, a reasonable fee -- who -- who bears that cost that's being listed in Line 131. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, whoever is getting the dredge material.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. There was some discussion about this, both -- I think this was Senate Bill 459 as well. There was some discussion on, you know, the mechanics of how this portion of the bill would work, and some concerns that, you know, if a dredgee gets his permit, picks up the phone, calls DEEP and says all right, what do I do, and nobody answers, then they're kind of stuck in limbo.

So through you, Madam Speaker, if the gentleman could, and I think we came to a resolution on that, but for the information of the Chamber, you know, how is that going to work? What's going to protect the guy with the permit? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. The dredge coordinator.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. That's right. I guess there's a -- something I learned looking at this bill. There's apparently a gentleman or gentle woman, I don't know, called a "dredge coordinator" at the Department of Transportation, and that's yet something else we learn as we do our jobs here.

But I thank the gentleman for his response, because that, in fact, was a concern and it's addressed. It's addressed, so they're going -- if DEEP is going to ask you to move the stuff, that somebody there is going to tell you where to move it. So again, I think another good part of this bill moving forward.

Moving onto Section 508, through you, Madam Speaker, could the gentleman just give us a summary of what this section is seeking to accomplish. Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, this section allows for a greater percentage of -- of replacement

materials to -- to be done without getting a permit or a Certificate of Permission for somebody who -- who has a coastal structure. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So for the information of the Chamber, a coastal structure -- would that be something like a dock? Or a boathouse below high tide? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. Yes, that is correct, and -- and this is a good section for this home owners and -- and businesses who want to be able to repair their -- their property for -- with a little less hassle. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So in Lines 142, the definition under current law -- the definition of -- of routine maintenance basically states the repair,

replacement of out-of-water structures including surface docks, piers, et cetera, an area of 25 percent of all pilings approved in accordance with the previous Act. That -- that number's being changed to 50 percent. Through you, Madam Speaker, what's the net effect to the fellow who owns the dock by virtue of this change? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. For the example of a dock, say the -- the business owner wanted to repair half of the pilings. In that case they would not have to get a permit or a COP to do so. Previously they would only be able to repair one-quarter of the pilings to be able to -- to do it without getting such approval from the department. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And I -- I think that also is an important change in this bill and this -- and this effort. This actually makes it easier for

the owner of this coastal structure to do repairs without getting necessarily picking up the phone and calling our DEEP up here in Hartford or wherever. So again I think a positive change.

Moving on to Section 509, if the gentleman could give the Chamber just a -- a thumbnail synopsis of what this effort is seeking to accomplish? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. This section makes it easier for business owners and -- and homeowners to repair older structures through a Certificate of Permission. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And -- and through you, what is a Certificate of Permission? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. There are three levels of approval that the Department of Energy and Environmental Protection has. The highest is an Individual Permit. That is the most difficult to get, and in many cases for these types of structures, that is what you need to initially build the structure.

A Certificate of Permission is the next level down. It's much easier than an Individual Permit, and it's generally for repairs or in -- in certain cases, and then this section talks about that, substantial maintenance.

And the lowest level is the General Permit.  
Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. So if we're looking in this section, and you see it in various spots, Lines 172, 180, and later on in a similar section, there seems to be a demarcation as of January 1st, 1995. It's basically setting different rules for structures built before '95 to structures built after 1995. So through you, Madam Speaker, if -- if the gentleman could, I'm going to propose just a couple --

a couple of simple hypotheticals and just to demonstrate for the Chamber what exactly we're talking about here.

So if there was a dock built in 1993, before this -- this -- the date listed here in the bill -- a 1993 dock that did not have a permit, and let's say one of these storms -- one of our -- one of the many storms we've had lately comes by and essentially wipes out the dock. What must the owner of the dock do to repair that dock? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. This dock owner should have gotten the permit in 1993, but there are cases where that -- that does not happen. They must prove that they had the dock in 1993. And under this bill they can be issued a Certificate of Permission rather than have to apply for an Individual Permit to reconstruct the dock to its previous specifications. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. So a similar hypothetical, same dock, 1993, but in fact they had a permit. Dock gets wiped out by Superstorm whoever -- what must that dock -- dock owner do to repair that dock? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. If the 1993 dock did have a permit, that dock can be rebuilt to the specifications in a -- a General Permit. And if there is substantial maintenance for this dock, it can be issued a COP. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So without this bill, and this is probably actually the most important part of this section, what this does, and without -- without this bill, if you have that 1993 dock and you didn't have your permit which that -- and this goes all the way back. It could be a 1970 dock, a 1960 dock -- some of these -- some of these docks go back 50, 60, 70 years. If you didn't have a permit for

whatever reason, and your dock gets wiped out, and you had to rebuild it, without -- under existing law, and without this bill, what, if anything, could that dock owner do? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. That owner would have to get an Individual Permit to rebuild such dock. Through you.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank -- thank you, Madam Speaker. So -- so in essence, if this bill passes, we're making it easier on the pre-1995 dock owner to basically rebuild the dock with a Certificate of Permission pursuant to relatively strict requirements required by DEEP, but not having to go through the whole procedure of getting a General Permit. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. The gentleman is absolutely correct. It is easier to get issued a Certificate of Permission than it is to go through the process to apply for an Individual Permit.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So continuing on with the hypothetical, although moving to a 1997 dock. So if there's a person or a business who, for whatever reason, built a dock in 1997, did not have a permit, and their dock gets wiped out by Hurricane Whoever, what, if anything, must that person do to rebuild their dock? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, because that date is after the 1995 date, under this bill that owner would need to get a permit to -- to rebuild such dock if they did not have it prior when -- when the dock was initially constructed. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. So -- and actually someone was talking in my ear, but I believe the gentleman said they got to get a permit. They should have had a permit. If the 1997 dock had a General Permit, and the dock gets wiped out by a hurricane or a storm, what must that owner do, if anything, to replace that dock? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, I'm sorry. Could the good gentleman repeat his question?

DEPUTY SPEAKER SAYERS:

Representative Shaban, would you please repeat your questions?

REP. SHABAN (135th):

Surely, Madam Speaker. Under the same scenario and under this bill, if that dock was built in 1997, and in fact the owner did get a permit, but the dock gets wiped out, what, if anything, must that owner do to replace that dock? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, if the individual did get a permit upon initial construction, as long as it's within five years of that issuance date, the individual could rebuild without having to get a -- a permit, and go through that same process. Otherwise, it -- it is possible to get a COP for minor modifications, or a -- another Individual Permit if it's after that five-year timeframe for more significant modifications. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

All right, thank you, Madam Speaker. So last question with connection to these hypotheticals in this section: Why 1995? And we've had some discussion about this in committee, and outside committee -- why 1995? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, the January 1st 1995

date is a date that appears elsewhere in the Coastal Management Act, and this is to conform -- conform this bill to the -- the date 1995 that appears elsewhere. It's just for conformity purposes, and purely technical in nature. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. Yeah, and so again, here -- hang this all together and essentially what you have is an effort by DEEP, and hopefully this legislature, to make it somewhat easier on coastal -- owners of coastal structures, at -- at least in this context, to rebuild and -- and basically get within compliance of DEEP without necessarily routing them through an entire monster permit process. So again, as with some of the other sections of this bill, I think a worthy cause and a good effort.

Moving on to Section B of this section, starting on Line 199, there's a -- and continuing on in the same section, or actually just in that section, the words "may" is changed to "shall." Through you, Madam Speaker, what is the significance of that change? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker. This is -- this change is intended to make sure that the -- these individuals do get a Certificate of Permission when they -- they apply for it, as long as they are substantially compliant with all applicable standards and criteria that the -- the department lays out. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So in the same section on Lines 212, same switch goes from may to a shall, but there's some additional language in there, including but not limited to the use of alternative deck surface material -- surfacing material, and the use of alternative materials for seawalls designed using generally accepted engineering practices. Through you, Madam Speaker, I think the gentleman has all ready answered the significance of the change from may to shall, but the new language in Lines 214 through 217. Through you, Madam Speaker, what is the

significance of that language, going forward? Thank you. Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. This language is intended to include these changes as substantial maintenance so that they can be eligible for a COP. And again, it's still -- these activities must substantially apply with applicable standards and criteria, and Madam Speaker, this section is -- is really intended to -- to make it easier on the individual. As long as they're conforming, it makes the process a lot faster and it's -- it's easier for both the individual and the department. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And again, that's -- I think that's significant, because what we've done is almost created a presumption in favor of a Certificate of Permission. Not -- if presumption is too strong a word, but an inclination in favor of getting a

Certificate of Permission to repair your structure. And, in fact, if you're going to repair your structure, you also have the ability to kind of change it slightly if alternative decks or maybe change the seawall somewhat without having to jump through all the typical general or, I'm sorry, a special big permit process. So altogether, yet again, I think a good change and -- and a worthy effort.

Moving down to Lines 220 through 224. Through you, Madam Speaker, if the gentleman could: What's the significance of this section, which is all new language? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, this is a very important section in this amendment and this bill. What it does is establishes a mediation process. If an individual is denied a Certificate of Permission, they can go to the department through the Office of Adjudication and -- and enter into a mediation process. And from the experiences I've heard, these adjudicators are very fair, and they're able to explain to applicants exactly why the

application was denied, and try to work through any differences that they may have to -- to get the -- the Certificate of Permission actually issued. And, Madam Speaker, again, this is just to foster a better relationship between the department and its applicants. So that's one of the things we heard in - - in our public hearings last year with the Shoreline Taskforce, and I'm happy that we're addressing it in this bill. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. The gentleman -- the gentleman characterized this correctly, I think. Both -- we have privately had some experience in this circumstance, so here -- I mean typically if -- if you were going for a Certificate of Permission or some -- some kind of permission from the DEEP, and you were denied, you were kind of left in limbo. You either had to go right to the big permit process which costs time, and money, and effort, or you -- you started over. This section kind of adds almost a level of appeal, basically a recourse -- and wait a second; I think I deserve that Certificate of Permission, so I

want to go talk to a mediator, and these mediators -- that's actually a term of art I think under some of the other DEEP statutes. There are folks all ready on the books, all ready working for the state, who do these things. So this actually gives an applicant a second -- basically a second chance without having to start all over. So again, a worthy cause.

Through you, Madam Speaker, moving on. Same discussion, Lines 228. This shifts from a may to a shall which again kind of creates a -- almost a presumption in favor which is a positive change.

Moving on -- getting close, getting close -- through you, Madam Speaker, I'm going to move down to Lines 283 through 285, Section F of the amendment, or this section of the amendment. This -- it's a three - - it's three lines. It doesn't seem to say a whole lot, but it was the subject of a certain amount of discussion I think, both in the Senate and, you know, on and out of the committee. Through you, Madam Speaker, if the gentleman could describe for the Chamber what is the significance of Lines 283 through 285? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, these lines ensure that for any waterfront access easement created after January 1st, 1995, the owner of either the dominant owner serving an estate is not entitled to create a dock or other type of structure or proliferation of such on that easement. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. Yet the -- this was a -- this was one of the sections here that I kind of tripped over and had to analyze for a little bit and, you know, for the sake of the Chamber, you know, my rationale kind of went as follows. I mean typically if you have waterfront property, you're allowed to give easements or right-of-way to someone behind you, or frankly anybody over your property to get access to the water. Typically also when you own waterfront property, you have a Common Law Right that goes back hundreds of years to wharf out, just by virtue of being a riparian or littoral owner, and that's -- that's being managed, in large part, down on the coast

by DEEP.

So, the -- the rationale, as I understand it, and I'll ask the gentleman to confirm this in case I wander off course here -- the rationale as I understand it for this section was to prevent a riparian owner from granting multiple easements, and thereby creating multiple docks side by side by side by side. Is -- is that the general -- general gist of this? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, yes, that -- that is correct. This language is intended to ensure that on a -- a small property you cannot put more than one dock on -- on that property, even if there is an easement. There are exceptions for -- for other cases in the law, but we're trying to ensure that that is not the rule. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. I do note in Line 284

it says: Shall not entitle an owner of the dominant or serving estate to additional structures. And I'll leave it for future discussion, whether it be in court or future legislation to see whether that -- that precludes. I mean I would read it that it doesn't preclude, but at the same time it doesn't entitle, ergo that easement owner would -- would have to go to DEEP, and obviously if it's a -- if it's a 100-acre piece of land on the shore compared to a half-acre land on a piece of shore and one easement, perhaps that could be viewed in a different context. Is that -- is that the gentleman's understanding? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. Yes, that could be.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And Thank you, Madam Speaker. Moving onto the bill, Lines 286 through 296, Section 5-10. If the gentleman could give us a thumbnail sketch of what this section seeks to do? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, this -- this really codifies existing practice from the department. It allows individual homeowners or business owners to fortify their property above the high tide line with sandbags or other types of materials in the -- in the event of an issuance of a hurricane or tropical storm warning. And it requires those same homeowners to remove those sandbags or other -- other materials within 48 hours following the storm's passage unless the Commissioner extends otherwise. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. Yeah, I think it's a common sense measure that, yeah, I too, through various discussions and real-life experience can confirm that this is, in fact, generally what goes on. So this is a kind of a good effort to encapsulate it, codify it, and just get out ahead of it.

Through you, Madam Speaker, next section, 5-11.

I note that the change to the Section, it's 22-92 comes a page or two later, but if the gentleman could just describe for the Chamber briefly what this change in Section 5-11 seeks to accomplish? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. This -- these two lines, 360 and 361, refer to confined aquatic disposal cells for dredge materials, and what that means is when you have dredging waste that -- that you need to dispose of, very occasionally the department will allow an entity to dispose of that waste in -- in the sand in -- in Long Island Sound by putting the waste down on the -- on the sea floor, and then covering it with noncontaminated materials, so that the contaminant is thoroughly sealed. Again, this happens very infrequently, but it's -- this is codifying that practice. They -- they -- it's really only done by entities like the Navy, and -- and you do require an Army Corps Permit to do this. So that -- that is the intent of this language. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. Yea, I think these things are called CAD pits, or CAD holes, or something like that -- something along those lines, obviously an acronym for Confined Aquatic Disposal Cells, and I -- I believe the gentleman stated accurately that these things are rarely done, but it appears that -- well, it doesn't appear, it in fact states in this section of the bill, that that could just be a future policy consideration to see whether or not we could promote that. It's not -- it's not establishing it. It's not -- it's just -- it's just a policy change.

So through you, Madam Speaker, moving on, moving down to Lines 397 through 399, and this is -- this is probably one of the parts of the bill that took the most discussion for the reasons that will be obvious, I think, in a couple of minutes. Through you, Madam Speaker, if the gentleman could: What is the import of the changes reflected in Lines 397 through 399 on existing law and what it might be? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, this is

part of the Coastal Management Act Florida policy in terms of protecting property with -- with coastal structures. In Lines 397 to 399, what it does is allow for that property to include appurtenances, substantial appurtenances that are attached or integral to those -- those properties. And for purposes of clarification, it does refer to commercial and residential. When we're talking about commercial, think about something like a marina that may have a gift shop or a restaurant that's part of the -- the marina.

Under current law, that is not necessarily considered as -- as part of the property to be protected by this coastal structures. This clarifies it, and makes sure that those parts of the property, the gift shop, the restaurant, can be protected. In terms of residential structures, you know we talked about garages, swimming pools in some cases. But what we're not trying to do is encourage folks, private property owners, to say build gazebos on their property so that they can erect structures to protect those gazebos. Things such as playgrounds should not be protected; swing sets on private property should not be protected. It's really something that's

structural and has a foundation. That -- that is the intent of this language. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. And where -- and where on a person's property, generally in the state, does this section apply to? Is it below the -- whatever the line is called, essentially the high tide mark, or above that high tide mark? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. That -- that's a great question for clarification purposes, and this particular jurisdiction applies within 1000 feet of the mean high tide line. Through you.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and typically, through you, just to confirm my understanding. I -- I believe it's the case, but to confirm it. Typically something

like this would be managed by a Coastal Area Management Board -- a local Coastal Area Management Board, a CAM Board? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, the gentleman is correct when we're talking about land above the high tide line, the -- the mean high tide line, that is. Below the -- the mean high tide line is -- or the Coastal Jurisdiction Line, as it's called, is the jurisdiction of the department. Even so, within 1000 feet, the department can comment through the Coastal Site Plan Review Process. Through you.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

And thank you, Madam Speaker. So again, just by way of hypothetical, I think the gentleman may have actually hit this somewhat in his description. So if -- if you're a commercial, or even a residential owner, and you have a garage that is within 1000 feet, and it gets damaged or you need to repair it, this new

language potentially -- if -- if it's a substantial appurtenance, i.e., it's integral to the house or the -- or the enterprise, this new language just clarifies that. You could in fact repair that garage and potentially a seawall to protect that garage. Is that correct? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, that is correct.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. However, if that area was, I think the gentleman used the word gazebo or playground, and -- and that's probably -- or a, you know, a basketball hoop or something like that, I mean, you know -- this -- this language would -- would likely not protect a structure, or allow a structure to be built to protect those type of developments or activities. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, that is correct.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. So, I think this discussion is an important one because again there was some concern, and -- and rightfully so that while when we start changing language about what's happening along the sea line, or the, you know, the coastal, the high tide line or the, you know, the Coastal Jurisdiction Line, whether that's going to potentially constitute a regulatory taking. Are you taking some of my private property without, you know, due compensation as required under the State and Federal Constitution? This language, I think, not only clarifies it, but potentially gives more protection, potentially. So, you know, I suspect there may be some weird hypotheticals, or weird fact patterns that play out that could test this, but overall I think it's a good cut at it. I know a lot of people took a look at this. I know a lot of people had this concern, both upstairs and down here. So I - I think -- I think this language is a -- a good amendment to

existing law, and I'll move on. Or will I?

I note in Lines 420 through 422, it's essentially just a mirror image of that previous language, just for almost grammatical purposes.

Moving on the line -- or Section 5-12. All new language probably from Lines 429 to 455. Through you, Madam Speaker, could the gentleman give us a thumbnail sketch of what this new language seeks to accomplish? Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. This particular language was a -- a subject of negotiations between Senator Fasano, Senator Maynard, and Commission Esty of DEEP, and what it does is -- is basically allow for a voluntary second opinion in the case where a -- an application is made for a coastal structure to the department, and the department denies it for engineering purposes. Now the department doesn't really have somebody who's an expert in engineering on their staff, and that was a concern for -- for some potential applicants and some applicants in the past.

So what -- what this language does is allow for

CASE, the Connecticut Academy of Science and Engineering, to take a second look at this engineering and determine if the engineering principles used in the -- the design of -- of the structure are sound engineering principles. And that can be taken back to the department, and it's required that the department does consider CASE's opinion when reviewing the -- the rest of the application. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank -- thank you, Madam Speaker. So again by way of -- of almost hypothetical, so if an applicant isn't happy with the initial decision of the department, this section allows them, but doesn't require them, to go out and get a second opinion from the Connecticut Academy of Science and Engineering.

Is that true? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, that is true. And the intent is with the fee schedule that is able to be established by the Academy, I believe on

Line 441, the intent is to make sure that this is only voluntarily taken up by an applicant who believes that they are correct. They believe that the engineering principles are sound. They -- they believe that they need this type of structure, and they want to go through the -- the process to ensure that their engineering is -- is of sound -- of sound practices, and -- and they want to be able to use that as they proceed further through the application process. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. Yea, I think that's again an important note, that the applicant isn't required to go out and get a second opinion, or what in many contexts is known as a peer review for engineering or similar activities, but is allowed to get second opinion or peer review.

I think the important part of this section comes a couple of lines later where it says that the Commissioner shall consider that second opinion. And that's -- that's important, I think, for the -- for the Chamber to know that -- just if you go -- if you

take the trouble to get a second opinion, the Commissioner has to look at it, as -- so you're not just wasting your time and your money. So I think that's important.

Winding through down to the back -- we're almost done -- to the back of the bill, Lines 486 through 492. If the gentleman could just give the Chamber a quick synopsis of what this section does. Through you.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker, and I am -- I am very glad we're getting toward the end of this -- this amendment and the bill. But through you, the purpose of this language is to ensure that the land records for properties that have been issued orders by the department can be cleaned up after 15 years. In many cases, in other sections of the law, there are mechanisms where a -- a notice, or a lien, or some sort of order can be removed after a certain period of time if the order is not acted upon, or -- or completed, or revoked. So this is just saying after 15 years, if a -- an order has not been acted upon by

the department, it is removed from the land records.

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker. That's -- it's always nice when you don't have some kind of legacy fine hanging out on your land records that comes to haunt you 20 or 30 years later, and that, in fact, has happened in a lot of circumstances. So this, I think it conforms with existing practice in different areas of law where certain fines, or liens, or -- or what not expire just by operation of law so you don't have to jump through a lot of hoops to remove an old -- basically a hang-over lien or fine that is no longer being -- being sought.

Finally, Section 5-14. There's a pilot program in here. If the gentleman could describe for us what this pilot program does, and -- and why we're seeking to do it? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, this

pilot program attempts to delineate between a homeowner and a business owner in terms of notices. A business owner will often be issued a Notice of Violation, and business owners deal with these, in many cases, and oftentimes they're more used to it than a homeowner. Under current law, homeowners, if they are in violation of DEEP regulations or statutes, are issued Notices of Violation, and that can be very scary for a homeowner who doesn't know what that means, doesn't know what they did wrong, and they -- in many cases end up being very defensive, and -- and don't know how to deal with it in a -- in a quick and -- and good manner. In many cases, they don't actually understand their rights. So this notion -- Notice of Noncompliance is more of a -- a warning to the -- the homeowner and saying, listen, there's something wrong; we want to work with you to be able to fix it; and we want you to understand what you need to do to -- to become in compliance rather than bring the hammer down on you and -- and tell you you just absolutely cannot do it.

So again, Madam Speaker, this is an instance where we want to make a better relationship between applicants, homeowners, individual homeowners, and the

department. Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Madam Speaker, and I thank the gentleman for helping us and the Chamber through the bill. I rise in support of the amendment. I think if you look at the -- the first page of this amendment, LCO 7829 -- I think we've all ready done it, there's a number of names on here, both -- from both parties and both Chambers. It's, you know -- it's a good thing when I think, you know, our agencies take steps to become more user-friendly, to seek compliance, but not by using -- not by aggressive and punitive measures, but by informative and cooperative methods, and that's in fact what this bill does. It tries to get more of our coastal structures in line with an existing coastal management practice that's been going on for over 30 years, and it seeks to do it in a way that makes it easier for citizens to comply.

So there's a lot of moving parts in this. There's a lot of bills that came together. I again congratulate the gentleman on his work on the Coastal Taskforce, then putting -- helping put this -- this

bill together, and I urge support. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, sir. Representative Miner of the 66th.

REP. MINER (66th):

Thank you, Madam Speaker. Madam Speaker, I've been listening intently to this debate, and I had, if it's all right with you, a question of the Representative of the 135th for legislative intent. Through you.

DEPUTY SPEAKER SAYERS:

Representative Shaban, please prepare yourself, sir.

Representative Miner, please frame your question.

REP. MINER (66th):

Thank you, Madam Speaker. A number of times early on in the conversation, the good Representative referred to NOAA, and for legislative intent, I just want to be sure, was there any time during that conversation that NOAA was of the famed ark variety as opposed to NOAA of the Atmospheric Administration and Oceanic -- Oceanic and Atmospheric Administration? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Shaban.

REP. SHABAN (135th):

Well, thank you, Madam Speaker. I think that's -  
- it's a cogent question and an informative and  
important one. At no time in the conversation that I  
partook in -- I was part of, was the -- did NOAA mean  
anything other than the esteemed National Oceanic and  
Atmospheric Administration. Through you.

DEPUTY SPEAKER SAYERS:

Representative Miner.

REP. MINER (66th):

Thank you, Madam Speaker. I just wanted to make  
sure that that was clarified, because there was a  
reference a number of times and -- and I know people  
have been concerned that -- that perhaps climate  
change is somewhat imaginary, but I think making sure  
that it's not Noah as in the ark, and NOAA as in the  
scientific organization will help people through this  
process. Thank you.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Piscopo of the 76th.

REP. PISCOPO (76th):

Thank you. Thank you, Madam Speaker. I appreciate it. Madam Speaker, I -- I served on Environment last term. We had this bill, and I had some great reservations about it. I -- I was kind of worried about maybe the state being a little too top heavy involving itself in communities' planning and zoning, and plans of conservation, where they want their towns to develop -- excuse me, Madam Speaker and Chamber -- and so I really was worried about this -- this legislation last year. I think there were -- there was a term in this when this was proposed of -- the term was strategic retreat, where the state was actually asking those shoreline property owners to get ready for a strategic retreat.

Now in fairness to the Commissioner, he said those words were inadvertently in the bill. He took them out. He -- they -- they really were never -- they were part of a thinking process. They were not supposed to be in the bill. But it kind of gave me pause for concern. This is an easy -- this is kind of an easy bill for me to avoid. I'm -- I'm an inland legislator. I don't really represent the shoreline towns, so I could pretty much not worry too much about this, but I do. I -- I, you know, and it is cause for

concern.

And one of the causes I have for concern is that in Section 1 where -- the first part of this new amendment which is now the bill, we are actually introducing NOAA, the National Oceanic and Atmospheric Administration, as a report. They're going by that one report when considering plans for conservation and development, and when they're trying to conform with the state plan of conservation and development, which over the years we've been seeing growing stronger and stronger, taking more effect on how the state's having more authority over how towns develop themselves.

So as the towns try and adhere to the state plan of conservation and development, they've got to take in this one -- this one report from NOAA, and it's very, very dangerous that there's not a bunch of other reports they can -- they have the luxury of -- of different options to take in different studies, and NOAA is -- I just -- I -- I don't agree with what their findings are. A lot of their findings are -- are based on the United Nations Intergovernmental Panel on Climate Change. That -- if they base it on that report from the U.N. Panel on Climate Change, which they have, that -- the sea level rises were

projected to be somewhere between 12 and 20 feet over the next century. Now after that report was published, they quickly edited the report down for anywhere from eight inches to six feet, so towns along our shore, if they -- now they will be mandated to follow this report, will have to adjust for projected sea level increases from eight inches to six feet. That's a huge -- that's -- that's big. I mean that's -- that will have a big effect on our -- our shoreline communities and how they try and -- and plan for the future. And on private property owners that live along the shore. It's going to be really detrimental to them. There's a lot of different studies out there. A huge body of science says probability in the next century, maybe seven to eight increase over the next century and -- and now there's new evidence that the ocean currents are starting to cool, so that might not even happen. I could go into the ice caps, and that science, too, but I could cite ten studies right now of -- of different options that towns should be able to take. So it's very, very dangerous to have one report in the towns have to follow. And for that reason, I -- I'm a little disappointed at some of the Members that co-sponsored this amendment. I wish -- I

wish they had talked to me first. But -- but I'm a little disappointed that they did, indeed, co-sponsor this amendment, and I -- I do oppose this bill. Thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, Representative.

Representative Miller of the 122nd.

REP. L. MILLER (122nd):

Thank you, Madam Speaker. A couple of questions for the proponent.

DEPUTY SPEAKER SAYERS:

Please frame your question, sir.

REP. L. MILLER (122nd):

Yes. Through you, Madam Speaker, Lines 294, 295 -- to clean up after a homeowner has tried to shore up his -- his bank, or whatever he may have. The Commissioner wants to have that -- whatever you put into the area, whether sandbags, or blocks, or rocks, whatever it is, 48 hours which may be impossible to do because of the fact you have to work at low tide to get this stuff out of there. And I see that the Commissioner can give a waiver and extend that for some time. First of all, is there a fine if they don't get this stuff out of the water at a specific

time? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Thank you, Madam Speaker. Through you, there does not appear to be a fine in this language, and it is my understanding that there is not. Through you.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. L. MILLER (122nd):

And through you, Madam Speaker, this probable would be done on a case-by-case basis, depending on the severity of the storm and the amount the individual has placed in the water?

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. Yes, that is correct. And again, this particular section was put in place because it's based on what the department is doing in practice. And this has been found to be a huge help to -- to many homeowners and business owners along the coast. In fact, in my district in East Haven, there were some folks that took advantage of

this prior to Sandy, and it was -- it was helpful for them, and -- and I do believe that it's -- it's a good idea to codify this practice and statute. Through you.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. L. MILLER (122nd):

Yea, and through you, Madam Speaker, a lot of homeowners like to build almost on top of the water, and when there's serious damage done to their property, I know in -- in my town, we force them to build to a certain elevation based on the -- our coastal management laws and so forth. At this time, when there is a severe storm, would you say that we could do that to anybody that is too close to the water? Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker, I'm not sure I understand the gentleman's question. Does he mean this particular type of protection, even if folks are raised above the maybe perhaps the base flood elevation? Are -- are you speaking about raised

structures? Or are you speaking about something else?

Through you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. L. MILLER (122nd):

Thank you, and the reason I asked that is because I know we have a shore community, and these people, they have a -- have a deck hanging over the water at high tide. I mean I don't know where they get this thinking that they have to be on top of the water that way, but there's -- our people will make them remove the dock -- the deck, and if the building itself is not high enough, we'll force them to put the cottage up, you know, another three or four feet. So I just think this might be an opportunity to straighten out some of those problems as well. So --

DEPUTY SPEAKER SAYERS:

Representative Albis.

REP. ALBIS (99th):

Through you, Madam Speaker. The -- the gentleman mentioned a deck that could be overhanging above high tide. And this particular language applies only to structures above the high tide line. So in -- in the case of a deck hanging over, you know, I'm -- I'm not

sure what a homeowner could do to protect that deck in -- in the first place, but this statute, this section of the -- the bill would not apply to -- to that situation. Through you.

DEPUTY SPEAKER SAYERS:

Representative Miller.

REP. L. MILLER (122nd):

Yea, thank you, Madam Speaker. I just want to thank the proponent for his answers, and thank you, Madam Speaker.

DEPUTY SPEAKER SAYERS:

Thank you, sir. Will you remark further on the bill as amended? Will you remark further? If not, let me -- will staff and guests please come to the Well of the House? Will the Members take their seat, and the machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will Members please report to the Chamber immediately?

DEPUTY SPEAKER SAYERS:

Have all the Members voted? Have all the Members voted? Please check the board to see if your vote has been properly classed. And if all the Members have

voted, the machine will be locked and the Clerk will take a tally.

A VOICE:

129, 6, 15

DEPUTY SPEAKER SAYERS:

The Clerk will announce the tally.

THE CLERK:

Madam Speaker, in concurrence with the Senator -- with the Senate, Substitute Senate Bill 1012, as amended by House, or by Senate "A":

Total Number Voting	135
Necessary for Passage	68
Those voting Yea	129
Those voting Nay	6
Absent and Not Voting	15

DEPUTY SPEAKER SAYERS:

The bill is amended, passes.

Representative Verrengia, for what purpose do you stand, sir?

REP. VERRENGIA (20th):

Madam Speaker, I'd like to vote in the affirmative.

DEPUTY SPEAKER SAYERS:

The transcript will so note, sir, that you will

**S - 661**

**CONNECTICUT  
GENERAL ASSEMBLY  
SENATE**

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cah/med/gbr  
SENATE

114  
May 23, 2013

THE CLERK:

On Page 39, Calendar 251, Substitute for Senate Bill Number 1012, AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING, Favorable Report of the Committee on Environment and there are amendments.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you, Mr. President.

I move acceptance of the Committee's Joint and Favorable Report and move passage of this good bill.

THE CHAIR:

On acceptance and passage of this good bill, will you remark further?

SENATOR MEYER:

I -- I will. Colleagues this is a -- a combination of efforts that started with our new coast -- coastline task force headed by Representative James Albis and joined by many of the members of this Circle including particularly Senator Fasano and me.

The bill really relates to efforts to protect us against extreme weather and to protect us against sea level rises which are -- are very -- have been very proven in recent years. The first part of this bill requires our Department of Energy and Environmental Protection to look at coastal erosion practices in other states as well as -- as in the federal government and come back to us and tell what -- tell us what the best practices are with respect to protecting our coastal areas as experienced by other states and by the federal government and that's the first part of the bill.

The second part of the bill relates to how we're going to deal with erosion through -- through structures,

cah/med/gbr  
SENATE

115  
May 23, 2013

through regulation and, in that regard, if he's prepared, I would like to yield -- yield to Senator Fasano who's had a -- a great deal to do with this and before I yield to him I -- I do want to -- I do want you to note the large number of introducers of this bill from both sides of the aisle, many of whom represent the coast of Connecticut.

This is a very important product for Connecticut and I do -- would like to yield, Mr. President, to Senator Fasano if he's prepared to accept a yield.

THE CHAIR:

Senator Fasano, do accept a yield?

SENATOR FASANO:

Thank you, Mr. President.

Mr. President, can we stand at ease for a moment?

THE CHAIR:

The Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Yes thank you, thank you, Mr. President.

Mr. President, if -- if that item, Senate Bill 1012 might be pass temporarily there -- just recently discovered a -- a flaw in the -- the amendment which was going to be central to that -- to that bill. So if we might just pass that item temporarily and then if the Senate might stand at ease for just a moment.

cah/med/gbr  
SENATE

116  
May 23, 2013

Thank you.

THE CHAIR:

So ordered and the Senate will stand at ease.

(Chamber at ease.)

THE CHAIR:

The Senate will come back to order.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, the amendment for which we are -- we're waiting has arrived so would ask the Clerk to call from Calendar Page 43, Calendar 400, Senate Bill 1137.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On Page 43, Calendar 400, Substitute for Senate Bill Number 1137, AN ACT CONCERNING THE DEFINITION OF SCHOOL-BASED HEALTH CENTER, Favorable Report of the Committee on Public Health. We have amendments.

THE CHAIR:

Senator Gerratana.

SENATOR GERRATANA:

Good evening, Mr. President.

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

THE CHAIR:

cah/med/gbr  
SENATE

182  
May 23, 2013

Senate Bill 387.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	21
Those Voting Nay	15
Those absent and not Voting	0

THE CHAIR:

The bill has passed.

Senator Looney, good evening, sir.

SENATOR LOONEY:

Good evening, Madam President. Madam President, if the Clerk would return to an item marked passed temporarily earlier. We were waiting for an additional amendment which has now arrived. And that is Calendar page 39, Calendar 251, Senate Bill 1012. Thank you, Madam President.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 29, Calendar 251, Substitute for Senate Bill Number 1012, AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING, favorable report of the Committee on Environment. There are amendments.

THE CHAIR:

Senator Meyer, good evening, sir.

SENATOR MEYER:

Good evening, Madam President. Let me also congratulate you, Madam President, on the way you ran the Wall of Honor Program today for veterans. It was done with great dignity and so many of us who were there really enjoyed it.

cah/med/gbr  
SENATE

183  
May 23, 2013

THE CHAIR:

Thank you all for coming.

SENATOR MEYER:

With respect to the bill, I do move acceptance of the committee's favorable report and move passage of, as I said before, this good bill.

THE CHAIR:

The motion is on acceptance and passage.

Will you remark, sir?

SENATOR MEYER:

I will. Colleagues, as you recall, we visited this bill earlier today. This was a bill that was created in major ways by the Shoreline Preservation Task Force. Senator Fasano and I and perhaps others in the circle were members of that task force. And so the bill attempts to reach some help with respect to the effects of wave erosion, extreme weather and sea level rises and we have all of those going on on the coastline of Connecticut. The first way that this bill takes that on is to direct the Department of Energy and Environmental Protection to look at the best practices of coastal preservation by other states in the United States and by the federal government and that's what the first section of this bill does. The subsequent sections relate to dealing with structures that are on our coastlines. And Senator Fasano is very involved with respect to the legislation and if he's ready to take a yield, I would like to yield to Senator Fasano for his good work.

THE CHAIR:

Senator Fasano, will you accept the yield?

We're going to have a Senate recess.

SENATOR MEYER:

I did not call the amendment and the amendment to

cah/med/gbr  
SENATE

184  
May 23, 2013

which Senator Fasano will address. Will the Clerk kindly call LCO 7829.

THE CLERK:

LCO Number 7829, Senate Amendment Schedule "A." It is offered by Senator Meyer, et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I move it, please.

THE CHAIR:

The motion is on adoption of the amendment. Will you remark, sir.

SENATOR MEYER:

I would like to at this point to yield to Senator Fasano, who in great part was an architect of this amendment.

THE CHAIR:

Senator Fasano, will you accept the yield, sir?

SENATOR FASANO:

Yes, I would. Thank you, Madam President.

THE CHAIR:

Please proceed.

SENATOR FASANO:

Thank you very much.

Madam President, I would like to thank Senator Cassano, Senator Meyer, Senator Maynard, Senator Chapin for the hard work that they did to get this bill, which has many parts and covers environment and

cah/med/gbr  
SENATE

185  
May 23, 2013

planning and development. Madam President, there are a number of people in the House that are also on this bill that played a large role in getting this bill to this level. Madam President, I'm just going to just very quickly run through some of the changes and what's unique about these changes is I think it puts somewhat of a new face on DEEP, which I think is important. Madam President, one of the changes it does is it takes elevated decks and removes them from the coastal area management provision basically letting local control deal with those decks. Number two, Madam President, it also allows the commissioner to hold on to certain information with respect to dredging material that municipalities and certain flood erosion districts could use for beach replenishment. Sometimes these towns don't know where there is material. DEEP holds on to that information and you can call and get the granule size, which costs money if you were town, find a match and get the material. So I think that's very helpful because we want to encourage beach re-nourishment as opposed to hardening.

Madam President, we also come in line with marina regulations and laws. In New York, for instance, you can replace 50 percent of your dock, marine docks which are valuable business community asset here in Connecticut. Connecticut has 25 percent. We raised that to 50 percent, which I think makes a lot of sense. Madam President, we also added beach re-nourishment as a (inaudible), which is an expedited process through DEEP and cuts down the cost. Now, we did that for the public policy once again that if we make -- have them take less time and less expense, people will be encouraged to go that method as opposed to a sea wall or some other method. So, Madam President, that's a significant change.

Madam President, there are other changes with respect to docks and I want to go through this with some specificity. From 1939 forward, DEP had a permitting process for docks. Prior to 1939, there was no permitting process. This bill separates out 1939 -- did I say 59? I meant 95 -- this permit separates 1939 and before. If you build a dock, it's a matter of right. You get it. It's there. Nothing the DEP can do about it. You can tear it down and replace it

cah/med/gbr  
SENATE

186  
May 23, 2013

and you're good. From '39 to '95, if a dock is built from '39 to '95, it is -- and you did without a permit, you are grandfathered in; that is to say you exist, DEP can't tell you to take it down and you can do certain maintenance on it with the COP as long as you show substantial compliance with the existing environmental laws. And they may have your alter it to reach some of those finer points, but the idea is to grandfather those docks in prior to 1995.

Madam President, another key component of this, is when you go for a certificate are permission and you are denied by DEEP, you have a process in which you can appeal to the Office of Adjudication. Madam President, this is to open up dialogue. In the past, if you lost your COP, DEP denies, you have no other recourse but to resubmit. This requires a sitdown meeting with the Officer of Adjudication, which is located in DEP, but I have had some dealings with him as a lawyer representing clients and I have always found them to be fair in their deliberations. So this gives them an avenue to have some conversation and reach some sort of accord. Madam President, there also is a section which I think is very important which deals with hurricanes, tropical storms, events. If there is a hurricane or a tropical storm, 24 hours before the storm hits, you have a right to protect your property as your deem fit without a permit. You can put some artificial protection around your some or some valuable property asset. You're entitled to do that. However, you must take that down 48 hours after it is practical; that is, access to your property, you must take it down.

Currently, the DEEP commissioner has been very kind in watching the weather, seeing that the storm is going to hit and then put on the website; however, not a lot of people go to the website because their lives are so busy so now property owners along the shore front will know that the 24 period prior to the commencement of the storm or hurricane, you can exercise that option and not having to keep checking the websites to see if it comes up. Madam President, in addition to this, there is another provision which original law allows folks to protect their -- and I want to use the right word -- inhabited structures. That is to say you have a right to protect your inhabited structures in a

cah/med/gbr  
SENATE

187  
May 23, 2013

reasonable manner and in a prudent manner. This opens up to say commercial and residential structures and substantial appurtenances that are attached or integral thereto. That is to say, Madam President, if you had a marina, your marina is protected because it is a water dependent use, but the restaurant next to it is not protected. This makes that restaurant an integral part. If you had a house and you had a pool, that pool would be protected as an integral part of the structure, your residence.

If you had a house with a detached garage, that would be part of what could be protected. However, if you had a gazebo that was just something placed there and no substantial foundation, just placed in the ground, you could not argue that that's something that you have to protect. If you have a walkway that circled along your shoreline area, that's something that's not an integral part. The idea is that it's part of the function of either the commercial building or part of the function of the residence. This is not to allow people to create these artificial type of structures in order to increase their ability to protect their property. That's not the point of this.

Madam President, another extraordinarily important part of this bill, which goes back to the willingness of DEEP to have dialogue and reach a reasonable resolution in matters. If you submit a permit to DEEP, not a COP, but a full permit, you could be denied because there could be an engineering issue that you can't agree to. Now, staff at DEEP are not engineers, we do not hire them so it's tough for an engineer to have a conversation on that intellectual plane of engineering talk. So if DEEP were to say, through staff, that we don't believe that this engineering solution is prudent, reasonable, feasible, what have you or will work. The applicant and only the applicant would have the right to seek help from the Connecticut Academy of Science and Engineering.

I would like to take this opportunity on behalf of all the legislators who wrote this bill to thank them for volunteering to be placed in the bill. There is a fee that goes with this, but to allow us to use their services.

cah/med/gbr  
SENATE

188  
May 23, 2013

Madam President, what this would do is say you have to pay fee up to \$1500, application would go in. This academy would take the case and would look at it. If they believe it was an engineering issue, they would continue. If it's not an engineering issue, they can sort of get rid of it like a motion to dismiss and say it's not an engineering issue. We don't have any right to talk about this and this is how much the fee is and return the balance of the fee. Madam President, what this is does is say that if they do decide to get involved, there is a certain -- they get some written reports. They can request to talk to DEEP and the applicant or not; however, if they do, they make a decision, they have to make a decision within 120 days; however, at the sole discretion of this academy, there can be an extension for an additional 60 days. There will be a hearing thereafter which if they meet resolution, the applicant can cancel. If not, the commissioner can have a hearing on the whole matter. Madam President, the idea once again to have this discussion that has not happened in the past.

Madam President, there is also two more quick portions, one of which is a title issue, a number of liens are placed on titles, sometimes they're mechanics liens, they're mortgages, there is a whole slander of title, there is a whole bunch of liens that get placed on it. By operational law, these liens are dismissed. There is no such method for DEEP. We've placed in a method that allows it to happen over some period of time as stated in the legislation. The last part about this bill, once again, goes back to what I would consider a new face of DEEP and one that I respect so much for by taking this large step which is to say when you violate the regulations of DEEP, they hit you with a notice of violation. And a normal person who isn't a businessperson who lives down by the shore, you know, freaks out when they see this notice of violation. You know, they think they in all sorts of trouble. The only redress is to go to the staff member who wrote that and they panic. And frankly, they come with their tail between their legs and sometimes the results are not very good. What this says is we're going to call a notice of noncompliance. The language itself is to soften the image of DEEP. And DEEP agrees that part of this is

cah/med/gbr  
SENATE

189  
May 23, 2013

because DEEP is probably given a reference of being hardnosed and we're trying to soften that image up and the more we do that, the more we're going to have compliance by residents and the more conversation between residents and DEEP and we're going to protect the environment even more.

So this is a notice of noncompliance. Once it is received, they'll have an opportunity to call somebody other than staff, have a sit-down meeting, talk about what's going on and a possible resolution from there. If a resolution cannot be made from there, then it will go the next step as may be required. In addition, the notice for violations would continue on commercial because commercial people understand basically the business of that.

Madam President, those are the highlights of this legislation. I would be remiss if I did not thank Rob LaFrance who came to a number of a meetings and was very helpful, Commissioner Etsy, Commissioner Mackey for coming to these meetings, having these meetings over the phone, attending, being very flexible in the language without giving up the strong policies of protecting the environment. Without their cooperation, we could not be here. So it is a combination of not only between the two chambers, bipartisan, but also with the Department who understands and gets it and knows how to get a job down. So I'd like to thank everyone. I really appreciate all those who worked very hard on this bill. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further on the amendment? Will you remark further?

Senator Maynard. Senator Maynard.

SENATOR MAYNARD:

Thank you, Madam President.

Yes, I want to join with Senator Meyer and Senator

cah/med/gbr  
SENATE

190  
May 23, 2013

Fasano in thanking Rob LaFrance and the folks at DEEP, particularly Commissioner Esty and others, Commissioner Mackey for this thoughtfulness on this and the negotiation. The bill -- the amendment and the underlying bill do a great deal to change the relationship, I think, between citizens of the state, particularly those who have waterfront property, and enforcement agencies of the state and I'm particularly gratified by the change in the approach we're taking. As a shoreline legislator and someone who has dealt for the last seven years with issues, both commercial and private residential properties that are affected by this process, I can tell you that the frustration, sometimes the anger engendered by a protracted and often contentious process has been very, very challenging and we don't want our citizens to have their engagements with sometimes their only significant engagements with the state bureaucracy to be unsatisfactory and to lead to protracted and contentious legal action.

This is goes an extraordinarily long way in resolving that and changes the entire tenor, as Senator Fasano has said, in how we approach this. I think we all recognize that the environmental challenges that we face along the shoreline are significant. That with sea level rise and with the intensification of storms and the frequency of them, we're always going to be dealing with a moving sort of set of guidelines and it is important that underlying that we have in place a process by which our citizens who are often affected even by mundane dock repair permits, but right up to the catastrophe of Hurricane -- Super Storm Sandy and similar storms that we'll undoubtedly face in the future that folks who are faced with those circumstances find a process that's understandable, that's nonadversarial and that actually helps citizens and commercial property owners alike to recognize that we -- we are stewards of a delicate waterfront environment and we have to be in a cooperative environment to do our best to preserve that.

So I'm very, very pleased that this legislation has come forward. I think it will go a long way toward ironing out a lot of the difficulties that we've had and will, in fact, will provide a much, much more streamlined process. And I thank Senator Fasano, my

cah/med/gbr  
SENATE

191  
May 23, 2013

Senate cochair on the Long Island Sound caucus. We come from different ends of the coastline, different sides of the aisle, but on this occasion, we've been very, very pleased to worked intimately together on resolving some very thorny issues that I think will be to benefit all of our citizens. Thank you very much.

THE CHAIR:

Thank you.

Will you remark?

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

I am overjoyed to see the end product here of what probably amounted to about six months worth of negotiations. I want to thank every single person who was involved directly with the negotiations. I was lucky enough to sit on the Shoreline Task Force and throw in my two cents once in a while. But I understand that the vast majority of Senators in the circle do represent shoreline communities and I don't need to repeat to them, but to those who may be further inland from upstate, when you go through an experience such as Irene or Hurricane Sandy or any of these other subtropical storms, it is absolutely devastating. And to be honest with you, the follow up when you're trying to help your constituents repair their properties whether they're commercial or residential to go have to deal with the bureaucratic system which really doesn't have a whole a lot of user friendliness to it, when they're overwhelmed quite frankly, we know that their budget has not been increased as much as it should have been, it can be a very, very disheartening experience.

So I, for one representing a couple of coastal towns in my district, am overjoyed to see this moving forward, trying to streamline the whole process particularly when we're talking about recovery from a disaster.

cah/med/gbr  
SENATE

192  
May 23, 2013

And through you, Madam President, if I could ask Senator Fasano a few questions about how this bill -- while he's getting to the microphone, it's a new Department of Environmental Protection called DEEP now and our commissioner is someone who gets it. I've worked with him directly and indirectly and we have our own Rob LaFrance who gets it, who understands that there is a huge overlap between the interests of the private sector and individuals and the quest to preserve the environment and conservation in general as well and there are people within the department who get it as well. One that comes to mind is Tanya (inaudible) who is in charge of the Long Island Program who is absolutely terrific to work with. It's come a far distance from where we used to be.

So though you, Madam President, a couple of questions for Senator Fasano.

THE CHAIR:

Please proceed, sir.

SENATOR FRANTZ:

Senator Fasano, again, thank you for your hard work on this. If you are looking at Section 502, which is the very beginning of the bill, and you look at Subsection (h), there is language in here, some of which is existing which says "any revision made after October 1, changed to 2013 from 2012, shall take into consideration risks associated increased coastal erosion depending on site topography," and then some deleted language and then new language, "as anticipated in sea level change scenarios published by the National Oceanic Atmospheric Administration in a technical report..." Through you, Madam President, I was not aware that there was already language in statute that had -- the implication there is that municipalities would have to take into consideration risks associated with increased coastal erosion, but if that is the case, if the Senator could give a us brief description of what that means.

THE CHAIR:

Senator Fasano.

cah/med/gbr  
SENATE

193  
May 23, 2013

SENATOR FASANO:

Thank you, Madam President.

Senator, thank you very much for your question. Last year we passed a bill that required -- it did a couple of things and one of which it did was require to take into consideration the increase in coastal erosion and what we believe -- what we wanted to do was to have a sort of objective view of what those increases were as opposed to either a town or DEEP or someone suggesting what it was and by having this NOAA come in with their technical report, undoubtedly, that is a straightforward scientific report for which you can look at and the motive, if you would, of that report, would not be in question. It's just a straightforward report.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

And through you, Madam President, thank you for that answer. So the follow-up question, that is the new language as anticipated in sea level change scenarios, that's perhaps a new twist. We saw lots of evidence that this may be happening temporarily but it may not be happening for the long term so my question is the report that is referred to -- or the scenarios published by the NOAA, which I'm not familiar with, would be what sort of guidance to municipalities. Through you, Madam President.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

As I understand it, the sea level rise differs from region to region, northeast, mid-Atlantic, west coast and then -- so it depends on where you are and what

cah/med/gbr  
SENATE

194  
May 23, 2013

this does, as I understand it, is track the tied buoys at New Haven and Bridgeport for example to get the understanding of what that sea level rise is and then it does a projection out -- I don't remember if it's ten, 20 -- it's at least 10 or 20. I don't remember if it goes to 50 years based upon the last best information. So you're right that if 20 years from now the sea level rise is a trend that then reverses itself, that would also be reflected in this report.

THE CHAIR:

Senator -- I'm sorry -- Senator Frantz.

SENATOR FRANTZ:

Thank you, Madam President.

Thank you for that answer and I'm glad you gave the final comment that if, in fact, that reverses itself, that that will be taken into account as well and we do trust the NOAA on this particular issue and we trust that they would reflect that circumstance in any additional data that we have, municipalities anyway, pay attention to. And through you, Madam President, another question. There will only be two more questions.

Through you, Madam President, in Section 509 Subsection (f), there is a very brief line that says -- which confused me and I would like to get some clarification through Senator Fasano. It reads "The existence of any waterfront access easement created after January 1, 1995, shall not entitle an owner of the dominant or servient estate to additional structures for littoral access." I -- not being an attorney, I don't really understand what that means so if the Senator could give us a little clarification. Through you.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, what has happened is there have been people who have a piece of property along the shoreline and if they don't want to put a dock, they will give -- what they have done in the past, if you're a neighbor a block behind, will give you an easement to go over their property to put up a dock. DEEP says you must have frontage on the shoreline to place a dock and you're only entitled to one dock per frontage. So they were doing this and a couple occasions have occurred prior to 1995 where this was done and then the owner of the property who bought the property years later wanted to put up a dock and they were prohibited because they had this easement that ran forever to the neighbor behind them that they didn't create, someone else created. So they couldn't put up a dock. So this says, okay, prior to 1995, which is a version that we used through this whole document, you are entitled to have that, but after 1995, you can't do that.

And the reason for that is you could take a piece of property with 100-foot frontage and make some money by giving out 20-foot strips and let everybody do a dock off of that and that would be something we wouldn't want so we picked 1995 because of the permits being required and say anything done before that we'll grandfather it in. Anything after that, it cannot happen.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you. And through you, Madam President, that makes infinite sense and thank you for that clarification.

Section 513 Subsection (b), which says "No order issued by the Commissioner of Energy and Environmental Protection pursuant to Section 22-6b shall continue enforced for a longer period than 15 years after the order has been issue unless the commissioner has taken judicial action to enforce such order. Any order for which the Commissioner has not take -- has not take --

cah/med/gbr  
SENATE

196  
May 23, 2013

any order for which the Commissioner has not take judicial action shall be invalid and discharged as a matter of law after the expiration of the 15-year period." I just want to get some clarification for legislative intent through you, Madam President, there.

THE CHAIR:

Senator Fasano.

SENATOR FASANO:

Thank you, Madam President.

Madam President, through you, so what happens is DEEP can talk about -- we talked about the notice of violations, you don't comply DEEP comes after you and you don't comply, they can do an order. That order is recorded on the land records and sits on that land records. If it was a miniscule order or even if the person complied, sometimes they don't think -- neither thinks of releasing the order so it could sit there. Now, you go to sell your house, you had this order and maybe complied with the order, it's 25 years later, you go to sell your house and the guy buying it, his lawyer says, hey, you got that DEEP order, you've got to get rid of it. Well, trying to ask a state agency to release an old order, it's going to be like well I'm not doing it. I'm not doing it. So in law, we have mechanics liens which automatically after so many years -- after one year if they're foreclosed have no existence in law. Mortgages after 40 years have no existence in law. So we put it on 15 years.

DEEP said listen, if we have taken action in 15 years, we're not interested. We don't do it that often, put on the liens, but to the extent that if we do and we don't take action, that's fine. It just ends by lapse of time.

THE CHAIR:

Senator Frantz.

SENATOR FRANTZ:

Thank you.

And thank you for those answers, Senator Fasano. I'm done with my questions and I'll just wrap things up by making the comment that this really is a different Department of Environmental Protection. It's called DEEP nowadays and it is really going -- it's a huge step in the right direction. Those of us who represent towns on the water know the devastation, particularly down in the southwestern part in the recent storm and two storms ago, Irene, in the central part of the coastline in the New Haven area and Senator Meyer's area and Senator Maynard's area, were just absolutely hammered, and you know, the visual on it is that there were docks and rocks up on people's lawns and in parking lots and in businesses literally going into the middle of buildings and it has taken a long time to clean up from Irene and I would commend all of the people at DEEP for their willingness to negotiate this particular amendment bill going forward because I've always believed in my heart, as many of you, that there is a huge common interest between us as individuals and businesses and our concern for the environment to do whatever we can do to be good stewards of it and I think with that sort of positive spirit going forward, we're going to have a lot more success in the future. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark?

Senator McLachlan.

SENATOR McLACHLAN:

Thank you, Madam President.

I rise to lend support to this amendment and would like to thank those who worked so very hard on this. Surely, we've heard how the Department of Energy and Environmental Protection has stepped up to the plate in a big way in trying to change the way that they interact with the public. Senator Fasano has introduced with Senator Meyer and others what I think

cah/med/gbr  
SENATE

198  
May 23, 2013

is a best practice that I would like to zero in on for accolades if we could and that is this idea of an advisory engineering evaluation. Now, those who have regular interaction with state government agencies understand the frustration sometimes of trying to fast track -- move along their permit application and I think that this works well for both the applicant and for the agency by a third party lending an opinion that is a neutral opinion on an application but yet probably can help in a great way, find ways to make things much more efficient, allow the applicant to make the right decisions to make changes, if necessary, this I believe is headed for a best practice blue ribbon award in the state of Connecticut and I'll tell you why.

This idea I think can be expanded to other agencies in state government and I look forward to getting reports from DEEP in hopes that this process works well and that they'll consider expanding it to other parts of the agency and perhaps even the Department of Transportation will entertain this idea as well at the State Traffic Commission. So, Madam President, I think this is a great idea and thank you to all who worked so hard on it.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, I'll try your minds. All in favor of Senate "A," will you please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed.

Senate "A" passes.

Will you remark? Will you remark?

cah/med/gbr  
SENATE

199  
May 23, 2013

If not, Senator Meyer.

SENATOR MEYER:

Yes, Madam President, and I want to thank all the people who cooperated on this. If you look at the face of the bill, the front of the amendment, you will see what a large cooperation this was from both houses and both parties so we're going to have a healthier shoreline and coastal area than we've had before as this bill moves forward.

So can we add that to consent? We better have a vote, Madam President.

THE CHAIR:

That's right.

Will you remark?

Senator Looney, did you say something?

SENATOR LOONEY:

Thank you, Madam President. Speaking in support of the bill, as amended. Madam President, I wanted to commend Senator Meyer, Senator Fasano and everyone else who worked on this because clearly issues related to our shoreline have become -- have come to us with a greater sense of urgency just within the last couple of years since the storms and the summer of 2011 on to now that we have seen affected communities from Fairfield to Milford to New Haven to East Haven to Madison to Guilford, all the way along the shoreline. Different storms have had different impacts at different locations at different times, all of which have raised issues in terms of what homeowners do to help strengthen their defenses against erosions and preserve what they have and at the time implicating issues related to the legitimate role of the Department of DEEP of regulating shoreline uses and preserving coastal areas. And I think that the measures in this bill, as amended, present the balanced approach to this important problem solving.

I think -- I think one of the important sections to

cah/med/gbr  
SENATE

200  
May 23, 2013

point to is on lines 283, 84, and 85 of the bill that the existence of any waterfront access easement created after January 1, '95, shall not entitle an owner of the dominant estate to additional structures for access. So again, I think (inaudible) of the balance in the bill so that the existence of an easement shall not create an as of right to create additional structures that might be implicated or constructed on that easement, meaning that there is a role for a reasonable permitting process here. But at the same time, we wanted to make sure that citizens are not so frustrated by an unreasonable permitting process that we know has been one of the issues of contention and polarization between shoreline homeowners and DEEP over the years and many of those concerns we think are resolved in this bill through the good-faith efforts of all parties involved.

So again, I particularly wanted to thank Senator Meyer and Senator Fasano, as well as their counterparts in the House, for all their good work and bringing it to us this evening. Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

If not, Mr. Clerk, will you call for a roll call vote and the machine will be open.

THE CLERK:

Immediate roll call has been ordered in the Senate.  
Senators, please return to the chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members have voted, if all members have voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

cah/med/gbr  
SENATE

201  
May 23, 2013

Senate Bill 1012 as amended.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those absent and not Voting	0

THE CHAIR:

The bill passes.

Points of personal privilege. Would you remark?

Senator Lebeau.

SENATOR LEBEAU:

Thank you, Madam President. I rise for a point of personal privilege. I would like to introduce to the members of the Senate a group of Boy Scouts and their leaders up on the opposite side of the Senate from Troop 880 from South Windsor. I'm very proud to have them here tonight. They're giving us a waive. They're lead by Steve Lewis. Steve used to be a clerk in the -- Steve, why don't you stand up and say hello -- Steve used to be a clerk in the public health department for 13 years, Public Health Committee. And we also have Dr. Jack McCabe, Robert Sagget and other adult leaders and Matt Reed, who happens to be the chief of police from South Windsor, and I think many of you have met as he has testified on a variety of bills here at the capitol. So if the -- I would very much appreciate, some of these young men were here years ago as Cub Scouts so we welcome you back. We have a couple of hands on that. And I want to thank you for coming up tonight and I think you would notice that there was not much contention on that last bill. It was 36 to nothing and you would be surprised at how often that happens.

THE CHAIR:

Yes, I would, sir.

SENATOR LEBEAU:

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 5  
1323 - 1665**

**2013**

6  
lk/gbr ENVIRONMENT COMMITTEE

March 8, 2013  
10:30 A.M.

the next time.

Okay. We're very pleased to have the Commissioner of the Department of Energy and Environment Protection, Dan Esty.

Good morning, Commissioner.

COMMISSIONER DANIEL C. ESTY: Good morning, Chairman Meyer. I'm hoping I can bring Deputy Commissioner Whalen and Deputy Commissioner McCleary along with me to both comment on some of the legislation before you today and to provide answers to questions that go beyond the scope of the Commissioner's expertise.

HB6437

SB1010 SB1012

SB1013 SB1014

First, let me say a huge thank you to the Committee. I am pleased at the success we've had over the last several years working together to address issues. And I'm grateful for the leadership of the Committee and for the ranking members who I've worked with very carefully. So, thank you all and thank you for the opportunity and, today, talk with you about several things that we care a great deal about.

And let me start if I can where you just left off by thanking the Mayor and thanking Marilynn for their leadership on the mattress stewardship program. And the legislation before you which I think has been refined and calculated to be a very good consensus piece of legislation, one that we're excited about. And, Chairman, you were both correct in indicating that Pat Wildlitz is a real leader on this. And we owe her a debt of thanks for having guided us to the point where we are today.

So, I'm sorry that Pat is not here. But I honor her work on this over several years. And I think the recognition of this is an important

So, we are excited about the legislation before you. The bill, of course, does not impose a mandate on our municipalities. So, I think it's a great recognition of the choice that people should have. But, most fundamentally, I think by creating a unified structure across the state, we overcome one of the great challenges that has, frankly, I think been a challenge across the State of Connecticut for decades. And that is, our tradition of home rule and 169 cities and towns going off in their own directions.

And in our desire to bring together sufficient supply of potentially recyclable products like mattresses having a unified structure that aggregates the supply and allows the market to work better is really the state doing its policy job in a very effective way. I think the idea of consistency will help that market function. And I think we really have here, again, a consensus draft that I believe will become a model for the country.

So, thank you for the opportunity to talk to that bill for a moment. I'd like to switch gears if I can and address an inner related set of four bills, Senate Bill 1010, Senate Bill 1012, 1013, and 1014 which all relate to what I would call an interrelated or interconnected set of issues involving our response to storms, our coastal exposure and the challenge of climate change, and, frankly, our desire and this department's focus on resiliency as a much greater priority in our public policy.

In leading into my commentary on these bills, I want to thank, in particular, Representative Albis and the entire coastal taskforce. I have been really pleased at the ongoing back and forth between the department and the coastal

taskforce and am grateful for the leadership of that committee in providing an opportunity for dialog on what represents some challenging choices. We have some really difficult issues here. And, once, frankly, I'm grateful we have a legislature that is called upon to answer.

I'm happy to offer some thoughts on how to balance some of the things that are before us, but I fundamentally do believe it's the legislature that is the body best positioned to trade off some of the choices between cost and protection, between risk born by communities and born by individuals and the desire for us to be more resilient and protected going forward versus the desire of some to rebuild in place and as they always have been.

So, we've got some tough choices, but I would like to just share a few quick thoughts. With regard to Senate Bill 1010, our department supports the concept of incorporating resiliency criteria for STPs and for water infrastructure under the clean water fund. We already do this to some degree. And I think there is, though, a value in recognizing the importance of that thrust.

With regard to Senate Bill 1012, we've already started collecting information and providing guidance, but we do need greater efforts and assistance in promoting best practices for non-structural adaptation and response. So, I think the idea of bringing together best practices for coastal structures and trying to imbed that in our policy structures, both, at the local and state level does make sense.

With regard to Senate Bill 1013, this we think is a very important bill, perhaps, the biggest of the four that I'm speaking about today and offers, really, an importance past forward for

SENATOR MEYER: Pretty comprehensive package by the Department. We appreciate it.

Commissioner, with respect to coastal management, an argument can be made that the package of bills we're looking at today is too soft in the following respects. First, we're not really setting strict standards with respect to reconstruction of buildings which have been hurt by extreme weather or new buildings that are going into locals that are subject to extreme weather. Secondly, we have not adopted an idea of yours. And that idea was to create a public/private fund by which shoreline building owners could, voluntarily, if they chose, sell their structure into that fund. Do you have any comment on whether we should be looking at a more rigorous schedule or should we be waiting to get the data that one of the bills has here and look at this again next year and the year after?

SB1010  
SB1012  
SB1013  
SB1014

COMMISSIONER DANIEL C. ESTY: Senator, I think this is at the heart of the balance that I said we have to strike. And I'm grateful that the Legislature has prime responsibility for it because I think these are not easy choices. And, frankly, as you know and as I think the coastal taskforce brought forward in its series of hearings, there is on the one hand a real risk of allowing people to rebuild in the same old way, particularly, on the beach in harms way. But in the other corner of that debate are people with great family traditions and histories of being on the water three and four generations in the same beach cottage. And I'm very aware of the settled expectations of some of those folks that they have a property right to rebuild.

I think there are two possibilities here.

Well, three factors. One is I do think we need to get a better foundation of understanding what the options are. I think the data is called for will be useful. Second, I think there is a new structure of market pressure that's about to be brought to bear by FEMA with rules that are going to make it much more difficult to get flood insurance if you don't lift your facility or move it back from harm's way or, in otherwise, make it less of an exposure from a FEMA insurance point of view. So, I think the discipline of that new market structure from FEMA has yet to be seen and yet to be -- we're unclear as to how far that goes to addressing the concern you've raised which I share. By the way, I fundamentally do share that concern.

You raised the idea of a buy-out fund which I have introduced. And I do think that's an important consideration. We are looking to see whether there's any possibility of deploying some of the storm Sandy money that will be coming to the State of Connecticut to create such a fund. Governor Cuomo in New York is proposed a similar kind of fund. I do believe this is the right way to balance that sense of private property right with the public value of taking people out of harm's way, particularly, who voluntarily want to remove themselves.

The State of Connecticut, as you probably know, has historically tried to move people back. We've had some success, particularly, after extreme storm events. Silver Sand State Park in Milford is a function of a series of houses having been wiped out in a hurricane of '38. I think there's some places where we know the exposure is very high and where we would do well to, again, create some kind of an opportunity to clear back houses that are very badly damaged and won't be easily rebuilt. But

20  
lk/gbr ENVIRONMENT COMMITTEE

March 8, 2013  
10:30 A.M.

I think we don't presently have the funds to set up that buy-out fund. It is a tough economic moment. So, I would urge that we keep an eye on that and together work on this as the potential for resources emerges.

SENATOR MEYER: Commissioner, McCleary, did you want to comment on any of this?

DEPUTY COMMISSIONER McCLEARY: I think Commissioner Esty, actually, covered almost everything I would have said. The only thing I can add is that we are aggressively looking at what I would call best practices whether it means meeting with the State of New York which I believe we're setting up in the next week or so to understand, both, exactly what they're doing prospectively, but, also, how they've been so effective in convincing the federal government to take on some of these relatively high costs that states, themselves, are having a difficulty bearing.

SENATOR MEYER: Questions or comments?

Representative Albis.

REP. ALBIS: Thank you, Mr. Chairman and Commissioner Esty. Thank you so much for your input, your advice, and your assistance throughout the process of the Shoreline Task Force and us coming up with our report and recommendations. It's very much appreciated. And it's great to have you hear today.

I just wanted to get a comment about Senate Bill 1013, the Center for Connecticut coast. First of all, I agree with you, we can't focus entirely on the coast because it's not just a coastal issue, it's an issue statewide where there are -- anywhere where there's a flood zone. So, I think it's important to really

43  
lk/gbr ENVIRONMENT COMMITTEE

March 8, 2013  
10:30 A.M.

SENATOR MEYER: You will have one.

Senator Fasano. We will then be turning to the public list and alternating.

SENATOR FASANO: Thank you, Mr. Chairman. I do want to point out the fashionable boots worn by the Commissioner.

SB 1012  
SB 1014  
SB 1013

Chairman Gentile, Chairman Meyer, members of the Committee, I'm here to talk about a few of the bills. And I want to start with Senate Bill 1010, AN ACT CONCERNING SEA LEVEL RISE FOR FUNDING OF PROJECTS AND THE CLEAN WATER FUND.

I think this is a good attempt at doing it. And I think it's a good idea. What I do want to point out is the standard that we use for residential is you're only allowed to use, let's say, protection. This is mitigate which one would leave to believe that it's mitigation against sea level rise onto a project, existing project, perhaps. But the standard that's used for homes is when it's necessary and unavoidable, no issue of feasibility, either structural or feasibility in terms of cost. And I only rise that standard because the hypocrisy that sometimes happens is we tend to make it tougher for homeowners to live along the shoreline then we do for either state facilities or municipality facilities. And this is an example of where we use a softer standard because we don't want to burden states or burden the state or burden the municipality and a much tougher standard when it comes to home.

And the ability of a homeowner to protect themselves in this building, I would suggest, is a lot less than the building -- of the ability for certain agencies and municipalities to protect themselves in this building. So, I

raise that more as a point of policy that's in this bill.

Next is Senate Bill 1012 best practices for coastal structure and permitting.

SENATOR MEYER: Senator, before you move off of 1010

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SENATOR FASANO: Yep.

SENATOR MEYER: -- are you proposing any alternative language here in this bill in 1010?

SENATOR FASANO: I would, frankly, like -- the reason I raise that is I'd, frankly, like to see that language incorporated in the Section 22A 92B which deals with home structures. The word "feasibility" is not put in there at all. I'd like to see that change to be consistent with Senate Bill 1010.

In Senate Bill 1012, best practices for coastal structure and permitting, I think that the change that I'd like to just put in there, I think this is a good bill. I would like to add that it also come back to -- strike that. I'd like to add that we had the Connecticut Home Builders Association and, also, that I have some language if the chairs would so permit me to give which would allow Connecticut Home Builders and if it's not Connecticut Home Builders some input from the building industry to also provide the information.

In addition, I would ask that it be turned over -- the information with the 90 days submitted to the chairs and ranking members of the Environment Committee and the planning and Development Committee. And the reason why I would add the building industry is because, with all due respect to DEEP, it seems to me

it's coming through one conduit and, perhaps, multiple conduits to give a different variety of what can be built and what can't be built and new stuff that's coming on the market maybe extraordinarily helpful.

So, I just want to make sure if we're getting the information from one group in order to ensure that it covers, perhaps, those who want to encourage building as opposed to those who want to discourage building, having another equal voice at the table may make sense.

The other bill I want to talk about is 1013, adaptation of data collection. Once again, I think that's an extraordinarily good idea. It dovetails with some other -- with a best practices, I think. I would also add in, I think, Representative Albis talked about it before. Do you think land use is an important part? I think land use is an intricate part. So, maybe, Planning and Development Committee could also get the reports along with the Environmental Committee.

In Senate Bill 1014, I do have some concerns of Senate Bill 1014. And just give me a chance to find it. Here are my concerns.

SENATOR MEYER: And Dave Sutherland has spoken to this, too, and I think is going to be offering testimony later with respect to a change in bill 1014. Have you talked with him?

SENATOR FASANO: Yes. Dave Sutherland has given me some language a few minutes ago. I haven't digested it. We're going to meet --

SENATOR MEYER: Okay.

SENATOR FASANO: -- and talk about it. I don't know what the changes are going to be or where this

61  
lk/gbr ENVIRONMENT COMMITTEE

March 8, 2013  
10:30 A.M.

MICHAEL CICHETTI: It's in my testimony, sir.

SENATOR MEYER: It's your testimony.

MICHAEL CICHETTI: Yes.

SENATOR MEYER: Okay, good. Great. Thanks.

Any questions? Representative, no? Thanks so much.

MICHAEL CICHETTI: Okay, thank you.

SENATOR MEYER: Our next witness is Kachina Walsh-Weaver followed by Joseph Wasserman.

KACHINA WALSH-WEAVER: Good afternoon, Senator Meyer, members of the Committee, Kachina Walsh-Weaver with the Connecticut Conference of Municipalities. I am here in support of House Bill 6437, AN ACT CONCERNING A MATTRESS STEWARDSHIP PROGRAM. We've testified in support of this bill a number of times over the last several years. We see this as a positive step towards creating a statewide mattress stewardship program for end of life's management of mattress disposal.

(HB 6538)

As has been stated before by people before me, there's a huge cost associated with the disposal and treatment of these mattresses at the end of life. Municipalities have been burdened with this and they're looking for some relief. There's been previous product stewardship programs that have been implemented in Connecticut seem to be very successful, the reducing costs on the local level. And we are happy to support that again this year.

If I could just quickly support a few other bills that are in front of you today, the sea level rise bills. We're very happy to see

SB1010    SB1012  
SB1013    SB1014

these move forward. We think the tools that will come out of them will be very helpful to everyone. We would like to continue to work with the Committee and other individuals on these issues to make sure that the best approaches are always taken.

Lastly, House Bill 6438, AN ACT CONCERNING ARBOROUS AND TREE WARDENS. We certainly understand some of the genesis behind putting some new requirements and professionalizing these programs -- these individuals a little bit more. We are concerned that additional costs and time constraints placed on them might shy some of these individuals who some of which are volunteers on the legal level. We might have a little bit of a difficulty bringing more people in if they're going to have pay more and do more in order to volunteer their time for these services. So, we would just encourage you to be sensitive of that as you move forward with the language.

(HB 6538)

SENATOR MEYER: Okay, Kachina, we do appreciate your consist support of the mattress stewardship program. And your -- you proposed this before and thank you for being consistent.

HB6437

KACHINA WALSH-WEAVER: On the arborous and tree wardens, I think we're taking -- going in the direction of more training and certification because of what we've been through with the storms.

HB6538

KACHINA WALSH-WEAVER: Certainly.

SENATOR MEYER: And we're advised that so much of our power outages come from trees that have fallen on wires. And if we can have more training and more professional approach towards tree cutting or removal, you know, we're going to have fewer power outages. But to have power

outages for five, six, and seven days because of tress that have not been trimmed or pruned or cut, you know, it's something that's hurting the residents of this state. So --

KACHINA WALSH-WEAVER: Certainly.

SENATOR MEYER: -- that's, in part, what we're trying to get at here with this bill.

KACHINA WALSH-WEAVER: And we do understand that. And we appreciate that, certainly. I know DEEP had talked earlier about some of the online testing that they're doing, online for boating licenses and, maybe, something along those lines could also be looked at for these individuals to make it as easy possible having to get trained as you're seeing -- as you're desiring them to be.

SENATOR MEYER: Any questions?

Yes, Representative Albis.

REP. ALVIS: Thank you, Mr. Chairman.

Kachina, thank you very much for your testimony here today. I just wanted to ask you, what do you think our municipalities' great challenges from we're talking about sea level rising and coastal flooding?

SB 1010  
SB 1012  
SB 1013  
SB 1014

KACHINA WALSH-WEAVER: Well, I was really hoping I wasn't going to get very many questions on this. I'd have to get back to you on that, really. It's an issue that I'm still trying to wrap my head around entirely. We've had, you know, a number of municipalities come forward with either their stories as it relates to the storms and what they're going through, what they continue to go through almost a year and a half later, actually, a over a year and a half

64  
lk/gbr ENVIRONMENT COMMITTEE

March 8, 2013  
10:30 A.M.

later after Irene, not to mention the storm that we had this last year and the winter storms.

There's a lot of rebuilding that still needs to be done. They -- as with a lot of -- as with many instances, there are conflicting requirements in dealing with different agencies and what people know on the local level, what residents are doing. So, there is, obviously, a lot of things that need to be done in this area. Do I have specific suggestions for you, not right at the moment. But we'd, certainly, like to continue working with you. And we think that these bills, certainly, move in the right direction.

SENATOR ALBIZ: Thank you. I do think it would be helpful for the Committee to hear maybe an aggregate description of what the greatest problems municipalities are facing, what challenges they see forthcoming in the future. So, that would be very helpful. Thank you.

SENATOR MEYER: Thank you, Representative Albis.

Okay, appreciate it, Kachina. Thanks.

KACHINE WALSH-WEAVER: Thank you.

SENATOR MEYER: Come see us again.

Our next witness is Joseph Wasserman followed by Aaron Terranova and then Chris Hudgins.

JOSEPH WASSERMAN: Hello. My name is Joe Wasserman. I'm with Connecticut Coalition for Environmental Justice or CCEJ. We work with folks in urban areas in Connecticut around issues having to do with urban pollution and how it affects the health of the residents. I want to thank Senator Meyers and the other

HB 6437

121  
lk/gbr ENVIRONMENT COMMITTEE

March 8, 2013  
10:30 A.M.

REP. GENTILE: Thank you. David, thank you for your testimony.

DAVID SUTHERLAND: Thank you very much.

REP. GENTILE: Grant Westerson. Grant will be followed by followed by Sidney Gale.

GRANT WESTERSON: Good afternoon. It's been a long day for everybody, I guess.

Chairman, Senator Chapin, distinguished members, thank you. Grant Westerson with Connecticut Marine Trades Association. I wanted to make a comment on a couple of bills that I've submitted testimony on.

SB1014 HB6541  
HB5811

Senate Bill 1012, AN ACT CONCERNING BEST PRACTICES CONCERNING BEST PRACTICE GUIDE FOR COASTAL STRUCTURES AND PERMITTING That's probably one of the best ideas I've heard come down the line in a long time. There's a lot of things, I think, the permitting agencies can learn from other states. And this would be a great opportunity to do that.

Some things that are being done well elsewhere, but I don't think Connecticut spent as much time on is probably not something that a lot of money is going to be found for. But we, certainly, hope that particular issue moves along.

Senate Bill 1017, AN ACT CONCERNING ABANDONED BOATS. This is a new process that DEP put together to administratively handle abandoned boats which I don't think is as big a problem in the state as may be said at times. But our industry also has to deal with abandoned boats within facilities. And we utilize the vessel lien process which is in statute already. This new process doesn't replace the old one, it



Testimony of:  
Save the Sound  
a program of Connecticut Fund for the Environment



**In Support of**  
S.B. 1010 AAC SEA LEVEL RISE AND THE FUNDING OF PROJECTS BY THE CLEAN WATER FUND  
S.B. 1012 AAC A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING  
S.B. 1013 AAC CLIMATE CHANGE ADAPTATION AND DATA COLLECTION  
S.B. 1014 AAC THE DEFINITION OF "RISE IN SEA LEVEL"

Before the Environment Committee

March 8, 2013

Submitted by Leah Schmalz, Dir. of Legislative and Legal Affairs

*Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.*

Dear Senator Meyer, Representative Gentile, and members of the Environment Committee:

Thank you for the opportunity to comment on Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund; Senate Bill 1012, AAC Best Practices Guide for Coastal Structures and Permitting; Senate Bill 1013, AAC Climate Change Adaptation and Data Collection; and Senate Bill 1014, AAC The Definition of "Rise in Sea Level."

Save the Sound, a program of Connecticut Fund for the Environment **supports all four of these bills**, which together will help the state, municipalities, and citizens better prepare for and adapt to the impacts of climate change on our shoreline.

In less than two years, the Long Island Sound region has been walloped by four major storms — two tropical storms and two snowstorms. Though only some hit Connecticut directly, all four were direct hits on our infrastructure, economy and way of life.

Not only have these storms increased in frequency, they are bringing higher snow and rain amounts, winds, and storm surges — often at historic levels. In last month's blizzard, Milford, CT received 38 inches of snow. Sandy brought Bridgeport a 13.3-foot storm surge, even higher than the 12.1-foot surge that hit the city during Tropical Storm Irene.

In Connecticut, we've begun the process of adapting to effects of climate change. Over the past five years, universities have helped identify new policies, agencies and non-profits have created coastal resiliency tools, and the Governor's office has established workgroups to review natural resources and infrastructure in light of our changing climate. The state has used this information to start taking action, most notably through the first steps of last session's sea level rise bill and currently through

recommendations provided by the Shoreline Preservation Taskforce and found in the four bills before Environment Committee.

Storms Irene and Sandy demonstrated the need to enhance the resiliency of our wastewater infrastructure in the face of climate change. Sea level rise and storm inundation threaten numerous plants along the coast. Reports after Sandy indicated seven of the state's sewage pumping stations were forced to discharge raw sewage into nearby waterways during the storm and four sewage treatment plants were flooded or inundated with water, forcing them to resort to primary disinfectant treatment. Furthermore, Stamford's POTW had operational issues with their treatment system which included losing solids, low UV dosage, and loss of clarifiers. Funding to modify pump stations and electrical systems will be necessary and planning for future expansions and plant sites, in light of climate change, is critical. Connecticut pays for sewage treatment needs through the state Clean Water Fund. Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund, will allow the Department of Energy and Environmental Protection to factor in impacts of sea level rise on potential projects when DEEP considers which projects will receive funding.

Senate Bill 1012, AAC a Best Practices Guide for Coastal Structures and Permitting, will helpfully augment DEEP's current efforts.

To plan effectively for climate change and sea level rise, leaders need further research, accurate information about natural resources and reliable forecasts. Senate Bill 1013, AAC Climate Change Adaptation and Data Collection, directs DEEP and UConn to investigate creating a "Connecticut Center for Coasts." Eventually the Center is expected to map shoreline changes and flooding, develop statewide planning guidelines, create a comprehensive coastal infrastructure inventory and risk assessment, analyze the impact of seawalls in urban and rural communities, develop tools for determining the most appropriate shoreline protection strategies, and more. Save the Sound strongly supports the future creation of such a center. In addition to the development and consolidation of information, outreach that highlights resilient shoreline protection options for our communities is essential. It is crucial that we safeguard homes, infrastructure, and public access, but shoreline communities require options and information to guarantee that they use "living shoreline" techniques—like tidal wetlands, dune systems, beaches and other natural resources—in the adaptation process. Additionally, extensive education is needed to ensure the public understands that those resources are highly susceptible to damage by excessive shoreline armoring.

We know that the water level in Long Island Sound has risen and that its rate of rise is increasing. A bill last session included sea level rise as a factor for municipalities to consider in planning for development. While that was a good first step, it based the definition of sea level rise on past observations, not on scientific projections for the future. Senate Bill 1014, AAC the Definition of "Rise in Sea Level," is intended to build on that new definition by letting municipalities use the best sea level rise projections available for their planning activities. Save the Sound supports the clarifications to this bill proposed by The Nature Conservancy, which are in line with the original intent of the Shoreline Preservation Task Force.

Scientists say the Long Island Sound region will likely see a sea level rise of 1.5 feet by 2050, and 3.5 feet above current levels by the century's end. If levels rise as predicted, not only will we lose shoreline areas and infrastructure, but increased flooding and storm surges will cause more damage in future storms. Identifying and implementing ways to protect our shoreline will be a long-term project, and will require serious commitment and investment by the region. The Shoreline

Preservation Taskforce has done an admirable job of sifting through information and developing recommendations on complex issues and the state must keep up momentum —after all, if the region learned one lesson from Sandy, it is that the storm is brewing. We cannot afford to be caught unaware. Supporting SB 1010, SB 1012, SB 1013 and SB 1014 will help build a balanced approach that helps protect our homes and natural resources.

Thank you for your consideration

Sincerely,

Leah L. Schmalz, Dir. of Legislative & Legal Affairs  
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New Haven, CT 06510  
t: 203.787.0646 f: 203.787.024  
[lschmalz@savethesound.org](mailto:lschmalz@savethesound.org)

## Testimony of Nancy Watson Before the Environment Committee

### *Regarding*

S.B. 1010 AN ACT CONCERNING SEA LEVEL RISE AND THE FUNDING OF PROJECTS BY THE CLEAN WATER FUND S.B. 1012 AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING S.B. 1013 AN ACT CONCERNING CLIMATE CHANGE ADAPTATION AND DATA COLLECTION S.B. 1014 AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"

### *Submitted by*

Nancy Watson

March 8, 2013 Senator Meyer, Representative Gentile, and members of the Committee, I am pleased to have the opportunity to comment on several bills originating in the recommendations of the Shoreline Preservation Task Force.

The storms of the last two years have made it clear that Connecticut cannot wait—we must start preparing for the changes that climate change is already bringing to our region. The rate of sea level rise in Long Island Sound is accelerating, and our state and our communities need to start factoring this reality into planning initiatives now. We need initiatives that will ensure shoreline residents live in safe homes, that will move or protect critical infrastructure, and that will make both our human and natural communities more resilient.

As a resident of Riverside, CT – located 10 minutes from glorious Greenwich Point – this is an issue that deeply effects me. Having lived through several storms – particularly the devastating Sandy –it is clear that action can not be delayed. We need to preserve our spectacular shoreline, protect our critically important marshes and safeguard our infrastructure from storm surges and a frightening sea level rise.

Witnessing the devastation to our beautiful beach, as well as several friends' homes, was heartbreaking. It made it clear to me there is no room for delay!

Last year's sea level rise bill was a good start at preparing our state, and the Shoreline Preservation Task Force is doing an admirable job of tackling these difficult issues.

**Storms Sandy and Irene highlight the need to make our wastewater infrastructure more resilient to flooding and inundation.** During Sandy, seven of Connecticut's sewage pumping stations were forced to discharge raw sewage into nearby waterways, and several plants suffered other serious problems. This is a threat to public health and the water quality of our rivers and Long Island Sound. Pumping stations and electrical systems will need to be improved, and sea level rise should be considered when planning and siting future treatment plant upgrades and new facilities. Connecticut pays for sewage treatment needs through the state Clean Water Fund. Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund, will allow the Department of Energy and Environmental Protection to factor in impacts of sea level rise on potential projects when DEEP is identifying which projects will receive funding.

Senate Bill 1012, AAC a Best Practices Guide for Coastal Structures and Permitting, will helpfully augment DEEP's current efforts. **To plan effectively for climate change and sea level rise, leaders need further research, accurate information about natural resources and reliable forecasts.** Senate Bill 1013, AAC Climate Change Adaptation and Data Collection, directs DEEP and UConn to investigate creating a "Connecticut Center for Coasts." Eventually the Center is expected to map shoreline changes and flooding, develop statewide planning guidelines, create a comprehensive coastal infrastructure inventory and risk assessment, analyze the impact of seawalls in urban and rural communities, develop tools for determining the most appropriate shoreline

protection strategies, and more.

We know that the water level in Long Island Sound has risen and that its rate of rise is increasing. A bill last session included sea level rise as a factor for municipalities to consider in planning for development. While that was a good first step, it based the definition of sea level rise on past observations, not on scientific projections for the future. Senate Bill 1014, AAC the Definition of "Rise in Sea Level," is intended to build on that new definition by **letting municipalities use the best sea level rise projections available for their planning activities**. I support the clarifications to this bill proposed by The Nature Conservancy, which are in line with the original intent of the Shoreline Preservation Task Force.

Thank you for your consideration.

Sincerely,

Nancy Watson  
206 Sheephill Road  
Riverside, CT 06878  
ngewirtz@optonline.net



## *ENVIRONMENT COMMITTEE*

March 8, 2013

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 92% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

CCM sees the following bills as supportive steps toward assisting our state in minimizing future effects storms on shoreline communities and acknowledging the impacts of sea level rise.

- SB 1010 "*An Act Concerning Sea Level Rise and the Funding of Projects by the Clean Water Fund*" - would provide increased priority ranking for funding through the Clean Water Fund for projects addressing sea level rise.
- SB 1012 "*An Act Concerning a Best Practices Guide for Coastal Structures and Permitting*" - would require the creation of a best practices guide for use by state and local officials for coastal structures and permitting.
- SB 1013 "*An Act Concerning Climate Change Adaptation and Data Collection*" - would require DEEP and UCONN to report to the General Assembly on their efforts to establish a Connecticut Center for Coasts, which would perform data collection and analysis to develop tools used for planning and development in response to rising sea levels.
- SB 1014 "*An Act Concerning the Definition of 'Rise in Sea Level'*" - would further clarify the definition of "rise in sea level".

Over the last several years, Connecticut has experienced back-to-back storms that have been devastating to shoreline communities and the state as a whole. Each of these bills would individually be beneficial to beginning to address the impacts of sea level rise, which in turn would hopefully mitigate the impact of future such storms.

CCM urges the committee to *favorably report* these bills.

★ ★ ★ ★ ★

If you have any questions, please contact Kachina Walsh-Weaver, State Relations Manager for CCM via email [kwalsh-weaver@ccm-ct.org](mailto:kwalsh-weaver@ccm-ct.org) or via phone (203) 710-9525.



Connecticut Department of  
**ENERGY &  
 ENVIRONMENTAL  
 PROTECTION**

**STATE OF CONNECTICUT  
 DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 8, 2013  
 Environment Committee

Testimony Submitted by Commissioner Daniel C. Esty  
 Presented By Deputy Commissioner Macky McCleary

**Raised Senate Bill No. 1010 –AN ACT CONCERNING SEA LEVEL RISE AND THE FUNDING OF PROJECTS  
 BY THE CLEAN WATER FUND**

**Raised Senate Bill No. 1012 –AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL  
 STRUCTURES AND PERMITTING**

**Raised Senate Bill No. 1013 –AN ACT CONCERNING CLIMATE CHANGE ADAPTATION AND DATA  
 COLLECTION**

**Raised Senate Bill No. 1014 –AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"**

Thank you for the opportunity to present testimony regarding Raised Senate Bill Nos. 1010, 1012, 1013,  
 and 1014 concerning various aspects of climate change and adaptation to sea level rise. The  
 Department of Energy and Environmental Protection (DEEP) offers the following testimony.

DEEP strongly supports these bills, which arose from the recommendations of the legislature's Climate  
 Change and Shoreline Protection Task Force, chaired by Rep. James Albis. All of these bills would take  
 immediate, practical steps toward long-term measures to help Connecticut adapt to the new normal of  
 sea level rise and more frequent and intense coastal storms. DEEP is looking forward to working with  
 the Task Force, environmental groups, the academic community, and other interested stakeholders to  
 better prepare our state for the climate challenges that we know are coming.

Taking each bill in turn, SB 1010 would add as a priority in Clean Water Fund projects the ability of the  
 proposed project to mitigate sea level rise impacts. This issue was brought into sharp relief during  
 storms Irene and Sandy, when some coastal sewage treatment plants lost power, resulting in sewage  
 being discharged, or risked being inundated by storm surge. Water quality facilities are critical  
 infrastructure, and many are necessarily located at low elevations along the coast and along inland  
 rivers. Thus, it will be a high priority for the Clean Water Fund grant process to consider enhanced  
 coastal and inland hazard resilience among the criteria for selecting projects. Therefore, we suggest that  
 the language in the bill be expanded to include consideration of more intense and frequent storms, both  
 at the coast and inland. With that addition, this bill would grant DEEP the explicit authority to take such  
 issues into consideration statewide.

SB 1012 would require DEEP to acquire information necessary to develop a Best Practices guide for regulating coastal structures. While we have already consulted with other states and agencies and collected much information (see, e.g., the Lessons Learned document at [http://www.ct.gov/deep/lib/deep/long\\_island\\_sound/shorelinepreservation/lessonslearnedandbestpractices\\_sandy.pdf](http://www.ct.gov/deep/lib/deep/long_island_sound/shorelinepreservation/lessonslearnedandbestpractices_sandy.pdf)), we have not been entirely successful in persuading applicants and consultants to vary from traditional practices in terms of shoreline protective structures. It is generally recognized within the national coastal management community that the preferred adaptation strategy should rely to the maximum extent on natural coastal processes and dynamics, but shoreline armoring is all too often the reflexive, default response. Therefore, we appreciate any initiative that will assist in promoting more innovative and sustainable nonstructural measures such as living shorelines, and we will be pleased to help disseminate this information.

We are particularly supportive of SB 1013, since this bill offers the greatest long-term potential to help Connecticut adapt effectively to a changing coast and climate. This proposal would authorize the creation of a Connecticut Center for Coasts (Center) as a joint project of DEEP and the University of Connecticut, to conduct research, undertake analysis and provide technical education and assistance on shoreline adaptation. The Center would serve as a much-needed focal point for Connecticut-specific studies and research on sea level rise, shore protection, structure design and other coastal issues, and could provide authoritative science-based guidance on local adaptation issues. However, as our experience with storms Irene and Sandy illustrated, climate change can cause increased flooding and other impacts far away from the coast, and we believe that the University's expertise could be even more effectively employed by broadening the scope of the Center's work to include adaptation issues throughout Connecticut. With this caveat, and recognizing that no source of funding is identified in the bill, we remain very supportive of the concept of a University of Connecticut Center for the Coasts and look forward to working with the Task Force, the University, and the legislature to help make it a reality and to expand its focus statewide.

Finally, SB 1014 would amend the recently-enacted definition of "rise in sea level," which looks only at historic rates of sea level rise, to include the option of a projected rise of two to five inches per decade for the purposes of municipal planning. We certainly support the intent of this bill, since any effective planning for the future must consider what is scientifically projected to occur, rather than simply extrapolating from past experience. However, DEEP has some concerns with the language, in part because it appears to be redundant in that the existing definition is already applied by statute only in the context of state and municipal planning. In addition, there may be other ways to select a projected sea level rise number, including projections that may be developed pursuant to section 1 (3)(C) of Senate Bill No. 1013. In any event, we are happy to continue working with the Task Force and other proponents of the bill to create adequate authority for state and local planning that takes into account the full range of potential sea level rise and the future risks associated with it.

In closing, I would like to express my appreciation to the Environment Committee and to Representative Albis and the Task Force for squarely addressing the issues of climate change adaptation and sea level rise, and by raising these bills, marking the start of a very important and continuing conversation.

Thank you for the opportunity to present testimony on these four proposals. If you should require any additional information, please contact DEEP's legislative liaison, Robert LaFrance at 860-424-3401 or [Robert.LaFrance@ct.gov](mailto:Robert.LaFrance@ct.gov).

Proposed Amendment  
Introduced by: Sen. Fasano  
To SB 1012

**AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES  
AND PERMITTING.**

Strike everything after the enacting clause, and substitute the following in lieu thereof:

Section 1. (*Effective from passage*) Not later than October 1, 2013, the Department of Energy and Environmental Protection shall consult with environmental protection and planning and development agencies in other coastal states, the Connecticut Home Builders Association and the federal government to acquire information relevant to the development of a best practices guide for coastal structures permitting. Upon completion of such consultation, the commissioner shall within 90 days submit a summary of the results of the consultation to the chairs and ranking members of the joint committees of Environment and Planning and Development.

Testimony from Monica Keady Before the Environment Committee Regarding:

S.B. 1010 AN ACT CONCERNING SEA LEVEL RISE AND THE FUNDING OF PROJECTS BY THE CLEAN WATER FUND  
S.B. 1012 AN ACT CONCERNING A BEST PRACTICES GUIDE FOR COASTAL STRUCTURES AND PERMITTING

S.B. 1013 AN ACT CONCERNING CLIMATE CHANGE ADAPTATION AND DATA COLLECTION  
S.B. 1014 AN ACT CONCERNING THE DEFINITION OF "RISE IN SEA LEVEL"

Senator Meyer, Representative Gentile, and members of the Committee,

Thank you for the opportunity to comment on the bills originating from recommendations of the Shoreline Preservation Task Force.

**Connecticut has been deeply affected by recent storms. Clearly Connecticut cannot wait, but must prepare for the impacts of climate change. Sea level rise in Long Island Sound must be factored into future planning. We need initiatives that ensure the safety of shoreline residents, that move or protect critical infrastructure, and that will make both our communities and natural environment more resilient.**

**Storms of the past few years have personally affected my family with either flooding, flood damage, downed trees, multiple days of power outages, and constantly preparing for "100-year storms." I've witnessed devastation to beaches in Darien and surrounding towns. For Hurricane Sandy, we were roused at midnight by emergency personnel requesting that we evacuate since we are near the shore. Life as we have known it has changed dramatically in just a few short years.**

Last year's sea level rise bill was a good start at preparing our state, and the Shoreline Preservation Task Force is doing an admirable job of tackling these difficult issues.

Storms Sandy and Irene highlight the need to make our wastewater infrastructure more resilient to flooding and inundation. During Sandy, seven of Connecticut's sewage pumping stations were forced to discharge raw sewage into nearby waterways, and several plants suffered other serious problems. This is a threat to public health and the water quality of our rivers and Long Island Sound. Pumping stations and electrical systems will need to be improved, and sea level rise should be considered when planning and siting future treatment plant upgrades and new facilities. Connecticut pays for sewage treatment needs through the state Clean Water Fund. Senate Bill 1010, AAC Sea Level Rise and the Funding of Projects by the Clean Water Fund, will allow the Department of Energy and Environmental Protection to factor in impacts of sea level rise on potential projects when DEEP is identifying which projects will receive funding.

Senate Bill 1012, AAC a Best Practices Guide for Coastal Structures and Permitting, will helpfully augment DEEP's current efforts.

To plan effectively for climate change and sea level rise, leaders need further research, accurate information about natural resources and reliable forecasts. Senate Bill 1013, AAC Climate

Change Adaptation and Data Collection, directs DEEP and UConn to investigate creating a "Connecticut Center for Coasts." Eventually the Center is expected to map shoreline changes and flooding, develop statewide planning guidelines, create a comprehensive coastal infrastructure inventory and risk assessment, analyze the impact of seawalls in urban and rural communities, develop tools for determining the most appropriate shoreline protection strategies, and more.

We know that the water level in Long Island Sound has risen and that its rate of rise is increasing. A bill last session included sea level rise as a factor for municipalities to consider in planning for development. While that was a good first step, it based the definition of sea level rise on past observations, not on scientific projections for the future. Senate Bill 1014, AAC the Definition of "Rise in Sea Level," is intended to build on that new definition by letting municipalities use the best sea level rise projections available for their planning activities. I support the clarifications to this bill proposed by The Nature Conservancy, which are in line with the original intent of the Shoreline Preservation Task Force.

Thank you for your consideration.

Sincerely,

Monica Keady  
3 Hillside Ct.,  
Darien, CT 06820  
[mmkeady@gmail.com](mailto:mmkeady@gmail.com)

# CONNECTICUT MARINE TRADES ASSOCIATION

20 Plains Road  
Essex, CT 06475-1501

(860) 767-2645 • Fax (860) 767-3559 • e-mail [cmta@snet.net](mailto:cmta@snet.net)

March 8, 2013

Environment Committee  
Legislative Office Building  
Hartford, CT 06106

Re: S.B. No. 1012 (Raised) An Act Concerning Best Practices Guide for Coastal Structures and Permitting.

S.B. No. 1017 (Raised) An Act Concerning Abandoned Boats.

Chairmen Meyer & Gentile, Senator Chapin and Distinguished Members;

The Connecticut Marine Trades Association (CMTA) and our member businesses urge the committee to **support** the two referenced bills above. The first initiative, S.B. No. 1012 (Raised) An Act Concerning Best Practices Guide for Coastal Structures and Permitting, would have DEEP consult with neighboring states and collect their resources to develop a Best Practices Guide for coastal structures and permitting. This could be an outstanding opportunity to simplify some procedures, shorten waiting times and make the structures and permitting process possibly shorter and more efficient. While Connecticut may be in the forefront of some processes such as the lean process, there are lessons to be learned from our neighboring states that very well may shorten our permitting calendar and allow rebuilding or new construction with less delays and confusion.

The second bill develops a new procedure for dealing with abandoned vessels. Marinas and boatyards already have a process utilizing the vessel lien statutes to deal with customers vessels that are on their property and have outstanding balances due. Using the vessel lien application, advertising an auction 30 days in the future, a facility can gain ownership of the vessel and then dispose of it the easiest way after the ownership transfer.

S.B. No. 1017 (Raised) An Act Concerning Abandoned Boats is a new process to deal with vessels that are truly abandoned on the water, at someone's dock or perhaps broken away from a mooring or slip after a weather event. The process is a bit complex yet may work as an administrative procedure for the disposition of ownership and property rights concerning vessels that are abandoned. This process allows ownership to eventually rest with lienholders, emergency responders or municipalities without requiring a sale of the vessel and eventual distribution of proceeds from the sale. Please support this initiative as another potential way to cure an ongoing business issue and S.B. No. 1012 that would help streamline the permitting process for marine facilities.

Thank you for the opportunity to comment on this issue and please know that we are available to discuss them at any time.

Sincerely,

John S. Johnson  
Legislative Chair

Grant W. Westerson  
President

Linda A. Kowalski  
The Kowalski Group

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**PLANNING AND  
DEVELOPMENT  
PART 5  
1337 - 1682**

**2013**



Testimony of:  
Save the Sound  
a program of Connecticut Fund for the Environment



In Partial Opposition and Partial Support of

S.B. 459 AAC LOCAL CONTROL OVER COASTAL AREAS

S.B. 460 AAC COASTAL PROTECTION MEASURES, ROUTINE MAINTENANCE AND REPAIR OF SHORELINE STRUCTURES, STATE-WIDE POLICY CONCERNING WATER RESOURCES AND PROCEDURES OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Before the Planning and Development Committee

March 18, 2013

Submitted by Leah Schmalz, Dir. of Legislative and Legal Affairs

*Connecticut Fund for the Environment is a non-profit organization that, along with its regional program Save the Sound, works to protect and improve the land, air and water of Connecticut and Long Island Sound on behalf of its 5,500 members. We develop partnerships and use legal and scientific expertise to achieve results that benefit our environment for current and future generations.*

Dear Senator Cassano, Representative Rojas, and members of the Committee:

Thank you for the opportunity to comment on Senate Bill 459, AAC Local Control Over Coastal Areas and Senate Bill 460, AAC Coastal Protection Measures, Routine Maintenance and Repair of Shoreline Structures, State-Wide Policy Concerning Water Resources and Procedures of the DEEP.

Save the Sound, a program of Connecticut Fund for the Environment opposes SB 459's sections 1 & 2 and supports its section 3 and opposes SB 460's sections 1, 2 and the changes to "inhabitable structure" in section 4 and supports the CAD cell portion of its section 4, as well as its section 5.

**Background:**

In less than two years, the Long Island Sound region has been walloped by four major storms — two tropical storms and two snowstorms. Though only some hit Connecticut directly, all four were direct hits on our infrastructure, economy and way of life.

Not only have these storms increased in frequency, they are bringing higher rain amounts, winds, and storm surges — often at historic levels. Sandy brought Bridgeport a 13.3-foot storm surge, even higher than the 12.1-foot surge that hit the city during Tropical Storm Irene.

In Connecticut, we've begun the process of adapting to effects of climate change. Over the past five years, universities have helped identify new policies, agencies and non-profits have created coastal resiliency tools, and the Governor's office has established workgroups to review natural resources and infrastructure in light of our changing climate. The state has used this information to start taking action, most notably through the first steps of last session's sea level rise bill (P.A. 12-101) and currently through recommendations provided by the Shoreline Preservation Taskforce and found in the four bills before Environment Committee. But more must be done—including learning from the difficult lessons provided by Storms Irene and Sandy. A key one is that natural systems are a critical component to our shoreline preservation and that there is a great need to enhance our coasts' resiliency in the face of climate change.

SB1010  
SB1012  
SB1013  
SB1014

**Conclusion**

Scientists say the Long Island Sound region will likely see a sea level rise of 1.5 feet by 2050, and 3.5 feet above current levels by the century's end. If levels rise as predicted, not only will we lose shoreline areas and infrastructure, but increased flooding and storm surges will cause more damage in future storms. Implementing ways to protect our shoreline is a long-term project, and will require serious commitment and investment by the region. The Shoreline Preservation Taskforce has done an admirable job of sifting through information and developing recommendations on complex issues and the state must keep up the momentum. We cannot afford, financially or environmentally, to constantly rebuild our state after these storms. By identifying opportunities to protect and restore existing coastal marshes and expand the use of green infrastructure techniques we can allow for marsh retreat inland, buffer homes and infrastructure against waves, and absorb heavy rains and flooding. Unfortunately SB 459 and SB 460 do none of those things, instead they look to weaken coastal protections and oversight, and encourage hardened—not resilient—shorelines. We ask that you **strike sections 1 & 2 of SB 459 as well as sections 1, 2, and the changes to "inhabitable structure" in section 4 of SB 460. We also ask that you help build a balanced approach that protects our homes and natural resources by supporting SB 1010, SB 1012, SB 1013 and SB 1014 from the Shoreline Taskforce and allowing time for the provisions of P.A. 12-101 to work.**

Thank you for your consideration

Sincerely,

Leah L. Schmalz, Dir. of Legislative & Legal Affairs  
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