

**SA13-9**

## SB1013

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 5  
1323 - 1665**

**2013**

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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.

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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

the State of Connecticut as we recognize the importance of climate changes. But moving our focus from mitigation where we've had it for most of the last decade to a parallel focus on adaptation.

And I think all of us who lived through the dramatic storms of the last couple of years, you know, I count five weather cartographies which as Commissioner of Energy means that you've got 10 percent or more of population without power for a prolonged period. I think that does argue for at least a focus on collecting data. But even beyond that, much greater planning with the idea of resiliency and adaptation in mind. So I do think the idea of having a focal point for our own Connecticut specific studies and research and projects is important. I think UConn provides a great repository for that effort. And I think having a sound science to underpin our decisions about how to respond to climate change, what investments to make, what kind of shoreline protection efforts to advance, what kind of structural design requirements we should put in place really is of great value.

And I think this proposal, frankly, could be expanded beyond our coastlines because I believe that adaptation is not just a coastal issue, but one that will involve all the communities across the state. And, so, hopefully, we can address that.

And, finally, with regard to Senate Bill 1014 and the definition of rise in sea level, our department and the Governor support the intent of this bill. We think that effective planning does require projections. It requires the ability to think forward in a much bigger way than we have in the past. We have some concerns with a specific language. I don't

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?

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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

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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

broaden that from just the coast to the entire state. But I wanted to get your thoughts as to whether or not you think it's important to include studying legal best practices as far as land use, zoning, and things of that nature. So, if you could comment, that would be great.

COMMISSIONER DANIEL C. ESTY: So, I very much support the idea of Connecticut's center for coastal policy and research or some such title. And I think there is a great opportunity to host that, potentially, at the University of Connecticut with maybe a main center at Avery Point, but drawing on the broader resources of UConn. And I think we have a lot to learn. It goes to Deputy Commissioner McClearly's point that there is a need to understand best practices. And that's sort of the policy side. There's value in drawing in best scientific understanding as well.

I would, personally, like to see us, also, move into a leadership role in testing out ideas about how one manages that adaptation. Are there techniques for coastal protection that haven't been explored. Are there new ideas, new technologies that we could try to deploy in Connecticut.

I think we clearly understand in ways that are very, very sharply clear today, even more so then two or three years ago. It works both. And I believe there is a prospect of increased frequency and intensity of hurricanes that we need, in particular, to be guarding ourselves to be prepared for.

So, I support the proposal of this bill. I would like to make sure that the mandate goes beyond the coastline to consider all of the impacts that could affect the state. I think this would give it a broader logic that would

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be more attractive to a larger percent of this General Assembly. But I think the fundamentals here are very sound and really reflect the spirit, I think, our department tries to bring to bear which is best practices based on sound science and risk analysis, thoughtful benefit costs analysis, and a spirit of innovation. We're really trying to look forward and do things differently and, perhaps, lead the way to a better future with regard to this tough set of issues.

REP. ALBIS: Thank you for that answer.

Also, in regards to Senate Bill 1014, I know that the language could certainly be improved and we're happy to work with you to do so in the next couple of weeks. And, again, just thank you to you and your department for all the work you've done on these issues.

COMMISSIONER DANIEL C. ESTY: Well, we appreciate the collaboration over the past many months. And I'm quite confident working together we can sharpen this up and ensure that we come up with a single definition that is workable. So, I'm eager to carry forward that conversation.

REP. ALBIS: Thank you, Commissioner. Thank you, Mr. Chairman.

SENATOR MEYER: Are there any other questions?

Yes, Senator Chapin.

SENATOR CHAPIN: Thank you, Mr. Chairman. I have some boating questions for Commissioner Whelan. Regarding your bill to move to online safe boating certificates, of the 42 states that provide that sort of an opportunity, do you know if those states also require any sort of hands-on experience or face-to-face time?

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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.

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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

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

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

SENATOR MEYER: It's your testimony.

MICHAEL CICCETTI: Yes.

SENATOR MEYER: Okay, good. Great. Thanks.

Any questions? Representative, no? Thanks so much.

MICHAEL CICCETTI: 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

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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.

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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.

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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

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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?

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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

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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

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enforcement. You know, I plead for that and I'd like the licensing even though I fought it when I was a kid. If you don't know how to do it, then stay off the water.

GRANT WESTERSON: My application was the first one that the State of Connecticut received for a state boating certificate. It was the first one filled out and submitted with \$25 to DEEP. And for some reason, I've got number 40 something odd when it finally got through the mess. But I know it was the first application that went in.

REP. CASE: Thank you, Madam Chair. And thank you for your testimony.

GRANT WESTERSON: Thank you.

REP. CASE: I appreciate it.

REP. GENTILE: Thank you. Grant, thank you.

Sidney Gale. Sidney will be followed by Frank Kemp.

SIDNEY GALE: Madam Chairman, ladies and gentlemen of the Committee, thank you for the opportunity to address you today. I'm here in an individual capacity, but I've served on a Planning and Zoning Commission, an Economic Development Commission, Transportation Committee, Pre-Hazard Mitigation Committee, and various other extracurricular activities. And I've been engaged with the issue of climate change for the past eight years. So, that background informs my comments on the Raised Bills 1013 and 1014.

I very much like 1013. I would urge you in agreeing with Commissioner Esty's comment that it's scope be expanded to climate change, in

general, and not, specifically, the shoreline. Unlike Las Vegas, what happens in land does not stay in land. Many things, whether it be the effective of droughts, of downpours, of flooding, of failed inland infrastructure for waste management, all of those things, ultimately, go down stream to Long Island Sound. And there is much a concern of preserving the sound as the things directly affect it.

And, further, climate change being as diverse, a pandemonium as it is, there are critical -- there are issues affecting inland communities. Every bit is critical as those affecting the shore. And they require the same level of expertise that this proposed center can bring to those.

I do wish that Representative Albis' task force had expanded an oversight in this area given how well that effort has gone for the shoreline. But if that's not feasible and I wouldn't really wish more workload on him that he already has, I sincerely hope that you will expand the scope of this center to be fully -- to fully engage the climate change subject.

I do have one concern with the how scope is defined. And that is it does not address the specific issue of assessing a strategic retreat strategy. And I believe that if Sandy has taught us nothing else, it should be clear to us that we need to consider such a strategy because there will be circumstances on our shoreline where that strategy will be an inevitable contingency.

I believe that Governor Cuomo has already drawn a line in the sand. And I believe that we need to learn from the experience of New Jersey and New York before we learn it the hard way

ourselves.

Originally, I was going to let my written comments on 1014 speak for themselves. But after hearing some of the discussion before you, I'd like to give little more attention to that. I, also, shared the concerns of others that putting two definitions onto one term invites more confusion than any of us should want. I can't -- I have not committed the state's statute to memory. But I can allow for the possibility that there is a context in which sea level rises appropriate as a historical reference, but of some measure and needs to be understood in that context. But to let that same combination of words also speak under other contexts to projections, I think is a mistake. I think you're better off dealing with projected sea level lines as a discreet term for those projections into the future that we want to take into account in planning.

I also have concern with the expression of such projections in terms of rate of sea level rise on a (inaudible) basis. That is an area and I'm an accountant. I'm not an environmental scientist. So, I'm a little bit out my depth here, but I do read the literature. And there's a considerable uncertainty regarding exactly what the rate will be. But there is a fairly strong inference that it will not be consistent over time, nor should we expect it in this kind of phenomenon.

I think the issue was expressed in terms of thinking of it in terms of what it has been. What it has been is what it has been. But the problem with climate change is we're talking about an acceleration of a process, not a linear extension of that process, so, that it may be then, the remainder of this decade, we won't see 2 inches of rise. But in the later

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REP. GENTILE: Thank you. Senator Meyer.

SENATOR MEYER: Thanks for coming up and thanks for contributing, again, to this issue.

I don't know if you've read -- had a chance to read Senate Bill 1013 which creates the Connecticut Center for Coast. Your comment there was there should be a reference to climate change.

SIDNEY GALE: I'm sorry.

SENATOR MEYER: Go ahead.

SIDNEY GALE: Strategic retreat, I think, was the one that I was specifically --

SENATOR MEYER: Oh, strategic retreat. Okay. Let me come to that in a moment. Because as we look in climate change, the impact of climate change is rising sea levels. And this bill is full of references taking into account rising sea levels. And it even says "Rising sea levels" in line 21 and 22 "Rising sea levels for the next 100 years." Just what you were saying. So, it's in the bill already. And it has, also, talks about storm surges. So, I think -- have we really covered what you're talking about in this bill.

SIDNEY GALE: Well, I think one of the things that I was proposing was that the scope of it be expanded to climate change, in general, and not simply related to sea level rise and coastal aspects of climate change. For example, I think I was apprised to read in the most recent U.S. assessment that, perhaps, New England and Connecticut may be more subject to drought impacts of climate change than I previously thought based on things I had read. That's an

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aspect of climate change that affects the entire state, not simply the shoreline. And it probably isn't really a reflection of what we're currently looking at in terms of shoreline related issues.

Drought, similarly, is going to have a major impact on our agricultural economy. And that's outside the scope of the coastal issues. Although, certainly, climate change will affect agriculture in the type of sea life that we have. So, that's why I'm asking that the scope of the center's efforts be expanded to climate change, in general, and not specifically that subset of its issues which relate to the coast.

SENATOR MEYER: Okay. Then we -- I hear you. And I think you're making a good suggestion. But our focus has definitely been on the shoreline and the coast. The name of the new vehicle we create is called Connecticut Center for Coasts.

SIDNEY GALE: Right.

SENATOR MEYER: The names of our task force is the Shoreline Preservation Task Force. The legislation we did last year related to the preservation of the shoreline. And so you're sort of encouraging us to move beyond that and to look at the effect of extreme weather and climate change throughout the state, not just on the shoreline.

SIDNEY GALE: That's correct. And if I may, let me also endeavor to put myself into your shoes as difficult as that would be. You're going to have to deal with a variety of issues on climate change not related simply to the coastline. They're going to have to make judgments about how budget is going to be allocated in dealing with these across their entire range. Wouldn't you, ladies and

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gentlemen, want the same benefit of knowledge on how to set those priorities for all the climate change issues you're dealing with and not just those relating to the shoreline? I think you need the benefit of that in order to make effective priorities and allocations of resource.

SENATOR MEYER: Okay. Good idea. Thanks.

REP. GENTILE: Representative Albis.

REP. ALBIS: Thank you, Madam Chair. Sid, thank you so much for coming up today. And thank you for your continued interest in these issues. They're certainly very important.

I agree with you that we need to expand the scope. And that was a criticism that we heard more than once with the shoreline task force that it's not just a shoreline specific issue. There are many inland areas that are greatly effected by coastal flooding or by flooding and by sea level rise. And, not to mention, the other aspects of climate change like droughts. So, I'm with you there.

I just wanted to get your perspective on how the new changes with NFIP might affect land use along flood zone or in flood zone areas. You may know the new rules set forth by Congress would require people in flood zones -- in order to get flood insurance to build above the flood plain and, in many cases, make very costly investments in their homes to keep their premiums at a reasonable level. So, I was just hoping if I could hear your comments on that and how that might affect a land use in flood prone areas.

SIDNEY GALE: I'm going to try to keep the response as brief as possible because that's kind of a

hand grenade. I mean, there's really a great deal to that. I think one of the problems that I have is that in addressing flood plain construction, we're thinking too much about storm inundation alone and not looking enough at sea level rise. Okay.

Storm inundation comes and it goes. You rebuild. And, yes, there's going to be a significant cost involved with that in many cases. And in many cases, it will be a cost that many people will not be able to afford. And that will create transitions in communities. And maybe those communities will not be able to sustain because the price will continue to escalate with events.

When you talk about sea level rise, it doesn't matter how high you build the property. It's going to flood twice a day, at least, with the high tide in some cases. And, so, in that case, the land becomes unusable in, let's say, a residential or commercial context other than something related to marine activities.

This is where I think we have to look and where I agree with the Senator who previously spoke. We have to look at land use as well and say what's going to be realistic -- Senator Fasano comment. What's going to be realistic looking out over time. Do we continue to invest in something that science tells us is going to be unsustainable at some point in time. And when do we pull the plug on that?

I see us at the threshold of beginning that kind of a conversation. And that's where the center where, I think, become very helpful in helping us think it through because I think we really haven't come to grips with it yet. The issue of strategic retreat is at the heart of that. And, so far, it's been a very emotional

issue. And we need to get beyond the emotion and really think through in time what we're looking at on the shoreline and say how does nature change it and how are we going to have to respond to it. It's not always going to be what we want, but nature holds the trump card.

REP. ALBIS: Thank you. And I, certainly, think that land use is an important aspect to look at. And it's one aspect that was omitted from the Bill 1013. But we'd have a very serious discussion about including it. Thank you, Sid. Thank you, Madam Chair.

REP. GENTILE: Thank you.

SIDNEY GALE: Thank you.

SENATOR MEYER: Sid, you and I have had this dialog before about strategic retreat. And you've always counseled us to deal with strategic retreat. But you -- in my opinion, you've abated how you wanted -- what you want to do is strategic retreat. We had that concept before us last year in this Committee. And our constituents on the shoreline were interpreting it as a eminent domain provision. And, so, to mandate strategic retreat is sort of a form of property taking by the government. And you did not want to declare it that. Do you have any different encouragement to us about what you'd like us to do with the term "strategic retreat"?

SIDNEY GALE: Let me clarify something that I've previously said. I think what I said was it's not government who's going to exercise eminent domain, it's nature. Nature is going to exercise eminent domain in certain shoreline areas where the level of sea level rise will overtake the capacity to defend those parcels of property in any economic way whether by

government or whether by individuals. And, in fact, when people feel it's their property rights that are being put at risk with any kind of a strategic retreat scenario, the truth of the matter is that their property rights are also dependent upon community infrastructure, community utilities and other things that make those properties viable, waste treatment systems, water systems.

When environmental conditions progress to a point that certain neighborhoods can no longer be sustained, nature will have taken over those properties. The question for government and for citizens is how do we facilitate that reality. Okay. I don't have the answers to that. And I think that's where the center is so vital because of the complex issue. If we strip out the emotions, it's a complex issue, a multi-facted issue. And because of the emotions, we need to approach in the way where the recommendations, the options are understood, are respected, and ultimately accepted by the people who are affected the most.

One thing that I would urge and I have on many occasions is that if the government does nothing else, it needs to have the people most effected clearly understand what's at risk to their property with climate change. That's why I think it's important that we say to the public.

And let's take Gilford, for example, because we're going through a study right now that's very detailed with the benefit of nature conservancies tool and other assistance. We know from the use of their model what properties would be specifically inundated by the end of the century with a maximum or a minimum expected sea level rise. The property

owners need to understand that. And they need to understand what happens when that event occurs. And in some cases, it could occur in as early as 20 to 30 years with subsurface inundation. So, government needs to, first and foremost, inform people so that they can make an informed and intelligent decisions on their own behalf.

Secondly, they need to help their community members know what options are available to them to move out of the situation that they'll eventually have to move out of.

And, thirdly, it's not just the people whose properties will be inundated that need to be aware of the situation. Gilford is 15 miles from north to south, okay. The people inland are going to be affected by sea level rise as well because it's going to affect the tax base in the most valuable area of the town. And it's going to require municipal expenditures to deal with the consequences of sea level rise and other forms of climate change.

So, we all need to understand what's at stake here. And government's first and foremost obligation is to give reliable information, so, that people can participate in their community processes and plan on their own behalf.

I hope that answers it a little better than I may have a year ago. And please feel free to come back.

REP. GENTILE: Thank you.

Frank Kemp followed by Yale Greenman followed by Richard Warner.

FRANK KEMP: Good afternoon. My name is Frank Kemp, Darien, Connecticut. Although I'm a member of

HB6541



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,

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## 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  
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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 [kwash-weaver@ccm-ct.org](mailto:kwash-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).

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,

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## Edward A. Zelinsky

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March 5, 2013

Dear Sir/Madam:

I write in strong support of SB 1013. In particular, I write to urge the creation of a Connecticut Center for Coasts to be established at the Avery Point campus of the University of Connecticut.

By way of background,<sup>1</sup> I am a resident of New Haven, am a summer resident in Branford and am the Morris and Annie Trachman Professor of Law at the Benjamin N. Cardozo School of Law of Yeshiva University. I have been active in efforts to protect Sunset Beach in Branford.

Connecticut's coastline is our state's greatest natural resource. Yet, there is surprisingly little research to guide policymaking, whether policy is made by the General Assembly, the executive branch including DEEP or the shoreline municipalities. Sensible policy must be data-based but policy cannot be data-based in the absence of data.

The Avery Point campus is one of Connecticut's underappreciated assets, an educational and research jewel which is underutilized by Connecticut's policymakers. SB 1013 would both rectify the shortage of research on Connecticut's coastline and utilize the Avery Point campus for the benefit of all Connecticut residents.

It is fashionable today to characterize all public expenditures as investments in the future. The proposed Center would truly be an investment in the future as well as the present, by providing the research necessary to make scientifically-informed policy relative to Connecticut's shoreline.

I strongly urge the passage of SB 1013 and the creation of the Connecticut Center for the Coasts at Avery Point.

---

<sup>1</sup> No organization with which I am affiliated has endorsed this personal statement.

Sincerely,

Edward A. Zelinsky

Sidney F. Gale  
sfgale@imcontrols.com  
www.imcontrols.com

INTEGRATED  
MANAGEMENT  
↓  
CONTROLS LLC

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2013, March 8

To: The Environment Committee, Connecticut General Assembly

Re: Raised Bill Number 1013 An Act Concerning Climate Change Adaptation and Data Collection

I support the bill as written, but urge that the scope of the proposed Center be expanded to encompass all aspects of climate change and adaptive response for the following reasons.

1. Climate Change does not only affect the coast; it affects the entire state, and state and municipal governments will have to address all of its impacts, not just coastal issues.
2. State government in particular and various municipal and regional governments will have to prioritize resources and define contingent plans across the entire array of climate change impacts. Funds for all actions will come out of one pot. Judgments regarding how that pot is spent must be made with equal clarity of factual basis and judgment for the shoreline and the state as a whole.
3. Issues of inland drought, flooding, erosion control, water resource and related infrastructure will have impacts on the shore-line and Long Island Sound. They must be understood as a part of the total picture.

There is one critical omission in the definition of responsibilities for this Center. The Legislature must add the requirement to study and plan for strategic retreat strategies in the event that evolving conditions render all other policy responses ineffective in certain areas. This is a highly complex and sensitive issue. It is the kind of issue that only a center such as is envisioned in this bill can effectively address. We can no longer delude ourselves that this policy option can be left off the table and swept under the rug. New Jersey and New York have come to this realization the hard way. It is time for us to borrow some of their hard earned wisdom before we too come to learn it the hard way.

In supporting this legislation, I would like to make a point that should be emphasized up front.

Connecticut is notorious for investing too little in planning. The oft heard excuse is 'we don't have the money'.

My retort to that is that we don't have the proper priorities.

Any dollar that is spent by state, municipal or private entities on infrastructure without the benefit of understanding the evolving unprecedented risks of the Climate Change phenomenon is a dollar potentially misspent. That is what we cannot afford.

If we resolve to create this center, let us also resolve to fund it appropriately to be an effective tool and not merely a symbolic good intention.

Respectfully,

*Sidney F Gale*

**Sidney F. Gale**  
**Biographical information**

Sidney F. Gale, CPA, MBA, CGMA, conducts a consulting practice focusing on business strategy, management controls and project management.

He has served the Town of Guilford on its Economic Development, and Planning and Zoning Commissions, and chaired its Transportation Planning Committee. He has actively promoted sustainable growth strategies and strengthening of regional planning processes. He has served on the Town's Energy Task Force, and has been an advisor to its Hazard Mitigation and Pre-disaster Planning Committee on issues of climate change and transportation. During his leadership of the Town Center South Planning Committee in 2004, he convened a regional conference of municipal officials to explore the implications of Climate Change on land use policies relating to shoreline development.

Mr. Gale has given presentations on planning for the impacts of Climate Change to various civic and governmental groups in the Northeast and has testified before the Connecticut Joint Legislative Committee on the Environment regarding bills promoting methodical, science-based processes for assessing the impacts of Climate Change and developing strategies for adaptation and mitigation. He has also testified in favor of expanded integrated public transit systems for Connecticut.



Testimony to the Committee on Environment, Connecticut General Assembly Regarding

S.B. No. 1013, AN ACT CONCERNING CLIMATE CHANGE ADAPTATION  
AND DATA COLLECTION.

by

James O'Donnell

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Senator Meyer, Representative Gentile, and members of the Committee on Environment, thank you for the opportunity to comment on S.B. 1013, an Act Concerning Climate Change Adaptation and Data Collection. I am confident that this bill will assist the State address several challenges that we must soon face as a consequence of climate change and I encourage you to support it.

For the last thirty-five years I have studied the physical processes that determine the movement of water in the coastal ocean. I have paid particular emphasis to Long Island Sound and have developed an extensive network of instruments to measure wind, waves and currents. It is clear to me that sea level is rising around our State. I also live by the shore and I have witnessed continuous coastal development. It is an unfortunate reality that our coasts are changing and the recent storms, and the damage they caused, are a sign of things to come. We can prevent flooding and wave damage in some areas by modifying our construction standards and building sea walls, but these are costly and can compromise natural habitats. Reaching an appropriate balance between adaptation strategies requires the dissemination of science and engineering advances to State and municipal officials, practicing engineers and contractors, and the public. Some novel development work is also necessary.

The faculty of the University of Connecticut has a wide range of expertise and facilities that are relevant to the development and assessment of coastal protection and adaptation strategies. In fact, we have many internationally recognized leaders in these areas. I have consulted with members of the Sea Grant Program, the Department of Civil and Environmental Engineering and the College of Agriculture and, in the best traditions of Land Grant and Sea Grant institutions, they have expressed their willingness to contribute to the type of service that is called for in the bill.

If you have any questions, I would be happy to try to address them.

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
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If all the members have voted, the machine will be locked and the Clerk will take the tally.

Would the Clerk please announce the tally.

THE CLERK:

In concurrence with the Senate, Senate Bill 879.

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	146
Those voting Nay	0
Those absent and not voting	4

DEPUTY SPEAKER BERGER:

The bill passes in concurrence with the Senate.

Would the Clerk please call House Calendar Number 608.

THE CLERK:

Mr. Speaker, on page 30, House Calendar 608, favorable report of the joint standing committee on Higher Education and Employment Advancement, Senate Bill 1013, AN ACT CONCERNING CLIMATE CHANGE, ADAPTATION AND DATA COLLECTION.

DEPUTY SPEAKER BERGER:

Representative Albis of the 99th.

REP. ALBIS (99th):

Thank you, Mr. Speaker, good afternoon.

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DEPUTY SPEAKER BERGER:

Good afternoon, sir.

REP. ALBIS (99th):

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

DEPUTY SPEAKER BERGER:

The motion before the Chamber is acceptance of the joint committee's favorable report and passage of the bill.

Please proceed, Representative.

REP. ALBIS (99th):

Thank you, Mr. Speaker.

Mr. Speaker, this bill requires the Department of Energy and Environmental Protection in consultation with the University of Connecticut to report to the Environment Committee on the creation of a Connecticut Center for Coasts. This center would do projects ranging from comprehensive coastal infrastructure inventory and risk assessment to impact of hard versus soft armoring structures for coastal communities.

And, Mr. Speaker, this center will be a -- a guide for municipalities and private property owners to know how best to protect their properties from a storm surge and other impacts related to flooding, sea

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level rise, et cetera. So, Mr. Speaker, I move  
passage of the bill.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

Will you comment further?

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

If I may, a few questions to the proponent,  
through you.

DEPUTY SPEAKER BERGER:

Yes.

Representative Albis, please prepare yourself.

Representative Shaban, proceed please, sir.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Through you, question, will this Climate Change  
and Shoreline Preservation Task Force have the ability  
or the -- be charged with changing any existing land  
use laws or regulations?

Through you.

DEPUTY SPEAKER BERGER:

Representative Albis.

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REP. ALBIS (99th):

Thank you, Mr. Speaker.

The good gentleman referred to the Shoreline Preservation Task Force -- this is actually from the recommendations of the task force. This coastal center that's laid out in the bill would not have the authority to change any existing zoning regulations or any statutory law, that would be under our purview.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

And I appreciate that response. And really, you know, my next two or three questions are more just to kind of flesh out some of the concerns and the legislative intent here, so, through you, would this new commission have the ability or be charged with changing any existing property lines, private property lines or public property lines for that matter?

Through you.

DEPUTY SPEAKER BERGER:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, this center would certainly not have the authority to change any property lines. It's not specifically laid out in their -- in their charge and within the bill so, at this time, I do not foresee them recommending such either.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

Similar question, would this commission be charged or have the ability to change any existing private land use restrictions or covenants?

Through you.

DEPUTY SPEAKER BERGER:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, they would not have such authority.

DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

And again, I thank the gentleman for helping me

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fill in some of the legislative intent.

And a final question, is -- and it's, you know, there's a laundry list here of what this commission is supposed to do and isn't supposed to do, but just to kind of cut to the chase on some of this stuff, is it the gentleman's perception or understanding that this commission would be charge with pursuing a statewide policy of -- what's known as strategic retreat?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, that is an excellent question. And it is not specifically spelled out in here, within the bill, nor do I believe it's the intent to spell out such a strategy. There are many guidelines laid out in the bill. And I -- my sense is that this center would mainly be a resource for municipalities to find how they can best protect their communities, best protect their private property owners and -- and that the intent here is certainly not to move toward strategic retreat.

And I do thank the gentleman for his questions.

Through you, Mr. Speaker.

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DEPUTY SPEAKER BERGER:

Representative Shaban.

REP. SHABAN (135th):

Thank you, Mr. Speaker.

I appreciate the Representative's responses to help connect some of the dots and fill in some of the voids.

I'm going to support this bill today; I supported it in committee. I know there are some folks that have some concerns that, you know, this, with a couple of other actions that we may or may not be taking in this chamber, are starting to set an unchangeable course toward exactly what I mentioned before, strategic retreat requirement or policy in the State of Connecticut. But I don't think that's what this does. I think what the gentleman said is -- is right, that this is -- this commission should act as a resource, should act as a clearinghouse of knowledge and information. You know, if something changes based on what we just discussed, obviously, I think we have the ability to push back on that, but I urge support, because I think any land use restrictions or changes or policies should come in -- not in a vacuum but with certain -- certain knowledge and, obviously, that's

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what this committee or commission is for. So I urge support, and I thank the Chamber for its time.

DEPUTY SPEAKER BERGER:

Thank you, sir.

Representative E. Wright of the 41st, ma'am.

REP. WRIGHT (41st):

Thank you, Mr. Speaker.

I rise in support of this bill. I thank Representative Albis, the vice chair of the Environment Committee and chair of the Shoreline Preservation Task Force for bringing this measure forward. As we all know, flooding in recent major storm events has made sea levels rise in conjunction with increasing storm intensities urgent issues for our state. And I'm confident that this bill will assist us in our -- arriving at a better understanding how to best enhance coastal resilience with special consideration for areas impacted by coastal storms.

Here, in Connecticut, we are blessed with a rich source of ongoing research and education and expertise at UConn, the Department of Marine Sciences, Sea Grant College Program, Department of Engineering, College of Agriculture, and they are all relevant as we seek to improve our understanding of these complex processes

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and working in collaboration with DEEP and federal agencies in developing a science-based, data-driven decision-making needed to improve our planning and adaptation and physical defenses against future coastal storms.

I thank you, and I urge support as well.

DEPUTY SPEAKER BERGER:

Thank you, madam.

Representative Piscopo of the 76th, sir.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

Mr. Speaker, a question, through you, to the proponent of the bill, please.

DEPUTY SPEAKER BERGER:

Please proceed, Representative.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

I was just -- I was wondering in the exchange between you and -- between the ranking member and the chairman -- the vice chair of the Environment Committee was enlightening. And I just want to for legislative intent, try and get this question answered.

Many, many aspects of climate change, as you

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know, are -- are very controversial whether it be sea-level rise -- there's a huge body of evidence on -- covering a whole wide range of issues on, say, sea level rise or different aspects of climate change. Will this data center collect data from, I guess I would say all -- all data from both sides of the -- of what this is -- has become a political controversy?

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, this center will be collecting its data based on actual evidence from the Connecticut coastline. It will specifically be related to the Connecticut coastline as laid out in this bill, and it will gather data, such as changes in shoreline via erosion or increase in sand. It will gather data in terms of -- in terms of models that predict inundation of floods in areas. There are some models out there that do exist, but we hope to be able to create a statewide database that's based on the tide gauges based in New London and Bridgeport, and those are in existence now. They're run by NOAA and they're a great resource for the State of Connecticut

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so this would be specifically Connecticut based, based on real data from our coastline.

Through you.

DEPUTY SPEAKER BERGER:

Representative Piscopo.

REP. PISCOPO (76th):

Thank you, Mr. Speaker.

And I thank the gentleman for his answer. I was just -- I was somewhat concerned about that, especially NOAA may even have a certain data that made -- NOAA might not even be looking at that wide range of science that is actually out there so I do thank the gentleman for his answer.

And thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill?

Representative O'Neill of the 69th, sir.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker.

If I may, a question to the proponent of the bill.

DEPUTY SPEAKER BERGER:

Please proceed, Representative.

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REP. O'NEILL (69th):

Thank you.

Through you, Mr. Speaker, the phrase "strategic retreat" was used early in the discussion, and I'm familiar with that term from history of military operations and that sort of thing, and I assume that is not being used in that way in this discussion since this is a bill about collecting data about environmental issues. So through you, Mr. Speaker, could the proponent give us -- or give me an explanation as to what -- what strategic retreat is and -- which I guess we're not doing but just so I understand what it is that was a matter of concern.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, "strategic retreat" is a phrase that has appeared numerous times in the past couple of years up in this legislature, and it basically refers to the government buying properties along the shoreline to move properties back, but again, that is not addressed in this bill.

Through you, Mr. Speaker.

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DEPUTY SPEAKER BERGER:

Representative O'Neill.

REP. O'NEILL (69th):

Thank you, Mr. Speaker.

And I apologize for having missed those earlier discussions that occurred.

Thank you.

DEPUTY SPEAKER BERGER:

It's quite all right, Representative.

Representative Wood of the 141st.

REP. WOOD (141st):

Thank you, Mr. Speaker.

I also stand in support of this bill. I participated on the Shoreline Task Force, and I think the effort to collaborate and cull information from all the different organizations can only help the municipalities. And in light of the last two storms that we had, we can't not be looking at this. I think we'd be remised to not look at this and do this bill.

I also think that points were very good on strategic retreat, the questions were very good, and that my understanding is also that's not part of this bill. So, again, I do stand in support of this, and I hope the Chamber will also support this.

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Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Representative Lavielle of the 143rd, madam.

REP. LAVIELLE (143rd):

Good afternoon, Mr. Speaker, thank you.

DEPUTY SPEAKER BERGER:

Good afternoon, madam.

REP. LAVIELLE (143rd):

I have just one question for legislative intent if I may. I --

DEPUTY SPEAKER BERGER:

Please proceed. Thank you.

REP. LAVIELLE (143rd):

I know that -- thank you -- I know that last year there were in -- in the wake of a lot of damages that were suffered by shoreline communities, we passed some legislation that tried to look equitably at things that needed to be done to preserve the shoreline and also what needed to be considered in terms of decisions that property owners would be able to make themselves. And if I understand correctly, this bill deals only with a group that would concentrate on information related to what would be effective

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strategies for preserving the shoreline. It doesn't take the legal aspects into account, vis-à-vis, property owners; am I correct?

Through you.

DEPUTY SPEAKER BERGER:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, I thank the good representative for her question, and she is correct.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

I couldn't actually hear the representative but I -- I think he asked me to repeat my question. Was -- I couldn't hear -- I couldn't hear. I'm sorry.

DEPUTY SPEAKER BERGER:

I believe the good representative heard your question. He will repeat the answer.

Please proceed --

REP. LAVIELLE (143rd):

Thank you.

DEPUTY SPEAKER BERGER:

-- Representative Albis.

REP. ALBIS (99th):

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Through you, Mr. Speaker, the representative is correct.

DEPUTY SPEAKER BERGER:

Representative Lavielle.

REP. LAVIELLE (143rd):

Thank you, that was a much less complicated answer that I thought I would have to give. And I thank the Representative for his answer.

I, too, stand in support this bill. I think that it is -- this is something that we're facing because -- or even if we didn't have any more storms, there's already been a tremendous amount of damage along the shoreline and I think that there is a great deal of justified curiosity as to the best ways to preserve the shoreline for the future. So I hope that they will do some good work, and I stand in support of the bill.

Thank you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Representative Noujaim of the 74th.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker. Good afternoon, sir.

Got away from Bunker Hill?

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DEPUTY SPEAKER BERGER:

Yes, the other side of the rivers.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

Through you, Mr. Speaker, I do have a simple question to the proponent of the bill.

DEPUTY SPEAKER BERGER:

Please proceed, Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

Through you, to Representative Albis, and I am looking at -- at the copy of -- of the legislation, and basically, the fiscal note specifically says there's no fiscal impact. However, if I'm reading on lines 14 through 17, basically, it talks about appointment of a center director, establishment on an advisory board and the requisite staffing there for such center. So essentially -- eventually -- eventually, this task force is -- is going to recommend to be -- to add some personnel to it, including a paid staff. Do we have an idea of the potential fiscal note when we establish this center?

Through you, Mr. Speaker.

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Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, that's an excellent question. And this bill specifically requires the department and the University of Connecticut to report on their efforts to establish such a center. That is why there is no fiscal note. It does not require the establishment of the center, and I can relay, through you to Representative Noujaim, that there have been discussions with -- the federal government to try to leverage some funding from various federal agencies for this -- this center. So that is why -- that is also why there's no fiscal note now and it is our hope that there will be no fiscal note to the State in the future.

Through you.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

Through you to Representative Albis, so I am presuming that some time in the short future we'll be receiving a follow-up piece of legislation to authorize the payment for a support staff and a

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mission statement for the center.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Albis.

REP. ALBIS (99th):

Through you, Mr. Speaker, if it is determined that the State is the best entity to fund this center, then that is certainly a possibility, but as I mentioned earlier, I just all hope that we can leverage some federal funding from federal agencies to do this so that there's no cost to the State.

Through you, Mr. Speaker.

DEPUTY SPEAKER BERGER:

Representative Noujaim.

REP. NOUJAIM (74th):

Thank you, Mr. Speaker.

I totally hope that the federal government will bail us out and offer us some funds to run this -- this project.

Thank you, Mr. Speaker.

Thank you, Representative Albis.

DEPUTY SPEAKER BERGER:

Thank you, Representative.

Will you comment further on the bill before us?

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Will you comment further on the bill before us?

If not, will staff and guests please come to the well of the House. Will members please take your seat. 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 return to the chamber immediately.

DEPUTY SPEAKER BERGER:

Have all the members voted? Have all the members voted? Will the members please check the board to see if their vote has been properly cast?

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

Will the Clerk please announce the tally.

THE CLERK:

In concurrence with the Senate, Substitute Bill 1013.

Total Number Voting	146
Necessary for Passage	74
Those voting Yea	143
Those Voting Nay	3
Those absent and not voting	4

DEPUTY SPEAKER BERGER:

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The bill passes in concurrence with the Senate.

Mr. Majority Leader, Representative Aresimowicz,  
what purpose do you rise, sir?

REP. ARESIMOWICZ (30th):

Good afternoon, Mr. Speaker, for the purposes of  
an announcement, sir.

DEPUTY SPEAKER BERGER:

Please proceed, sir.

REP. ARESIMOWICZ (30th):

Yes, Mr. Speaker, in a few short minutes, the  
Democratic members will be caucusing in Room 207A.

DEPUTY SPEAKER BERGER:

Thank you, sir.

Representative Klarides.

REP. KLARIDES (114th):

Could you please make them stop talking. I can't  
focus. This is very important.

Thank you, Mr. Speaker. Also for purposes of  
announcement, the House Republicans will caucusing in  
209.

DEPUTY SPEAKER BERGER:

Thank you, ma'am.

The House will stand at -- yes, Representative  
Aresimowicz, I'm sorry, sir.

**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

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**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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THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator LeBeau.

SENATOR LeBEAU:

Thank you, Madam President.

Again, as on the last bill, this is a bipartisan bill. Again, I want to thank Senator Frantz for his leadership on this bill and helping us move this through on -- on a virtually unanimous vote everywhere that it's -- it's been.

And if there's no objection, I'd like to move this to the Consent Calendar.

THE CHAIR:

Thank you.

Will you remark? Will -- is there any objection?

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On Calendar Page 41, Calendar Number 254, Senate Bill Number 1013, AN ACT CONCERNING CLIMATE CHANGE ADAPTATION AND DATA COLLECTION, Favorable Report from the Committee on the Environment..

THE CHAIR:

Good evening, Senator Meyer.

SENATOR MEYER:

Good evening, Madam Chairman; nice to see you.

I do move acceptance of the committee's joint and Favorable Report and move passage of this bill.

THE CHAIR:

The motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

I -- I will, Madam Chairman.

This is a bill that seeks to provide a vehicle for advising all of us concerning the effects of sea level rises and extreme weather. And it directs the Department of Energy and Environmental Protection to report back to the Environment Committee with respect to establishing a Connecticut Center for Coasts. And that Connecticut Center for Coasts would be a joint venture of DEEP, together with the University of Connecticut. And it has a -- a broad mission that relates to preparing us for some of the challenges we have from sea level rise and from continued extreme weather conditions.

So it's, the bill is a creature of our new task force on, the shore, Shoreline Task Force, of which I'm a member and which is a bipartisan task force that's making recommendations to prepare us for the challenges of the future.

So that's the bill, and I urge its passage.

THE CHAIR:

Will you remark? Will you remark?

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

Madam President, I also rise in support of the bill. It received overwhelming, positive testimony in our public hearing. And as the good Senator from Guilford

said, it was a recommendation that came out of the Shoreline Task Force.

So I would encourage my colleagues to support it.

Thank you, Madam President.

THE CHAIR:

Thank you.

Will you remark further? Will you remark further?

Senator Kelly.

SENATOR KELLY:

Thank you, Madam President.

I have a couple of questions, through you, to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR KELLY:

Thank you.

I see in the bill that it's going to require the DEP and -- and UCONN to report to the Environment Committee about potential establishment of a Connecticut Center for Coasts. What is that center going to entail?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

The -- the bill speaks for itself on that regard. It sets forth exactly what the, what the center will do. It will include doing a detailed description for conducting research, outreach, and education products to guide the development of technologies that increase the protection of ecosystems, coastal properties, and other lands and attributes of the state that are subject to the effects of rising sea level.

The -- the center will also be composed of a center director, and that director will be responsible for the performance of mapping, consensus building, a soft-shore -- soft-shore protection strategies. That would include, Senator Kelly, what we call "a living shoreline" and -- and all the other things you can see on the second page of the bill.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Through you, Madam President.

Is that going to require a physical presence and a -- a structure of sorts; is it going to have an actual location?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

I would imagine that that will be up to a decision by UCONN and -- and DEEP. But it would be easy to project that there will be a headquarters and a location.

The Senator representing Avery Point has already talked to me about that as a desirable location for the center, so it's -- it's something under discussion and I think it's likely to happen.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

So -- so in all likelihood it is going to have a -- a location. I would imagine it's going to be along the shoreline, but is it going to be at a UCONN location?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President.

That has not been determined, whether it would be a UCONN location or not. Certainly UCONN's location at Avery Point would be a -- a logical place, but that would -- the bill does not determine where that, where this coastal center will be located.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Is there -- while the bill doesn't contemplate that, how would that location be selected?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Well, it would probably be selected by the director of the center, as referred to on Line 14. And I'm sure that decision would be made in coordination with the joint ventures in this project. The two joint

ventures are the University of Connecticut and the Department of Energy and Environmental Protection.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Through you, Madam President.

And who would appoint the center director?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

That -- that detail will come down when -- when this bill, if this bill is enacted. And DEEP is directed under this bill to establish the Connecticut Center for -- for Coasts and -- and to report, to report to us with respect to those details, including those kind of determinations that you've just mentioned.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay. So the appointment would probably come either through the Department of, you know, DEEP or through some mechanism that they would establish.

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President, that's correct.

THE CHAIR:

Senator Kelly.

SENATOR KELLY:

Okay; thank you, Madam President.

And thank you, Senator Meyer, for your answers.

THE CHAIR:

Thank you.

SENATOR MEYER:

Thank you, Senator.

THE CHAIR:

Will you remark further? Will you remark further?

Senator Meyer.

SENATOR MEYER:

Yes. If there's no objection, Madam President, may this go on our Consent Calendar?

THE CHAIR:

Seeing no objection, so ordered, sir.

Sorry; Mr. Clerk.

THE CLERK:

On Calendar Page 43, Calendar Number 302, Substitute for Senate Bill Number 1016, AN ACT REGULATING THE PLANTING AND SALE OF RUNNING BAMBOO, Favorable Report from the Environmental Committee.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, if the Clerk would now proceed to read the items placed on the Consent Calendar today, before calling for a vote on that Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Beginning on Calendar Page 3, Number 146, Senate Bill Number 959; also on Calendar Page 3, Number 165, Senate Bill 327.

On Calendar Page 8, Number 303, Senate Bill Number 1018.

On Page 22, Calendar Number 511, House Bill 6243.

On Page 23, Calendar Number 517, House Bill 6453.

On Page 24, Calendar Number 525, House Bill 6457; also on Page 24, Calendar Number 526, Senate Bill 1079.

On Page 25, Calendar Number 527, Senate Bill 1131; also on Page 25, Calendar Number 529, Senate Bill 965. Finally, on Page 25, Calendar Number 531, Senate Bill 986.

On Page 29, Calendar Number 562, House Bill 5387.

On Page 35, Calendar Number 39, Senate Bill 597.

On Page 40, Calendar 210, Senate Bill 817.

THE CHAIR:

Mr. Clerk, on Page 35, have you also seen Calendar Number 44, Senate Bill 809?

A VOICE:

Yeah.

THE CHAIR:

(Inaudible) wrong. Okay. Okay; I apologize, sir.

Please proceed.

THE CLERK:

On Calendar Page 40, Number 210, Senate Bill 817.

On Page 41, Calendar 254, Senate Bill 1013.

On Calendar Page 42, Number 271, Senate Bill 1072;  
also on Page 42, Calendar Number 286, Senate Bill  
1113.

On Page 44, Calendar 364, Senate Bill 1014.

On Page 46, Calendar Number 397, Senate Bill 992; also  
on Page 46, Calendar 406, Senate Bill 1129. And  
finally, on Page 46, Calendar 407, Senate Bill 383.

THE CHAIR:

Mr. Clerk, I ask for a roll call vote. The machine  
will be open for the Consent Calendar.

THE CLERK:

Immediate roll call vote has been ordered in the  
Senate on the Consent Calendar. Immediate roll call  
vote has been ordered in the Senate; Senators please  
return to the Chamber.

THE CHAIR:

All members have voted: all members voted? The  
machine will be closed.

Mr. Clerk, will you please call the tally.

THE CLERK:

On the Consent Calendar.

Total Voting	36
Voting Yea	36
Voting Nay	0
Absent, not voting	0

THE CHAIR:

The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, at this point, having concluding the day's business, would certainly yield the floor to any members for purposes of announcements or committee meeting or -- or other points of personal privilege.

THE CHAIR:

Are there any point -- points of personal privilege or announcements? Are there any personal privileges or announcement?

Senator McKinney.

SENATOR McKINNEY:

Thank you, Madam President.

Madam President, as fate would have it, we came close yesterday to being able to celebrate the birthday of two of our members. Yesterday we celebrated the birthday of Senator Slossberg; today, we get to celebrate the birthday of Senator Len Fasano, so --

THE CHAIR:

All right.

SENATOR McKINNEY: