

CHAPTER 483

LONG ISLAND SOUND

Table of Contents

[Sec. 25-138. Purpose of committee.](#)

[Sec. 25-139. Establishment of committee. Membership.](#)

[Sec. 25-140. Duties of committee. Exceptions. Report.](#)

[Sec. 25-140a. Recommendations of committee re uniform signs for coastal access.](#)

[Sec. 25-141. Cooperation by other public bodies.](#)

[Sec. 25-142. Effective date of part.](#)

[Secs. 25-143 to 25-153. Reserved](#)

[Sec. 25-154. Long Island Sound advisory councils.](#)

[Sec. 25-155. Long Island Sound Assembly.](#)

[Sec. 25-156. Long Island Sound Foundation, Inc.](#)

[Sec. 25-157. Applications for crossings of Long Island Sound. Moratorium. Petition to waive moratorium.](#)

[Sec. 25-157a. Comprehensive environmental assessment and plan re crossings of Long Island Sound.](#)

[Sec. 25-157b. Crossings of Long Island Sound. Evaluation of application's consistency with comprehensive environmental assessment plan.](#)

[Sec. 25-157c. State's advisory opinion to the Federal Energy Regulatory Commission. Request for moratorium.](#)

[Secs. 25-157d to 25-157m. Reserved](#)

[Sec. 25-157n. Bi-State Long Island Sound Commission. Legislative findings. Establishment. Duties. Expenses. Effective date.](#)

[Secs. 25-157o to 25-157s. Reserved](#)

[Sec. 25-157t. Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee. Long Island Sound Resource and Use Inventory. Long Island Sound Blue Plan.](#)

[Secs. 25-158 and 25-159. Reserved](#)

PART I

BI-STATE LONG ISLAND SOUND COMMITTEE

Sec. 25-138. Purpose of committee. In order to provide for maximum public enjoyment and to protect the natural resources of Long Island Sound, which is threatened by proposed industrialization and negative uses, including, but not limited to, proposed private projects, the legislature hereby finds that the best interest of the people of the state and the communities involved will be served by the establishment of a Connecticut-New York Bi-State Long Island Sound Committee to make specific recommendations concerning the maintenance, protection and restoration of such natural resources.

(P.A. 73-629, S. 1, 5; P.A. 05-137, S. 1.)

History: P.A. 73-629 effective upon the enactment by the state of New York of legislation having like effect, i.e. September 1, 1988; P.A. 05-137 changed name of committee and added provisions re public enjoyment, protection of natural resources and proposed industrialization and negative uses, including, but not limited to, proposed private projects, effective upon the enactment by the state of New York of legislation having like effect, i.e. June 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-139. Establishment of committee. Membership. There is hereby established a Bi-State Long Island Sound Committee. Such committee shall consist of eighteen members, nine of whom shall be residents of Connecticut and nine of whom shall be residents of New York. The Connecticut members shall be as follows: Three members of the Senate representing districts that include coastal municipalities, one appointed by the president pro tempore of the Senate, one appointed by the majority leader of the Senate and one appointed by the minority leader of the Senate; three members of the House of Representatives, one appointed by the speaker of the House of Representatives, one appointed by the majority leader of the House of Representatives and one appointed by the minority leader of the House of Representatives; and the Governor, the Commissioner of Energy and Environmental Protection and the director of the Connecticut coastal zone management program, or their designees.

(P.A. 73-629, S. 2, 5; P.A. 88-336, S. 1, 5; P.A. 05-137, S. 2; P.A. 11-80, S. 1.)

History: P.A. 73-629 effective upon the enactment by the state of New York of legislation having like effect, i.e. September 1, 1988; P.A. 88-336 increased membership on the committee from each participating state from four to nine and designated the governor, commissioner of environmental protection and the director of the coastal zone management program as members of the committee; P.A. 05-137 changed name of committee, effective upon the enactment by the state of New York of legislation having like effect, i.e. June 1, 2011; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection", effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-140. Duties of committee. Exceptions. Report. The committee may make such recommendations as may be necessary to effectuate the purposes of this part, except for any major environmental, ecological or energy issue involving Long Island Sound and the lower Hudson River Valley that is under review by the Bi-State Long Island Sound Commission established pursuant to section 25-143. In furtherance of its responsibilities under this part, the committee may coordinate and recommend standardization of all laws relative to Long Island Sound including, but not limited to, standardization of jurisdiction of coastal waters by harbor management commissions, municipal waterfront authorities, municipal conservation commissions, municipal port authorities and municipal shellfish commissions. The committee shall consider the adverse impact any action proposed in or for Long Island Sound may have upon the public trust resources of said sound. The committee shall prepare and submit a report to the governors and the legislatures of the respective states on or before February fifteenth, annually. The report shall make recommendations for legislation regarding proposed industrialization and private use of public trust resources of Long Island Sound. In developing such recommendations, the committee

shall seek to (1) avoid, (2) minimize, and (3) mitigate the impacts of such proposed industrialization and private use of public trust resources of said sound. For the purposes of this section, “public trust resources” shall include, but not be limited to, the historic and broad boating use of said sound by the public, the right of the public to enjoy and explore the natural beauty of said sound by boat, the rights of the public and commercial fishermen to harvest fish and shellfish from said sound, the protection of all natural resources of said sound that are held in trust by the state for the public, the stewardship and restoration of sites along the coast of said sound that contain important habitat or natural resources and the protection of sites that provide opportunities for public enjoyment of said sound.

(P.A. 73-629, S. 3, 5; P.A. 88-336, S. 2, 5; P.A. 05-137, S. 3; P.A. 09-151, S. 2, 3.)

History: P.A. 73-629 effective upon the enactment by the state of New York of legislation having like effect, i.e. September 1, 1988; P.A. 88-336 added standardization of jurisdiction of coastal waters by local agencies to the charge of the committee; (Revisor's note: In 1991 the word “chapter” was replaced editorially by the Revisors with the word “part” reflecting inclusion of new provisions as part II of chapter 483); P.A. 05-137 made committee coordination and recommended standardization of all laws relative to Long Island Sound discretionary, substituted “public trust” resources for “marine” resources, specified report recommendations and considerations and defined “public trust resources”, effective upon the enactment by the state of New York of legislation having like effect, i.e. June 1, 2011; P.A. 09-151 added exemption re issues under review by Bi-State Long Island Sound Commission, effective July 1, 2009.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-140a. Recommendations of committee re uniform signs for coastal access. The Bi-State Long Island Sound Committee, established pursuant to sections 25-138 to 25-142, inclusive, may solicit proposals from any interested and qualified party for a design for a uniform sign denoting coastal access to Long Island Sound in the states of Connecticut and New York. The committee may make a recommendation regarding such signs to the governors and the legislatures of the respective states.

(P.A. 92-16; P.A. 05-137, S. 4.)

History: P.A. 05-137 changed committee name and deleted reference to 1993 legislative sessions, effective upon the enactment by the state of New York of legislation having like effect, i.e. June 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-141. Cooperation by other public bodies. The committee may request and receive from any department, division, board, bureau, commission or other agency of the state of Connecticut or the state of New York, or any political subdivision thereof or any public authority or not-for-profit organization such data as may be necessary to enable the committee to carry out its responsibilities under this part.

(P.A. 73-629, S. 4, 5; P.A. 05-137, S. 5.)

History: P.A. 73-629 effective upon the enactment by the state of New York of legislation having like effect, i.e. September 1, 1988; (Revisor's note: In 1991 the word “chapter” was replaced editorially by the Revisors with the word “part” reflecting inclusion of new provisions as part II of chapter 483); P.A. 05-137 added provision re not-for-profit organizations, effective upon the enactment by the state of New York of legislation having like effect, i.e. June 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-142. Effective date of part. This part shall take effect upon the enactment by the state of New York of legislation having like effect as this part.

(P.A. 73-629, S. 5.)

History: New York enacted legislation having like effect on September 1, 1988; (Revisor's note: In 1991 the word "chapter" was replaced editorially by the Revisors with the word "part" reflecting inclusion of new provisions as part II of chapter 483).

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Secs. 25-143 to 25-153. Reserved for future use.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

PART II

LONG ISLAND SOUND ADVISORY COUNCILS AND LONG ISLAND SOUND ASSEMBLY. LONG ISLAND SOUND FOUNDATION, INC. PROTECTION OF LONG ISLAND SOUND

Sec. 25-154. Long Island Sound advisory councils. (a) There are established three Long Island Sound advisory councils as follows: (1) An Eastern Long Island Sound Advisory Council consisting of the towns of Stonington, Groton, Ledyard, Preston, Norwich, Montville, New London, Waterford, East Lyme, Old Lyme, Lyme, Old Saybrook, Essex, Chester, Deep River, Clinton and Westbrook; (2) a Central Long Island Sound Advisory Council consisting of the towns of Madison, Guilford, Branford, East Haven, North Haven, Hamden, New Haven, West Haven and Orange; and (3) a Western Long Island Sound Advisory Council consisting of the towns of Milford, Shelton, Stratford, Bridgeport, Fairfield, Westport, Norwalk, Darien, Stamford and Greenwich.

(b) The membership of each council shall be comprised of the chief executive officer, or his designee, of each municipality in such council and four members as follows: One appointed by the president pro tempore of the Senate, one appointed by the minority leader of the Senate, one appointed by the speaker of the House of Representatives and one appointed by the minority leader of the House of Representatives. Each council shall elect a chairperson and vice-chairperson by a majority vote of the members of the council.

(c) Each council shall prepare a report concerning the use and preservation of Long Island Sound within its boundaries. Such report shall include, but not be limited to, provisions prioritizing the concerns of citizens and organizations for the future of Long Island Sound, recommendations for improving the biological integrity of and public access to Long Island Sound and identification of available resources concerning Long Island Sound. Such report shall be revised as each council deems necessary.

(d) Each council may organize, as it deems necessary, and utilize public or private resources in accomplishing its duties, including those made available from educational institutions and industry.

(e) Each council shall submit its report to the Long Island Sound Assembly not more than one year after the first meeting of such council. Any revision shall be submitted to said assembly within thirty days.

(P.A. 89-344, S. 2, 4; P.A. 13-299, S. 28.)

History: P.A. 13-299 amended Subsec. (b) to decrease number of council members from 9 to 4, delete provisions re 5 gubernatorial appointments and first meeting, and add provision re election of council chairperson and vice-chairperson, effective July 1, 2013.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-155. Long Island Sound Assembly. (a) There is established the Long Island Sound Assembly consisting of four members of each Long Island Sound advisory council. The members shall be appointed by the chairperson of each advisory council, two of whom shall be chief executive officers, and two of whom shall be appointed from the members of such councils appointed by the legislature.

(b) The assembly shall review the report of each advisory council submitted pursuant to section 25-154 for compatibility with the reports of the other councils and for coordination with federal and state law and the activities of the Bi-State Long Island Sound Committee. The assembly shall submit, in accordance with the provisions of section 11-4a, a report of its review and any recommendations to the General Assembly on or before January first, annually. The report shall be submitted electronically to the joint standing committee of the General Assembly having cognizance of matters relating to the environment and, upon request, to any member of the General Assembly. The joint standing committee of the General Assembly having cognizance of matters relating to the environment shall post a copy of such report on its Internet web site.

(P.A. 89-344, S. 1, 4; P.A. 96-251, S. 12; P.A. 11-80, S. 1; P.A. 13-299, S. 29.)

History: P.A. 96-251 amended Subsec. (b) by requiring that on and after October 1, 1996, reports be submitted to environment committee and upon request to legislators and by adding provisions re submission of report summaries to legislators; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (c), effective July 1, 2011 (Revisor's note: In Subsec. (b), a reference to "Bi-State Long Island Sound Marine Resources Committee" was changed editorially by the Revisors to "Bi-State Long Island Sound Committee" to conform with changes made by P.A. 05-137); P.A. 13-299 amended Subsec. (a) to decrease number of members from each advisory council from 7 to 4, decrease number of chief executive officers appointed from 3 to 2, change 4 members appointed by Governor or legislature to 2 members appointed by legislature, delete provision re criteria for 3 members and make a technical change, amended Subsec. (b) to require report be submitted electronically and in accordance with Sec. 11-4a, delete requirement re mailing of summary of report to members of General Assembly, add requirement for environment committee to post report on its web site and make a technical change, and deleted former Subsec. (c) re first meeting of assembly, effective July 1, 2013.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-156. Long Island Sound Foundation, Inc. (a) There is established the Long Island Sound Foundation, Inc., a nonstock, nonprofit corporation, organized under the laws of the state of Connecticut as a state chartered foundation. The Long Island Sound Foundation, Inc. shall be a successor organization to the Long Island Sound Assembly established under section 25-155.

(b) The Long Island Sound Foundation, Inc. shall: (1) Target and promote the coordination and support of research and education activities and public information programs regarding the restoration and protection of Long Island Sound; and (2) receive, disburse and administer gifts, grants, endowments or other funds from any source that supports research and education activities connected with the Long Island Sound ecosystem consistent with the purposes of this section. Recipients of such funds may include nonprofit organizations, civic and community groups, schools, public agencies and the private sector.

(P.A. 93-74, S. 48, 67.)

History: P.A. 93-74 effective July 1, 1993.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-157. Applications for crossings of Long Island Sound. Moratorium. Petition to waive moratorium. Notwithstanding any other provision of the general statutes, no state agency, including, but not limited to, the Department of Energy and Environmental Protection and the Connecticut Siting Council within said department, shall consider or render a final decision for any applications relating to electric power line crossings, gas pipeline crossings or telecommunications crossings of Long Island Sound that have required or will require a certificate issued pursuant to section 16-50k or approval by the Federal Energy Regulatory Commission including, but not limited to, electrical power line, gas pipeline or telecommunications applications that are pending or received after June 3, 2002, for a period of three years after June 3, 2002. Such moratorium shall not apply to applications relating solely to the maintenance, repair or replacement necessary for repair of electrical power lines, gas pipelines or telecommunications facilities currently used to provide service to customers located on islands or peninsulas off the Connecticut coast or harbors, embayments, tidal rivers, streams or creeks. An applicant may seek a waiver of such moratorium by submitting a petition to the following: The chairpersons and ranking members of the joint standing committees of the General Assembly having cognizance of matters relating to energy and the environment, the chairman of the Connecticut Siting Council, the Commissioner of Energy and Environmental Protection, and any other state agency head with jurisdiction over the subject of the petition. Such persons may grant a petition for a waiver by unanimous consent. Nothing in this section or sections 25-157a to 25-157c, inclusive, shall be construed to affect the project in the corridor across Long Island Sound, from Norwalk to Northport, New York, to replace the existing electric cables that cross the sound.

(P.A. 02-95, S. 1; P.A. 03-123, S. 6; 03-148, S. 1; P.A. 04-109, S. 12; 04-222, S. 5; P.A. 11-80, S. 1, 77; P.A. 14-134, S. 125.)

History: P.A. 02-95 effective June 3, 2002; P.A. 03-123 made a technical change; P.A. 03-148 limited types of crossings subject to moratorium to those that require a certificate issued pursuant to Sec. 16-50k or approval by the Federal Energy Regulatory Commission, changed moratorium from one year to two years and eliminated provision re task force chaired by the Institute of Sustainable Energy, effective June 26, 2003; P.A. 04-109 made a technical change, effective May 21, 2004; P.A. 04-222 extended moratorium from two years to three years after June 3, 2002, and specified parties to whom applicant for moratorium waiver shall submit petition, effective June 8, 2004; P.A. 11-80 changed "Department of Environmental Protection" to "Department of Energy and Environmental Protection", added provision re Connecticut Siting Council within said department, deleted "chairperson of the Public Utilities Control Authority" and changed "Commissioner of Environmental Protection" to "Commissioner of Energy and Environmental Protection", effective July 1, 2011; P.A. 14-134 deleted reference to Sec. 16-244j, effective June 6, 2014.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-157a. Comprehensive environmental assessment and plan re crossings of Long Island Sound. Not later than one year from June 3, 2002, a comprehensive environmental assessment and plan shall be completed under the direction of the Institute for Sustainable Energy. In conducting the comprehensive environmental assessment and plan, a task force shall work with the Institute of Sustainable Energy that consists of the task force members contained in Executive Order Number 26 of Governor John G. Rowland and a representative of: (1) The Bureau of Fisheries of the Department of Energy and Environmental Protection; (2) the Director of the Bureau of Aquaculture of the Department of Agriculture; (3) the Bureau of Aviation and Ports, Connecticut Coastline Port Authority of the Department of Transportation; (4) the Connecticut Seafood Council; (5) the Atlantic States Marine Fisheries; (6) Save the Sound, Inc.; (7) the Connecticut Fund for the Environment, Inc.; (8) the Long Island Soundkeeper; (9) the State Geologist; and (10) no more than one representative each from the holder of a permit for a merchant cable, one representative from an applicant for a gas pipeline, one representative from each local gas and electric distribution company and one representative from the telecommunications industry.

Nothing in this section shall prohibit the task force from soliciting the participation of other persons in the development of the comprehensive environmental assessment and plan, including, but not limited to, federal agencies regarding matters within such agencies' jurisdiction. Such assessment and plan shall include, but not be limited to, a review and analysis of those criteria set forth in Executive Order Number 26 of Governor John G. Rowland in addition to the following: (A) In consultation with the Institute of Water Resources at The University of Connecticut and The University of Connecticut Cooperative Extension Service, a comprehensive inventory and mapping of all existing environmental data on the natural resources of Long Island Sound, including, but not limited to: All coastal resources, as defined in section 22a-93, all points of public access and public use, locations of rare and endangered species including the breeding and nesting areas for such rare and endangered species, locations of historically productive fishing grounds and locations of unusual and important submerged vegetation; (B) an evaluation of the relative importance and uniqueness of the natural resources and an identification of the most ecologically sensitive natural resources of Long Island Sound; (C) an assessment of the present status, future potential and environmental impacts on Long Island Sound of meeting the region's energy needs that do not require the laying of a power line or cable within Long Island Sound; (D) an evaluation of methods to minimize the numbers and impacts of electric power line crossings, gas pipeline crossings and telecommunications crossings within Long Island Sound, including an evaluation of the individual and cumulative environmental impacts of any such proposed crossings; (E) an inventory of current crossings of Long Island Sound and an evaluation of the current environmental status of those areas that have crossings; (F) an evaluation of the reliability and operational impacts to the state and region of proposed crossings of Long Island Sound and an evaluation of the impact on reliability by recommended limitations on such crossings; (G) recommendations for providing for regional energy needs while protecting Long Island Sound to the maximum extent possible; and (H) recommendations on natural resource performance bond levels to insure and reimburse the state in the event that future electric power line crossings, gas pipeline crossings or telecommunications crossings substantially damage the public trust in the natural resources of Long Island Sound. For the purposes of sections 25-157 to 25-157c, inclusive, "Long Island Sound" shall include its harbors, embayments, tidal rivers, streams and creeks to the extent that any such projects would impact such harbors, embayments, tidal rivers, streams and creeks.

(P.A. 02-95, S. 3; P.A. 03-123, S. 7; June 30 Sp. Sess. P.A. 03-6, S. 146(f); P.A. 04-189, S. 1; P.A. 11-80, S. 1.)

History: P.A. 02-95 effective June 3, 2002; P.A. 03-123 made a technical change, effective June 26, 2003; June 30 Sp. Sess. P.A. 03-6 replaced Department of Agriculture with Department of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection", effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-157b. Crossings of Long Island Sound. Evaluation of application's consistency with comprehensive environmental assessment plan. Any application for an electric power line, gas pipeline or telecommunications crossing of Long Island Sound that is considered by any state agency, including, but not limited to, the Department of Energy and Environmental Protection or the Connecticut Siting Council, after the creation of the comprehensive environmental assessment and plan, described in section 25-157a, shall additionally be evaluated for such application's: (1) Likelihood to impair the public trust in Long Island Sound based on, but not limited to, the information contained in the comprehensive environmental assessment and plan; (2) consistency with the recommendations of the comprehensive environmental assessment; and (3) environmental impact, both individual and cumulative, including but not limited to those impacts anticipated by the comprehensive environmental assessment and plan described in section 25-157a.

(P.A. 02-95, S. 4; P.A. 11-80, S. 1.)

History: P.A. 02-95 effective June 3, 2002; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection", effective July 1, 2011.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Sec. 25-157c. State's advisory opinion to the Federal Energy Regulatory Commission. Request for moratorium. Notwithstanding any provision of the general statutes, the Connecticut Siting Council, within fifteen days of June 3, 2002, shall submit the state's advisory opinion to the Federal Energy Regulatory Commission requesting that, on behalf of the state, the Federal Energy Regulatory Commission not approve any new individual electric power line crossing, gas pipeline crossing or telecommunications crossing until the comprehensive environmental assessment and plan described in section 25-157a is completed and that the Federal Energy Regulatory Commission avoid environmental damage to Long Island Sound to the greatest extent possible when licensing any future project by considering the recommendations contained in the comprehensive environmental assessment and plan described in section 25-157a. Notwithstanding the provisions of sections 25-157 to 25-157b, inclusive, and this section, if the Federal Energy Regulatory Commission proceeds with consideration of any such project, regardless of the Siting Council's request, the Connecticut Siting Council and any other state agency with jurisdiction over such project shall review such proposed project and recommend siting, construction procedures and environmental mitigation measures to the Federal Energy Regulatory Commission for such project that conform with the comprehensive environmental assessment and plan described in section 25-157a, to the degree such assessment and plan information is available.

(P.A. 02-95, S. 5; P.A. 14-134, S. 126.)

History: P.A. 02-95 effective June 3, 2002; P.A. 14-134 deleted reference to Sec. 16-244j, effective June 6, 2014.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Secs. 25-157d to 25-157m. Reserved for future use.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

PART III

BI-STATE LONG ISLAND SOUND COMMISSION

Sec. 25-157n. Bi-State Long Island Sound Commission. Legislative findings. Establishment. Duties. Expenses. Effective date. (a) The General Assembly hereby finds that Long Island Sound is a precious and sensitive natural resource providing the states of Connecticut and New York with a source of environmental beauty, marine resources, transportation, industry and recreation. Said states share ownership and stewardship of Long Island Sound. Decisions of one state may impact directly or indirectly on the residents of the other state. Significant projects may require approval from state or local agencies in both states. Proposed projects to address energy supply and energy demand of both states potentially affect Long Island Sound. Cooperative planning to address such energy supply and demand would greatly reduce the impact of such proposed projects on Long Island Sound. The waters and industrial uses of the lower Hudson River Valley similarly affect the quality of Long Island Sound.

(b) There is established a Bi-State Long Island Sound Commission which shall consist of the Governors of the states of Connecticut and New York, or their designees, and in addition, seven members who are residents of Connecticut and seven members who are residents of New York. The seven Connecticut members shall be

appointed to two-year terms as follows: (1) One appointed by the Governor, (2) one appointed by the president pro tempore of the Senate, (3) one appointed by the majority leader of the Senate, (4) one appointed by the minority leader of the Senate, (5) one appointed by the speaker of the House of Representatives, (6) one appointed by the majority leader of the House of Representatives, and (7) one appointed by the minority leader of the House of Representatives. The Governors of the states of Connecticut and New York, or their designees, shall serve as cochairpersons of said commission, ex officio, unless the commission members select other chairpersons by majority vote. In no event shall the cochairpersons be from the same state.

(c) Said commission shall (1) review and consider major environmental, ecological and energy issues involving Long Island Sound and the lower Hudson River Valley, provided the commission's review and consideration of issues involving the valley shall be limited to issues in the valley that affect Long Island Sound, (2) seek consensus on strategies and policies concerning such issues, and (3) make recommendations for administrative and legislative action to implement such strategies and policies. Said commission shall meet not later than October 1, 2009, and not less than quarterly thereafter, at a time, date and place to be determined by the cochairpersons.

(d) Said commission shall be within the Department of Energy and Environmental Protection for administrative purposes only, and the expenses for said commission shall be borne equally by the states of Connecticut and New York.

(e) Nothing in this section shall be construed to supplant or supersede any statutory or regulatory authority of any state or municipal agency concerning projects, policies or activities of said commission.

(f) The provisions of this section shall take effect upon enactment by the state of New York of legislation having like effect.

(P.A. 09-151, S. 1; P.A. 11-80, S. 1.)

History: P.A. 09-151 effective July 1, 2009; pursuant to P.A. 11-80, "Department of Environmental Protection" was changed editorially by the Revisors to "Department of Energy and Environmental Protection" in Subsec. (d), effective July 1, 2011.

See Sec. 4-38f for definition of "administrative purposes only".

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Secs. 25-157o to 25-157s. Reserved for future use.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

PART IV

LONG ISLAND SOUND RESOURCE AND USE INVENTORY. LONG ISLAND SOUND BLUE PLAN

Sec. 25-157t. Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee. Long Island Sound Resource and Use Inventory. Long Island Sound Blue Plan. (a) There is established a Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee that shall assist the Commissioner of Energy and Environmental Protection with the drafting of the Long Island Sound Resource and Use Inventory and the Long Island Sound Blue Plan, described in subsection (b) of this section. Such advisory committee shall consist of the following members: (1) The Commissioners of Energy and Environmental Protection, Transportation, and Agriculture, or said commissioners' designees, (2) the Secretary of the Office of Policy and Management, or the

secretary's designee, (3) a faculty member of the marine sciences programs at The University of Connecticut, as appointed by the Governor, (4) a representative of the Connecticut Siting Council, (5) a representative of the marine trades industry, as appointed by the minority leader of the Senate, (6) a representative of a conservation organization that specializes in coastal issues, as appointed by the president pro tempore of the Senate, (7) a representative of the gas and electric distribution industries, as appointed by the Governor, (8) a representative of the commercial finfish industry, as appointed by the speaker of the House of Representatives, (9) a representative of the recreational fishing and hunting community, as appointed by the minority leader of the House of Representatives, (10) a representative of a nonprofit conservation organization with expertise in marine assessments and planning, as appointed by the Governor, (11) a representative of either the shellfish industry or an organization familiar with commercial or recreational aquaculture, as appointed by the Governor, (12) two representatives of coastal municipalities, one appointed by the majority leader of the House of Representatives and one appointed by the Governor, and (13) a representative of the commercial boating or shipping industries, appointed by the majority leader of the Senate. The Commissioner of Energy and Environmental Protection shall convene the first meeting of such advisory committee not later than sixty days after July 1, 2015, and shall serve as the chairperson of such advisory committee. The commissioner may request members of the advisory committee to assist with administrative functions of the advisory committee, including, but not limited to, convening and noticing meetings and drafting assessments and reports. The advisory committee shall be located in the Department of Energy and Environmental Protection for administrative purposes only.

(b) The Commissioner of Energy and Environmental Protection, in conjunction with the Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee, established pursuant to subsection (a) of this section, and within available resources, shall: (1) Coordinate the completion of a Long Island Sound Resource and Use Inventory by a Long Island Sound Inventory and Science subcommittee to be convened by The University of Connecticut. Such resource and use inventory shall be comprised of the best available information and data regarding the natural resources within Long Island Sound and the uses of Long Island Sound, including, but not limited to, all: (A) Plants; (B) animals; (C) habitats; (D) ecologically significant areas in nearshore and offshore waters and substrates of such waters; (E) uses of such waters and substrates, including, but not limited to: (i) Recreational and commercial boating, (ii) recreational and commercial fishing, (iii) waterfowl hunting, (iv) shellfish beds, (v) aquaculture facilities, (vi) shipping corridors, (vii) energy facilities, and (viii) electric power line, gas pipeline and telecommunications crossings; and (F) any updates and additions to the comprehensive environmental assessment and plan completed, in accordance with section 25-157a; and (2) develop a Long Island Sound Blue Plan that may include maps, illustrations and other media. Such Long Island Sound Blue Plan shall: (A) Establish the state's goals, siting priorities and standards for ensuring effective stewardship of the waters of Long Island Sound held in trust for the benefit of the public; (B) promote science-based management practices that take into account the existing natural, social, cultural, historic and economic characteristics of planning areas within Long Island Sound; (C) preserve and protect traditional riparian and water-dependent uses and activities; (D) promote maximum public accessibility to Long Island Sound's waters for traditional public trust uses, such as recreational and commercial boating and fishing, except when necessary to protect coastal resources, preserve public health, safety and welfare, or when it is in the interest of national security; (E) reflect the importance of the waters of Long Island Sound to the citizens of this state who derive livelihoods and recreational benefits from boating and fishing; (F) analyze the implications of existing and potential uses and users of Long Island Sound with a focus on avoiding potential use conflicts; (G) be consistent with the Long Island Sound Resources and Uses Inventory, prepared pursuant to subdivision (1) of this subsection, with provision for the ongoing acquisition and application of up-to-date resource and use data, including seafloor mapping; (H) reflect the value of biodiversity and ecosystem health in regard to the interdependence of ecosystems; (I) identify and protect special, sensitive or unique estuarine and marine life and habitats, including, but not limited to, scenic and visual resources; (J) adapt to evolving knowledge and understanding of the marine environment, including adaptation to climate change and rise in sea level; (K) foster sustainable uses that capitalize on economic opportunity without significant detriment to the ecology or natural beauty of Long Island Sound; (L) support the infrastructure necessary to sustain the economy and quality of life for the citizens of this state; (M) be coordinated, to the maximum extent feasible, with local, regional and federal planning entities and agencies, including, but not limited to, the Long Island Sound Study and National Ocean Policy's Northeast Regional Planning Body and the Connecticut-New York Bi-State Marine Spatial Planning Working Group; (N) be coordinated, developed and implemented, to the maximum extent feasible, with the state

of New York; (O) be developed through a transparent and inclusive process that seeks widespread participation of the public and stakeholders and encourages public participation in decision making; (P) identify appropriate locations and performance standards for activities, uses and facilities regulated under existing state permit programs, including, but not limited to, measures to guide siting of uses in a manner compatible with said Long Island Sound Blue Plan; (Q) be consistent with the state plan of conservation and development and the goals and policies described in section 22a-92; and (R) reflect the importance of planning for Long Island Sound as an estuary that crosses state boundaries, including the identification of potential measures that encourage such planning.

(c) For the purposes of this section, the submerged lands and waters subject to the commissioner's planning, management and coordination authority under the Long Island Sound Blue Plan shall include Long Island Sound and its bays and inlets from the mean high water line, as defined by the most recent data of the National Oceanic and Atmospheric Administration, to the state's waterward boundaries with the states of New York and Rhode Island. Any siting policies, identification of locations, or performance standards for activities, uses and facilities under the Long Island Sound Blue Plan shall apply in a spatial planning area located seaward of the bathymetric contour of minus ten feet North American Vertical Datum to the state's waterward boundaries with the states of New York and Rhode Island provided such planning area shall not extend into any river that flows into the sound beyond the first motor vehicle bridge or railroad bridge that crosses such river or area along such river that is authorized by the Commissioner of Economic and Community Development, pursuant to section 32-70, to be an enterprise zone that shall be known as a defense plant zone. Such spatial planning area shall be designated on a map to be prepared by the advisory committee established pursuant to subsection (a) of this section.

(d) The Long Island Sound Resource and Use Inventory and Blue Plan Advisory Committee shall hold not less than three public hearings in different coastal municipalities of the state to receive comments and submissions from the public and interested persons and may provide for other public outreach and input measures, as appropriate, to assure sufficient stakeholder engagement and representation, provided one such public hearing shall be held in a coastal municipality east of the Connecticut River, one such public hearing shall be held in a coastal municipality west of the Housatonic River and one such public hearing shall be held in a coastal municipality located between the Connecticut River and the Housatonic River. The advisory committee shall assist the commissioner in completing a draft of the Long Island Sound Resource and Use Inventory and the Long Island Sound Blue Plan not later than March 1, 2019.

(e) During the drafting of the Long Island Sound Resource and Use Inventory and Long Island Sound Blue Plan, and prior to making such draft available for public comment, in accordance with subsection (f) of this section, the advisory committee shall consult with the Commissioner of Economic and Community Development, representatives of the telecommunications industry, waterfront businesses, the state's two federally recognized Indian tribes and the tourism or recreation industry. Additionally, the advisory committee shall, to the extent feasible, consult with the applicable New York state agencies, advisory counterparts and the Connecticut-New York Bi-State Marine Spatial Planning Working Group to devise a mutually agreeable process for developing the Long Island Sound Resource and Use Inventory and Long Island Sound Blue Plan.

(f) Upon completion of the draft Long Island Sound Resource and Use Inventory and the Long Island Sound Blue Plan, the Commissioner of Energy and Environmental Protection shall make such draft available for public review and comment and shall publish notice thereof in the Environmental Monitor and the Connecticut Law Journal. The commissioner shall cause such draft and notice of public comment period to be posted on the Internet web site of the Department of Energy and Environmental Protection and the Office of Policy and Management. Such notice of public comment period shall provide for a public comment period of not less than ninety days. Not later than ninety days after the end of such public comment period, the commissioner shall adopt a final draft of the Long Island Sound Resource and Use Inventory and the Long Island Sound Blue Plan.

(g) Upon completion of the final draft of the Long Island Sound Blue Plan, such plan shall be submitted to the joint standing committee of the General Assembly having cognizance of matters relating to the environment. Said committee, not later than forty-five days after the start of the next occurring legislative session following receipt of such plan, shall conduct a public hearing on the plan. Not later than forty-five days after such public hearing, said committee shall submit such plan, in conjunction with the committee's recommendation for

approval or disapproval of such plan, to the General Assembly. Such plan shall become effective when approved by a majority vote of each chamber of the General Assembly. In the event that the General Assembly disapproves the plan, in whole or in part, such plan shall be deemed to be rejected and shall be returned to the advisory committee for revision.

(h) Upon approval of such inventory and plan: (1) Such plan shall be considered as a factor in the review of applications pursuant to sections 16-50k, 22-11h, 22-11i, 22-11j, 22a-6k, 22a-359, 22a-361, 22a-363b, 22a-363d, 22a-430, 25-157b, 26-194 and 26-257a and Section 401 of the federal Water Pollution Control Act and may be utilized for guidance in preapplication discussions between the Commissioner of Energy and Environmental Protection and applicants, (2) the Commissioner of Energy and Environmental Protection shall seek necessary federal approval to incorporate the Long Island Sound Blue Plan as an enforceable policy in the state's coastal management program under the federal Coastal Zone Management Act, (3) the Commissioner of Energy and Environmental Protection shall, within available resources, develop and implement a public outreach and information program to provide information to the public regarding the Long Island Sound Blue Plan, (4) the Commissioner of Energy and Environmental Protection shall provide for the review and update of such inventory and plan at least once every five years and any revision to such inventory and plan shall become effective upon approval by the General Assembly, in accordance with subsection (g) of this section, (5) the advisory committee, not later than six months after such approval, shall advise the commissioner on the operation, implementation and updating of the inventory and plan, as applicable, and shall meet on a quarterly basis to review implementation of such plan, identify emerging issues and recommend any necessary or desirable alterations or improvements to such plan, and (6) the advisory committee shall, within available resources, hold not less than one public hearing each year to receive comments and submissions from the public on such inventory and plan.

(P.A. 15-66, S. 1.)

History: P.A. 15-66 effective July 1, 2015.

See Sec. 4-38f for definition of “administrative purposes only”.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)

Secs. 25-158 and 25-159. Reserved for future use.

[\(Return to Chapter Table of Contents\)](#) [\(Return to List of Chapters\)](#) [\(Return to List of Titles\)](#)