



General Assembly

January Session, 2025

Raised Bill No. 6914

LCO No. 3841



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING REVISIONS TO THE HARBOR MANAGEMENT ACT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 22a-113n of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective from*
3 *passage*):

4 (b) The plan may recommend: (1) Boundaries for development areas
5 to be approved and established by the Commissioner of Energy and
6 Environmental Protection in accordance with the provisions of section
7 22a-360; (2) designations for channels and boat basins for approval and
8 adoption by the Commissioner of Energy and Environmental Protection
9 in accordance with the provisions of section 22a-340; (3) lines
10 designating the limits of areas for the location of vessels with persons
11 living aboard to be approved and adopted by the director of health in
12 accordance with section 19a-227; (4) pump-out facilities, including the
13 designation of no discharge zones in accordance with Section 312 of the
14 federal Clean Water Act; and (5) regulations for the operation of vessels
15 on the harbor pursuant to the provisions of section 15-136. Upon
16 adoption of the plan, any recommendation made pursuant to this
17 section, including, but not limited to, any recommendation made by the

18 commission that is consistent with and supported by the plan, shall be
19 binding on any official of the state, municipality or any other political
20 subdivision when making regulatory decisions or undertaking or
21 sponsoring development affecting the area within the commission's
22 jurisdiction, unless such official shows cause why a different action
23 should be taken.

24 Sec. 2. Section 22a-113p of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective from passage*):

26 (a) The commission may review and make recommendations,
27 consistent with the plan, on any proposal affecting the real property on,
28 in or contiguous to the harbor that is received by any zoning
29 commission, planning commission or combined planning and zoning
30 commission, zoning board of appeals, historic district commissions,
31 flood prevention, climate resilience and erosion control board, harbor
32 improvement agency, port authority, redevelopment agency, shellfish
33 commission, sewer commission, water pollution control authority or
34 special district with zoning or other land use authority. Such agencies
35 shall send a copy of any such proposal to the commission upon the
36 request of such commission. The commission shall be notified of any
37 such proposal at least thirty-five days prior to the commencement of the
38 hearing thereon or where no hearing is held, at least thirty-five days
39 prior to the taking of any final action on the proposal. The local agency
40 authorized to act on the proposal shall consider the recommendations
41 of the commission. A two-thirds vote of all the members of the local
42 agency having authority to act on the proposal shall be required to
43 approve a proposal which has not received a favorable recommendation
44 from the commission, provided that the provisions of this section shall
45 not be deemed to alter the authority of the agency having primary
46 jurisdiction over the proposal to deny, modify or condition the proposal.
47 Failure of the commission to submit a recommendation shall be deemed
48 to be approval of the proposal.

49 (b) The commission may review and make recommendations,

50 consistent with the plan, on any application for a state permit or license,
 51 including for any registration, that affects the harbor and that is received
 52 by the Department of Energy and Environmental Protection or any
 53 other state agency with authority in the subject harbor. The Department
 54 of Energy and Environmental Protection, or other state agency, as
 55 applicable, shall require that any applicant for such a permit or license:
 56 (1) Consult with the commission prior to submission of an application
 57 for such a permit or license, and (2) provide copies of any such
 58 application to the commission at the same time as such application is
 59 submitted to the department or state agency, as applicable. The
 60 department, or other state agency, authorized to act on any such
 61 submitted application shall consider the recommendations of the
 62 commission made pursuant to the plan. Pursuant to section 22a-113n, as
 63 amended by this act, any recommendation of the commission that is
 64 consistent with and supported by the plan with respect to a proposed
 65 project shall be binding on any official of the state when making
 66 regulatory decisions or undertaking or sponsoring development
 67 affecting the area within the commission's jurisdiction, unless such
 68 official shows cause, in writing, why a different action should be taken.
 69 Failure of the commission to submit a recommendation shall be deemed
 70 a determination of consistency with the plan.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	22a-113n(b)
Sec. 2	<i>from passage</i>	22a-113p

Statement of Purpose:

To clarify provisions of the harbor management act concerning commission authority to review and make binding recommendations concerning applications for local and state permits and licenses, including registrations, that affect the harbor area.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]