

Long Island Sound Inventory and Blue Plan Advisory Committee

September 1, 2021

10:00 am – 12:00 pm

Via Zoom

MINUTES

Advisory Committee Attendance:

Katie Dykes, Department of Energy and Environmental Protection (DEEP) Commissioner

Sylvain DeGuise, Connecticut Sea Grant

Catherine Finneran, Eversource

Nathan Frohling, The Nature Conservancy

David Carey, Department of Agriculture, Bureau of Aquaculture

Christine Nelson, Land Use Planner

Joseph Salvatore, representing Connecticut Port Authority/Department of Transportation designee

Eric Lindquist, Office of Policy and Management (OPM)

Christina Walsh, Connecticut Siting Council (representing Melanie Bachman)

Bill Lucey, Save the Sound

William Gardella [ABSENT], General Manager and Dockmaster, Rex Marine Center, Norwalk

Bruce Beebe [ABSENT], Beebe Dock and Mooring Systems, Madison

Mike Theiler [ABSENT], Commercial finfish industry representative

Alicia Mozian, Town of Westport Conservation Director

Sid Holbrook [ABSENT], Recreational fishing/hunting community representative

Other attendees:

Brian Thompson, DEEP

Will Healey, DEEP

David Blatt, DEEP

Mary-beth Hart, DEEP

Kevin O'Brien, DEEP

Allison DePerte

Andrew Davis

August Ruckdeschel

Brian Hess

Bud McAllister

Catherine Labadia

Craig Tobias

Dan Morley, OPM

Deb Denfeld

Deb Pacileo, DEEP

Denise Savageau
Derek Faulkner
Diana Nguyen
Diane Ifkovic, DEEP
Donald Peterson
Emily Hall
Frank Hall
Frank Nitsche
Harry Yamalis, DEEP
Heather Johnson
Jane Urban
Jennifer Kraus
Jennifer O'Brien

Jerry Morgan
John Casey
John Sievec
Jordan Bishop
Julia Kendzierski, DEEP
Karen Michaels, DEEP
Kelly Streich, DEEP
Kevin Clark
Kimberly Durham
Lyn Harris
Marcy Balint, DEEP
Mark P.
Matthew Rakowski

Michael Brown
Min Huang
Paul Mirandi
Peter Auster
Peter Francis, DEEP
Rafeed Hussain
Richard Rosen
Sabrina Pereira
Shawn Crosbie
Syma Ebbin
Timothy Bishop
Todd Callaghan

Welcome and Introductions

Brian Thompson started the meeting at 10:05 am with introductions and indicated it was the first Blue Plan Advisory Committee (BPAC) meeting since the Blue Plan was fully approved by the legislature, and congratulated the BPAC on that feat.

DEEP Commissioner Dykes expressed her gratitude to the BPAC for developing the Blue Plan and thanked stakeholders for their support of the Plan.

The Blue Plan Development Team members introduced themselves: Brian Thompson, Director of the DEEP Land and Water Resources Division (LWRD); David Blatt, supervisor of the DEEP LWRD planning section; Mary-beth Hart, coastal planner in the DEEP LWRD planning section; Kevin O'Brien, supervisor of the DEEP LWRD technical resources section; Nathan Frohling, Director of External Affairs for The Nature Conservancy, also a member of the BPAC; and Sylvain DeGuise, Director of Connecticut Sea Grant and a professor at the University of Connecticut.

DeGuise noted that conversations about marine spatial planning for Long Island Sound started back in 2010.

Mary-beth Hart took Roll Call of Advisory Committee members in attendance which is reflected in the minutes above.

Ms. Hart also acknowledged that Emily Hall was in attendance and thanked her for her work on the Plan. Emily Hall was the NOAA Coastal Fellow who worked tirelessly with the Connecticut Coastal Management Program/LWRD to help develop the Blue Plan.

Commissioner Dykes noted that the BPAC's work now focuses on ensuring that the plan is being used and implemented effectively.

Recap of Blue Plan Legislative Approval

Nathan Frohling provided a recap of the Blue Plan's legislative approval process. He reiterated Sylvain DeGuise's comment about starting the marine spatial planning discussion in 2010 but noted that the legislation needed to develop the Long Island Sound (LIS) Blue Plan didn't pass the Connecticut General Assembly (CGA) until 2015. The law provided the foundation for developing the Blue Plan but also required the completed Plan to go back to the legislature for approval. The plan took four and a half years to develop (mid-2015 to the end of 2019) and involved thousands of stakeholders who became part of the process.

Mr. Frohling acknowledged the legislators who were early supporters of the Blue Plan including State Senator Ted Kennedy and State Representative James Albis.

Mr. Frohling noted that the Plan had been submitted to the Connecticut legislature for approval in 2020; the CGA Environment Committee held a public hearing and voted unanimously for the Plan, but the COVID-19 pandemic shut down the legislature for the remainder of the 2020 session. The Blue Plan was re-submitted in 2021, and on February 10, 2021 the Environment Committee held a virtual public hearing on House Joint Resolution 53. Thirty-four individuals either testified or submitted testimony and all were in favor of the Plan. Frohling expressed gratitude to Commissioner Dykes and the members of the BPAC (Alicia Mozian, Bill Lucey, Christine Nelson, Sylvain DeGuise, in addition to Nathan Frohling) who testified in support of the Blue Plan.

Mr. Frohling also acknowledged support from legislative leadership including Senator Christine Cohen, Representative Dorinda Borer, Senator Crain Minor, and Representative Stephen Harding as the important first step toward approval by the full General Assembly. In March, even though the Plan had received unanimous bi-partisan Environment Committee approval, it was clear that the Blue Plan would require an extra push to ensure it was included on a very full legislative calendar. This meant attaching the Blue Plan to an "aircraft carrier" of other bills and resolutions rather than shepherding the Blue Plan along on its own. The Blue Plan received positive press including an op-ed from Judy Benson at Connecticut Sea Grant, and was championed by Representative Joe Gresco, Co-Chair of the Environment Committee, who made the Plan's full approval a high priority. Frohling and Soundkeeper/BPAC Member Bill Lucey also met with House Majority Leader Jason Rojas to stress the importance of the Plan and keeping the forward momentum going.

On April 26, 2021, the House unanimously passed the Blue Plan resolution 142-0. Mr. Frohling acknowledged the House Resolution Sponsors Rep. Joseph P. Gresko, Rep. Laura M. Devlin, Rep. Mary M. Mushinsky, Rep. Kathy Kennedy, Rep. Terrie E. Wood, and Rep. Geraldo C. Reyes, and House supporters

and advocates including Rep. Dorinda Borer, Rep. Jonathan Steinberg, Rep. Cristin McCarthy-Vahey, Rep. Mike Demicco, and Rep. Jason Rojas.

Mr. Frohling then noted that the end of the legislative session was drawing near which increased the pressure to move the Blue Plan resolution to the State Senate. Majority Leader Bob Duff was responsive to advocacy for the Blue Plan and helped move the Plan to the floor, along with tireless support from Environment Committee Co-Chair Senator Christine Cohen, Senator Tony Hwang, Senator Will Haskell, and Senator Cathy Osten who co-sponsored the resolution. Just after midnight on May 14, 2021, the State Senate also unanimously approved the Long Island Sound Blue Plan 35-0. Mr. Frohling noted that Senator Minor expressed appreciation for the extensive stakeholder engagement process behind the Blue Plan, and spoke to the importance and value of the Plan in his comments.

The resolution to approve the Blue Plan did not require Governor Lamont's signature to go into effect, although the Governor has been very supportive of the Plan. Frohling thanked DEEP Commissioner Dykes, former DEEP Commissioners Dan Esty and Rob Klee, former Governor Dan Malloy, State Rep. Mike Demicco in addition to Rep. James Albis and State Senator Ted Kennedy, DEEP staff, advocates, stakeholders, scientists, and volunteers for their Blue Plan efforts.

Review of Available Blue Plan Resources

Brian Thompson, Nathan Frohling, and Kevin O'Brien provided an overview of some of the resources available to help with implementation of the Blue Plan:

- The [Blue Plan](#) itself can be used as both a planning tool and as a decision-making tool. The policy area defined in the Plan is the area within which the Blue Plan policies apply as the elements that support regulatory decision-making (DEEP, Department of Agriculture/Bureau of Aquaculture, Connecticut Siting Council, and local shellfish commissions). The policies help the regulatory authorities in reviewing proposals as well as the developer/permit applicant to design their project to avoid impacts to significant human use areas (SHUA) and ecologically significant areas (ESA).
- The [Blue Plan Users Guide](#) was developed as a means to quickly understand the Blue Plan and what it includes. A Quick Start reference helps readers navigate the guide itself, and the guide includes an example of how the plan and its policies could apply to a mock project. The flow chart and checklist help guide applicants through the application process.
- The [Blue Plan Practitioners Guide](#) was developed to help make full use of the Blue Plan beyond the permitting process. At the municipal level, the information is useful for planning purposes and decision support; Mr. Frohling gave examples from Bridgeport, Fishers Island, and Suffolk County, New York; the aquaculture industry can use the information to evaluate areas best suited for such operations and identify potential conflicts early in the process; state agencies can use the Plan outside of regulatory programs, examples include improved grant applications and planning activities; and at the federal scale the Blue Plan will support efforts such as the Long Island Sound Study and the National Estuarine Research Reserve planned for Long Island Sound.
- The [Blue Plan Map Viewer](#) contains a significant amount of information and was developed with partners at the University of Connecticut Center for Land Use Education and Research (CLEAR),

specifically Emily Wilson and Chet Arnold. The data contained in the viewer was collected, processed, and described with substantial stakeholder engagement from experts in the field. There are resources that can answer questions from viewer users, and documents that describe the tools, what they do, and how they work. The information is downloadable for user to use within their own systems or users can access web services from the viewer homepage. The environmentally significant area and significant human use area data is organized by groups and sub-groups to reflect the Blue Plan's structure, the practitioners guide, and the User's guide which are all designed to interact and work together. Kevin O'Brien provided examples of the ESA fish data and endangered/threatened/species of concern data and SHUA boating area and angling data available in the viewer.

NOAA Program Change Submission

David Blatt provided an overview of the program change process that will be necessary to incorporate the Blue Plan into the state's federally approved coastal management program.

Connecticut's program was approved in 1980 and there haven't been many program changes since then. The significance of the program change is, once something is part of a state's approved coastal management program, then federal agency actions and federal agency permit programs have to be consistent with the enforceable policies of that state's program to the maximum extent practicable. That means it gives Connecticut an official seat at the table for U.S Army Corps of Engineers permits for projects in the New York waters of Long Island Sound. For example, if there were a transmission cable proposed to go through the Sound. On the New York side of the Sound, that activity would not be regulated by Connecticut, but it would be regulated by the Corps of Engineers.

The program change process is described in Section 2.7 of the Blue Plan document. Having the Blue Plan incorporated into Connecticut's coastal management program as a program change means that the applicable policies contained in Chapter 4 become enforceable for federal agency purposes.

The program change process is a public process, and the public can comment. The National Oceanic and Atmospheric Administration (NOAA, which houses the federal Office for Coastal Management) will review the proposed program change. Connecticut's NOAA contacts are aware of the Blue Plan, have been involved in the planning process, and know that the program change is being prepared. As such, DEEP anticipates that the program change will be approved in short order.

Next Steps

Brian Thompson and Nathan Frohling moderated the BPAC discussion of next steps.

- With the adoption of the Plan, it is officially recognized in terms of decision-making in the permitting process for the DEEP, Department of Agriculture/Bureau of Aquaculture, Connecticut Siting Council, and municipal shellfish commissions. These authorities are represented on the BPAC and will help determine how to improve integration of the Blue Plan into how these authorities already do business.

- By statute, the BPAC must meet on a quarterly basis and provide advice and guidance to the Commissioner of DEEP on implementation of the Blue Plan over time. There's also a mandatory review process for the Plan at a frequency of at least every five years. The BPAC can make minor adjustments any time within that five-year timeframe. Major modifications to the Plan or the policies must go back to the General Assembly for approval. DEEP will assume the role of collecting input on potential changes, adjustments, or updates to the Plan, and the User's Guide includes information about this process.
- Updates to data in the map viewer will also happen periodically, and recommended updates and additions can also be funneled through DEEP, and the BPAC can review those accordingly.
- The BPAC will serve as a conduit from their stakeholders/constituencies regarding implementation issues or changes/updates that may become apparent.
- The BPAC discussed meeting logistics, i.e., virtual vs. in-person meetings, locations for in-person meetings, and whether to hold meetings during the day or evening hours.

Christine Nelson expressed her appreciation for the Practitioner's Guide and stated that updates will likely come about as people use the Plan and data through their work. She suggested updating the Blue Plan website with examples such as those contained in the Practitioner's Guide as time goes on and implementation stories become more and more interesting. Data updates could be easily accommodated as an agenda line item at BPAC quarterly meetings to learn about data sets that are submitted and/or used in different ways that hadn't been seen before.

Bill Lucey supported the idea of highlighting instances when the Blue Plan is used in an effective manner. He also supports a hybrid approach to future BPAC meetings, combining virtual and in-person meetings. He gave an example: if a controversial subject is effectively addressed by the Blue Plan, then the subsequent BPAC meeting could be held in-person in the area where local stakeholders were involved in utilizing the Plan as a tool to address the controversy. Brian Thompson agreed that future meeting scheduling would be flexible.

Alicia Mozian supports flexibility in meeting schedules but would prefer daytime meetings.

Public comments:

John Sievec supports hybrid meetings especially for those who work during the day.

Craig Tobias questioned whether the process would be top-down from the BPAC in that they receive public comment or push-back on some aspect of the Plan, and then seek advice from the BPAC on how to address the issue, or does the BPAC go through the documents and proactively identify areas that might be improved. Brian Thompson responded that it will likely be both, and that as planning and regulatory agencies encounter issues or topics that would benefit from the BPAC's input, BPAC members could also reach out to their communities and stakeholders to see how those communities are responding to the Plan. Nathan Frohling expounded on the response and stated that each of the BPAC members is, to the extent possible, representative of their stakeholders. He gave an example of the Blue Plan Development Team working with the Connecticut Marine Trades Association to make improvements to the Plan as it was being developed, and how vital that interaction was to the success of the Plan.

Tobias also wondered what the threshold is that would again require legislative review of an amended Plan. David Blatt responded that legislative review is necessary if the substance of the Plan changes, such as the policies, or if the ESA or SHUA were somehow redefined.

With respect to data, while that can be updated at any time and wouldn't trigger legislative review, Sylvain DeGuise mentioned that the BPAC might want to have conversations in upcoming meetings as to what level of effort will go into updating data sets, especially since it was a significant amount of work to validate data sets and their metadata before they were incorporated into the Inventory. He recognized that data gaps remain, but recommended continued conversations about the future effort to find new data sets and data that can update the information that has already been gathered. Brian Thompson agreed and noted that some of the data is already dated, such as the recreational boating data set developed in 2012 which itself took a long time to compile, and that resources to update outdated data is limited. Nathan Frohling also mentioned that a critical element is *how* the data is updated, since the data that is presented to the BPAC might not be as relevant or as complete as it needs to be. As an example, the process to identify ecologically significant areas didn't entail gathering new data, it entailed a team of experts including Peter Auster and other scientists who worked with the data and interpreted it to essentially produce the maps that led to the identification of the ESA. Frohling suggested the need to continue that type of process in the future. Frohling also suggested that the BPAC could also be proactive and stay connected to the Long Island Sound Study (LISS) to potentially access resources. He noted the current budget for the LISS is \$40 million, and the Infrastructure Package, although not yet passed, proposes \$100 million over five years that could also apply.

Sylvain DeGuise stated that DEEP is expected to report back to the BPAC on Plan implementation which might help identify where functional gaps exist and might help guide next steps as well. When the BPAC hears from DEEP what's going well and what's not going as well as anticipated, the BPAC can communicate and coordinate with their respective stakeholders for insights to help understand the strengths and weaknesses of implementation and amend the Plan and determine additional data needs.

Bill Lucey noted how important it will be to hear from municipal coastal planners as they start to use the Blue Plan to weigh in on what's working and what isn't. Brian Thompson agreed and reiterated that there are two broad uses for the Blue Plan, one is as a planning tool, and that the Planning Area defined in the Plan extends to the land/water interface even though the Blue Plan policies don't apply in nearshore areas, they only apply in the Policy Area defined by the Plan. But feedback from municipal planners will give the BPAC a better understanding of the data and planning aspects of the Plan are working.

Public Comment Period

Bud McAllister: expressed praise for the work done to develop the Blue Plan and supports a flexible hybrid meeting schedule. He understands the benefits of in-person meetings but also recognizes that virtual meetings are more inclusive and provide the opportunity for far-reaching outreach. McAllister noted that in addition to elected officials, there are other non-elected leaders such as musicians, artists, and writers. He suggested that food, music, and the arts bring people together and recommended concerts and innovative food events would work well to engage the public.

Allison DePerte asked about the connection between the LISS and the Blue Plan. Sylvain DeGuise responded that the LISS has a broad range of federal, state, and local partners, and that the Comprehensive Conservation and Management Plan (CCMP) is agency-driven, whereas the Blue Plan is more neutral in that it identifies the areas where the natural resources are located and where the human uses are and contains policies that protect the things we care about. Nathan Frohling also noted that the CCMP is broken down into four basic sections, one of which is science and management, and that the CCMP called for the creation of a marine spatial plan for LIS. So full approval of the Blue Plan helps to fulfill the LISS CCMP recommendations. And both the LISS and Blue Plan can benefit from more and better data.

Denise Savageau stated: (1) with respect to data, thank you to Senator Murphy's office for working to appropriate \$5 million toward completion of the coastal zone soil survey which will cost \$10 million to complete. The data will help with planning for sea level rise. (2) How is the Blue Plan related to the work of the Governor's Council on Climate Change (GC3)? A lot of work was done under the Working and Natural Lands working group particularly as it relates to wetlands and tidal wetlands. Brian Thompson responded that there has not been any cross-referencing to the GC3 but that will be addressed in the future. Mary-beth Hart noted that the Blue Plan was developed before the reconstituted GC3 efforts were underway, but the Plan does acknowledge that there will be new and emerging issues to address, and climate change is identified in the Plan as one of those emerging issues to consider in future plan updates. The GC3 recommendations can be considered in that context. Hart also clarified that the tidal wetland recommendations from the GC3 might not be relevant to the Blue Plan outside of a planning context, and tidal wetlands are already identified by the Plan as an ESA. Hart noted that the GC3 Science and Technology working group recognized ocean acidification as a climate-related issue, and the Blue Plan identifies this as an emerging issue as well. Brian Thompson mentioned that, with regard to research and data, the Long Island Sound Research Reserve will likely receive national designation in January 2022. Nathan Frohling also noted that the GC3's advocacy for the development of renewable clean energy sources pertains to offshore wind, and therefore there's a natural connection between both the need to deploy renewable energy, but they need also to be concerned about how deploying and developing those energy resources could affect the human uses and ecological resources in LIS, and the Blue Plan becomes even more relevant in that context. Frohling also noted that another significant climate change issue is the movement of species and other biological changes, for example with respect to fisheries, that we're already experiencing. Denise Savageau provided a link in the chat to review the request for soil survey funding: <https://documentcloud.adobe.com/link/track?uri=urn:aaid:scds:US:b918c610-238a-4fc6-a5ad-e86eeca7fbc9>

Donald Peterson: Are hard copies of the User's Guide available? Mary-beth Hart responded that there are very limited hard copies of any of the guidance documents because of printing costs, but they're available online for download.

Peter Auster: Have there been discussions within DEEP about the Biden Administration's "America the Beautiful" initiative? Brian Thompson responded that there have not been any discussions. Nathan Frohling suggested that Dr. Auster share with DEEP or the BPAC what might be pertinent or helpful to pay attention to with respect to the program. Dr. Auster agreed that he would share his thoughts at an upcoming meeting. Mary-beth Hart noted that the America the Beautiful website highlights the NERR as an example of an existing effort to support outdoor recreation and equitable access. Dr. Auster mentioned that the recognition is great but it doesn't add new protections.

Administrative Follow-Up and Adjourn

Brian Thompson stated that the Blue Plan Development Team will be in touch with the BPAC to schedule future advisory committee meetings.

Mary-beth Hart noted that the Blue Plan Development Team will also continue to provide updates through the Blue Plan listserv, which is currently being switched to a new platform. Hart also thanked everyone for their continued interest in the Blue Plan and their continued participation as the BPAC moves to this new phase of Plan implementation.

The meeting adjourned at 11:48 am.

<http://www.ct.gov/deep/lisblueplan>

Contact the Blue Plan Development Team at DEEP.BluePlanLIS@ct.gov