

Hearing Officer's Report on the Public Hearing and Testimony Submitted on the Draft Resource and Use Inventory (Version 1.1) developed for the Long Island Sound Blue Plan

Prepared by: Betsey Wingfield, Chief, Bureau of Water Protection and Land Reuse
Submitted to: Robert J. Klee, Commissioner, Department of Energy and Environmental Protection

August 2, 2018

In accordance with Public Act 15-66, codified in Section 25-157t of the Connecticut General Statutes (CGS), the Commissioner of the Department of Energy and Environmental Protection (DEEP) is required to draft a Long Island Sound Resource and Use Inventory and a Long Island Sound Blue Plan with assistance from an Advisory Committee containing representatives of several state agencies and various water-dependent uses, universities, non-governmental organizations (NGOs), local governments, and more, appointed by the governor and legislative leadership. The Resource and Use Inventory and Blue Plan are to be developed within available resources.

Pursuant to CGS §25-157t(b), the Commissioner of DEEP is required to coordinate the completion of the Long Island Sound Resource and Use Inventory by a Long Island Sound Inventory and Science subcommittee convened by the University of Connecticut. CGS §25-157t(b)(1) specifies that the Inventory 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, and
- 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.

In accordance with CGS §25-157t(d), the Blue Plan Advisory Committee must hold at least three public hearings in different coastal municipalities of the state to receive comments and submissions from the public and interested persons to ensure sufficient stakeholder engagement

and representation. 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 first of these three required public hearings was held on May 8, 2018 at the DEEP's Marine Headquarters Conference Room Building 3 in Old Lyme, Connecticut. Notice of this public hearing was [posted on the DEEP's website](#) and was published in the Hartford Courant, New Haven Register, New London Day, Connecticut Post, Waterbury Republican-American and the Advocate on April 21, 2018. The particular focus of this first public hearing was to accept comments on the accuracy, relevance, and representativeness of the data contained in the Draft Resource and Use Inventory (Version 1.1) developed for the Long Island Sound Blue Plan. The hearing opened at 6:35 pm and closed at 7:15 pm. DEEP also received written comments on the draft Inventory during the period ending May 23, 2018.

Sylvain De Guise, Director of Connecticut Sea Grant, a member of the Long Island Sound Blue Plan Advisory Committee, and chairman of the Advisory Committee's Inventory and Science Subcommittee gave a [brief overview of the Blue Plan Inventory process](#) which was followed by public comments by all members of the public who had signed up.

The hearing format did not allow for questions to be answered immediately on the record; however, DEEP staff, staff of The Nature Conservancy, and several Blue Plan Advisory Committee members in addition to Dr. De Guise were available in the audience to informally answer questions.

After a full review of the record of public hearing and comments submitted on the Resource and Use Inventory developed for the Long Island Sound Blue Plan (version 1.1), I present the following Report. This Report includes the principal considerations raised at the public hearing and in written comments regarding the draft Resource and Use Inventory document, and DEEP staff's response to all comments.

Please note that an audio recording and a transcript of the public hearing will be posted along with subsequently revised versions of the Inventory document at www.ct.gov/deep/lisblueplaninventory.

Principal Considerations Raised at the May 8, 2018 Public Hearing in Response to the Draft Long Island Sound Resource and Use Inventory (Version 1.1) Developed for the Long Island Sound Blue Plan, and DEEP’s Response

The following table provides a summary of comments received in writing or at the public hearing. It focuses only on comments that were critical and/or offered additional data to the Blue Plan team, and excludes several comments of support that were voiced by members of the public who signed the speaker sign-up sheets believing they were attendance sheets.

Commenter	Comment Summary	DEEP Response
John Seiviec Guilford, CT Shellfish Commission member	Mr. Seiviec indicated that the Guilford Shellfish Commission has 40 years of data that they are currently digitizing and would like to provide to the Blue Plan team.	The Blue Plan team will coordinate with Mr. Seiviec to acquire the Guilford Shellfish Commission’s data once it becomes available.
Jeff Going Board Member of Eastern Connecticut Sailing Association (ECSA), Chairman of the Essex, CT Harbor Management Commission	Mr. Going was disappointed in the recreational boating and sailing data, he believes it relies on Automatic Identification System (AIS) data and information from outside of Long Island Sound/Connecticut, particularly in regard to distance sailing races. He is concerned that a large portion of data relating to active boaters is missing because not all boats have AIS. Further, he believes that the Inventory’s definition of distance racing doesn’t include several ECSA-sanctioned races. Mr. Going offered ECSA’s assistance to the Blue Plan team in providing additional data for this sector.	Mr. Going is correct that AIS data does not accurately reflect recreational boating activity. However, the majority of the Inventory’s recreational boating data was derived by a boater survey conducted by Sea Plan for the Northeast Regional Ocean Plan, which did include Long Island Sound and was supported by the CT Marine Trades Association. Nonetheless, the Blue Plan team recognizes the data gaps identified by Mr. Going and is already working to coordinate with him and other members of ECSA to acquire additional recreational boating and sailing data.
Susan Bryson Resident of Branford	Ms. Bryson is concerned that “traditional Connecticut beach communities” which she described as having civic organizations, beaches and common areas, and traditions,	The Blue Plan team will update the narrative section of the Inventory to include an historic perspective of local beach communities. However, the Blue Plan is

Commenter	Comment Summary	DEEP Response
Susan Bryson (continued)	<p>are not acknowledged, categorized, or focused on in the Inventory, yet these communities are directly affected by and serve as the starting point for many human activities on the Sound.</p> <p>She also indicated that it was difficult to determine how many or which activities (e.g., marinas, sailing clubs, summer camps) were represented by the dots on the maps in the Inventory.</p> <p>Ms. Bryson will also provide written comments before the May 23, 2018 closing date.</p>	<p>required to focus on the offshore area rather than on coastal communities and the team’s charge is to work within existing resources. Therefore, the team does not currently have the resources to develop new geospatial data specific to this sector and include beach community maps in the initial version of the Inventory. This issue will be identified as a data gap for future Inventory updates.</p> <p>With regard to reading the maps, each map is presented in a condensed format that includes a summary description of the data contained in the map. More information can be obtained by using the link and the instructions to access the original source of the map data.</p>
Captain Denis Habza www.squalusmarine.com	<p>Captain Habza is concerned that, even though the Blue Plan is described by team members as not creating new regulation, eventually the information in the Inventory and the Blue Plan will be used in the future to potentially create new regulations.</p>	<p>The Blue Plan is intended to guide existing regulatory programs. The Blue Plan legislation contains no authority to create new regulations. Any in-water activities that currently require permits or regulatory compliance will continue to require the same authorization after the Plan comes into effect. Activities that are not now regulated will not become regulated in the future, without additional separate legislation.</p>

Principal Considerations Raised in Written Comments in Response to the Draft Long Island Sound Resource and Use Inventory (Version 1.1) Developed for the Long Island Sound Blue Plan, and DEEP's Response

One written comment was received and is reproduced in full below:

From: susan bryson

To: DEEP BluePlanLIS; Christian Fox; Nathan Frohling; Shirley McCarthy, MD, PhD;
Robert Silten; Chris Collins

Subject: Re: Long Island Sound Inventory Draft (march 2018) - Public Comment

Date: Wednesday, May 30, 2018 9:24:16 PM

Christian,

I will not repeat my previous comments, except to point out the while the "policy area" for the LIS Blue Plan is "water ward of the 10' depth contour", the purpose of the Plan includes protecting both "offshore and coastal resources", traditional uses and community character. Few, if any, "human uses" of the Sound have a stronger relationship to the Sound and few will be more impacted by certain activities occurring on the Sound than the historic beach communities I've endeavored to describe.

In lieu of your proposed paragraph, I propose the following which follows your format. My goal in modifying your proposed language was to simply and accurately describe the communities and their connection to Long Island Sound. I hope this revised language is acceptable.

"The coast of Connecticut is dotted with a number of small historic beach communities, many established in the late 19th century, as summer communities drawing together people desiring to take advantage of the Sound: its recreational opportunities, beauty and serenity, bird and sea life. The communities carry on today as year-round neighborhoods retaining the communal traditions and, in many cases, the governing associations established in their early days with powers (varying by association) ranging from zoning to beach maintenance. The communities which typically include common beaches, sometimes docks and marinas, are a significant base and access point for Sound-related activities including all of the noted recreational activities and those associated with bird and sea life. The residents, often multigenerational and with a close daily connection to the Sound, are knowledgeable about the unique environmental attributes of their surrounding area of the Sound. Historic information concerning the varieties and origins of these associations (with a list of them) and their powers, some of which originated by special acts of the State legislature, may be found in the Residential Associations in the Coastal Areas report of 1976 by Krause. See also Chapter 23 and particularly the Goodwin dataset noting the historic place of these communities in the development of the Connecticut shoreline." Please contact me should you have questions or concerns concerning this language.

Sincerely,
Susan Bryson

DEEP Response:

The Blue Plan team will take these comments into consideration and modify the Inventory narrative as warranted. The team will also try to obtain the Goodwin dataset from the consultant and incorporate any relevant information.