

Connecticut Environmental Policy Act (CEPA)

**...with a little about the State Conservation &
Development Policies Plan (C&D Plan)**

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Why is there a CEPA review process?

- Identify environmental impacts, *including impacts on the social and economic environment*;
- Consider alternatives;
- Provide opportunity for public review and comment at a time when the public can influence a state action;
- Document the agency's review and decision.

When there is a purpose and need for a state *action*, CEPA can guide an agency in determining how to implement that *action*.

What is an action subject to CEPA?

- individual activities or a sequence of planned activities proposed to be undertaken by state departments, institutions or agencies...
- ...or funded in whole or in part by the state...
- ...which could have a major impact on the state's land, water, air, historic structures and landmarks as defined in section 10-410, existing housing, or other environmental resources...
- ...or could serve short term to the disadvantage of long term environmental goals

Actions include, but are not limited to:

- Capital improvements, alterations, or additions;
- Property acquisition for capitol improvements;
- Lease or purchase agreements;
- Grants-in-aid or other financial assistance;
- Other activities for which an agency exercises judgment or discretion as to the propriety of that action.

Actions do not include:

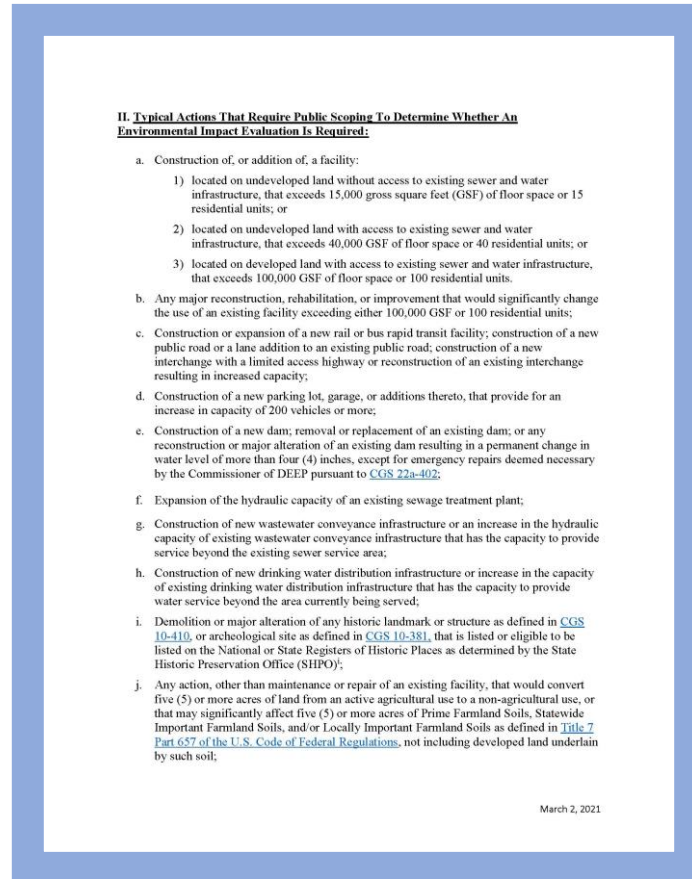
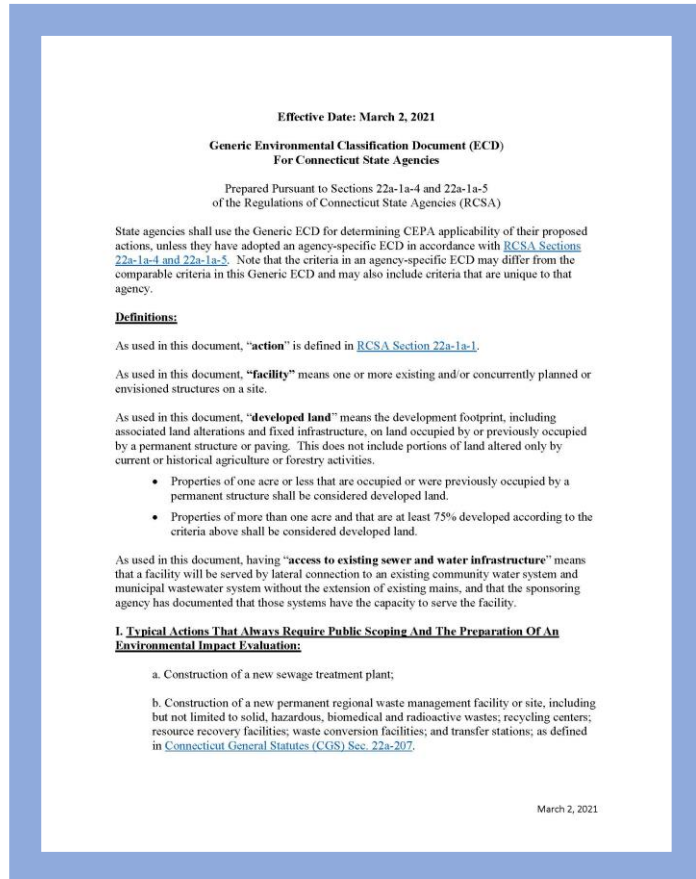
- Emergency measures in response to an immediate threat to public health or safety; or
- Activities for which state agency participation is ministerial in nature (ie. involving no discretion on the part of the state agency, including no discretion in choosing to fund or not).

Environmental effects considered in CEPA

water quality • public water supply • flooding, in-stream flows, erosion or sedimentation • historic, archeological, cultural, or recreational locations and their surroundings • natural communities or species • toxic or hazardous materials • aesthetic or visual effects • inconsistency with plans • disruption of community • congestion • energy use • human health & safety • air quality • noise • landscapes • agriculture • infrastructure • greenhouse gas emissions • effect of a changing climate on the project • effects on natural, cultural, recreational, or scenic resources

Also consider indirect effects and *cumulative effects*: a sequence of state actions can have a significant environmental effect even if the individual actions do not.

The Environmental Classification Document



Lists thresholds for various things requiring scoping based on numbers of housing units, parking spaces, infrastructure, etc.

Also lists actions not requiring scoping

https://portal.ct.gov/-/media/OPM/IGPP/ORG/CEPA/Revised-Generic-ECD_03022021.pdf

A very brief outline of the CEPA process

- An agency doing or funding a project considers the ECD and other factors to decide if it might significantly affect the environment. If the answer is “no”, the CEPA review ends. (most reviews end here)
- If the answer is “yes” or “maybe”, the agency publishes a *Scoping Notice* in the Environmental Monitor with a 30-day period for public comments. Scoping usually ends with a *Post-scoping Notice* responding to comments and describing any changes to the project.
- For a few projects per year, the full impact remains unclear after public scoping and the agency prepares an *Environmental Impact Evaluation* (EIE). The EIE is much more detailed, with possible project alternatives, and is published in the Environmental Monitor with 45 days for comments. After receiving comments, the agency decides how it will proceed and OPM can approve or reject the agency’s *Record of Decision*.

Key points regarding the C&D Plan and CEPA

- An agency considering the purpose and need for an action (or for funding a project by others) will consider its consistency with the C&D Plan. CEPA helps determine how to implement that action/project.
- Implementation of the C&D Plan and the outcome of CEPA reviews rely on the judgement of agencies.
- The C&D Plan and its implementation process will likely be extensively re-written in the coming year. NRZs and others will have opportunities to provide comments/suggestions.