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**EXECUTIVE SUMMARY**

**Long Island Sound Assembly December 2008**

The Long Island Sound Assembly (LISA) herewith submits its seventeenth annual report to the Connecticut General Assembly. The following summary sets forth the primary recommendations, accomplishments and concerns of LISA.

**SECTION I**  
**Broadwater Natural Gas Facility Proposal**

**REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the State of Connecticut continue to support the New York State Department of State (NYSDOS) in its consistency determination and in opposing the request of Broadwater Energy L.L.C. and Broadwater Pipeline L.L.P. (Broadwater) for an override of that determination by the Secretary of the US Department of Commerce. On June 6, 2008, Broadwater filed notice of an administrative appeal with the US Department of Commerce, pursuant to the Coastal Zone Management Act of 1972 (CZMA). Such appeal is pending as of this report.

**SECTION II**  
**Clean Water Fund Bond Authorization**

**REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the General Assembly continue its efforts to enact bond authorizations in 2009 and in future years for the Clean Water Fund, and to maintain a sufficient annual commitment for funding to assist in implementing backlogged sewer and de-nitrification construction and facility planning projects.

**SECTION III**

**Environmental Education**

**REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the Connecticut General Assembly continue to raise awareness, understanding and appreciation of Long Island Sound as a critical resource to Connecticut’s economic and environmental viability by:
  - Finding ways to integrate research and scientific-based discovery with a hands-on educational approach in partnership with relevant state agencies
  - Enhancing the educational opportunities for students in grades K-12 focused on watershed, ocean and Long Island Sound-based science, by encouraging the CT State Board of Education to encompass watershed, ocean and Long Island Sound content in the State’s science standards and create a competitive scholarship award program for high school students based on project submissions that protect and/or preserve Long Island Sound.
  - Supporting increased public awareness of issues facing Long Island Sound including those addressed in this Report, such as requiring pharmacies to disseminate information on the proper disposal of prescriptions, informing the public on the importance of maintaining septic systems and minimizing the levels of fertilizer applied to lawns, and providing extension services for teachers and students focused on Long Island Sound.
  - Increasing funding for facilities such as museums and aquaria that use exhibits and educational programming effectively to educate hundreds of thousands of people about Long Island Sound. This includes:
    - a) increasing monies from the Commission on Culture and Tourism to facilities that support the tourism in the state
    - b) invigorating the presently declining grants provided through the LIS license fund or creating a new mechanism to produce such grant monies
    - c) providing capital funds through bonding like the Cultural Treasures Bond Act to improve and expand such facilities
  - Creating and supporting a unified vision and approach, connecting partners in science, conservation, education and business, such as the one presently

spearheaded by The Maritime Aquarium at Norwalk and the Business Council of Fairfield County.

- Continuing funding initiatives of the education sub-committee of the Long Island Sound Councils and Assembly. This is crucial to many current projects and is necessary to enable the development of new products to enhance education and raise awareness of Long Island Sound.

## **SECTION IV** **Harbor Management**

### **REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That in 2009 the Connecticut General Assembly continue its efforts to improve and enhance implementation of the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) by:
  - Reviewing the status of the state boating account operated pursuant to Section 15-155 of the Connecticut General Statutes to determine if the amount of funds currently distributed to municipalities from the account is sufficient to meet current harbor management responsibilities.
  - Considering legislation and funding to advance the interests of the state, including economic development and public safety interests, for timely and environmentally sound maintenance dredging of Connecticut's ports and harbors.
  - Considering legislation and funding to strengthen the state's harbor master program as a vital program contributing to the safe and efficient operation of Connecticut's navigable waters and the effective implementation of municipal harbor management plans.

## **SECTION V** **Hazardous Waste Disposal**

### **REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the Connecticut General Assembly continue its effort to improve the hazardous waste disposal programs currently in place.
- Establish a user-friendly statewide, standardized, hazardous waste disposal program similar to HazWaste Central in the Greater New Haven area.
- Expand funding or legislation to encourage more effective advertising for the programs that are currently in place.
- Appropriate funding for public education programs designed to familiarize people with the natural alternatives to using hazardous materials.

## **SECTION VI**

### **Lobster and Shellfish Fisheries**

#### *Part 1: Lobster V-Notch Program*

##### **REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the General Assembly provide an additional \$300,000 to complete the second year of the highly successful Connecticut Cooperative Lobster Restoration V-Notch Program.

#### *Part 2: Connecticut Shellfish Industry*

##### **REQUESTED ACTION**

The Long Island Sound Assembly requests:

- Continued funding for the Clean Water Act Fund for sewage treatment plant upgrades and projects that separate storm water from sewage lines.
- Increased funding for the Bureau of Aquaculture, including bonding measures, so the Bureau can perform needed water quality sampling in a timely manner to re-open Conditionally Approved shellfish beds.
- Support for studies investigating the benefits of a shellfish depuration center similar to the one in Massachusetts.
- Exploration of production alternatives for a variety of bivalve species including long-line cages, etc. Alternative aquaculture practices have their place in the shell fishing industry. The state, working with stakeholders, should identify areas in the Sound where such methods can take place without interfering with other commercial and recreational users.

- Increased attention to non-point sources of pollution which degrade water quality and directly impact the health of shellfish. Special focus should be given to decreasing the use of pesticides on public and private properties. Examples include expanding the ban on pesticides on school property from K to 8th grade to K-high school and giving incentives to private landscape companies and homeowners for use of organic pest control and use of Integrated Pest Management Practices.

*Part 3: Lobster and Shellfish Research*

**REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the General Assembly provide funding to investigate the potential effects of pharmaceuticals and other contaminants on shellfish and lobsters in Long Island Sound.

**SECTION VII**  
**Marine Law Enforcement**

**REQUESTED ACTION**

The Long Island Sound Assembly requests:

- That the CT General Assembly provide for more affordable marine law enforcement to the shoreline and waterfront towns and cities to continue the cause of boating safety. We recommend exploring and confirming the statutory (Sec. 15-154a.) provisions allowing municipalities to appoint town marine officers to enforce the various, non-custodial, marine infractions along their waterfront.

**SECTION VIII**  
**Open Water Dredge Disposal in Long Island Sound**

**REQUESTED ACTION**

The Long Island Assembly requests:

- **That the Congressional Delegation continue all efforts to obtain \$8 million federal financial support for the Regional Dredged Material Management Plan (DMMP) for Long Island Sound without which the Central Long Island Sound Disposal Site (CLIS) off New Haven and the Western Long Island Sound Disposal Site (WLIS) off Norwalk will both**

**be closed by the EPA in 2013.** While the Army Corps of Engineers and the U.S. Environmental Protection Agency have begun to schedule formal scoping meetings, public meetings, workshops and a dredging needs survey as part of the DMMP development process, funding is needed.

- That the Congressional Delegation continues to pursue increased federal funding of Connecticut dredging projects.
- That the Congressional Delegation continues to pursue federal funding of research and development of innovative dredge disposal technologies to enable economical upland reuse.
- **That the Congressional Delegation continue to pursue federal funding for the creation of Environmental Impact Statements for the New London and Cornfield Shoals dredge disposal sites. In the absence of such Statements, the New London site is slated to close in 2011 and the Cornfield Shoals site in 2013.**

In addition, the Long Island Sound Assembly requests:

- That the General Assembly support DEP Commissioner McCarthy in her efforts to enlist the aid of Connecticut's Congressional Delegation and New York regulators in ensuring that provisions of the DMMP:
  - Reflect the needs of Connecticut harbor cities and towns for a streamlined dredge disposal permitting process utilizing the Connecticut Department of Transportation's Dredging Project Coordinator.
  - Are effective and reasonable in protecting the environment of Long Island Sound and Connecticut waterways.
  - Are timely to ensure continued accessibility to the four designated sites in Long Island Sound that can be used for the deposition of dredged sediments, including the New London and Cornfield Shoals sites.
  - Recognize that background concentrations of some constituents, such as cadmium, that are found in sediments in Long Island Sound may be naturally occurring and may not be contaminants.
  - Provide regulatory alternatives with a flexibility that does not currently exist in the so-called Ambro Amendment to the Ocean Dumping Act.
  - That absent timely action in the development and issuance of a DMMP, and absent the cooperation of New York State representatives, the General Assembly should initiate measures to support the repeal of the Ambro amendment to the Ocean Dumping Act.

- **That the General Assembly fund PA 08-101, the Harbor Improvement Act by allocating a bond issue to support State harbor improvement projects including, but not limited to, projects such as the preparation of DMMPs, harbor planning coordination, dredging, and other coastal facility repairs which support commercial and recreational maritime activities. This is presently being done in other New England States.**
- That support is accorded to DEP research projects designed to investigate alternative technologies for upland dredge reuse and its development of General Permits for the reuse of Soils and Sediments to comply with the stated DMMP goal of reducing or eliminating open water dredge disposal.
- That additional support is accorded to DEP research projects to design, in cooperation with the Army Corps of Engineers, appropriate Confined Aquatic Disposal (CAD) cells that can be used as a disposal alternative for dredged material which has been determined to be unsuitable for unconfined aquatic disposal. The CAD cells could be large enough for federal projects plus any additional private projects that might occur during the same dredging mobilization effort.

## **SECTION IX**

### **Prescription Drugs in Long Island Sound**

#### **REQUESTED ACTION**

The Long Island Assembly requests:

- That the General Assembly convene a group consisting of representatives from Connecticut Hospital Association, Connecticut Medical Society and American College of Healthcare Executives (representing nursing homes) to devise a practical, cost effective plan to:
  - a) reduce the amount of pharmaceuticals that must be disposed of;
  - b) dispose of pharmaceutical prescription and non-prescription products in an environmentally sound manner;
  - c) identify the metabolites being discharged into LIS after sewage treatment.
- Together with state and town health departments establish a partnership with the medical professionals and pharmaceutical companies to develop a public education campaign that will inform the public of the need to quickly and safely dispose of excess medications. This knowledge would offer encouragement to dispose of pharmaceuticals in the proper manner.

- That active statewide comprehensive disposal programs for unused prescription drugs and over-the-counter medications be established. Approve a safe disposal for the final destination for these drugs (hazardous-waste incinerator) rather than flushing unwanted medication down the toilet which damages Connecticut's water quality.
- The Legislature should request and fund studies to:
  - a) identify and assess the pharmaceutical metabolites which are and are not removed following sewage treatment;
  - b) quantify the amounts of each of these metabolites released by sewage treatment plants into LIS.

## **SECTION X**

### **Stormwater Management**

#### **REQUESTED ACTION**

The Long Island Sound Assembly requests:

- Greater leadership from state agencies (e.g. CT DEP) and funding mechanisms to assist municipalities implementing stormwater management to meet EPA Phase II storm water mandates.
- That all state projects and projects using state funds seek Leadership in Energy and Environmental Design (LEED) certification and use Low Impact Development (LID) methods.
- Funding to provide public education programs directed at the negative impacts of stormwater runoff and what can be done to improve water quality in the State's water bodies and Long Island Sound.
- Interaction and cooperation of State Agencies be encouraged towards improvement of stormwater runoff from the State roadway system, with the common goal of reducing pollution in the State's waterways.
- That municipalities be enabled to enter private property to locate outfalls accurately or test outfalls for illicit discharge.

**SECTION I****BROADWATER NATURAL GAS LNG****Floating Storage Re-gasification Unit Project****REQUESTED ACTION**

The Long Island Sound Assembly (LISA) requests:

- That the State of Connecticut continue to support the New York State Department of State (NYSDOS) in its consistency determination and in opposing the request of Broadwater Energy L.L.C. and Broadwater Pipeline L.L.P. (Broadwater) for an override of that determination by the Secretary of the US Department of Commerce. On June 6, 2008, Broadwater filed notice of an administrative appeal with the US Department of Commerce, pursuant to the Coastal Zone Management Act of 1972 (CZMA). Such appeal is pending as of this report.

**BACKGROUND**

The draft Environmental Impact Statement (EIS) issued Nov 2006, aroused considerable public outcry at hearings as well as write-in comments regarding many issues. Federal Energy Regulatory Commission issued a final EIS at which time FERC approved the project. Broadwater moved to obtain the necessary permits including Clean Water, Clean Air, and Coastal Zone Management permitting. The NYSDOS objected to Broadwater's request for a CZMA Coastal Consistency Certification. This certification is necessary in order for the project to begin construction. Broadwater appealed the decision of the NYSDOS to the US Department of Commerce which can override the decision of the NYSDOS if the Department can find:

- a) that the proposed activity furthers the national interest as articulated in Sections 302 or 303 of the CZMA, in a significant or substantial manner;
- b) that the adverse effects of the proposed activity do not outweigh its contribution to the national interest, when those effects are considered separately or cumulatively; and
- c) that no reasonable alternative is available that would permit the activity to be conducted in a manner consistent with enforceable policies of the applicable coastal management program. 15 CFR 930.21.

The Long Island Sound Assembly is and has been concerned that the construction and operation of the terminal may pose a threat to an environmentally sensitive area. The Long Island Sound LNG Task force comments that the study on hazards of oil spills was

inadequate and cites concerns about 5 million gallons per day of ballast and cooling water killing fish eggs and larvae and impacts on two endangered birds.<sup>1</sup>

This project is located in New York and as such the State of Connecticut has had some difficulty being recognized as a “party” to this project. As such, there have been efforts by the Attorney General’s office and the Governor’s office to ensure that Connecticut’s interests are recognized and addressed. The State of Connecticut Attorney General filed a Brief on August 15, 2008 to the US Department of Commerce in support of the NYSDOS’s objection to Broadwater.

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<sup>1</sup> See Long Island Sound LNG Task Force Response to FERC’S Draft Environmental Impact Statement, dated January 23, 2007

**SECTION II**

**CLEAN WATER FUND BOND AUTHORIZATION**

**REQUESTED ACTION**

The Long Island Assembly requests:

- That the General Assembly continue its efforts to enact bond authorizations in 2009 and in future years for the Clean Water Fund, and to maintain a sufficient annual commitment for funding to assist in implementing backlogged sewer and de-nitrification construction and facility planning projects.

**BACKGROUND**

From 1987 to 2002, the General Assembly allocated an average of \$47.9 million annually to critical clean water projects in the form of General Obligation Bonds. Great progress was made in clean water projects in those years.

From 2002 to 2007, Connecticut fell behind in its efforts to improve Long Island Sound water quality, primarily due to insufficient funding. The State budget for the 2005 and 2006 allocated only \$20 million per year in funding.

In October 2007, the General Assembly passed the bonding package that provided funding in the amount of \$90 million per year for 2007 and 2008. This was a significant reinvestment into the programs for which the General Assembly was commended. However, Raised Bill No. 359 from the 2008 Legislative Session that would have appropriated the sum of \$100 million to the Clean Water Fund for the fiscal year ending June 30, 2009 was not enacted.

The General Assembly needs to build upon the momentum that was initiated in October 2007 by continuing funding in future years. At least \$130 million per year of new General Obligation Bonds in each of the next five years is needed for new projects.

This fund is used to provide low interest loans and grants to towns for the purpose of upgrading water treatment plants or building new ones in response to the Department of Environmental Protection mandates. If we do not tend to these water projects now, as time passes, they will only increase in cost. Pushing these projects off to the future would burden taxpayers with additional costs down the road. Funding water quality projects now and planning for additional funding in the future are the fiscally responsible approaches towards:

- a) eliminating raw sewage from flowing into our rivers and the Sound during rain storms;
- b) addressing hypoxia, or low dissolved oxygen, problems in Long Island Sound;
- c) addressing nutrients, heavy metals, organics and many other contaminants from runoff into Long Island Sound; and
- d) restoring the dead zone in Long Island Sound.

“The Clean Water Fund program is not ‘BROKEN.’ The dilemma is a lack of adequate federal and state financing. What is needed is not significant statutory change but rather financial support. It is this lack of funding that needs to be addressed by state policy and fiscal decision makers.”<sup>2</sup>

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<sup>2</sup> “The Clean Water Fund Dilemma, Increasing Demands with Diminishing Fiscal Resources” A Report from the Clean Water Fund Advisory Workgroup to Connecticut Department of Environmental Protection Commissioner Gina McCarthy, February 2007.

**SECTION III****ENVIRONMENTAL EDUCATION PRIORITIES****REQUESTED ACTION**

The Long Island Assembly (LISA) requests:

- That the Connecticut General Assembly continue to raise awareness, understanding and appreciation of Long Island Sound as a critical resource to Connecticut's economic and environmental viability by:
  - Finding ways to integrate research and scientific-based discovery with a hands-on educational approach in partnership with relevant state agencies.
  - Enhancing the educational opportunities, for students in grades K-12, focused on watershed, ocean and Long Island Sound-based science by encouraging the CT State Board of Education to include watershed, ocean and Long Island Sound content in the State's science standards. Creating a competitive scholarship award program, for high school students, based on submissions of projects that protect and/or preserve Long Island Sound should also be considered.
  - Supporting increased public awareness of issues facing Long Island Sound including those addressed in this report, such as: requiring pharmacies to disseminate information on the proper disposal of prescriptions; informing the public on the importance of maintaining septic systems and minimizing the levels of fertilizer applied to lawns; and providing extension services for teachers and students focused on Long Island Sound.
  - Increasing funding for facilities such as museums and aquaria that use exhibits and educational programming effectively to educate hundreds of thousands of people about Long Island Sound. This includes:
    - a) increasing monies from the Commission on Culture and Tourism to facilities that support the tourism in the state;
    - b) invigorating the presently declining grants provided through the LIS license fund or creating a new mechanism to produce such grant monies;
    - c) providing capital funds through bonding like the Cultural Treasures Bond Act to improve and expand such facilities.

- Creating and supporting a unified vision and approach, connecting partners in science, conservation, education and business, such as the one presently spearheaded by The Maritime Aquarium at Norwalk and the Business Council of Fairfield County.
- Continuing funding initiatives of the education sub-committee of the Long Island Sound Councils and Assembly. This is crucial to many current projects and is necessary to enable the development of new products to enhance education and raise awareness of Long Island Sound.

## BACKGROUND

The health of Long Island Sound not only impacts Connecticut's natural resources and citizens, but its economic future as well. A healthy Long Island Sound depends on an educated citizenry and sense of community stewardship. The 2006 Public Perception Survey of Long Island Sound Watershed Residents found that "those who know the most about the environment are more inclined to act in ways that are environmentally beneficial," and that "the impact of knowledge has consistently stronger impact on behavior than attitudes. It is clear that the effect of pro-environment attitudes on pro-environment behavior is largely mediated by environmental knowledge."

The State of Connecticut is unique in the diversity and number of institutions and facilities focused on marine education. The delivery of services from these institutions would be greatly augmented with additional funding. To that end, the overarching goal of the Long Island Sound Regional Councils and Assembly, with respect to education, is to promote increased awareness, understanding and appreciation of Long Island Sound as an important resource to be treasured and protected for the enjoyment and livelihood of the public and the preservation of diverse species of wildlife and their associated habitats.

The Education Committee within the Long Island Sound Council program is comprised of representatives from environmental organizations throughout the State. The committee is a conduit of information between the shoreline communities, the state level of government, the general public and other environmental organizations in the State. Through past years of funding, our committee has developed programs and publications that have reached a broad audience. We have raised awareness through educating students in Grades K-12 and the general public through our drawing contests, research conferences, and publications. We have:

- a) since 1997, declared the Friday before Memorial Day as Long Island Sound Day in CT;
- b) partnered with the Department of Environmental Protection to develop and publish a State Public Access Guide to Long Island Sound;
- c) published the biennial Resource Directory of organizations and agencies involved in the environment along Long Island Sound;
- d) established the statewide Long Island Sound drawing contest and photography contest. Approximately 2,800 students from across the state participated in

- this year's 2009 calendar poster contest; winning entries are sent on a traveling poster exhibit to museums, town halls, etc. for one year;
- e) assisted with and participated in a biennial Long Island Sound Research conference; published a Proceedings volume, and managed Environmental Science Day;
  - f) designed and hosted Marine Science Day for Grades 4-8. In 2008 we hosted 220 students for Marine Science Day and 60 students at the CT River Museum as an outreach program. Presenters were UConn professors, undergraduate students, and representatives of environmental organizations: Mystic Aquarium, Project Oceanology, Schooner, Inc., DEP, and NURC.

Further underscoring Long Island Sound's role in Connecticut's economy and well-being is a new initiative partnering conservation organizations with businesses to create a unified approach in the development of a strategic plan for Long Island Sound. This exciting opportunity is being spearheaded by The Maritime Aquarium at Norwalk and the Business Council of Fairfield County who have twice convened the conservation leaders in the State to discuss how to raise the profile of Long Island Sound in the public mind. Improving this perception is an important factor in attracting a workforce of highly educated professionals and companies to CT to fuel the financial and high-tech industries in the State. The following groups are represented:

*The Maritime Aquarium at Norwalk, The Business Council of Fairfield County, EPA Long Island Sound Office, EPA Long Island Sound Study Citizen's Advisory Committee (both NY and CT co-chairs), League of Conservation Voters, Audubon Connecticut, Connecticut Audubon, Rivers Alliance of Connecticut The Nature Conservancy, CT chapter, Connecticut Fund for the Environment, Save the Sound, Sound Waters, CT Department of Environmental Protection, CT Sea Grant.*

## SECTION IV

### HARBOR MANAGEMENT

#### REQUESTED ACTION

The Long Island Sound Assembly (LISA) requests:

- That in 2009 the General Assembly continue its efforts to improve and enhance implementation of the Connecticut Harbor Management Act of 1984 (Sections 22a-113k through 22a-113t of the Connecticut General Statutes) by:
  - Reviewing the status of the state boating account operated pursuant to Section 15-155 of the Connecticut General Statutes to determine if the amount of funds currently distributed to municipalities from the account is sufficient to meet current harbor management responsibilities.
  - Considering legislation and funding to advance the interests of the state, including economic development and public safety interests, for timely and environmentally sound maintenance dredging of Connecticut's ports and harbors.
  - Considering legislation and funding to strengthen the state's harbor master program as a vital program contributing to the safe and efficient operation of Connecticut's navigable waters and the effective implementation of municipal harbor management plans.

#### BACKGROUND

The Connecticut Harbor Management Act enables municipalities with navigable waters to establish harbor management commissions and develop harbor management plans to guide the most desirable use of their waters for recreational, commercial, and other purposes. The Long Island Sound Assembly (LISA) has identified three principal topics of interest to municipal harbor management commissions in 2008. These topics concern: 1) funds for harbor management; 2) dredging and dredged material management; and 3) the state's harbor master program. LISA requests that the General Assembly consider initiatives to address issues associated with each of these topics.

Over the past year, there has been progress to address some of the harbor management issues identified by LISA in its 2007 report, including issues concerning coordination between harbor management commissions and the Connecticut Department of Environmental Protection (DEP) for the review and approval of coastal development plans. New coastal permitting requirements instituted by the DEP in 2008 are intended to

expedite the permitting process and strengthen the role of the local harbor management commission in that process.

Also in 2008, there has been progress to advance the state's interests for achieving maintenance dredging of Connecticut's ports and harbors. This includes maintenance dredging of federal navigation projects by the U.S. Army Corps of Engineers (USACE), which initiated dredging projects in Norwalk Harbor and North Cove (Old Saybrook). In addition, the General Assembly passed Public Act 08-101 establishing the state's Harbor Improvement Fund that, pending appropriation of funds by the General Assembly, would be able to provide state funds that can be used for maintenance of federal navigation projects. Additional progress on the dredging issues and the other identified topics is needed in 2009.

#### *1. Funds for Harbor Management:*

Section 22a-113r of the Connecticut General Statutes authorizes a harbor management commission to propose fee schedules for permits for moorings or any other activity within the scope of the municipality's harbor management plan. Another potential source of funds for municipal harbor management purposes is the state boating account administered pursuant to Section 15-155 of the Connecticut General Statutes. That account provides for the annual distribution of state-imposed and collected boat registration fees to individual towns. The amount distributed is equal to the amount of property taxes that were paid on vessels in each town in 1978, an amount that has not been adjusted since that time. Section 15-155 of the General Statutes also gives municipalities the opportunity to request from the boating account: a) reimbursement for local expenses for enforcement of boating safety regulations; and b) funds that may be used by the towns for boating safety education and the construction, maintenance, and improvement of public boating facilities. Each year the commissioners of environmental protection and motor vehicles are to provide reports on the status of the boating account to the General Assembly. LISA has not been able to obtain copies of those reports. We believe the status of the boating account should be reviewed and consideration given to determining if the amount of funds currently distributed to the towns should be adjusted upward to reflect existing conditions, including the increasing municipal responsibilities for harbor management pursuant to the General Statutes. For those municipalities with duly approved and adopted harbor management plans, consideration should be given to allocating a portion of any new funds from the boating account to the municipality's harbor management fund. That fund is established pursuant to Section 22a-113s of the General Statutes and is to be used only for the maintenance and improvement of the local harbor and for expenses directly related to the functions of the harbor management commission and the harbormaster or deputy harbormaster.

#### *2. Dredging and Dredged Material Management:*

The current process to achieve maintenance dredging of federal navigation projects (channels and anchorage basins) in Connecticut consists of a series of complex steps and decisions involving a number of agencies as well as the U.S. Congress. The current

process generally takes years to complete. Although progress has been made with regard to improving the current process, LISA feels that additional progress is still required if Connecticut's ports and harbors are to be effectively maintained in the future.

The Long Island Sound Assembly has supported the efforts of the Connecticut Maritime Commission and Connecticut Harbor Management Association to develop a new dredging policy for the state and the efforts of the State Dredging Coordinator established within the Department of Transportation to improve the dredging process. LISA believes that the State of Connecticut must continue to pursue a more active role through vigorous planning initiatives as well as the provision of state funds to help match available federal funds. Toward this purpose, the LISA strongly recommends that the Connecticut DEP, as the agency charged with implementation of the Connecticut Coastal Management Program, establish and implement a specific agency program to advance the state's interests in achieving timely and environmentally sound maintenance dredging of Connecticut's federal navigation projects. That program should include, in addition to the DEP's regulatory responsibilities, planning and coordination initiatives to facilitate the dredging process. We believe that successful completion of federal maintenance dredging projects in Connecticut waterways should be considered a significant indicator of the performance of the DEP in fulfilling its coastal management responsibilities under the Connecticut Coastal Management Act.

In 2008, the General Assembly passed Public Act 08-101 establishing the state's Harbor Improvement Fund to provide state funds that can be used for maintenance of federal navigation projects. LISA supports an appropriation of state funds by the General Assembly in 2009 to make the Harbor Improvement Fund operational.

While striving to improve the maintenance dredging process within the state, we cannot lose sight of the complex issues and ongoing studies concerning the open water disposal of dredged material in Long Island Sound. In 2005, the U.S. Environmental Protection Agency (EPA) designated the Western Long Island Sound and Central Long Island Sound dredged material disposal sites pursuant to the requirements of the Federal Marine Protection, Research and Sanctuaries Act. The designation followed years of work on a multi-million dollar Environmental Impact Statement and some difficult negotiations involving the states of Connecticut and New York. Under the terms of the designation, the USACE, acting in coordination with the EPA and the two states, must prepare a comprehensive dredged material management plan (DMMP) for Long Island Sound within eight years or else the disposal site designations will expire. An important goal of the DMMP, currently estimated to cost about \$16 million, is to reduce or eliminate open water disposal of dredged material in the Sound. To date, Congress has allocated funds to initiate the DMMP but has not allocated sufficient funds to complete the project. LISA supports the timely completion of the DMMP and the continued use of designated open water dredged material disposal sites in Long Island Sound for the disposal of dredged material suitable for disposal in the Sound.

### *3. The Harbor Master Program:*

Connecticut's harbor masters and deputy harbor masters have long had a distinct and essential role, established in the General Statutes, for ensuring public safety and managing our waterways in the public interest. As state officers appointed by the governor in accordance with Section 15-1 of the Connecticut General Statutes, harbor masters and deputy harbor masters are subject to the direction and control of the commissioner of transportation and have a number of significant authorities, including authority for control of all moored or anchored vessels, removal of derelict and abandoned vessels and structures, and other actions conducted in the interest of maintaining safe navigation. In addition, the harbor master or deputy harbor master of each municipality is required by Section 22a-113k of the General Statutes to serve as an ex-officio member of that municipality's harbor management commission with significant responsibilities for the implementation of the municipality's harbor management plan. The harbor master program should be recognized by all agencies and officials concerned with the management of Connecticut's navigable waters and coastal resources as a vital program for helping ensure the safe and beneficial use of Connecticut's waterways. The Connecticut General Assembly should consider legislation and funding to strengthen the harbor master program through training and education, updating of sections of the Connecticut General Statutes concerning harbor master authorities, and other initiatives.

**SECTION V**  
**HAZARDOUS WASTE DISPOSAL**

## REQUESTED ACTION

The Long Island Sound Assembly (LISA) requests:

- That the General Assembly continues its effort to improve the Hazardous Waste Disposal Programs currently in place.
- Establish a user-friendly statewide, standardized, hazardous waste disposal program similar to HazWaste Central in the Greater New Haven area.
- Expand funding or legislation to encourage more effective advertising for the programs that are currently in place.
- Appropriate funding for public education programs designed to familiarize people with the natural alternatives to using hazardous materials.

## BACKGROUND

To minimize the amount of hazardous waste from intentional dumping into Connecticut's waterways, tributaries, and the Long Island Sound, improvements to the existing hazardous waste programs should include a statewide, standardized program similar to HazWaste Central in the Greater New Haven area. This is a convenient method of properly disposing of both household and small business hazardous waste. The practice of implementing regional fixed locations will prompt the homeowner to easily recall a location to safely dispose of most hazardous products year round. Other programs such as in Fairfield County do not operate from a fixed location. Although this does attract many residents, it has some shortcomings. A resident from any of the participating communities may dispose of waste at any of the scheduled hazardous waste collection locations in any participating community on the date for that particular community. However, a resident will have only one opportunity to dispose of waste in their municipality once a year. People are reluctant to travel to an unfamiliar location and tend to hold on to the waste even longer. This creates an environment for potential accidents and unlawful disposal.

An enormous number of residents are simply unaware of the programs or do not know the dates of collection. Two low-cost improvements should be implemented to encourage widespread use of the programs in place; financial support and/or legislation requiring improved advertising for the programs that are currently in place, and public

education programs designed to teach people the natural alternatives to using hazardous materials. This will have the added benefit of creating less waste.

Improvements to hazardous waste collection programs will have a positive impact on both the short and long term goals for a cleaner, safer environment. The short-term benefits include the immediate reduced impact on marine life from acute exposure to illegally dumped hazardous waste. The long-term benefits include reduction of the contaminated dredge material that makes dredging projects both costly and arduous, and reduction of the impact on marine life of chronic exposure to illegally dumped hazardous waste. Long Island Sound is an estuary where billions of dollars have been invested in the shellfish and fishing industries. A more proactive approach needs to be undertaken to create a healthier eco-system and to prevent the degradation of Connecticut's coastline.

**SECTION VI****LOBSTER AND SHELLFISH FISHERIES****Part 1: Lobster V-Notch Program****REQUESTED ACTION**

The Long Island Sound Assembly (LISA) requests:

- That the General Assembly provides an additional \$300,000 to complete the second year of the highly successful Connecticut Cooperative Lobster Restoration V-Notch Program.

**BACKGROUND**

In May 2006, the General Assembly enacted the “Connecticut Cooperative Lobster Restoration V-Notch Program” (P.A. 06-187), which provided \$1 million dollars to restore lobster stocks devastated by the die-off in the late 1990s, while providing economic assistance to Connecticut lobstermen and offering educational opportunities for high school students in the state. The V-notch program was designed to utilize high school VoAg and technical students aboard lobster boats to mark (or V-notch) one of the tail flippers of mature female lobsters and return them to the waters of Long Island Sound (LIS). The V-notched lobsters are protected and allowed to grow and reproduce for another two years, because under current laws, possession of V-notched female lobsters is prohibited in all lobster producing states along the east coast. Lobstermen carrying the student V-notching teams are compensated fair market value for the lobsters caught in their traps that were notched and returned to the water.

The V-notch program is a creative proactive way of rebuilding the LIS lobster stocks when compared to other regulatory measures that would further harm the struggling lobster industry, like increasing the minimum legal size, trap limits, closures and decreasing catch quotas. For many years, V-notching has proved to be a successful conservation technique for sustaining the Maine lobster industry and most recently was a successful measure in Rhode Island in a restoration effort following the North Cape Oil Spill.

The goal of the V-notching restoration program in Connecticut was to notch and return to the water 57,700 legal equivalent female lobsters in year one and year two of the program. Currently, there is about \$180,000 in funding remaining for year two and Governor Rell has carried-over this amount to continue the V-notching program in 2009. To meet the goal of V-notching 57,700 legal equivalent lobsters in year two, an

additional \$300,000 are needed. If the V-notching goal is not met during 2009, the restoration of the LIS lobster stock may be jeopardized and, under the current management plan for the species, the minimum legal size of lobsters will be increased in 2010, further harming Connecticut's struggling lobster industry. The benefits of continuing this program go far beyond Connecticut's current lobstermen. They extend to the future health of the lobster stocks in the Sound and all other marine creatures.

## Part 2: Connecticut Shellfish Industry

### REQUESTED ACTION

The Long Island Sound Assembly (LISA) requests:

- Continue funding the Clean Water Act Fund for sewage treatment plant upgrades and projects that separate storm water from sewage lines.
- Increase funding for the Bureau of Aquaculture, including bonding measures, so the Bureau can perform needed water quality sampling in a timely manner to re-open Conditionally Approved shellfish beds.
- Support studies investigating the benefits of a shellfish depuration center similar to the one in Massachusetts.
- Explore production alternatives for a variety of bivalve species including long-line cages, etc. Alternative aquaculture practices have their place in the shell fishing industry. The state, working with stakeholders, should identify areas in the Sound where such methods can take place without interfering with other commercial and recreational users.
- Increase attention to non-point sources of pollution, which degrade water quality and directly impact the health of shellfish. Special focus should be given to decreasing the use of pesticides on public and private properties. Examples include expanding the ban on pesticides on school property from K-8th grade to K-high school and giving incentives to private landscape companies and homeowners for use of organic pest control and use of Integrated Pest Management practices.
- Follow the recommendations in the storm water and education sections of this report in addition to these recommendations.

### **BACKGROUND**

The commercial shell fishing industry (combined clam and oyster) contributed \$24.6 million to the state's economy in 2007. In 1992, \$49.2 million (combined clam and oyster) was contributed to the state's economy. This significant decline in clam and

oyster harvesting needs to be assessed if the industry is expected to be a viable contributor to the state's economy.

Commercial shell fishing supports satellite businesses such as the maintenance and operation of boating and shipping, marketing and sales all of which support jobs in a time of needed employment.

Commercial and recreational shell fishing is inextricably connected to water quality. For example, shellfish beds are downgraded or closed due to a decline in water quality, which severely impacts the area from which shellfish can be harvested for market.

When shellfish populations decline, the ecological balance of Long Island Sound is affected; marine organisms including animals and plants may also deteriorate.

Commercial and recreational shell fishing contribute to the state's unique quality of life and is part of our state's heritage. Recent downgrading of the classification of harvestable shellfish areas all along our coastline threatens this special asset and activity for all residents.

### *Part 3: Lobster and Shellfish Research*

#### REQUESTED ACTION

The Long Island Sound Assembly (LISA) requests:

- That the Connecticut General Assembly provide funding to investigate the potential effects of pharmaceuticals and other contaminants on shellfish and lobsters in Long Island Sound.

#### BACKGROUND

Lobster shell disease is a result of bacteria that invades from the outside of the lobster through pores in its cuticle (the outermost layer of the shell). There is a range in the severity of the disease from shallow pits that eat away at the cuticle and cause those unsightly black spots to ulcerations, holes that fully penetrate the shell causing the shell and the membranes underneath it to fuse together. This can stop the lobster from releasing its shell and can cause it to become stuck during the molting process and die. A lobster needs to molt in order to grow.

Larger female lobsters (increasing in LIS due to the success of the V-Notch Program) are the most severely affected because they retain their shell for a longer period of time while carrying eggs. It can weaken egg-bearing lobsters so much that they die prematurely.

Environmental stressors such as elevated temperature, hypoxia, toxic substances and chemicals that are endocrine mimics may initiate or support the disease. Or they may

upset some aspect of the homeostatic regulatory mechanisms of the lobster, perhaps compromising its immune system and allowing shell disease to gain a foothold.

Recent studies conducted by Hans Laufer in Long Island Sound suggest that lobsters may be contracting the disease from alkyl phenols, chemicals that are byproducts from industrial sources. These compounds are found in everything from detergents to surfactants (a surface-active substance), paints, and plastics, and have been found in higher concentrations in lobsters with shell disease than in unaffected animals. These compounds may be interfering with the lobster's normal hormonal system.

More lobsters are getting shell disease, and the problem is now found from southern New England waters all the way to Maine. Thirty percent of lobsters in coastal areas of southern New England and Long Island Sound are affected by shell disease. It is still unclear what is causing it to spread. Shell disease is not contagious from lobster to lobster and biologists suspect that environmental factors such as water temperature or polluted run-off may be weakening the lobster's immune system and allowing the bacteria to grow faster than the lobster can fight it.

Research on lobster health is paramount to understanding the causes and consequences of shell disease and other diseases affecting the lobster stocks. The continuation of funding dedicated to lobster health is key to understanding the effects of these diseases on both the resource and the fishery.

**SECTION VII**

**MARINE LAW ENFORCEMENT**

**REQUESTED ACTION**

The Long Island Sound Assembly (LISA) requests:

- That the Connecticut General Assembly provide for more affordable marine law enforcement to the shoreline and waterfront towns and cities, to continue the cause of boating safety. We recommend exploring and confirming the statutory (Sec. 15-154a.) provisions allowing municipalities to appoint town marine officers to enforce the various, non-custodial, marine infractions along their waterfronts.

**BACKGROUND**

Protection for the public on the water is just as important as on land and on the highway. It is a responsibility of every waterfront municipality yet many towns and cities have very limited marine enforcement, primarily due to the high cost of personnel and equipment for full POST certified officers and also because it is often only a seasonal need.

An Assistant Attorney General decision circa 1992 voiced that only certified police officers can perform any law enforcement duties. That ended employment for a large number of part-time appointed Town Marine Officers in many coastal and waterfront towns and cities.

Previously a Town Marine Officer was appointed by the municipality and was authorized by Sec. 15-154a. to enforce marine statutes and a very limited number of other statutes. This was cost effective because the officers were not police academy graduates with months of training, but usually were summer hires.

Legislation is necessary to make the use of part time officers available again by authorizing them to enforce non-custodial marine statutes. When enforcement is affordable, municipalities will again have the coverage the public requires along the waterfront.

## SECTION VIII

### OPEN WATER DREDGE DISPOSAL IN LONG ISLAND SOUND

#### PREFACE

The Long Island Sound Assembly continues to maintain that, to remain operational, Connecticut's ports and harbors must have access to the four designated sites that can be used for the deposition of dredged sediments deemed suitable for open water disposal. These projects maintain access to port facilities, military bases such as the United States Naval Submarine Base, oil terminals, marinas, commercial fishing and other marine facilities. **If Connecticut's ports and harbors are not able to use these four sites, the impact on Connecticut's economy will be catastrophic with business failures and the loss of jobs. This can happen in 2013 if nothing is done.** It is imperative to keep these sites open as potential dredge disposal sites. It is imperative to keep Connecticut's ports open and commercially viable, and it is imperative that such dredging projects and disposal operations be performed in an environmentally and economically sound manner.

#### REQUESTED ACTION

The Long Island Sound Assembly (LISA) requests:

- That the Connecticut General Assembly continues to contact the members of Connecticut's Congressional Delegation.
- **That the Congressional Delegation continue all efforts to obtain \$8 million federal financial support for the Regional Dredged Material Management Plan (DMMP) for Long Island Sound without which the Central Long Island Sound Disposal Site (CLIS) off New Haven and the Western Long Island Sound Disposal Site (WLIS) off Norwalk will both be closed by the EPA in 2013.** While the Army Corps of Engineers and the U.S. Environmental Protection Agency have begun to schedule formal scoping meetings, public meetings, workshops and a dredging needs survey as part of the DMMP development process, funding is needed.
- That the Congressional Delegation continues to pursue increased federal funding of Connecticut dredging projects.
- That the Congressional Delegation continues to pursue federal funding of research and development of innovative dredge disposal technologies to enable economical upland reuse.

- **That the Congressional Delegation continue to pursue federal funding for the creation of Environmental Impact Statements for the New London and Cornfield Shoals dredge disposal sites. In the absence of such Statements, the New London site is slated to close in 2011 and the Cornfield Shoals site in 2013.**

In addition, the Long Island Sound Assembly requests:

- That the General Assembly support DEP Commissioner McCarthy in her efforts to enlist the aid of Connecticut's Congressional Delegation and New York regulators in ensuring that provisions of the DMMP:
  - Reflect the needs of Connecticut harbor cities and towns for a streamlined dredge disposal permitting process utilizing the Connecticut Department of Transportation's Dredging Project Coordinator.
  - Are effective and reasonable in protecting the environment of Long Island Sound and Connecticut waterways.
  - Are timely to ensure continued accessibility to the four designated sites in Long Island Sound that can be used for the deposition of dredged sediments, including the New London and Cornfield Shoals sites.
  - Recognize that background concentrations of some constituents, such as cadmium, that are found in sediments in Long Island Sound may be naturally occurring and may not be contaminants.
  - Provide regulatory alternatives with a flexibility that does not currently exist in the so-called Ambro Amendment to the Ocean Dumping Act.
  - That absent timely action in the development and issuance of a DMMP and absent the cooperation of New York State representatives, the General Assembly should initiate measures to support the repeal of the Ambro amendment to the Ocean Dumping Act.
- **That the General Assembly fund PA 08-101, the Harbor Improvement Act by allocating a bond issue to support state harbor improvement projects including, but not limited to, projects such as the preparation of DMMPs, harbor planning coordination, dredging, and other coastal facility repairs which support commercial and recreational maritime activities. This is presently being done in other New England States.**
- That support is accorded to DEP research projects designed to investigate alternative technologies for upland dredge reuse and its development of

general permits for the reuse of soils and sediments to comply with the stated DMMP goal of reducing or eliminating open water dredge disposal.

- That additional support is accorded to DEP research projects to design, in cooperation with the Army Corps of Engineers, appropriate Confined Aquatic Disposal (CAD) cells that can be used as a disposal alternative for dredged material which has been determined to be unsuitable for unconfined aquatic disposal. The CAD cells could be large enough for federal projects plus any additional private projects that might occur during the same dredging mobilization effort.

## BACKGROUND

### *The Regional Dredged Material Management Plan (DMMP)*

On May 13, 2005, Governors Rell and Pataki announced a joint agreement with the U.S. Environmental Protection Agency and the Army Corps of Engineers that outlines conditions requiring state and federal agencies to work cooperatively to develop and implement a regional Dredged Material Management Plan (DMMP). The agreement, which involved negotiations between the New York Governor's Office, New York Department of State, the federal Environmental Protection Agency, ACE, and the State of Connecticut Governor's Office, will continue Connecticut and New York efforts to protect and restore Long Island Sound. The agreement has a sunset date of 2013 and imposes 14 specific restrictions designed to ensure that alternatives to open water disposal are sought, and only if absolutely necessary, allow for the safe disposal of dredging materials in two sites. If any of the restrictions are not met, the EPA has agreed to rescind the two disposal site designations and cease open water disposals there.

New York and Connecticut must now further reconcile their differences on how dredged materials should be handled for open water disposal and arrive at a consensus on the management of disposal at two Long Island Sound sites through public hearings, open debate, and technical analysis. The U.S. Environmental Protection Agency and the Army Corps of Engineers have begun to schedule scoping meetings, public meetings, workshops and a dredging needs survey as part of the DMMP development process; however progress is slow and funding is not immediately available.

The Army Corps of Engineers estimates that the DMMP will require \$16 million in funding and require 5 to 7 years to complete. Of this, half or \$8 million will come from federal appropriations and the President's budget, \$4 million from Connecticut appropriations and \$4 million from New York State appropriations.

Connecticut DEP Commissioner McCarthy has advised the Connecticut Congressional Delegation that the DEP does not advocate the immediate repeal of the Ambro amendment to the Ocean Dumping Act, but does advocate using the DMMP as a framework for the investigation of the Ambro environmental requirements and their

effects on the legitimate interests of the maritime trade industry, while also protecting the environment. However, Connecticut DEP and Army Corp of Engineers personnel, in addition to other stakeholders have recognized that the Ambro amendment:

- a) does not affect any other estuary in the entire country;
- b) has driven EPA's interpretation to not allow capping of contaminated sediments in Long Island Sound, although many agencies view capping as a viable best management practice;
- c) is estimated to add a factor of up to ten times (10x) to the cost of a project, in addition to time delays;
- d) results in less regulatory flexibility in analyses, testing, and suitability determinations of dredged sediments;
- e) continues to be the subject of repeal.

Absent timely action in the development and issuance of a DMMP, and absent the cooperation of New York State representatives, the General Assembly should initiate measures to support the repeal of the Ambro amendment to the Ocean Dumping Act.

### *Research and Development*

Because one of the goals of the DMMP is to ensure that alternatives to open water disposal are sought, support needs to be accorded to DEP for research projects designed to investigate alternative technologies for upland dredge reuse and to further develop its General Permits for the reuse of Soils and Sediments.

An alternative to open water disposal that has been used successfully in New England is the creation and use of Confined Aquatic Disposal (CAD) cells. These cells are cost-effective and environmentally sound options whereby in-channel pits are dug to a specific depth below the seafloor, filled with dredged contaminated sediments, and then capped with specific amounts of clean sediments. This option was chosen for the Boston Harbor Navigation Improvement Project; however, the option has not readily been embraced in Connecticut. Additional support needs to be accorded to DEP research projects to design, in cooperation with the Army Corps of Engineers, appropriate Confined Aquatic Disposal (CAD) cells that can be used as a disposal alternative for dredged material which has been determined to be unsuitable for unconfined aquatic disposal. The CAD cells could be large enough for federal projects plus any additional private projects that might occur during the same dredging mobilization effort.

One of the impediments to open water disposal has been the concept that referenced background samples do not accurately reflect background concentrations of sediment in Long Island Sound. In essence, background concentrations of some constituents, such as cadmium, that are found in sediments in Long Island Sound may be naturally occurring and may not truly be contaminants. Support needs to be accorded to the DEP to review the latest studies of sediment analyses of Long Island Sound, as there appears to be more than sufficient information to warrant a reevaluation of the current method of determining

what levels of these constituents, such as cadmium, are acceptable for open water disposal.

**As has been clearly stated in the preface to our recommendations, the General Assembly must be advised of the need to promote Connecticut's economic interests by protecting the ability of the state's harbors and ports to economically dispose of dredged sediments.**

#### *Funding Opportunities*

Immediate action is necessary to address the scheduled closings of the New London dredge disposal site and the Cornfield Shoals dredge dispersal site. The DMMP is slated to be completed in 2013, the New London disposal site is scheduled to close in 2011, and the Cornfield Shoals dispersal site is scheduled to close in 2013. A parallel path must be developed whereby federal funding and actions are necessary to create an environmental impact statement to investigate continued use of the sites and for alternative replacement disposal sites.

Funding to improve the coordination and scheduling of dredge projects can also facilitate the use/reuse of sediments from various projects, e.g., available cap materials.

Additional funding is needed for critical Connecticut dredging projects at both state and federal levels. On the home front, 2008 saw the passage of PA 08-101, The Harbor Improvement Act, which was passed but not funded. In 2009 we need to allocate a bond issue to support state harbor improvement projects including, but not limited to, the preparation of the DMMP, harbor planning coordination, dredging, and other coastal facility repairs which support commercial and recreational maritime activities. Specific projects and their estimated costs that can benefit from this act include the following:  
*(See below)*

**New Projects and Modifications, Reconnaissance or Initial Appraisal, Federal Cost up to \$100,000. Feasibility Phase 50/50 split, Federal and Non-Federal Sponsors.**

**NEW HAVEN HARBOR:**

Deep Draft Improvement, outstanding resolution 2007, dredges approximately 5 million cy. from the channel, and 100,000 cy. of ledge rock at entrance to harbor. The Federal Authorized Depth, 1986 40 ft., new depth 42 ft. to 45 ft.

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Reconnaissance Study:	\$ 100,000.00	0
Feasibility Phase:	\$ 500,000.00	\$ 500,000.00

**MYSTIC HARBOR:**

Navigational, Flood Control, Shore Erosion Protection and Beneficial use of Dredged Material at Mystic Seaport.

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Reconnaissance Study:	\$ 100,000.00	0
Feasibility Phase:	\$ 250,000.00	\$ 250,000.00

**NEW LONDON HARBOR:**

Greens Harbor Inner Breakwater Study. An initial appraisal report for the harbor was done in the fall of 2001. The initial report looked at several different lengths and alignments of non-traditional breakwaters (a-frame, concrete pile, etc.). The benefits of this project would minimize/mitigate wave damages on public, private and military shore property and moored vessels along the New London Harbor shoreline. The New London Harbor is a major port servicing the Groton Nuclear Submarine Center of the US Navy and the US Coast Guard Academy, as well as the US Navy Underwater Systems Laboratory and the Groton General Dynamics Ship Yard. In addition, the Connecticut State Pier and Pfizer Corporation are also located in the New London Harbor. The 2001 report would require updating for the initial appraisal, and then review by the City, State and Army Corps division in NYC.

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Reconnaissance Study: (update 2001 initial appraisal study)	\$ 100,000.00	0
Feasibility Phase:	\$ 250,000.00	\$ 250,000.00

**STONINGTON HARBOR INNER BREAKWATER:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Reconnaissance Study:	\$ 100,000.00	0

**MAINTENANCE DREDGING PROJECTS FY 2009**

**PATCHOGUE RIVER, WESTBROOK:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 45,000 cy.	\$ 2.0 mil.	0

The material disposal is designated for Cornfield Shoals, or can be used for capping at Central Long Island Sound Site.

**CLINTON HARBOR, CLINTON:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 47,000 cy.	\$ 2.0 mil.	0

The Harbor will be dredged using a hydraulic machine using a pipeline for placement on the public beach at Hammonasset State Park.

**BRIDGEPORT HARBOR CAD CELL CONSTRUCTION:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 1.5 mil. cy.	0	\$ 7.0 mil.

The CAD (confined aquatic disposal) Cell construction cost for the disposal of unsuitable dredged material includes borings, engineering, development of plans and specifications, mobilization/demobilize, cad construction and cad cap design/cost.

**BRIDGEPORT HARBOR MAIN CHANNEL, TRIBUTARIES, TURNING BASINS, ANCHORAGES:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 1.85 mil. cy.	\$ 30.0 mil.	0

530,000 qui. unsuitable, main Channel  
570,000 cy. unsuitable, tributaries, turning basins and anchorages  
 1,100,000 cy.

750,000 cy. suitable material in outer harbor, disposal to Central Long Island Sound Site

**HOUSATONIC RIVER:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 600,000 S.A.	\$ 13.50 mil.	\$ 7.0 mil.

This dredged material will be used to re-nourish the beach at Hammonasset State Park. The cost share responsibility is that of the State of Connecticut.

**LONG ISLAND SOUND DREDGED MATERIAL MANAGEMENT PLAN:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
FY 2009	\$ 5.0 mil.	0

To develop a comprehensive dredged material management plan that identifies and recommends practical and implement able solutions to manage material in an economically sound and environmentally acceptable manner in Long Island Sound.

Identify, evaluate and recommend dredged material management alternatives for Corps of Engineers Navigation Projects through a broad based public process that protects the environment based on best scientific data and analysis, while meeting society’s need for safe and economical viable navigation for water based commerce, transportation, national security, and other public purposes. Alternatives identified can also be used for other navigation facilities in management of their dredged material.

The DMMP will cost an estimated \$16 million and take 5-6 years to complete.

**CONNECTICUT RIVER MAINTENANCE DREDGING:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 200,000 cy.	\$ 1.0 mil.	0

The Connecticut River is one of the State’s most vital waterways. With its entrance near the eastern end of Long Island, it serves (upstream order) recreational harbors and commercial waterfronts in the communities of Old Saybrook, Old Lyme, Essex, Lyme, Deep River, Chester, East Haddam, Haddam, East Hampton, Middletown, Portland, Cromwell, Rocky Hill, Glastonbury, Wethersfield, East Hartford and Hartford.

There are approximately 8 bars that require dredging and most of the material may be suitable for Beach Nourishment or disposal at the Cornfield Shoals Disposal Site.

The initial funding will start the testing and planning stages.

**NORTH COVE, OLD SAYBROOK:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 320,000 cy.	\$ 4.33 mil.*	\$ 1.0 mil (transport)

Project bid on August 22<sup>nd</sup>, 2008. Low bidder Burnham Assoc. \$4,058,338.00

The \$1.0 mil for the transport cost was a Bond issue from CTDEP to the City of Norwalk, drawn from the Urban Act Fund.

This dredged material is classified as acceptable open water disposal cap for other less than suitable projects. The material was slated for Cornfield Shoals disposal and due to the capping needs at Central Long Island Site; the material will be transported to this disposal site. The capping of dredged material at this site is a Non-Federal responsibility and the cost for transport will have to be shared.

\*Congressional Appropriation

**NORWALK HARBOR PHASE 2:**

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
Quantity: 400,000 cy.	\$ 5.609 mMil.*	0

Project bid on September 4<sup>th</sup>, 2008. Low bidder Cashman Dredging. There were two options for this project; Option 1 complete dredge, bid amount \$7.10 mil and Option 2 revised dredge based on Congressional Appropriation, bid amount \$4.50 mil. There is still a shortfall of approx. \$2.30 mil. to do the complete project.

This project has a cap requirement. A quantity of 75,000 cy from the North Cove project will need to be transported to the Central Long Island Disposal Site as outlined above.

\* Congressional Appropriation

**L.I SOUND INNOVATIVE TREATMENT DEMONSTRATION PROJECT:**

The purpose of this project is to determine the feasibility of innovative treatment technologies for the treatment of dredged material from Long Island Sound so that the treated dredged material could meet unrestricted use criteria which would allow the material to be used in a beneficial and marketability manner. Phase 1 of this project consists of a demonstration using material physically and chemically similar to that commonly generated in the maintenance of Long Island Sound ports (Bridgeport Harbor in particular). The dredged material had undergone an initial treatment as part of a pilot demonstration project undertaken by the USEPA and the New Jersey Department of Transportation under a USEPA innovative treatment of dredged material program.

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
	\$ 750,000 *	\$ 400,000 **

\* The Corps Fiscal Year 2003 Appropriation.

\*\* CTDEP Bond issue 2007/2008

**ENVIRONMENTAL IMPACT STUDY (EIS) FOR EASTERN LONG ISLAND SOUND DISPOSAL SITE DESIGNATION:**

The purpose is to study and identify practicable solutions to manage dredged material in an economic sound and environmental acceptable manner in Eastern Long Island Sound. The funding request is to USEPA.

	<u>FEDERAL</u>	<u>STATE/SPONSOR</u>
	\$ 5.0 mil.	0

**SECTION IX****PRESCRIPTION DRUGS IN LONG ISLAND SOUND****REQUESTED ACTION**

The Long Island Sound Assembly (LISA) strongly requests:

- The General Assembly convene a group consisting of representatives from Connecticut Hospital Association, Connecticut Medical Society and American College of Healthcare Executives (representing nursing homes) to devise a practical, cost effective plan:
  - a) to reduce the amount of pharmaceuticals that must be disposed of;
  - b) to dispose of pharmaceutical prescription and non-prescription products in an environmentally sound manner;
  - c) to identify the metabolites being discharged into LIS after sewage treatment.
- Together with state and town health departments establish a partnership with the medical professionals and pharmaceutical companies to develop a public education campaign that will inform the public of the need to quickly and safely dispose of excess medications. This knowledge would offer encouragement to dispose of pharmaceuticals the proper way.
- That active statewide comprehensive disposal programs for unused prescription drugs and over-the-counter medications be established. Approve a safe disposal for the final destination for these drugs (hazardous-waste incinerator) rather than flushing unwanted medication down the toilet which damages Connecticut's water quality.
- The Legislature should request and fund studies to:
  - a) identify and assess the pharmaceutical metabolites which are and are not removed following sewage treatment;
  - b) quantify the amounts of each of these metabolites released by sewage treatment plants into LIS.

## BACKGROUND

The first “take-back unwanted medication day” in Connecticut was held in the shoreline town of Clinton on September 20, 2008. The event was a success in providing a safe and environmentally sound disposal of unwanted medication for residents. Over 200 gallons of unwanted medication from about 130 individuals was collected. The program was provided by Connecticut Water, CVS Pharmacy, and the State Department of Consumer Protection in partnership with numerous environmental groups.

Unabsorbed prescription drugs pass through the body into our wastewater treatment or storm runoff systems. Sewage treatment plants are not capable of eliminating many pharmaceuticals and hormones, thus resulting in the release of these compounds into the environment.

There is a lack of existing data regarding pharmaceutical metabolites remaining following sewage treatment. Wastewater treatment plants do not alter the compounds, but rather discharge them into state waterways and Long Island Sound where they enter the marine environment and food web. New analytical methods are needed to detect and quantify different pharmaceuticals and personal care products in wastewater and sewage sludge and to track their impacts in the marine environment and uptake by organisms.

Connecticut needs to be a beacon and set an example to protect the environment.

## SECTION X

### STORMWATER MANAGEMENT

#### REQUESTED ACTION

The Long Island Sound Assembly requests:

- Greater leadership from state agencies (e.g. CT DEP) and funding mechanisms to assist municipalities implementing stormwater management to meet EPA Phase II stormwater mandates.
- All state projects and projects using state funds, seek Leadership in Energy and Environmental Design (LEED) certification and use Low Impact Development (LID) methods.
- Funding to provide public education programs directed at the negative impacts of stormwater runoff and what can be done to improve water quality in the State's water bodies and Long Island Sound.
- Encourage interaction and cooperation of state agencies towards improvement of stormwater runoff from the state roadway system, with the common goal of reducing pollution in the state's waterways.
- Enable municipalities to enter private property to locate outfalls accurately or test outfalls for illicit discharge.
- Consider specific actions that could be championed by the Legislature including the following:
  - Allocate more State resources towards the review, monitoring and enforcement of municipal ordinances regarding storm water;
  - Provide design guidance for the engineering community and regulators implementing best management practices in the state's stormwater management plan;
  - Provide education through the media (public service announcements through radio and television) regarding the negative effects of stormwater runoff;
  - Encourage DOT to utilize best management practices including routine cleaning of roadways, annual cleaning of catch basins at bridge crossings and retrofitting existing basins with hooded traps and sumps, or filter bags in these locations to collect sediment before discharge into the waterways;

- Encourage DOT to utilize best management practices including the use of non-toxic alternatives to treat roadside invasive species and weeds on roadways adjacent to waterways;
- Provide more funding to municipalities for pilot catch basin filter programs;
- Provide funding for expansion of education and outreach programs to the building community regarding incorporation of Low Impact Development (LID) methods for stormwater reduction and treatment into site development plans;
- Provide economic incentives to the building community to incorporate Low Impact Development (LID) methods for stormwater reduction and treatment into site development plans;
- Encourage communities to adopt Smart Growth incentives in their subdivision regulations to reduce the amount of impervious surface areas in their communities.

## BACKGROUND

Non-point source pollution is considered the number one water quality problem in the United States, and stormwater runoff is the primary contributor to non-point source pollution. Studies have shown that if 10 to 25% of a watershed is covered with impervious surfaces, water quality becomes adversely impacted. Precipitation either evaporates or runs off through the ground or over land into water bodies or watercourses and eventually into Long Island Sound. Pollutants are introduced into stormwater runoff from such sources as failing septic systems, fertilizers, pesticides, animal waste, road and parking lot sands, salts and hydrocarbons. Stormwater pollution has the far-reaching effect of polluting our drinking water wells, our streams and ponds, downgrading the classification of our shellfish beds and adversely affecting the overall health of Long Island Sound.

The Phase II stormwater management requirements of the Environmental Protection Agency (EPA) mandate municipalities over a certain population size to address the issues of storm water runoff. In 2004 the Department of Environmental Protection (DEP) prepared the Connecticut Stormwater Quality Manual, which provides regulators and professionals with design recommendations to reduce and/or treat pollutant loads in stormwater runoff. Changes in legislation could require, rather than recommend, adoption of stricter regulations to ensure incorporation of these design standards and Best Management Practices into site development plans.

Low Impact Development (LID) methods have proven to be effective in treating nutrients in stormwater runoff that engineered stormwater treatment devices do not. Such methods as vegetated buffers along watercourses, bioretention swales, rain gardens and permeable pavement are tools that can be used to manage stormwater runoff and reduce pollution.

Smart Growth initiatives have been proven to provide improvements in the water quality of stormwater runoff from land development. When communities plan for development based on local needs and priorities, they can accommodate growth while protecting water quality and water supply. Restoring inner cities and older suburbs, cleaning up and reusing abandoned brownfields, protecting open space and flood plains, and keeping development from encroaching on wetlands and prime agricultural lands are smart growth practices that can reduce the negative impacts of development. Other smart growth practices require phased development, grading and seeding, and, where possible, porous pavement, while discouraging development on steep slopes.

Smart growth efforts have taken different forms around the country. Some communities have focused on preserving open space and clustering development to maximize the open ground that absorbs and filters storm water, while others have looked at creating more transportation options to reduce the number of new roads and parking lots they need to build. Still, in other localities, plans call for allowing a mix of uses to foster more compact development.

To summarize, there are two basic principles of smart growth that make it a good solution for stormwater management: building more compactly, and building on redevelopment and infill sites. More compact developments disturb less land and require less new impervious surface per unit – whether a unit is a home or a square foot of commercial space – so they produce less construction runoff and less runoff per unit over time. Redevelopment and infill sites may require no new impervious surface and may actually reduce impervious cover. At the same time they increase the tax base existing communities can rely on to maintain their existing stormwater infrastructure.

**APPENDIX I**

**MEMBERSHIP OF THE LONG ISLAND SOUND  
REGIONAL ADVISORY COUNCILS & ASSEMBLY**

**Eastern Council**

**William Spicer, Chair**

**Donald Landers, Co-Chair**

Honorable Thomas Marsh  
 Honorable William Fritz  
 Honorable Richard Smith  
 Honorable Paul Formica  
 Honorable Philip Miller  
 Honorable Fred Allyn  
 Honorable Dennis Popp  
 Honorable Harry Watson  
 Honorable Ralph Eno  
 Honorable Joseph Jaskiewicz  
 Honorable Lloyd Beachy  
 Honorable Benjamin Lathrop  
 Honorable Timothy C. Griswold  
 Honorable Michael A. Pace  
 Honorable William Brown  
 Honorable Daniel Steward  
 Honorable Noel Bishop  
 Grant Westerson  
 Syma Ebbin  
 Thaxter Tewksbury  
 Katrina Barrett  
 Diana Payne

**Legislative Appointee**

**Designee, East Lyme**

First Selectman, Chester  
 First Selectman, Clinton  
 First Selectman, Deep River  
 First Selectman, East Lyme  
 First Selectman, Essex  
 Mayor, Ledyard  
 Mayor, City of Groton  
 Mayor, Town of Groton  
 First Selectman, Lyme  
 First Selectman, Montville  
 Mayor, New London  
 Mayor, Norwich  
 First Selectman, Old Lyme  
 First Selectman, Old Saybrook  
 First Selectman, Stonington  
 First Selectman, Waterford  
 First Selectman, Westbrook  
 Governor's Appointment  
 Governor's Appointment  
 Governor's Appointment  
 Legislative Appointment  
 Legislative Appointment

**Central Council**

**Joy Ford, Chair**

**Robert Silvestri, Co-Chair**

Honorable Anthony DaRos  
 Honorable Carl Balestracci, Jr.  
 Honorable Craig Henrici  
 Honorable Al Goldberg  
 Honorable James Richetti, Jr.  
 Honorable Janet McCarty  
 Shelley Wheeler-Carreiro  
 Honorable James Zeoli  
 Carol Martin

**Designee, City of New Haven**

**Designee, Hamden**

First Selectman, Branford  
 First Selectman, Guilford  
 Mayor, Hamden  
 First Selectman, Madison  
 Mayor, Milford  
 Mayor, North Haven  
 Designee, North Haven  
 Mayor, Orange  
 Designee, Orange

Honorable John DeStefano  
Honorable April Almon  
Honorable John Picard  
Mark Paine  
Steven Sosensky  
Paul Shearer  
Rosemarie Bonito  
Beth McCabe  
Dr. K.J. Lee

Mayor, New Haven  
Mayor, East Haven  
Mayor, West Haven  
Designee, West Haven  
Governor’s Appointment  
Governor’s Appointment  
Legislative Appointment  
Legislative Appointment  
Legislative Appointment

**Western Council**

**Michael Griffin, Chair**  
**Lisette Henrey, Co-Chair**  
Honorable Evonne Klein  
Honorable Kenneth Flatto  
Mary von Conta  
Honorable Mark Lauretti  
David Carfo  
Honorable James Miron  
Honorable Peter Tesei  
Honorable Richard Moccia  
Honorable Daniel Malloy  
Honorable Gordan Joseloff  
Alicia Mozian  
Clarinda Higgins  
Amy Townsley  
Joseph Riccio  
Mark Beekey  
Daniel Donovan  
Jonathan Maggio

**Designee Norwalk**  
**Designee, Greenwich**  
First Selectman, Darien  
First Selectman, Fairfield  
Designee Fairfield  
Mayor, Shelton  
Designee, Shelton  
Councilman, Stratford  
First Selectman, Greenwich  
Mayor, Norwalk  
Mayor, Stamford  
First Selectman, Westport  
Designee, Westport  
Designee, Westport  
Governor’s Appointment  
Governor’s Appointment  
Governor’s Appointment  
Governor’s Appointment  
Legislative Appointment

**MEMBERSHIP OF THE LONG ISLAND SOUND ASSEMBLY**

William Spicer, Chair  
Don Landers, Co-Chair  
Joy Ford, Chair  
Robert Silvestri, Co-Chair  
Rosemarie Bonito  
Lisette Henrey, Co-Chair  
Michael Griffin, Chair

Eastern Council  
Designee, East Lyme  
Central Council  
Designee, Hamden  
Legislative Appointment  
Designee, Greenwich  
Western Council

Susan McNamara

Program Coordinator

**APPENDIX II****FORMATION OF THE LONG ISLAND SOUND ASSEMBLY**

In 1989 the Connecticut General Assembly established the Long Island Sound Assembly ("LISA") and three Long Island Sound Advisory Councils ("Regional Councils") pursuant to Public Act No. 89-344.

The Long Island Sound Assembly is comprised of seven members from each of the three Regional Councils. The Regional Councils each consist of the chief executive officer of the various coastal municipalities (36 in total) within a given region (Eastern, Central, and Western) and nine other individuals appointed by the governor and house and senate leadership who represent academic institutions, industry, environmental experts and environmental organizations.

LISA was charged with coordinating reports from the Regional Councils and submitting annual reports to the Connecticut General Assembly, DEP and the Connecticut-New York Bi-State Long Island Sound Committee concerning recommendations for the improvement of and public access to Long Island Sound (the "Sound") as well as a prioritization of the concerns of citizens as to the future of the Sound.

Although there are a number of agencies and environmental organizations which have been involved with Long Island Sound related issues, the Connecticut General Assembly, in creating LISA and the Councils, acknowledged the importance of participation by those communities which are most affected by the Sound and its natural resources.

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SUBSTITUTE SENATE BILL NO. 983

PUBLIC ACT NO. 89-344

*AN ACT ESTABLISHING THE LONG ISLAND SOUND ASSEMBLY AND REGIONAL LONG ISLAND SOUND ADVISORY COUNCILS AND MAKING APPROPRIATIONS TO THE DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE ASSEMBLY AND ADVISORY COUNCILS AND THE BI-STATE LONG ISLAND SOUND MARINE RESOURCES COMMITTEE AND ADDITIONAL STAFF FOR THE DEPARTMENT.*

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

Section 1. (NEW) (a) There is established the Long Island Sound Assembly consisting of seven members of each Long Island Sound Advisory Council. The members shall be appointed by the chairman of each advisory council, three of whom shall be chief executive officers, and four shall be appointed from the members of such councils appointed by the governor or the legislature, at least one of whom shall be a public member, one shall represent an environmental organization and one shall represent a volunteer or citizen organization.

*(b) The assembly shall review the report of each advisory council submitted pursuant to section 2 of this act 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 Marine Resources Committee. The assembly shall submit a report of its review and any recommendations to the general assembly on or before January first, annually.*

(c) The assembly shall hold its first meeting, to be called by the commissioner of environmental protection, on or before September 1, 1989.

Sec. 2. (NEW) (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 nine 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, one appointed by the minority leader of the house of representatives, and five appointed by the governor, one of whom shall represent an academic institution located within the boundaries of the council, one of whom shall represent industry, one of whom shall be an environmental specialist, one of whom shall be a member of an environmental organization, and one of whom shall represent a volunteer or citizen organization. No more than four of the governor's appointments may be members of the same political party as the governor. The governor shall designate one of the members of each council appointed by him to call the first meeting of such council. The first meeting of each council shall be called on or before August 1, 1989. At the first meeting of each council a chairman and vice-chairman shall be elected by 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 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.

Sec. 3. The sum of seventy-five thousand dollars is appropriated to the department of environmental protection, for the fiscal year ending June 30, 1990, from any available sums appropriated to the finance advisory committee for such fiscal year, for 1989 acts without appropriations, for (1) the activities of the Long Island Sound Assembly, established under section 1 of this act, and the Long Island Sound Advisory Councils, established under section 2 of this act, (2) the activities of the Bi-State Long Island Sound Marine Resources Committee and (3) additional staff for the department of environmental protection to coordinate programs related to Long Island Sound.

Sec. 4. This act shall take effect from its passage except that section 3 shall take effect July 1, 1989.