



General Assembly

February Session, 2024

**Raised Bill No. 383**

LCO No. 2703



Referred to Committee on ENERGY AND TECHNOLOGY

Introduced by:  
(ET)

**AN ACT CONCERNING THE EFFECT OF OFFSHORE WIND FACILITIES ON STATE FISHERIES.**

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

1 Section 1. Subsection (a) of section 16a-3n of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July 1,*  
3 *2024*):

4 (a) (1) The Commissioner of Energy and Environmental Protection,  
5 in consultation with the procurement manager identified in subsection  
6 (l) of section 16-2, the Office of Consumer Counsel and the Attorney  
7 General, may, in coordination with other states in the control area of the  
8 regional independent system operator, as defined in section 16-1, in  
9 coordination with states in a neighboring control area or on behalf of  
10 Connecticut alone, solicit proposals, in one solicitation or multiple  
11 solicitations, from providers of energy derived from offshore wind  
12 facilities that are Class I renewable energy sources, as defined in section  
13 16-1, and any associated transmission, provided the commissioner shall  
14 initiate a solicitation not later than fourteen days after the effective date  
15 of this section for projects that have a total nameplate capacity rating of

16 up to two thousand megawatts in the aggregate. Any such solicitation  
17 or solicitations issued pursuant to this section on and after January 1,  
18 2020, shall be for quantities of energy and within the timing and  
19 schedule determined by the commissioner, and may be informed by the  
20 Integrated Resources Plan prepared on or before January 1, 2020,  
21 pursuant to subsections (b) and (j) of section 16a-3a, provided such  
22 schedule shall provide for the solicitation of resources with a nameplate  
23 capacity rating of two thousand megawatts in the aggregate by  
24 December 31, 2030.

25 (2) In developing any solicitations pursuant to this section, the  
26 commissioner shall include requirements for contract commitments in  
27 selected bids that (A) require payment of not less than the prevailing  
28 wage, as described in section 31-53, for laborers, workmen and  
29 mechanics performing construction activities within the United States  
30 with respect to the project, and (B) require selected bidders to engage in  
31 a good faith negotiation of a project labor agreement. Any solicitation  
32 issued pursuant to this section shall specify the minimum terms that  
33 such project labor agreements shall address.

34 (3) (A) On and after July 1, 2024, the Commissioner of Energy and  
35 Environmental Protection shall include requirements for contract  
36 commitments in selected bids that require bidders selected pursuant to  
37 subsection (b) of this section, including any providers of associated  
38 transmission, to make payments into a mitigation fund to mitigate  
39 adverse consequences to wildlife, fisheries and any other aspects of the  
40 fishing industry that result from activities connected with the  
41 development and operation of offshore wind facilities by the selected  
42 bidders.

43 (B) Any providers of energy derived from offshore wind facilities that  
44 submit bids selected pursuant to subsection (b) of this section on or after  
45 July 1, 2024, shall make an initial payment of two million dollars into the  
46 mitigation fund established pursuant to this subdivision not later than  
47 the date such providers first enter into any power purchase agreement  
48 pursuant to subsection (c) of this section. Thereafter such providers and

49 any providers of associated transmission shall jointly make payments  
50 for each kilowatt hour of electricity generated by such providers'  
51 offshore wind facilities for the duration of such power purchase  
52 agreement. The amount of such payments shall be determined by the  
53 mitigation fund manager and approved by the Public Utilities  
54 Regulatory Authority pursuant to subparagraph (E) of this subdivision.

55 (C) There is established an Offshore Wind Energy Mitigation Fund  
56 Oversight Committee, which shall be an independent body within the  
57 Office of Policy and Management for administrative purposes only. The  
58 committee shall develop the qualifications and duties of the mitigation  
59 fund manager, including, but not limited to, knowledge of offshore  
60 fishing, knowledge of fishing rules and regulations, expertise  
61 concerning wildlife, a general knowledge of the offshore wind energy  
62 industry, financial fund management experience and an ability to  
63 manage claims, and shall oversee such mitigation fund manager. The  
64 committee shall consist of the following members: (i) The Division  
65 Director of the Wildlife Division of the Department of Energy and  
66 Environmental Protection, or the division director's designee; (ii) the  
67 Division Director of the Fisheries Division of the Department of Energy  
68 and Environmental Protection, or the division director's designee; (iii) a  
69 member of the commission on environmental standards established  
70 pursuant to subdivision (5) of this subsection, who shall be appointed  
71 by the Commissioner of Energy and Environmental Protection; (iv) the  
72 Secretary of the Office of Policy and Management, or the secretary's  
73 designee; (v) a representative of a provider of energy derived from  
74 offshore wind facilities, who shall be appointed by the speaker of the  
75 House of Representatives; (vi) a representative of a company that  
76 provides electric transmission, who shall be appointed by the president  
77 pro tempore of the Senate; (vii) a representative of the fishing industry,  
78 who shall be appointed by the minority leader of the House of  
79 Representatives; and (viii) a representative of a nonprofit organization  
80 that advocates for the protection of wildlife, who shall be appointed by  
81 the minority leader of the Senate.

82 (D) Not later than October 1, 2024, the Commissioner of

83 Administrative Services shall issue a request for proposals to hire an  
84 independent contractor that shall serve as mitigation fund manager for  
85 the fund established pursuant to this subdivision. The request for  
86 proposals shall describe the qualifications and duties for the position  
87 developed by the Offshore Wind Energy Mitigation Fund Oversight  
88 Committee pursuant to subparagraph (C) of this subdivision and shall  
89 describe and specify the oversight relationship between said committee  
90 and the mitigation fund manager. In such request for proposals, the  
91 Commissioner of Administrative Services may require that such  
92 mitigation fund manager be a nonprofit organization. The  
93 Commissioner of Administrative Services shall establish deadlines for  
94 the submission and selection of proposals pursuant to this  
95 subparagraph, provided the commissioner selects the mitigation fund  
96 manager before the date of the first required payment into such fund by  
97 any provider of energy derived from offshore wind facilities.

98 (E) The mitigation fund manager selected pursuant to subparagraph  
99 (D) of this subdivision shall determine (i) the required payment per  
100 kilowatt hour, provided the amount is approved by the Public Utilities  
101 Regulatory Authority and is sufficient to meet anticipated distributions,  
102 as determined by the mitigation fund manager, (ii) the method of  
103 collecting such payment, and (iii) the manner of distributing funds from  
104 the mitigation fund. Such mitigation fund manager may make  
105 distributions from the mitigation fund to any person or entity harmed  
106 by the adverse consequences to wildlife, fisheries and any other aspects  
107 of the fishing industry from activities connected with the development  
108 and operation of the offshore wind facilities, as determined by the  
109 mitigation fund manager.

110 (F) The mitigation fund manager selected pursuant to subparagraph  
111 (D) of this subdivision shall be subject to audit by the Auditors of Public  
112 Accounts in accordance with the provisions of section 2-90.

113 [(3)] (4) (A) In responding to any solicitations issued pursuant to this  
114 section, a bidder shall include an environmental and fisheries mitigation  
115 plan for the construction and operation of such offshore wind facilities,

116 provided such plan shall include, but not be limited to, an explicit  
117 description of the best management practices the bidder will employ  
118 that are informed by the latest science at the time the proposal is made  
119 that will avoid, minimize and mitigate any impacts to wildlife, natural  
120 resources, ecosystems and traditional or existing water-dependent uses,  
121 including, but not limited to, commercial fishing.

122 (B) In responding to any solicitations issued pursuant to this section,  
123 a bidder may include such bidder's plans for the use of skilled labor,  
124 including, but not limited to, for any construction and manufacturing  
125 components of the proposal including any outreach, hiring and referral  
126 systems, or any combination thereof, that are affiliated with an  
127 apprenticeship training program registered with the Labor Department  
128 pursuant to section 31-22r.

129 (C) In responding to any solicitations issued pursuant to this section  
130 in calendar year 2019, each bidder shall submit at least one proposal for  
131 resources eligible pursuant to this section with a nameplate capacity  
132 rating of four hundred megawatts. The commissioner may not consider  
133 or select any proposals from a bidder that does not submit at least one  
134 proposal for resources with a nameplate capacity of four hundred  
135 megawatts for any solicitation issued pursuant to this section in  
136 calendar year 2019.

137 [(4)] (5) For each solicitation issued pursuant to this section, the  
138 commissioner shall establish a commission on environmental standards  
139 to provide input on best practices for avoiding, minimizing and  
140 mitigating any impacts to wildlife, natural resources, ecosystems and  
141 traditional or existing water-dependent uses, including, but not limited  
142 to, commercial fishing, during the construction and operation of  
143 facilities eligible pursuant to this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2024	16a-3n(a)

***Statement of Purpose:***

To establish a mitigation fund to make payments to individuals or entities harmed by adverse impacts to fisheries and wildlife from offshore wind power facilities.

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