



TESTIMONY
of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
to the
ENVIRONMENT COMMITTEE

February 23, 2009

CCM is Connecticut's statewide association of towns and cities and the voice of local governments - your partners in governing Connecticut. Our members represent over 93% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities.

CCM *opposes* the following bills that would have significant negative impacts on local Inland Wetlands Commissions:

Proposed House Bill 5934 "An Act Concerning Statutory Training Requirements for Inland Wetland Commissions"

- This proposal would mandate that Inland Wetlands Commission members state on record, at the commencement of a public hearing, that they are in compliance with the statutory training requirements for such individuals. CCM is not aware of any other situation where an individual who is required to comply with certain training requirements must state on record, before performing their job, that they are in compliance with the law. **This proposal would have a clear impact: it would intimidate commissions into approving applications. It would open the door for litigation and provide applicants with more leverage to force issuance of a permit if the decision of the commission is not in their favor.**

Proposed Senate Bill 500 "An Act Creating a Rebuttable Presumption for the Approval of Certain Inland Wetland Permits"

- This proposal would create a rebuttable presumption for certain Inland Wetland permit applications. CCM is not aware of any real policy reason that any application should be provided a rebuttable presumption at any time. The onus should lie squarely on the applicant to prove their case and the need to engage in a regulated activity within a sensitive land area. Passage of such a proposal would be bad public policy, and would unfairly tilt the playing field to one side.

Proposed Senate Bill 569 "An Act Concerning Enhancements to the Inland Wetlands and Watercourses Act" -and- Proposed House Bill 5461 "An Act Preserving and Protecting Inland Wetlands and Watercourses"

- These proposals would require that Inland Wetland Commissions consider all "relevant evidence" brought before it during a permit application process. CCM is concerned that the term "relevant evidence" is vague and would leave too much to individual interpretation, possibly opening the door for more litigation.

Proposed House Bill 5820 “An Act Concerning Natural Vegetation Near Wetlands and Watercourses”

- This proposal would add an additional consideration for local Inland Wetland Commissions when considering a permit for a regulated activity. CCM is not aware of any statewide problem that would necessitate such a change in these statutes. In addition, CCM is concerned that such a proposal would mandate an expansion of the jurisdiction of the local agencies beyond the true scope of their purpose. A middle-ground solution would be to give local legislative bodies the option to expand their commissions’ jurisdiction.

The Inland Wetlands and Watercourses Act is a very important section of Connecticut statutes and serves a critical role in protecting these delicate areas in our environment. The individuals who serve on the local commissions and who are charged with implementing this act are volunteers from the community who put in a significant amount of time and energy to meet the demands of these roles. CCM is concerned that the proposals identified above would (1) hurt the process by which applications for regulated activity are examined; (2) open the door for much future litigation; (2) and weaken, in some cases, the ability of the local commissions to protect these sensitive areas

CCM urges the committee to take no action on these bills.

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If you have any questions, please contact Kachina Walsh-Weaver, Senior Legislative Associate of
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