



STATE OF CONNECTICUT

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Executive Director

TESTIMONY

DATE: February 23, 2009

PRESENTED TO: Environment Committee  
Connecticut General Assembly

PRESENTED BY: Karl J. Wagener  
Executive Director

SUBJECT: Proposed H.B. No. 5934, AAC Statutory Training Requirements for Inland Wetlands Commission Members

The Council on Environmental Quality appreciates your holding a public hearing on this bill and strongly recommends its adoption.

This bill would require each municipal inland wetlands agency to state on the record, at the beginning of each public hearing, that it is in compliance (or not) with statutory training requirements.

This proposal is a no-cost/low-cost approach to conserving wetlands. I will explain how the Council knows that training conserves wetlands.

In November 2008, the Council published a special report, *Swamped*, that contains the results of the Council's two-year review of the state's inland wetlands program. The report and all supporting documentation are on the Council's website. The subject bill is one of the important recommendations of *Swamped*.

One of our lines of inquiry was to determine the factors that account for the differences in wetlands permits issued by different towns. One of our interns was an enthusiastic student of statistics (and, incidentally, graduated with honors because of the quality of her thesis that grew out of this internship). She analyzed a random sample of nearly 500 wetlands permits. Using regression analyses, she determined what factors could account for differences in permits. **One factor alone stood out as a significant: whether or not a town was in compliance with the statutory training requirement.**

The average permit issued by a trained commission resulted in less destruction of wetlands than the average permit issue by an untrained commission. On average, training is associated with destruction of 0.036 fewer wetland acres with each

permit issued. In other words, if 100 permits were approved to alter wetlands by a trained local agency as opposed to an untrained agency, the disturbance of 3.6 acres of wetland would be avoided. In 19 out of 20 cases (i.e., the 95% confidence interval), a trained local agency will prevent the disturbance of .011 to .061 acres of wetland when compared to each similar case handled by an untrained agency. With nearly 4,000 permits issued statewide per year, these numbers add up. The Council estimates that the DEP's training program resulted in the conservation of more than 130 acres of wetlands over the five-year study period, and probably many more acres than that.

Here is the problem: We should not have been able to compare the performance of trained commissions to untrained commissions, because in 1996 you made training mandatory. **CGS Section 22a-42(d) requires that one member or staff person complete the DEP's inland wetlands training program.** Unfortunately, as many as 30 municipalities are not in compliance with this rather modest requirement. (The fact that we do not know the exact number is a related problem addressed in our report.)

The Council (which includes among its members several municipal officials) discussed at length ways in which municipalities could be encouraged to comply with the training requirement. The recommended solution is the one proposed in this bill. An alternative is to require wetlands agencies to state its training status on its application forms, or on the reporting forms it submits to the DEP, or in all these places.

There are other benefits, aside from statistical ones, to a public declaration of an inland wetland agency's status as trained or untrained. It will inform each applicant or interested citizen who currently has no way to know for certain the training status of the local agency. Also, the emphasis on correct legal procedure in the training program should result in greater likelihood that the decisions of trained municipal agencies will be upheld more often if they are appealed. (In another part of the study, trainees reported gaining greater understanding of the law.)

I said the bill is a no-cost/low-cost approach to wetlands conservation. Here's why: the DEP already is offering the training (in various areas of the state), and by law each municipality gets a voucher to attend for free. If all cities and towns complete the training, then each year many more acres of inland wetlands will be conserved at almost no cost to the state or town.

From *Swamped*:

#### More About Municipal Participation in the DEP's Training Program

During the years 2000 through 2006, 37 municipalities (about 22%) did not have an agency member or staff person complete the DEP's training program. This is not the exact number of untrained towns, however. State records are not entirely clear. Trained staff members (and to a much lesser extent, agency members) commonly move from town to town, bringing "trained" status to the new town and possibly leaving the vacated town "untrained." The DEP has no method for capturing this information. Also, some of those 37 municipalities might still have someone on the agency (or staff) who completed the training in 1997 through 1999; those should still be considered "trained" towns.

State law does not require each town to send a participant to training each year, but it certainly suggests and anticipates that each will. The DEP is required by statute to provide a free seat to each city and town annually. The same law requires that each local wetlands agency have a meeting annually to present information to the members "which summarizes the provisions of the training program." These annual sessions, if held, cannot be meaningful if members rely on training from a decade ago. Some towns are assiduous about sending one or more participants each year, but clearly many are not.

More information about the content and locations of the DEP's comprehensive inland wetlands training program can be found on its website at [http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325686&depNav\\_GID=1654](http://www.ct.gov/dep/cwp/view.asp?a=2720&q=325686&depNav_GID=1654)