



ENVIRONMENT COMMITTEE PUBLIC HEARING

February 23, 2009

TESTIMONY OF SANDY BRESLIN, DIRECTOR OF GOVERNMENT AFFAIRS
AUDUBON CONNECTICUT

*IN SUPPORT OF S. B. 569, AN ACT CONCERNING ENHANCEMENTS TO
INLAND WETLANDS AND WATERCOURSES ACT*

Audubon Connecticut, the state organization of the National Audubon Society with more than 10,000 members statewide, works to protect birds, other wildlife and their habitats through education, science and conservation, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of community-based nature centers, protected wildlife sanctuaries, and local volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.

Senator Meyer, Representative Roy and members of the Committee, thank you for the opportunity to address you today. Audubon Connecticut, the state organization of the National Audubon Society *strongly supports* the intent of *S.B. 569, AAC Enhancements to the Inland Wetlands and Watercourses Act* that seeks to re-establish the decision-making ability of local Inlands Wetlands agencies and to clarify that the burden of proof in the application process rests with the applicant and not with the agency.

S.B. 569 restores the ability of local, volunteer Inland Wetland Commissions to make decisions about protecting critical water resources based on all the data.

In recent years, the General Assembly has taken significant steps to better protect our state's water resources, in particular our drinking water watershed lands. Yet every week in Town Halls across the state, local inland wetland commissions, the front line troops in the effort to protect the State's water resources, find themselves unable to safeguard critical wetlands and waterways as a result of court decisions that have undermined the Commissions' decision-making ability.

An increasing burden from court decisions

In particular, Commissions have increasingly been burdened by having to show that a proposed project will harm wetlands or watercourses, rather than having the developer show that it will not cause any damage. Municipalities must now spend scarce taxpayer dollars to "prove" that a project is harmful, rather than having the applicant "prove" that it is not. In addition, Commissions are more and more being forced to rely exclusively on the testimony of expensive paid consultants rather than on the broad array of information available to them in the past including the expertise of state and federal agencies, information from non profits or academics, environmental reviews, and direct testimony from the public.

The end result is that Commissions are becoming less and less the local volunteer entities that the Inland Wetlands and Watercourses Act originally intended them to be, and are functioning more and more like an employment agency for engineers and other consultants. Rather than being able to visit a site and utilize their observations as part of their decision-making, Commissions must now hire a consultant to visit the site and provide "expert" observations that the Commission can use in their decisions. There is no question that expert input is extremely helpful in many cases, but it is not necessary for every project, and should not be required in every instance. It wastes taxpayer dollars and creates unnecessary delay for applicants.

S.B. 569 will restore the ability of local Inland Wetlands Commissions to function efficiently and effectively.

To address these concerns, Audubon Connecticut strongly supports the concept embodied in S.B. 569, **strengthened by the substitute bill language** that is being submitted to you today by Curt Johnson of the Connecticut Fund for the Environment. **This language addresses the key issues keeping local Inland Wetlands Commissions from functioning effectively, and restores the original intent of the Inland Wetlands and Watercourses Act by:**

- Returning the burden of proof to the developer to show that the actions they are proposing will not harm wetlands and watercourses of the State (Section 3(c)(1))
- Restoring Commissions' ability to use the wide range of evidence available to them, not just the testimony of consultants. Rather than forcing Commissions to rely on expensive expert services, Commissions will now be able to utilize the expertise of state agencies, environmental reviews, non profits and direct observations of the public (Section 3(d)(1))

The ability to utilize **public observations** is especially important to Audubon Connecticut. Our organization knows firsthand how valuable the contributions of citizen scientists can be. **For more than 100 years, Audubon has been relying on local volunteers to compile annual observations of birds through our Christmas Bird Count** and other annual monitoring projects. This longitudinal data set now provides ornithologists with an invaluable understanding of bird populations in North America. Audubon has learned not to underestimate the value of direct observation and public observation.

On behalf of the more than 10,000 members of Audubon Connecticut statewide, **I urge you to support S.B. 569.** This legislation will put us back on track to having the kind of strong local oversight of wetlands and water resources that our State has always endorsed.

Thank you for the opportunity to testify before you on this important matter.