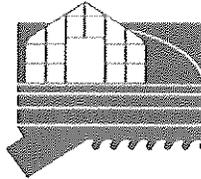




**Connecticut  
Florists  
Association**



**CONNECTICUT  
GREENHOUSE  
GROWERS  
ASSOCIATION**



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Statement of  
Bob Heffernan  
Executive Director  
Connecticut Green Industries Council  
before the  
Environment Committee  
Connecticut General Assembly  
Supporting HB 832 • Protection of Inland Wetlands & Watercourses

February 9, 2011

The river buffer bill — as most of us refer to it — has as its goal something we all support: preserving our rivers, wetlands, and watercourses. But the bill raises some potential problems that should be addressed:

**[1] Agricultural Exemption.** The proponents of the bill say they have exempted agriculture with the provision (sec. 2(a)(1)) that it shall be permitted “as of right”. This is not a true exemption. What is means in real practice is that farms will still need to go through the entire permitting process, even though the bill gives agriculture an “as of right” status. Everyone knows fully well the cost of the environmental permitting process — lawyers, engineers, consultant, etc. Unless the bill is changed to read simply, “Agriculture, as described in Section 1-1, is exempt from the provisions of this Act.”, we believe the bill will lead to a costly burden on Connecticut agriculture. If the proponents intend to exempt agriculture, then please exempt it fully. Without unfettered access to water, there would be no agriculture in Connecticut.

**[2] Beneficial & Necessary Plant Maintenance.** As we read the bill, a property owner would have to get a permit to take down/remove a dead or diseased tree within 100 feet of a river or water body. Also, a strict reading of the bill would require a permit to plant/install a tree within the 100-foot buffer. The bill supposedly permits “Sec. 2(a)(4) Uses incidental to the enjoyment and maintenance of residential property...shall include maintenance of existing structures and landscaping.” The term

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“maintenance” normally means to take care of what already exists. The word “landscaping” is not defined anywhere else in the bill. Therefore, as presently worded, we interpret the bill as prohibiting even the beneficial planting of vegetation without a permit, or the removal of a safety hazard such as a bad tree. We must remind legislators that there are hundreds of thousands of acres of land adjoining water bodies that would be impacted here, much of it owned by homeowners. The proposed new permitting responsibilities could overwhelm a local wetlands agency.

**[3] Incentives to Restore Vegetation.** We believe the proponents of the water buffer concept intend to retain and encourage vegetation along water bodies, but this bill actually does the opposite in many conceivable situations. Rather than be punitive and regulatory, we would rather see the bill changed to one that provides *incentives* to natural vegetation along water bodies. For example, there could be tax credits for planting native plants from a DEP low-impact approved list. Property owners that are found to keep 100-foot buffers of natural vegetation along watercourses could earn an appraisal status similar to that of preserved farmland or open space.