



**Testimony of Connecticut Fund for the Environment
Before the Environment Committee**

Submitted by Roger Reynolds, Senior Attorney
February 22, 2012

Regarding:

**H. B. No. 5129: AN ACT CONCERNING THE REGULATION OF CERTAIN LOW
EMISSION VEHICLES, IONIZING RADIATION AND STREAM CHANNEL
ENCROACHMENT LINES BY THE DEPARTMENT OF ENERGY AND
ENVIRONMENTAL PROTECTION.**

Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

CFE respectfully opposes H.B. 5129 to the extent that it eliminates Conn. Gen. Stat. Sec. 22a-342 establishing Stream Channel Encroachment Lines. This last year Connecticut, has of course, experienced severe flooding with the threat of much more to come. Maintaining the Commissioner's ability to regulate activities within the flood plain is therefore more important than ever. To the extent that there are minor structures for which the program is inappropriate or it overlaps with other programs, such issues can be handled by efficient regulation as they have been under other state flood management and prevention programs.

The Stream Channel Encroachment statute allows the Commissioner to consider the impact of developments in a river's flood plain on flood hazards, ground and surface water, animal, plant and aquatic life, nutrient exchange, and energy flow. C.G.S. Sec. 22a-342. These factors are critical to the protection of property, life, public health and the environment.

The threat of flood in Connecticut and the need for consideration of floods when planning development is more omnipresent than ever. In its report, the Governor's Two Storm Panel concluded that, "[t]he impact of climate change on the rise of sea levels and its effect on more damaging storm surges presented to the Two Storm Panel raises serious concerns about the need to protect critical infrastructure along the coast and adjacent to rivers." *Report of the Two Storm Panel*¹ at page 9. Total damages from both storms were estimated to be \$750 million - \$1 billion. *Id.* at page 8. The projected damage from a Category 3 hurricane similar to the 1938 hurricane is estimated in today's dollars at \$54.2 billion. *Id.*

¹ http://www.governor.ct.gov/malloy/lib/malloy/two_storm_panel_final_report.pdf

Some reasons that have been put forth for the repeal of the Stream Channel Encroachment statute are that it is duplicative with some federal requirements or that most structures are too minor to have an impact. If this is the case, it can be handled through efficient regulation rather than repeal. Indeed, the state Flood Plain Certification Regulations that apply to government buildings in floodplains pursuant to Chapter 476a of the General Statutes are a good example of prudent regulation that is not duplicative with federal standards yet protects the state from unnecessary and imprudent flood risks. See R.C.S.A Sec. 25-68h-1 and 2. It is within the competence and responsibility of Connecticut and its citizens, not the federal government, to understand and manage Connecticut's floodplains.

For the reasons set forth above, CFE asks this Committee to reject that part of H.B. 5129 that would repeal the Stream Channel Encroachment program. Thank you for this opportunity to address this important issue.