



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – February 24, 2016
Environment Committee

Testimony Submitted by Commissioner Robert J. Klee

Senate Bill No. 141 (Raised) – AN ACT CONCERNING REVISION OF DEFINITIONAL, TIMING AND PROCEDURAL PROVISIONS OF THE INLAND WETLANDS AND WATERCOURSES ACT

Thank you for the opportunity to present testimony regarding **Raised Senate Bill No. 141 – AN ACT CONCERNING REVISION OF DEFINITIONAL, TIMING AND PROCEDURAL PROVISIONS OF THE INLAND WETLANDS AND WATERCOURSES ACT**. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

We appreciate the Committee's willingness to introduce this bill at the request of the DEEP. This proposal, which we strongly support, will provide uniformity, clarity, and practicability in implementing the Inland Wetlands and Watercourses Act (Act) at both the local and State levels.

This proposal makes revisions to the general statutes sections 22a-36 through 22a-45. These revisions will benefit the regulated community, municipalities, and the DEEP by alleviating burdens; and will aid the State by increasing the efficiency regulatory of the DEEP's inland wetlands management program, and alleviating pressure on limited agency resources.

Connecticut has a long history of protecting its water and land resources. In 1972, the legislature enacted the Act, which requires municipal regulation of activities affecting the inland wetlands and watercourses of our state. Pursuant to the Act, the DEEP is charged with developing annual training for Connecticut's municipal inland wetlands agencies and their staff. Training, as well as other regulatory and technical assistance, is provided by DEEP. Also pursuant to the Act, DEEP is responsible for regulating activities that may impact or affect inland wetlands and watercourses by other state agencies, departments or instrumentalities. One of the eight revisions in this proposal pertains to the regulation of state agency actions by DEEP, and is intended to bring the public hearing notice requirements in line with the rest of the inland water resources permitting programs. The other revisions consist of small statutory clarifications intended to reflect technical updates and expand the effectiveness of training; and amendments that streamline the intersection of municipal and state regulatory responsibilities by removing antiquated statutory language.

Currently, the Act contains language that allows the State to process a local inland wetlands and watercourses application should the municipal inland wetlands agency fail to act, and also allows the State to revoke the authority of such agency should they fail to properly implement the law. These concepts were valid in the early 1980's as municipalities established their inland wetlands agencies, but are no longer practical or efficient. All of Connecticut's 169 municipalities have long established inland wetlands agencies that are provided annual legal and administrative updates through DEEP workshops and other sources and media. The Act allows any person aggrieved by any decision or action made by an inland wetlands agency to appeal such decision or action directly to superior court. The Act's current revocation language, in essence, is asking the State to make local land use decisions that properly belong in the hands of the municipalities, or in court. State business is conducted in accordance with the Uniform Administrative Procedures Act and is often diametrically opposed to the way municipalities manage their affairs. Further, DEEP does not have the resources to function as a local agency for any given number of municipalities. This proposal will allow DEEP to focus its limited resources on what it does best: train, assist and guide municipal inland wetlands agencies to carry out their responsibilities under the Act.

In summary, DEEP strongly supports **Senate Bill No. 141 – AN ACT CONCERNING REVISION OF DEFINITIONAL, TIMING AND PROCEDURAL PROVISIONS OF THE INLAND WETLANDS AND WATERCOURSES ACT** and looks forward to an opportunity to work with the Committee to clarify and improve the Inland Wetlands and Watercourses Act.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov .