



## **Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.**

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### **TESTIMONY TO THE CONNECTICUT GENERAL ASSEMBLY, ENVIRONMENT COMMITTEE PUBLIC HEARING Wednesday, February 24, 2016**

The Connecticut Association of Conservation and Inland Wetlands Commissions, Inc. (CACIWC) is pleased to submit testimony outlining our concerns with the following bill:  
**S.B. No. 141 (RAISED) AN ACT CONCERNING REVISION OF DEFINITIONAL, TIMING AND PROCEDURAL PROVISIONS OF THE INLAND WETLANDS AND WATERCOURSES ACT**

CACIWC provides information, training and other support to its numerous member inland wetlands commissions who endeavor to objectively evaluate applications which may impact wetlands and watercourses within their municipalities. Our mission statement, "To promote the statutory responsibilities of Connecticut Conservation Commissions and Inland Wetlands Commissions and foster environmental quality through education and through conservation and protection of wetlands and other natural resources," emphasizes both our comprehensive support of conservation and wetlands protection, as well our vigilance of proposed statutory changes that may affect our members and the important habitats that they seek to protect. Following a careful review of statutory changes proposed in SB 141, CACIWC is opposed to this bill, as written.

CACIWC's most significant objections to SB 141 relate to the removal of the statutory authority of the State of Connecticut Department of Energy and Environmental Protection (DEEP) to enforce wetlands violations. For example, section 4 of the SB 141 eliminates DEEP authority under CGS Section 22a-42a (c) (1), to act on wetlands applications when a local wetlands agency neglects to act within mandated timetables. Section 7 of the bill eliminates DEEP authority to issue orders in cases when local commissions fail to enforce their regulations. Section 9 of the bill eliminates the ability of the DEEP to revoke the authority of local wetlands commissions who consistently fail to perform their duties under CGS Section 22a-42d. These changes will have an adverse impact on the protection of Connecticut's important inland wetlands and watercourse habitats by removing the benefit of uniform state enforcement along with the loss of state oversight and backup for local wetlands commissions.

CACIWC finds the changes in Section 5 of the bill most problematic. Here the bill proposes a new Section 22a-42 (h) which provides individuals with an additional statutory ability to bring lawsuits against Connecticut municipalities for failure to act on wetlands issues. This new section may likely promote numerous actions against our member towns resulting in

increased legal fees and other expenses. The language of this new section does not coordinate with other existing statutory sections for court enforcement, nor does it clearly set out the process to take legal action. While the motivation behind the removal of these aforementioned statutory sections providing DEEP authority over wetlands issues may be a response to decreasing agency resources and budget, only in the rarest of instances has DEEP had to exercise its full jurisdiction. Therefore, these proposals will unnecessarily shift the burden of responsibility, and resulting fiscal impact, from the state to our member towns and their residents.

CACIWC is less concerned over some of the other proposed minor changes to several statutory sections affecting wetlands. These include changes to the timing of public hearings in Section 2 and changes to the definition of wetlands in Section 1 of the proposed bill. However, the impact of these changes on the function of local wetlands agencies have not been fully vetted by our member commissions, their staff along with scientific and legal experts. The impact of proposed removal of the requirement for public hearing for amendments for wetlands maps in Section 3 of the proposed bill is even more uncertain when one considers the wide range of management approaches to wetlands and watercourse mapping by Connecticut municipalities.

Although not addressed in the language of SB 141, CACIWC remains concerned over the limited resources available to support the ongoing training of the members and staff of municipal inland wetlands and watercourse commissions. The many changes proposed by this bill will only serve to increase the training needs of our member commissions which will further tax the limited resources of Connecticut towns and, ironically, the training resources of the State of Connecticut DEEP. CACIWC urges the CGA to consider municipal training needs with any proposed statutory change.

CACIWC appreciates the opportunity to provide testimony outlining our concerns regarding these proposed legislative changes. The CACIWC Board of Directors and our local members will be pleased to provide additional information that may be helpful to the members and staff of the CGA Environment Committee in the development of alternate language and approaches for any proposed changes to the wetlands statutes.

*CACIWC is a non-profit organization working to protect Connecticut's wetlands, watercourses, and other natural resources through support and education of the 2000+ volunteers and staff that carry out the responsibilities of Connecticut's Conservation Commissions and Inland Wetlands Commissions. CACIWC, representing its member commissions, works with municipalities and environmental groups to promote public support for the judicious management and conservation of Connecticut's natural resources. For additional information contact Alan J. Siniscalchi, President at [board@caciwc.org](mailto:board@caciwc.org) or visit [www.caciwc.org](http://www.caciwc.org).*