



TO: Sen. Ted Kennedy II and James Albis, Chairmen,
And Honorary Members of the Environment Committee

Testimony from Rivers Alliance of Connecticut
Public Hearing, February 24, 2016, on
RB 141 AAC Revision of Definitional, Timing, and Procedural Provisions of
The Inland Wetlands Watercourses Act

Rivers Alliance of Connecticut is a statewide non-profit organization, founded in 1992, as a coalition of river organizations, other conservation non-profits, individuals, and businesses working to protect and enhance Connecticut's rivers, streams, aquifers, lakes, and estuaries. We promote sound water policies and water stewardship through education and assistance at the local, regional, and state levels.

Thank you for the opportunity to remark on this bill. We respectfully oppose its most far-reaching provisions.

We do, however, support the addition of the term *hydric* to the definition of wetlands. And we support the changes in timing to achieve scheduling consistency across land-use commissions.

We do not strongly object to the deletions of references to boundaries with respect to public-hearing requirements. We understand that many towns feel that the current, somewhat ambiguous language means they must hold a public hearing each time they correct and change any part of their wetlands map. This often requires holding two public hearings on a single application, which most often is wasteful. But actually what the law seems to require is that a town hold a public hearing when it changes its *manner* of determining wetland boundaries. This is clear in the excerpt that follows (the emphasis is added). This is important because a change in the manner by which wetlands are determined could alter wetlands boundaries town-wide.

Sec. 22a-42a. Establishment of boundaries by regulation. Adoption of regulations. Permits. Filing fee. (a) *The inland wetlands agencies authorized in section 22a-42 shall through regulation provide for (1) the **manner** in which the boundaries of inland wetland and watercourse areas in their respective municipalities shall be established and amended or changed, (2) the form for an application to conduct regulated activities, (3) notice and publication requirements, ...*

I suggest that instead of entirely deleting the reference to boundaries shown below, the language from the bill shown in bold be changed to “including the manner of establishing or changing boundaries of inland wetland and watercourse areas.”

Sec. 3. Subsection (b) of section 22a-42a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2016):

*(b) No regulations of an inland wetlands agency [**including boundaries of inland wetland and watercourse areas**] shall become effective or be established until after a public hearing in relation thereto is held by the inland wetlands agency. Any such hearing shall be held in accordance with the provisions of section 8-7d. A copy of such proposed regulation [or boundary] shall be filed in the office of the town,*

Subsequent deletions of references to boundaries are fine.

The provisions in the bill that shift the underlying state responsibility for wetlands stewardship over to the towns are very troubling. The preamble in the wetlands act eloquently describes the important function of the state in protecting water resources. The amendment delegating key authorities to the towns and cities a decade later was not meant to undermine the authority of the state but rather to extend its effectiveness. The state was not only to guide and educate local commissions but also to be the authority available if commissions could not or would not conduct their business as stipulated by law. Recourse to the state is supposed to be available to applicants frustrated by non-action of a commission, to citizens frustrated by a commission chronically failing to fulfill its stewardship responsibilities, and to commissioners themselves when faced with an applicant so litigious that they have reason to believe any action at all will lead to litigation against them as individuals.

We all know that DEEP's resources have been cut to the bone. There is one staffer in the wetlands department. We know and understand that DEEP rarely these days actually gets involved in local wetlands issues. Their intervention is not often requested and less often granted. But the structure of responsible stewardship should not be demolished because funding is pinched. Better times may return. The structure may be empty now, but please leave it place for the future.

Thank you very much for your attention.

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