



Connecticut Fund  
for the Environment

Save the Sound®

**Testimony of Connecticut Fund for the Environment  
Before the Planning and Development Committee**

*In opposition to Senate Bill No. 766*

**AN ACT CONCERNING THE EXPIRATION OF CERTAIN LAND USE PERMITS**

**Submitted by Katherine M. Fiedler, Esq.  
Legal Fellow  
February 27, 2019**

*Connecticut Fund for the Environment (CFE) is a non-profit organization with over 3,000 members and 10,000 activists statewide. The mission of CFE, and its bi-state program Save the Sound, is to protect and improve the land, air, and water of Connecticut and Long Island Sound. We use legal and scientific expertise and bring citizens together to achieve results that benefit our environment for current and future generations.*

Dear Co-Chairs McCarthy Vahey and Cassano, Vice Chairs Baker and Bradley, Ranking Members Champagne and Zawistowski, and members of the Planning and Development Committee:

Connecticut Fund for the Environment/Save the Sound (CFE/Save the Sound) writes to express its opposition to SB 766. SB 766 would amend the general statutes such that no land use permit that relates to the same parcel of land shall expire until the expiration date associated with the last of such permits issued. SB 766 would apply to the permits set forth in Connecticut General Statutes (CGS) sections 8-3, 8-26c, 8-26g, or 22a-42a. While this bill might be responding to very real administrative burdens and complexities, this is not an appropriate solution and could result in unreasonable extensions of permits, undermining the environmental and other considerations made in issuing such permits.

The duration of permits issued under the relevant subsections to this bill differ from one another, ranging from five to ten years. The simplest probable outcome that would result from this bill is that all permits under these subsections effectively become the length of the longest permit. Similarly, if a longer-duration permit is obtained several years into the clock of another permit, that permit may be extended another ten years, therefore, in the most extreme example, potentially lengthening the permit to a total length of twenty years. Deadlines could leap-frog one another, causing certain permits to remain active indefinitely.

Each permit is issued for a specific duration of time for a reason. Further, the application requirements and administrative approval all rely on the determination of certain facts, environmental or otherwise, that might be rendered outdated or moot over time. For example, when issuing land use permits under CGS section 22a-42a, the inland wetlands agency must consider, among other factors: “(1) The environmental impact of the proposed regulated activity



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on wetlands or watercourses; (2) The applicant's purpose for, and any feasible and prudent alternatives to, the proposed regulated activity...; (3) The relationship between the short-term and long-term impacts of the proposed regulated activity on wetlands or watercourses...; (4) Irreversible and irretrievable loss of wetland or watercourse resources which would be caused by the proposed regulated activity...; (5) The character and degree of injury to, or interference with, safety, health or the reasonable use of property which is caused or threatened by the proposed regulated activity; and (6) Impacts of the proposed regulated activity on wetlands or watercourses outside the area for which the activity is proposed." CGS § 22a-41. These factors will change over time, certainly when considering a new permit application submitted five to ten years after the original application. But if this permit's expiration date is extended another ten years because of another permit that falls under this bill, these factors will not be reconsidered. Bearing in mind the rapid rate of change that our water resources are undergoing due to climate change, we cannot assume we will make the same decisions ten years into the future with regard to environmental impacts to our wetlands of certain development activities.

Moreover, avenues already exist for permit holders to seek an extension through existing regulations when some delay in permitting or construction necessitate one. These procedures also allow for the consideration of any changing circumstances, where applicable. This bill, however, is not an appropriate means to lessen any such burden to permit holders.

Thank you for the opportunity to provide the above testimony and for your time and consideration of these matters.

Respectfully submitted,

/s/ Katherine M. Fiedler

Katherine M. Fiedler, Esq.

Legal Fellow

Connecticut Fund for the Environment/

Save the Sound

900 Chapel Street, Suite 2202

New Haven, CT 06510

(203) 787-0646 ext. 108

[kfiedler@ctenvironment.org](mailto:kfiedler@ctenvironment.org)