



# House of Representatives

**File No. 800**

General Assembly

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January Session, 2023 **(Reprint of File No. 485)**

Substitute House Bill No. 6809  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
May 19, 2023

***AN ACT CONCERNING FINANCIAL INCENTIVES FOR CERTAIN  
STREAMSIDE BUFFERS AND TRAINING FOR INLAND WETLAND  
COMMISSION MEMBERS.***

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) Notwithstanding any  
2 provision of the general statutes, the Department of Energy and  
3 Environmental Protection may utilize funds available for stormwater  
4 infrastructure for the purpose of acquiring conservation easements  
5 located along streams and rivers in the state provided any such  
6 conservation easement requires the property owner to maintain a buffer  
7 along such stream or river in a vegetated condition. The Commissioner  
8 of Energy and Environmental Protection may determine the percentage  
9 of such funds to be utilized for the purposes described in this section.  
10 For purposes of this section, "vegetated condition" means the retention  
11 of native trees, shrubs and herbaceous cover in lieu of lawn.

12 Sec. 2. Subsections (l) and (m) of section 22a-39 of the general statutes

13 are repealed and the following is substituted in lieu thereof (*Effective*  
14 *October 1, 2023*):

15 (l) Develop a comprehensive training program for inland wetlands  
16 agency members. Not later than June 1, 2024, the commissioner shall  
17 update such comprehensive training program to include all statutory  
18 changes applicable to such inland wetland agencies and any common  
19 law developments applicable to the considerations and authority of  
20 such agencies. The commissioner shall concomitantly submit a copy of  
21 such updated comprehensive training program to the joint standing  
22 committee of the General Assembly having cognizance of matters  
23 relating to the environment;

24 (m) Adopt regulations in accordance with the provisions of chapter  
25 54 establishing reporting requirements for inland wetlands agencies,  
26 which shall include provisions for reports to the commissioner on  
27 permits, orders and other actions of such agencies and development of  
28 a form for such reports. Such reports shall include, but not be limited to,  
29 a statement from each inland wetlands agency that confirms whether  
30 each member of such agency completed the training required pursuant  
31 to section 22a-42, as amended by this act; and

32 Sec. 3. Subsection (d) of section 22a-42 of the general statutes is  
33 repealed and the following is substituted in lieu thereof (*Effective October*  
34 *1, 2023*):

35 (d) [At least one] Each member of the inland wetlands agency [or]  
36 and staff of the agency shall be a person who has completed the  
37 comprehensive training program developed by the commissioner  
38 pursuant to section 22a-39, as amended by this act. The commissioner  
39 shall make such training program available online. Any existing  
40 member of the inland wetlands agency and staff of the agency shall  
41 complete such training program not later than June 1, 2025, and any  
42 member of such agency and staff of the agency who is appointed or  
43 hired, as applicable, after the effective date of this section shall complete  
44 such comprehensive training program not later than one year after such

45 appointment or hiring, as applicable. Each member of the inland  
 46 wetlands agency shall complete such comprehensive training program  
 47 not less than every five years thereafter. Failure to have a member of the  
 48 agency or staff with training shall not affect the validity of any action of  
 49 the agency. The commissioner shall annually make such program  
 50 available to one person from each town without cost to that person or  
 51 the town. Each inland wetlands agency shall hold a meeting [at least]  
 52 not less than once annually at which information [is] shall be presented  
 53 to the members of the agency [which] that summarizes the provisions  
 54 of the training program. The commissioner shall develop such  
 55 information in consultation with interested persons affected by the  
 56 regulation of inland wetlands and shall provide for distribution of  
 57 online video presentations and related written materials [which] that  
 58 convey such information to inland wetlands agencies. In addition to  
 59 such materials, the commissioner, in consultation with such persons,  
 60 shall prepare materials [which] that provide guidance to municipalities  
 61 in carrying out the provisions of subsection (f) of section 22a-42a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>October 1, 2023</i>	22a-39(l) and (m)
Sec. 3	<i>October 1, 2023</i>	22a-42(d)

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

#### **Explanation**

The bill broadens the current training requirement for municipal inland wetlands agencies, provided by the Department of Energy and Environmental Protection (DEEP), by requiring all municipal staff to take the training. While training enrollment will increase significantly under the bill's provisions, there is no fiscal impact since the online program is currently automated and self-paced.

The bill also allows DEEP to use available funds for stormwater infrastructure to acquire conservation easements along streams and rivers.

House "A" retains a current law provision concerning the validity of actions by a wetlands agency that fails to train staff, and has no fiscal impact.

#### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

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**OLR Bill Analysis****sHB 6809 (as amended by House "A")\*****AN ACT CONCERNING FINANCIAL INCENTIVES FOR CERTAIN STREAMSIDE BUFFERS AND TRAINING FOR INLAND WETLAND COMMISSION MEMBERS.****SUMMARY**

This bill (1) requires the Department of Energy and Environmental Protection (DEEP) commissioner to update the department's inland wetlands training program and (2) broadens the current training requirement for municipal inland wetlands agencies by requiring all agency members and staff to be trained instead of only one person (§§ 2 & 3).

The bill also allows the DEEP commissioner to use funds available for stormwater infrastructure to acquire conservation easements along streams and rivers in the state. It requires the commissioner to do this regardless of any state statute requiring otherwise and allows her to set the percentage of stormwater infrastructure funds that may be used for it. The property owner of an acquired conservation easement must keep native trees, shrubs, and herbaceous cover along the stream or river instead of lawn (i.e., a vegetated condition buffer) (§ 1).

\*House Amendment "A" reverses the removal of a provision specifying that failure to have a trained inland wetlands agency member or staff person does not invalidate an agency's actions.

EFFECTIVE DATE: October 1, 2023, except the conservation easement provision is effective upon passage.

**INLAND WETLANDS AGENCY TRAINING*****Updated Program***

By law, the DEEP commissioner must develop a comprehensive

training program for inland wetlands agency members. The bill requires her to update the training program by June 1, 2024, to include (1) all statutory changes that apply to these agencies and (2) any common law developments that apply to these agencies' considerations and authority. The commissioner must give a copy of the training to the Environment Committee when she updates it.

Under current law, the commissioner distributes the training via video presentations and related written materials. The bill requires her to distribute it online.

### ***Agency Member and Staff Requirement***

Current law requires at least one inland wetlands agency member or staff person to complete DEEP's comprehensive training program. The bill instead requires each agency member and staff person to complete the training. However, existing law, unchanged by the bill, specifies that failure to have a trained agency member or staff person does not invalidate an agency's actions.

Under the bill, existing inland wetlands agency members and staff must complete the updated training program by June 1, 2025. Those who are appointed or hired, as applicable, after October 1, 2023, must complete the training within one year after their appointment or hiring date. Agency members must then complete the training at least every five years. Current law has no retraining requirement.

The bill requires inland wetlands agencies to confirm to DEEP, as part of their existing reporting requirements, whether each agency member has completed the training.

Existing law, unchanged by the bill, requires the commissioner to annually make the training available to one person in each town for free.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 5 (03/24/2023)