

CONNECTICUT Land Conservation Council

General Comments on House Bill No. 5616
Environment Committee
Submitted by Amy Blaymore Paterson, Executive Director
February 27, 2023

Co-Chairs Lopes and Gresko, Vice-Chairs Hochadel and Palm, Ranking Members Harding and Callahan, and members of the Environment Committee:

The Connecticut Land Conservation Council (CLCC) is the state's umbrella organization for the land conservation community, including its ~130 land trusts. We advocate for land conservation, stewardship and funding, and work to ensure the long-term strength and viability of Connecticut's land conservation community.

As a coalition organization, CLCC works with Connecticut's robust land trust community as well as DEEP, municipalities, and other entities committed to land conservation and addressing climate change at every level. CLCC was a member of the Governor's Council on Climate Change (GC3) Forests Sub-Group, a member of the Policy on Resilient Forests for Connecticut's Future (PRFCT Future) Working Group, and, most recently, a participant in the GC3 Resilient Infrastructure and Nature-based Solutions Working Group.

Thank you for this opportunity to present comments regarding **House Bill No. 5616, An Act Improving Standards for Inland Wetland Commission Authority Membership and Enforcement.**

CLCC aligns our position with respect to HB5616 with those set forth in the testimony of Rivers Alliance of Connecticut, presented by Alicea Charamut, its executive director. CLCC supports the intent of this bill but has strong objections to Section 2 and requests modifications to Sections 3 and 4.

The Connecticut Inland Wetlands and Watercourses Act (IWWA) was passed in 1972 to protect the environmental quality of the state's inland wetlands and watercourses (CGS sections 22a-36 et seq). Amended in 1987, the IWWA requires regulation of inland wetlands and watercourses (IWW) through local commissions (IWWCs), operating under the established system of state regulatory oversight.

Our comments on the proposed changes to this long standing and essential regulatory system are as follows:

Section 1: CLCC supports this section which would strengthen the requisite training and reporting requirements for IWWCs tasked with implementing local regulations promulgated pursuant to the IWWA. Charged *inter alia* with development of the training program as well as providing regulatory and technical assistance to the IWWCs, DEEP's Inland Wetlands Management Section needs support for all elements of the IWWA program in order for it to be successful.

Section 2: CLCC strongly opposes the proposed changes to terms that are already defined in statute and regulations, included in adopted local regulations, and have been further fleshed out through decades of case law. The proposed replacement terms ("measurable" for "significant" and "reasonable" for "feasible and prudent") are undefined, broad, and subject to arbitrary application. CLCC supports proposed changes to 22a-41(c) and (d) which are intended to restore protection of plants and animals and their habitats back into statute and reestablish the IWWC's ability to regulate these resources. We concur with the suggested improvements to this section proposed by Rivers Alliance.



Section 3: CLCC supports the requirement that every member of an IWWC complete the comprehensive training program. Most IWWC members are local volunteers with no professional expertise in wetlands science. It is essential that they are required to attend training to ensure their decisions are accurate and legally defensible.

Section 4: CLCC supports strengthening enforcement of IWW regulations by mandating actions on wetlands violations and increasing penalties for violators. We also support the change to allow the Commissioner to expand the use of penalties to include updating DEEP's natural diversity database – an essential tool to help evaluate the IWW impacts of proposed development activities as well as land conservation projects.

Wetlands are essential as wildlife habitat, key to water quality, flood prevention and vector disease control, and crucial to absorbing dangerous greenhouse gases that contribute to climate change. Given the rate at which wetlands have disappeared – staggering losses of up to 65% in Connecticut – and their critical ecological function, we must ensure that our laws and policies are structured to protect our remaining wetland resources to the greatest extent possible.

Thank you for this opportunity to provide input on this important topic. I would be happy to answer any questions you may have.