



General Assembly

February Session, 2026

***Raised Bill No. 5334***

LCO No. 1978



Referred to Committee on ENVIRONMENT

Introduced by:  
(ENV)

***AN ACT CONCERNING RIPARIAN AREAS.***

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

1 Section 1. Section 22a-36 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2026*):

3 The inland wetlands and watercourses of the state of Connecticut are  
4 an indispensable and irreplaceable but fragile natural resource with  
5 which the citizens of the state have been endowed. The wetlands and  
6 watercourses are an interrelated web of nature essential to an adequate  
7 supply of surface and underground water; to hydrological stability and  
8 control of flooding and erosion and resilience to storms and climate  
9 change; to the recharging and purification of groundwater; and to the  
10 existence of many forms of animal, aquatic and plant life. Many inland  
11 wetlands and watercourses have been destroyed or are in danger of  
12 destruction because of unregulated use by reason of the deposition,  
13 filling or removal of material, the diversion or obstruction of water flow,  
14 the erection of structures and other uses, all of which have despoiled,  
15 polluted and eliminated wetlands and watercourses. Such unregulated  
16 activity has had, and will continue to have, a significant, adverse impact

17 on the environment and ecology of the state of Connecticut and has and  
18 will continue to imperil the quality of the environment thus adversely  
19 affecting the ecological, scenic, historic and recreational values and  
20 benefits of the state for its citizens now and forever more. The  
21 preservation and protection of the wetlands and watercourses from  
22 random, unnecessary, undesirable and unregulated uses, disturbance or  
23 destruction is in the public interest and is essential to the health, welfare  
24 and safety of the citizens of the state. It is, therefore, the purpose of  
25 sections 22a-36 to 22a-45, inclusive, as amended by this act, to protect  
26 the citizens of the state by making provisions for the protection,  
27 preservation, maintenance and use of the inland wetlands and  
28 watercourses by minimizing their disturbance and pollution;  
29 maintaining and improving water quality in accordance with the  
30 highest standards set by federal, state or local authority; preventing  
31 damage from erosion, turbidity or siltation; maintaining and improving  
32 riparian vegetated areas that provide protection of watercourses and  
33 wetlands by filtering, absorbing, reducing or otherwise mitigating  
34 pollutants such as nutrients and sediment and regulating temperature;  
35 preventing loss of fish and other beneficial aquatic organisms, wildlife  
36 and vegetation and the destruction of the natural habitats thereof;  
37 deterring and inhibiting the danger of flood and pollution; protecting  
38 the quality of wetlands and watercourses for their conservation,  
39 economic, aesthetic, recreational and other public and private uses and  
40 values; and protecting the state's potable fresh water supplies from the  
41 dangers of drought, overdraft, pollution, misuse and mismanagement  
42 by providing an orderly process to balance the need for the economic  
43 growth of the state and the use of its land with the need to protect its  
44 environment and ecology in order to forever guarantee to the people of  
45 the state, the safety of such natural resources for their benefit and  
46 enjoyment and for the benefit and enjoyment of generations yet unborn.

47 Sec. 2. Subdivision (13) of section 22a-38 of the general statutes is  
48 repealed and the following is substituted in lieu thereof (*Effective October*  
49 *1, 2026*):

50 (13) "Regulated activity" means any operation within or use of a  
51 wetland or watercourse or riparian area involving removal or  
52 deposition of material, or any obstruction, construction, alteration or  
53 pollution, of such wetlands or watercourses or riparian area, but shall  
54 not include the specified activities in section 22a-40, as amended by this  
55 act. For purposes of this subdivision, "riparian area" means the land that  
56 borders a watercourse, as delineated by the ordinary high-water mark  
57 at the bank of such watercourse, and "ordinary high-water mark" means  
58 the line on the shore indicated by physical characteristics such as a clear,  
59 natural line impressed on the bank, shelving, changes in the character  
60 of the soil, the destruction of terrestrial vegetation or the presence of  
61 litter or debris or other appropriate indicia;

62 Sec. 3. Section 22a-38 of the general statutes is amended by adding  
63 subdivisions (19) and (20) as follows (*Effective October 1, 2026*):

64 (NEW) (19) "Natural vegetative cover" means naturally occurring  
65 and adapted shrubs, trees and other plants. "Natural vegetative cover"  
66 does not include any lawn or invasive plant included on the list of plants  
67 considered to be invasive or potentially invasive pursuant to section  
68 22a-381a.

69 (NEW) (20) "Water-dependent uses" means any use or facility that  
70 requires direct access to an inland watercourse and that cannot be  
71 reasonably located inland, including, but not limited to, marinas,  
72 recreational and commercial fishing and boating facilities, finfish and  
73 shellfish processing plants, waterfront dock and port facilities,  
74 shipyards and boatbuilding facilities, water-based recreational uses,  
75 navigation aides, basins and channels, industrial uses dependent upon  
76 water-borne transportation or requiring large volumes of cooling or  
77 processed water and uses that provide general public access to inland  
78 watercourses.

79 Sec. 4. Subdivision (1) of subsection (a) of section 22a-40 of the general  
80 statutes is repealed and the following is substituted in lieu thereof

81 (Effective October 1, 2026):

82 (1) Grazing, farming, nurseries, gardening and harvesting of crops  
83 and farm ponds of three acres or less essential to the farming operation,  
84 and activities conducted by, or under the authority of, the Department  
85 of Energy and Environmental Protection for the purposes of wetland or  
86 watercourse restoration or enhancement, conservation of soil or natural  
87 vegetative cover, including the revegetation of riparian areas with  
88 native vegetation and the removal of invasive species, or mosquito  
89 control. The provisions of this subdivision shall not be construed to  
90 include road construction or the erection of buildings not directly  
91 related to the farming operation, relocation of watercourses with  
92 continual flow, filling or reclamation of wetlands or watercourses with  
93 continual flow, clear cutting of timber except for the expansion of  
94 agricultural crop land, the mining of top soil, peat, sand, gravel or  
95 similar material from wetlands or watercourses for the purposes of sale.  
96 Road construction or the erection of buildings directly related to the  
97 farming operation shall include the removal of vegetation and trees  
98 necessary for road construction or the erection of buildings. For the  
99 purposes of this subdivision, "filling" does not include the placement  
100 and installation of materials necessary for road construction or the  
101 erection of buildings directly related to the farming operation;

102 Sec. 5. Subdivisions (3) and (4) of subsection (a) of section 22a-40 of  
103 the general statutes is repealed and the following is substituted in lieu  
104 thereof (Effective October 1, 2026):

105 (3) Boat anchorage or mooring provided the removal of natural  
106 vegetative cover shall be allowed if it unreasonably impedes access to  
107 water for water-dependent uses;

108 (4) Uses incidental to the enjoyment and maintenance of residential  
109 property, such property defined as equal to or smaller than the largest  
110 minimum residential lot site permitted anywhere in the municipality,  
111 provided in any town, where there are no zoning regulations

112 establishing minimum residential lot sites, the largest minimum lot site  
113 shall be two acres. Such incidental uses shall include maintenance of  
114 existing structures and landscaping but shall not include (A) removal or  
115 deposition of significant amounts of material from or onto a wetland or  
116 watercourse or diversion or alteration of a watercourse, or (B) removal  
117 of natural vegetative cover within ten feet of any watercourse;

118 Sec. 6. Subdivision (6) of subsection (a) of section 22a-40 of the general  
119 statutes is repealed and the following is substituted in lieu thereof  
120 (*Effective October 1, 2026*):

121 (6) Maintenance relating to any drainage pipe [which existed before  
122 the effective date of any municipal regulations adopted pursuant to  
123 section 22a-42a or July 1, 1974, whichever is earlier,] or culvert provided  
124 such pipe or culvert is on property which is zoned as residential but  
125 which does not contain hydrophytic vegetation. For purposes of this  
126 subdivision, "maintenance" means the removal of accumulated leaves,  
127 soil, and other debris whether by hand or machine, while the pipe or  
128 culvert remains in place; and

129 Sec. 7. Section 22a-41 of the general statutes is repealed and the  
130 following is substituted in lieu thereof (*Effective October 1, 2026*):

131 (a) In carrying out the purposes and policies of sections 22a-36 to 22a-  
132 45a, inclusive, as amended by this act, including matters relating to  
133 regulating, licensing and enforcing of the provisions thereof, the  
134 commissioner shall take into consideration all relevant facts and  
135 circumstances, including but not limited to:

136 (1) The environmental impact of the proposed regulated activity on  
137 wetlands or watercourses;

138 (2) The applicant's purpose for, and any feasible and prudent  
139 alternatives to, the proposed regulated activity which alternatives  
140 would cause less or no environmental impact to wetlands or  
141 watercourses;

142 (3) The relationship between the short-term and long-term impacts of  
143 the proposed regulated activity on wetlands or watercourses and the  
144 maintenance and enhancement of long-term productivity of such  
145 wetlands or watercourses;

146 (4) Irreversible and irretrievable loss of wetland or watercourse  
147 resources which would be caused by the proposed regulated activity,  
148 including the extent to which such activity would foreclose a future  
149 ability to protect, enhance or restore such resources, and any mitigation  
150 measures which may be considered as a condition of issuing a permit  
151 for such activity including, but not limited to, measures to (A) prevent  
152 or minimize pollution or other environmental damage, (B) maintain or  
153 enhance existing environmental quality, or (C) in the following order of  
154 priority: Restore, enhance and create productive wetland or  
155 watercourse resources;

156 (5) The character and degree of injury to, or interference with, safety,  
157 health or the reasonable use of property which is caused or threatened  
158 by the proposed regulated activity; [and]

159 (6) Impacts of the proposed regulated activity on wetlands or  
160 watercourses outside the area for which the activity is proposed and  
161 future activities associated with, or reasonably related to, the proposed  
162 regulated activity which are made inevitable by the proposed regulated  
163 activity and which may have an impact on wetlands or watercourses;

164 (7) Impacts of the proposed regulated activity on public drinking  
165 water, as determined by the Department of Energy and Environmental  
166 Protection;

167 (8) Impacts of the proposed regulated activity on cold water habitat,  
168 as determined by the Department of Energy and Environmental  
169 Protection; and

170 (9) Impacts of the proposed regulated activity on watercourses that  
171 would decrease resilience to severe storms and extreme weather events

172 or increase water temperatures or drought extremes.

173 (b) (1) In the case of an application which received a public hearing  
174 pursuant to (A) subsection (k) of section 22a-39, or (B) a finding by the  
175 inland wetlands agency that the proposed activity may have a  
176 significant impact on wetlands or watercourses, a permit shall not be  
177 issued unless the commissioner finds on the basis of the record that a  
178 feasible and prudent alternative does not exist. In making his finding,  
179 the commissioner shall consider the facts and circumstances set forth in  
180 subsection (a) of this section. The finding and the reasons therefor shall  
181 be stated on the record in writing.

182 (2) In the case of an application which is denied on the basis of a  
183 finding that there may be feasible and prudent alternatives to the  
184 proposed regulated activity which have less adverse impact on  
185 wetlands or watercourses, the commissioner or the inland wetlands  
186 agency, as the case may be, shall propose on the record in writing the  
187 types of alternatives which the applicant may investigate provided this  
188 subdivision shall not be construed to shift the burden from the applicant  
189 to prove that he is entitled to the permit or to present alternatives to the  
190 proposed regulated activity.

191 (c) For purposes of this section, (1) "wetlands or watercourses"  
192 includes aquatic, plant or animal life and habitats in wetlands or  
193 watercourses, and (2) "habitats" means areas or environments in which  
194 an organism or biological population normally lives or occurs.

195 (d) A municipal inland wetlands agency shall not deny or condition  
196 an application for a regulated activity in an area outside wetlands or  
197 watercourses on the basis of an impact or effect on aquatic, plant, or  
198 animal life unless such activity will likely impact or affect the physical  
199 characteristics of such wetlands or watercourses provided a municipal  
200 inland wetlands agency may reasonably consider that adverse impacts  
201 or affects to such physical characteristics will likely result from the  
202 removal of natural vegetative cover or an increase in impervious

203 coverage;

204 (7) Impacts of the proposed regulated activity on public drinking  
205 water, as determined by the Department of Energy and Environmental  
206 Protection;

207 (8) Impacts of the proposed regulated activity on cold water habitat,  
208 as determined by the Department of Energy and Environmental  
209 Protection; and

210 (9) Impacts of the proposed regulated activity on watercourses that  
211 would decrease resilience to severe storms and extreme weather events  
212 or increase water temperatures or drought extremes.

213 Sec. 8. Subdivision (1) of subsection (d) of section 22a-42a of the  
214 general statutes is repealed and the following is substituted in lieu  
215 thereof (*Effective October 1, 2026*):

216 (d) (1) In granting, denying or limiting any permit for a regulated  
217 activity the inland wetlands agency, or its agent, shall consider the  
218 factors set forth in section 22a-41, as amended by this act, and such  
219 agency, or its agent, shall state upon the record the reason for its  
220 decision. In granting a permit the inland wetlands agency, or its agent,  
221 may grant the application as filed or grant it upon other terms,  
222 conditions, limitations or modifications of the regulated activity which  
223 are designed to carry out the policy of sections 22a-36 to 22a-45,  
224 inclusive, as amended by this act, provided such applicant demonstrates  
225 that the proposed activity will not have an adverse impact on any  
226 wetland or watercourse. Such terms may include any reasonable  
227 measures which would mitigate the impacts of the regulated activity  
228 and which would (A) prevent or minimize pollution or other  
229 environmental damage, (B) maintain or enhance existing environmental  
230 quality, or (C) in the following order of priority: Restore, enhance and  
231 create productive wetland or watercourse resources. Such terms may  
232 include restrictions as to the time of year in which a regulated activity  
233 may be conducted, provided the inland wetlands agency, or its agent,

234 determines that such restrictions are necessary to carry out the policy of  
235 sections 22a-36 to 22a-45, inclusive, as amended by this act. No person  
236 shall conduct any regulated activity within an inland wetland or  
237 watercourse which requires zoning or subdivision approval without  
238 first having obtained a valid certificate of zoning or subdivision  
239 approval, special permit, special exception or variance or other  
240 documentation establishing that the proposal complies with the zoning  
241 or subdivision requirements adopted by the municipality pursuant to  
242 chapters 124 to 126, inclusive, or any special act. The agency may  
243 suspend or revoke a permit if it finds after giving notice to the permittee  
244 of the facts or conduct which warrant the intended action and after a  
245 hearing at which the permittee is given an opportunity to show  
246 compliance with the requirements for retention of the permit, that the  
247 applicant has not complied with the conditions or limitations set forth  
248 in the permit or has exceeded the scope of the work as set forth in the  
249 application. The applicant shall be notified of the agency's decision by  
250 certified mail within fifteen days of the date of the decision and the  
251 agency shall cause notice of their order in issuance, denial, revocation  
252 or suspension of a permit to be published in a newspaper having a  
253 general circulation in the town wherein the wetland or watercourse lies.  
254 In any case in which such notice is not published within such fifteen-  
255 day period, the applicant may provide for the publication of such notice  
256 within ten days thereafter.

257       Sec. 9. Subsection (d) of section 22a-42a of the general statutes is  
258 amended by adding subdivision (3) as follows (*Effective October 1, 2026*):

259       (NEW) (3) Any permit issued under this section may provide for a  
260 particular gradation of riparian buffer for known ecological benefits, as  
261 determined by the Department of Energy and Environmental  
262 Protection.

263       Sec. 10. Section 12-63g of the general statutes is repealed and the  
264 following is substituted in lieu thereof (*Effective October 1, 2026*):

265 Property required as a buffer pursuant to any permit issued by an  
 266 inland wetlands agency under regulations adopted under section 22a-  
 267 42a, as amended by this act, including, but not limited to, any riparian  
 268 buffer, shall be assessed at a value equal to the value of such property if  
 269 it were an inland wetland or watercourse area.

270 Sec. 11. Subdivision (6) of section 22a-38 of the general statutes is  
 271 repealed and the following is substituted in lieu thereof (*Effective October*  
 272 *1, 2026*):

273 (6) "Material" means any substance, solid or liquid, organic or  
 274 inorganic, including, but not limited to vegetation, soil, sediment,  
 275 aggregate, land, gravel, clay, bog, mud, debris, sand, refuse or waste;

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2026</i>	22a-36
Sec. 2	<i>October 1, 2026</i>	22a-38(13)
Sec. 3	<i>October 1, 2026</i>	22a-38(19) and (20)
Sec. 4	<i>October 1, 2026</i>	22a-40(a)(1)
Sec. 5	<i>October 1, 2026</i>	22a-40(a)(3) and (4)
Sec. 6	<i>October 1, 2026</i>	22a-40(a)(6)
Sec. 7	<i>October 1, 2026</i>	22a-41
Sec. 8	<i>October 1, 2026</i>	22a-42a(d)(1)
Sec. 9	<i>October 1, 2026</i>	22a-42a(d)(3)
Sec. 10	<i>October 1, 2026</i>	12-63g
Sec. 11	<i>October 1, 2026</i>	22a-38(6)

**Statement of Purpose:**

To create greater protection and preservation of areas immediately adjacent to watercourses in the state in order to preserve and improve the quality of such watercourses.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*