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TO: Members of the General Assembly Environment Committee Riparian Buffers Working Group

DATE: December 2, 2025

RE: Draft language for consideration for amendment to the Inland Wetlands & Watercourses Act

I considered the oral comments of DEEP counsel Eliza Heins and have revised my draft language since the meeting at which I read aloud my draft. I have inserted the New Hampshire legislative findings (with some adjustment for terminology used in CT laws) after the second sentence of the **existing** statutory legislative finding (see underlined bolded language below):

Sec. 22a-36. Inland wetlands and watercourses. Legislative finding. The inland wetlands and watercourses of the state of Connecticut are an indispensable and irreplaceable but fragile natural resource with which the citizens of the state have been endowed. The wetlands and watercourses are an interrelated web of nature essential to an adequate supply of surface and underground water; to hydrological stability and control of flooding and erosion; to the recharging and purification of groundwater; and to the existence of many forms of animal, aquatic and plant life. **The riparian areas of the watercourses of the state are among the state's valuable and fragile natural resources and their protection is essential to maintain the integrity of the waters of the state, in that: a natural vegetated area, consisting of trees and/or other vegetation located in areas adjoining watercourses, functions to intercept surface runoff, wastewater, subsurface flow, and deeper groundwater flows from upland sources and to remove or minimize the effects of nutrients, sediment, organic matter, pesticides, and other pollutants and to moderate the temperature of the near-shore waters; and that scientific evidence has confirmed that even small areas of impervious surface coverage can have deleterious impacts on water quality and the aesthetic beauty of the state's watercourses if not properly contained or managed; and that these impacts are known to reduce recreational opportunity, property values, and to pose health risks to aquatic life and humans.** Many inland wetlands and watercourses have been destroyed or are in danger of destruction because of unregulated use by reason of the deposition, filling or removal of material, the diversion or obstruction of water flow, the erection of structures and other uses, all of which have despoiled, polluted and eliminated wetlands and watercourses. Such unregulated activity has had, and will continue to have, a significant, adverse impact on the environment and ecology of the state of Connecticut and has and will continue to imperil the quality of the environment thus adversely affecting the ecological, scenic, historic and recreational values and benefits of the state for its citizens now and forever more. The preservation and protection of the wetlands and watercourses from random, unnecessary, undesirable and unregulated uses, disturbance or destruction is in the public interest and is essential to the health, welfare and safety of the citizens of the state. It is, therefore, the purpose of sections 22a-36 to 22a-45, inclusive, to protect the citizens of the state by making provisions for the protection, preservation, maintenance and use of the inland wetlands and watercourses by minimizing their disturbance and pollution;

maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority; preventing damage from erosion, turbidity or siltation; preventing loss of fish and other beneficial aquatic organisms, wildlife and vegetation and the destruction of the natural habitats thereof; deterring and inhibiting the danger of flood and pollution; protecting the quality of wetlands and watercourses for their conservation, economic, aesthetic, recreational and other public and private uses and values; and protecting the state's potable fresh water supplies from the dangers of drought, overdraft, pollution, misuse and mismanagement by providing an orderly process to balance the need for the economic growth of the state and the use of its land with the need to protect its environment and ecology in order to forever guarantee to the people of the state, the safety of such natural resources for their benefit and enjoyment and for the benefit and enjoyment of generations yet unborn.

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draft NEW § 22a-42a (d) (3):

In the absence of actual adverse impact on the perennial watercourse to be protected, because of the known ecological benefits, as stated in § 22a-36 as revised, to the riparian area from natural vegetative cover, agencies are authorized to impose a condition in a permit or in an enforcement order requiring such natural vegetative cover according to the following schedule:

within XX feet of the bank of a _____,
within YY feet of the bank of a _____,
within ZZ feet of the bank of a _____.

Riparian areas of greater size may be imposed on a case-by-case basis or adopted by municipal regulation where there is ecological support in the administrative record.