



What do Sections 1-12 of 7174 do?

A side by side comparison to the current law

Under the Inland Wetlands Act: Current

Regulated Areas: Inland Wetlands and Watercourses

Regulated Activities

- removal or deposition of material
- Obstruction of wetlands or watercourses
- Construction wetlands or watercourses
- Alteration of wetlands or watercourses
- pollution of wetlands or watercourses

Uses where these activities are not regulated:

Uses with exceptions: meaning that while regulated activities, as defined, do not apply to a particular use, there are some activities that are regulated:

- Agricultural uses:
 - Grazing
 - Farming
 - Nurseries
 - gardening and harvesting of crops
 - farm ponds of three acres or less essential to the farming operation
 - wetland or watercourse restoration or enhancement under the authority of DEEP
 - mosquito control under the authority of DEEP
 - Except for:
 - road construction or the erection of buildings not directly related to the farming operation
 - relocation of watercourses with continual flow
 - filling or reclamation of wetlands or watercourses with continual flow
 - clear cutting of timber except for the expansion of agricultural crop land
 - mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale
- Residential Property
 - maintenance of existing structures and landscaping
 - Except for:
 - removal or deposition of significant amounts of material from or onto a wetland or watercourse
 - diversion or alteration of a watercourse

Under the Inland Wetlands Act: Proposed

Regulated Areas: Inland Wetlands, Watercourses, **and Riparian Buffers**

Regulated Activities

- removal or deposition of material **including but not limited to removal of native vegetation**
- Obstruction of wetlands or watercourses
- Construction wetlands or watercourses
- Alteration of wetlands or watercourses
- pollution of wetlands or watercourses

Uses where these activities are not regulated:

Uses with exceptions: meaning that while regulated activities, as defined, do not apply to a particular use, there are some activities that are regulated:

- Agricultural uses:
 - Grazing
 - Farming
 - Nurseries
 - gardening and harvesting of crops
 - farm ponds of three acres or less essential to the farming operation
 - wetland or watercourse restoration or enhancement under the authority of DEEP
 - mosquito control under the authority of DEEP
 - Except for:
 - road construction or the erection of buildings not directly related to the farming operation
 - relocation of watercourses with continual flow
 - filling or reclamation of wetlands or watercourses with continual flow
 - clear cutting of timber **or native vegetation** except for the expansion of agricultural crop land
 - mining of top soil, peat, sand, gravel or similar material from wetlands or watercourses for the purposes of sale
- Residential Property
 - maintenance of existing structures and landscaping
 - Except for:
 - removal or deposition of significant amounts of material from or onto a wetland or watercourse
 - diversion or alteration of a watercourse
 - **Clear cutting of native vegetation within 10 feet of any wetlands or watercourse**

Under the Inland Wetlands Act: Current

Uses without exceptions: meaning that there are no activities that are regulated for these uses.

- Boat anchorage or mooring
- Certain activities by water companies
- Maintenance relating to drainage pipes.
- Withdrawal for fire emergencies

Uses permitted that are not considered as regulatory uses:

- Conservation of soil, vegetation, water, fish, shellfish and wildlife
- Certain outdoor recreation
- Dry hydrant installation
- Agency activities regulated elsewhere

Provided they do not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material, alteration or obstruction of water flow or pollution of the wetland or watercourse

What about upland review areas and how do they fit into the proposed changes?

It is important to understand that the upland review area is not tied to our laws. It is used to describe the non-wetland or non-watercourse area in which certain types of activities, as defined in municipal regulations, are regulated activities. The term was selected because it best conveys the regulatory scheme under the IWWA. Adoption of an upland review area is voluntary and not required any enforceable laws or regulations at a state-wide level.

Municipalities are encouraged to set upland review areas based on many factors. There is no minimum width requirement for an upland review area.

This will remain a regulatory tool for local commissions in addition to the new regulated area.

Under the Inland Wetlands Act: Proposed

Uses without exceptions: meaning that there are no activities that are regulated for these uses.

- Boat anchorage or mooring
- Certain activities by water companies
- Maintenance relating to drainage pipes.
- Withdrawal for fire emergencies

Uses permitted that are not considered as regulatory uses:

- Conservation of soil, vegetation, water, fish, shellfish and wildlife **including the revegetation of riparian buffers with native vegetation and removal of invasive species.**
- Certain outdoor recreation
- Dry hydrant installation
- Agency activities regulated elsewhere

Provided they do not disturb the natural and indigenous character of the wetland, watercourse **or riparian buffer** by removal or deposition of material, **removal of native vegetation**, alteration or obstruction of water flow or pollution of the wetland or watercourse

New Additions to the Statute:

Definition of Riparian buffer: “Riparian buffer” means the area immediately adjacent to and extending outward from a wetlands or watercourse boundary for distance of not less than one hundred feet.

Prohibited activities: Current statute regulates activities but does not outright prohibit any particular activity. This proposal names activities that are prohibited within defined distances from wetlands or watercourses.

Prohibited Activities

- Spraying of pesticides, except by permit issued by DEEP for invasive species control
- Storage of chemicals including fossil fuels, pesticides and fertilizers
- Clear cutting of native vegetation for the establishment of new lawn area.

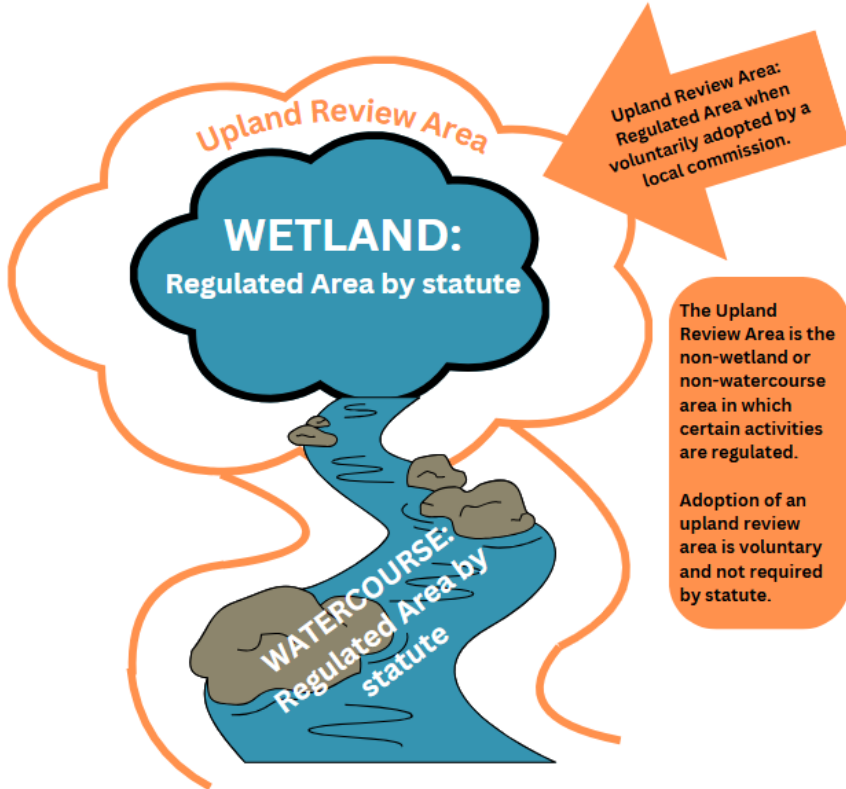
Defined distance:

- 50 feet of a watercourse within a public drinking water supply area
- 25 feet of a cold water habitat stream
- 10 feet of any other wetland, watercourse or riparian area

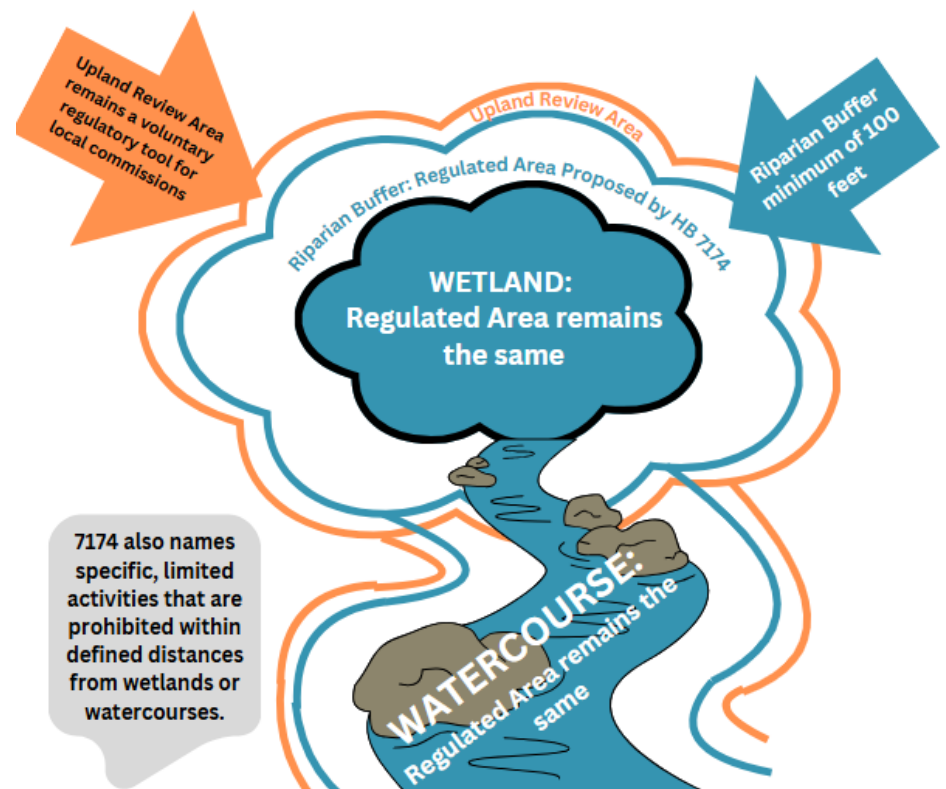
A PICTURE IS WORTH A THOUSAND WORDS

How protections for our waters would be enhanced by the sections relating to buffers in 7174

Regulated Areas: Current



Regulated Areas: Proposed



Prohibited Activities	Distance
<ul style="list-style-type: none"> • Spraying of pesticides, except by permit of DEEP for invasive species control • Storage of chemicals including fossil fuels, pesticides and other fertilizers • Clear cutting of native vegetation to establish new lawn areas 	50 ft within a watercourse that is within a drinking water supply area
	25 feet of a cold water habitat stream
	10 feet of any other wetland or watercourse



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