

Riparian Buffers Working Group – December 3 – Summary for Buffers Briefing

The December 3rd meeting was a working session focused on outlining the structure and content of the report that will be submitted to the legislature.

Review of Riparian Buffer Protections in Other States

- The group agreed this section should include both the OLR report and DEEP's analysis.
- One member noted that these reports do not address issues like driveways.
- Rivers Alliance emphasized that neither report identifies the extent to which other states explicitly protect vegetation. All other New England states contain clear statutory or regulatory protection for natural cover (trees, vegetation), and Connecticut does not.

Examination of DEEP Resources for Inland Wetlands & Watercourses

- Discussion focused on the need to expand training options by certifying outside entities similar to the forestry certification model. DEEP was resistant to this.
- Broad agreement that IWWCs need more support from DEEP, and that model regulations are decades overdue for an update.
- Co-chair Rep. Anderson expressed reluctance to include a recommendation for increased DEEP resources, though several members noted that current staffing is clearly insufficient.
- DEEP commented that they will need to assess workload impacts before determining resource needs.

Impact of Existing Case Law

- Presentations from Attorneys Brooks and Atty Eliza Heins affirmed that the Riverbend case remains the central legal barrier to consistent vegetation protection authority.
- Attorney Brooks submitted draft statutory language intended to address this issue; DEEP will review.

Make Regulation Recommendations to DEEP, Identify How Buffer Protections Should Be Incorporated, and Make Legislative Recommendations

Most of the meeting was spent (sometimes loosely) on how to structure regulatory and legislative recommendations. Themes included:

- Surveyors may need to be utilized for buffer width verifications. Considering that upland review area widths do not require this, it is unclear why this would be necessary.
- A suggestion was raised to limit protections to named rivers and streams.
- Discussion of whether DEEP should set technical standards for buffer widths:
 - DEEP seemed to express more comfort with guidance or standards, noting that formal technical standards require a more involved process.

- The group seemed to move toward a model where DEEP develops standards to assist commissions, while local commissions retain flexibility based on site-specific knowledge.
- Recognition of the need for stronger protections in drinking water watersheds and cold water habitat areas.

Other Items

- A finalized list of voting members is needed for voting purposes.
- Several special interests emphasized the need for exemptions or expressed resistance to changing existing exemptions.

Next Steps

- At the next meeting, the group will review the draft report and begin identifying specific solutions and recommendations to present to the legislature.

Concerns going forward

- Guarding against carve-outs that will make exemptions broad and vague. Exemptions should be narrowly tailored, with clear definitions and limitations.
- Ensuring that responsibilities aren't shifted without providing DEEP the resources needed
- Straying too far from well-established definitions of our wetlands and watercourses in the Act can cause confusion for IWWAs. Suggestions such as protecting only named rivers/streams is scientifically and administratively unsound. Most small streams and unnamed tributaries feed drinking water sources, cold water habitats, and major rivers. They're actually the most vulnerable to land use impacts. Narrowing the scope would undermine the ecological purpose of protecting vegetation in buffer areas.
- Ensuring flexibility does not become a loophole. Flexibility must be tied to science-based minimum standards, plus room to expand when supported by site conditions.
- Ensuring the report clearly identifies connecticut's gap: No explicit protection for riparian vegetation. This is the most important scientific and legal point. *Every other New England state explicitly protects vegetation in some way. Connecticut does not.* This gap must be addressed in the report, or the process risks producing recommendations that do not fix the central problem.