



**For the Environment Committee
Testimony of Alicea Charamut, Executive Director
March 4, 2026**

Rivers Alliance was formed to fight for sound water policies at the state and federal levels, to provide education on water resources, and to advocate for any person or group striving to protect water. If you want clean, free-flowing and healthy rivers, and high-quality drinking water, Rivers Alliance is here to help.

Thank you for the opportunity to provide testimony on the following raised bill before you today.

HB 5334 AN ACT CONCERNING RIPARIAN AREAS – *Strongly Supports*

Rivers Alliance stands in strong support for HB 5334. We deeply appreciate the Committee for raising this bill and for recognizing the importance of protecting vegetation along our waterways in statute. This proposal represents a meaningful and long-overdue step forward in advancing what science and common sense have long told us: healthy, vegetated riparian buffers are essential to water quality, flood resilience, cold water habitat, and drinking water protection.

This bill is the product of a legislative working group composed of a broad and diverse range of stakeholders, including representatives from both sides of the aisle, the agricultural community, environmental organizations, local land use commissioners, state agencies, marine trades, fisheries interests, and water utilities. Just to name a few.

Rivers Alliance supported the establishment of the legislative working group and actively participated in its work. We engaged in the legal, policy, and scientific discussions necessary to move this issue forward in a thoughtful and durable way. Our testimony today reflects that experience and the many hours spent working through the details alongside legislators, agency staff, and stakeholders.

Because we were part of that process from the beginning, we have a clear understanding of both the strengths of this proposal and the areas where clarification or refinement may still be needed.

Before addressing specific details, it is important to highlight why this bill is worth celebrating.

Makes protection of vegetation along watercourses explicit in statute

Inland Wetlands and Watercourses Commissioners have expressed concern that the statute and model regulations, as currently written, are not sufficiently explicit to clearly establish their authority to protect vegetation along our waterways – aka vegetated riparian buffers.

This bill **explicitly incorporates protection of vegetation in riparian areas** into the Inland Wetlands Act (CGS §22a-36), and recognizes the role of vegetated buffers in water quality and resilience.

Protections for vegetated buffers apply to all our waterways

Protecting vegetation along all watercourses, not just rivers and streams, or only certain rivers and streams, is essential because our waters are connected. The Act's definition of watercourses includes lakes and ponds for good reason. Rivers and streams flow into and out of them, and what happens upstream inevitably affects downstream waters and drinking water supplies.

Lakes and ponds are already under significant stress from nutrient loading, warming temperatures, and harmful algal blooms. Limiting protections to select waterbodies would deny these vulnerable waters one of the most cost-effective tools available to improve water quality, reduce erosion, and stabilize shorelines.

Consistent, statewide protection of vegetated buffers ensures that this tool works as intended providing the greatest benefit to the waters we love and to the safety and resilience of our communities.

Resiliency, Drinking Water, and Cold Water Habitat Considerations

Additions to the statute appropriately require consideration of public drinking water impacts, cold water habitat, and resilience to severe storms and extreme weather and increased water temperatures and drought extremes

This reflects current science and aligns with other states that have stronger protections for buffers in these areas.

Re-establishes appropriate responsibility for burden of proof

The Inland Wetlands and Watercourses Act was designed to require applicants to prove that their proposed activity would not harm wetlands or watercourses. Subsequent case law inverted that standard, and instead of correcting course, statutory language was revised to conform to those decisions. This bill corrects that drift and unequivocally reestablishes that the burden of proof rests with the applicant.

Section by section breakdown and where clarification or refinement are needed

As with any bill with many moving parts, there are a few important clarifications and technical improvements that will ensure it works as intended and avoids unintended consequences.

Section 1 – Legislative Findings and Purpose – supports as written

The additions to Section 22a-36 appropriately modernize the Inland Wetlands and Watercourses Act to reflect current science and present-day realities and Rivers Alliance enthusiastically supports these enhancements. The explicit recognition of resilience to storms and climate change strengthens the statute in ways that are long overdue.

By recognizing vegetated riparian buffers and their role in filtering nutrients and sediment, regulating temperature, and protecting potable water supplies, the bill aligns statutory language with well-established watershed science. This is particularly important in light of increasing cyanobacteria blooms, flooding events, and drought conditions affecting communities across Connecticut.

Section 2 – Amendment of “Regulated Activity” definition to include “Riparian Area” – needs clarification

This section attempts to include a definition of “riparian area” within the definition of “regulated activity” and provides a method for determining how a riparian area is delineated. Having riparian area defined in the statute is important.

The intent was to make the specific activity of removal of natural vegetative cover within a riparian area a regulated activity. As written, this would add a regulatory area that would apply to all regulated activities.

Additionally, it is our understanding that the method for delineating a riparian area would be established by DEEP through guidance. Rivers Alliance respectfully defers to experienced land use commissioners and practitioners as well as DEEP regarding whether the delineation methodology should be specified directly in statute or left to agency guidance.

We propose the following two options to attempt to align this proposal with the intent:

(13) "Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses [or the removal of natural vegetative cover in the riparian area](#), but shall not include the specified activities in section 22a-40, [as amended by this act. "Riparian area" means the land that borders a watercourse.](#)

Or, as an alternative:

(13) "Regulated activity" means any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution, of such wetlands or watercourses [or the removal of natural vegetative cover in the riparian area](#), but shall not include the specified activities in section 22a-40, [as amended by this act](#).

[\(21\) "Riparian area" means the land that borders a watercourse.](#)

Section 3 – Definitions of “Natural Vegetative Cover” and “Water-Dependent Uses” – very minor tweak based on working group agreement

The definition of “natural vegetative cover” appropriately clarifies that the vegetation being protected is that which provides the highest level of ecosystem services. By explicitly distinguishing native vegetation from lawns and invasive species, the bill reflects ecological reality. Lawns do not offer the same filtration capacity, temperature regulation, erosion control, or habitat value as native plant communities. Excluding invasive species and lawns ensures that the statute prioritizes functional vegetation which meaningfully protects water quality and supports healthy aquatic systems.

The definition of “water-dependent uses” provides needed clarity for balancing legitimate access with ecological protection. Clear definitions reduce ambiguity and improve consistency in agency decision-making.

However, one detail is missing from the working group agreed upon language that was voted on in that the word “principally” was inserted into the definition of “Water-dependent uses:”

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

Sections 4&5 – As of right permitted operations and uses

This part of the act (Section 22-a-40(a)) can be a bit confusing. It provides a list of uses that are permitted “as of right” with exceptions to that rule. For example, a homeowner can put up a

fence or have a compost pile on their property without having to seek a permit but can't go crazy and build a dam in a river or dig up a wetland.

Section 4 - Opposes as written

First, the addition of "conservation of soil or natural vegetative cover, including the revegetation of riparian areas with native vegetation and removal of invasive species" appears to be a drafting error. The intended location for that language is the nonregulated uses section which is 22a-40(b)(1).

Originally, changes to this section were proposed as a technical correction to fix a "double negative" in the statute. This grew to an expansion beyond that correction. Based on the explanation given for that expansion and trusting the intent behind the proposal, I supported its inclusion.

After reviewing the language more closely and speaking with professionals and practitioners, I now have serious concerns about its scope and unintended consequences of the proposed language in this section.

As written, this appears to remove one of the only clear guardrails within the existing farming exemption which is the prohibition on filling wetlands and watercourses without a permit. Even under Connecticut's broad agricultural exemption, filling wetlands and watercourses has historically required review. This language would redefine "filling" in a way that could allow wetlands or watercourses to be cleared and filled for farm roads or buildings without permitting.

To be clear, this is not about targeting farmers. Legitimate farming operations are typically not the problem. Connecticut's farmers, in my experience, work closely with conservation districts and take stewardship seriously. Many already implement best management practices and seek guidance when needed. The concern is about individuals who are not engaged in bona fide farming operations but seek to use the agricultural exemption as a shield for activities that would otherwise require review.

If the goal is to correct technical drafting language, there are narrower ways to do so that preserve existing guardrails. Given the potential scope of this change, and its unintended consequences, I cannot support Section 4 as currently drafted.

I believe this provision needs to be revisited and carefully revised so that we protect both working farms and the natural resources this bill is intended to safeguard. I am happy to work with the committee bring resolution to this.

Section 5 – Supports as written

The addition of a prohibition on removal of natural vegetative cover within ten feet of any watercourse establishes a modest but meaningful baseline protection for natural vegetative cover within the as of right uses incidental to enjoyment and maintenance of residential property. This, however, does not make that 10 feet a “no touch zone.” It merely means that a permit must be sought for the activity of removing the vegetation within that 10 feet.

While ten feet represents a minimum threshold rather than an optimal ecological buffer, Even small vegetated setbacks can reduce nutrient runoff and bank destabilization.

The addition to the anchorage and mooring provision balances access for water dependant uses with protection by limiting vegetation removal to situations where it unreasonably impedes such water-dependent use.

Section 6 – Drainage Pipe and Culvert Maintenance – no comments

Section 7 – Factors for Agency Consideration – Supports with clarifications

The additions to Section 22a-41 significantly strengthen the analytical framework for permit review.

Including impacts on public drinking water, cold water habitat, and resilience to severe storms, extreme weather events, temperature increases, and drought reflects contemporary environmental pressures facing the state.

However, phrasing as written suggests DEEP must make case-by-case determinations for each application, which would create a new state review obligation. We offer the following language which directs local agencies to rely on existing mapped resources, without imposing new administrative burdens on DEEP.

[\(7\) Impacts of proposed regulated activity on public drinking water supply areas as delineated by the Public Water Supply Watershed Map maintained by the Department of Public Health not to include aquifer protection areas regulated under section 22a-354\(a\)-\(bb\)](#)

[\(8\) Impacts of proposed regulated activity on cold water habitat watercourses as delineated on the Cold Water Stream Habitat Map maintained by the Department of Energy and Environmental Protection.](#)

The duplication of subdivisions (7), (8), and (9) at the end of this section appear to be a drafting error and should be corrected in final drafting.

Section 8 – Permit Standards and Burden of Proof – with change request based on working group agreement

Requiring that the applicant demonstrate that the proposed activity will not have an adverse impact appropriately reinforces that the burden of proof lies with the applicant. Wetlands agencies should not be required to prove harm before acting to protect public resources.

However, the language agreed upon by the working group included the word net.

, as amended by this act, provided such applicant demonstrates that the proposed activity will not have a net adverse impact on any wetland or watercourse.

Section 9 – Riparian Buffer Gradation – support with enhancements

Different water bodies and watershed conditions may warrant different buffer widths or vegetation structures. This provision allows for DEEP to provide guidance so that local commissions who know their waters well can still provide nuanced, site-specific protections without imposing a rigid one-size-fits-all standard.

As drafted, local commissions would need to wait for DEEP to issue guidance before acting. Given that the model regulations have not been updated since 2006, it would be more prudent to ensure that commissions have clear authority to protect vegetated areas in the interim, rather than delaying protection. Additionally, to avoid introducing an undefined term into statute, “riparian buffer” should be replaced with “riparian area.” We offer the following alternative language:

(NEW) (3) Any permit issued under this section may provide for a particular gradation of riparian area for known benefits, as determined by the Department of Energy and Environmental Protection. Prior to the determination by the commissioner, a condition in either a permit or enforcement order requiring natural vegetative cover in riparian areas may be imposed on a case-by-case basis or adopted by municipal regulation where there is ecological support in the administrative record.

Section 10 – Addition to 12-63g

This section was intended to ensure that riparian buffer was explicitly included in 12-63g. We defer to our good colleagues who are experts on this particular statute.

Section 11 – Definition of “Material” to include vegetation – supports as drafted

Section 11 amends the definition of “material” to include vegetation.

We commend the Committee for advancing this legislation and for the thoughtful attention given to strengthening protections for vegetated riparian areas. This bill reflects the careful, collaborative work of a broad coalition of stakeholders who came together to move this issue forward in a meaningful way. It represents an important step for water quality, resilience, and drinking water protection in Connecticut. Rivers Alliance looks forward to continuing to work with you to refine the language where needed, ensure it reflects the original intent of the working group, and provide local commissions with tools that are both strong and practical to implement.