Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.

The Habitat

Vol. XVI No. 2 | Spring 2004 | Editor: Tom ODell

GRASSROOTS EFFORT SUCCESSFULLY OVERCOMES OPPOSITION TO WETLANDS BILL

Public Act 04-209: An Act Concerning Jurisdiction of Municipal Inland Wetlands Commissions.

In response to the AvalonBay Supreme Court decision a coalition of environmental organizations[1], led by CACIWC, worked with staff from the Department of Environmental Protection and the Attorney General's office to develop legislative language that would reinstate jurisdiction of municipal inland wetlands and watercourse agencies to consider impacts to fish, other aquatic organisms, wildlife and vegetation dependent on those resources for their existence. This resulted in Senate Bill 445, An Act Concerning Jurisdiction of Municipal Inland Wetlands Commissions.

Over the course of the 3-month legislative session, S.B. 445 encountered strong opposition from the CT Home Builder's Association and affordable housing advocates. Negotiations were very difficult. Ultimately Public Act 04-209 evolved (see page 2). **Passage of P.A. 04-209 successfully restored aquatic, plant or animal life and habitats as elements of consideration for commissions regulating activity in wetlands and watercourses—factors that were taken away by the AvalonBay decision.** While sole consideration of these factors was limited to wetlands and watercourses, we believe the Act was a first step in the right direction. An extensive grassroots campaign implemented by the environmental coalition was crucial to the Act's passage. Many of you supported the campaign by contacting your legislators to urge support of the intent of the legislation. We collectively thank you for taking that action.

We thank Senator Donald Williams, Co-Chair of the Environment Committee, for sponsoring S.B. 445 and for providing the leadership and counsel that guided the bill through the various committees. We also thank Representative Patricia Widlitz, Co-Chair of the Environment Committee, for her support and last minute successful effort to have the bill passed in the House as the session was winding down.

Finally we greatly appreciate the dedication, support and close working relationship we had with staff of the Department of Environmental Protection and Office of the Attorney General, and we thank Attorney General Richard Blumenthal and DEP Commissioner Arthur Rocque for supporting their staff efforts. It was a productive partnership which we will continue to foster.

In this issue (page 3) Attorney Gregory Sharp provides an analysis of the impacts of the legislation on inland wetland commission deliberation. Thank you, Greg.

——Tom ODell, Editor

[1]The environmental coalition included: CT Association of Conservation and Inland Wetland Commissions (CACIWC), CT Fund for the Environment, CT League of Conservation Voters, CT Audubon Society, Audubon-CT, CT Council of Environmental Quality, Quinnipiac River Watershed Partnership, and the Connecticut Conservation Association; other supporting groups included: CT Rivers Alliance, CT Forest and Park Association, Housatonic Valley Association and Land Conservation Coalition of Connecticut.

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Substitute Senate Bill No. 445
Public Act No. 04-209

AN ACT CONCERNING JURISDICTION OF MUNICIPAL INLAND WETLANDS COMMISSIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:
Section 1. Section 22a-41 of the general statutes is amended by adding subsections (c) and (d) as follows (Effective from passage):
(NEW) (c) For purposes of this section, (1) "wetlands or watercourses" includes aquatic, plant or animal life and habitats in wetlands or watercourses, and (2) "habitats" means areas or environments in which an organism or biological population normally lives or occurs.
(NEW) (d) A municipal inland wetlands agency shall not deny or condition an application for a regulated activity in an area outside wetlands or watercourses on the basis of an impact or effect on aquatic, plant, or animal life unless such activity will likely impact or affect the physical characteristics of such wetlands or watercourses.

Approved June 3, 2004

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LEGISLATURE ADDRESSES AVALONBAY DECISION: CONSIDERATION OF WILDIFE RESTORED, LOCAL COMMISSIONS LIMITED *by Gregory A. Sharp, Esq.*

The General Assembly has responded to the Supreme Court's controversial decision in AvalonBay[2] last October by amending §22a-41of the General Statutes to specifically include aquatic, plant and animal life and their habitats within the meaning of wetlands or watercourses in the factors for decision-making under the Inland Wetlands and Watercourses Act ("IWWA").[3]

However, the bill also limits the jurisdiction of municipal wetland agencies to deny or condition an application for any regulated activity outside of wetlands or watercourses based on an impact to biotic resources, "unless such activity will have a likely impact or effect on the physical characteristics of such wetlands or watercourses."[4] For the full text of the Public Act, see page 2.

In AvalonBay, the Supreme Court concluded that the IWWA "protects the physical characteristics of wetlands and watercourses and not the wildlife, including wetland obligate species, or biodiversity."[5] The Court explained that a wetlands agency "may regulate activities outside of wetlands, watercourses and upland review areas only if those activities are likely to affect the land which comprises a wetland, the body of water that comprises a watercourse or the channel and bank of an intermittent watercourse."[6]

The case involved a denial of regulated activities outside the wetlands, watercourses and regulated review area of the Town of Wilton in connection with the applicant's effort to construct an affordable housing project. According to the Supreme Court's decision, the sole stated reason for the commission's denial was the impact to the upland habitat of the spotted salamander, a species which breeds in vernal pools.[7] The commission decided that the impact to the upland habitat would reduce the population of the spotted salamanders and thereby reduce the biodiversity of vernal pools on and off the property.

AvalonBay's appeal to the Superior Court was dismissed based on the Supreme Court's decision in Queach,[8] but the Supreme Court reversed the judgment of the trial court with an order to vacate the commission's denial and remand the matter to the commission with direction to issue a declaratory ruling that the plaintiff's plan did not require the issuance of a permit.[9]

The breadth of the Supreme Court's language in AvalonBay prompted the Department of Environmental Protection ("DEP"), the Office of the Attorney General, and a coalition of environmental groups, including the Connecticut Association of Conservation and Wetlands Commissions ("CACIWC") to seek a legislative response to the decision. The goal was to put protection of plant and animal species and their habitats back into the statute and restore commission's ability to regulate these resources under the Act to the extent allowed prior to AvalonBay.

"It is also clear that if the impacts to the biotic resources arise from regulated activities within the wetlands and watercourses, a commission is free to deny or condition an application on the basis of those biotic impacts..."

However, a coalition of the Connecticut Homebuilders Association and affordable housing advocates fought the Department's bill, resulting in the compromise limiting the authority of local wetland agencies, but not the DEP Commissioner, to deny or condition applications for upland regulated activities.

The resulting Public Act returns the scope of a commission's purview to where it was before AvalonBay, at least insofar as the new §22a-41(c) recognizes that impacts to aquatic, plant and animal life and their habitats within the wetlands and watercourses must be considered in rendering a decision. As Senator Williams said in support of the bill on the floor of the Senate: "The goal of the legislation is to bring us to the point where most practitioners believed that we were prior to AvalonBay."[10]

It is also clear that if the impacts to the biotic resources arise from regulated activities within the wetlands and watercourses, a commission is free to deny or condition an application on the basis of those biotic impacts, regardless of any impacts to physical characteristics. It also seems clear in the aftermath of AvalonBay, particularly in view of the "physical characteristics" language codified in the new §22a-41(d), that if the regulated activity is not in the wetlands and watercourses area, then a denial or conditioning of an application for biotic impacts will only pass judicial muster if there are likely impacts to the physical characteristics of the wetland or watercourse.

***AvalonBay**, see page 4*

Commissions may be troubled by the application of the new §22a-41(d) to upland review areas defined by a duly adopted regulation under §22a-42a(f), as many commissions in the past have treated these areas, rightly or wrongly, as "setbacks" in which no significant activity would be allowed. In the absence of a prohibitory regulation, such as the one upheld by the Supreme Court in Lizotte,[11] it appears that, under the new statute, even if the activity proposed would have adverse impacts on biotic resources within the regulatory upland review area, the commissions may not deny or condition an application on the basis of those impacts unless there are impacts to the physical characteristics of the wetlands and watercourses themselves.

Finally, the new legislation became effective upon passage, which in this case is June 4, 2004 when Governor Rowland signed it. It appears that the legislature intended the law to apply to new applications submitted after the effective date, but, to the extent that the new subsection (c) language concerning biotic resources is a clarification, that language may be construed by a court to be applicable retroactively. The legislative history on the issue is not entirely clear, and a court may ultimately have to decide the question.

The individual facts of an application will obviously have a significant bearing on how this new language will be implemented. Obviously, in a specific case, guidance should be sought from the commission's attorney, the Office of the Attorney General or the DEP on how the new law should be interpreted.

(Endnotes)

[1] The author is an environmental lawyer and partner in the law firm of Murtha Cullina LLP. He is a frequent contributor to *The Habitat,* and was a member of the CACIWC/DEP Task Force which worked on a proposed definition of "vernal pool" and identification criteria for inclusion in the Model Inland Wetlands and Watercourses Regulations.

[2] AvalonBay Communities, Inc. v. Inland Wetlands Commission of the Town of Wilton, 266 Conn. 150 (2003)

[3] Public Act 04-209.

[4] Id.

[5] AvalonBay, 266 Conn. at 163.

[6] Id.

[7] AvalonBay, 266 Conn. at 170-71.

[8] Queach Corporation v. Inland Wetlands Commission, 258 Conn. 178 (2001).

[9] AvalonBay, 266 Conn. at 171.

[10] __ S. Proc., Pt. __, 2004 Sess., p. __. (April 29, 2004). For an unofficial transcript, consult the General Assembly Website: www.search.cga.state.ct.us.

[11] Lizotte v. Conservation Commission, 216 Conn. 320 (1990).

MANAGEMENT OF INVASIVE PLANTS ~ PART III

Editor's Note: *This is the third installment to Open Space Management of Invasive Plants. The other articles were, "On-Site Open Space Management," in the Winter 2003 issue, and "Protecting Open Space and Inland Wetlands: Tools for Land-Use Boards and Town Staff", in the Spring 2003 issue. In this article the role of the home/land owner is highlighted, as well as an article on the State's role in supporting management of invasive plants.*

PROTECTING HOME LANDSCAPES: *WHAT YOU CAN DO TO CONTROL AND PREVENT THE ESTABLISHMENT OF INVASIVE PLANTS* by Sigrun Gadwa

Work with Your Local Nursery and Garden Center

Several invasive species such as winged *Euonymus alata* (burning bush) and Japanese barberry are still widely - and legally - sold by commercial nurseries. If town or Land Trust representatives set up outreach meetings with nursery proprietors, they can use the excellent new USDA booklet describing a variety of attractive, hardy "native ornamental" *alternatives*, downloadable from the Connecticut Invasive Plant Working Group (CIPWG) website www.hort.uconn.edu/cipwg. Sources of native stock are provided in the CT Department of Environmental Protection directory of Connecticut nurseries selling native plants on the DEP web site. At a minimum, proprietors can be asked not to reorder invasive shrubs, after they have sold their existing inventory. Meetings should also include a warning – and a handout - on the new invasive plant, Mile-a-Minute Vine, which spreads as a weed in nursery containers. Informal conversations with customers also influence nursery proprietors. A pleasant surprise in the Quinnipiac River Valley – that garden centers no longer carry purple loosestrife – appears to be related to repeated newspaper publicity over a five year period, based on phone conversations with proprietors.

Efforts are underway to develop a sterile cultivar of burning bush; as soon as it is commercially available it needs to be promoted. By contrast, an alarming plant breeding scheme is one reported by the Hillier arboretum: to use stock from northern Asia, e.g. Manchuria, to develop a cold hardy variety of *Euonymus*, which could become a serious problem in far northwestern Connecticut, Massachusetts, and northern New England.

***Invasives**, continued on page 6*

Manage Invasive Plants in Home Landscapes

♦To prevent invasive materials from starting a new infestation in a disposal area, ***bake*** them on a hot pavement - a cheap alternative to disposal in a landfill.

♦Mulching with heavy-duty (20 mil) reusable ***black plastic farmers' mulch,*** anchored with 6 inch long staples, can be used to eliminate small to moderate patches of challenging species that simply cannot be weeded out due to their extensive root systems. After mowing the mulch is stapled down and left in place for several hot summer months. This baking technique can be used on Japanese knotweed, purple loosestrife, and reed canary grass, and would probably also work over cut sprouts of tree of heaven.

♦ ***Girdling*** an invasive tree like Norway maple or tree of heaven, unless overhanging a home or road, creates a snag for wildlife such as screech owls.

♦At a minimum, ***cut and bag flowers or immature fruits of invasive plants*** to prevent spread to natural areas.

♦Garlic mustard in bloom in early summer is easy to ***hand pull***. Additional plants, which will have sprouted from the seed bank, will also need to be pulled in the following two years.

♦Homeowners can use small amounts of ***non-toxic herbicides*** (glyphosate or triclopyr) to treat freshly cut stumps or sprouted regrowth. The CIPWG website provides detailed instructions. Alternatively, cutting sprouts repeatedly over a period of years will eventually weaken and kill them.

♦Remind your inland wetlands commission to include permit stipulations for management of invasives in wetlands, particularly Japanese barberry.

The passage of two bills by the CT State Legislature has enabled significant progress in invasive plant control. (See page 7). The public needs to keep hearing and reading about the challenges of protecting landscapes from the "fitness" of invasive "super-plants." They also need to learn that every invasive plant dispersing pollen or seed into the Connecticut landscape is part of the problem, threatening property values, wetlands, and natural areas.

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INVASIVE PLANT LEGISLATION 2003 AND 2004:
HELP FOR TOWNS AND HOMEOWNERS

Two Public Acts regarding invasive plants have been created by the Connecticut State Legislature. In 2003, An Act Concerning Invasive Plants (PA 03-136) was passed and signed into law. In 2004, An Act Concerning Fines for Banned Invasive Plants (PA 04-203) was passed by the Legislature.

The 2003 legislation, PA 03-136, called for the establishment of an Invasive Plants Council of nine people, with representatives from the Department of Environmental Protection, and seven other entities, including two from the nursery industry. That Act established the council's responsibilities and other mechanisms to prevent establishment of invasive plants.

PA 03-136 also includes a mechanism for banning invasive species. After establishing a list of invasive and potentially invasive species using criteria developed by the Connecticut Invasive Plant Working Group (CIPWG), the Invasive Plants Council must review a plant's characteristics, history, and economic benefits. Then, six of the nine council members must vote for a ban before a recommendation is brought to the General Assembly. There is an implicit opportunity for members of the public to provide information to the Council in support of (or opposition to) additional bans.

To date the Council has recommended the banning of 60 invasive plants, effective October 1, 2004, and another 20 species to be banned by October 1, 2005. A ban includes the importation, movement, selling, purchasing, transplanting, cultivating, and distribution of those invasive plants. A list of all of the 80 "to be banned" invasive plants can be found in the language of PA 04-203. Go to the legislature's web site, www.cga.state.ct.us, at the top enter bill # 547, click GO, then click on PA 04-203 for the .pdf file.

PA 03-136, and PA 04-203 also include the following:
- A mandate that all plant material be removed from boats and trailers transported between waterbodies, and that instruction in proper removal techniques be incorporated into all safe boating courses;
- From June 26, 2003 until October 1, 2005, no municipality shall adopt any ordinance regarding the retail sale or purchase of any invasive plant;
- Any person who violates the provisions of this section shall be fined not more than one hundred dollars per plant.

INVASIVE PLANT SYMPOSIUM ~ OCTOBER 7, 2004

The Connecticut Invasive Plant Working Group (CIPWG) announces a symposium entitled "The Silent Invaders: Identification & Management of Invasive Plants." The symposium will be held Thursday, October 7, 2004 from 8:00 a.m. to 4:00 p.m. at the University of Connecticut in Storrs. Invasive plants are a problem because they establish easily and grow aggressively where they are not wanted, disperse over wide areas, displace native species, and reduce biological diversity.

At the symposium, identification of invasive plants and methods for their control will be addressed in several sessions led by regional plant experts. Dr. Bernd Blossey, a Cornell University scientist and international authority on biological control of invasive plants, will deliver the keynote address. In recent months, the Connecticut legislature has approved an official list of invasive plants and a list of plants that will be prohibited from being propagated or sold in the state. The symposium will include a legislative update as well as activities of the Connecticut Invasive Plants Council and the Invasive Plant Atlas of New England project.

The symposium registration form and program will be available on the CIPWG web site (www.hort.uconn.edu/cipwg). You may also obtain a printed copy by contacting Susan Parr (860-225-9757) or Helen Pritchard (203-754-3378). The $30 registration fee (lunch included) must be submitted by August 31, 2004. If you have questions or need additional information, please contact Donna Ellis by phone (860-486-6448), fax (860-486-0534) or email (donna.ellis@uconn.edu).

ENVIRONMENTAL LEGISLATION 2004 ~ A BANNER YEAR

Please take the time to thank your legislators for their support of the environmental legislation listed below. The number of significant environmental bills that they helped pass this year is testament to their commitment to improving the quality of life for all Connecticut's residents and businesses.

——Tom ODell, Editor

LAND PRESERVATION AND PROTECTION

STATE BONDING: The legislature authorized the following funds (bonding) for the fiscal year July 1, 2004 to June 30, 2005.

- DEP Open Space and Watershed Land Acquisition Grant Program: $5.5 Million
- DEP Recreation and Natural Heritage Trust Program (RNHT): $7 Million
- Dept. of Agriculture's Purchase of Development Rights (PDR): $3.3 Million

This authorization does not effect the State Bond Commission's recent release of $4.5 Million for the matching grants program, $4 Million for RHNT, and $2.2 Million for the PDR Program for the fiscal year July 1, 2003 to June 30, 2004.

P.A. 04-96 AN ACT CONCERNING MUNICIPAL CONSERVATION EASEMENTS.
Enables the state or a municipality to grant a conservation or preservation restriction to a charitable corporation or trust. CACIWC provided supporting testimony for this Act because it provides municipalities with a mechanism for protecting important conservation lands if there is concern that in the long term such open space might be considered for other uses.

P.A. 04-115 AN ACT CONCERNING FORESTRY MANAGEMENT.
Encourages sustainable forestry management of state woodlands while generating funds for the protection of such lands. Effective July 1, 2004, P.A. 04-05 redefines the terms "forest land" and "open space", establishes certification procedures for land owners for registering land as forest land and establishes procedures for town assessors for classifying or canceling registration of forest land. The legislation requires the State Forester to establish standards by June 1, 2006 for classifying forest land for evaluation by a certified forester. *Conservation Commissions and Open Space Committees responsible for Municipal Open Space Plans should contact all forest land owners registered under P.A. 490 to make them aware of this legislation.*

P.A. 04-189 AN ACT CONTINUING THE DEPARTMENTS OF AGRICULTURE AND CONSUMER PROTECTION AS SEPARATE AGENCIES.
Repeals last year's legislation that merged the Departments of Agriculture and Consumer Protection. This Act maintains the Departments of Agriculture and Consumer Protection as independent state agencies. Many supporters and legislators felt that the viability of agriculture required a separate agency to assist the farming community and implement the PDR program. *CACIWC agreed and testified in support of continuing the Department of Agriculture as a stand alone agency.*

P.A. 04-200 AN ACT CONCERNING WATER COMPANY LANDS.
Requires that a greater percentage of class II and class III lands be set aside for open space or recreational purposes in order for the Department of Public Utility Control to allocate the benefits of the sale substantially in favor of the company's shareholders. This bill creates unique conservation incentives so strong that no rational private water company, whether based in England, France or

***Legislation 2004**, continued on page 10*

Clinton, Conn., will choose to develop on land originally entrusted to them for the public good or sell it to developers. *CACIWC supported this Act as a member of the CT Endangered Lands Coalition.*

P.A. 04-203 AN ACT CONCERNING FINES FOR BANNED INVASIVE PLANTS.
Clarifies that the penalty for importing, selling, purchasing, possessing, cultivating or distributing certain invasive plants is one hundred dollars per plant. The Act also bans additional invasive plants as recommended by the Invasive Plants Council (see page 7).

WATER MANAGEMENT AND PROTECTION

S.B. 465 (Passed in a budget implementer bill) AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING THE WATER PLANNING COUNCIL, THE CONNECTICUT WATER DIVERSION POLICY ACT AND WATER DIVERSIONS. Requires information concerning water diversions to be reported to the Department of Environmental Protection, the General Assembly and the Water Planning Council; establishes a water diversion account; establishes regulations relating to retiring water diversions; and requires diversion operators subject to minimum stream flow regulations to submit release data to the Department of Environmental Protection. This bill would give the Commissioner of Public Health the power to protect our drinking water reservoirs and their surrounding forests that purify the state's water supply. *CACIWC supported this bill as a member of the CT Endangered Lands Coalition.*

P.A. 04-185 AN ACT CONCERNING THE FUNDING OF MUNICIPAL CLEAN WATER PROJECTS AND THE REGISTRATION OF WATER DIVERSIONS.
Repeals the 2006 sunset provision for grants to municipalities for eligible water quality projects from the Clean Water Fund and establishes water diversion registrations criteria for the ongoing reporting of how much water registered diversions are taking for water supply, irrigation and other uses. The registered diversions, which are grandfathered diversions, have not previously been subject to the same sort of annual reporting required in more recent permits. The data collected will make prudent water-basin planning much easier. Also provides that the State's Water Planning Council shall appoint at least five persons who are required to register diversions pursuant to this section to a working group for the purpose of developing forms pursuant to subsection (b) of this section. Such members shall serve at the pleasure of the council.

CLEAN AIR LEGISLATION

P.A. 04-252 AN ACT CONCERNING CLIMATE CHANGE.
Establishes goals for 2010, 2020 and on a long-term basis for the reduction of greenhouse gas, establishes reporting requirements for the emission of greenhouse gas, establishes a Governor's Steering Committee on Climate Change and requires the Department of Administrative Services to maintain information about products, services and practices to be used by state government that minimize the impact on global warming. The legislation makes Connecticut the second state to pass global warming legislation that sets overall reduction goals for greenhouse gas emissions. The legislation is a commitment from the state legislature that Connecticut will do its part to reduce its greenhouse gas pollution. Additionally, two other stakeholder recommendations passed in the legislature this year: Appliance Efficiency Standards and Clean Cars legislation. *CACIWC is a member of the Clean Air Coalition that sponsored P.A. 04-252 and signed on to a petition to support the Act.*

***Legislation 2004**, continued on page 11*

Legislation 2004, continued

P.A. 04-84 AN ACT CONCERNING CLEAN CARS.

Requires the Commissioner of Environmental Protection to implement California's low emission vehicle II program. Toxic pollution from cars, SUVs and light trucks will be slashed by one third beginning with model year 2008. *CACIWC thanks the Connecticut Fund for the Environment (CFE) for championing this important legislation—the first in the northeast.*

PLANNING AND ZONING

P.A. 04-210 AN ACT REQUIRING SUBDIVISIONS TO COMPLY WITH SUBSEQUENTLY ENACTED ZONING REGULATIONS.

Provides that, for a period of ten years after the recording of a subdivision, no lots would be required to conform to zoning changes and to provide that minimum lot size area, dimension or frontage would be permanently protected. The text is available at: http://www.cga.state.ct.us/2004/amd/s/pdf/2004SB-00448-R00SA-AMD.pdf.

This bill modifies the court's ruling in Poirier v. Zoning Board of Appeals of the Town of Wilton, (75 Conn. App. 289 (2003). Under the new Act, improved subdivision or re-subdivision lots are subject to subsequent zoning changes. However, lots that have been vacant and unimproved since they were divided are not subject to subsequent zoning changes and may be developed in accordance with the zoning regulations in effect at the time they were divided.

SOME ENVIRONMENTAL BILLS THAT DID NOT PASS

RAISED SENATE BILL 462 AN ACT CONCERNING ENVIRONMENTAL REGULATION AND A PRESUMPTION AGAINST UNREASONABLE POLLUTION, IMPAIRMENT OR DESTRUCTION OF THE PUBLIC TRUST IN NATURAL RESOURCES.

Clarified that the Connecticut Environmental Protection Act (CEPA) may be used to protect Connecticut's environment in instances where existing statutes and/or regulations are found to be inadequate to do so. This very important legislation was submitted in response to recent court decisions that disallowed new information regarding pollution. It will return in 2005. *CACIWC testified in support of this bill and is an active member of the CEPA Working Group whose purpose is to strengthen the Connecticut Environmental Protection Act.*

PESTICIDE LEGISLATION

Several bills dealing with pesticides in schools and retail food stores died on the legislative calendar. One bill would have protected small children from harmful exposures to lawn-care pesticides. In spite of the fact that the bill passed unanimously through two committees and the Senate, opponents used delay tactics that prevented this bill from being voted on. *CACIWC signed a petition in support of this legislation.*

HB 5610 AN ACT CONCERNING MUNICIPAL EXEMPTIONS FROM INLAND WETLANDS PERMITS.

This bill was withdrawn. It would have provided an exemption from wetland and watercourse permitting requirements for certain road maintenance activities by the state or a municipality. The bill would have established precedent for exemptions from the Inland Wetland Act and would have compromised authority of local wetland commissions. *CACIWC testified against this bill and then worked with the bill's sponsor to have it withdrawn and resolved locally.*

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CACIWC Annual Awards ~ Call for Nominations

Do you want to recognize a special accomplishment of a commission, commissioner or staffperson?

Annual Awards will be presented at the Annual Meeting and Environmental Conference, November 13th, 2004. Save the Date!

Award categories will be for:
- Conservation Commissioner of the Year
- Inland Wetlands Commissioner of the Year
- Commission of the Year
- Commission staff

Nomination forms will be mailed to each commission in the next month. The form will also be available on www.caciwc.org.

Spring 2004 **www.caciwc.org**

THE HABITAT

Dedicated to constant vigilance, judicious management and conservation of our precious natural resources.

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