



Reference for Regulatory Jurisdiction in Tidal Waters and Wetlands

In the tidal, coastal or navigable waters of the state waterward of the [coastal jurisdiction line](#), the Department of Energy and Environmental Protection regulates: dredging; the erection of structures; the placement of fill; and, work incidental thereto pursuant to Connecticut General Statutes (CGS) Section 22a-359. Activities within tidal wetlands are regulated pursuant to CGS Section 22a-32. Your activity may be regulated by both CGS Sections 221-359 and 22a-32.

One of the following regulatory limits will apply to your activity:

Coastal Jurisdiction Line (CJL) - For activities not within tidal wetlands, the CJL is the upland limit of state regulatory jurisdiction, CGS Section 22a-359(c).

Mean High Water (MHW) - For projects located upstream of a tide gate, dam or weir, use MHW. The use of MHW would not apply to areas where a culvert, pipe, or narrow channel is causing a restriction as the *purpose and function* of such devices are not to modify the flow of tidal water (their purpose is to convey water).

Tidal Wetland Boundary - Use the tidal wetland boundary if tidal wetland vegetation is located landward of CJL or MHW. The upland limit of tidal wetlands is one foot above local extreme high water, Connecticut General Statutes (CGS) Section 22a-29(2). Local extreme high water is defined in Section 22a-30-2(h) of the *Tidal Wetlands Regulations* as the elevation of the one-year frequency tidal flood at a particular location as shown on the most recently adopted U.S. Army Corps of Engineers tidal flood profile.

In accordance with CGS Sec. 22a-29(2) “Wetland” means those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, *including those areas now or formerly connected to tidal waters*, and whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some¹, but not necessarily all, of the following:

Plant list from CGS Sec. 22a-29(2), taxonomy not updated.

<i>Acer rubrum</i>	red maple
<i>Acorus calamus</i>	sweet flag
<i>Agrostis palustris</i>	bent grass
<i>Alisma triviale</i>	water-plantain
<i>Alnus rugosa</i>	speckled alder
<i>Alnus serrulata</i>	common alder
<i>Calla palustris</i>	water-arum
<i>Caltha palustris</i>	marsh marigold
<i>Clethra alnifolia</i>	sweet pepper-bush
<i>Cornus amomum</i>	red willow
<i>Cornus obliqua</i>	silky dogwood
<i>Cornus stolonifera</i>	red osier
<i>Distichlis spicata</i>	spike grass
<i>Dryopteris thelypteris</i>	marsh fern
<i>Eleocharis rostellata</i>	spike rush

¹ A conservative approach to establishing an upland wetland boundary would be to flag the location where two species transitions to one (*some* being more than one). However, an abundant population of a single species should be included.

<p><i>Eupatorium purpureum</i> <i>Eupatorium maculatum</i></p> <p><i>Eupatorium perfoliatum</i> <i>Heteranthera dubia</i> <i>Hibiscus palustris</i> <i>Hierochloe odorata</i> <i>Impatiens capensis</i> <i>Iris prismatica pursh</i> <i>Iris pseudacorus</i> <i>Iris versicolor</i> <i>Iva frutescens var. oraria</i></p> <p><i>Juncus effusus</i> <i>Juncus gerardi</i> <i>Limonium carolinianum</i> <i>Limonium nashi</i> <i>Lythrum alatum,</i> <i>lythrum salicaria</i> <i>Mikania scandens</i> <i>Nuphar variegatum nuphar advena</i> <i>Onoclea sensibilis</i></p>	<p>joe pye weed</p> <p>thoroughwort water stargrass marshmallow sweet grass jewelweed slender blue flag yellow iris blue flag high-tide bush</p> <p>soft rush black grass sea lavender</p> <p>loosestrife</p> <p>climbing hemp-weed spatter-dock sensitive fern</p>
<p><i>Osmunda cinnamomea</i> <i>Osmunda claytoniana</i> <i>Osmunda regalis</i> <i>Panicum virgatum</i> <i>Peltandra virginica</i> <i>Polygonum arifolium</i> <i>Polygonum sagittatum</i> <i>Pontederia cordata</i> <i>Rhododendron viscosum</i> <i>Rhus radicans</i> <i>Rhus vernix</i> <i>Rosa palustris</i> <i>Sagittaria subulata,</i> <i>Sagittaria graminea,</i> <i>Sagittaria eatoni,</i> <i>Sagittaria engelmanniana</i> <i>Salicornia Europaea, and</i> <i>Salicornia bigelovii</i> <i>Saururus cernuus</i> <i>Scirpus americana</i> <i>Scirpus robustus and</i> <i>Scirpus paludosus var. atlanticus</i></p>	<p>cinnamon fern interrupted fern royal fern switch grass tuckahoe halberd-leaved tearthumb arrow-leaved tearthumb pickerelweed swamp honeysuckle poison ivy poison sumac swamp rose arrowhead</p> <p>saltworts</p> <p>lizard's tail chairmaker's rush saltmarsh bulrushes</p>
<p><i>Sparganium eurycarpum,</i> <i>Sparganium androcladum,</i> <i>Sparganium americanum,</i> <i>Sparganium chlorocarpum,</i> <i>Sparganium angustifolium,</i> <i>Sparganium fluctuans, and</i> <i>Sparganium minimum</i></p> <p><i>Spartina alterniflora</i></p>	<p>bur-reed family</p> <p>saltmarsh grass</p>

<i>Spartina patens</i>	salt meadow grass
<i>Spartina pectinata</i>	tall cordgrass
<i>Spergularia marina</i>	sand spurrey
<i>Symplocarpus foetidus</i>	skunk cabbage
<i>Typha angustifolia, and</i>	cattails
<i>Typha latifolia</i>	
<i>Veratrum viride</i>	false hellebore
<i>Vaccinium corymbosum</i>	high-bush blueberry
<i>Vaccinium macrocarpon</i>	cranberry
<i>Zannichellia palustris</i>	horned pondweed
<i>Zizania aquatica</i>	wild rice

Section 22a-30-2(g) of the Tidal Wetlands Regulations defines "*Areas formerly connected to tidal waters*" as those areas which have retained tidal wetland soil characteristics, which can support some but not necessarily all of the vegetation specified in section 22a-29 of the General Statutes upon reestablishment of a tidal connection, and to which a tidal connection can be reestablished. Areas formerly connected to tidal waters shall not include:

- (1) Areas which have been filled to an elevation greater than one foot above local extreme high water where such filling occurred prior to 1972 or to the adoption of a tidal wetland map for such area pursuant to CGS 22a-30, whichever is later;
- (2) Areas to which a tidal connection has been permanently blocked or severed and where re-establishment of a tidal connection would endanger existing structures for which alternative means of protection such as floodproofing and elevation are not feasible; or
- (3) Areas which are no longer wetland but which are another coastal resource as defined by CGS 22a-93 and which function as a healthy, stable habitat.