



# **WELCOME**

**2014**

**Municipal Inland Wetlands Agency  
Continuing Education Workshop**

**Legal and Administrative Updates**



Connecticut Department of Energy and Environmental Protection

# Training Program Changes...

- ❖ **CCSU Center for Public Policy and Social Research**
  
- ❖ **Previous Format:**
  - Municipal Inland Wetland Commissioners Training Program – 3 Segments**
  
- ❖ **New Format:**
  - **Municipal Inland Wetlands Agency *Comprehensive* Training Program**
    - **Online Course**
  
  - **Municipal Inland Wetlands Agency *Continuing Education* Workshops**
    - **Legal and Administrative Updates**
    - **Technical Workshops**
    - **Other**

# **DEEP's**

# **Inland Wetlands and Watercourses**

# **Model Municipal Regulations**

Fourth Edition  
May 1, 2006



Connecticut Department of Energy and Environmental Protection

# DEEP's Inland Wetlands and Watercourses Model Municipal Regulations

- Last revised  
May 1, 2006
- “Advisories”  
mailed annually

[www.ct.gov/deep/inlandwetlands](http://www.ct.gov/deep/inlandwetlands)

State of Connecticut  
Governor Dannel P. Malloy

Department of  
ENERGY & ENVIRONMENTAL PROTECTION

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Inland Wetlands and Watercourses

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STATE PARKS 100

THE OFFICIAL CT STATE PARKS & FORESTS OUTDOOR GUIDE Pocket Ranger®  
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### Legislation, Regulation & Case Law

[Inland Wetlands and Watercourses Act](#) - General Statutes of Connecticut section 22a-36 through section 22a-45.

[DEEP Inland Wetlands and Watercourses Model Municipal Regulations](#) - Guidance for municipal inland wetlands agencies. When implementing the Model combine it with the Advisories in the Legislative and Regulatory Advisories section listed directly below to make it current.

[Guidelines Upland Review Area Regulations Connecticut's Inland Wetlands and Watercourses Act](#) - Guidance for municipal inland wetlands agencies. Also found as Appendix C of the DEEP Model Regulations.

[DEEP Inland Wetland and Watercourse Regulations](#) - The inland wetlands and watercourses regulations of the Connecticut DEEP.

[DEEP Revocation and Reinstatement of Municipal Authority to Regulate Inland Wetlands Regulations](#) - The inland wetlands and watercourses regulations of the Connecticut DEEP as it pertains to evaluating whether a municipal inland wetlands agency is performing its duties pursuant to section 22a-42 of the General Statutes of Connecticut.

#### Legislation and Regulation Advisories

2013 Advisory: no advisory - no changes to the Inland Wetlands and Watercourses Act

[2012 Advisory](#) with accompanying [Permit Timeframe Flow Chart](#) (revised 12/23/13)

[2011 Advisory](#)

[2010 Advisory](#)

[2009 Advisory](#)

[2008 Advisory](#)

[2007-1 Advisory](#)

[2006 Advisory](#)



Connecticut Department of Energy and Environmental Protection

DEEP's Inland Wetlands and Watercourses  
Model Municipal Regulations

- **New model mid-2015**
- **Incorporate advisories**
- **Incorporate court decisions**
- **Correct inconsistencies (e.g., remove “regulated area” – not defined in IWWA – focus on regulated activities)**



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Model Municipal Regulations

- **Obtain comments / ideas from municipal inland wetlands agencies and staff**
- **Start with Section 3 – Inventory of Inland Wetlands and Watercourses**



# DEEP's Inland Wetlands and Watercourses Model Municipal Regulations

## Section 3

### Inventory of Inland Wetlands and Watercourses

- 3.1** The map of wetlands and watercourses entitled "Inland Wetlands and Watercourses Map, (name of town), Connecticut" delineates the general location and boundaries of inland wetlands and the general location of watercourses. Copies of this map are available for inspection at the office of the Town Clerk or the Agency. In all cases, the precise location of wetlands and watercourses shall be determined by the actual character of the land, the distribution of wetland soil types and location of watercourses. The Agency may use aerial photography, remote sensing imagery, resource mapping, soils maps, site inspection observations or other information in determining the location of the boundaries of wetlands and watercourses.
- 3.2** Any person may petition the Agency for an amendment to the map. All petitions for a map change shall be submitted in writing and shall include all relevant facts and circumstances which support the change. The petitioner shall bear the burden of proof regarding the proposed map amendment. Such proof may include, but not be limited to aerial photography, remote sensing imagery, resource mapping or other available information. The Agency may require such person to provide an accurate delineation of regulated areas in accordance with section 15 of these regulations.
- 3.2** The Agency shall maintain a current inventory of regulated areas within the town. The Agency may amend its map as more accurate information becomes available.
- 3.4** All map amendments are subject to the public hearing process outlined in section 15 of these regulations.



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- **Does your municipal inland wetlands agency have an “official” inland wetlands and watercourses map?**
- **Is the “official” map used to determine the agency’s jurisdiction?**
- **How does your agency handle map amendments?**





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- **Has the “official” map caused any difficulties for your inland wetlands agency?**
- **Does the CT Inland Wetlands and Watercourses Act include provisions for the development of a map for regulatory use?**



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## Connecticut Inland Wetlands and Watercourses Act

### Sec. 22a-42a. Establishment of boundaries by regulation.

**Adoption of regulations. Permits. Filing fee.** (a) The inland wetlands agencies authorized in section 22a-42 shall through regulation provide for (1) the manner in which the boundaries of inland wetland and watercourse areas in their respective municipalities shall be established and amended or changed, (2) the form for an application to conduct regulated activities, (3) notice and publication requirements, (4) criteria and procedures for the review of applications, and (5) administration and enforcement.



# DEEP's Inland Wetlands and Watercourses Model Municipal Regulations

## ***Proposed DRAFT Model Regulation Revision:***

### **Section 3**

#### **The Manner in Which Boundaries of Wetlands and Watercourses are Established and Amended or Changed**

- 3.1 The boundaries of wetlands shall be established on the land, consistent with the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture, by a person meeting the requirements for qualification as a soil scientist as defined in section 22a-38(5) of the General Statutes of Connecticut using generally accepted practices for delineating such boundaries [... appropriate NRCS technical reference/citation ...]**
- 3.2 The boundaries of watercourses shall be established on the land by a person with technical training and experience in natural resources or water resources using best professional judgment consistent with such training and experience.**
- 3.3 In carrying out the purposes and policies of section 22a-36 to 22a-45a, inclusive, including matters relating to regulating, licensing and enforcing of the provisions thereof, the Agency shall act with cognizance of the boundaries of wetlands and watercourses as established under section 3.1. and 3.2.**
- 3.4 The boundaries of wetlands and watercourses may be amended or changed in accordance with subsection 3.1 and subsection 3.2 of these regulations.**



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**Benefits of Proposed Revision:**

- ✓ **Eliminates the need to treat every application with a delineation as a map amendment process requiring a public hearing**
- ✓ **Clarifies that a wetland or watercourse is determined through onsite (boundary) delineation**
- ✓ **Eliminates misunderstandings as to where wetlands and watercourses are present in town and Inland Wetlands Agency jurisdiction**

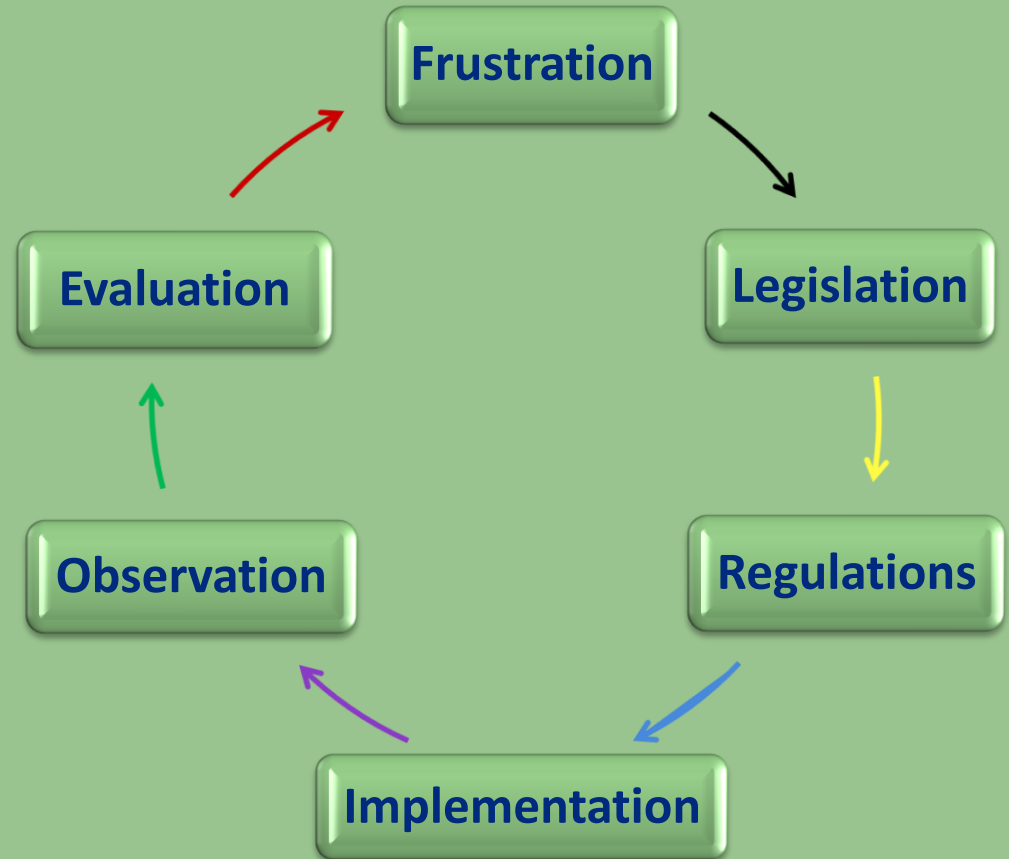


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Thoughts?

Concerns?

Ideas?



# OTHER QUESTIONS?



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