



# House of Representatives

General Assembly

**File No. 686**

January Session, 2025

Substitute House Bill No. 7174

*House of Representatives, April 14, 2025*

The Committee on Environment reported through REP. PARKER of the 101st Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

## ***AN ACT CONCERNING RIPARIAN AREAS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-38 of the general statutes is amended by adding  
2 subdivision (19) as follows (*Effective July 1, 2025*):

3 (NEW) (19) "Riparian area" means the area immediately adjacent to  
4 and extending outward from a wetlands or watercourse boundary for a  
5 distance of not less than one hundred feet.

6 Sec. 2. Subdivision (13) of section 22a-38 of the general statutes is  
7 repealed and the following is substituted in lieu thereof (*Effective October*  
8 *1, 2025*):

9 (13) "Regulated activity" means any operation within or use of a  
10 wetland, [or] watercourse or riparian area involving removal or  
11 deposition of material, including, but not limited to, removal of native  
12 vegetation, or any obstruction, construction, alteration or pollution, of  
13 such wetlands, [or] watercourses or riparian areas, but shall not include

14 the specified activities in section 22a-40, as amended by this act;

15 Sec. 3. Subsections (f) to (i), inclusive, of section 22a-39 of the general  
16 statutes are repealed and the following is substituted in lieu thereof  
17 (*Effective October 1, 2025*):

18 (f) Adopt such regulations, in accordance with the provisions of  
19 chapter 54, as are necessary to protect the wetlands, [or] watercourses  
20 and riparian areas or any of them individually or collectively;

21 (g) Inventory or index the wetlands, [and] watercourses and riparian  
22 areas in such form, including pictorial representations, as the  
23 commissioner deems best suited to effectuate the purposes of sections  
24 22a-36 to 22a-45, inclusive, as amended by this act;

25 (h) Grant, deny, limit or modify in accordance with the provisions of  
26 section 22a-42a, as amended by this act, an application for a license or  
27 permit for any proposed regulated activity conducted by any  
28 department, agency or instrumentality of the state, except any local or  
29 regional board of education, (1) after an advisory decision on such  
30 license or permit has been rendered to the commissioner by the wetland  
31 agency of the municipality within which such wetland is located or (2)  
32 thirty-five days after receipt by the commissioner of such application,  
33 whichever occurs first;

34 (i) Grant, deny, limit or modify in accordance with the provisions of  
35 section 22a-42, as amended by this act, and section 22a-42a, as amended  
36 by this act, an application for a license or permit for any proposed  
37 regulated activity within a municipality which does not regulate its  
38 wetlands, [and] watercourses and riparian areas;

39 Sec. 4. Subdivisions (1) to (4), inclusive, of subsection (a) of section  
40 22a-40 of the general statutes are repealed and the following is  
41 substituted in lieu thereof (*Effective October 1, 2025*):

42 (1) Grazing, farming, nurseries, gardening and harvesting of crops  
43 and farm ponds of three acres or less essential to the farming operation,  
44 and activities conducted by, or under the authority of, the Department

45 of Energy and Environmental Protection for the purposes of wetland or  
46 watercourse restoration or enhancement or mosquito control. The  
47 provisions of this subdivision shall not be construed to include road  
48 construction or the erection of buildings not directly related to the  
49 farming operation, relocation of watercourses with continual flow,  
50 filling or reclamation of wetlands or watercourses with continual flow,  
51 clear cutting of timber or native vegetation except for the expansion of  
52 agricultural crop land, the mining of top soil, peat, sand, gravel or  
53 similar material from wetlands or watercourses for the purposes of sale;

54 (2) A residential home (A) for which a building permit has been  
55 issued, or (B) on a subdivision lot, provided the permit has been issued  
56 or the subdivision has been approved by a municipal planning, zoning  
57 or planning and zoning commission as of the effective date of  
58 promulgation of the municipal regulations pursuant to subsection (b) of  
59 section 22a-42a, as amended by this act, or as of July 1, 1974, whichever  
60 is earlier, and further provided no residential home shall be permitted  
61 as of right pursuant to this subdivision unless the permit was obtained  
62 on or before July 1, 1987;

63 (3) Boat anchorage or mooring;

64 (4) Uses incidental to the enjoyment and maintenance of residential  
65 property, such property defined as equal to or smaller than the largest  
66 minimum residential lot site permitted anywhere in the municipality,  
67 provided in any town, where there are no zoning regulations  
68 establishing minimum residential lot sites, the largest minimum lot site  
69 shall be two acres. Such incidental uses shall include maintenance of  
70 existing structures and landscaping but shall not include removal or  
71 deposition of significant amounts of material from or onto a wetland or  
72 watercourse or diversion or alteration of a watercourse or clear cutting  
73 of native vegetation within ten feet of any wetlands or watercourse;

74 Sec. 5. Subsection (b) of section 22a-40 of the general statutes is  
75 repealed and the following is substituted in lieu thereof (*Effective October*  
76 *1, 2025*):

77 (b) The following operations and uses shall be permitted, as  
78 nonregulated uses in wetlands, [and] watercourses and riparian areas,  
79 provided they do not disturb the natural and indigenous character of  
80 the wetland, [or] watercourse or riparian area by removal or deposition  
81 of material, removal of native vegetation, alteration or obstruction of  
82 water flow or pollution of the wetland, [or] watercourse or riparian area:

83 (1) Conservation of soil, vegetation, water, fish, shellfish and wildlife,  
84 including the revegetation of riparian areas with native vegetation and  
85 removal of invasive species;

86 (2) Outdoor recreation including play and sporting areas, golf  
87 courses, field trials, nature study, hiking, horseback riding, swimming,  
88 skin diving, camping, boating, water skiing, trapping, hunting, fishing  
89 and shellfishing where otherwise legally permitted and regulated; and

90 (3) The installation of a dry hydrant by or under the authority of a  
91 municipal fire department, provided such dry hydrant is only used for  
92 firefighting purposes and there is no alternative access to a public water  
93 supply. For purposes of this section, "dry hydrant" means a non-  
94 pressurized pipe system that: (A) Is readily accessible to fire department  
95 apparatus from a proximate public road, (B) provides for the  
96 withdrawal of water by suction to such fire department apparatus, and  
97 (C) is permanently installed into an existing lake, pond or stream that is  
98 a dependable source of water.

99 Sec. 6. Section 22a-41 of the general statutes is repealed and the  
100 following is substituted in lieu thereof (*Effective October 1, 2025*):

101 (a) In carrying out the purposes and policies of sections 22a-36 to 22a-  
102 45a, inclusive, including matters relating to regulating, licensing and  
103 enforcing of the provisions thereof, the commissioner shall take into  
104 consideration all relevant facts and circumstances, including but not  
105 limited to:

106 (1) The environmental impact of the proposed regulated activity on  
107 wetlands, [or] watercourses or riparian areas;

108 (2) The applicant's purpose for, and any feasible and prudent  
109 alternatives to, the proposed regulated activity which alternatives  
110 would cause less or no environmental impact to wetlands, [or]  
111 watercourses or riparian areas;

112 (3) The relationship between the short-term and long-term impacts of  
113 the proposed regulated activity on wetlands, [or] watercourses or  
114 riparian areas and the maintenance and enhancement of long-term  
115 productivity of such wetlands, [or] watercourses or riparian areas;

116 (4) Irreversible and irretrievable loss of wetland, [or] watercourse or  
117 riparian area resources which would be caused by the proposed  
118 regulated activity, including the extent to which such activity would  
119 foreclose a future ability to protect, enhance or restore such resources,  
120 and any mitigation measures which may be considered as a condition  
121 of issuing a permit for such activity including, but not limited to,  
122 measures to (A) prevent or minimize pollution or other environmental  
123 damage, (B) maintain or enhance existing environmental quality, or (C)  
124 in the following order of priority: Restore, enhance and create  
125 productive wetland, [or watercourse resources] watercourses or  
126 riparian areas;

127 (5) The character and degree of injury to, or interference with, safety,  
128 health or the reasonable use of property which is caused or threatened  
129 by the proposed regulated activity; [and]

130 (6) Impacts of the proposed regulated activity on wetlands, [or]  
131 watercourses or riparian areas outside the area for which the activity is  
132 proposed and future activities associated with, or reasonably related to,  
133 the proposed regulated activity which are made inevitable by the  
134 proposed regulated activity and which may have an impact on  
135 wetlands, [or] watercourses or riparian areas; and

136 (7) Public drinking water supply areas and cold water habitat  
137 streams.

138 (b) (1) In the case of an application which received a public hearing

139 pursuant to (A) subsection (k) of section 22a-39, or (B) a finding by the  
140 inland wetlands agency that the proposed activity may have a  
141 significant impact on wetlands, [or] watercourses or riparian areas, a  
142 permit shall not be issued unless the commissioner finds on the basis of  
143 the record that a feasible and prudent alternative does not exist. In  
144 making [his] a finding, the commissioner shall consider the facts and  
145 circumstances set forth in subsection (a) of this section. The finding and  
146 the reasons therefor shall be stated on the record in writing.

147 (2) In the case of an application which is denied on the basis of a  
148 finding that there may be feasible and prudent alternatives to the  
149 proposed regulated activity which have less adverse impact on  
150 wetlands, [or] watercourses or riparian areas, the commissioner or the  
151 inland wetlands agency, as the case may be, shall propose on the record  
152 in writing the types of alternatives which the applicant may investigate  
153 provided this subdivision shall not be construed to shift the burden  
154 from the applicant to prove that [he] the applicant is entitled to the  
155 permit or to present alternatives to the proposed regulated activity.

156 (c) For purposes of this section, (1) ["wetlands or watercourses"]  
157 "wetlands, watercourses or riparian areas" includes aquatic, plant or  
158 animal life and habitats in wetlands, [or] watercourses or riparian areas,  
159 and (2) "habitats" means areas or environments in which an organism or  
160 biological population normally lives or occurs.

161 (d) A municipal inland wetlands agency shall not deny or condition  
162 an application for a regulated activity in an area outside wetlands, [or]  
163 watercourses or riparian areas on the basis of an impact or effect on  
164 aquatic, plant, or animal life unless such activity will likely impact or  
165 affect the physical, chemical or thermal characteristics of such wetlands,  
166 [or] watercourses or riparian areas.

167 Sec. 7. Section 22a-42 of the general statutes is repealed and the  
168 following is substituted in lieu thereof (*Effective October 1, 2025*):

169 (a) To carry out and effectuate the purposes and policies of sections  
170 22a-36 to 22a-45a, inclusive, it is hereby declared to be the public policy

171 of the state to require municipal regulation of activities affecting the  
172 wetlands, [and] watercourses and riparian areas within the territorial  
173 limits of the various municipalities or districts.

174 (b) Any municipality may acquire wetlands and watercourses within  
175 its territorial limits by gift or purchase, in fee or lesser interest including,  
176 but not limited to, lease, easement or covenant, subject to such  
177 reservations and exceptions as it deems advisable.

178 (c) On or before July 1, 1988, each municipality shall establish an  
179 inland wetlands agency or authorize an existing board or commission  
180 to carry out the provisions of sections 22a-36 to 22a-45, inclusive, as  
181 amended by this act. Each municipality, acting through its legislative  
182 body, may authorize any board or commission, as may be by law  
183 authorized to act, or may establish a new board or commission to  
184 promulgate such regulations, in conformity with the regulations  
185 adopted by the commissioner pursuant to section 22a-39, as amended  
186 by this act, as are necessary to protect the wetlands, [and] watercourses  
187 and riparian areas within its territorial limits. The ordinance  
188 establishing the new board or commission shall determine the number  
189 of members and alternate members, the length of their terms, the  
190 method of selection and removal and the manner for filling vacancies in  
191 the new board or commission. No member or alternate member of such  
192 board or commission shall participate in the hearing or decision of such  
193 board or commission of which he is a member upon any matter in which  
194 he is directly or indirectly interested in a personal or financial sense. In  
195 the event of such disqualification, such fact shall be entered on the  
196 records of such board or commission and replacement shall be made  
197 from alternate members of an alternate to act as a member of such  
198 commission in the hearing and determination of the particular matter or  
199 matters in which the disqualification arose. For the purposes of this  
200 section, the board or commission authorized by the municipality or  
201 district, as the case may be, shall serve as the sole agent for the licensing  
202 of regulated activities.

203 (d) At least one member of the inland wetlands agency or staff of the

204 agency shall be a person who has completed the comprehensive training  
205 program developed by the commissioner pursuant to section 22a-39, as  
206 amended by this act. Failure to have a member of the agency or staff  
207 with training shall not affect the validity of any action of the agency. The  
208 commissioner shall annually make such program available to one  
209 person from each town without cost to that person or the town. Each  
210 inland wetlands agency shall hold a meeting at least once annually at  
211 which information is presented to the members of the agency which  
212 summarizes the provisions of the training program. The commissioner  
213 shall develop such information in consultation with interested persons  
214 affected by the regulation of inland wetlands and shall provide for  
215 distribution of video presentations and related written materials which  
216 convey such information to inland wetlands agencies. In addition to  
217 such materials, the commissioner, in consultation with such persons,  
218 shall prepare materials which provide guidance to municipalities in  
219 carrying out the provisions of subsection (f) of section 22a-42a, as  
220 amended by this act.

221 (e) Any municipality, pursuant to ordinance, may act through the  
222 board or commission authorized in subsection (c) of this section to join  
223 with any other municipalities in the formation of a district for the  
224 regulation of activities affecting the wetlands, [and] watercourses and  
225 riparian areas within such district. Any city or borough may delegate its  
226 authority to regulate inland wetlands under this section to the town in  
227 which it is located.

228 (f) Municipal or district ordinances or regulations may embody any  
229 regulations promulgated hereunder, in whole or in part, or may consist  
230 of other ordinances or regulations in conformity with regulations  
231 promulgated hereunder. Any ordinances or regulations shall be for the  
232 purpose of effectuating the purposes of sections 22a-36 to 22a-45,  
233 inclusive, as amended by this act, and, a municipality or district, in  
234 acting upon ordinances and regulations shall incorporate the factors set  
235 forth in section 22a-41, as amended by this act.

236 (g) Nothing contained in this section shall be construed to limit the

237 existing authority of a municipality or any boards or commissions of the  
238 municipality, provided the commissioner shall retain authority to act on  
239 any application filed with said commissioner prior to the establishment  
240 or designation of an inland wetlands agency by a municipality.

241 Sec. 8. Section 22a-42a of the general statutes is repealed and the  
242 following is substituted in lieu thereof (*Effective October 1, 2025*):

243 (a) The inland wetlands agencies authorized in section 22a-42, as  
244 amended by this act, shall through regulation provide for (1) the manner  
245 in which the boundaries of inland wetland, [and] watercourse and  
246 riparian areas in their respective municipalities shall be established and  
247 amended or changed, (2) the form for an application to conduct  
248 regulated activities, (3) notice and publication requirements, (4) criteria  
249 and procedures for the review of applications, and (5) administration  
250 and enforcement.

251 (b) No regulations of an inland wetlands agency including  
252 boundaries of inland wetland, [and] watercourse and riparian areas  
253 shall become effective or be established until after a public hearing in  
254 relation thereto is held by the inland wetlands agency. Any such hearing  
255 shall be held in accordance with the provisions of section 8-7d. A copy  
256 of such proposed regulation or boundary shall be filed in the office of  
257 the town, city or borough clerk as the case may be, in such municipality,  
258 for public inspection at least ten days before such hearing, and may be  
259 published in full in such paper. A copy of the notice and the proposed  
260 regulations or amendments thereto, except determinations of  
261 boundaries, shall be provided to the commissioner at least thirty-five  
262 days before such hearing. Such regulations and inland wetland, [and]  
263 watercourse and riparian area boundaries may be from time to time  
264 amended, changed or repealed, by majority vote of the inland wetlands  
265 agency, after a public hearing in relation thereto is held by the inland  
266 wetlands agency, in accordance with the provisions of section 8-7d.  
267 Regulations or boundaries or changes therein shall become effective at  
268 such time as is fixed by the inland wetlands agency, provided a copy of  
269 such regulation, boundary or change shall be filed in the office of the

town, city or borough clerk, as the case may be. Whenever an inland wetlands agency makes a change in regulations or boundaries it shall state upon its records the reason why the change was made and shall provide a copy of such regulation, boundary or change to the Commissioner of Energy and Environmental Protection no later than ten days after its adoption provided failure to submit such regulation, boundary or change shall not impair the validity of such regulation, boundary or change. All petitions submitted in writing and in a form prescribed by the inland wetlands agency, requesting a change in the regulations or the boundaries of an inland wetland, [and] watercourse and riparian area shall be considered at a public hearing held in accordance with the provisions of section 8-7d. The failure of the inland wetlands agency to act within any time period specified in this subsection, or any extension thereof, shall not be deemed to constitute approval of the petition.

(c) (1) On and after the effective date of the municipal regulations promulgated pursuant to subsection (b) of this section, no regulated activity shall be conducted upon any inland wetland, [or] watercourse or riparian area without a permit. Any person proposing to conduct or cause to be conducted a regulated activity upon an inland wetland, [or] watercourse or riparian area shall file an application with the inland wetlands agency of the town or towns wherein the wetland, [or] watercourse or riparian area in question is located. The application shall be in such form and contain such information as the inland wetlands agency may prescribe. The date of receipt of an application shall be determined in accordance with the provisions of subsection (c) of section 8-7d. The inland wetlands agency shall not hold a public hearing on such application unless the inland wetlands agency determines that the proposed activity may have a significant impact on wetlands, [or] watercourses or riparian areas, a petition signed by at least twenty-five persons who are eighteen years of age or older and who reside in the municipality in which the regulated activity is proposed, requesting a hearing is filed with the agency not later than fourteen days after the date of receipt of such application, or the agency finds that a public hearing regarding such application would be in the public interest. An

305 inland wetlands agency may issue a permit without a public hearing  
306 provided no petition provided for in this subsection is filed with the  
307 agency on or before the fourteenth day after the date of receipt of the  
308 application. Such hearing shall be held in accordance with the  
309 provisions of section 8-7d. If the inland wetlands agency, or its agent,  
310 fails to act on any application within thirty-five days after the  
311 completion of a public hearing or in the absence of a public hearing  
312 within sixty-five days from the date of receipt of the application, or  
313 within any extension of any such period as provided in section 8-7d, the  
314 applicant may file such application with the Commissioner of Energy  
315 and Environmental Protection who shall review and act on such  
316 application in accordance with this section. Any costs incurred by the  
317 commissioner in reviewing such application for such inland wetlands  
318 agency shall be paid by the municipality that established or authorized  
319 the agency. Any fees that would have been paid to such municipality if  
320 such application had not been filed with the commissioner shall be paid  
321 to the state. The failure of the inland wetlands agency or the  
322 commissioner to act within any time period specified in this subsection,  
323 or any extension thereof, shall not be deemed to constitute approval of  
324 the application.

325 (2) An inland wetlands agency may delegate to its duly authorized  
326 agent the authority to approve or extend an activity that is not located  
327 in a wetland or watercourse when such agent finds that the conduct of  
328 such activity would result in no greater than a minimal impact on any  
329 wetland, [or] watercourse or riparian area provided such agent has  
330 completed the comprehensive training program developed by the  
331 commissioner pursuant to section 22a-39, as amended by this act.  
332 Notwithstanding the provisions for receipt and processing applications  
333 prescribed in subdivision (1) of this subsection, such agent may approve  
334 or extend such an activity at any time. Any person receiving such  
335 approval from such agent shall, within ten days of the date of such  
336 approval, publish, at the applicant's expense, notice of the approval in a  
337 newspaper having a general circulation in the town wherein the activity  
338 is located or will have an effect. Any person may appeal such decision  
339 of such agent to the inland wetlands agency within fifteen days after the

340 publication date of the notice and the inland wetlands agency shall  
341 consider such appeal at its next regularly scheduled meeting provided  
342 such meeting is no earlier than three business days after receipt by such  
343 agency or its agent of such appeal. The inland wetlands agency shall, at  
344 its discretion, sustain, alter or reject the decision of its agent or require  
345 an application for a permit in accordance with subdivision (1) of  
346 subsection (c) of this section.

347 (d) (1) In granting, denying or limiting any permit for a regulated  
348 activity the inland wetlands agency, or its agent, shall consider the  
349 factors set forth in section 22a-41, as amended by this act, and such  
350 agency, or its agent, shall state upon the record the reason for its  
351 decision. In granting a permit the inland wetlands agency, or its agent,  
352 may grant the application as filed or grant it upon other terms,  
353 conditions, limitations or modifications of the regulated activity which  
354 are designed to carry out the policy of sections 22a-36 to 22a-45,  
355 inclusive, as amended by this act. Such terms may include any  
356 reasonable measures which would mitigate the impacts of the regulated  
357 activity and which would (A) prevent or minimize pollution or other  
358 environmental damage, (B) maintain or enhance existing environmental  
359 quality, or (C) in the following order of priority: Restore, enhance and  
360 create productive wetland, [or] watercourse or riparian area resources.  
361 Such terms may include restrictions as to the time of year in which a  
362 regulated activity may be conducted, provided the inland wetlands  
363 agency, or its agent, determines that such restrictions are necessary to  
364 carry out the policy of sections 22a-36 to 22a-45, inclusive, as amended  
365 by this act. No person shall conduct any regulated activity within an  
366 inland wetland or watercourse which requires zoning or subdivision  
367 approval without first having obtained a valid certificate of zoning or  
368 subdivision approval, special permit, special exception or variance or  
369 other documentation establishing that the proposal complies with the  
370 zoning or subdivision requirements adopted by the municipality  
371 pursuant to chapters 124 to 126, inclusive, or any special act. The agency  
372 may suspend or revoke a permit if it finds after giving notice to the  
373 permittee of the facts or conduct which warrant the intended action and  
374 after a hearing at which the permittee is given an opportunity to show

375 compliance with the requirements for retention of the permit, that the  
376 applicant has not complied with the conditions or limitations set forth  
377 in the permit or has exceeded the scope of the work as set forth in the  
378 application. The applicant shall be notified of the agency's decision by  
379 certified mail within fifteen days of the date of the decision and the  
380 agency shall cause notice of their order in issuance, denial, revocation  
381 or suspension of a permit to be published in a newspaper having a  
382 general circulation in the town wherein the wetland or watercourse lies.  
383 In any case in which such notice is not published within such fifteen-  
384 day period, the applicant may provide for the publication of such notice  
385 within ten days thereafter.

386 (2) (A) Any permit issued under this section for the development of  
387 property for which an approval is required under chapter 124, 124b, 126  
388 or 126a shall (i) not take effect until each such approval, as applicable,  
389 granted under such chapter has taken effect, and (ii) be valid until the  
390 approval granted under such chapter expires or for ten years, whichever  
391 is earlier.

392 (B) Any permit issued under this section for any activity for which an  
393 approval is not required under chapter 124, 124b, 126 or 126a shall be  
394 valid for not less than two years and not more than five years. Any such  
395 permit shall be renewed upon request of the permit holder unless the  
396 agency finds that there has been a substantial change in circumstances  
397 which requires a new permit application or an enforcement action has  
398 been undertaken with regard to the regulated activity for which the  
399 permit was issued, provided no permit may be valid for more than ten  
400 years.

401 (e) The inland wetlands agency may require a filing fee to be  
402 deposited with the agency. The amount of such fee shall be sufficient to  
403 cover the reasonable cost of reviewing and acting on applications and  
404 petitions, including, but not limited to, the costs of certified mailings,  
405 publications of notices and decisions and monitoring compliance with  
406 permit conditions or agency orders.

407 (f) If a municipal inland wetlands agency regulates activities within

408 areas around wetlands, [or] watercourses or riparian areas, such  
409 regulation shall (1) be in accordance with the provisions of the inland  
410 wetlands regulations adopted by such agency related to application for,  
411 and approval of, activities to be conducted in wetlands or watercourses  
412 and (2) apply only to those activities which are likely to impact or affect  
413 wetlands, [or] watercourses or riparian areas.

414 (g) (1) Notwithstanding the provisions of subdivision (2) of  
415 subsection (d) of this section, any permit issued under this section prior  
416 to July 1, 2011, that has not expired prior to July 12, 2021, shall expire  
417 not less than fourteen years after the date of such approval. Any such  
418 permit shall be renewed upon request of the permit holder unless the  
419 agency finds that there has been a substantial change in circumstances  
420 that requires a new permit application or an enforcement action has  
421 been undertaken with regard to the regulated activity for which the  
422 permit was issued, provided no such permit shall be valid for more than  
423 nineteen years.

424 (2) Notwithstanding the provisions of subdivision (2) of subsection  
425 (d) of this section, any permit issued under this section on or after July  
426 1, 2011, but prior to June 10, 2021, that did not expire prior to March 10,  
427 2020, shall expire not less than fourteen years after the date of such  
428 approval. Any such permit shall be renewed upon request of the permit  
429 holder unless the agency finds that there has been a substantial change  
430 in circumstances that requires a new permit application or an  
431 enforcement action has been undertaken with regard to the regulated  
432 activity for which the permit was issued, provided no such permit shall  
433 be valid for more than nineteen years.

434 Sec. 9. Section 22a-42f of the general statutes is repealed and the  
435 following is substituted in lieu thereof (*Effective October 1, 2025*):

436 When an application is filed to conduct or cause to be conducted a  
437 regulated activity upon an inland wetland, [or] watercourse or riparian  
438 area, any portion of which is within the watershed of a water company  
439 as defined in section 25-32a, the applicant shall: (1) Provide written  
440 notice of the application to the water company and the Department of

441 Public Health; and (2) determine if the project is within the watershed  
442 of a water company by consulting the maps posted on said department's  
443 Internet web site showing the boundaries of the watershed. Such  
444 applicant shall send such notice to the water company by certified mail,  
445 return receipt requested, and to said department by electronic mail to  
446 the electronic mail address designated by the department on its Internet  
447 web site for receipt of such notice. Such applicant shall mail such notice  
448 not later than seven days after the date of the application. The water  
449 company and the Commissioner of Public Health, through a  
450 representative, may appear and be heard at any hearing on the  
451 application.

452 Sec. 10. Subsection (a) of section 22a-43 of the general statutes is  
453 repealed and the following is substituted in lieu thereof (*Effective October*  
454 *1, 2025*):

455 (a) The commissioner or any person aggrieved by any regulation,  
456 order, decision or action made pursuant to sections 22a-36 to 22a-45,  
457 inclusive, as amended by this act, by the commissioner, a district or  
458 municipality or any person owning or occupying land which abuts any  
459 portion of land within, or is within a radius of ninety feet of, the  
460 wetland, [or] watercourse or riparian area involved in any regulation,  
461 order, decision or action made pursuant to said sections may, within the  
462 time specified in subsection (b) of section 8-8, from the publication of  
463 such regulation, order, decision or action, appeal to the superior court  
464 for the judicial district where the land affected is located, and if located  
465 in more than one judicial district to the court in any such judicial district.  
466 Such appeal shall be made returnable to the court in the same manner  
467 as that prescribed for civil actions brought to the court, except that the  
468 record shall be transmitted to the court within the time specified in  
469 subsection (i) of section 8-8. If the inland wetlands agency or its agent  
470 does not provide a transcript of the stenographic or the sound recording  
471 of a meeting where the inland wetlands agency or its agent deliberates  
472 or makes a decision on a permit for which a public hearing was held, a  
473 certified, true and accurate transcript of a stenographic or sound  
474 recording of the meeting prepared by or on behalf of the applicant or

475 any other party shall be admissible as part of the record. Notice of such  
476 appeal shall be served upon the inland wetlands agency and the  
477 commissioner, provided, for any such appeal taken on or after October  
478 1, 2004, service of process for purposes of such notice to the inland  
479 wetlands agency shall be made in accordance with subdivision (5) of  
480 subsection (b) of section 52-57. The commissioner may appear as a party  
481 to any action brought by any other person within thirty days from the  
482 date such appeal is returned to the court. The appeal shall state the  
483 reasons upon which it is predicated and shall not stay proceedings on  
484 the regulation, order, decision or action, but the court may on  
485 application and after notice grant a restraining order. Such appeal shall  
486 have precedence in the order of trial.

487 Sec. 11. Section 22a-45 of the general statutes is repealed and the  
488 following is substituted in lieu thereof (*Effective October 1, 2025*):

489 Any owner of wetlands, [and] watercourses or riparian areas who  
490 may be denied a license in connection with a regulated activity affecting  
491 such wetlands, [and] watercourses or riparian areas, shall upon written  
492 application to the assessor, or board of assessors, of the municipality, be  
493 entitled to a revaluation of such property to reflect the fair market value  
494 thereof in light of the restriction placed upon it by the denial of such  
495 license or permit, effective with respect to the next succeeding  
496 assessment list of such municipality, provided no such revaluation shall  
497 be effective retroactively and the municipality may require as a  
498 condition therefor the conveyance of a less than fee interest to it of such  
499 land pursuant to the provisions of sections 7-131b to 7-131k, inclusive.

500 Sec. 12. Section 26-136 of the general statutes is amended by adding  
501 subsection (d) as follows (*Effective October 1, 2025*):

502 (NEW) (d) For any existing fishway constructed for a dam located in  
503 navigable waters, as determined by the Commissioner of Energy and  
504 Environmental Protection, that is not subject to the jurisdiction of the  
505 Federal Energy Regulatory Commission, the commissioner shall  
506 prescribe, by regulations adopted in accordance with the provisions of  
507 chapter 54 or by permit, conditions to ensure safe, timely and effective

508 fish passage and to protect aquatic habitat. Such conditions shall be  
 509 implemented by, and at the cost of, the owner or operator of any such  
 510 dam.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2025</i>	22a-38(19)
Sec. 2	<i>October 1, 2025</i>	22a-38(13)
Sec. 3	<i>October 1, 2025</i>	22a-39(f) to (i)
Sec. 4	<i>October 1, 2025</i>	22a-40(a)(1) to (4)
Sec. 5	<i>October 1, 2025</i>	22a-40(b)
Sec. 6	<i>October 1, 2025</i>	22a-41
Sec. 7	<i>October 1, 2025</i>	22a-42
Sec. 8	<i>October 1, 2025</i>	22a-42a
Sec. 9	<i>October 1, 2025</i>	22a-42f
Sec. 10	<i>October 1, 2025</i>	22a-43(a)
Sec. 11	<i>October 1, 2025</i>	22a-45
Sec. 12	<i>October 1, 2025</i>	26-136(d)

**ENV**      *Joint Favorable Subst.*

*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

## **OFA Fiscal Note**

### **State Impact:**

Agency Affected	Fund-Effect	FY 26 \$	FY 27 \$
Department of Energy and Environmental Protection	GF - Potential Cost	See Below	See Below

Note: GF=General Fund

### **Municipal Impact:**

Municipalities	Effect	FY 26 \$	FY 27 \$
Various Municipalities	Potential Cost	See Below	See Below

## **Explanation**

The bill expands the authority of municipal inland wetlands agencies and the Department of Energy and Environmental Protection (DEEP) to regulate activities in the riparian area. This results in a potential cost to DEEP and municipalities as the area requiring regulation and enforcement is expanded. The potential cost is unknown and would vary by location as well as the riparian areas activity proposals and enforcement actions.

The bill makes other procedural changes to DEEP that are not anticipated to result in a fiscal impact as DEEP has the staff and expertise necessary to implement the changes.

## **The Out Years**

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

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**OLR Bill Analysis****sHB 7174*****AN ACT CONCERNING RIPARIAN AREAS.*****SUMMARY**

This bill broadens the applicability of the state's Inland Wetlands and Watercourses Act (IWWA) to include the area immediately adjacent to and extending outward from a wetland or watercourse boundary by at least 100 feet (the "riparian area").

Consequently, the bill correspondingly expands the authority of municipal inland wetlands agencies and the Department of Energy and Environmental Protection (DEEP) to regulate activities in these areas, which generally entails reviewing activity proposals, issuing permits, and conducting enforcement actions. It relatedly requires DEEP to inventory or index riparian areas and adopt any necessary regulations to protect them, as the law already requires it to do for wetlands and watercourses.

The bill also makes the following additional changes to the IWWA:

1. explicitly (a) excludes native vegetation clear cutting in wetland or watercourse areas from an "as of right" use and (b) includes revegetation in riparian areas with native vegetation and removing invasive species as a nonregulated permitted use;
2. adds public drinking water supply areas and cold water habitat streams to the list of things the commissioner must consider when carrying out her responsibilities under the IWWA;
3. allows an inland wetlands agency to deny or condition an application for a regulated activity outside of a wetlands, watercourse, or riparian area if it will likely impact the area's

chemical or thermal characteristics, as an agency already may do for the physical characteristics of wetlands or watercourses; and

4. makes many technical and conforming changes, including those to effectuate its application to riparian areas such as, among other things, allowing aggrieved parties to appeal decisions about activities in riparian areas and requiring the applicants for activities in these areas that are within a water company's watershed to notify the company and public health department.

Lastly, the bill requires the DEEP commissioner to prescribe, either by permit or through adopting regulations, conditions for existing fishways built for dams in navigable waters that are not regulated by the Federal Energy Regulatory Authority (i.e. certain hydropower dams) to ensure safe, timely, and effective fish passage and protect aquatic habitat. The conditions must be implemented and paid for by the dam's owner or operator (§ 12).

EFFECTIVE DATE: October 1, 2025, except the provision adding the riparian area definition to the IWWA is effective July 1, 2025.

### **IWWA EXPANSION — RIPARIAN AREA**

The IWWA requires municipalities to regulate activities in inland wetlands and watercourse areas within their boundaries through an inland wetlands agency or empowering another board or commission to carry out its responsibilities. DEEP has the regulatory authority over state actions in these areas and for municipalities without an inland wetlands agency.

The bill expands this oversight to generally include operations within, or use of, a riparian area, including the removal or deposition of material, or any obstruction, construction, alteration, or pollution, of the riparian area.

### ***Updating Regulations***

Existing law requires DEEP to adopt regulations to protect wetlands and watercourses. Under the bill, these regulations must also include

riparian areas. Similarly, municipal inland wetlands agencies (or the applicable board or commission), as under existing law for wetlands and watercourses, must adopt regulations necessary to protect riparian areas, either individually, or through districts.

As for wetlands and watercourses, the bill requires the local regulations to prescribe (1) how riparian area boundaries are set or changed, (2) how to apply for a regulated activity in these areas, (3) notice requirements, (4) criteria for and the process of reviewing applications, and (5) administration and enforcement requirements. (It subjects proposed activities in riparian areas to the same statutory application and review requirements and potential penalties for violations as already apply for wetlands and watercourses activities (see BACKGROUND).)

## **NATIVE VEGETATION**

### ***Regulated Activities***

The bill explicitly includes an operation in or use of a wetland, watercourse, or riparian area involving native vegetation removal as a “regulated activity” under the IWWA, meaning these activities generally cannot be done without a permit. The bill does not, however, specify what “native vegetation” is.

### ***Permitted Activities***

***As of Right.*** By law, certain operations and uses are permitted “as of right” in wetlands and watercourses. Subject to certain exceptions, these include, among other things, (1) grazing, farming, nurseries, gardening, and harvesting crops and certain farm ponds essential to the farming operation; (2) activities DEEP does for restoration, enhancement, or mosquito control; and (3) uses incidental to the enjoyment and maintenance of residential property.

The bill exempts from being an “as of right” use clear cutting native vegetation (1) unless it is to expand agricultural crop land, as is already the case for timber clear cutting, or (2) within 10 feet of a wetlands or watercourse for incidental residential property enjoyment or

maintenances uses.

***Unregulated Uses.*** The IWWA also allows certain activities in areas under its jurisdiction (including riparian areas under the bill) as “nonregulated uses” if they do not disturb the natural and indigenous character of the area by removing or depositing material, altering, or obstructing water flow, or polluting. Examples include conservation of natural resources, outdoor recreation, and dry hydrant installation. The bill specifies that (1) removing or depositing material, for determining if an activity is a nonregulated use, includes native vegetation removal and (2) revegetating riparian areas with native vegetation and removing invasive species is considered natural resource conservation.

## **BACKGROUND**

### ***Inland Wetlands and Watercourses***

By law, inland “wetlands” are land areas that consist of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the U.S. Department of Agriculture Natural Resources Conservation Service’s National Cooperative Soils Survey, which includes submerged land, but not land bordering or lying beneath tidal waters. “Watercourses” are, in general, rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs, and all other bodies of water, natural or artificial, vernal, or intermittent, public, or private, which are in, flow through, or border the state or any portion of it (CGS § 22a-38).

### ***Permit Application Process***

By law, anyone proposing to do a regulated activity on an inland wetland or watercourse must apply for a permit from the inland wetlands agency of the town or towns where the wetland or watercourse is located. Public hearings on these regulated activities may be held, but only if (1) the agency determines the activity may significantly affect wetlands or watercourses, (2) at least 25 people sign a petition requesting a hearing and it is filed with the agency within 14 days after the application is received, or (3) the agency finds that a hearing would be in the public interest.

By law, when an application receives a public hearing or the agency finds that the proposed activity may have a significant impact on wetlands or watercourses, it cannot issue a permit unless the DEEP commissioner finds, on the basis of the record, no feasible and prudent alternative exists.

When an application is denied on a finding that there may be feasible and prudent alternatives to the proposed regulated activity that would have a less adverse impact on wetlands or watercourses, the commissioner or the agency must propose on the record the types of alternatives that the applicant may investigate.

**Enforcement**

State law permits municipal inland wetlands agencies, if they determine that a person is violating the IWWA or the associated local ordinance, to issue cease-and-desist orders, impose civil fines of up to \$1,000 per offense, or ask a court to impose issue certain orders or penalties. Higher penalties apply for willful or knowing violations (CGA § 22a-44).

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 24    Nay 9    (03/24/2025)