

Environment Committee JOINT FAVORABLE REPORT

Bill No.: HB-7174

Title: AN ACT CONCERNING RIPARIAN AREAS.

Vote Date: 3/24/2025

Vote Action: Joint Favorable Substitute

PH Date: 3/17/2025

File No.: 686

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SPONSORS OF BILL:

Environment Committee

CO-SPONSORS OF BILL:

Rep. Mary M. Mushinsky, 85th Dist.

Rep. Aundre Bumgardner, 41st Dist.

Rep. Kerry S. Wood, 29th Dist.

REASONS FOR BILL:

This bill seeks to address several issues regarding protecting Connecticut's waterways and addressing the impacts of the fossil fuel industry on the environment. It would require deep to regulate activity within riparian buffer zones, such as clear cutting of vegetation, to designate 5% of funds provided by the Clean Water Act State Revolving fund to establish a nature-based solutions account, and to regulate dams not regulated by the Federal Energy Regulatory Commission to ensure that there are timely and effective fish passages available. It would also create a 5% surcharge on insurance policies on fossil fuel infrastructure, which would be used to fund climate resilience efforts.

Waterways, aquatic habitats, and sources of drinking water are importance resources, and this bill would help to ensure that they are further protected. It would also help to fund climate resilience efforts through creating a surcharge on insuring activities that have contributed to climate change and its effects.

Substitute Language LCO 6802:

The substitute language makes several changes to the bill, including removing sections 3 and 14, changing “riparian buffers” to “riparian areas”, requiring DEEP to consider to the impact of proposed activities on the drinking water supply, and removes the provisions in Section 7 that would require DEEP to allocate 5% of the funds provided to them by the Clean Water Act State Revolving Fund to a nature-based solutions account.

RESPONSE FROM ADMINISTRATION/AGENCY:**Katie Dykes, Commissioner, Department of Energy and Environmental Protection**

Katie Dykes submitted written testimony in opposition to the bill. She believes that because of the way the bill is written, it could result in over protection of areas that are not as vulnerable and a lack of protection for other environmentally sensitive areas. In addition, the bill would expand the jurisdiction of DEEP in a way that could conflict with existing local jurisdictions. The testimony continues with specific comments on each section of the bill:

Section 1: DEEP has concerns with the way that this section would define “riparian buffer”. The testimony suggests that the way riparian buffer is defined would mean that these areas would be the same as the upland review area, which is already regulated by Inland Wetland Commissions, which could create confusion over how these areas would be regulated. It also suggests that this would unnecessarily expand the authority of the Inland Wetland Commissions.

Section 2: Deep opposes regulating removing or depositing material within a riparian buffer zone. The testimony discusses how these provisions could create overlapping authority and confusion regarding what activities are permitted.

Section 3: Deep opposes this section as drafted, noting that it does not define “clear cutting” or “native vegetation”, and that it would give riparian buffer zones the same protections wetlands and watercourses which is not always feasible.

Section 4: Deep has concerns with this section, noting that the term “riparian buffer” is vaguely defined and that this section would increase DEEPs regulatory responsibility. They suggest that DEEP does not currently have the resources to enforce these regulations.

Section 5: Deep has concerns that “Clear cutting of native vegetation is not well defined.

Section 6: Deep has concerns with terms in this section being vaguely defined, and with affording riparian buffers the same protections as wetlands and watercourses

Section 7: DEEP is concerned with the degree to which this section could expand the jurisdiction of DEEP.

Section 8: DEEP opposes this section of the bill. They suggest that it is inconsistent with existing statute, that much of the language is vaguely defined, and that it would require significant revisions to existing training programs which would be difficult to implement.

Section 9: DEEP has concerns that this section could put a significant burden on municipal IWCs when it comes to implementing the new regulations and integrating them with existing regulations.

Section 11: Deep has concerns that this section would result in more property owners being negatively impacted by regulations implemented by IWCs and DEEP related to protecting water courses.

Section 13: Deep supports the intent of this sections and suggests that it should be amended so that the application of these provisions is limited to non-FERS dams with hydro power operations.

Garrett Eucalitto, Commissioner, Department of Transportation

Garrett Eucalitto submitted written testimony regarding the bill. The testimony suggests that the bill would place an administrative burden on state agencies without providing significant benefits. They discuss how this bill could impact CT Department of Transportation construction projects, which would cause delays to projects and increase their costs. They also note that the bill would result in DEEP reviewing more permitting applications, which would result in delays as well.

NATURE AND SOURCES OF SUPPORT:

Anthony Allen, Long Island Sound River Restoration Network

Anthony Allen submitted written testimony in support of the bill, and specifically section 13 of the bill, which would improve the ability of fish to travel between riverways. They discussed how dams can harm the marine ecosystem, and the importance of creating pathways to help fish to pass barriers so that they can travel spawning grounds upstream. They also discussed why it is so critical that these fishways are built to allow for the "...safe, timely and effective" passage of the fish. The testimony concludes by noting that they would support the bill being amended so that this requirement would be limited to hydropower dams, and suggested that language should be included to specify that the owners of the dams should bear the cost of these regulations.

Cathy Becker, Responsible Finance Campaign Director, Green America

Cathy Becker submitted written testimony in support of the bill, and specifically the provisions that would require insurers to pay a 5% surcharge on policies for the fossil fuel industry. She discussed the landscape of the insurance in regard to insuring the fossil fuel industry and how she believes these provisions would help offset the cost of the damage done by the fossil fuel industry and the insurers that help enable their operations.

Jane Brawerman, Executive Director, CT River Coastal Conservation District

Jane Brawerman submitted written testimony in support of the bill. She detailed the work that she does and her experience with how development has impacted stream health. She suggested that riparian buffers are a natural and cost effective way of helping to protect the health of streams and aquatic habitats.

John Brewery

John Brewery submitted written testimony in support of the bill. He discussed the importance of riparian buffers and made suggestions for how the bill could be improved, including removing the provisions regarding insurance companies and further expanding the protections of buffer zones.

Alicea Charamut, Executive Director, Rivers Alliance of Connecticut

Alicea Charamut submitted written testimony in support of the bill. She noted the importance of protecting riparian buffers, and submitted detailed responses to Sections 1, 2, 3, 6, 6, 7, 8, 13, and 14, including suggestions for modifications she believes should be made to the bill.

Kelsey Condon, Americans for Financial Reform

Kelsey Condon submitted written testimony in support of the bill, and specifically Section 14. She discussed the impact that the fossil fuel industry has on climate change and the

involvement of insurance companies in insuring the fossil fuel industry. She discussed the impacts that climate change has, particularly on underserved communities and the importance of the provisions in section 14 in helping to fund resiliency efforts.

Elizabeth Gara, Executive Director, Connecticut Water Work Association

Elizabeth Gara submitted written testimony in support of the bill. She discussed the importance of protecting water sources and specifically those that supply drinking water and how riparian buffers can help protect water quality.

John Guskowski, Government Relations Officer, Connecticut Chapter of the American Planning Association

John Guskowski Submitted written testimony in support of the bill. He discussed the importance of riparian buffers, as well his support for creating a surcharge for policies that insure fossil fuel infrastructure. He suggested that it is not clear how this law would interact with existing regulations regarding upland review areas and suggested that the language of the bill be amended to clarify this.

Ashen Harper, Founder, Fridays for Future Stamford

Ashen Harper submitted written testimony in support of the bill. The testimony detailed efforts that were made to restore the riparian buffer zone around the river in Mill River Park starting in 2009, and how restoring the riparian buffer zone has helped to prevent flooding. The testimony also includes a map to illustrate these changes.

Carol Haskin, Executive Director, Pomperaug River Watershed

Carol Haskin submitted written testimony in support of the bill. She discussed the importance of protecting riparian buffers, and notes areas of the bill that she believes could use refinement and clarification. She also suggested that Section 14 of the bill should be reconsidered, as it may make the bill more difficult to pass.

Jim Heckman, General Council, CT Realtors

Jim Heckman submitted written testimony in opposition to the bill. The testimony noted that municipalities already regulate riparian buffer zones, so adding regulation at the state level could create confusion and conflicting regulations. The testimony also expressed opposition to section 14 of the bill.

Christian Herb, President, CT Energy Marketing Associates

Christian Herb submitted written testimony in opposition to Section 14 of the bill. The testimony suggested that putting a surcharge on insurance policies for the fossil fuel industry would result in greater costs being passed onto small businesses and consumers.

Bill Hyatt, Vice Chair, CT Fisheries Advisory Council

Bill Hyatt submitted written testimony in support of the bill. The testimony discussed the importance of protecting riparian buffers in helping to protect fish populations and vulnerable aquatic habitats. The testimony recommended some alterations to the language of the bill, as well as considering creating riparian buffers larger than 100 feet. Additional comments were made regarding Section 8 and 13 of the bill.

William Lucey, Soundkeeper, Save the Sound

William Lucey submitted written testimony in support of the bill. He discussed the importance of riparian buffers for protecting waterways and fish populations, and specifically noted support for Sections 8 and 13.

Richard Mette, Council Chair, CT Trout Unlimited

Richard Mette submitted written testimony in support of the bill. He discussed the importance of riparian buffers, and noted his support for the modifications to the bill suggested by Save the Sound and the River Alliance of Connecticut

Aimee Petras, Executive Director, Farmington River Watershed Association

Aimee Petras submitted written testimony in support of the bill. She discussed the importance of riparian buffers in protecting waterways and expressed support for the provisions in the bill that would help protect passages for migratory fish. She suggested that Section 13 of the bill should be amended to limit its application to hydropower dams.

Francis Pickering, Executive Director, Western Connecticut Council of Governments

Francis Pickering submitted written testimony in support of the bill. The testimony discussed the importance of riparian buffers and the benefits that the bill would have in helping to protect riparian buffers, help prevent flooding, protecting ecosystems, and providing consistent regulations across municipalities. The testimony also reviewed how the bill would align with other state laws. It also recommended that the bill be amended to expand the prohibition on clear cutting.

Denise Savageau, Environmental Planner

Denise Savageau submitted written testimony in support of the bill. The testimony discussed the importance of riparian buffers and of protecting the states water resources. It suggested that the bills regulations will be a barrier to affordable housing, and expressed support for allocating funding for preserving watershed health.

Alan Siniscalchi, President, CACIWC

Alan Siniscalchi submitted written testimony in support of the bill. He discussed the importance of riparian buffers and expressed support for the bill and noted how the bill would help to protect wetlands and watercourses and their habitats. He suggested that if the bill was implemented it would require education regarding the new regulation for both the public and DEEP.

Louise Washer, President, Norwalk River Watershed Association

Louise Washer submitted written testimony in support of the bill. She discussed how the Norwalk River has faced pollution as a result of not having an appropriate riparian buffer to help protect the water quality and included a picture of the Norwalk River to illustrate the lack of a buffer between the river and developed areas.

Over 95 additional people submitted general written testimony in support of the bill. They expressed the importance of keeping waterways clean and of protecting natural vegetation and areas that help filter water and protect waterways, as well as creating fish passage requirements to ensure that fish are to migrate between different parts of their habitat. The testimony detailed the important role that riparian buffers play in protecting water quality,

preventing erosion and protecting against flooding, and protecting habitats. Many of these pieces of testimony also expressed support for section 14, and noted the importance of collecting this money as a way to offset the costs of the environmental damage caused by the fossil fuel industry.

Robert LaFrance, Director of Policy, National Audubon Society

Robert LaFrance submitted written testimony in support of the bill, and specifically the provisions in Section 8 that would require 5% of the Clean Water Act State Revolving Fund to be allocated to a nature-based solutions account. The testimony discussed similar legislation that was enacted in Vermont and suggested that the Vermont program should be studied in order to see how a similar program would function in Connecticut.

NATURE AND SOURCES OF OPPOSITION:

Robert Petzold, Board of Directors, Connecticut Marine Trades Association

Robert Petzold submitted written testimony in opposition to the bill. His testimony discussed the fact that many boating businesses and marinas are close to bodies of water, and that this would result in many of them having parts of their property that they would be restricted in using and managing. He suggested that there should be more discussions with stakeholders, and specifically businesses that would be affected by the bill, in order to understand their needs and how the bill would impact their businesses before the bill is passed.

Kristina Baldwin, Vice President, American Property and Casualty Insurance Association

Eric George, President, IAC

Chris Nicolopoulos, Senior Regional Vice President, NAMIC

Several people submitted the same piece of written testimony in opposition to the bill, and specifically section 14. they believe that “the bill inappropriately singles out the insurance industry in the climate change debate and seeks to use the insurance industry as a cudgel against fossil fuel companies.” Their testimony discussed the ways in which the insurance industry has helped to create solutions to the problems posed by climate change. It also notes that insurers in Connecticut already disclose information regarding their climate change efforts through the National Association of Insurance Commissioners Climate Risk Disclosure Survey, and that the insurance industry in Connecticut is already heavily regulated by the Connecticut Department of Insurance.

Frank DeFelice, Chairperson, RiverCOG, Durham Planning and Zoning Commission

Frank DeFelice submitted written testimony in opposition to the bill. He noted that because of the way that wetlands are defined, around 25% of the state qualifies as a wetland, and many of these areas already have existing structures on them. He also expressed further concerns including suggesting that this bill would be imposing a one size fits all approach, the definition of riparian buffer in the bill is not consistent, and that the regulations could create burdens for those who own property that would be considered a riparian buffer.

Michael Giaimo, American Petroleum Institute

Michael Giaimo submitted written testimony in opposition to the bill. The testimony suggests that Section 14 “inappropriately singles out the fossil fuel industry” and that it is punitive, especially when fossil fuel is still an important component of meeting the states energy

needs. It discusses how the bill could disincentivize fossil fuel companies from innovating and building new infrastructure.

Peter Myers, Senior Public Policy Associate, CBIA

Peter Meyers submitted written testimony in opposition to the bill, and specifically Section 14. He believes that if a 5% surcharge on insurance policies for fossil fuel projects and infrastructure is implemented, this cost will ultimately be passed on to small businesses and consumers.

Jim Perras, CEO, HBRA

Jim Perras submitted written testimony in opposition to the bill. He believes that the bill would result in regulatory overreach and could worsen the housing crisis. He also discussed Sections 4 and 7 of the bill in depth, and explained how they would impede housing production and create additional barriers to permitting. He concluded by suggesting that there be a study to examine how the bill would implement housing production before it is implemented.

Stephen Sack, President, Sack Energy Corp

Stephen Sack submitted written testimony in opposition to the bill, and specifically section 14. He believes that the 5% surcharge that would be placed on policies insuring the fossil fuel industry would be a cost that would passed onto consumers and would make it harder for businesses in Connecticut (as out of state companies would not be subject to these charges).

Matthew Schwall, Director of Regulatory Affairs, Alpha Generation

Matthew Schwall submitted written testimony in opposition to the bill, and specifically Section 14. The testimony discussed how the 5% surcharge on insurance policies for fossil fuel infrastructure would negatively affect their business, and how the increase in costs could potentially lead to power generating facilities being closed because they are no longer economically viable.

Robert Wiedenmann, Sunwood Development Corp

Robert Wiedenmann submitted written testimony in opposition to the bill. The testimony discussed the housing crisis in Connecticut and how the bill would make it more difficult to build new housing.

GENERAL COMMENTS

Janet Brooks, Attorney

Janet Brooks submitted written testimony on the bill. The testimony discussed in depth many of the provisions of the bill. She expressed support for many of the provisions including having a minimum upland review area of 100 feet and taking into consideration the impact that changes to wetlands and watercourses can have on plant and animal populations. She also noted opposition to prohibiting the application of pesticides as proposed in section three and noted concerns with some of the language of the bill being vague. She also expressed concern that significant training would be required to implement the bill.

Reported by: Lauren Kaiser Krause

Date: April 14, 2025

