

Environment Committee JOINT FAVORABLE REPORT

Bill No: HB-5334 / [Bill Status](#) / [Public Hearing Testimony](#)

Title: AN ACT CONCERNING RIPARIAN AREAS.

Vote Date: 3/13/2026

Vote Action: Joint Favorable Substitute

PH Date: 3/4/2026

File No.:

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SPONSORS OF BILL:

Environment Committee

CO-SPONSORS:

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REASONS FOR BILL:

To create greater protection and preservation of areas immediately adjacent to watercourses in the state in order to preserve and improve the quality of such watercourses.

SUBSTITUTE LANGUAGE (IF APPLICABLE):

Substitute language expands inland wetlands regulation to include activities affecting riparian areas and natural vegetative cover, defines key terms, modifies exemptions for certain activities, and requires agencies to consider additional environmental factors—such as climate resilience, water quality, and habitat impacts—when reviewing permit applications.

RESPONSE FROM ADMINISTRATION/AGENCY:

Katie S. Dykes, Commissioner, CT Department of Energy and Environmental Protections

DEEP worked extensively with the working group but abstained from voting on the working group recommendations. Generally, the Department agrees that riparian buffers are

important for protecting water resources. However, the Department has some core concerns in this bill. One of these concerns is the definition of "riparian", as the scientific term means rivers and streams, while the language in the bill refers to it as watercourses. Which include ponds, lakes and other wetlands. The Department also has significant concerns about implementation. Expanding regulation to the riparian buffer itself, independent of demonstrated impact to the wetland or watercourse, could risk transforming the IWWA from a resource protection statute into a broader land use statutory scheme. Such an expansion would create overlapping and potentially conflicting jurisdiction with municipal planning and zoning authorities, particularly in developed and urban areas where land within one hundred feet of a water resource is already subject to local land use regulation. The Department directs attention to Section 8, which states, in part, that "applicants demonstrate that the proposed activity will not have an adverse impact on any wetland or watercourse." As drafted, this provision is not limited to riparian buffers or vegetation-related activities; it would apply to every single application brought before an IWA under the IWWA. This represents a fundamental and sweeping change to the statutory permitting framework. DEEP believes this standard will be difficult to apply scientifically or practically. A solution the Department supports is shifting the burden more clearly to the applicant. The framing of this bill also puts the Department in a role of determining "a particular gradation of riparian buffer for known ecological benefits" (see Section 9). This gradation does not specify how DEEP will make a connection with riparian buffer permitting conducted by IWAs. Finally, the bill does not authorize rulemaking to establish such standards, nor does it identify where those determinations would reside.

Garret Eucalitto, Commissioner, CT Department of Transportation (CTDOT)

CTDOT opposes this bill because it places additional administrative burdens on state agencies seeking permit application. CTDOT works hard to minimize environmental impact, but it is often unavoidable. When working in regulated areas, CTDOT ensures that these areas are planted with native vegetation. The riparian areas will not change the design of CTDOT projects, but rather add administrative burden. The riparian buffer requirement will disrupt CTDOT operations and active construction projects. They will need to acquire additional permits that would require DEEP review and approval. Finally, section 9 as drafted is unclear, as (1) 'gradation' is not a term that typically applies to riparian areas, and (2) the determination of what width of buffer/area would provide known ecological benefits will likely be arbitrary and require regulators to reference scientific sources, as this is not a commonly known or accepted benchmark or standard and thus not predictably known to applicants. This unpredictability will inevitably lead to confusion and potential for inconsistencies across application approvals and denials. Evaluating the impacts of watercourses would lead to inconsistencies because it is subjective to the one reviewer. The terms "riparian area", "riparian vegetated area", and "riparian buffer" are all used interchangeably which leads to confusion.

Paul Aresta, Executive Director, State of Connecticut, Council on Environmental Quality

The Council supports this bill because according to a 2024 DEEP study, 35% of the river miles assessed did not meet the designated use of fully supporting aquatic life and 71% of the river miles assessed did not meet the designated use of fully supporting recreation. Specifically, the Council supports the inclusion of "resilience to storms and climate change" to Connecticut General Statutes (CGS) 22a-36 Section 1; the addition of "riparian area" within the definition of "regulated activity" under CGS 22a-38, Section 2 (13); and the proposed

refinement of CGS 22a-41, Section 7(a) and (d) that would require consideration of the impacts of the proposed regulated activity on public drinking water, cold water habitat, and climate change resiliency.

NATURE AND SOURCES OF SUPPORT:

Jane Brawerman, Executive Director- CT River Coastal Conservation District

CT River Coastal Conservation District supports this bill because it would provide protection for water resources, and riparian buffers are low cost, high impact, nature-based solutions. They prevent erosion, filter out pollution, and provide habitat for numerous aquatic species. Below are the parts they support and oppose about the bill. Support: Provisions that essentially add riparian area under the definition of "regulated activity", providing Inland Wetlands & Watercourse Agency (IWWA) members with the authority to regulate riparian areas; add impacts to public drinking water supply, cold water habitat, and resiliency to severe storms and extreme weather events as factors that an IWWA may consider; and add the provision that local IWWA members may reasonably assume that there will be adverse impacts from removal of natural vegetation or increases in impervious cover. Do Not Support: Changes to Section 4 providing exemptions for "the placement and installation of materials necessary for road construction or the erection of buildings directly related to the farming operation." This change would weaken protections under the existing Inland Wetlands and Watercourses Act, and could result in harming downstream and upstream properties.

Lori Brown, Executive Director, CT League of Conservation Voters

The CT League of Conservation Voters supports this bill because CT is the only state in the region without a riparian buffer. They improve water quality, control erosion, and provide habitat for wildlife. However, they have concerns about section 4. This section appears to redefine "filling" in a way that could allow wetlands or watercourses to be cleared and filled for farm roads or buildings without permitting. This language would jeopardize the work of local Inland Wetland commissions that collaborate with farmers to enable water-friendly wetland and stream crossings. The existing "no fill" language is vital and removing it eliminates any local oversight. We recommend you remove this section.

Alicea Charamut, Executive Director, Rivers Alliance of Connecticut

The Rivers Alliance supports this bill because healthy, vegetated riparian buffers are essential to water quality, cold water habitat, and drinking water protection. This bill makes protection of vegetation along watercourses explicit in statute, which is what Inland Wetlands and Watercourses Commissioners want. Protecting vegetation along all watercourses is important because they are all connected. This would make riparian buffers in drinking water areas even stronger. It places the burden of proof on the applicant if they want to be exempt from the riparian buffer. These buffers are not a threat to housing because it improves the resiliency of communities. This testimony also provided a section by section breakdown where refinement is needed.

Holly Drinkuth, Director of River and Estuary Conservation, The Nature Conservancy

The Nature Conservancy supports this bill because it creates statutory protection of riparian area, modernizes permitting standards, and restores burden of proof to the applicant. Vegetated riparian buffers are among the most effective, science-based tools for improving river health and the health of the Long Island Sound. In fact, the 2025 Long Island Sound Comprehensive Conservation and Management Plan identified the establishment and

maintenance of 100-foot-wide riparian buffers along 75% of waterways and in 90% of subbasins as a key benchmark for achieving improved ecosystem health for Long Island Sound and its watershed by 2035. This bill is a long overdue modernization of water protection that follows current science. In their testimony, they have a section-by-section breakdown where refinement is needed.

James Fischer, President, Connecticut Federation of Lakes (CFL)

The Connecticut Federation of Lakes supports this bill because it reflects common sense science that vegetated riparian areas are essential for healthy waters. The main reasons they support it is because it makes the protection of vegetation along watercourses explicit. Protection applies to all water bodies- including lakes and ponds. It strengthens consideration of resilience, drinking water, and cold-water habitat. It restores the proper burden of proof. The CFL urges refinement of Section 4, to ensure the bill does not weaken existing wetland and watercourse protections. The CFL supports working farms and the stewardship they show to the land.

Elizabeth Gara, Executive Director, Connecticut Water Works Association (CWWA)

The CWWA supports this bill because riparian buffers keep out harmful toxins from the drinking water supply. Protecting public water supply watershed lands are essential, yet not all public water supply watershed lands are owned by the water company and protected by conservation easements. This bill will incentivize landowners to protect riparian buffers in watersheds, which will lead to better drinking water. The CWWA understands that there is still ongoing discussions regarding the language and would appreciate to continue to be engaged in these discussions. CWWA also notes that Section 5 of the bill amends subdivisions (3) and (4) of Section 22a-40 of the Connecticut General Statutes (CGS). To ensure that water companies can continue to construct and maintain water infrastructure, CWWA wants to make sure that the legislation retains subdivision (5) of Section 22a-40 CGS, which authorizes water companies to undertake construction and operation of dams, reservoirs and other facilities necessary to the impoundment, storage and withdrawal of water in connection with public water supplies.

Samuel Gold, Executive Director, Lower Connecticut River Council of Governments (River COG)

RiverCOG is in support of this bill because vegetated buffers are essential to divert polluted water from entering waterways. Water runoff from roads, parking lots, driveways, yards, roofs, and agricultural fields must be filtered and vegetated buffers are the most cost-effective, natural filtering system available. Stormwater runoff from these surfaces carries oil and gasoline and other chemicals from automobiles, winter road treatment chemicals and sand, nitrogen, phosphorus from fertilizers, and bacteria from pet and livestock waste into waterways. The 10' buffer is a start, but research concludes that 100' buffer is needed to filter everything out. RiverCOG asks the committee to include in the bill further study to determine the most effective, appropriate, and practical width of buffers in various contexts.

Bill Hyatt, Vice-Chair, CT Fisheries Advisory Council (FAC)

FAC supports this bill because anglers know the importance of riparian habitat for fish populations. Fish populations require streams with clean, cool water year around. Cold water streams have been identified as the Connecticut habitat that is most vulnerable to the impacts of climate change. Fish populations are a good indicator of the health of our streams and of the cumulative impacts of stressors. Unfortunately, the data show that Connecticut's

trout populations have been steadily declining. In fact, brook trout have completely disappeared from 1/3rd of the streams they inhabited just 30 years ago. Stream buffers offer an opportunity to stem this decline. FAC included in their testimony the sections most important to anglers and recommendations to make them better.

Julianna Larue, Organizer, Sierra Club Connecticut

The Sierra Club supports this bill because CT waterways are under increasing stress from pollution. In the past several years, CT has experienced dramatic precipitation. In July 2023, parts of the state received four times their average monthly rainfall in two weeks. These storms increase runoff, overwhelm stormwater systems, and carry sediment, nutrients, pesticides, and other pollutants directly into nearby streams. Riparian buffers offer the best protection against outside influences. The Sierra Club does have concerns with Section 4. It appears to contain a drafting error by placing language regarding conservation and revegetation in this subsection rather than in the nonregulated uses section under 22a-40(b)(1). As written, this change could weaken one of the clearest guardrails in the agricultural exemption — the longstanding requirement that filling wetlands and watercourses requires a permit. While legitimate farmers are typically strong stewards and not the issue, this language could allow misuse of the exemption by those seeking to avoid review.

William Lucey, Long Island Soundkeeper, Save the Sound

Save the Sound supports this bill because vegetated buffers are important to protect water quality in rivers and streams because they all flow into the Long Island Sound. The main change to the statutes was that “the clearing of vegetation within 10 feet” must be reviewed by Inland Wetlands Commissions. Houses are not built within 10' of the water these days so homeowners should not worry. Riparian buffers help to prevent flooding, provides habitat, and protects drinking water. However, Save the Sound is opposed to Section 4 as written because they believe it is important for a town to retain oversight into all activities filling wetlands. In the testimony, Save the Sound has left a Section-by-Section review and makes revisions they think should be made.

Aimee Petras, Executive Director, Farmington River Watershed Association (FRWA)

The FRWA supports this bill because it will improve the health of the state's watercourses, respond to climate change, and improve the health of the Long Island Sound. However, they are in opposition to the wording in Section 4.

Francis Pickering, Executive Director, Western Connecticut Council of Governments (WestCOG)

WestCOG supports this bill, as Connecticut is the only state in New England without riparian buffer protections. Studies across the eastern United States demonstrate that forested riparian buffers in the range of 60–100 feet can reduce nitrogen and phosphorus loading by 70 percent or more, while also dramatically reducing sediment transport and moderating water temperatures critical for cold-water habitat. This bill does not impose a rigid statewide buffer width. Instead, it modernizes statutory findings, clarifies definitions, strengthens review standards, and allows for graduated protections based on ecological benefit.

Alan Siniscalchi, President, Connecticut Association of Conservation and Inland Wetlands Commissions, Inc (CACIWC)

The CACIWC supports this bill because of its clearer statutory language and the overall benefit to CT watercourses. They would like to see careful review and update some of the

language. The first aspect is a problem with the apparent definition of riparian area in lines 55-61 which is not complete. The second aspect gaining wide support is the new language in lines 224-226 that shifts the burden of proof for no adverse impact back to the applicant. Our members greatly appreciate this language, which will improve the timing and efficiency of the process of reviewing applications. Finally, we must emphasize that the many statutory changes proposed by this bill will require public education and updates to the required inland wetlands training for commissioners and staff provided by the DEEP.\

Jon Vander Werff, Connecticut Project Manager, Trout Unlimited National

Trout Unlimited supports this bill because riparian buffers provide excellent habitat for trout. They act as primary thermal regulators that maintain water temperatures within the narrow physiological tolerances of native species. Without these buffers, these streams would be uninhabitable during the summer. For cold water fish, excess sedimentation is catastrophic. These buffers filter out sediment before it gets to the water and prevents erosion. They provide a Section-by Section refinement in of the bill in their testimony.

The following individuals and organizations all expressed support for the bill.

Frank DeFelice, Chair, RPC- RiverCOG

William Henley, Senior Aquatic Resource Scientist- Regional Water Authority

Joyce Leiz, Executive Director- Connecticut Audubon Society

Donna Merrill, Director- Pollinator Pathway

Patricia Monahan, President- Amos Lake Association Inc

Amy Blaymore Paterson, Executive Director- CT Land Conservation Council

Cynthia Rabinowitz, Soil and Wetland Scientist-,Northwest Conservation District

Anne Schmidt, Legislative Specialist- League of Women's Voters of Connecticut

CT Advocates for Trees

Ronald Walters, President, Mill River Watershed Association

Louise Washer, President, Norwalk River Watershed Association

Brian Wnek, Director of Environmental Health,New Haven Health Department

Patricia Young, Program Director, Eightmile-Salmon River

139 Citizens Also Expressed Support

NATURE AND SOURCES OF OPPOSITION:

Keith Bishop, Co-Owner, Bishops Orchards

Keith opposed this bill for five reasons:

1. CT farmers are already struggling, and the money they earn that is spent on permitting is money that is being taken away from farm profitability and reinvestment.
2. Section 10 of this bill proposes a tax assessment reclassification, but this is frivolous. Farmland already assessed under PA 490 has a very low tax burden. For example:
 - Tillable D land assessed at \$850/acre results in a tax of \$21.25 (at a typical 25 mil rate).
 - Even dropping this to a \$1 tax is no "gift" when compared to the massive regulatory trade-off and complex administrative process involved for the very small acreages typically found in these buffer zones. The administrative burden far outweighs any negligible tax relief.

3. He requests the committee amend the bill to mirror Massachusetts and Vermont. CT needs language that protects:
 - Pond and Waterway Maintenance: Clearing encroaching vegetation to preserve pond volume and irrigation capacity.
 - Water Flow Management: The ability to manage riparian growth to prevent debris "dams" that backup water, flood productive fields, and erode farm roads.
4. According to a 2025 survey, Inland Wetland Commissions are often paralyzed by "authority" and "ambiguity". By passing language that clarifies agricultural exemptions-similar to the Massachusetts model-this legislature will simplify the work of town IWCs. When farm exemptions are clear and "as-of-right," commissions can focus their limited time on high-impact, non-farmland regulatory work rather than debating routine agricultural maintenance.
5. Survey results show that commissioners want "Clear, unambiguous statutory authorization," increased DEEP staffing, and better training.

Kenneth Mita, Owner, Central CT Construction Management

Kenneth opposes this bill because it goes beyond reasonable safeguards. CT already has some of the most stringent inland wetlands regulatory systems in the country. This bill would reduce predictability in construction and make it harder to build housing. This bill would reach well beyond wetlands and into upland areas that have historically been buildable. These areas are often difficult to identify with precision, which would introduce uncertainty, delay, and increased permitting risk to every kind of project. This bill also grants inland wetland commissions with immense power to designate land as "unusable" which means it can no longer be developed. Connecticut is facing a housing shortage, and this bill makes it harder to build houses.

Peter Myers, Senior Policy Director, Connecticut Business & Industry Association (CBIA)

CBIA opposes this bill because it may constrain economic development at a time when there is a housing shortage and employers are looking to expand.

Jim Perras, CEO- Home Builders & Remodelers Association of Connecticut, Inc (HBRA)

HBRA opposes this bill because it is a fundamental and sweeping expansion of regulatory jurisdiction, discretion, and cost that would significantly undermine predictability, housing production, and economic activity across the state. It expands wetlands commission jurisdiction by regulating beyond wetland areas that have been historically developed. The shift in burden of proof creates an unworkable standard. No applicant can prove with absolute certainty that a project will have no indirect, cumulative, or speculative impacts-particularly when impacts may extend far beyond the project site. Inland wetland commissions must now consider many different factors that are far from the project site. It will require applicants to hire multiple specialized consultants to analyze potential impacts, which will slow down construction and render many financially infeasible before they begin. This bill also requires wetland agencies to create mandatory riparian buffers and requires the land to be assessed at the reduced value for tax purposes. Yet provides no compensation mechanism for property owners. Finally, at this bill would reduce usable land for housing at a time when there is a housing shortage. It will only drive up the cost of housing.

Robert Petzgold, Legislative Director, CT Marine Trades Association

The CT Marine Trades Association opposes this bill because it deems off-limits a swath of land adjacent to any pond, lake, river or stream that courses through or is adjacent to our property because of its vegetative cover. Lines 105 to 107 state that we cannot remove native vegetation unless that removal is needed to have access to our docks or moorings. Otherwise, lines 116 and 117 mean this “no go” area, ten feet from the water, could easily wall off hundreds of square yards of property that marinas now use for operations or enjoyment by our customers.

Susan Pronovost, Executive Director, CT Greenhouse Growers Association

The CT Greenhouse Growers Association opposes this bill because they feel it will foster significant regulatory overreach into private land, create situations of legal ambiguity, and could possibly create an unintended economic impact upon the state's farmers. They think the term "riparian areas" is undefined and the way they are determined is subjective. Farmers will have difficulties navigating these complexities. They also have issues with Section 4 of the bill because it does not expand on what is a regulated activity. Farmers need tractor paths around their fields and may have to cross streams to enter another field. Many farms are located near watercourses for irrigation, and this bill creates an opportunity for the state to regulate farming decisions. Section 9 of the proposed legislation authorizes the state and municipal inland wetland agencies to impose "graduation of riparian buffers" for ecological benefits. This is ambiguous language that will create permitting issues. Section 10 reduces the assessed value of required buffer land. While tax relief acknowledges reduced usability for the value of required buffer land, it does not compensate farmers for lost production acreage- a critical factor in all farm loans and FSA county records. In their closing remarks, they add that farmers are not the problem, it is residential, commercial, and industrial centers who are the biggest contributors to the pollution.

Haley Stafford, Middlesex County Chamber of Commerce

On behalf of the Middlesex Chamber of Commerce, Stafford expressed opposition to the bill for reasons similar to the ones expressed above.

5 Citizens Also Expressed Opposition to this bill.

Reported by: Henry Russell

Date: 3/20/2026