



## COUNCIL ON ENVIRONMENTAL QUALITY

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Karl J. Wagener  
*Executive Director*

### TESTIMONY

DATE: February 22, 2013

TO: Continuing Legislative Committee on State planning and Development  
Connecticut General Assembly

BY: Karl J. Wagener  
Executive Director

RE: 2013-2018 Conservation and Development Policies: The Plan for  
Connecticut

In the event the committee is considering amendments to the plan prior to making its recommendation, the Council on Environmental Quality offers two suggestions.

First, however, I will note that the Council submitted detailed comments to the Office of Policy and Management (OPM) in October. The OPM staff was very responsive in considering those comments. The revised draft was submitted to you at the same time we reviewed the revisions, and the Council, at its January meeting, voted to submit the following comments to this Committee to follow through on a couple of points.

**1. "No net loss" of inland wetlands:** While OPM was very responsive to the Council's detailed comments, it did not respond to the following comment, which suggests an oversight. This was among the Council's comments submitted in October:

**Inland wetlands:** The concept of "no net loss" is potentially valuable, but cannot actually be measured. The Council voted recently to drop the "wetlands created" indicator from its annual reports because our review of the underlying data found it flawed in many ways. It will take considerable effort to generate reliable information on this topic, and we do not know that such effort is on anyone's agenda.

I do not know if this warrants a change at this point, but the Council does want you to know that the Council's annual report on the state's environment will no longer be reporting on the area of wetlands created each year because of quality problems with the data. So while "no net loss" might be a desirable goal, nobody will know whether or not we actually achieve it.

**2. Intensity of development in drinking water watersheds:** The current draft includes a policy of limiting impervious surfaces in drinking water watersheds to ten percent of the area to be developed. That might be a good target, but it is not necessarily an adequate replacement for the policies in the existing plan. The existing plan calls for maximum density of one dwelling unit per two acres of buildable area in drinking water watersheds. When municipalities have adopted that same guidance, citing the state plan, the courts have upheld the municipal plans. In short, a limit on impervious surfaces, while very important to controlling polluted runoff into drinking water supplies, is not the same as a limit on density, as density also entails the amount of sewage and other potential pollutants in drinking water supply watersheds. The Council would recommend including *both* the existing language and the current draft language.

Thank you for your consideration of this testimony.