

Water Planning Council Advisory Group – Watershed Lands Workgroup

December 9, 2022

Meeting Notes

(Video: https://ctvideo.ct.gov/opm/2022-12-09_Watershed_Lands_video.mp4)

Attendees: Alicea Charamut (Rivers Alliance), Aaron Budris (NVCOG), Rich Hanratty (CT Water Co.), Amy Paterson (CLCC), Eric Hammerling (CFPA), Paul Aresta (CEQ), Bruce Wittchen (OPM), Rebecca Dahl (OPM), Pat Kearney (Manchester Water), Steve Vitko (RWA), Sean Hayden (RWA), Lori Vitaglione (RWA), Tom Tyler (MDC), Margaret Miner (Rivers Alliance), and Karen Burnaska (Save the Sound).

Notes of September 9, 2022 Meeting: There were no comments or corrections.

Land Conveyances:

GAE Committee Conveyance Process – Margaret, Eric, and Karen met with two lawyers from LCO to discuss drafting of conveyance bills and publication of information on parcels of land being proposed for conveyance. Specifically, their concern was the content of the bill and placing the CGA land conveyance request questionnaire and supplement to the questionnaire that requests environmental information and information on the current and proposed land use on the CGA website prior to the public hearing on the bill. The attorneys were very helpful and understood our concerns. They explained that conveyance bills are handled at the end of the session. The attorneys rely on the information in the application questionnaires when preparing the bill language. We noted that not all applications are complete. The attorneys explained that if a conveyance of land is for sale at fair market value, neither a reverter clause or restrictions on the land are put in the bill. They also explained that, while they write bills, they are not responsible for putting information on the CGA's website and suggested that we speak with the GAE Co-chairs and Clerk of the Committee to discuss our issues further.

Rich Hanratty, who worked at LCO for 19 years, suggested we check with the GAE Co-chairs about requesting an amendment to the joint rules committee, at the beginning of the session, to alter the timing of when conveyance bills are reviewed and voted on.

Alicea stressed that any further communication with legislators or legislative staff would have to be done by individuals representing themselves or their respective organizations and not the WPC or the WPCAG. While the WPC supported the supplemental questionnaire that was used by the GAE this session, members had concerns about requesting changes to the legislative process.

Transfer of Surplus State Land – As has been discussed at WPC and WPCAG meetings, the transfers of three parcels of land were published in the CEQ Monitor. All three were over 25 acres, most of which was vegetated land. The parcels are located in North Canaan, Waterford, and Suffield. Review of the process used to transfer state land will continue as well as how to increase public participation in the process and DEEP's review of the parcels.

Riparian Buffers & Headwaters/High Quality Habitat: A Policy & Regulatory Assessment: Alicea Charamut, Rivers Alliance of CT

Specifics of Alicea's presentation can be found in the [linked presentation](#). Some topics covered include: Nature Based Solutions and the recommendations of the GC3, Riparian Buffers and what they

can do, the fact that “riparian buffers” are an ecological concept and in CT our regulations focus on upland review areas, the definitions and benefits of headwaters and high quality habitats, and how we can do better to protect these lands.

Alicea also noted that this year is the 50th anniversary of the IWWA. She further explained that an issue to be discussed is how to provide for riparian buffer protection while avoiding “takings.” Two items to be looked at legislatively are providing more guidance and training to local Inland Wetland Commissioners and providing more resources to increase DEEP staff to help in this area.

Steve Vitko suggested making upland review areas consistent across the state. Alicea commented on “the reality of change” and on existing state case law.

Legislative Proposals for 2023

In addition to the two proposals made by Alicea above, Steve Vitko and Lori Vitagliano asked about a bill that did not pass last session concerning the siting of large solar projects on core forest land and notification to water utilities. Some concerns about that bill were the amount of acreage included in the bill, definition of core forest, and the question of why the bill only included mention of core forests. Rich noted that CWWA will propose the bill again next session. There was hope that a compromise could be reached.

WUCC Update: Aaron Budris posted in the chat that the WUCCs have developed an “interconnection roadmap” that will soon be released by DPH.

MDC Request for a Declaratory Ruling Regarding Colebrook Reservoir:

The call of the hearing was read: Does CGS 25-33k require a permit from the Commissioner of DPH before abandoning the Colebrook Reservoir as a water supply.

Alicea gave a [power point presentation](#) that included a map of the area, a timeline of activities, the Colebrook Reservoir agreement with the Army Corps of Engineers, and the need for a permit from DPH to abandon a drinking water source. The information included specifics on the amount of water in question and statutory language for the protection of water sources. The power point presentation is attached. Alicea may be contacted with questions. Tom Tyler clarified that under MDC’s contract with the Army Corps, MDC has been making two payments annually – a mortgage and O&M expenses. He noted that O&M prices have been increasing over the years.

The hearing on MDC’s request will be held on January 5, 2023, at 420 Capitol Avenue, 3rd floor hearing room, in Hartford, beginning at 9:00 a.m. **Subsequent to this meeting, it was confirmed that only parties and intervenors will be allowed to speak and that there will be no virtual link to the hearing. In addition, On December 13, 2022, MDC submitted a request to revise the declaratory ruling proceeding statement of issue to read: Does CGS 25-33k require the MDC to obtain a permit from the Commissioner of DPH before terminating the February 11, 1965 Agreement with the US Army Corps of Engineers related to Colebrook Reservoir?**

Meeting Dates for 2023: The Watershed Lands Workgroup will meet quarterly, via Zoom, on March 10, June 9, September 8, and December 8, 2023. Meetings will begin at 9:00.

There was no general comments or public participation.