



Connecticut Department of Energy and Environmental Protection



CT DEEP

**Connecticut Wetlands &
401 Water Quality Certification**



Connecticut Department of Energy and Environmental Protection

CT DEEP, LWRD Mission Statement

*“The **Land & Water Resources Division** is committed to the protection, restoration and management of Connecticut’s tidal and non-tidal waters, wetlands, natural resources and the appropriate use of floodplains, aquifers, coastal areas and Long Island Sound”*



Connecticut Department of Energy and Environmental Protection

CT Wetland Regulation Overview

In Connecticut, **Tidal Wetlands & Waters** and **Inland Wetlands and Watercourses** are regulated differently.



Pursuant to Connecticut General Statutes (CGS) Section 22a-32, CT DEEP solely regulates activities affecting tidal wetlands.



CT Wetland Regulation Overview

Tidal Wetlands are defined in CT as:

Those areas which border on or lie beneath tidal waters, such as, but not limited to banks, bogs, salt marsh, swamps, meadows, flats, or other low lands subject to tidal action, including those areas now or formerly connected to tidal waters, and



CT Wetland Regulation Overview

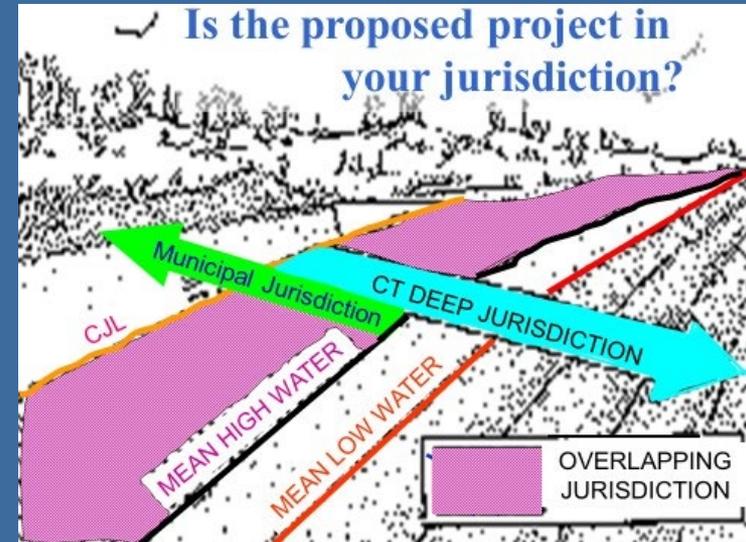
Tidal Wetlands are defined in CT as:

whose surface is at or below an elevation of one foot above local extreme high water; and upon which may grow or be capable of growing some, but not necessarily all, of the following: Salt meadow grass (*Spartina patens*), spike grass (*Distichlis spicata*), black grass (*Juncus gerardi*), saltmarsh grass (*Spartina alterniflora*), etc...



CT Wetland Regulation Overview

CTDEEP also regulates tidal, coastal and navigable waters pursuant to CGS Section 22a-361 (Structures, Dredging & Fill Act), which can overlap with municipal authority.



CT Wetland Regulation Overview

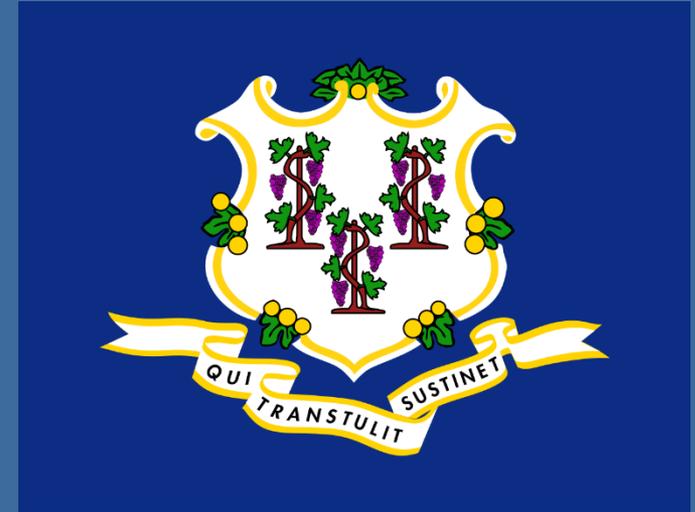
Inland Wetlands & Watercourses

Pursuant to Connecticut General Statutes Section 22a-42, it is the **public policy** of the state to require **municipal regulation** of activities affecting the wetlands and watercourses within the territorial limits of the various municipalities.



CT Wetland Regulation Overview

CT DEEP directly regulates proposed activities affecting inland wetlands and watercourses conducted by any department, agency or instrumentality of the state, or on state owned and/or controlled property.



CT Wetland Regulation Overview

In Connecticut, **wetlands** are defined as land, including submerged land, not regulated pursuant to sections 22a-28 to 22a-35 (tidal), inclusive, which consists of any of the **soil types** designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture;



CT Wetland Regulation Overview

Poorly Drained and Very Poorly Drained

- relate to drainage class (inferred from observation of landscape position and soil morphology)
- drainage class is not used in soil classification/taxonomic system
- no direct link to hydric soil field indicators (federal wetland delineation)



CT Wetland Regulation Overview

Poorly Drained and Very Poorly Drained - continued

- poorly drained and very poorly drained soils that are ditched, tilled, or otherwise drained are still recognized as poorly drained and very poorly drained soils (upon removal of drainage practice, aquic conditions would return)
- human-altered and human-transported (HAHT) soils with aquic moisture regimes meet the CT inland wetlands definition



CT Wetland Regulation Overview

Alluvial and Floodplain

- relate to how soil was formed
- **all** such soils, regardless of soil moisture regime, are recognized as CT inland wetlands
- six soils classified as alluvial or floodplain are not hydric but **are** CT defined inland wetlands
- alluvial and floodplain soils protected by levees or altered to lessen flooding are still considered alluvial and/or floodplain soils
- HAHT soils found in floodplain landscapes with underlying alluvial parent materials may still correlate to alluvial soils (e.g. classify taxonomically as fluvents)



CT Wetland Regulation Overview

The **Soil Survey of the State of CT** is the official National Cooperative Soils Survey for CT

- contains detailed description of the properties and qualities of each soil component including drainage class
- based on properties, CT NRCS provides a [list of map units](#) dominated by soil types that meet the CT inland wetlands definition
- CT NRCS has [guidance/clarification](#) of CT inland wetland soil criteria for disturbed soils (HAHT)



CT Wetland Regulation Overview

In Connecticut **Watercourses** are defined as 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 contained within, flow through or border upon this state or any portion thereof, not regulated pursuant to sections 22a-28 to 22a-35,(tidal) inclusive.



CT Wetland Regulation Overview

Watercourses

- Uses commonly understood terms
- Does not reference a scientific system of classification
- Establishes criteria for intermittent watercourse



CT Wetland Regulation Overview

Intermittent Watercourses

intermittent bodies of water must have a defined channel and bank and the occurrence of two out of three conditions:

- evidence of scour or deposits of recent alluvium or detritus
- The presence of standing or flowing water for a duration longer than a particular storm incident.
- The presence of hydrophytic vegetation



Things to think about under CT Law

- Activities are regulated, not the resource (or a business)
- Broad definition of regulated activity
- No size/quality limitations
- Not limited to direct impacts, definition can apply to activities conducted outside of wetlands or watercourses
- Exemptions exist
- Changes to federal or other state laws do **not** change the authority/jurisdiction of municipal inland wetlands agencies or DEEP under CT's Inland Wetlands and Watercourses Act

