Western Connecticut
COUNCIL OF GOVERNMENTS

March 10, 2023

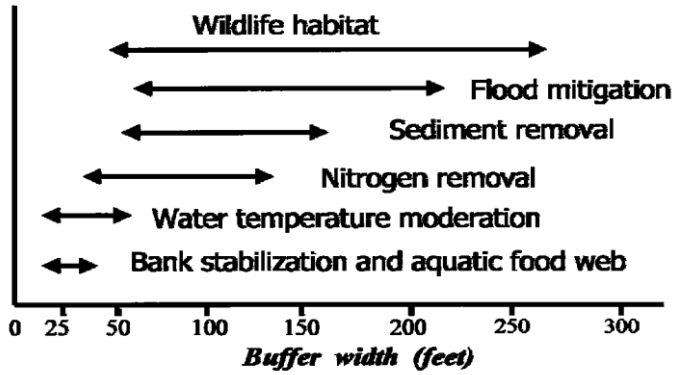
Esteemed Chairs Lopes and Gresko,
Members of the Environment Committee:

The Western Connecticut Council of Governments (WestCOG) appreciates the opportunity to comment on Raised Bill 6809, *An Act Concerning Financial Incentives for Certain Streamside Buffers.*

Bill 6809 would provide the Department of Energy and Environmental Protection with funding to protect the land along rivers and streams, known as riparian buffers, in their natural condition. WestCOG **supports** this bill but also holds that **the bill does not go far enough**, given that Connecticut is the only state in New England that does set minimum setbacks from surface waters at the state level, instead pushing this onto municipalities. WestCOG urges your Committee to **bring Connecticut in line with best practices and adopt minimum setbacks in state law.**

As documented in a recent WestCOG report, The Case for Riparian Corridor Protections, extensive scientific evidence has found that intact, native-vegetated buffers along watercourses provide a host of critical ecosystem functions. These are illustrated in the chart[i] below.

Functions of Intact Riparian Buffers



The impact of protecting riparian buffers can be huge. As the following table[ii] shows, appropriately wide and vegetated riparian buffers are a highly effective means to prevent contaminants from entering surface waters, limiting water pollution, improving compliance with the Clean Water Act, and reducing the need for expensive water treatment.

Effect of Buffer Width and Vegetation on Contaminant Reduction from Surface Runoff

Buffer Type		Contaminant Reduction		
Width (Feet)	Plant Cover	Sediment %	Nitrogen %	Phosphorus %
15	Grass	61.0	4.0	28.5
30	Grass	74.6	22.7	24.2
62	Forest	89.8	74.3	70.0
77	Grass/Forest	96.0	75.3	78.5
93	Grass/Forest	97.4	80.1	77.2

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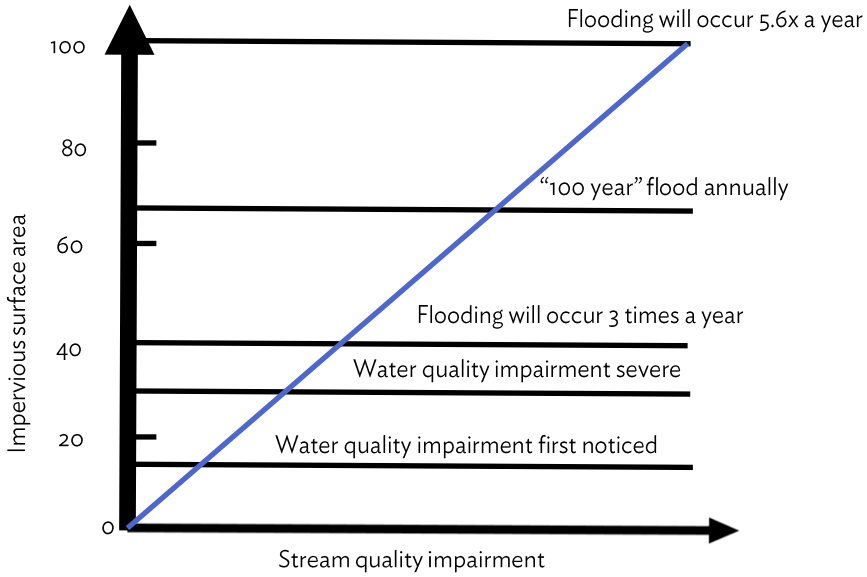
Impacts on flooding are similarly momentous. Riparian buffers are a last line of defense to flooding. Protecting them in their natural state – rather than covering them with hardscape or turf – substantially reduces flood risks and resultant damages to life and property. Flood prevention is an especial need in Connecticut, given that the state accounts for 1% of the nation's population but 11% of its FEMA-designated repetitive loss and severe repetitive (flood) loss properties. The table[iii] below illustrates the relationship between impervious area (which includes hardscape) in the catchment area of rivers and streams and flood frequency.

Impacts of Watershed Land Cover on Flooding



Given the importance and impact of protected riparian buffers, it is concerning that Connecticut, unlike all other New England states (see table below), does not set minimum setbacks from rivers and streams at the state level. Instead, Connecticut pushes this responsibility onto municipalities.

Minimum Riparian Buffers in State Law

State	Who Sets Minimum Setback/Buffer Standards?	Minimum Stream[iv] Setback (feet)	Minimum River Setback (feet)
Connecticut	Local Inland Wetlands Agency/Zoning Commission[v]	None	None
Maine	MEDEP	75	100
Massachusetts	MADEP	200	200[vi]
New Hampshire	NHDES	50	150
Rhode Island	RIDEM	100	200
Vermont	VTANR	50	100
Average (outside CT)		95	150

This creates a situation in Connecticut in which where setbacks exist, they are often inadequate to protect water quality and to mitigate flooding and flood damage, and where opposing banks of a river may have different setbacks (or no setbacks at all on one side). While there may be valid environmental or policy reasons for a municipality to apply a higher level of protection above a state minimum to certain watersheds and surface waters (and peer states allow municipalities to

go beyond the respective state minimum), there is no scientific basis to the wildly inconsistent and minimum-less approach that Connecticut has taken.

Consistent minimum setbacks better protect water quality and significantly reduce flood damages from the higher intensity storms the region is experiencing, as well as stabilize banks and provide wildlife habitat. WestCOG urges your Committee to **bring Connecticut up to the standard of Vermont, which sets state minimum setbacks of 100 feet from rivers and 50 feet from streams**.

Should you have questions, please do not hesitate to contact me.

Thank you for your consideration.

Francis R. Pickering
Executive Director

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[i] Source: Palone, Roxane, S, and Albert H. Todd, eds. Chesapeake Bay Riparian Handbook: A Guide for Establishing and Maintaining Riparian Forest Buffers, pp. 6-8.
[ii] Source: Richard Lowrance, et. al., Water Quality Functions of Riparian Forest Buffer Systems in the Chesapeake Bay Watershed, August 1995, p. 30
[iii] Source: Richard D. Klein, Urbanization and Stream Quality Impairment, Water Resources Bulletin, American Water Resources Association, Vol. 15, No. 4, August 1979.
[iv] Maine defines streams as those draining area less than 50 square miles. New Hampshire defines streams as those classified as 1st to 3rd order streams. Rhode Island defines streams as those with a channel width < 10 feet
[v] Connecticut does not have a state law or regulation for river setbacks. Vermont defines streams as having a watershed of less than two square miles.
[vi] Massachusetts has one buffer zone standard that applies to all rivers except in urban areas where it is 25 feet.