

# The Habitat

A newsletter of the Connecticut Association of Conservation & Inland Wetlands Commissions, Inc.

Summer/Fall 2019  
volume 31 number 2



## CACIWC's 42nd Annual Meeting & Environmental Conference

Saturday, November 23, 2019, in Cromwell

*Updated Agenda, New Workshops and Networking Opportunities*

We are pleased to welcome Connecticut Lieutenant Governor Susan Bysiewicz and CT Department of Energy and Environmental Protection (DEEP) Commissioner Katie Dykes to serve as our 2019 conference keynote speakers.



Conn. Lt. Governor Susan Bysiewicz

Our keynote speakers will help CACIWC begin Connecticut's celebration of the upcoming 50th Anniversary of Earth Day with their presentations, which will focus on our 2019 conference theme, Preserving Connecticut Habitats for Earth Day 50 and Beyond. They will discuss the progress made throughout Connecticut in conservation and environmental protection during the past 50 years while reviewing areas that still need our attention.

### Lt. Governor Susan Bysiewicz

Sworn in on January 9, 2019, Susan Bysiewicz is serving her first term as Connecticut's 109th Lieutenant Governor. Lt. Gov. Bysiewicz

is continuing to serve as a leading voice for Connecticut residents and small businesses while she served as Secretary of the State from 1999 to 2011, where she helped thousands of businesses grow, registered thousands of voters, cut bureaucratic red tape, honored veterans, and fought to keep elections fair. As a state representative in the Connecticut General Assembly, representing the towns of Middletown, Middlefield, and Durham, Bysiewicz wrote key legislation, fought political patronage and wrote the law to ban lobbyists from giving gifts to legislators. Lt. Gov. Bysiewicz was raised as the proud granddaughter of immigrants who came to Connecticut from Poland and Greece



CT DEEP Commissioner Katie Dykes

with nothing but hopes for a better future. After many years of factory work, they saved enough to buy a farm in Middletown that became Bysiewicz's

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### Returned Venue!

Red Lion Hotel Cromwell

100 Berlin Road (I-91 Exit 21 onto Route 372)  
Cromwell, CT 06416

In response to your comments from the 2018 surveys, the CACIWC Annual Meeting Committee has decided to return to last year's conference facility, which provided large banquet and workshop rooms, spacious, easily accessible space for displays viewing and networking, and a delicious buffet style luncheon. Please join us!



### Note Early Morning Agenda!

Registration - 8:00 a.m.  
Business Meeting - 8:45 a.m.  
Keynote Speaker - 9:00 a.m.



For 2019, CACIWC will again schedule our keynote speaker at 9:00 a.m. immediately following the 8:45 a.m. business meeting and before the workshop sessions. This will allow members to network with other attendees during a relaxed buffet luncheon, free from any presentations.

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[www.caciwc.org](http://www.caciwc.org)

# CACIWC News

The CACIWC Board of Directors has been working to finalize details of our upcoming 42st Annual Meeting and Environmental Conference. We are pleased to again return to last year's venue in response to so many of your comments and requests. We also are honored to host both Connecticut Lt. Governor Susan Bysiewicz and CT Department of Energy and Environmental Protection (DEEP) Commissioner Katie Dykes to serve as our 2019 conference keynote speakers. We look forward to their dynamic and informative presentations!

Our past 2018-19 fiscal year is notable for its many historic anniversaries. In addition to the 100th anniversary of WWI and the great Spanish Influenza Pandemic along with the onset of Prohibition, we recognized the 75th anniversary of the WWII allied invasion of Normandy, and of course, the 50th anniversary of Woodstock. The year 1969 also saw widespread turbulence and unrest within our country which was quickly leading to changing outlooks among many aspects of our society. The 50th Anniversary of the Apollo 11 moon landing not only provided hope to our society, but with the first photographs of Earth from the Apollo 8 crew and subsequent views of our blue planet from the Apollo 11 crew and others, gave us a new perspective on our planet and its ecosystems. Many believe that these striking photographs helped inspire the new awareness of the beauty and possible fragility of our planet which led to the creation of our first Earth Day on April 22, 1970.

Our two keynote speakers will review the progress made throughout Connecticut in conservation and environmental protection during the past 50 years while focusing on areas that still need our attention. Please join us on November 23, 2019 to begin our state's celebration of Earth Day 50 and help continue to promote our conservation ethic within your community and throughout Connecticut!

In other news:

1. The CACIWC Board of Directors and its Annual Meeting Committee have provided the detailed program for our

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## Journey to the Legal Horizon

by Attorney Janet Brooks

### EPA, Army Corps of Engineers, FEMA Jurisdiction:

## What should our municipal wetlands commission be doing about federal agency action in wetlands and watercourses in our town?

**N**ow and again I run into municipal wetlands agencies that wonder whether they should be undertaking some action when they hear that some federal approval is needed on a property or some violation is being addressed by a federal agency or whether they should be delaying their own municipal permit process based on federal activity. Before delving into the answer to that question, I want to state what this article is not about. This is not about federal agencies whose jurisdictions preempt municipal regulation of inland wetlands and watercourses: for example, the Nuclear Regulatory Commission (NRC) and the Federal Energy Regulatory Commission (FERC). You can discuss nuclear power and electric power generation with your town attorney. This article focuses on matters where concurrent jurisdiction exists or compliance with both federal and state law is involved.

How would you approach solving this question? My two standard answers to almost every wetlands issue apply here. 1: Which branch of government are you in? Answer: the executive branch executing the statute enacted by the legislature. 2. What does the statute say on this issue? Answer: nothing, meaning municipal wetlands agencies are not directed to do anything with federal agencies.

Let's examine the statute more closely. In contrast, the Commissioner of the Department of Energy and Environmental Protection (DEEP) is authorized to engage with federal agencies. The duties of the commissioner under the state wetlands and watercourses act require the following:

The commissioner shall . . . (c) advise, consult and cooperate with other agencies of the state, the federal government, other states and with person and municipalities in furtherance of the purposes [of the state wetlands law].<sup>1</sup>

That duty is in addition to the commissioner's duty to issue permits for regulated activities undertaken by state agencies. The fact that the commissioner is mandated to cooperate with federal agencies doesn't alter her responsibility to issue wetlands permits in accordance with the state wetlands law.

The duties of the wetlands agencies are more narrowly defined: identify the boundaries of wetlands and watercourse areas in their town, adopt regulations to provide a process for reviewing permit applications and to enforce the state wetlands law, in accordance with the procedure set out in the state wetlands statute<sup>2</sup>. The "big picture" issue of coordinating with federal agencies is left to the commissioner.

I have seen wetlands agencies require documentation of letters from FEMA regarding a project, and another ask for federal wetlands to be mapped. A number of issues arise from including federal wetlands on a municipal application. If municipal jurisdiction is based on the existence of certain soil types what useful information does the existence of federal wetlands provide? The municipal agency can't apply federal law to the federal wetlands. What if the mapping of the federal wetlands is incorrect? The municipal

*legal, continued on page 12*



# Sustainable CT Community Match Fund

## About Sustainable CT

Sustainable CT is a voluntary certification program to recognize thriving and resilient Connecticut municipalities. Sustainable CT provides a wide-ranging menu of coordinated, voluntary actions that municipalities can complete to become more sustainable. Municipalities choose Sustainable CT actions, implement them, and earn points toward certification. Our program launched in 2017. 50% of cities and towns are now registered to participate and 22 are already certified! For more information check out our website: [www.sustainablect.org](http://www.sustainablect.org).

## About the Community Match Fund

Sustainable CT recently launched its Community Match Fund to spur exciting and innovative projects in registered towns. The Community Match Fund is not a one-size-fits-all program; communities can propose unique projects that generate local solutions. Towns, commissions, nonprofits, and even individuals can propose projects under the Community Match Fund. Sustainable CT currently has over \$350,000 available for community projects.

Sustainable CT is interested in partnering with the State's Conservation and Inland Wetland Commissioners through the Community Match Fund to support the work that you do. Your work on conservation, protection, and sustainable use of lands; waterbodies; and natural resources, water quality improvement, open space planning, and forestland and habitat conservation closely align with the goals of Sustainable CT. Potential projects could include, but are not limited to:

- development and maintenance of trails and trail systems
- tree plantings
- low impact development
- installation of rain gardens, bioswales, and other green infrastructure
- development of pollinator gardens
- courses; trainings; and educational campaigns surrounding issues important to your commissions

This program provides a fast, flexible funding mechanism to support sustainability-related projects through an innovative crowdfunding match program. Sustainable CT has partnered with [ioby](http://ioby.org), a nonprofit, civic-oriented crowdfunding platform that helps project leaders tap into their networks and raise funds by broadly engaging the community. Since crowdfunding is new to many people, [ioby](http://ioby.org) provides one-on-one coaching, support, and resources to help project leaders successfully navigate the process and meet their fundraising goals. All donations received through crowdfunding (and any other fundraising sources) will be instantaneously matched by Sustainable CT. Sustainable CT will match up to \$25,000, supporting projects with a total value of up to \$50,000.

This program was developed in a way that allows Sustainable CT to support projects in the moment when they are needed most. The Community Match Fund is structured to eliminate the barriers, prolonged timelines, and burdensome reporting requirements of traditional grants. Projects are considered on a rolling basis and there's no formal application to fill out. The first step is to simply share your project idea with Sustainable CT. Once they've verified if the project aligns with their eligibility criteria you'll be able to start fundraising immediately. As soon as you complete your crowdfunding campaign [ioby](http://ioby.org) will disburse the funds to you and you can begin implementing the project.

Let's get started! For questions, or if you would like to discuss a potential project, contact Sustainable CT Community Outreach Manager Abe Hilding-Salorio at (860) 465-0256 or [hildingsalorioa@easternct.edu](mailto:hildingsalorioa@easternct.edu). You can also schedule a time to talk with Abe at [www.calendly.com/communitymatchfund](http://www.calendly.com/communitymatchfund). Sustainable CT will be hosting info-sessions throughout the State to introduce this program. For information on those events go to [www.sustainablect.org/communitymatchfund](http://www.sustainablect.org/communitymatchfund). 🌿



## Plastic Bags: A Municipal Perspective

by Kim O'Rourke, Middletown Recycling Coordinator

**P**aper, plastic or reusable? The State law adding a fee for plastic bags has gone into effect and stores have responded in a number of ways. It has been a long time coming. According to the Environmental Protection Agency, approximately one trillion plastic bags are used worldwide, and less than five percent are recycled.

Plastic bags are a major threat to our environment. They are lightweight and aerodynamic, making them a good candidate for litter. Sadly, the littered bags are often mistaken for food by wild animals. Plastic bags choke, strangle and entangle turtles, whales, sea lions, birds and fish, among other species. National Geographic reported that more than 18 billion pounds of plastic reaches the ocean annually and more than half of all dead sea turtles have plastic in their stomachs.

Plastic bags also cause big problems in recycling facilities. Even though plastic bags do not belong in curbside recycling bins, people often put them there. They end up at the processing facilities where the bags clog

the recycling equipment, causing costly delays and equipment shutdowns.

So it's not surprising that a number of municipalities have decided to pass their own ordinances, before and after the state passed theirs, to combat the ever growing tide of plastic bags.

Middletown is one of those municipalities, creating its own path for managing bags. With the support of the Middletown Garden Club and key local leaders, the Middletown Bring Your Own Bag Ordinance was passed on April 1, 2019 to ban plastic checkout bags and require a 10-cent fee on paper bags.

Members of the Garden Club won support from the Mayor, the Public Works Director, and the local Chamber of Commerce to move the idea forward. Volunteers walked Main Street and surveyed businesses as to how they felt about eliminating plastic bags and having to charge 10-cents for paper bags.

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# Battling Mile-a-Minute Weed in Connecticut

by Carole Cheah, Ph.D., The Connecticut Agricultural Experiment Station

**M**ile-a-minute weed (MAM), *Persicaria perfoliata* (formerly known as *Polygonum perfoliatum*) is a member of the Polygonaceae (smartweed) family. It is an exotic, troublesome and invasive annual vine. It is indigenous to large areas of Asia and its original introduction is traced back to the 1930s, to contaminated nursery stock imported from Asia to a nursery in southern Pennsylvania. By the mid-1990s, mile-a-minute was firmly established in the Mid-Atlantic region and quickly outpaced methods of chemical and mechanical control. In Connecticut, MAM was first confirmed in Greenwich in 2000 and had spread to 17 Connecticut towns in Fairfield, Litchfield, Hartford, New Haven and New London Counties by 2009. In 2019, the number of Connecticut towns with MAM has increased to 56, with the major concentrations of MAM being in Fairfield and lower Litchfield counties, although there are also established MAM areas in New Haven and Middlesex counties and also east of the Connecticut River in Glastonbury and Sprague. Growing south eastern coastal populations of MAM have also been reported in New London county.

Mile-a-minute weed is distinctive in several ways: it has bright pale green triangular-shaped leaves which alternate down a spiny stem, which also has saucer-like sheaths called ocrea, which completely encircle the stem (Fig. 1). It has shallow fibrous



Fig. 1. Mile-a-minute vine



Fig. 2. Mile-a-minute berries



Fig. 3. MAM infestations

roots and is easily pulled with gloves early in summer. Fruits are borne in mid-late summer in multiple clusters of bright blue berries when ripe (Fig. 2) and each berry has a single seed which is viable for at least 6-7 years. The persistence of the seed bank remains a challenge for methods of effective management and control. The fruit are buoyant and easily dispersed along waterways and by wildlife and human activity. Seeds start germination in early to late spring, depending on seasonal temperatures. In some cold springs, germination has been slow in Connecticut (late April). But then MAM grows quickly in hot weather by early summer, and with abundant precipitation, it can grow six inches a day. It grows and establishes in sunny edges and in disturbed soil but is also found in wetland fringes, in riparian habitats and also in partial shade. In a season, MAM can easily swamp underlying vegetation, shrubs and small trees, forming extensive dense tangled mats of vines (Fig.3), which overwhelm native vegetation species, and is a serious threat to forest regeneration. It is also a growing nuisance in the garden landscape.

Although methods of cultural and chemical control can be effective in managing MAM's persistence on smaller scales, these measures require repetition for many years and biological control was explored as a strategic long-term

*MAM, continued on page 7*

MAM, continued from page 6

management tool. Joint explorations for natural enemies of *P. perfoliata* in China were initiated by the USDA Forest Service in cooperative efforts in 1996. Further testing narrowed the candidates down to a tiny weevil, about 2mm in length, *Rhinsoncomimus*



Fig. 4. *Rhinsoncomimus latipes*, the MAM-feeding weevil introduced from China

*latipes*, native to China (Fig. 4). The weevil has high host plant specificity, reproducing only on MAM and has great damaging potential to the vine (Fig. 5). After a federal environmental risk assessment, the weevil was cleared for release as a biological control

agent in 2004 and it was first released in the Mid-Atlantic states. The MAM biological control program in Connecticut was initiated in 2009 in a federally funded joint collaboration between the Connecticut Agricultural Experiment Station, the University of Connecticut, the University of Delaware and



Fig. 5. Feeding damage by the weevils on MAM leaves

the Phillip Alampi Beneficial Insect Laboratory, New Jersey Department of Agriculture. The latter has been rearing and distributing free weevils to participating states for the implementation of the multi-state program. The release and monitoring of

weevils in Connecticut has been funded by USDA APHIS PPQ for the past 10 years and in that time, > 60,000 weevils have been released in 27 towns in diverse sites by Donna Ellis (UConn; retired) and Carole Cheah (CAES) with the help of seasonal assistants. Releases, monitoring and assessments at weevil release sites have been a cooperative effort, involving many state, town and federal staff, NGOs, and volunteers (Fig. 6).

The weevils are long-lived and produce several generations in the field. Adults are often seen on the growing tips of MAM where the females prefer to lay their eggs. They are active on warmer days and in sunshine and can fly. Tiny larvae hatch out from the



Fig. 6. Releasing weevils in Durham 2019

eggs and enter the stems to develop internally until mature. The mature larvae chew their way out and drop to the soil to pupate. Adults feed on the leaves, leaving characteristic pinholes which perforate the leaves (Fig. 5). Weevils have successfully overwintered, reproduced, impacted MAM growth to varying degrees in different sites and appear to delay fruit production, and have widely dispersed throughout Connecticut from original release sites. The weevils have survived droughts, storms and severe winters and are firmly established in Connecticut. Factors that influence the efficacy of the weevils in different MAM sites are unknown as their impact is quite variable. But it is hoped that in the future, the weevils will continue to expand their populations to reduce MAM infestations and that biological control can be integrated with other management strategies to curtail the spread and impacts of MAM.

*Carole Cheah, Ph.D. is a research entomologist at the Connecticut Agricultural Experiment Station, Valley Laboratory, Windsor, specializing in biological control.* 🍀

# CACIWC's Environmental Conference Workshops

## SESSION 1 (10:15 - 11:15 AM)

Preserving Our Forests  
and Their Inhabitants

### A1. "The Cooperative Agricultural Pest Survey (CAPS) Program in Connecticut: Monitoring for Invasive Pests"

*Katherine Dugas, The Connecticut Agricultural Experiment Station (CAES)*

The Cooperative Agricultural Pest Survey (CAPS) Program conducts science-based national and state surveys targeted at specific exotic plant pests, diseases, and weeds identified as threats to U.S. agriculture and/or the environment. These activities are accomplished via a partnership between the USDA and state departments of agriculture, universities, and other entities. This workshop will provide a brief overview of Connecticut's CAPS Program: surveying for forest and plant pests in nurseries and forest land, information on current target pests, and the program's role in outreach to the public and industry professionals.

Preserving Our Wetlands  
and Watercourses

### B1. "Complex Applications; Use of Fees and Standards for Experts"

*Janet Brooks, Attorney at Law, LLC*

Inland wetlands commissions can be challenged by complex applications that require an assessment by various experts who may not be routinely available to commissioners and staff. This workshop will review mechanisms that enable commissions to levy and collect fees that can be used to retain experts to review applications and provide testimony to create a suitable record. Standards for the selection and use of experts will also be reviewed.

Preserving Our Water Bodies  
and Aquatic Systems

### C1. "Water Quality Standards and Classifications 101 and Natural Resources Planning"

*Tracy Lott, Connecticut Department of Energy and Environmental Protection (DEEP)*

Drinking water, ground water, surface waters such as rivers, streams and lakes, and Long Island Sound, are important resources for residents and businesses, and for fish and wildlife. Water Quality Standards establish the water quality goals of a waterbody and form the foundation of our state's water management programs. Water Quality Classifications identify each waterbody type and corresponding designated uses. This workshop will provide an introduction to the Connecticut Water Quality Standards and Classifications, identify sources of information, and explain how this information can be used in natural resources planning.

Preserving and Sustaining  
Our Habitats

### D1. "Recycling: Are We Doing It Right? Should We Still Bother?"

*Sherill Baldwin, Connecticut Department of Energy and Environmental Protection (DEEP)*

Learn all about recycling including what goes in the bin, what stays out, if you should still recycle and the impact of China's National Sword on Connecticut's recycling programs. Workshop will also review priorities from CT's Comprehensive Materials Management Strategy such as municipal waste reduction plans, unit-based pricing for trash and product stewardship. There will be time for questions and discussions on how local conservation commissions can promote recycling within their town.

## SESSION 2 (11:30 AM - 12:30 PM)

### A2. "New Science and Climate Change – The Role of Natural Land Stewardship"

*Professor Susan A. Masino, PhD, Trinity College & Ed Faison, PhD, Senior Ecologist, Highstead*

Wetlands and forests are essential in mitigating the worst impacts of climate disruption. This workshop reviews recent and established science on a range of ecosystem characteristics that differ over time between forestland that is under management vs. land that is allowed to evolve under natural stewardship. Understanding these differences can help guide practical decisions and best practices for land stewardship, educate the general public, and support public health.

### B2. "2019 Wetlands Law & Regulations Update with Question & Answer Session"

*Mark Branse, Halloran & Sage, LLP*

*Janet Brooks, Attorney at Law, LLC*

These wetlands attorneys has been brought back again by popular demand to keep you current with recent legislative and proposed regulatory changes along with a review of state Supreme Court and Appellate Court cases from the past decade. A large portion of this workshop will also include the question-and-answer session that you request each year!

### C2. "Connecticut Stream Crossing Best Management Practices: Facilitating Fish Passage and Stream Connectivity"

*Brian Murphy, Connecticut Department of Energy and Environmental Protection (DEEP)*

CT citizens may not be aware that stream crossings, particularly culverts, can permanently block upstream fish passage. Consequently, fish populations can become "fragmented" and unable to reach critical habitats. Municipal inland wetlands and watercourses commissions have permitting authority over many activities, including stream crossing projects. Local land use officials have the opportunity to assist the CTDEEP in ensuring all stream crossing projects provide fish passage. Presentation will cover stream crossing best management practices and State/ Federal General Permit requirements (General Permit 19) that pertain to stream crossing projects.

### D2. "Sustainable CT: Supporting and Celebrating Sustainability Initiatives in CT Communities"

*Lynn Stoddard, Executive Director, Sustainable CT*

Sustainable CT is a statewide municipal certification program that inspires and supports communities to become more vibrant, connected, healthy, and resilient. The workshop session will provide an overview of Sustainable CT and resources to support community action in 9 broad impact areas, including land and natural resources, and land use planning. The workshop will focus on the value of Sustainable CT to Conservation Commissions and Inland Wetland Commissions and help you understand how to access funding and support for sustainability projects through Sustainable CT's new Community Match Fund.



# Saturday, November 23, 2019

## SESSION 3 (2:00 - 3:15 PM)

### A3. "Coexisting with Wildlife: Black Bears in Connecticut - When, Where and How Many?"

Tracy Rittenhouse, MS, PhD, Associate Professor, UConn Department of Natural Resources & the Environment; Introduction by Annie Hornish, CT State Director, The Humane Society of the US Professor Rittenhouse and her graduate students study where wild animals live, movements animals make when traveling through habitats, and why wildlife populations persist in some locations but not others. The black bear population in CT is increasing in number and the range is expanding. During this workshop, Tracy will tell us about a 4-year research project studying Connecticut's black bear population. She found that bear density is best explained by human housing density not natural habitat features. Bear density is higher in exurban neighborhoods (6-50 houses/km<sup>2</sup>) than in rural areas. There will be time for questions and sharing of information about managing your property when bears call your property home.

### B3. "Working with Other Agencies and Local Departments"

Mark Branse, Halloran & Sage, LLP

This workshop will review the procedures followed by Inland Wetlands Commissions and how they interface with other municipal departments and commissions, such as planning & public works departments. Attorney Mark Branse will also provide examples of how local land use commissions can best participate in a range of municipal activities and actions, emphasizing how Conservation and Inland Wetlands Commissions can work more effectively with their local P&Z colleagues.

### C3. "Charting the Course of Connecticut's Marshlands in a Rising Sea"

Emily Wilson, UCONN Center for Land Use Education and Research & David Kozak, CT DEEP-Land and Water Resources Division

Sea Level Affecting Marsh Migration (SLAMM) is a computer model that uses digital elevation data and other information to simulate the potential impacts of long-term sea level rise on coastal shorelines. Recently applied to Connecticut's coastline, SLAMM model results can help land managers better understand how CT's largest coastal marshes and coastal area roads may respond to sea level rise (SLR). The session will discuss how coastal marshes respond to SLR; provide an overview of the model's results and how they can inform coastal marsh conservation and road flooding management planning; provide a tutorial on how to use the SLR Effects on Roads and Large Marshes data viewer recently released on CT ECO.

### D3. "Mapping 101: FEMA Flood Map Overview"

Diane Ifkovic & Darcy Winther, Connecticut Department of Energy and Environmental Protection (DEEP)

This workshop will provide an overview of FEMA flood insurance rate maps for local officials. The workshop will include: the differences between flood maps and wetlands soils maps, how FEMA produces flood maps and flood studies, the information included in these resources and how they can be utilized by local officials to evaluate development projects, and how to access these products online. This workshop will benefit new municipal officials, but seasoned officials may find the presentation to be a good refresher.

## SCHEDULE FOR THE DAY

Registration & Breakfast	8:00 – 8:45 am
Welcome & Business Mtg.	8:45 – 9:00 am
Keynote Speaker Panel	9:00 – 10:00 am
Break 1	10:00 – 10:15 am
Session 1 Workshops	10:15 – 11:15 am
Break 2	11:15 – 11:30 am
Session 2 Workshops	11:30 am – 12:30 pm
Break 3	12:30 – 12:45 pm
Luncheon	12:45 – 1:45 pm
Break 4	1:45 – 2:00 pm
Session 3 Workshops	2:00 – 3:15 pm
Final display viewing	3:15 – 3:30 pm



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childhood home. Growing up and working on the farm, she and her siblings learned the values of hard work, education, and persistence. Lt. Gov. Bysiewicz graduated from Middletown High School, Yale University and Duke Law School. She is the author of *Ella: A Biography of Ella Grasso*, Connecticut's 83rd Governor.

### DEEP Commissioner Katie Dykes

Katie Scharf Dykes is the Commissioner of Connecticut's Department of Energy and Environmental Protection (DEEP). She was nominated by Governor Ned Lamont to serve as the Commissioner of DEEP, and was confirmed on February 20, 2019. Katie previously served as Chair of the Connecticut Public Utilities Regulatory Authority (PURA) from 2015-2018, and as Deputy Commissioner for Energy at Connecticut DEEP from 2012-2015. Katie also served as the Chair of the Board of Directors of the Regional Greenhouse Gas Initiative, Inc. (RGGI) from 2014 to 2017. RGGI is a multi-state effort focused on reducing carbon emissions from electric generating facilities. Katie joined CT DEEP in March 2012 after prior service as Deputy General Counsel for the White House Council on Environmental Quality and as a Legal Advisor to the General Counsel for the U.S. Department of Energy. She is a graduate of Yale College and the Yale Law School.

Our conference will include four revised and updated workshop tracks with topics on preserving our forests and their inhabitants, preserving our wetlands and watercourses, preserving our water bodies and aquatic systems, and preserving and sustaining our habitats. Individual workshops will focus on emerging insect pests, reviewing complex applications, water quality and streamflow standards, updates on recycling in Connecticut, natural forest ecosystems for climate change, wetlands law and regulation updates, best management practices for stream crossings, sustainable program initiatives, coexisting with wildlife, working with other agencies, calculating sea level rise impacts and reading maps and flooding impacts.

Our conference venue will also host a revised layout of new and informative displays in an arrangement that will promote open discussions and networking opportunities among our members and other conference attendees. Please note that our Conference will

again start 30 minutes earlier this year to accommodate our new keynote speaker plenary session. Be certain to arrive early to pick up your badge and registration materials in time to be in your seats for the 8:45 a.m. business meeting. Our 2019 early registration deadline is October 15, 2019 to enable us to provide the early estimate of our attendees required by our venue. We anticipate a large crowd this year so register early to avoid disappointment! Watch for additional conference news and information on this website. Please direct any questions on our annual conference to us at: [AnnualMtg@caciwc.org](mailto:AnnualMtg@caciwc.org). 🍂



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*CACIWC news, continued from page 2*

42nd Annual Meeting and Environmental Conference scheduled for Saturday, November 23, 2019 in this issue of *The Habitat*. We are pleased to announce that, based on your positive feedback, we are returning to the Red Lion Hotel Cromwell for our 2019 conference. Watch for and additional conference news along with a detailed listing of the conference workshops and the 2019 registration form and payment link on our [www.caciwc.org](http://www.caciwc.org) website. Please contact us at [AnnualMtg@caciwc.org](mailto:AnnualMtg@caciwc.org) with any questions on our event.

2. The Board of Directors is very grateful to the growing number of commissions who have already renewed their CACIWC 2019-20 membership dues prior to our annual meeting. For those who have not yet done so, it is not too late to send in your 2019-20 membership dues and qualify for up to a \$25 discount on each individual registering for our annual conference. A copy of the current renewal form and additional information can be found on our website: [www.caciwc.org](http://www.caciwc.org).

3. Your commission's ongoing support of our membership dues has become even more critical in recent years as the costs of hosting our annual meeting and environmental conference have substantially increased. Would you or your company like to provide additional support to CACIWC through contributions or a dedicated sponsorship? Our website provides a description the various sponsorship categories, along with additional individual and business membership categories. Please consider making an additional contribution to enable us to continuing providing our Saturday annual conference!

4. Improved membership communication is an important goal of our strategic plan. Our Membership Coordinator & Database Manager Janice Fournier extends her thanks to all of you who provided us with their updated email address as part of their 2019-20 membership renewals. Please be certain to provide updated emails and other contact information when you register for this year's annual meeting. These updated emails and other contact information will help us improve communications with all of you.

5. In recent years members have asked members of the CACIWC board of directors for help with various

issues facing their commissions. Last year we were pleased to announce a new program, entitled Ask CACIWC. Any CACIWC member with questions ranging from guidance on conducting local habitat evaluations to help with legal and regulatory issues. While we cannot provide town-specific legal advice (which you should seek the council of your town attorney), we will provide general guidance and suggestions to selected questions.

Do you or your commission have other questions for us? Questions from both member Inland Wetlands and Conservation Commissions are encouraged. Just send them to: [AskCACIWC@caciwc.org](mailto:AskCACIWC@caciwc.org) to be selected for a response. Remember, questions cannot be town-specific or time-critical, as our response will not appear until the next issue. We will also continue to seek new topics for articles to be published in *The Habitat* along with additional feedback from our members, which you can also email to us directly at [TheHabitat@caciwc.org](mailto:TheHabitat@caciwc.org).

Please do not hesitate to contact us at [board@caciwc.org](mailto:board@caciwc.org) if you have questions or comments on any of the above items or have suggestions for your board of directors.

We thank you, our members, for all of your ongoing efforts and hope to see you at our 42nd Annual Meeting and Environmental Conference!

Alan J. Siniscalchi, President 🌿

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legal, continued from page 3

agency is powerless to interpret the federal statute and regulations.

It has been the law for decades that an applicant's receipt of one permit (for instance, the approval to install a septic system from the local health department) does not relieve the applicant of the obligation to receive any other approvals (such as a wetlands permit). Similarly, it is also long-established law that an agency's approval may not be conditioned on the applicant's receipt of a permit issued by another agency. For instance, it isn't proper to include a condition that the municipal wetlands permit is contingent upon the applicant acquire a federal wetlands permit from the Army Corps of Engineers.

There is one reference to the federal government in the state wetlands statute. It is the word "federal" in the legislative finding. "It is therefore, the purpose of [the state wetlands act] to protect the citizens of the state

by . . . maintaining and improving water quality in accordance with the highest standards set by federal, state or local authority . . ."<sup>3</sup> To the extent that there is a standard (not a guideline, guidance document or recommendation) municipal wetlands agencies can apply such standards.

In conclusion, there may be other agencies, federal and/or state, which impose obligations on the applicant who also appears before you for municipal wetlands permits. You proceed with your statutory and regulatory requirements as the other agencies will with theirs.


*Janet P. Brooks practices law in East Berlin. You can read her blog at: [www.ctwetlandslaw.com](http://www.ctwetlandslaw.com) and access prior training materials and articles at: [www.attorneyjanetbrooks.com](http://www.attorneyjanetbrooks.com).*

(Endnotes)

<sup>1</sup> Conn. General Statutes § 22a-39 (c).


<sup>2</sup> Conn. General Statutes § 22a-42a (a).

<sup>3</sup> Conn. General Statutes § 22a-36. 🍁




# CONNECTICUT BOTANICAL SOCIETY

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*plastic, continued from page 5*

With the help of city staff, an ordinance was drafted and it passed two City commissions. Residents spoke for and against it, articles were written, and eventually the ordinance was sent to the Common Council. The Common Council passed the ordinance on April 1, 2019. It is set to go into effect on October 1, 2019. There was little opposition to the idea of banning plastic checkout bags. The biggest issue of contention was the 10-cent fee on paper bags.

The Middletown Ordinance effects all for-profit retail establishments, food stores, drug stores, restaurants, food trucks, gas stations, etc... After October 1, 2019 no plastic checkout bags will be allowed. If merchants provide an alternative paper bag, it must contain 40% post-consumer recycled content, no old growth fiber, be 100% recyclable, and display "recycling" wordage on the outside of the bag. The cost of the bag must be on the store receipt. Signs must be posted near the point of purchase.

The Middletown ordinance does allow for some exemptions, such as laundry and dry cleaning bags, newspaper bags, paper gift bags, product bags, and bags sold in packages such as trash, food storage, pet waste and yard waste bags.

At the time the Middletown ordinance was being considered, we did not know if the State would pass any legislation. Ultimately the State of Connecticut did pass a tax on plastic bags starting August 1, 2019 and an eventual ban starting July, 2021. The State's program has obtained widespread publicity, and has created a buzz regarding shopping bags. This has been helpful to extend the education and outreach efforts our outreach committee initiated in Middletown.

The City was fortunate enough to work with two small local businesses to design a logo and make reusable bags to give to residents to ease the transition to plastic-free retail. In addition to reaching out to businesses, a group of volunteers and I spent time in front of grocery stores, on buses, at farmers markets, and in housing complexes explaining the new laws and giving away the bags. This law is taking effect, in both the City and the entire State of CT, whether the City does outreach or not. But, initiating and participating in conversations with residents, as well as

getting people to think about how they generate and handle their waste, has been an invaluable endeavor.

The City never would have guessed how differently stores would adjust to the changes created by these laws. Although stores don't need to remove plastic checkout bags until October 1st, some have already eliminated plastic bags from their shelves. Some stores will even start charging for paper bags prior to the October 1st deadline.

It is important to note that paper bags have their own environmental problems. Producing paper bags generates large amounts of water and air pollution and are more costly to transport and produce than plastic. Additionally, paper bags also increase waste. While paper bags can be recycled, they still increase the amount of material that needs to be disposed of or recycled.

The Middletown ordinance, suitably called the Bring Your Own Bag ordinance, encourages customers to bring their own reusable bag wherever they go, and not just switch from plastic to paper.

All municipalities are required by the State Department of Energy and Environmental Protection to implement waste reduction initiatives designed to reduce waste by 2024. This Bring Your Own Bag ordinance is a perfect vehicle to get residents to think about waste reduction, an initiative that waste professionals have been talking about for years, but making little progress towards achieving. Hopefully this is the beginning of more actions, and more results, to reduce our waste, and create a healthier environment. 🍀

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## New Flooding Educational Video

### “Rising Waters: Planning for Flooding in Connecticut”

**D**iane Ifkovic from DEEP’s Land & Water Resources Division, who also serves as our state’s National Flood Insurance Coordinator, worked with Connecticut Sea Grant on producing a new flooding educational video entitled “Rising Waters: Planning for Flooding in Connecticut” (<https://youtube/r7-gtq9kd40>).

The video highlights flooding scenarios within our state along with the social and economic impacts of flooding, and opportunities for mitigation. The video aims to increase the knowledge base of municipal officials to help them make informed decisions and effective choices that support resilience. Other stakeholders along with members of the general public will also find the video valuable.

Connecticut Sea Grant utilized USDA National Institute of Food and Agriculture (NIFA) funds, which have a resilience component, to hire a UConn student to prepare the video. The student coordinated with CTDEEP and municipal staff to gather information, pictures, content, resources and narration.

The video will be posted on Adapt CT (<https://climate.uconn.edu/>) this autumn and more videos are planned for the future. This video is model after the PREP-RI video series (<http://prep-ri.seagrants.gso.uri.edu/>) funded by Rhode Island Sea Grant. 🌿

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## Nominate a Wetlands Leader for the 31st Annual National Wetlands Awards!

Since 1989, the National Wetlands Awards has honored over 200 champions of wetlands conservation. The program recognizes individuals who have demonstrated exceptional effort, innovation, and excellence in wetlands conservation or restoration at the local, state, or regional level. Past award recipients share a dedication to protecting the nation's remaining wetlands; educating citizens, students, agencies about the value of wetlands; and working with a diverse array of organizations and stakeholders to advance wetlands protection. ELI administers these awards with support from the U.S. Environmental Protection Agency, Natural Resource Conservation Service, U.S. Fish and Wildlife Service, National Wetlands Inventory, U.S. Forest Service, NOAA Marine Fisheries, and the Federal Highway Administration.

For more information and to nominate a wetlands champion, see [www.nationalwetlandsawards.org](http://www.nationalwetlandsawards.org). The deadline to nominate is Friday, December 20th. Award recipients will be honored in Washington, DC during American Wetlands Month in May. Questions/comments? Email us at [wetlands@eli.org](mailto:wetlands@eli.org).



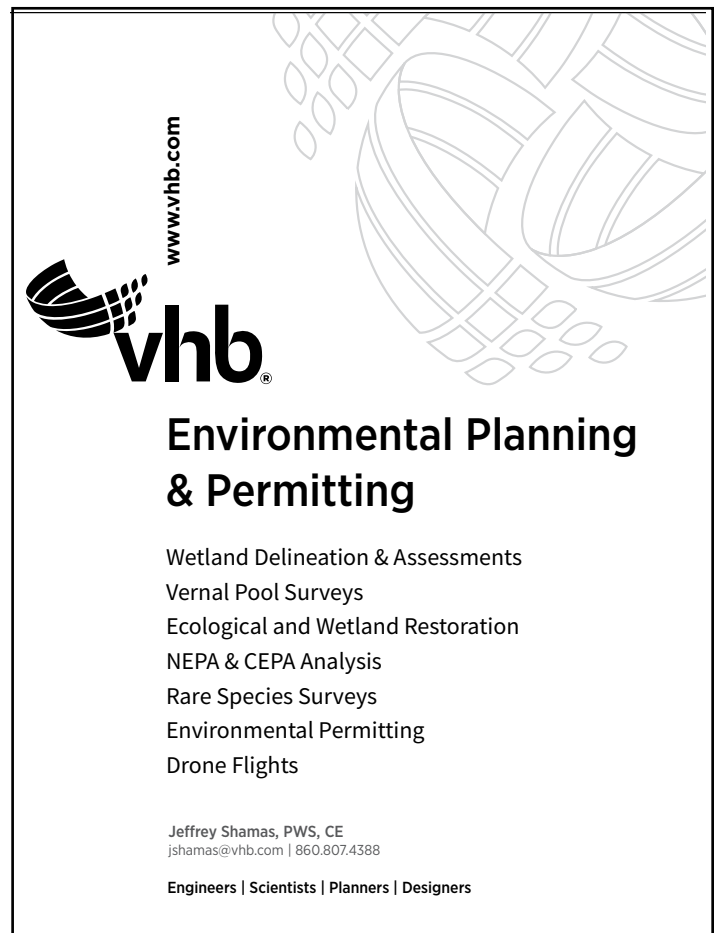
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**CACIWC's 42rd Annual Meeting and Conference  
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### **Keynote Speakers:**

Connecticut Lt. Governor Susan Bysiewicz and  
Connecticut DEEP Commissioner Katie Dykes

### **Note Early Morning Agenda**

Registration - 8:00 a.m.

Business Meeting - 8:45 a.m.

Keynote Speaker - 9:00 a.m.

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