

# CHAPTER 477d

## RIVER PROTECTION

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Sec. 25-102pp. Definition. As used in sections 25-102pp and 25-102qq, “protected river corridor” means any river, river segment and adjacent lands deemed worthy of permanent protection, preservation and resource management because of environmental, historic, hydrologic, ecologic, agricultural or recreational qualities.

(P.A. 84-522, S. 1, 8; P.A. 95-333, S. 11.)

History: P.A. 95-333 deleted references to repealed sections.

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Sec. 25-102qq. Powers and duties of the commissioner. River management and protection program. (a) The Commissioner of Energy and Environmental Protection shall be responsible for state-wide river policy and comprehensive protection of rivers. The commissioner shall: (1) Identify rivers or river segments to be protected, (2) designate protected river corridors, and (3) approve, reject or modify river corridor maps and management plans submitted pursuant to sections 25-205 and 25-235.

(b) The commissioner may establish a river management and protection program designed to improve the management and protection of the state's rivers.

(c) In developing the river protection program, the commissioner may: (1) Develop a proposal for a state-wide river management and protection program that includes, but is not limited to: (A) The coordination of existing protective state authorities as a means of improving river management and protection; (B) the development of any statutory modifications to provide effective regional and interstate cooperation for the development of river management plans; (C) the development of recommendations for river protection for use in regulations of local land use agencies; and (D) the development of any other needed protection or management of the state's rivers, as determined by the commissioner; (2) define the river resources to be inventoried and assessed; (3) conduct a state-wide inventory and assessment of the state's rivers; (4) develop a state-wide data base of river resource information to facilitate environmental planning, regulatory and management decisions; (5) develop a river classification system; (6) develop criteria for identifying rivers or river segments for designation as protected rivers and recommended priorities for the management of the rivers or river segments; and (7) develop a

program to educate the public on river protection issues and ensure public involvement in the development and implementation of the river protection program.

(P.A. 84-522, S. 2, 8; P.A. 91-394, S. 1; P.A. 93-381, S. 9, 39; P.A. 95-250, S. 1; 95-257, S. 12, 21, 58; 95-333, S. 12; June 30 Sp. Sess. P.A. 03-6, S. 146(h), 210(e); P.A. 04-20, S. 3; 04-189, S. 1; 04-205, S. 5; May Sp. Sess. P.A. 04-2, S. 30; P.A. 11-48, S. 170; 11-80, S. 1; P.A. 13-247, S. 312; 13-299, S. 30.)

History: P.A. 91-394 added Subsecs. (b), (c) and (d) concerning the river management and protection program and advisory committee; (Revisor's note: In 1993 "and (2)" was inserted editorially by the Revisors following the second reference to state officials or their designees for consistency); P.A. 93-381 replaced commissioner of health services with commissioner of public health and addiction services, effective July 1, 1993; P.A. 95-250 replaced Commissioner and Department of Economic Development with Commissioner and Department of Economic and Community Development; P.A. 95-257 replaced Commissioner and Department of Public Health and Addiction Services with Commissioner and Department of Public Health, effective July 1, 1995; P.A. 95-333 amended Subsec. (a) to add provisions re the commissioner's involvement in the protection of rivers program and the multiple use rivers program; June 30 Sp. Sess. P.A. 03-6 and P.A. 04-20 replaced the Connecticut Historical Commission with the Connecticut Commission on Arts, Tourism, Culture, History and Film, effective August 20, 2003, and replaced Commissioner of Agriculture with Commissioner of Agriculture and Consumer Protection, effective July 1, 2004; P.A. 04-189 repealed Sec. 146 of June 30 Sp. Sess. P.A. 03-6, thereby reversing the merger of the Departments of Agriculture and Consumer Protection, effective June 1, 2004; P.A. 04-205, effective June 3, 2004, and May Sp. Sess. P.A. 04-2, effective May 12, 2004, both replaced Connecticut Commission on Arts, Tourism, Culture, History and Film with Connecticut Commission on Culture and Tourism; P.A. 11-48 amended Subsec. (c) to delete "the director of the Connecticut Commission on Culture and Tourism", effective July 1, 2011; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" was changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" in Subsec. (a), effective July 1, 2011; P.A. 13-299 deleted former Subsec. (c) re River Protection Advisory Committee, redesignated existing Subsec. (d) as Subsec. (c) and made technical and conforming changes therein, effective July 1, 2013.

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Secs. 25-102rr to 25-102vv. River protection commissions. Powers and duties of commission. Designation of protected river corridor; factors to be considered by commissioner; periodic review. Recording of map and filing of plan; action on applications to agencies referred to river protection commissions; exemptions. Considerations in certain permit decisions. Sections 25-102rr to 25-102vv, inclusive, are repealed.

(P.A. 84-522, S. 3-8; P.A. 85-158; P.A. 86-403, S. 58, 132; P.A. 91-394, S. 2; P.A. 95-333, S. 14.)

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Sec. 25-102ww. Applications affecting Shepaug River and Bantam River. The Shepaug Bantam River Protection Commission shall review and comment on all applications affecting the Shepaug River or the Bantam River, or both, which are received by the inland wetlands agencies of the towns of Litchfield, Morris, Roxbury, Warren and Washington.

(P.A. 90-341, S. 9; P.A. 95-333, S. 13.)

History: P.A. 95-333 deleted reference to repealed Sec. 25-102uu.

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Sec. 25-102xx. Model river protection ordinance. The Commissioner of Energy and Environmental Protection, in consultation with the River Protection Advisory Committee, shall prepare a model river protection ordinance which may be used by any municipality in this state in adopting ordinances or regulations for the protection of rivers. Such model ordinance may include, but need not be limited to, recommendations for the modification of municipal plans of development and zoning, subdivision, site plan and wetlands regulations as necessary to allow implementation of a river protection ordinance or regulation. Such recommendations may concern tourism, navigation, utility and transportation rights-of-way and water-dependent recreational, industrial, commercial, agricultural and other uses, as well as proposals for specific setbacks from the river, dimensions of new lots and buildings, restrictions on cutting of vegetation, restrictions on earth-moving for mining or other purposes, prohibited activities and regulation of paving and other forms of impervious ground cover. Such plan may also include recommendations for incentives for property owners to protect lands within the river corridor and to develop such lands in a manner that is compatible with resource protection. Such incentives may include tax credits for donation to appropriate parties of open space easements or land development rights and incentives for cluster development.

(P.A. 98-105, S. 1; June Sp. Sess. P.A. 98-1, S. 110; P.A. 11-80, S. 1.)

History: June Sp. Sess. P.A. 98-1 made a technical correction; pursuant to P.A. 11-80, “Commissioner of Environmental Protection” was changed editorially by the Revisors to “Commissioner of Energy and Environmental Protection”, effective July 1, 2011.

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