

CHAPTER 485

MULTIPLE USE RIVERS

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Sec. 25-230. Short title: Multiple Use Rivers Act. This section and sections 25-231 to 25-238, inclusive, shall be known and may be cited as the Multiple Use Rivers Act.

(P.A. 95-333, S. 1.)

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Sec. 25-231. Definitions. As used in sections 25-230 to 25-238, inclusive:

- (1) “Approved river corridor management plan” means a river corridor management plan approved by the commissioner pursuant to section 25-235;
- (2) “Commissioner” means the Commissioner of Energy and Environmental Protection or his agent;
- (3) “Local drainage basin” means a local drainage basin as referenced on a map entitled “Natural Drainage Basins of Connecticut”, published by the Department of Energy and Environmental Protection, 1981;
- (4) “Major state plan” means any of the following: The plan for development of outdoor recreation adopted pursuant to section 22a-21, the state-wide solid waste management plan adopted pursuant to section 22a-228, the state-wide plan for the management of water resources adopted pursuant to section 22a-352, the state-wide environmental plan adopted pursuant to section 22a-8, the historic preservation plan adopted under the National Historic Preservation Act, 16 USC 470 et seq., the state-wide facility and capital plan adopted pursuant to section 4b-23, the state's consolidated plan for housing and community development prepared pursuant to section 8-37t, the water quality management plan adopted under the federal Clean Water Act, 33 USC 1251 et

seq., any plans for managing forest resources adopted pursuant to section 23-20 and the Connecticut River Atlantic Salmon Compact adopted pursuant to section 26-302;

(5) "Member municipality" means a municipality which is a member of a river commission established pursuant to section 25-232;

(6) "Person" means person, as defined in section 22a-2;

(7) "River advisory board" means any of the following: The Five Mile River Commission established pursuant to section 15-26a, the Connecticut River Gateway Commission established pursuant to section 25-102e, the Connecticut River Assembly established pursuant to section 25-102dd, the Bi-State Pawcatuck River Commission established pursuant to section 25-161, the Niantic River Gateway Commission established pursuant to section 25-109e, the Housatonic Estuary Commission established pursuant to section 25-170, the Farmington River Coordinating Committee established pursuant to the National Wild and Scenic Rivers Act, 16 USC 1274 et seq., the Shepaug-Bantam River Board or a river committee established pursuant to section 25-203;

(8) "River corridor" means any river, river segment or river system, together with its floodplains, wetlands and uplands, contributing overland runoff to such river, river segment or river system;

(9) "River commission" means a river commission established pursuant to section 25-232;

(10) "River system" means a river, its tributaries and any lands draining into such river or its tributaries;

(11) "Secretary" means the Secretary of the Office of Policy and Management or his agent;

(12) "State rivers assessment database" means the state-wide assessment of the state's rivers prepared by the commissioner pursuant to subdivision (3) of subsection (c) of section 25-102qq;

(13) "State plan for conservation and development" means the state plan for conservation and development prepared pursuant to part I of chapter 297;

(14) "Subregional drainage basin" means a subregional drainage basin as referenced on a map entitled "Natural Drainage Basins of Connecticut", published by the Department of Energy and Environmental Protection, 1981;

(15) "Water-dependent use" means a use which, by its nature or function, requires direct access to, or location in or immediately adjacent to, water and which therefore cannot be located upland, and includes such recreational uses as riverside trails and bicycle paths;

(16) "Use" means agriculture, public and private water supply, power generation, waste assimilation, transportation, recreation, including, but not limited to, boating, swimming, fishing, camping and hiking and residential, commercial, industrial and other water-dependent uses; and

(17) "Resource" means any riparian waters of the state, related fisheries and wildlife habitat and adjacent shorelands, both developed and undeveloped; any vegetation, fish and wildlife; endangered and threatened species, species of special concern and essential habitat identified by the commissioner pursuant to chapter 495; tidal and inland wetlands; unique geologic features; scenic areas; forest lands, as defined in section 23-65f; agricultural lands, as defined in section 22-26bb; and archaeological and other historical resources.

(P.A. 95-333, S. 2; P.A. 96-118, S. 3; P.A. 99-94, S. 8; P.A. 03-140, S. 23; P.A. 06-76, S. 7; P.A. 07-242, S. 113; P.A. 11-80, S. 1; 11-124, S. 7; P.A. 13-277, S. 19; 13-299, S. 33, 34; P.A. 14-94, S. 68.)

History: P.A. 96-118 deleted reference to "the Housatonic River Commission established pursuant to section 25-102r of the general statutes," from Subdiv. (7); P.A. 99-94 amended Subdiv. (4) by changing "housing advisory plan" to "long-range state housing plan"; P.A. 03-140 replaced "16a-35m" with "16a-7a" in Subdiv. (4), effective July 1, 2003; P.A. 06-76 amended Subdiv. (4) to delete reference to the Connecticut hazardous waste

management plan; P.A. 07-242 amended Subdiv. (4) to delete reference to comprehensive energy plan adopted pursuant to Sec. 16a-7a, effective July 1, 2007; pursuant to P.A. 11-80, "Commissioner of Environmental Protection" and "Department of Environmental Protection" were changed editorially by the Revisors to "Commissioner of Energy and Environmental Protection" and "Department of Energy and Environmental Protection", respectively, effective July 1, 2011; P.A. 11-124 amended Subdiv. (4) to redefine "major state plan" by replacing "long-range housing plan adopted" with "state's consolidated plan for housing and community development prepared"; P.A. 13-277 amended Subdiv. (4) to redefine "major state plan" by deleting reference to master transportation plan, effective July 1, 2013; P.A. 13-299 amended Subdiv. (7) to redefine "river advisory board" by deleting reference to Secs. 25-102pp and 25-102qq and amended Subdiv. (12) to redefine "state rivers assessment database" by replacing reference to Sec. 25-102qq(d) with reference to Sec. 25-102qq(c), effective July 1, 2013; P.A. 14-94 amended Subdiv. (4) to redefine "major state plan" by replacing reference to state solid waste management plan with reference to state-wide solid waste management plan and replacing reference to Sec. 22a-211 with reference to Sec. 22a-228, effective June 6, 2014.

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Sec. 25-232. Establishment of river commissions. Withdrawal of municipality. (a) Any two or more municipalities may, by ordinance, (1) establish a river commission to plan for coordinated management of the development, protection and preservation of a river corridor flowing through or forming a common boundary of such municipalities and to perform such other functions as are specified in sections 25-230 to 25-237, inclusive, or (2) designate a river advisory board to act as such a river commission, provided the requirements of section 25-233 are met.

(b) A municipality may join a river commission established pursuant to subsection (a) of this section if the subject river flows through the municipality or forms a boundary of the municipality and the legislative body of such municipality adopts an ordinance authorizing such municipality to do so.

(c) Any municipality may, by vote of its legislative body, withdraw from a river commission and thereafter the provisions of sections 25-230 to 25-237, inclusive, shall not apply to such municipality. A vote on withdrawal shall not be taken until after a public hearing is held at which interested persons have an opportunity to be heard concerning such proposed withdrawal. At least fifteen days before such hearing, notice of the time and place thereof shall be given in a newspaper or newspapers having a substantial circulation in such municipality and any affected area outside such municipality. The map and river corridor protection plan shall be filed for public inspection in the office of the town or city clerk of the municipality holding said hearing at least ten days before such hearing, if such map and plan have been prepared.

(d) If one or more municipalities votes to withdraw from a river commission, such commission shall be required to revise the river corridor management plan and submit it to the commissioner for approval in accordance with the provisions of section 25-235.

(e) No river commission may be established under this section for any river segment for which a river committee has been established under section 25-203 or which has been designated a federal wild and scenic river.

(P.A. 95-333, S. 3; P.A. 97-227, S. 2, 5.)

History: P.A. 97-227 amended Subsec. (a) to make a technical correction, effective June 27, 1997.

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Sec. 25-233. Membership of river commissions. Procedures. (a) An ordinance authorizing the establishment of a river commission pursuant to section 25-232 shall provide for the membership of the commission, the method of selecting members, their terms of office and the filling of vacancies. Such ordinance shall provide for not more

than twelve members from any one municipality and shall include: The chief elected official of each such municipality, or his designee, the chairman of the inland wetlands agency of each such municipality, or his designee, and a member of another land use regulation agency of each such municipality appointed by the chief elected official for such municipality; one representative each of a public utility or rail service company which owns property within the municipality or serves the municipality; one member representing a conservation organization or interest; one member representing a recreation organization or interest; one member representing a private or municipal economic development foundation, agency or interest; one member representing agriculture interests; one member representing business or industry interests; one member representing real estate interests and one member who is a riverfront property owner or a representative of a riverfront property owners' association. In addition, the commission shall appoint as voting members-at-large one representative of each regional council of governments associated with the commission's geographic area. The commission may appoint subcommittees as it deems appropriate and may elect an executive committee to carry out its business provided such executive committee shall include at least one representative of a conservation organization and one representative of a regional council of governments.

(b) Prior to transacting any official business, a river commission shall establish written procedures and bylaws for conducting business. Such procedures and bylaws shall be open to public inspection.

(P.A. 95-333, S. 4; P.A. 97-227, S. 3, 5; P.A. 13-247, S. 312.)

History: P.A. 97-227 amended Subsec. (a) to provide for a maximum of 12 members of the commission from each municipality, to add representatives of local land use agencies, regional planning agencies and riverfront property owners to the commission and to authorize creation of subcommittees and an executive committee, and amended Subsec. (b) to add provisions re bylaws, effective June 27, 1997; pursuant to P.A. 13-247, "regional planning agency" was changed editorially by the Revisors to "regional council of governments" in Subsec. (a), effective January 1, 2015.

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Sec. 25-234. Resource inventory. Statement of objectives. Map. Notice. Hearing. Review by state officials. Management plan. (a) A river commission shall prepare a written inventory of all resources and all existing uses within those areas of the local drainage basin of the river corridor for which the commission was established which are within the boundaries of the municipalities represented on the commission. Such inventory shall also identify within such areas any locations providing public access to resources and any portions of the river or riverfront lands which have been degraded by human use and could be restored. The Commissioner of Agriculture shall prepare an inventory of agricultural land within such areas and shall submit such inventory for inclusion in the commission's inventory. In preparing the inventory a river commission shall utilize all relevant available information, including, but not limited to, the state rivers assessment database and wetland maps prepared pursuant to sections 22a-30 and 22a-42a.

(b) After completing an inventory pursuant to subsection (a) of this section, a river commission shall prepare a written statement identifying in such areas those resources which should be preserved or enhanced, those existing uses which should be maintained, those degraded areas which should be restored and those areas in which potential industrial, commercial and other uses could be accommodated without degrading the resources of the river corridor. Such statement shall be known as the river commission's statement of objectives. In preparing a statement of objectives, the river commission shall consider the best uses of the river corridor as identified by the state rivers assessment database and potential conflicts among resources on the one hand and existing and potential uses of the river corridor on the other hand. The statement of objectives shall attempt to balance competing uses within the river corridor and its watershed lands and provide for multiple uses thereof.

(c) After completing an inventory prepared pursuant to subsection (a) of this section and a statement of objectives prepared pursuant to subsection (b) of this section, the river commission shall prepare a map which shall be consistent with said inventory and statement of objectives and which defines the boundaries of the river

corridor to be managed under the river corridor management plan prepared pursuant to subsection (h) of this section.

(d) Upon completion of an inventory, statement of objectives and map pursuant to subsections (a), (b) and (c) of this section, the river commission shall publish in a newspaper having a substantial circulation in the affected area notice of a public hearing to be held not less than thirty days thereafter in one of the municipalities represented on the commission. Such hearing shall provide an opportunity for oral and written comments regarding such documents. After considering all comments received, the river commission shall revise such documents as appropriate and submit such revised documents to the commissioner and the secretary. Within sixty days of receiving the revised documents, the commissioner shall provide written comments to the river commission and shall furnish a copy of such comments to the secretary. The secretary shall coordinate a review of the revised documents by all other relevant state agencies and regional planning organizations, as defined in section 4-124i, and, within ninety days of receiving such revised documents, shall provide written comments on such revised documents to the river commission and shall furnish a copy of such comments to the commissioner. After considering all comments received from the commissioner and the secretary, the river commission shall adopt a final inventory, statement of objectives and map and shall publish, in a newspaper having a substantial circulation in the affected area, notice of the adoption of the final inventory, statement of objectives and map.

(e) After adoption of an inventory, statement of objectives and map, pursuant to subsection (d) of this section, the river commission shall prepare a report on all federal, state, regional and municipal laws, plans, programs and proposed activities that may affect the river corridor defined in such map. Such federal, state, regional and municipal laws shall include regulations adopted pursuant to chapter 440, and zoning, subdivision and site plan regulations adopted pursuant to section 8-3. Such federal, state, regional and municipal plans shall include plans of development adopted pursuant to section 8-23, the state plan for conservation and development, water utility supply plans submitted pursuant to section 25-32d, coordinated water system plans submitted pursuant to section 25-33h, plans prepared by regional planning organizations, as defined in section 4-124i, and plans of publicly owned wastewater treatment facilities whose discharges may affect the subject river corridor. State and regional agencies shall, within available resources, assist the river commission in identifying such laws, plans, programs and proposed activities. The report to be prepared pursuant to this section shall identify any conflicts between such federal, state, regional and municipal laws, plans, programs and proposed activities and the river commission's objectives for river corridor management as reflected in the statement of objectives. If conflicts are identified, the river commission shall notify the applicable state, regional or municipal agencies and such agencies shall, within available resources and in consultation with the river commission, attempt to resolve such conflicts.

(f) (1) After adoption of an inventory, statement of objectives and map pursuant to subsection (d) of this section and completion of a report pursuant to subsection (e) of this section, the river commission shall prepare a river corridor management plan. The river commission shall publish in a newspaper having a substantial circulation in the affected area notice of a public hearing to be held not less than thirty days thereafter in one of the municipalities represented on the commission. Such hearing shall provide an opportunity for oral and written comment regarding the plan. The commission shall send a copy of such notice to the chief elected official of each municipality located wholly or partially in the subregional drainage basin in which the subject river corridor is located and shall send such notice by certified mail, return receipt requested, to each person who owns property adjacent to the river segment which is the subject of the river corridor. After considering all comments received, the river commission shall revise such documents as appropriate and submit such revised documents to the commissioner and the secretary. Within sixty days of receiving the revised documents, the commissioner shall provide written comments to the river commission and shall furnish a copy of such comments to the secretary. The secretary shall coordinate a review of the revised documents by all relevant state agencies and regional planning organizations, as defined in section 4-124i. Within ninety days of the date the secretary receives such revised documents, the secretary shall provide written comments on such revised documents to the river commission and to the commissioner. After considering all comments received from the commissioner and the secretary, the river commission shall prepare a document responding to all comments received, shall revise the river corridor management plan as appropriate and shall publish in a newspaper having

a substantial circulation in the affected area notice of the availability of the response to comments and the revised plan.

(2) A river corridor management plan shall set forth a strategy for achieving the objectives contained in the statement of objectives adopted pursuant to subsection (d) of this section for the river corridor mapped pursuant to said subsection and for resolving any conflicts identified in the report prepared pursuant to subsection (e) of this section. Such plan shall make recommendations for the modification of municipal plans of development and zoning, subdivision, site plan and wetlands regulations as necessary to allow implementation of such plan and to assure that each member municipality similarly manages that portion of the river corridor under its jurisdiction. Such recommendations may concern tourism, navigation, utility and transportation rights-of-way and water-dependent recreational, industrial, commercial 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 that member municipalities enact or adopt 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.

(3) The river corridor management plan shall include the results of an instream flow study if the commissioner deems it necessary. An instream flow study shall be conducted in accordance with the commissioner's guidance and shall document water flow in the river corridor for the purpose of determining whether there is sufficient flow to allow withdrawals of water consistent with the resource protection and enhancement objectives of the river corridor management plan.

(P.A. 95-333, S. 5; P.A. 03-140, S. 24; June 30 Sp. Sess. P.A. 03-6, S. 146(e); P.A. 04-189, S. 1; P.A. 07-242, S. 114; P.A. 08-182, S. 5; P.A. 10-32, S. 90; P.A. 13-277, S. 20.)

History: P.A. 03-140 replaced "16a-35m" with "16a-7a" in Subsec. (e), effective July 1, 2003; June 30 Sp. Sess. P.A. 03-6 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. 07-242 amended Subsec. (e) to delete reference to comprehensive energy plan adopted pursuant to Sec. 16a-7a, effective July 1, 2007; P.A. 08-182 amended Subsecs. (d), (e) and (f)(1) to replace references to Sec. 8-31a re establishment of, and plans prepared by, regional planning organizations with references to Sec. 4-124i re definition of regional planning organizations; P.A. 10-32 made technical changes in Subsecs. (d), (e) and (f)(1), effective May 10, 2010; P.A. 13-277 amended Subsec. (e) to delete reference to master transportation plan, effective July 1, 2013.

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Sec. 25-235. Approval of management plan by municipalities, commissioner. Revisions to plan. (a) A river corridor management plan adopted by a river commission pursuant to section 25-234 shall be submitted to the legislative bodies of the municipalities participating in such commission for their approval. Following the approval of all of such legislative bodies, a river commission may apply to the commissioner for approval of a map adopted pursuant to subsection (d) of section 25-234 and a river corridor management plan prepared pursuant to said subsection. An application under this section shall include, in addition to such map and plan, the inventory and statement of objectives adopted pursuant to subsection (d) of section 25-234, the report prepared pursuant to subsection (e) of section 25-234, and the response to comments prepared pursuant to subsection (f) of section 25-234. The river commission shall submit a copy of the application to the secretary.

(b) In deciding whether to approve such a map and plan, the commissioner shall consider: (1) Whether such inventory, statement of objectives, map, response to comments and plan were completed in accordance with the requirements of section 25-234; (2) whether the inventory accurately identifies all resources and all existing and

potential uses within the local drainage basin; (3) whether the river corridor management plan would, if implemented, adequately protect, preserve and enhance such resources, particularly those ranked high in the state rivers assessment database; (4) whether such plan would, if implemented, balance competing uses within the river corridor and reasonably allow for aquatic habitat protection, land and water usage including potable water supply, agriculture, transportation, recreation and improvements essential for public health, safety and welfare; (5) whether the river corridor identified in the map adopted pursuant to subsection (d) of section 25-234 comprises sufficient land and water area to allow implementation of the river corridor management plan; (6) whether the river commission adequately responded to public comments on the river corridor management plan; (7) whether such plan is consistent with the water quality standards adopted pursuant to section 22a-426; (8) the comments submitted to the secretary pursuant to subsections (d) and (f) of section 25-234; and (9) any other information the commissioner deems relevant.

(c) If the secretary finds that any provision of a river corridor management plan submitted to him in accordance with subsection (a) of this section conflicts with a program, policy or proposed activity of any state agency, he shall forward a copy of such plan to the commissioner and identify such conflict. The secretary shall act in coordination with the commissioner, the affected state agency and any other interested persons to attempt to resolve the conflict. If the secretary recommends modifications to the map or the river corridor management plan to resolve any such conflicts, the commissioner shall not approve the plan until it has been revised in accordance with the secretary's recommendations.

(d) The commissioner's approval of a map and river corridor management plan shall be in writing and shall be filed with the chief elected official of each member municipality and the river commission. If the commissioner rejects such map or plan, he shall do so in writing, clearly explaining the reasons for rejection. The river commission whose map or plan has been rejected by the commissioner may submit to him a revised map or river corridor management plan.

(e) Any revision to a map or river corridor management plan approved or rejected by the commissioner pursuant to this section shall be prepared and submitted in accordance with the requirements of sections 25-234 and 25-235 for the original submittal. A revision of an approved river corridor management plan shall not be effective until such revision has been approved by the commissioner in accordance with the provisions of this section.

(f) The commissioner may periodically review a map and river corridor management plan approved pursuant to this section and recommend revisions. The river commission shall review a map and plan so approved at least once every five years after their approval, and shall revise such map or plan as appropriate and in accordance with the requirements of section 25-234.

(P.A. 95-333, S. 6.)

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Sec. 25-236. State plans and municipal land use regulations to be in accordance with recommendations of management plan. Exceptions. Acquisition of property for river corridor. Coordination of state permits and approvals. (a) Within thirty days of the commissioner's approval of a map and river corridor management plan pursuant to section 25-235, the river commission shall file such map and plan in the office of the town clerk in each member municipality.

(b) Within one year of the commissioner's approval of a map and river corridor management plan pursuant to section 25-235, each member municipality shall amend its zoning, subdivision, site plan, floodplain and wetlands regulations, its municipal plan of development and any other applicable laws or plans in accordance with the recommendations of the approved river corridor management plan. The river commission shall assist member municipalities in adopting any such amendments and, on behalf of a member municipality, may petition the commissioner for an extension of the one-year deadline specified in this subsection for amending applicable laws or plans. Before adopting any such amendment, the municipality shall submit the proposed amendment to

the commissioner and such proposed amendment shall not be adopted unless the commissioner finds in writing, within ninety days, that it is consistent with the approved river corridor management plan.

(c) (1) After a member municipality has completed amending applicable laws and plans pursuant to subsection (b) of this section, no zoning variance or other exception to any such amended law or plan shall be granted if such variance or other exception affects a river corridor with respect to which there exists an approved river corridor management plan unless the applicant demonstrates that such variance or other exception satisfies any applicable legal requirements and the zoning board of appeals for such municipality, or the agency with jurisdiction over the application at issue, in consultation with the river commission, finds in writing that such variance or exception is compatible with the approved river corridor management plan or the zoning board of appeals or the agency with jurisdiction over the application has determined that the applicant has presented sufficient evidence to prove that the property's exceptional difficulty or unusual hardship warrants such variance or exception.

(2) No portion of any applicable municipal law or plan affecting a river corridor with respect to which a river corridor management plan has been approved shall be revised unless such municipality has allowed the river commission to comment on such proposed revision and has considered any such comments.

(d) If the commissioner determines that any member municipality has failed or is failing to comply with the requirements of subsection (a) or (b) of this section or if he determines that the plan cannot effectively be implemented as a result of a municipality withdrawing from the commission, he and the Connecticut Siting Council shall not be subject to the provisions of subsections (f) and (g) of this section.

(e) (1) Every major state plan, other than the state plan for conservation and development, to the extent that such major state plan affects any river corridor for which the commissioner has approved a river corridor management plan, shall be consistent with such management plan. Any major state plan, other than the state plan for conservation and development, which is inconsistent with a river corridor management plan shall be modified accordingly. Such modifications shall be made in consultation with the commissioner at the next scheduled revision of such plan.

(2) If all the member municipalities of a river commission have amended their applicable laws and plans pursuant to subsection (b) of this section and if the commissioner finds that the state plan for conservation and development is inconsistent with the subject river corridor management plan, he shall apply to the secretary for a revision pursuant to section 16a-32.

(3) Every regional plan of conservation and development adopted pursuant to section 8-35a, to the extent that it affects any river corridor for which the commissioner has approved a river corridor management plan, shall be consistent with such management plan. Any regional plan of conservation and development which is inconsistent with a river corridor management plan shall be modified accordingly. Such modifications shall be made in consultation with the commissioner.

(4) Every municipal plan of development adopted pursuant to section 8-23, to the extent that it affects any river corridor for which the commissioner has approved a river corridor management plan, shall be consistent with such management plan. Any municipal plan of development which is inconsistent with a river corridor management plan shall be modified accordingly. Such modifications shall be made in consultation with the commissioner.

(5) The commissioner may notify any applicable federal agency of his approval of a river corridor management plan and may take any other appropriate action to assure consideration of such plan in federal programs or activities.

(f) (1) For the purpose of protecting or preserving river corridor resources, the commissioner may acquire real property or any interest therein within a river corridor for which he has approved a river corridor management plan. Such acquisition may be by purchase at fair market value, gift or devise. The commissioner may accept any gift or bequest of money or other personal property to be used to acquire such real property or interest

therein, or to meet expenses involved in maintaining such real property. Such funds shall be held by the State Treasurer to be used and expended under the direction of the commissioner.

(2) For the purpose of protecting or preserving river corridor resources, and subject to any lawful restrictions on acquisition of lands acquired with state funds, a municipality may acquire real property or any interest therein within a river corridor for which such commission has adopted a river corridor management plan. Such acquisition may be by purchase at fair market value, gift or devise. Such municipality may accept any gift or bequest of money or other personal property to be used to acquire such real property or interest therein, or to meet expenses involved in maintaining such real property.

(g) (1) The commissioner shall coordinate the activities, including the granting of permits and other approvals, of all regulatory programs under his jurisdiction to assure that the administration of such programs is consistent with every approved river corridor management plan. Neither the commissioner nor the Connecticut Siting Council shall issue a permit or other approval for any activity which may affect a river corridor for which the commissioner has approved a river corridor management plan under section 25-235 unless the commissioner determines that such activity would not adversely affect any of the resources protected under such plan.

(2) A member municipality may submit written testimony to the commissioner and may appear by right as a party to any hearing before the commissioner concerning any permit or other approval to be issued by the commissioner for an activity proposed within an approved river corridor, and may appeal any decision of the commissioner concerning such permit or other approval to the Superior Court in accordance with the provisions of section 4-183.

(P.A. 95-333, S. 7; P.A. 08-182, S. 15.)

History: P.A. 08-182 amended Subsec. (e)(3) to change “regional plan of development” to “regional plan of conservation and development”.

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Sec. 25-237. Structures and uses existing at time of management plan approval. For purposes of sections 25-230 to 25-238, inclusive: (1) Any structure or related facility, including, but not limited to, a parking lot, septic system or pool or railroad right-of-way; (2) any surfaced area, including, but not limited to, a paved, bricked or graveled walk or driveway; (3) a lawn or other landscaped area which exists on the date the commissioner approves an applicable river corridor management plan; (4) a waste discharge, authorized under chapter 446k, which exists within a river corridor on the date the commissioner approves an applicable river corridor management plan; (5) a water supply diversion within a river corridor which diversion is authorized under chapter 446i on the date the commissioner approves the applicable river corridor management plan; or (6) agricultural land, identified by the Commissioner of Agriculture in the inventory provided to the river commission pursuant to section 25-234, which is in use on such date, including land reserved for crop rotation, may be maintained as such and, if on or after the date of approval of a river corridor management plan any such structure, related facility, surfaced or landscaped area or agricultural land is degraded, damaged or destroyed, it may be replaced or restored without regard to the provisions of sections 25-230 to 25-238, inclusive, and subsection (a) of section 13a-94, provided there is no significant change in its location, dimensions or elevations and provided further that nothing in sections 25-230 to 25-238, inclusive, shall preclude the performance of routine maintenance or repair activities for such structures, related facilities, surfaced areas, lawn or landscaped areas or agricultural land. Any waste discharge authorized under chapter 446k, which exists within a river corridor on the date of approval of a river corridor management plan or a water supply diversion within a river corridor which diversion is authorized under chapter 446i on the date the commissioner approves the applicable river corridor management plan may be reauthorized under said chapter 446k or 446i without regard to the provisions of sections 25-230 to 25-238, inclusive, and subsection (a) of section 13a-94. Land reserved for crop rotation shall not include “forest land”, as defined in section 12-107b.

(P.A. 95-333, S. 8; June 30 Sp. Sess. P.A. 03-6, S. 146(e); P.A. 04-189, S. 1.)

History: June 30 Sp. Sess. P.A. 03-6 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.

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Sec. 25-238. Guidance by commissioner re management plan. The commissioner may, within available resources, issue written guidance for development of a river corridor management plan. Such guidance may cover engineering methods for avoiding environmental harm, identification of relevant laws and governmental programs, guidance on conducting an instream flow study and guidance on balancing competing interests.

(P.A. 95-333, S. 9.)

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