



# Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.

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## Position Paper No. 1 Inland Wetlands Commission Training

### Position Statement

The 1996 amendments to the Inland Wetlands and Watercourses Act specifies training requirements of Inland Wetlands Commissioners. The Connecticut Association of Conservation Commissions (CACIWC) firmly believes that the minimum requirements outlined in the legislation are insufficient and that the level of IWC required training should be greatly exceeded. Further, CACIWC believes it is critical that a sufficient number of dedicated staff and consultants be made available to IWCs.

### Introduction

Training of Inland Wetlands Commissioners is critical to responsible and informed decision making. The function of wetlands and the importance of preservation of sensitive riparian environments along rivers and streams should be clearly understood by every wetlands commission member. Further, regulation of inland wetlands is complex, both technically and legally, and requires a clear understanding of the legal and enforcement issues associated with the process of reviewing applications. A well-informed and well-trained commission is less vulnerable to law suit and is more likely to take a consistent approach to regulation and decision-making.

The new requirement in the 1996 amendments to the Inland Wetlands and Watercourses Act specifies that at least one member of the agency or staff must complete the Department of Environmental Protection (DEP) comprehensive training program. The amendments also require that each IWC hold at least one meeting each year to review information summarizing the provisions of the DEP IWC training program.

Inland Wetland Commissions may also receive information from video presentations and written material developed by the DEP Commissioner as also required by the recent amendments.

Four issues regarding IWC training were not sufficiently detailed in the amendments and are discussed below.

### **1. Who should receive training? When, where?**

While the recent amendments now require municipal wetlands agencies to ensure that at least one member or staff complete the comprehensive DEP training program, CACIWC strongly recommends that:

- Connecticut IWCs should greatly exceed this minimum requirement
- all new members should attend DEP training
- the chairperson and other officers should attend as many training opportunities as possible
- IWCs should develop commission policy, preferably through local regulation, to ensure that all commission members attend at least one training session every two years.
- In view of the increasing emphasis on use of appropriate administrative legally correct procedures, at least 50% of local commissioners should attend annual legal workshops.

These additional steps will also help improve the effectiveness of the discussions at the required annual meeting devoted to a review of the DEP training program.

It is also important that recently trained legal and support staff is available to IWCs. CACIWC recommends that all municipal wetlands staff attend annual training and become certified once a program is established. All attorneys involved in municipal wetlands practice should attend both DEP and CACIWC legal training workshops.

### **2. Municipal commitment to trained staff**

As a result of increasingly challenged municipal budgets, many towns have decreased both the hours and number of wetlands support staff and consulting attorneys. CACIWC urges that Connecticut town leaders reverse this trend to ensure

that sufficient numbers of dedicated staff and consultants are made available to IWCs. Necessary funding and time need to be set aside to assure that the IWCs receive adequate support.

### **3. Who should provide and sponsor IWC training?**

The CACIWC Board of Directors works with DEP staff to ensure that the IWC training program is constantly updated to provide IWCs the most relevant information. For example, CACIWC encourages full participation by members of the Office of the Attorney General's wetlands group since this office ultimately reviews and/or represents the DEP Commissioner in all municipal wetlands cases appealed in Connecticut. Also, CACIWC periodically sponsors a series of legal workshops utilizing private wetlands attorneys and developed in consultation with the Office of the Attorney General. Notification of any upcoming workshops will be detailed in CACIWC's quarterly newsletter, The Habitat, and also on the website, *caciwc.org*.

### **4. What should be the content of IWC training?**

CACIWC recommends that the following list of topics be a part of training received by municipal Inland Wetlands Commissioners and support staff:

- a) new legal issues, court cases and litigation issues;
- b) details of new legislation;
- c) jurisdictional issues relative to other municipal and state agencies/departments;
- d) how to document agency decisions;
- e) understanding the important functions of wetland systems and the costs of poor decisions, not only in the area of environmental degradation, but increased town maintenance and property damage and through reduced flood and erosion control; cumulative impact issues;
- f) how to conduct a meeting, including important procedures outlined in Robert's Rules of Order and the Freedom of Information Act;
- g) how to conduct a legal and effective public hearing;
- h) how to maintain "objectivity and control" as an Inland Wetlands Commissioner
- i) technical issues, such as how to read a map, sedimentation and erosion controls, use of local and regional resources (soil conservation experts, Environmental Review Teams, etc.);
- j) field training, such as how to conduct a site visit'

- k) issues of staff delegation;
- l) enforcement issues including appropriate use of fines and penalties;
- m) coordination with plans of conservation and development (POCDs)

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