

DATE: October 18, 2010
TO: Council on Environmental Quality
FROM: Subcommittee on Wetlands Training Requirements
RE: Report of the Subcommittee, with Recommendations for Legislation

Minutes of the subcommittee's October 1 roundtable meeting, including the list of participants, are attached. Every participant favored more training for Inland Wetlands and Watercourses Agencies (IWWAs).

Points that had majority support, but not necessarily consensus, include the following:

1. Everyone supported requiring a majority of IWWA members to complete training, and most supported requiring all members to complete training, by 2013. (Note: Some interested groups that could not attend weighed in with their opinions later, and two supported a requirement that each IWWA decision must be voted on by at least one trained member. However, if that opinion had been voiced at the roundtable meeting, it probably would not have attracted much support.)
2. "Training" would not necessarily equal current training requirements. To earn a certificate of completion now, one must complete all three training segments in a calendar year:

Segment I – The basics (Note: The DEP reported that it is moving toward putting this segment online.)

Segment II – Annual updates on statute changes and important court decisions

Segment III – Special topics (different each year): Forestry, agriculture, soils, etc.

The proposal of the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC) was to require members to complete segments I and II. This idea had a lot of support.

3. New members shall complete the training requirement within __ months of appointment. Opinions ranged from zero months to 24. CACIWC proposed 21 months.
4. IWWA members should be required to continue their training. There was considerable support for requiring each member to complete Segment I every five years and the annual update annually.
5. Current law requires each IWWA to hold a meeting annually where it reviews training materials. There was support for the idea of requiring each IWWA to send a letter to the DEP each year stating that it held such a meeting.

6. When it came to enforcement of these requirements, the doves prevailed. The majority appeared to favor a proposal to require each IWWA to report annually on the training status of all members. Perhaps this reporting requirement could be combined with #5.
7. Consensus: Agents (staff) should be required to attend Segment II annually, or lose their existing minor delegated authorities which, at present, they may exercise if they have completed training once.
8. There was strong but not universal support for enabling towns to increase their application fees to cover the costs of sending members to training. (Some members of CACIWC, on the other hand, support having the state pay all costs.)

Recommendation of the Subcommittee for 2011 Legislation.

The General Statutes should be amended to incorporate the following concepts.

- The majority of members of each IWWA shall complete a “Basic Training” program by 2013.
- New members shall complete training within 21 months of appointment.
- The DEP shall create a “Basic Training” curriculum (probably equivalent to the current Segments I and II) for IWWA members. As much of the training as possible shall be available online, but not to the exclusion of other options.
- Agents shall complete the annual update segment annually.
- Each IWWA member shall complete the annual update segment annually. This may be accomplished at the [currently required] annual IWWA meeting where training materials are reviewed if the IWWA uses the curriculum circulated by the DEP for such a purpose, and if at least one IWWA member is present who attended the annual update segment held by the DEP.
- Each IWWA member shall complete Basic Training or a DEP-designated “refresher course” every five years.
- Each IWWA shall report annually to the DEP that it held the required annual meeting on training, the names of members who participated, and the training status of each member.
- The DEP shall keep a list, available to the public, of the training status of each IWWA.
- IWWAs shall be allowed to increase application fees to cover the costs of training members.

Minutes of the October 1, 2010 meeting of the Subcommittee on Wetlands Training Requirements of the Council on Environmental Quality held in the Holcombe Conference Room at 79 Elm Street, Hartford.

SUBCOMMITTEE MEMBERS PRESENT: **Howard Beach** (Chair), **Janet Brooks**, **Bruce Fernandez**.

AT THE ROUNDTABLE: **Marianne Corona** of the Connecticut Association of Conservation and Inland Wetlands Commissions (CACIWC), **Bill Ethier** of the Home Builders Association of Connecticut, **Eric Hammerling** of the Connecticut Forest and Park Association, **Pat Horgan** of the Attorney General's Office, **Suellen McCuin** of the Council on Soil and Water Conservation, **Joan Nichols** of the Connecticut Farm Bureau Association, **Ed Pawlak** of Connecticut Ecosystems LLC, **Cynthia Rabinowitz** of the Connecticut Association of Wetlands Scientists, **Alan Siniscalchi** of CACIWC, **Steve Tessitore** of the Department of Environmental Protection (DEP), **Darcy Winther** of the DEP, **David Wrinn** of the Attorney General's Office.

Also present in the audience, from which they spoke, were **Michael Chambers** of the Greenwich Inland Wetlands Commission, **Jessica Morowitz** of the Connecticut Fund for the Environment, and **Denise Ruzicka** of the DEP,

COUNCIL STAFF: **Karl Wagener** (Council Executive Director), **Peter Hearn** (Council Environmental Analyst).

Chair Beach convened the meeting at 9:10 AM and thanked everyone for attending. He explained that the need for the meeting was apparent from the statements heard by the Council regarding what many believe is an inadequate training standard in the state's inland wetland statutes. The law requires that one member or staff person of an inland wetlands commission is required to have completed the training that is offered by the DEP specifically for inland wetlands commissions. He recounted that three years ago the Council assigned an intern the task of analyzing the performance of commissions with trained members or staff, compared to the performance of commissions without trained members or staff. Using statistical analysis it was shown that the untrained commissions underperformed the trained commissions in wetland protection. Beach said that applicants appearing before untrained commission members can be bombarded by unnecessary or irrelevant questions. Environmental advocates have said that untrained commissioners draw incorrect conclusions on technical matters with which they are unfamiliar.

Beach said that a good place to begin is to determine if anyone is satisfied with the status quo. No one was, so Beach turned to the discussion questions that were distributed in advance. The majority expressed the opinion that, at a minimum, at least half of those voting on an application before an inland wetlands commission should have attended the DEP's training program. Some expressed the opinion that all should be trained. Discussion continued on the practical problems of a 100% requirement, such as the role of alternates and consequences of resignations. Discussion turned to the statutory requirement that a trained member update any untrained members regarding what was taught at the training. Methods for towns to demonstrate that they had conducted such updates were discussed. Most favored a letter from a town official certifying that the internal update had been completed.

Incentives to increase enrollment in training sessions were considered. Denise Ruzicka of the DEP said the goal of the department is to have all of "segment one" of the training available online. This would make the training easily accessible by all commissions. She said

that the first two portions of the "segment one" training are on compact disk. The third cannot be finished until funding becomes available to produce it; about \$200,000 is needed.

The importance of training the staff was discussed at length. Several participants noted that staff seemed to go to training more, and that the existing statutory incentives might be sufficient. The majority favored a requirement that staff attend at least Segment Two annually.

There was considerable discussion of the necessity of annual updates and the need for retraining of staff and commission members. DEP staff explained how information about new regulations or statutes is distributed to the towns now, and others noted that the updates that are mailed by DEP do not include new case law. The information presented at Segment Two contains essential updates.

The DEP staff explained that the training is now divided into 3 segments. The first remains relatively constant from year to year. It involves basic wetlands definitions, the role of the commissions under the law, and how to administer the law. The second portion is an update on changes to the law or regulations. The third segment is a field session on one or more special or technical topics. Much discussion followed on the questions of how often training should be required of commission members and commission staff. The general consensus was that the annual update segment should be completed every year by all members of a commission. Segment one, which is the most fundamental, should be completed by every new member as soon as possible. There was agreement that segment one should be repeated, perhaps after five years by all commissioners as a refresher. There was also consensus that professional credentials in the field of wetlands or soil science should not exempt commissioners from the DEP training sessions.

The possible inconvenience to commissioners of such requirements was discussed. Darcy Winther repeated that it is the intention of the DEP to have segment one available on line to make it accessible to more people. The possibility of having other organizations conduct portions of the training was discussed. Steve Tessitore said that the DEP thought it essential that it control the content and delivery of the message and that this was especially important for segment two; several participants agreed, but some noted that workshops at the CACIWC conference often contained the same information.

Wagener asked the group the question of when they would like to see any reforms become effective in law. The most popular choice was 2013. In answer to a similar time frame question, most preferred 18 to 24 months as the deadline by which a new commissioner must complete training.

There were three questions relating to the enforcement of any training requirements. Participants expressed a range of views on whether there should be sanctions for non-compliance and what those sanctions should be. There was greatest support for not imposing penalties of any sort and for a requirement that commissions report annually to the DEP on the training status of their members.

The final question pertained to paying for the additional training. Most supported the concept of allowing each commission to boost application fees modestly to cover the cost of the commission's training, if that was necessary.

No votes were taken. The meeting adjourned at 11:30 AM. Beach thanked everyone for their excellent comments, and said the Subcommittee would report to the full Council and discuss possible legislative recommendations at the Council's October 19 meeting.