

WETLANDS DEMYSTIFIED
Wetlands Evaluation
By Paul Hennen

In the April issue of the *Pomfret Times* we discussed the conservation easement agreement as an important tool the Wetlands Commission has to protect important wetlands and watercourses in our Town. You will recall that the conservation easement, to include upland buffer, restricts certain activities that could adversely harm these important and sensitive wetland areas. This said, how does the Commission decide what wetland or watercourse is important? And, are there any wetlands or watercourses considered unimportant? The answer to the latter question is an emphatic no. However, it is certain that not all wetlands and watercourses are equal. In other words do some wetlands and waterbodies have greater functional value than some others? The answer to that question depends on one's point of view, of course, but the answer is yes. The evaluation of a wetland and watercourse in terms of its functional value, and thus importance in a relative sense, is known as a "wetlands functions and values assessment". Unfortunately, the scope of this article and our allotted space will not allow more than a general description of the process and how the Commission uses the information generated from such assessments to make land use decisions.

In Connecticut there are two value assessment methods generally used. The first method considers the watershed influenced by the particular wetland and/or watercourse complex involved. This approach was designed by the Connecticut Department of Environmental Protection (DEP) and published as Bulletin Number 9, *Method For The Evaluation Of*

Inland Wetlands In Connecticut, revised March 1991. The second method is based on the *US Army Corps of Engineers Highway Methodology Workbook Supplement, Wetland Functions and Values, A descriptive Approach*, 1995. Unlike the DEP method, which uses a scoring system to develop numerical values, the Corps of Engineers approach is more judgmental in nature. Both methods, however, assess wetlands by considering various factors such as groundwater potential, wetland hydrology, flood alteration and mitigation, sediment retention, wildlife habitat, etc., to name a few. To address each factor considered and how these factors are judged could easily become a *Wetlands Demystified* article in itself. For example, the DEP approach to identifying the importance of a wetland in terms of groundwater potential is to consider its use. Questions with numerical scores address existing or potential groundwater in terms of water supply to existing or downstream wells, water quality impact on aquifers, etc. The Corps of Engineers method assess ground water potential in terms of wetlands recharge and discharge value. In this case wetlands soils and their underlying substratum, aquifer recharge potential, hydrology of the area and watershed quality are evaluated. A plus (+) or a minus (-) is assigned to the various factors considered and a judgment made that the evaluated wetland has a high, moderate, low or slight importance potential for this specific function. Again one of the main differences between the two methods is how the results are expressed. The higher the numerical value the more important the wetland, or the more pluses assigned the more important. Both methods require judgment. The DEP approach was intended for use primarily by wetlands commissions whose members had some familiarity with wetlands, but who were not wetlands specialists or scientists. What the DEP failed to recognize was that the members of most commissions had little interest

in getting involved in such matters, much less study Bulletin Number 9. The Corps of Engineers approach is a qualitative approach and thus almost completely judgmental in nature. This approach demands that wetlands and other environmental specialists become involved. In other words if I, the expert hired by Mr. Jones, say his wetland is of slight importance in my judgment and therefore you should approve his wetlands permit application, how does a wetlands commission respond? What options does a commission have under these circumstances? I will leave the answer to that question for another time.

Fortunately for wetlands permit applicants, the need to assess wetlands functions and thus determine a wetlands value or importance does not occur frequently, because anyone who may have gone through this process knows wetlands scientists do not come cheap. But there are circumstances that require that such studies be undertaken. Under section 2 of our regulations we define “significant impact activity” to mean any activity that will or may have a major effect or significant impact on wetlands and/or watercourses. To find that an activity could have a “major” effect or “significant” impact is a judgment only the Commission can make after reviewing the circumstances. It is not a decision taken lightly. The definition goes on to describe seven specific activities that apply. Therefore, it is the activity and how that activity may impact wetlands and watercourses at any location that signal whether or not we are required to determine the value of a wetland or watercourse that could be affected. It should be no surprise that this assessment is done at the applicant’s expense.

In summary, we have discussed in very brief terms the two methods used in Connecticut to evaluate wetlands or watercourse functions and their overall importance to the natural water resources of our Town. Wetlands judged important by the Commission may justify a conservation easement agreement as a condition for wetlands permit approval. Should it be determined that a significant impact activity is involved because of the nature of the project a wetlands assessment will be necessary as part of the application.

In my last article I mentioned that a number of changes and additions to our regulations were in the works. The review process is still in motion, but now that “significant impact activity” has been mentioned, that topic will be the focus of our next article. Should the Commission decide that a significant impact activity is involved in a project, Part II of our permit application form is activated. We will discuss what that means and the potential costs to the applicant that may result. And, oh, yes, our application forms are under revision too. I do hope you will stay tuned. The best is yet to come. But for us to stay on track and provide the information you need, we need your comments and questions. One question has come up, however, and that is how much of *Wetlands Demystified* are my views as opposed to the article reflecting Commission policy? To set the record straight my draft article is presented to the Commission and staff at its meeting prior to publication. Members have approximately ten to fifteen days to review the article and comment if they wish. Once published in the *Pomfret Times* the article does reflect the Commission’s position on the information provided or the issue addressed.

Note: Our current regulations, forms, minutes, and past Wetlands Demystified articles can and other information can be found on our website www.pomfretct.org.

For those interested in DEP Bulletin 9 they can obtain a copy from the DEP Bookstore at www.depstore@po.state.ct.us. To obtain a copy of the *US Army Corps of Engineers Highway Methodology Workbook Supplement* call 1-800-343-4789 for information.