The Last 100' of the Watershed

The Twin Lakes Association, in concert with the Housatonic Valley Association, is committed to a study of the Twin Lakes Watershed. For years we have analyzed the water in the lakes—the chemistry, temperature, clarity; and the aquatic plants growing in the lakes. Other than the 1987 watershed study conducted by Ecosystem Consulting Service, Inc and authored in part by George Knoecklein, PhD, we have no current data about what is entering the lakes from the watershed. Given the changes in land use over the last 35 years, an updated study is sorely needed.

The watershed is defined as the surrounding area from the highest point in all directions from which water may flow to the water's edge. Obviously, work conducted along the shoreline which disturbs the natural vegetation may lead to erosion and negatively impact water quality, which is why the two issues (the watershed study and the URA) are connected.

Wetlands law in Connecticut is based on soil type, specifically wetlands soils, of which there are dozens of types. In short, the statutes prohibit excavating or filling wetland soils. The Inland Wetland and Watercourses Commission (IWWC) is tasked with protecting those areas.

After nearly five years of deliberation on the update of Wetlands regulations, the IWWC decided to leave each of the four regulated, named lakes' upland review area at the current 75' from the lake shore. In addition, the IWWC has asked each lake association to determine if a modification of the URA is warranted for their particular lake(s).

State regulations require that a specific process be followed for any changes in the IWWC regulations, including submission of proposed changes to CT DEEP for review and approval, and for the local IWWC to host a public forum seeking public input. At present, the IWWC intends to hold a public meeting to discuss the proposed regulation update on May 12, 2025. A robust discussion of the URA for each of the regulated lakes in town is expected.

URAs (Upland Review Areas) are not exclusion zones; they are areas adjacent to wetlands that allow the IWWC oversight of various activities which are likely to adversely impact a wetland or watercourse. "Likely" is a key word in the CT state Statutes. DEP's June 1997 publication "Guidelines Upland Review Area Regulations Connecticut's Inland Wetlands & Watercourses Act" states on Page 4-5:

In addition to activities located in a wetland or watercourse [removal or deposition of material], any activity in a non-wetland or non-watercourse which is likely to impact a wetland or watercourse may be deemed a regulated activity (unless the activity is a use permitted as of right or as a nonregulated activity). However, the likelihood of an activity having a substantive impact on a wetland or watercourse will depend on a number of factors, including the nature of the wetland or watercourse, the activity, soils and slope of the land, and would generally decrease with increasing distance of the activity from the wetland or watercourse. At some point, impacts from that activity on wetlands and watercourses would be expected to become de minimis and not measurable. The DEP [now called the DEEP] believes that a 100 foot-wide upland review area is sufficient for reviewing construction activities in areas surrounding wetlands or watercourses because most of the activities which are likely to impact or affect these resources will be located in that area. . . However, beyond 100 feet it is neither practical nor desirable, from a wetlands or watercourses management perspective, . . .

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The Connecticut DEEP June 1997 document stresses regulation of activities that are *"likely to impact or affect wetlands or watercourses"* (page 1). These words are repeated ten times in the first four pages of the document leading up to the paragraph at the bottom of page 4 that starts: "the DEP [now called DEEP] believes that a 100-foot wide upland review area is sufficient for reviewing construction. . ." In my opinion this guidance is as detailed and logically argued as one might find since it is based on common sense: the farther away from a wetland or watercourse a given activity occurs, the less likely it will affect that water body.

I propose that the Twin Lakes Association increase the URA on East and West Twin to 100'. The current URA of 75' leaves a 25 foot gap in which soil disturbance could occur and which could adversely impact the lakes. In conjunction with the URA increase, we also propose a list of routine activities that can be performed in the URA without IWWC approval. A vote to extend the URA around Twin Lakes to 100' and to endorse the list of routine activities will be the subject of the board discussion on March 6.

The TLA and the IWWC share the common goal of lake protection, and this increase in the URA will better serve that goal. (See the italicized paragraph above.). The health of the lakes, now and in the future, will benefit from the combined efforts of the two organizations. Despite having legal oversight and enforcement powers, the IWWC regulations are not fully understood nor clear to the average lakeshore homeowner. Assuming the IWWC approves a reasonable list of activities that can be done without prior IWWC review and approval, the TLA can partner with the IWWC in educating and promoting best land use practices of lakeshore properties.

Peter Neely