

# Overview of the wetland and tidal area regulations that apply to Mason's Island, as part of the Town of Stonington, CT May 1, 2026:

Please note that regulations can and do change. The Stonington Zoning Department can be very helpful if you have questions of need further information.

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## Wetland & Tidal Area Regulations for Mason's Island, CT

Mason's Island falls under multiple layers of regulation — federal, state, and local — that overlap and the most restrictive standard generally applies.

### 1. Federal — U.S. Army Corps of Engineers

Under **Section 404 of the Clean Water Act**, any dredging, filling, or placing of structures in waters of the U.S. (including wetlands) requires a permit from the Army Corps of Engineers, New England District. This applies to both tidal and inland wetlands.

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### 2. State — CT DEEP (Department of Energy and Environmental Protection)

**Tidal Wetlands (CGS 22a-28 to 22a-35 — Connecticut Tidal Wetlands Act, 1969):** CT DEEP has sole authority over tidal wetlands. A permit is required from DEEP's Land and Water Resources Division (LWRD) for:

- Draining, dredging, excavating, or removing soil, mud, sand, or gravel from any tidal wetland or tidal pond
- Dumping, filling, or depositing any material in tidal wetlands
- Erecting structures, driving pilings, or placing obstructions in tidal wetlands or tidal waterbodies

**Tidal wetlands** are defined as areas bordering or lying beneath tidal waters — including banks, bogs, salt marshes, swamps, meadows, flats, and similar areas up to one foot above local extreme high water (EHW).

**Structures, Dredging & Fill (CGS 22a-361 — Coastal Jurisdiction Line):** Any work waterward of the **Coastal Jurisdiction Line (CJL)** also requires a DEEP permit. The CJL replaced the old Mean High Water mark as the regulatory boundary in 2012. Stonington has a specific CJL elevation calculated by DEEP in NAVD88 coordinates.

Minor work (maintenance dredging, repair of previously authorized structures) may qualify for a faster **Certificate of Permission (COP)**, with decisions in 45–90 days.

**Inland Wetlands (CGS 22a-36 to 22a-45 — IWWA):** Inland wetlands on Mason's Island are regulated locally by Stonington's **Inland Wetlands and Watercourses Commission**. Activities within wetlands or within the **100-foot Upland Review Area** from any wetland or watercourse require a permit from that commission.

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### 3. Local — Town of Stonington

**Stonington Zoning Regulations (most recent: November 2023):**

- A **Coastal Area Management (CAM) review** is required for development within **100 feet of tidal wetlands, coastal bluffs, escarpments**, and other coastal resources.
- Stonington has a **"Coastal Marsh" zone** encompassing coastal areas including coves, estuaries, tidal marshes and wetlands — established to preserve natural habitat and assure flood protection.
- **Non-infringement areas** apply in certain districts: within these areas, all uses are prohibited except boat/yacht facilities, public trails, greenways, water quality restoration activities, and certain agricultural uses. These areas may not be disturbed, filled, or improved.

- **Flood Hazard Overlay District** regulations apply to areas within FEMA-mapped Special Flood Hazard Areas (Zone AE and VE), which cover much of Mason's Island's shoreline.

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**Stonington Inland Wetlands & Watercourses Regulations (2006):**

- Requires a permit for regulated activities in or within 100 feet of any inland wetland or watercourse.
- The **Upland Review Area** extends 100 feet horizontally from any wetland boundary.

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**Key Practical Points**

- **Violations can result in fines up to \$1,000/day** under CGS 22a-32 and 22a-361, plus removal orders and legal action.
- You should contact **CT DEEP's LWRD** and fill out a **pre-application questionnaire** before beginning any work near wetlands or coastal areas.
- A **pre-application meeting** with DEEP staff is strongly recommended.
- Hiring a licensed **environmental/marine consultant, engineer, or land surveyor** familiar with CT coastal permitting is advisable.

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**Contacts:**

- CT DEEP Coastal Permitting: [portal.ct.gov/DEEP/Coastal-Resources](http://portal.ct.gov/DEEP/Coastal-Resources)
- Stonington Planning Department: 152 Elm Street, Stonington, CT — (860) 535-5095
- Stonington Inland Wetlands Commission: same address

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[www.stonington-ct.gov](http://www.stonington-ct.gov)

## Trees in Tidal and Inland Wetlands

Trees in both tidal and inland wetlands are protected — though the specifics differ between the two types of wetlands.

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**Tidal Wetlands — CT DEEP Has Direct Jurisdiction**

Regulated activities in tidal wetlands include the removal of vegetation or other material, or any other modification of a site waterward of the high tide line. This means cutting or removing trees within tidal wetlands requires a permit from CT DEEP's Land and Water Resources Division. There is no general exemption for tree removal in tidal wetlands, and any work conducted in tidal wetlands without proper authorization is a violation of state law, subject to enforcement actions including civil penalties of up to \$1,000 per day.

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**Inland Wetlands — Local Commission Jurisdiction (Stonington)**

Tree removal in inland wetlands is broadly regulated as a "regulated activity." Regulated activities" are broadly defined to mean any operation within or use of a wetland or watercourse involving removal or deposition of material, or any obstruction, construction, alteration or pollution of such wetlands or watercourses. Cutting or clearing trees would fall squarely within that definition.

Clear-cutting or other significant removal of vegetation in or adjacent to wetlands or watercourses is among the prohibited activities under the Inland Wetlands and Watercourses Act.

However, there are some exemptions for agricultural and forestry uses which probably do not apply to Masons Island. Importantly, you cannot make the determination yourself that an activity is exempt —

you must first contact the local Inland Wetlands Agency for a jurisdictional ruling before proceeding with any work.

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## Resources

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**1. The 1970s Regulatory Tidal Wetland Maps (the legally controlling maps)** These are the historic regulatory tidal wetland boundaries, produced during the early 1970s by the State of Connecticut Department of Agriculture and Natural Resources, which defined the areas of tidal wetlands subject to the 1969 Tidal Wetlands Act. The boundaries were surveyed in the field and transferred to 1"=200' scale mylars. However, it is known that mapping criteria did change as surveyors became more experienced, and it was not unusual for controversial parcels to be omitted as a result of adverse comments at public hearings — meaning even at the time of adoption, the maps did not include all known tidal wetlands.

[CT.gov](#)

**2. The 1994/1995 Updated Tidal Wetland Maps (more accurate, but NOT regulatory)** This mapping was compiled from two sources: the 1994 Ramsar Tidal Wetlands Mapping and the 1995 OLISP Tidal Wetlands Mapping, both produced by the State's Department of Long Island Sound Programs. These boundaries are *not* regulatory boundaries but should be interpreted as a guide to the location of tidal wetlands. Most coverage polygons outside the Connecticut River area are still considered draft quality.

[CT.gov](#)

**Critical point:** Because the regulatory maps are from the 1970s and are acknowledged to be incomplete, a wetland that doesn't appear on the map can still be legally regulated — actual field conditions and plant communities govern. DEEP staff will conduct site-specific delineation for permit purposes.

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### **Inland Wetlands — Soil-Based Mapping**

Inland wetland soils maps provide the general location of soil map units in Connecticut defined as inland wetlands and potentially subject to regulation. The mapping is based on USDA Natural Resources Conservation Service (NRCS) soil surveys. On-site investigation is necessary to determine the presence or absence of inland wetland soils in a particular area. [Uconn](#)

Inland wetlands are regulated locally by Stonington's Inland Wetlands Commission, not DEEP directly.

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### **Coastal Resource Maps (for Stonington)**

DEEP also produced Coastal Resource Maps depicting the location and condition of 13 coastal resources defined in the Connecticut Coastal Management Act, including tidal wetlands, freshwater wetlands and watercourses, intertidal flats, estuarine embayments, coastal hazard areas, beaches and dunes, and more. [CT.gov](#)

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