

The Habitat

A newsletter of the Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.

Summer 2013

volume 25 number 2



CACIWC's 36th Annual Meeting & Environmental Conference

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Celebrating Connecticut Parks and Open Spaces



Ms. Pamela Adams, former Director of Connecticut State Parks, will highlight CACIWC's 36th Annual Meeting and Environmental Conference with her keynote address on "Celebrating 100 Years of State Parks in Connecticut."

Connecticut's parks, forests, and open space parcels are an important part of the character of our state. These sites range from large, well-established state parks and forests to recently acquired town and land trust parcels. Together, these lands provide countless

opportunities for quiet walks and other enjoyable recreation activities for residents and visitors alike. Many of these beautiful places also serve an important conservation role by preserving critical habitats for native plants along with resident and migratory birds and other wildlife.

The management of these parks, forests, and open space parcels is frequently left in the hands of a single agency or organization. Unfortunately, these organizations are facing their efforts to appropriately manage these conservation commissions often faced with denow partnering with better manage these conservation commissions to help form coalitions to serve as effective stewards of both state and locally owned lands within their region.

"Connecticut's parks, forests, and open space parcels are an important part of the character of our state."

increasing challenges inately balance the growing and the long term goals Many of these agencies, ceasing resources, are other organizations to challenges. Our member sions are in a unique

During 2013, the Connecticut Department of Energy and Environmental Protection, State Parks Division, along with the Friends of Connecticut State Parks (FCSP) and the Connecticut Forest and Park Association (CFPA), organized a Connecticut State Parks Centennial Celebration to recognize the century of park

land preservation efforts in Connecticut. CACIWC is promoting this year-long celebration with various presentations scheduled for the 2013 annual meeting.

Pamela Adams worked for the Connecticut Department of Environmental Protection (DEP) starting in 1976 as an Environmental Analyst. In 1997 she became the Director

36th annual, continued on page 10

★ Inside	CACIWC News	2
	CEPA is Amended	3
	State Parks Centennial	5
	CT Roadside Vegetation Management	6
	Legislative Overview 2013	8
	Annual Recognition Awards	16

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CACIWC News Briefings

This September will mark the 100th anniversary of the inaugural meeting of Connecticut's first State Park Commission. With this meeting, the six member commission began the process of identifying sites to preserve as Connecticut's first parks. To help honor these early efforts, support our existing parks, and promote a strong future state park system; the State of Connecticut Department of Energy and Environmental Protection (DEEP) State Parks Division partnered with the Friends of Connecticut State Parks (FCSP), and the Connecticut Forest and Park Association (CFPA) to organize a **Connecticut State Parks Centennial Celebration**. The Centennial Celebration has organized a year-long calendar of events starting this summer through the state park birthday parties planned for the summer of 2014. As this issue of *The Habitat* goes to press, CACIWC is making final plans to join the Centennial Kick-Off at Dinosaur State Park in Rocky Hill on Wednesday, August 1, 2013. CACIWC is also encouraging its member conservation commissions to support the Centennial "SoJourn" (Summer Outdoor Journey) beginning on Thursday, August 15 with visits to various state parks along a 169 mile route (to honor Connecticut's 169 municipalities) throughout Connecticut. For more information on these events, please visit the State Parks Centennial website at: www.ct.gov/deep/cwp/view.asp?a=2716&q=523470&deepNav_GID=2135.

1. To help promote this year-long celebration of Connecticut State Parks, CACIWC is dedicating our **36th Annual Meeting and Environmental Conference**, scheduled for **Saturday, November 16, 2013**, with the theme of *Celebrating Connecticut Parks and Open Spaces*. The Annual Meeting Committee is also organizing a series of informative workshops on how best to support existing open space parcels and preserve important local habitats. Please see the conference information in this issue of *The Habitat* and watch for additional conference news on our www.caciwc.org website. You may direct any questions on our annual meeting to us at: AnnualMtg@caciwc.org.

2. The CACIWC board of directors expresses its thanks to the commissions that have already paid their **2013-14 membership dues** in response to the recently distributed reminder and renewal form. A copy of this form and additional information has also been placed on our website: www.caciwc.org. Our website also provides a description of additional individual and business membership categories you or your company can use to provide additional support to CACIWC. We continue to very much appreciate any additional contributions that you can provide to support various CACIWC programs including

CACIWC news, continued on page 11



Journey to The Legal Horizon by Attorney Janet Brooks

The Connecticut Environmental Protection Act Is Amended: Public Act 13-186¹

In the "Land of Steady Habits," Don't Expect a lot of Changes

After a number of failed attempts in the past few legislative sessions, the General Assembly passed a law amending the Connecticut Environmental Protection Act (CEPA). The status quo prevails! Am I being facetious? Hardly. The General Assembly codified (put into statute) the holding of the Connecticut Supreme Court's 2002 decision in the *Nizzardo* case, which in turn affirmed the Connecticut Supreme Court's 1984 decision in *CFE v. Stamford*.

Review of CEPA

Let's remind ourselves of the elements of CEPA. It is supplementary to other environmental laws. So, a wetlands agency begins its duties by implementing the state wetlands act. CEPA only applies when invoked. For our discussion², we are concerned with the authority granted under CEPA to allow "anyone," broadly defined, to intervene in "administrative proceedings" where conduct is proposed which is "reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state." Such intervenors are sometimes referred to by the statutory section, "section 22a-19 intervenors," or "environmental intervenors," or simply "intervenors."

CEPA is invoked upon the filing of a "verified pleading." A "verified pleading" is simply a written statement in which the intervenor asserts that the proceeding "involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state." "Verified" means the intervenor has sworn to truth of the allegations, in the presence of a notary public or attorney, whose signature is also included. The intervenor does not have to prove the truth of the allegations in the petition in order to intervene.

How much the intervenor has to allege in the verified pleading is the subject of the amendment.

The intervenor becomes a party to the proceedings. As a party the intervenor may put on evidence to prove the allegations of unreasonable conduct, to rebut the applicant's presentation and may cross-examine the applicant or their representatives. It is not the applicant's duty to characterize the conduct, if the intervenor does not offer any expert evidence on the pollution, impairment or destruction. It is not the agency's job to investigate the intervenor's claims. The agency has the duty of "con-

sidering" the alleged unreasonable conduct. If an intervenor is successful at proving the harmful effect of the proposed conduct, the agency is not authorized to approve the application as "long as there is a feasible and prudent alternative." The intervention process starts with a sworn statement alleging unreasonable conduct to

a natural resource. It ends with the agency determining whether there is proof of the unreasonable conduct, and if so, whether there is a feasible and prudent alternative to the proposal.

The Amendment to CEPA

The amendment adds the following language to § 22a-19, by numbering the existing language in § 22a-19 as subsection (1) and creating the following subsection (2):

"The verified pleading shall contain specific factual allegations setting forth the nature of the alleged unreasonable pollution, impairment or destruction of the public trust in air, water or other natural resources of the state and should be sufficient to allow the reviewing authority to determine from the verified pleading whether the intervention implicates an issue within the reviewing authority's jurisdiction. For purposes of this section, 'reviewing authority' means the board, commission or other decision-making authority in any

legal, continued on page 4

"If you believe that government should be transparent, you will appreciate how this amendment makes it easier for citizens to know what the court standard is upon first reading the statute."

legal, continued from page 3

administrative, licensing or other proceeding or the court in any judicial review.”

In *Nizzardo v. State Traffic Commission*³ the Supreme Court affirmed the 1984 decision in *CFE v. Stamford*, holding that CEPA does not expand the jurisdiction of the agency the intervenor appears before. If a wetlands agency has no jurisdiction over air, as in the *CFE v. Stamford* case, an intervenor is not authorized to use CEPA to expand the jurisdiction of the agency. The *Nizzardo* court explicitly imposed certain requirements in the verified pleading, as follows:

“(A) petition for intervention filed under § 22a-19 must contain specific factual allegations setting forth the environmental issue that the intervenor intends to raise. The facts contained therein should be sufficient to allow the agency to determine from the face of the petition whether the intervention implicates an issue within the agency’s jurisdiction.”⁴

If you compare the amendment to CEPA with the quote from the *Nizzardo* case (which I did), you will discover that the amendment incorporates the quote virtually verbatim, except for the last sentence of the amendment. The last sentence which defines “reviewing authority” is not derived from the court decision.

What the court determined was that it is not enough to just state (and that’s why I put a strike-through in the statement): “~~the conduct proposed will or is reasonably likely to have the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.~~” If a petition states that, it ought to go on to state, something like the following: “. . . by disturbing the upland directly adjacent to the wetland boundary, erosion of the upland will likely result in the deposition of materials in the wetlands and _____ River which will unreasonably impair the wetland and river and unreasonably diminish the wetlands’ ability to provide flood control, etc., etc.”

The Connecticut Business and Industry Association (CBIA) stated on its website that the public act “should cut down on frivolous interventions in permit proceedings.”⁵ That might have been true, if this public act had changed the law. Since the legislature is merely playing “catch-up” to the judicial decision of 2002 – which has been in effect for over a decade – we’re not likely to see any change in verified petitions that are accepted by agencies. What we will more likely see is that

citizens who create their own intervention petitions, without the use of attorneys – *which they have every right to do* – will not have their initial verified petition rejected by an agency which had its town attorney review the petition.

If you believe that government should be transparent, you will appreciate how this amendment makes it easier for citizens to know what the court standard is upon first reading the statute. The process to enact this amendment was anything but transparent. The purpose stated on the original bill was: “To require certain legal entities that fund environmental interventions to disclose their identity when funding an intervention in an administrative, licensing or other proceeding involving a business competitor.”⁶ That never happened. The Planning and Development Committee, where the bill originated, communicated that the bill was just a “placeholder” so the groups and individuals testifying or submitting letters at the public hearing on the bill talked about their own concerns about CEPA. Some suggested time limits on the right to intervene, others wanted no right to intervene in a court appeal if the person/entity hadn’t intervened in the agency proceeding.

In the end, the legislature just incorporated the wording of the court decision into CEPA. For most of us, it’s still “business as usual.” It is now clear to any citizen reading the amendment what is expected of them. Carry on – stay the course.

Janet P. Brooks practices law in East Berlin. You can read her blog at: www.ctwetlandslaw.com and access prior training materials and articles at: www.attorneyjanetbrooks.com.

Endnotes

¹ You can read the public act by pasting in the following URL into your browser: www.cga.ct.gov/2013/ACT/pa/pdf/2013PA-00186-R00SB-00814-PA.pdf.

² CEPA also provides a right to proceed directly to court in a legal action against the party who is claimed to be creating unreasonable pollution, impairment or destruction of natural resources of the state. See Connecticut General Statutes § 22a-16.

³ *Nizzardo v. State Traffic Commission*, 259 Conn. 131 (2002). The case can be read by putting this URL into your browser: www.jud.ct.gov/external/supapp/Cases/AROct/259cr131.pdf. You can also get there by googling: CT Supreme Court case. *Nizzardo*. The CT Judicial Branch’s online version (the URL in the previous sentence) appears as the first URL.

⁴ *Nizzardo v. State Traffic Commission*, 259 Conn. 131, 164-65 (2002).

⁵ Reported on the website of the Connecticut Business and Industry Association at: http://gov.cbia.com/issues_policies/article/environment-regulatory-changes-reforms, accessed on June 25, 2013.

⁶ www.cga.ct.gov/asp/cgabillstatus/cgabillstatus.asp?selBillType=Public+Act&bill_num=186&which_year=2013. ↘

Connecticut State Park Centennial – A Year of Celebrating the Past, Present and Future

by Pamela Adams, Chairman, Connecticut State Parks Centennial Committee

The State Park System. A little more than 100 years ago, Connecticut was in the throes of rapid industrialization and development. Businesses and industries were developing along waterways and, in cities. Infrastructure support systems such as railroads, fuel terminals, roadways, dumps and power supply systems were being constructed faster than ever before. Homes and new roads were springing up throughout the state and cities were expanding.

People started to become alarmed at the disappearance of river views and scenic landscapes. In 1909, Connecticut's Legislature introduced legislation to protect the lower Connecticut River. It failed to pass. Noting that every state surrounding Connecticut had already set aside land for public park systems, the General Assembly appointed a temporary Park Commission in 1911 to study the need and desire for a public park system. The report, which recommended pursuing a public park system, was completed and accepted in 1913. The Connecticut State Park Commission, comprised of six highly respected and influential businessmen, was established and held its first meeting in September of 1913. The first Chairman, General Edward Bradley of New Haven (for whom Bradley International Airport was named), was unanimously elected by the members. Thus, began Connecticut's State Park system.

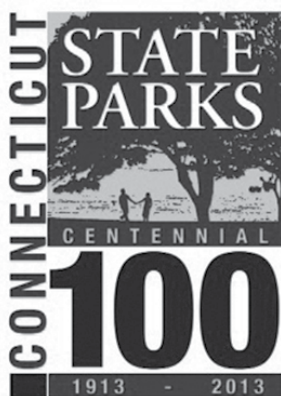
It was important to the Commission that the right mix of properties be acquired for this new park

system. On March 1, 1914 the State Park Commission hired its first employee – Albert M. Turner. Turner was a Connecticut Yankee born in 1868 and raised in the Northfield section of Litchfield. He brought to the position his background as a Yale educated engineer and several years of personal experience in various planning capacities (see DEEP Centennial website). Albert Turner worked tirelessly scouring the state for the best properties to include in this new system. Within seven months, he had hiked hundreds of miles, traveling along the entire shore and, on rivers. He viewed lakes and vistas and researched sites representing Connecticut's history. Turner compiled a list of the best properties and beautiful places exemplifying the beauty, natural resources and history of Connecticut.

Now that an acceptable inventory of properties was in front of them, the Commission, faced with the age-old issue of money, had to be diligent in parsing out their acquisition allotment of \$20,000.

After all, with shoreline property selling at \$6,500 for one acre, it would be a challenge to acquire a reasonable amount of land for the first state park. Not only were the Commission members good businessmen, there were shrewd negotiators as well. On December 22, 1914, the Commission closed on the first five acres of State Park property at Sherwood Island in Westport. Seven days later, they acquired 150 acres on the Connecticut River; now known as Hurd State Park located in East Hampton.

centennial, continued on page 12



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Connecticut's Roadside Vegetation Management: Progress and Challenges

by Jane Harris, Middletown Urban Forestry Commission, State Vegetation Management Task Force Member

Trees are the signature characteristic of the New England landscape. What does climate change mean for Connecticut's trees? Rising tides, storm surges, increased storm activity, invasive pests, greater extremes of temperature all play havoc with trees.

From a legislative point of view, two significant events were the crushing storms of 2011: Tropical Storm Irene, followed by the infamous Halloween Nor'easter, Alfred. Shortly thereafter, Governor Malloy appointed his Two-Storm Panel, which issued its report early in 2012. Their report dealt broadly with all forms of emergency responses to the storms, and included the very useful "[Right Tree, Right Place](http://www.ct.gov/deep/lib/deep/forestry/vmtf/final_report/svmtf_final_report.pdf)" recommendations.

www.ct.gov/deep/lib/deep/forestry/vmtf/final_report/svmtf_final_report.pdf.

That panel further recommended the formation of a State Vegetation Management Task Force "to develop standards for road side tree care in Connecticut, vegetation management practices and schedules for utility rights of way, right tree/right place standards, standards for tree wardens, municipal tree inventories and pruning schedules." This task force was to consist of professionals from both municipal and State government, utilities, tree boards and other non-profit advocates for trees, as well as scientists from University of Connecticut and the CT Agricultural Experiment Station.

The State Vegetation Management Task Force, or SVMTF, met twice monthly from April to August of 2012 to issue its report in time for the first anniversary of Tropical Storm Irene. To effectively accomplish its work, the Task Force established

three primary working groups: 1) Public Education; 2) Regulations, Legislation, & Funding; and 3) Technical Standards.

Since that time, it has met less regularly, but sufficiently to help shepherd through two tree-related pieces of legislation.

The Final Report of SVMTF is available on the CT DEEP website at www.ct.gov/deep/lib/deep/forestry/vmtf/final_report/svmtf_final_report.pdf.

As explained in its Executive Summary, the task force strongly advocated that trees and other woody vegetation are significant for both the health and beauty of our communities. At the same time, they recognized that neglect and improper care of this resource has led to the endangerment of people and property.

Public Education

Much of the final report deals with the importance of recognizing the value of trees and woody plants, whether for traffic calming, real estate valuation, or an array of health and environmental benefits.

The report recognizes that, ever since roads were built, rights of way granted, and utility lines strung, there has been tension over the placement and maintenance (or lack thereof) of trees.

Generally speaking, everybody loves a well-placed tree. Cooling shade, storm water control, carbon sequestration, oxygen production, food for man and beasts – trees pretty much give their all. The report even quantified the economic value of a mature shade tree in the landscape.

But when a tree takes down electric, phone or cable wires – our lifeblood, these days – trees become the

Roadside Vegetation Management: What Your Commission Can Do

1. Read final Task Force Report: All Commissioners
2. Establish Roadside Vegetation Management Subcommittee; research, advocate, educate, recommend.
3. Work with Tree Warden, Planning Commission other Community advocates.
4. Educate community; "Right tree, right place" guidelines.
5. Advocate for roadside tree planting with "Right tree, right place" guidelines.
6. Develop and recommend Roadside Vegetation Management protocols for Plan of Conservation and Development.

management, continued on page 7

management, continued from page 6

villains. When trees even go so far as to block the roads so the utility trucks, fire trucks, ambulances and police can't get through, things get very tense indeed.

The sense that trees were being treated as the enemy was brought home almost immediately after Storm Alfred, when both State and utility crews began drastic roadside clearing along major highways. This highly visible activity transformed the roadside into a scene of destruction, and many residents complained loudly about the rash actions.

For these reasons, the Final Report begins by stressing the importance of funding one or more centers of competency where homeowners can obtain sound, professional advice about roadside trees. It further states that public education is key – and stresses that, on planting large native trees in places where they can be safely used.

Legislation

Two bills originally called for in the Final Report are Public Act 13-298 (An act concerning implementation of Connecticut's comprehensive energy strategy and various revisions to the energy statutes) and P.A. 13-203

(An act concerning Arborists Tree Wardens), the first of which responds to a Two Storm Panel directive regarding utility pruning. The language in PA 13-298 permits utility line clearance "ground to sky" for a width eight feet out from either side of the farthest line on a utility pole. This means, if the crossbar of the utility pole is six feet wide, there will be a swath 22 feet wide in which any vegetation can be removed. In most cases, only one side of the road will be affected, but the clearing will be dramatic when compared with the previous practice of "sculpting" trees to clear the wires.

While this bill might seem less than ideal, there were two principals at work: first, the "ground to sky" clearance was for a narrower swath than the utility companies had requested; second, cutting "ground to sky" is ultimately preferable to current pruning practices. The esthetics of the "C" or "V" pruning commonly used now is both visually hideous and also terrible for long-term tree health. A tree badly pruned out of necessity will likely have to be taken down later – at twice the expense of doing so the first time.

P.A. 13-203 was promoted by SVMTF primarily for its requirement that tree wardens be properly certified
management, continued on page 14

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2013 Legislation Supporting Conservation and Inland Wetlands Commissions

Excerpts from the Connecticut Land Conservation Council's (CLCC) June 2013 E-News

Community Investment Act Funds Safe...For Now!
Protecting the level and integrity of the Community Investment Act (CIA), which helps fund state programs for open space, farmland/dairy production, historic preservation and affordable housing, is an annual priority of CLCC. In recent years, funds in the CIA account have been raided to help offset budget deficits. This session, with your strong support, CLCC and our CIA coalition partners, including CACIWC, were successful in defeating a proposal to divert \$4M annually to an unrelated program. The final budget reflected no additional changes to the CIA fund, which will hopefully remain safe through 2015.

New Mortgage Recording Requirement Should Bring Additional Funds to the CIA
CLCC supported legislation which requires the filing of all mortgage assignments with local town clerks, with a portion of the recording fees going to the CIA account. The proposed "Mortgage Electronic Registration System" (MERS) language was approved as part of the budget, which will ultimately generate additional revenue for this enormously successful land use support program.

Bond Package Includes Funding for Open Space Conservation and Farmland Preservation Programs
The final bond package includes authorization to provide \$10M in each of the next two fiscal years for the municipal open space matching grant program (Open Space & Watershed Land Acquisition Program [OSWLA]), Recreation and Natural

Heritage Trust Program, and Farmland Preservation Program, respectively. Department of Energy and Environmental Protection (DEEP) Commissioner Dan Esty has made a commitment to offering annual OSWLA grant rounds, with an announcement for the next round expected sometime this fall or early winter. Please thank Governor Malloy for including conservation funding in the bond package and ask him to convene the bond commission to authorize the release of the funding for an open space grant round this year.

Preservation Victory for the Southbury Training School
With strong, unanimous, bipartisan support, the legislature voted to approve H.B. 6542, which provides for the permanent protection of 825 acres of the state-owned Southbury Training School through a transfer of custody to the Department of Agriculture (DoAg) and a grant of conservation easement to a non-profit conservation organization (the Southbury Land Trust).

legislation, continued on page 9



- * Low Impact Development Analyses, Designs & Regulations
- * Design of Stormwater systems for water quality improvement and volumetric reductions
- * Third-party technical reviews of land development projects
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Steven Trinkaus, PE, CPESC, CPSWQ



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legislation, continued from page 8

CLCC worked with its partners, including Audubon Connecticut, the Working Lands Alliance, and the Farm Bureau, to ensure that this bill would provide for a strong and comprehensive easement to assure the high quality stewardship and protection of the land's agricultural and conservation resources. Kudos and congratulations to the Southbury Land Trust, Southbury First Selectman Ed Edelson, and others in the Southbury community for their years of tireless work to achieve this conservation victory.

Authorization for Haddam Land Swap Expires

The 2013 Conveyance Bill included a section which repealed the 2011 provision authorizing the "Haddam Land Swap" – a proposed transaction to exchange state-owned open space overlooking the Connecticut River in Haddam for 89 acres of forestland owned by a private landowner. CLCC, CACIWC and other conservation organizations opposed the proposed swap on grounds that it was not fully vetted in accordance with existing DEEP policies on land exchanges. The issue triggered our work in forming the State Lands Working Group in partnership with the Rivers Alliance of Connecticut, Audubon Connecticut, the Connecticut Forest & Park Association (CFPA), Sierra Club - CT,

and other organizations seeking to identify administrative and legislative strategies to better protect state conservation land. Please thank Representative Phil Miller for his leadership in including this repeal provision in this year's Conveyance Bill.

Council on Environmental Quality Remains Intact!

The budget also provides sufficient funding for the Council on Environmental Quality (CEQ) to retain its current level of staffing and reflects no merger of the agency into the Office of Governmental Accountability, a proposed move that CLCC and CACIWC strongly opposed. CEQ is the state's independent watch-dog agency that the public relies upon to monitor environmental progress, assess the efficacy of state environmental laws, policies and programs, and investigate alleged violations of environmental laws.

Last Minute ATV Bill Vetoed by Governor Malloy

In the last minutes of the session – without a public hearing or floor debate – an amendment was added to S.B. 190, which would have required DEEP to implement its **2002 All-Terrain Vehicle (ATV) Policy and Procedures** on or before July 1, 2014. When DEEP published that policy, it stated that the policy would not take effect until legislation regarding registration of ATVs was enacted. Such legislation has never been passed. Please thank Governor Malloy for his decision to veto the bill.

Proposed Firearms Facility in State Forest Stopped...But What is Next?

CLCC joined CFPA, Audubon Connecticut and a coalition of Glastonbury residents and officials in opposing a proposal to site a 55,000 square foot state firearms facility on 30 acres of the Meshomasic State Forest. Fortunately, the proposal was withdrawn. However, the issue remains: Despite the original conservation intent in acquiring state conservation lands and the associated expectation that they be preserved in trust on behalf of the citizens of Connecticut, these assets are largely unprotected.

PS: Mark your calendars! On April 23, 2014 CLCC and our conservation partners are planning to celebrate Earth Day at the Capitol, with an opportunity for your land trust and conservation commission to showcase your work as part of a display in the Legislative Office Building concourse. Watch for further information coming this summer – and if you are interested in helping us plan this exciting event, please contact me at abpaterson@ctconservation.org. 🍂

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36th annual, continued from page 1

of Connecticut State Parks (the first female director), a position she held until her retirement in June 2009. Before joining the DEP, she earned a BA with a double major in biology and geology at Ohio's Wittenberg University and a MS in environmental geology at the University of Connecticut.

Following her retirement, Ms. Adams extended her service in support of Connecticut parks with her appointment on the Board of Directors of the Friends of Harkness Memorial State park, the Friends of Connecticut State Parks, and the Eastern Connecticut Regional Tourism District.

Pamela is very familiar with CACIWC, having served on the Colchester Conservation & Inland Wetlands Commission, including three years as its Chairman.

CACIWC is honored to welcome Ms. Adams to discuss the Connecticut State Park Centennial and the role of local land use commissions in preserving open space land at our 36th Annual Meeting and Environmental Conference. 🍂

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our Annual Meeting, educational materials, and *The Habitat*.

3. The CACIWC board of directors continued work on the development our new **strategic plan**. As part of the strategic planning process, we are conducting a membership-wide survey to assess your educational needs and ensure that CACIWC is aware of any new challenges to your efforts in protecting Connecticut wetlands and other important habitats.

4. A part-time volunteer **intern, Ellen Foster**, is working with CACIWC this summer to help us prepare and organize our membership survey. She will also be analyzing commission websites, local conservation initiatives, and other commission activities. Please respond to this survey and any calls from our intern at your earliest convenience!

5. The CACIWC survey will also include several questions to assess your awareness of new **legislative changes** that came out of the spring 2013 session of the Connecticut General Assembly. This was an especially challenging session for the CACIWC board of directors to track, with changes to proposed bills occurring right up to the closing minutes of the session. An example was the out of date, potentially damaging policy language that was inserted into Public Act 13-237 (SB 190). Fortunately, Governor Malloy vetoed this bill in response to numerous requests from conservation groups, including CACIWC. To help us track and respond to the many rapidly changing legislative issues that occur in each session, CACIWC will continue to work closely with other conservation groups. Please see additional information on 2013 environmental legislation on page 8.

6. The board is also continuing its efforts to organize a number of **CACIWC advisory committees** to participate in the review of legislative initiatives and help us with our education and outreach efforts, strategic plan and bylaws revisions. Let us know of your interest by sending your name to us at: board@caciwc.org.

7. The board was very pleased to receive several resumes from commission members and other individuals who are interested in filling our existing **CACIWC board vacancies** (please see the list in this issue of *The Habitat* and on www.caciwc.org). The CACIWC bylaws specify that any past or present member of Connecticut conservation or inland wetlands commissions or their agent are eligible serve as a county representative or alternate. In addition, our 2012 bylaws amendments included the creation of several **alternate at large** positions that are not restricted to a specific county. This amendment will allow us to recruit well qualified directors from areas whose county and alternate county representatives are already filled. We hope that you will submit your name to us at board@caciwc.org if you are interested in serving as one of our vacant county representative, alternate county representatives or in one of the new alternate at large representative positions.

Please do not hesitate to contact us via email at board@caciwc.org if you have questions or comments on any of the above items or if you have other questions of your board of directors. We thank you for your ongoing efforts to protect wetlands and conserve natural resources in your town!

~ Alan J. Siniscalchi, President



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centennial, continued from page 5

The Connecticut State Park system has grown to 107 parks encompassing nearly 35,000 acres. The primary goal of providing the public with natural resource-based recreation has been fiercely adhered to by park administrators in the years following the initial purchases. That is reflected in the preservation of mountains, valleys, shoreline, beaches, rivers, ponds and forests. So too, is the emphasis on preserving the culture and history of Connecticut by acquiring properties steeped in military and industrial history, art and philanthropy. So integral are the parks to the well-being of citizens and visitors alike, that Connecticut's 911 Memorial was located in a state park where visitors could view smoke rising from the Manhattan skyline on that fateful day.

Whether you are seeking a place for quiet reflection and respite from the hustle and bustle of life, a place to camp and reconnect with nature, an opportunity to learn about nature or stand on the site where so many soldiers walked in the past, you will find it in a Connecticut State Park.

The Centennial Celebration

To commemorate the one-hundredth birthday of Connecticut's State Parks, the Connecticut Department of Energy and Environmental Protection, the Friends of Connecticut State Parks and the Connecticut Forest and Park Assoc. are hosting a celebration which will begin on August 1, 2013 and conclude in September 2014. The celebration is intended to raise awareness about the parks, educate children and families about nature and appreciation of their natural surroundings and, propel the parks into a new century for all present future generations to enjoy.

To that end, four statewide events are being hosted by the Centennial Committee – two in 2013 and, two in 2014. The Statewide events include: the Governor's Kick-off of the Centennial Year on August 1, 2013 at Dinosaur State Park in Rocky Hill, the Centennial SOJourn (Summer Outdoor Journey) beginning on August 15, 2013 and concluding on August 25, 2013, the Centennial Birthday Celebration mid-summer 2014 and the Centennial Finale September 2014.

The Kick-Off

Governor Malloy will launch the Connecticut State Parks Centennial Celebration on August 1, 2013 followed by a reception for event sponsors, public officials, the general public, park supporters and CT State Park Friends groups.

Centennial Sojourn (Summer Outdoor Journey)

(Journey schedule is at end of this article on page 13)
The celebration will begin with a *Centennial SOJourn*, a 169 mile trek (one mile for each CT community) that will commence on August 15, 2013. The journey will begin at Quaddick State Park in northeast Connecticut and conclude in Sherwood Island State Park in Westport, Connecticut's first state park, visiting nearly 20 state parks along the route. Participants will bike, hike, horseback ride, paddle and camp along the route. The public is welcome to participate in the daily legs and programs although; food and beverages will only be provided to those participating for the entire journey. The Sojourn is expected to take 11 days to complete. The leg of the Sojourn that passes through Hammonasset Beach State Park will include the dedication for the Shoreline Greenway.

centennial, continued on page 13

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Statewide Birthdays Parties

Statewide Birthday Parties will be held during the summer 2014. The birthday parties, including refreshments at multiple state parks, will be free to the park goers and will include volunteer recruitment opportunities. Additionally, sand-sculpture building demonstrations are to be scheduled along with amateur sand sculpture contests. Included in the birthday celebration will be a give back day where children and families can do a small project at each park. This will be designed to teach the future stewards of our parks how to treat them gently and, appreciate the environment. It will also teach all participants what is involved in keeping the parks safe and beautiful for all visitors.

The Sky's The Limit

Concluding the year-long celebration will be an event that will propel Connecticut State Parks into the next century. The event, entitled *The Sky's the Limit*, is planned to include hot air balloons, kite flying and

demonstrations, model airplanes, astronomy events, bird walks and much more!

Additional Events

Connecticut has 107 parks, each with its own special character and personality. To celebrate such diversity the Centennial committee is highlighting the efforts of Friends, civic groups and other organizations to help create more excitement and fun in each State Park.

Come and “**Explore, Discover and Celebrate**” the beauty and versatility that is Connecticut State Parks.

Endnote: In an effort not to impact the budget for the operation of the State Parks, the Friends of Connecticut State Parks, Inc. (a 501C3, private non-profit organization) are raising all of the funding for the Centennial programs. Funding is still needed and donations would be appreciated. Visit www.ct.gov/deep/stateparks100 for information on the Centennial Programs, Park History and, how you can contribute. 🐦

Centennial Sojourn Summary 169 Mile Journey (one mile for each town in CT)

Day #	Date Aug 15-25	Start Location	Enroute Stops	Destination Camping	# Miles	Theme
Day 1	Aug 15, 2013 Thursday	Quaddick SP - Thompson	Airline Trail	Mashamoquet Brook SP - Pomfret	22.5 Bike	Why the SoJourn?
Day 2	Aug 16, 2013 Friday	Mashamoquet Brook SP	Goodwin Cons Ctr - Hampton	Mansfield Hollow SP Mansfield	17.3 Bike	Canoeing & Hikes led by Friends of Mansfield Hollow
Day 3	Aug 17, 2013 Saturday	Mansfield Hollow SP	Airline Trail	Gay City Hebron 100 Campers	17.78 Bike	Astronomy & No Child Left Inside – Family Activities
Day 4	Aug 18, 2013 Sunday	Gay City SP		Dinosaur SP Rocky Hill	17.17 Bike	Sleep with the Dinosaurs & Dinosaur SP Day
Day 5	Aug 19, 2013 Monday	Dinosaur SP	Dart Island SP	Haddam Meadows SP - Haddam	18 Canoe & Kayak	Connecticut Grown Foods
Day 6	Aug 20, 2013 Tuesday	Haddam Meadows SP		Gillette Castle SP - Hadlyme	8.52 Canoe & Kayak & Ferry	It's All A Mystery – Behind the scenes tours
Day 7	Aug 21, 2013 Wednesday	Gillette Castle SP	Valley Railroad – Essex Chatfield Hollow -Killingworth	Hammonasset Beach SP – Madison 100 Campers	20.43 Train Bike Hike Bike	-Civilian Conservation Corps reunion -Soar with the Birds
Day 8	Aug 22, 2013 Thursday	Hammonasset	Shoreline Greenway	Farm River SP _ East Haven	18.98 Bike	Shorerline Greenway Ribbon Cutting
Day 9	Aug 23, 2013 Friday	Farm River SP		Silver Sands – Milford 100 Campers	17.33 Bike	Long Island Sound
Day 10	Aug 24, 2013 Saturday	Silver Sands SP		Beardsley Zoo - Bridgeport	23.1 Bike	Go Wild – Year of the Snake
Day 11	Aug 25, 2013 Sunday	Beardsley Zoo		Sherwood Island SP - Westport	11.55 Bike	-CT State Parks Celebration -Reinactment of Historic Photo -Model Cars, -Scouting Activities

by an established body such as the Tree Wardens' Association. Since tree wardens by statute already have the care and control of municipal trees (see Statute, page 15), this is a prudent enhancement to municipal tree care.

Planned, but not yet executed, are additional legislative items that will require a funding mechanism. The SVMTF felt strongly that putting money into tree maintenance now will create long-term savings through avoidance of storm damage and related restoration. A recommendation was made that municipalities should receive a one-time sum of \$100,000 to "catch up" on roadside tree maintenance, which has been neglected for decades. This is a large enough sum to allow the implementation of a five-year plan for woody plant management.

On the local level, the report offers a formula for tree maintenance budgeting, based upon average road miles and population density of those roads. One of the goals of the SVMTF has been to help municipalities develop appropriate and effective roadside vegetation management plans, including a web-based tool.

Inventories are the first step in this process, although they remain controversial with many tree wardens. One theory about inventories is that a documented hazardous tree is somehow more of a potential liability than an undocumented one. The over-riding principle here is that a town must demonstrate a plan for dealing with hazardous trees, and an inventory is a necessary part of that process.

The key to roadside tree management will be town-by-town planning, with utilities and the State Department of Transportation showing leadership in enhanced budgeting and long-range planning.

Technical Standards

An important piece of the document is the statement of support for existing tree pruning standards, to be used for all roadside pruning, as well as the promotion of standardized, formalized training in tree removal practices. While public safety is the ultimate goal, it is critical that workers be properly trained in

safe procedures. These include road safety measures, such as the use of "Men Working" signs, as well as recognizing tree hazards and creating a safe strategy for their removal.

The report recommends that one organization, whether the Tree Wardens' Association of Connecticut, the Connecticut Tree protective Association, or the Connecticut Urban Forest Council, should take the lead in providing a comprehensive tree worker training system.

Related Activity

A collaborative study by Connecticut Light and Power and UConn's Department of Natural Resources and the Environment will examine so-called "hardening" of the forest edge. Although extensive research has been done at the University of Florida by Professor Ed Gilman on the benefits of various types of pruning for wind resistance, very little is known about the effects of tree clearing on the wind-resistance of trees left behind.

As with so much in life, things we thought we knew have been proven wrong over time. Where once it was standard procedure to stake a newly planted tree, subsequent research showed that trees that are allowed to sway in the wind grow stronger roots. It isn't much of a leap to recognize that trees at the edge of a forest have stronger root systems because of receiving the brunt of regular blasts of wind.

Conclusions

This is very long-range research, and the results may not be known for decades. In the meantime, the SVMTF will continue to look at useful legislation, while a spin-off group focuses on helping municipalities develop tree management plans. This web-based tool is envisioned as residing on the D.E.E.P. website, available to any public works department, tree board or tree warden.

As the new hurricane season begins, the SVMTF has accomplished several goals, including the passage of significant legislation, signed by Governor Malloy, and the creation of a report which it hopes will provide the springboard for many more improvements to the state's roadside forest and the public's safety.

"On the local level, the report offers a formula for tree maintenance budgeting, based upon average road miles and population density of those roads. One of the goals of the SVMTF has been to help municipalities develop appropriate and effective roadside vegetation management plans, including a web-based tool."

management, continued from page 14

Connecticut General Statutes > Title 23 > Chapter 451 > § 23-58 - Tree wardens; appointment; compensation; supervision

The selectmen of each town, except those having cities with coextensive boundaries within their limits, which cities have an officer with similar duties to those of a tree warden who in fact assumes control of all the territory embraced within their limits, and the warden or burgesses of each borough shall, within thirty days of their election, appoint a town or borough tree warden, as the case may be. Such tree wardens shall be appointed for the term of one year and until their successors are appointed and have qualified. Any tree warden may appoint such number of deputy tree wardens as he deems expedient and he may, at any time, remove them from office. A town or borough tree warden and his deputies shall receive for their services such reasonable compensation, from the town or borough, as the town or borough may determine or, in default of such determination, as the selectmen or borough warden prescribes. 🍁

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There is still time to submit your nominations for a CACIWC annual award. Nominations will be accepted until October 16, 2013 in six award categories:

1. Wetlands Commission of the Year
2. Conservation Commission of the Year
3. Wetlands Commissioner of the Year
4. Conservation Commissioner of the Year
5. Commission Agent or Staff of the Year
6. Lifetime Achievement Award

Please see www.CACIWC.org for the nomination form and additional information. Completed nomination forms should be emailed to the CACIWC Annual Award Nominations Committee at: AnnualMtg@CACIWC.org.