

# The Habitat

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

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## Journey to The Legal Horizon by Attorney Janet Brooks

*How to conduct deliberations: What you can learn from a trial court decision overturning a wetlands agency denial which didn't state any reasons*

In the summer issue I discussed what should be included in a wetlands motion to approve or deny an application. I addressed the policy and statutory reasons for disclosing the agency's reasons in the motion. In the intervening months one agency has found out through litigation (the hard way) that failing to disclose a reason for denial didn't increase its chance of being upheld on appeal.<sup>1</sup> When an agency fails to state its reasons on the record, the trial judge is required to search the entire record for evidence that could support the denial to determine whether the evidence is substantial. An agency action based on substantial evidence will be upheld. My previous article focused on what to include in the motion. I now think it is worthwhile to back up a step and examine how to conduct deliberations which lead to a motion to deny with stated reasons that will withstand legal scrutiny.

This article will examine what the trial court did to determine whether there was substantial evidence in the record in *Dichello v. Inland Wetland Commission*, Superior Court, judicial district of New Haven, Docket No. CV 13 6040474 (October 16, 2015).<sup>2</sup> I generally do not report on trial court cases because trial court decisions are not binding on anyone except the parties to the case; they do not establish binding legal precedent; and laypeople are prone erroneously to place equal value on trial court decisions as on higher Appellate and Supreme Court decisions. The *Dichello* case does not involve a well-known natural resource site, like the coastal forest or The Preserve; nor is it a project of large scale (a modest single-family home with 3 bedrooms, septic system, garage and grading in the uplands with a 600-foot driveway, 200 feet of which traverses wetlands.) The value in examining the decision is to learn how to deliberate from the process

that Judge Corradino, an experienced land use judge, engaged in.

At the outset the judge dispensed with procedural claims and, in pages 32–76 of the decision, focused on the substantive arguments made by the aggrieved applicant that there wasn't substantial evidence to support the denial. This is a lengthy decision. Why? It takes time to consider all of the evidence in an application that went to public hearing over multiple nights. And that's what the judge did. He began by setting out the legal standards to be adhered to: 1) search the record for evidence to support the commission's decision, 2) concerns and potential impacts do not constitute substantial evidence, 3) there must be likely adverse impact to wetlands/water-courses for a valid denial, and 4) if the agency disbelieved one expert over another the record must point to evidence that undermined the expert's credibility or ultimate conclusions. *At the beginning of deliberations it may be useful for your chair to state reasons 2–4 out loud to help focus the discussion.*

Judge Corradino reviewed the policy stated in the wetlands act and recognized throughout the case law:  
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*"An opinion expressed by an expert raising a concern or an increased risk or a potential harm or any variant will not be substantial evidence on which you can rely."*

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## CACIWC News

Many CACIWC members closely followed news from the 2015 United Nations Climate Change Conference held in Paris from November 30 through December 12, 2015. This conference marked the eleventh session of the Meeting of the Parties (CMP 11) to the Kyoto Protocol, held in 1997, as well as the 21st meeting of the Conference of the Parties (COP 21), held in 1992.

The conference participants, perhaps reminded of the need for our global community to work together for our mutual benefit following the November 13th Paris terrorist attacks, extended their discussions for several days to construct a new agreement. This agreement, which will become legally binding if ratified by at least 55 of the 195 participating countries that produce 55% of greenhouse gas, calls for a reduction of carbon and greenhouse gas emissions aimed at keeping global warming well below 2° C. While the agreement was criticized for not obtaining strict commitments, it was applauded by others for the guidance it provides to both governments and the business community. "This universal and ambitious agreement sends a clear signal to governments, businesses, and investors everywhere: the transformation of our global economy from one fueled by dirty energy to one fueled by sustainable economic growth is now firmly and inevitably under way," stated former senator and vice president Al Gore, who was joined in his support by other environmentalists and financial investors.

While everyone agrees more international efforts are needed, CACIWC will continue to support Connecticut-based efforts to increase local climate change resiliency and preparedness planning, along with commission activities to study and preserve local habitats and increase awareness through community education and outreach.

**1. CACIWC Conference** - Organized to help support our member's community education, preservation, and preparedness efforts, our 38th Annual Meeting and Environmental Conference was held on Saturday, November 14, 2015 at the Villa Capri Banquet Facility in Wallingford, Connecticut. This conference, with its theme of Helping Local Commissions Protect Connecticut's Habitats, scheduled twelve educational workshops for conservation and inland wetland commissioners and staff.

The workshops were arranged in a new four session, three track configuration, to provide a dedicated room for informative display tables and member networking. A dedicated workshop on "Resilience and Climate Adaptation" was included, along with the latest information on invasive species and wetlands law. CACIWC hosted Dr. Michael W. Klemens as our keynote speaker, who reviewed new Connecticut-specific species population and habitat data in his address, entitled "Herpetology in Connecticut: A 25-year perspective."

*CACIWC news, continued on page 10*

# CACIWC's 38th Annual Meeting and Environmental Conference: Connecticut Commissioners and Staff Discuss Approaches to Preserve Local Habitats and Help Prepare Connecticut for the Impact of Climate Change

The CACIWC Board of Directors and its Annual Meeting Committee extends their appreciation to the many members and guests who were able to attend our 38<sup>th</sup> Annual Meeting and Environmental Conference. The conference was held at the Villa Capri Banquet Facility in Wallingford, Connecticut, and featured Dr. Michael W. Klemens as our keynote speaker. The CACIWC Board of Directors and its Annual Meeting Committee worked throughout 2015 to bring attendees a wide variety of informative workshops and exhibitors, while coordinating with our venue to provide you with a dedicated display room. The initial responses from our conference surveys revealed appreciation for the networking opportunity provided by this dedicated room.

## KEYNOTE SPEAKER

Many CACIWC members are very familiar with the work of our 2015 keynote speaker. Educated in the United States and Europe, Dr. Michael W. Klemens is a well-known conservation biologist and land-use planner who seeks to achieve a balance between ecosystem requirements and human needs. Formally trained as a herpetologist, his current practice spans conservation biology, land-use planning, and empowering communities through the understanding and use of scientific data. Working at the interface of human societies and the natural world, he engages a diversity of stakeholders to explore how to create patterns of development that are ecologically resilient, economically viable, and socially equitable. More than three decades of field work have been concentrated in the northeastern United States. Through the support of the MacArthur Foundation he spent several years in east Africa, working with indigenous institutions to build capacity in biodiversity assessment and application of those data to protected area management, as well as studying the ecological impacts and economic mechanisms of the wildlife trade.

His greater than 100 scientific publications include the definitive study of Connecticut's amphibians and reptiles, entitled *Amphibians and Reptiles of Connecticut and Adjacent Regions*, was published in 1993 by the Connecticut Department of Environmental Protection (DEP) as Bulletin 112 of the CT Geological and Natural History Survey. In 1979 he joined the scientific staff of the American Museum of Natural History, where he continues collections-based research on amphibian and reptile biodiversity. He serves as a consultant to various government agencies, as well as municipalities, not-for-profit organizations, and developers and is in his second elected term to the Salisbury Planning and Zoning Commission, most recently (and currently) as its Chairman.



*Dr. Michael W. Klemens, Keynote Address  
Photo Courtesy of Rod Parlee CACIWC*

Dr. Klemens' support for our continued efforts to educate members on the impact of climate change and habitat degradation on local environments by reviewing new Connecticut-specific species population and habitat data in his keynote address, entitled "Herpetology in Connecticut: A 25 Year Retrospective." During his presentation, he also promoted

better use of scientific data and discussed ways for commissions and their staff to increase collection of local information, while improving the resiliency of their communities to climate change.

Close to a quarter of a century has elapsed since the publication of Dr. Klemens' Bulletin 112. Dr. Klemens is in the process of analyzing the current status of Connecticut's amphibians and reptiles for an update to Bulletin 112 anticipated to be completed in 2016. While there have been major advances in the scientific understanding of these organisms, there have also been a number of new emergent threats identified, including disease,

*annual, continued on page 12*

## What's Substantial Evidence For Inland Wetlands and

## Watercourse Commissions? by Mark Branse, Esq., Branse & Willis, LLC

### MUST HAVE A LINK BETWEEN THE ACTIVITY AND HARM TO THE WETLANDS/WATERCOURSE ON THE SITE; MORE THAN MERE SPECULATION

- In an inland wetlands decision there must be substantial evidence that an adverse impact on wetlands or watercourses will result from the proposed regulated activities and the agency's decision must be supported by "more than a possibility of adverse impact." *River Bend Associates v. Conservation and Inland Wetland Comm'n*, 269 Conn. 57, 69 (2004).
- "[A]n impact on the wetlands that is speculative or not adverse is insufficient grounds for denial of a wetlands application." *River Bend* at 79 n.28.
- "[The Supreme Court's] prior case law [does] not authorize the denial of a wetlands application due to uncertainty as to the impact of a proposed activity on wetlands and watercourses." *River Bend* at 79 n.28.

- "The substantial evidence test is not met by a general statement by an expert that 'some type' of adverse impact is likely to result from the proposed regulated activities." *Three Levels Corp. v. Conservation Comm'n*, 148 Conn. App. 91 (2014).

### GENERAL ENVIRONMENTAL IMPACT IS NOT SUBSTANTIAL EVIDENCE OF ADVERSE IMPACT TO THE WETLANDS/WATERCOURSES

- "Evidence of general environmental impacts, mere speculation, or general concerns do not qualify as substantial evidence." *River Bend* at 71.
- "[A] finding of potential generalized impacts is insufficient to support a denial of an application for a permit to conduct a regulated activity. The commission must make a determination that the activity will have a likely adverse impact on the wetlands and watercourses and that finding must be supported by substantial evidence in the record." *Cornacchia v. Environmental Protection Commission*, 109 Conn. App. 346, 356, 951 A.2d 704 (2008).

### THE CREDIBILITY OF WITNESS IS WITHIN THE SOLE PROVINCE OF THE COMMISSION, BUT---

- "While...an administrative agency is not required to believe any of the witnesses, including expert witnesses... it must not disregard the only expert evidence available on the issue when the  
*evidence, continued on page 5*

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commission members lack their own expertise or knowledge.” *Tanner v. Conservation Comm’n*, 15 Conn. App. 336, 341 (1988).

- [I]n the absence of countervailing expert testimony, where the commissioners themselves do not possess relevant technical expertise, a commission may not draw inferences which undermine an expert’s site specific opinion. *United Jewish Center v. Brookfield*, 78 Conn. App. 49, 60 (2003).
- “[A] lay commission acts without substantial evidence, and arbitrarily, when it relies on its own knowledge and experience concerning technically complex issues...in disregard of contrary expert testimony...” *Feinson v. Conservation Comm’n*, 180 Conn. 421, 429 (1980).

#### NO SUBSTANTIAL EVIDENCE WHERE:

- Testimony that a detention basin *could* fail but NO EVIDENCE of what would happen if it failed. *Estate of Machowski v. Inland Wetlands Comm’n*, 137 Conn. App. 830, 840 (2012) (“[e]vidence regarding *potential* impacts to wetlands *in the event* of a failure of the detention basin does not in itself amount to substantial evidence.” (emphasis in original)).
- Evidence that some sediment and siltation would enter the wetlands or watercourse, but NO EVIDENCE that the amount would harm the wetlands or watercourse. *AvalonBay v. Inland Wetlands and Watercourse Comm’n*, 130 Conn. App. 69, 78 (2011) (“the [commission] could not simply assume that the entry of sediment and siltation would adversely affect the wetlands and watercourse without evidence that it would in fact do so.”).
- Evidence that during construction trucks would cross bridge over wetlands + statement by vice chair that “it doesn’t take a rocket scientist to figure out that sometimes cars drop oil, and salts get into the wetlands and all kind of things happen” because vice-chair did not hold herself out as a qualified pollution expert and her concerns were merely speculative. *Lord Family of Windsor LLC v. Inland Wetlands and Watercourses Comm’n*, 103 Conn. App. 354, 363-64 (2007).

- Evidence of a project’s density but NO EVIDENCE that the density will cause an adverse impact. *Toll Bros. v. Inland Wetlands Comm’n*, 101 Conn. App. 597 (2007) (“any connection between the project’s density and a likely impact on the wetlands is merely speculative”).
- Evidence that elements (nitrogen, copper & zinc) would disperse into the wetlands, but NO EVIDENCE that any specific harm would therefore occur. *River Bend Associates v. Conservation and Inland Wetlands Comm’n*, 269 Conn. 57, 81 (2004). 🌿

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## Dear Conservation Commissions and Inland Wetland Commissions,

**FrogWatch USA**, a citizen science frog monitoring program, needs your help to reach out to and recruit citizens who care about wetlands, wildlife, nature and public health.

FrogWatch USA, a program of the Association of Zoos and Aquariums (AZA), provides individuals, groups and families with an opportunity to learn about wetlands in their communities and report data on the calls of local frogs and toads. Volunteers collect data during evenings from February through August and have been submitting data for over 15 years.

One does not have to be a frog or toad expert to be a FrogWatch USA volunteer! All one needs is:

- An interest in frogs and toads;
- A willingness to become a trained volunteer and join a local FrogWatch USA Chapter; and
- A commitment to follow the standardized protocol to monitor a wetland site for 3 minutes multiple evenings (at least 30 minutes after sunset) throughout the breeding season.
- A commitment to entering data collected into a national database.

At brief two-hour trainings volunteers are taught how to identify local species by call, what data to collect (such as time, wind speed and temperature, calling intensities heard and more) and finally how to enter and access online the data one collects. By mastering these skills, citizen scientists gain increased experience and control over asking and answering scientific questions which, in turn, augments science literacy, facilitates conservation action and stewardship, and increases knowledge of amphibians.

This research collaboration between scientists and volunteers has considerably expanded opportunities for scientific data collection and provided access to scientific information for community members. To date, long-term data collected by citizen scientists has provided evidence about species distribution as well as identified some impacts climate disruption has had on wildlife. Moving forward, as the pace of large-scale ecosystem change increases, data collected by citizen scientists will continue to grow in importance.

Why amphibians, and more specifically, frogs and toads? The International Union for Conservation of Nature (IUCN) estimates that at least one-third of known amphibian species are threatened with extinction, a rate higher than that for any birds or mammals. Major threats to amphibians include habitat loss or degradation and the rapidly dispersing infectious diseases. Frogs and toads play an important role, serving as both prey and predator, in wetland ecosystems and are considered indicators of environmental health. Many previously abundant frog and toad populations have experienced dramatic population declines both in the United States and around the world and it's essential that scientists understand the scope, geographic scale, and cause of these declines.

Training for new volunteers is \$10 (free for members of the Peabody, Yale faculty and students, and Beardsley Zoo members), and will take place on the following dates:

- Wednesday, February 17<sup>th</sup>, 2016 from 7:00-9:00pm. Yale 1954 Environmental Science Center, 170 Whitney Ave., New Haven, CT. (Snow date: Friday, February 19<sup>th</sup>)
- Wednesday, February 24<sup>th</sup> 2016 from 7:00-9:00pm. Hanson Exploration Station at Connecticut's Beardsley Zoo, 1875 Noble Ave., Bridgeport, CT. (Snow date: Friday, February 26<sup>th</sup>)

Pre-registration is necessary at least one week ahead of the workshop in order to receive pre-workshop materials. Please register online at this link:

<http://peabody.yale.edu/events/become-peabody-beardsley-frogwatch-citizen-scientist>

Training is also available online and in other locations - visit [www.aza.org/become-a-frogwatch-volunteer/](http://www.aza.org/become-a-frogwatch-volunteer/)

Thank you very much. We look forward to hearing from you!  
Kind regards,

Gian A. Morresi, Connecticut's Beardsley Zoo  
[cdc@beardsleyzoo.org](mailto:cdc@beardsleyzoo.org)

James Sirch, Yale Peabody Museum of Natural History  
[james.sirch@yale.edu](mailto:james.sirch@yale.edu) 🐸

# Become a Plant Conservation Volunteer with New England Wild Flower Society!

New England Wild Flower Society is seeking enthusiastic people interested in plant identification and exploring interesting natural habitats to participate in their Plant Conservation Volunteer Program. Plant Conservation Volunteers (PCVs) puts the skills of citizen science to work collecting information on rare plants and their habitats across all six New England states. There are also opportunities to assist with invasive and habitat management projects that benefit rare plants and botanical surveys. The New England Wild Flower Society provides annual training for those interested in becoming PCVs. The Society also offers free field trips and learning opportunities to PCVs often interacting with professional botanists to learn more about hard to identify species and the ecology of various habitats.

Good candidates are motivated, interested in plant identification, and a little adventurous. It's an excellent

opportunity to develop your botanical skills and put them to work, learn more about the flora of New England, meet others with similar interests, and help preserve your state's natural heritage.

Training sessions will be held on a weekend in March/April for each of the New England states. Interested applicants with some botanical knowledge and are outside of Eastern Massachusetts are encouraged to apply. For more information and to apply visit our website at: [www.newenglandwild.org/volunteers/plant-conservation.html/](http://www.newenglandwild.org/volunteers/plant-conservation.html/) or contact:

Laney Widener, Botanical Coordinator, New England Wild Flower Society, (508)877-7630 ext. 3204, [lwidener@newenglandwild.org](mailto:lwidener@newenglandwild.org)

**All applications to become a PCV must be submitted via the online application to the Botanical Coordinator prior to training sessions.** ↩

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the protection and preservation of wetlands and water-courses is balanced with the interests of property owners to use their land by providing an orderly process to balance the economic desires with environmental ones. He reviewed the statutory section regarding alternatives and noted that an alternative that causes “less or no environmental impact” on the wetlands means that some impact may occur and a wetlands permit can be issued. *These statements may also be useful to consider each time you deliberate on an application.*

His job was to examine the record to find substantial evidence to support a denial. Examination of the reduction of the footprint of the house and/or eliminating the garage circled back to the question: did any expert establish that the size of the house or the garage constituted a significant impact on the wetlands? Less impact isn’t a sufficient reason to deny the application if the application isn’t likely to cause an adverse impact. The judge noted that one lay commission member talked about reducing the footprint of the house and eliminating the garage, but the experts, whether for the town, the applicant or an expert member of the public, did not.

The judge went through the public comments and noted when a commenter used an incorrect standard: one expert said the wetlands would not be free from “any” impact. The judge concluded, based on the relevant case law and the evidence in the record there was no basis to conclude the construction of the house, garage and septic system as proposed would have a “significant let alone a particularly adverse effect” on the wetlands.

The issue of the driveway posed a different analysis. The judge did the calculations of the area of the driveway which would be constructed in the wetlands: 0.1 acre. He concluded that was a de minimis impact to the 1.08 acres of wetlands onsite. A commission member asked the town’s hired expert, a soil scientist, if raising the driveway with a bridge would reduce the impact to the wetlands. The soil scientist stated it would reduce the impact but didn’t know about the feasibility of building a bridge on the site. The expert ecologist from the public also endorsed the consideration of a raised structure. The judge noted that none of them (commission member, ecologist, soil scientist) was an engineer – the only type of expert who could opine within his expertise whether the bridge would have less impact. *Are the experts in your applications issuing opinions on subjects they are qualified to address? Ask them the bases for their opinions.*

In searching the record, the judge determined that the only expert on this issue, the applicant’s engineer, noted that to raise the driveway, larger and heavier equipment is needed as well as a wider driveway to accommodate such equipment. To “minimize” the impact from the driveway, a bridge would result in a larger impact, larger clearing and larger driveway. The judge concluded that that a bridge instead of a

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10-foot wide driveway for a modest house was “unreasonable on its face.”

Because this application includes destruction of wetland area (for the construction of the driveway) the commission needed to consider mitigation measures as required by statute and further explained by the Supreme Court: “mitigation measures are an integral component in the process of approving a permit that seeks to destroy wetlands.”<sup>3</sup> The judge set out the applicant’s detailed proposed mitigation: identification and removal of invasive species, use of rain gardens, and planting plan, among other things. The commission’s expert had two paragraphs in his report on mitigation. He wished to see a step-by-step plan for the plantings. The judge found the applicant’s methodology sufficient. Further refinements could occur through the imposition of conditions to the permit. The ecologist/member of the public sole comment was that the restored and enhanced area should be doubled in size. His comment reflects the size of mitigation used in another town. The judge pointed out the lack of factual basis to correlate a need for double the area based on adverse impact to the wetland. In conclusion, the judge reversed the denial and remanded (sent back) the application to the commission to issue the permit with appropriate conditions, if needed.

Does your commission need to sift through every piece of documentation and testimony as the judge was required to do when an agency fails to state its reasons on the record? No, to begin, you can focus on those factors for consideration called into play in a specific application. But, for every piece of evidence which addresses a factor, discuss: 1) whether the opinion came from an expert, 2) was within the

expert’s expertise (engineers can’t express opinions about viability of habitats; ecologists can’t design drainage systems or bridges) and 3) addressed an adverse impact to the wetland or watercourse. An opinion expressed by an expert raising a *concern* or an *increased risk* or a *potential harm* or any variant will not be substantial evidence on which you can rely. When you develop a steady habit of reviewing what kind of expert expressed an opinion regarding actual adverse impact, your motions for denial become more resilient to court appeals.

*(Endnotes)*

<sup>1</sup> Some municipal attorneys have argued that if an agency states no reason they (the lawyers) are free to search the record for any reason that could be the basis for the agency action.

<sup>2</sup> I thank CACIWC for making the court decision available on its website for ease of public access.

<sup>3</sup> *Branhaven Plaza, LLC v. Inlands Wetlands Commission*, 251 Conn. 269, 285 (1999).

*Janet P. Brooks practices law in East Berlin. You can read her blog at: [www.ctwetlandslaw.com](http://www.ctwetlandslaw.com) and access prior training materials and articles at: [www.attorneyjanetbrooks.com](http://www.attorneyjanetbrooks.com).*

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**2. Conference Feedback** - The CACIWC Annual Meeting Committee has already been reviewing the comments and suggestions submitted on the survey distributed at our annual meeting. If you did not have an opportunity to complete the 2015 meeting survey, please contact us with your comments and suggestions at AnnualMtg@caciwc.org. We also welcome any early suggestions for workshop topics and speakers that you would like us to recruit for our planned 39th Annual Meeting and Environmental Conference, tentatively scheduled for Saturday, November 12, 2016. Please contact us with your ideas for new workshops at AnnualMtg@caciwc.org, along with any other suggestions. Watch for additional conference news in upcoming issues of *The Habitat* and on our [www.caciwc.org](http://www.caciwc.org) website.

**3. CACIWC Membership** - The Board of Directors appreciated the large number of commissions who renewed their CACIWC membership prior to our annual meeting. For those who have not yet done so, it is not too late to send in your 2015-16 membership dues. A copy of the current renewal form and additional information can still be found on our website: [www.caciwc.org](http://www.caciwc.org). Would you or your company like to provide additional support to CACIWC? The website also provides a description of additional

individual and business membership categories. Please consider making an additional contribution to support our planned CACIWC education and outreach efforts.

**4. Board Vacancies** - The new officers and members the Board of Directors have begun the first year of their two-year term following the elections that took place at our 2015 annual meeting. Although we were able to fill several vacancies during 2015, the New London County director and a number of other CACIWC board vacancies remain unfilled (please see the list in this issue of *The Habitat* and on [www.caciwc.org](http://www.caciwc.org)). Please submit your name to us at [board@caciwc.org](mailto:board@caciwc.org) if you are interested in serving as the New London County representative, one of the vacant alternate county representatives, or as one of the alternate at large representative positions.

**5. CACIWC Committees** - Would you like to contribute to CACIWC activities and initiatives, but find your schedule just too filled to join the board. We are organizing several 2016 CACIWC advisory committees to help us plan our education and outreach efforts, select new goals and objectives for our updated strategic plan, or participate in the review of Connecticut environmental legislative initiatives being conducted in cooperation with other state partner environmental and land use organizations. Let us know of your interest areas by emailing us at [board@caciwc.org](mailto:board@caciwc.org).

**6. Member Communication** - We thank everyone who provided us with their email address to help us expand our ability to communicate with member commissions and staff. Our Membership Coordinator & Database Manager Janice Fournier and members of our board may be in touch with you to confirm contact information for use in our existing ListServ and other systems under development. These ListServ systems will be used to provide you with important messages on emerging topics of interest, including grants and funding, legislative issues, and educational opportunities.

We look forward to a productive year in support of all of you, the dedicated members and staff of Connecticut's conservation and inland wetlands commissions. Please do not hesitate to contact us at [board@caciwc.org](mailto:board@caciwc.org) if you have questions or comments on any of the above items or have suggestions for your board of directors.

We thank our members for all of your ongoing efforts and wish you a safe, healthy, and happy new year!

Alan J. Siniscalchi, President 

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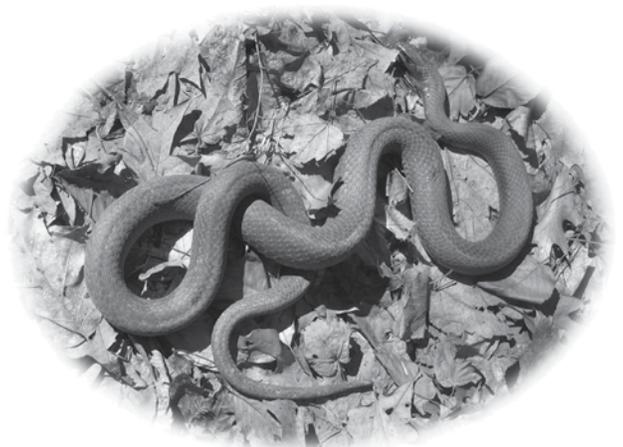


I provide expert testimony at public hearings.



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climate change, and invasive/introduced species as well as changes in public perception and policy that have adversely impacted these species and their habitats.

His lecture focused on summarizing the status of Connecticut's amphibians and reptiles, discussing the reasons for their vulnerability which has led to an ever increasing number of these species being added to Connecticut's list of endangered, threatened, and special concern species. The lecture concluded with a series of suggested solutions that can be implemented at the local and State level to offset emerging threats to landscape and ecological integrity, including climate change, as well as policy changes that are needed to insure that scientific data continues to be effectively integrated into local and State land-use decisions. Ensuring that State lands of conservation significance are protected in perpetuity was emphasized as an essential part of an overall conservation strategy to conserve Connecticut's amphibians and reptiles.

The initial responses from our conference surveys revealed high praise for Dr. Klemens' keynote address and we thank him for his presentation.



EJP Display Table  
Photo Courtesy of Brenda Cataldo, "Moments in Time Photography"

## Workshops and Displays

Three new workshop tracks were provided at the conference: Conservation Biology and Habitat management, Legal and Regulatory Updates and Issues, and Climate Adaptation and Water Management. These three tracks included a total of twelve workshops lead by experts in various interest fields for Connecticut conservation and wetlands commissioners and their staff. The workshops covered a variety of topics relevant to Connecticut commissioners including invasive plants and insects, new approaches to pond monitoring and management, pesticide

issues, and use of smartphones for mapping and open space management. Wetlands law basics and updates were provided along with discussions on revisions to the public health code regarding subsurface sewage disposal and the roles our members commissions may take in working with local planning and zoning commissions. Our new climate adaptation and water management track included workshops on resilience and climate adaptation,



Sean Hayden, Executive Director, North West Conservation District, presents workshop on Low Impact Development (LID). Photo Courtesy of Brenda Cataldo, "Moments in Time Photography"

along with sensible stormwater management and low impact development. We thank all the workshop leaders for their time spent preparing and presenting these well received forums. Many commercial entities and non-profit groups also provided a variety of displays to further inform visitors of current issues relevant to their work and volunteer efforts in a dedicated display room.

## Awards

A surprise award was also announced at our 38th Annual Meeting and Conference identifying **Margaret Miner** as the recipient of the CACIWC 2015 "Lifetime Achievement Award" for her many decades of service in the protection of rivers and watercourses throughout our state, along with her tireless advocacy work tracking policy and legislation as one of Connecticut's lead environmental champions.

Many CACIWC members know Margaret Miner for her work as Executive Director of Rivers Alliance of Connecticut, an organization that works to preserve and protect all of Connecticut's rivers and water resources and Vice Chairman of the CT Water Planning Council Advisory Group. Jeffrey Silverman, leader of the Friends of the Lake (Lillinonah) organization described Margaret as "a fighting machine" in her advocacy of Connecticut's

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waterways. Lynn Werner, Executive Director of the Housatonic Valley Association and long time member of the Board of Directors of Rivers Alliance, called Margaret “a true New England treasure.” The late Marc Taylor, then Chairman of the Pomperaug River Watershed Coalition and River Network and also long time member of the Board of Directors of Rivers Alliance said, “I can’t think of anyone who deserves recognition as an environmental champion more than Margaret.”

As Executive Director of Rivers Alliance, Margaret promotes public policies for the protection and restoration of healthy flows in all the state’s waterways, leads or serves on many regional and state-wide environmental



*Margaret Minor, Executive Director, Rivers Alliance of CT, received CACIWC’s 2015 “Life Time Achievement Award” from Martin Mador, Alliance Director and Tom Odell, Editor, CACIWC’s The Habitat, at River Alliance CT Annual Meeting. Photo Courtesy of Diane Friend Edwards*

planning and advocacy groups, raises funds for many environmental groups through the Alliance’s regranting program, informs and educates the public and interested groups concerning the science of environmental protection, the law, policy and newsworthy developments, and assists both individuals and groups who fight to protect water resources.

Margaret’s work is widely recognized. Among the many awards she has received, the Connecticut Greenways Council presented her with a lifetime achievement award to recognize her dedication to the development of Connecticut’s greenways, specifically for her work on river protection and promotion of blueways. The Environmental Law Section of the Connecticut Bar Association awarded her the Clyde O. Fisher Award for her significant contributions to the preservation or enhancement of environmental quality through work in the fields of environmental law, environmental protection and environmental planning.

Gary Steinman, Chair of the Roxbury Conservation Commission, was one of two individuals who nominated Margaret for this award. In his nomination materials, he also emphasized her local involvement in environmental and conservation issues both in and around her hometown of Roxbury. For example, Margaret served as Executive Director of the Roxbury Land Trust and contributed her talent and effort to numerous civic causes. Particularly when the cause has an environmental dimension, she always volunteers to help. This is true whether a town body, such as the Conservation Commission, needs help with sorting out an issue relating to the improper use of pesticides or collecting macro-invertebrates from our river bottoms to determine river health. She received the annual Partnership Award from Friends of the Lake (Lillinonah) for her work to promote better sewage treatment, especially phosphorus removal, in a number of municipalities.

Whether it involves matters of legislation or education, the assembly of collaborative teams, or efforts encompasses a statewide or region-wide issue or a local concern, Margaret is always there contributing immensely while selflessly highlighting the contribution of others.

David B. Bingham, MD, who serves as a board member of the Eightmile River Wild and Scenic Coordination Committee also submitted a nomination for Margaret’s award. In his nomination description, he stated that



*Sierra Club Display  
Photo Courtesy of Brenda Cataldo, “Moments in Time Photography”*

there can be no group more apt for providing a lifetime achievement award to Margaret Miner than CACIWC, whose commissions have been inspired, guided, and supported by Margaret’s pioneering efforts. As a result, statewide, communities have been providing exemplary land use regulations, based on good science and

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extensive experience, that have made CT a leader in the protection not only of the wetlands and watercourses themselves, but of the riparian corridors and uplands that are inextricably connected to them.

Margaret, and the award-winning Rivers Alliance she has led, have been critical not only in enacting and enforcing these policies, but in assuring that they meet high legal and constitutional standards that have assured success in the courts in upholding them. She richly deserves this award.

We again thank the conference attendees and all those responsible for organizing our 38<sup>th</sup> Annual Meeting and Environmental Conference. Participants' evaluation forms provided valuable suggestions for workshop topics for next year's conference. To allow all of our members the opportunity to submit ideas for workshop topics and other suggestions, the CACIWC Annual Meeting Committee has decided to again maintain the AnnualMtg@caciwc.org email throughout the year. Please keep forwarding your suggestions to us. The board of directors extends its most sincere appreciation to our 2015 conference sponsors and looks forward to seeing all of you at our 2016 Annual Meeting and Environmental Conference, tentatively scheduled for Saturday, November 12, 2016. 🐦

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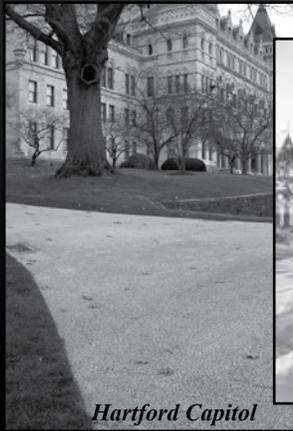


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## Resources

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### **CT DEEP Municipal Inland Wetlands Agency Comprehensive Training Program**

The 2015 Municipal Inland Wetlands Agency Comprehensive Training Program online course closed at 11:59 pm on December 15, 2015. The course will remain closed for the winter and will re-open for registration in spring 2016. A course brochure will be mailed to every municipal inland wetlands agency in April announcing the 2016 course, and will include registration information and a voucher allowing one person to complete the comprehensive training program at no cost. Central Connecticut State University hosts the online course and handles the registration process. Check the CCSU website ([www.ccsu.edu/cppsr/deep](http://www.ccsu.edu/cppsr/deep)) in April to register for the comprehensive training program. Additional training announcements will be made on DEEP's website ([www.ct.gov/deep/inlandwetlands](http://www.ct.gov/deep/inlandwetlands)) and through the DEEP's municipal inland wetlands agency e-Newsletter.

### **Where Can I Find CT Conservation & Inland Wetlands Information? Try CACIWC.ORG's Google Custom Search**

CACIWC.org is a Treasure Trove of conservation and inland wetland information, local and statewide. Go to CACIWC.ORG Home page, scroll to bottom to Google Custom Search button, type in search request using your topics key words. Google Custom Search will search all CACIWC.ORG's pages including approximately 50 issues of *The Habitat* covering 13 years, 2002 to 2015. Most of the articles on-site and in *The Habitat* include expert analysis of state legislation, case law and administration protocols in relation to carrying out Conservation Commission and Inland Wetland Commission responsibilities. Try it. Have Fun!

### **Connecticut Greenways Council Accepting Nominations**

On February 1, 2016, the Connecticut Department of Energy and Environmental Protection (DEEP) and the Connecticut Greenways Council today announced that they are now soliciting nominations for official state greenway designations.

Greenways are an integral part of any community, offering recreational opportunities, providing alternate transportation options, helping to preserve the environment, and supporting economic development. Greenways can make a community a more attractive place to live by

connecting living spaces with the environment, and they preserve history and cultivate town pride.

An official designation by the Greenways Council recognizes a greenway as an open space that not only meets the definition of a greenway, but also enhances the community and is supported by local government initiatives. Designated greenways, both for recreation and resource protection, will be listed in a subsequent revision of the State Plan of Conservation and Development and may receive increased consideration for a variety of grants. There are currently 75 designated greenways in Connecticut.

The Greenways Council will evaluate all nominated greenways for consistency with designation criteria. Those selected for designation will be announced by the Greenways Council in conjunction with their National Trails Day event in June. The deadline for submission of nominations is April 29, 2016.

The nomination form is available as a word document or a PDF. The preferred method for submission of completed nomination forms is by e-mail to [Laurie.Giannotti@ct.gov](mailto:Laurie.Giannotti@ct.gov), and digital photos and maps are preferred (digital photos of hard copy maps are acceptable). Nominations may also be submitted on CD or other electronic storage device and can be mailed to Laurie.Giannotti, CT DEEP, 79 Elm Street, Hartford, CT 06106-5127.

For more information please visit [www.ct.gov/deep/greenways](http://www.ct.gov/deep/greenways).

### **State Bond Commission Approves \$7 Million for Trails and Greenways**

The State Bond Commission on Friday, January 29, 2016 approved \$7 million in grants to rejuvenate the state's recreational trails. This followed through on Gov. Dannel P. Malloy's campaign promise to establish a state- led recreational trails and greenways program.

The funds will be used to finance grants-in-aid for planning, design, land acquisition, construction, construction administration, equipment, trail amenities, trail facilities, parking lots, bathrooms, signs, benches and publications for bikeways, pedestrian walkways, greenways and multi-use trails, and for development and maintenance of recreational trails and trail-related facilities for both motorized and nonmotorized uses. Google DEEP Trails Program for more information on grant applications. 🌿



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Saturday, March 19, 2016

8:00 am - 4:45 pm, followed by reception

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#### Keynote Address

A Conversation about Conservation with Tom Condon

After 44 years as a columnist, deputy editorial page editor, and chief editorial writer of The Hartford Courant Tom Condon has reported on the full spectrum of conservation and environmental issues.

#### Other 2016 Highlights!

- 8 Subject Matter Tracks – featuring 34 workshops and 3 half-day seminars.
- Excellence in Conservation Awards
- Exhibits and Displays – from land trusts, conservation partners and other sponsors
- Post-Conference Reception – an informal evening of socializing, networking and taste testing of Connecticut grown refreshments

Visit the CLCC Website for details and updates! [www.ctconservation.org](http://www.ctconservation.org) 