

The Habitat

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

Fall 2016

volume 28 number 4



CACIWC's 39th Annual Meeting & Environmental Conference

Saturday, November 12, 2016

New Venue, New Workshops and Networking Opportunities!

CACIWC will host an exciting legislative panel discussion during the 2016 Annual Meeting and Environmental Conference. The panel consists of key legislative leaders who will discuss expectations for the upcoming legislative session, including the ongoing efforts to enact a state constitutional amendment designed to permanently protect state parks and forests. The panel discussion will take place during the luncheon session.

Our keynote speaker panel includes **State Representative James M. Albis** (99th House District), **State Senator Ted M. Kennedy, Jr.** (12th Senate District), and **State Representative Mary M. Mushinsky** (85th House District). This distinguished panel will also discuss how our member commissions can plan for more ecologically resilient communities, as we prepare for short- and long-term changes to Connecticut habitats that may come about from global climate change.

In response to your comments from the 2013-2015 meeting surveys, the CACIWC Annual Meeting Committee has selected a new conference facility that will provide renovated banquet and workshop rooms, easily accessible space for displays viewing and networking, and delicious food served and prepared by their regional award winning chef. Conference **registration begins at 8:30 a.m.** (See agenda, page 9). We look forward to having you join us at:

Sheraton Hartford South Hotel
100 Capital Boulevard
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Our newly expanded annual conference will include **four workshop tracks** with topics on conservation

biology and habitat management, legal and regulatory updates & issues, climate adaptation & water management, and resource conservation, planning and development. Individual workshops will focus on invasive plant and animal species, wetlands case law and regulation, vernal pool biology, conducting natural resource inventories, climate resiliency update, improving stormwater management, promoting local recycling efforts, and promoting cluster housing as a conservation tool. (See pages 8-9).

Our new conference venue will also host a revised layout of new and informative displays in an arrangement that will promote open discussions and networking opportunities among our members and other conference attendees.

Watch for additional conference news and information on our website. Please direct any questions about the annual conference to: AnnualMtg@caciwc.org.

ABOUT OUR KEYNOTE PANEL

State Representative James M. Albis (99th House District) is Co-Chair, Environmental Committee. Representative Albis also serves on the Finance, Revenue and Bonding and the Executive and Legislative Nominations Committees.

In addition to his committee work, James was appointed to chair the Speaker's Task Force on Shoreline Preservation in February 2012. This task force investigated the issues of sea level rise, coastal flooding, and extreme weather events, with the goal of ensuring the safety of homeowners along the coast and in other vulnerable areas. The task force released its recommendations in January 2013.

Representative Albis played an active role in passing bills advancing coastal issues, strengthening
annual meeting, continued on page 12

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Associate Editor: Ann Letendre

Correspondence to the editor, manuscripts, inquiries, etc. should be sent to Alan Siniscalchi at asiniscalchi@comcast.net.

www.caciwc.org

CACIWC News

This issue of *The Habitat* marks an important milestone and transition for CACIWC, as it is the first issue following the resignation of Tom O'Dell as editor. As we welcome former Associate Editor Ann Letendre, and CACIWC Advertising and Development Coordinator Jeff Mills in their new expanded roles with *The Habitat*, we again thank Tom for his more than four decades of leadership with CACIWC as President, Executive Director, and Editor. Our winter issue of *The Habitat* will highlight his many and ongoing contributions to CACIWC and other state and local conservation efforts. We again thank Tom and wish him well in his latest retirement!

In This Issue

This issue also highlights other significant milestones for land and water conservation and environmental protection in Connecticut. The first are historic drought conditions being experienced in Connecticut and throughout the region. As rainfall frequency decreased throughout the summer, water levels in Connecticut streams, rivers, lakes and reservoirs continued to drop to alarming levels. These conditions resulted in an increasing number of voluntary and mandatory water use restrictions being issued by towns, cities, and water utilities throughout Connecticut. As this issue goes to press, almost 70% of Connecticut is now classified as being in severe drought conditions.

In response to these conditions and the absence of adequate rainfall in the coming forecasts, the Connecticut Department of Public Health (DPH), in consultation with the Connecticut Department of Energy and Environmental Protection (DEEP) and the Public Utility Regulation Authority (PURA), determined that an emergency declaration was necessary to help prevent further depletion of water supplies in Fairfield County. DPH Commissioner Dr. Raul Pino signed an order declaring a temporary 30-day public water supply emergency for

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Journey to the Legal Horizon

by Attorney Janet Brooks

The Wetlands Exemptions Across The Municipal Landscape

With the Connecticut Supreme Court's ruling on the farming exemption in the summer in *Indian Spring Land Company v. Inland Wetlands and Watercourses Agency*, 322 Conn. 1 (2016), the time was ripe to see what's going on with exemptions at the local level. Three years ago I undertook a similar survey of municipal regulations on the definition of "regulated activity." From that study a clear picture emerged of 100 foot as the predominant size of the upland review area in 80% of the towns I surveyed¹. To date I have reviewed 20% of the exemption provisions of all municipal wetlands regulations. I will provide my findings at the first morning workshop at the CACIWC annual meeting on November 12, 2016. In this article you will read of some examples to pique your interest.

Some Preliminary Findings

(1) Fire department use of water and installation of dry hydrants

This was a surprise. I feel like a scientist in the middle of study with such overwhelming results that I want to stop the study and proclaim what supplement you should all be taking. Two-thirds of the towns have **not** amended their wetlands regulations to reflect the 2011 public act adding "withdrawals of water for fire emergency purposes" as the seventh category of activity exempt from the permit requirement. If your town has adopted the DEEP model regulations and its numbering approach (which is not required), this would be found in § 4.1 (g). At the time the statute was amended, it also allowed the installation of a dry hydrant for a municipal fire department if such installation does not disturb the natural and indigenous character of the wetland or watercourse by removal or deposition of material. This would be an amendment to the model regulations in § 4.2 (c). The law also adopted a definition of a dry hydrant: "a non-pressurized pipe system that: (A) is readily accessible to fire department apparatus from a proximate public road, (B) provides for the withdrawal of water by suction to such fire department apparatus, and (C) is permanently installed into an existing lake, pond or stream that is a dependable source of water."²

Those readers who are members of wetlands commissions are urged to STOP reading this article now. Pull out your municipal regulations and determine if your regulations are out of date. This is most easily accomplished by looking at the cover sheet and seeing when the regulations were last amended. With regulations that haven't been amended since 2005 through early 2011, I knew that I was reviewing regulations which wouldn't reflect the current law. What was surprising is that two towns that amended their regulations after the effective date of the statutory amendment didn't include this change. The most baffling was a town that included *half* of the amendment. Another easy way to determine compliance: if there is no (g) in § 4.1 or no (c) in § 4.2, you know the regulations are out of date. If so, pledge to bring up amending the regulations at your next meeting.

For your further reading, in 2011, I posted two blog entries on this topic: the first as the bill was working its way through the legislature, February 19, 2011³, and the second after the bill's passage on June 30, 2011. DEEP provided draft language for amending your regulations in its end of the year regulatory guidance memo in 2011.⁴

(2) Illegal delegation to staff/agent to make a determination of jurisdiction

One-third of the regulations I have reviewed authorize the commission's agent to determine if an activity falls within the exemptions. That may be efficient, but it's not legal. How do you know? The shorthand response is because wetlands agencies are "creatures of statute." If the statute authorizes an agent to act on behalf of the commission, then it is legal. For instance in the upland review area the agency may "delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetland or watercourse when such agent finds that the conduct of such activity would result in no greater than a minimal impact on any wetland or watercourse provided..."⁵ However, nowhere in the exemption portion of the statute has the legislature authorized the agency to delegate its job of determining whether an activity is exempt.

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It Never Rains But It Pours; It's Never Sunny But It Burns

by Margaret Miner

This summer we burned. As of the end of September, 69% of Connecticut was in a severe drought for the third week in a row, according to the US Drought Monitor. The rest of the state was in a moderate drought. Lack of rain characterized the entire summer. Last summer was dry, too.

The Drought Monitor has two categories above Severe Drought, designating even more dangerously dry conditions, such as those in California. So, our last two summers were by comparison not extraordinarily alarming.

Nevertheless, stream flows and groundwater neared or dropped below several all-time or longstanding records (see USGS chart). With air and water temperatures rising (here and globally), many major stream segments ran totally dry (see photo). Numerous private wells sputtered or failed. The Department of Public Health issued a drought advisory in June, and, in September, added a request for voluntary 10% reduction in use. Many water companies also called for voluntary reductions in use. Two major utilities called for mandatory reductions.

Is this going to happen again next year? Will our streams, wetlands, aquifers, and reservoirs recover? According to David

Vallee, a climate and hydrology scientist at the National Oceanic and Atmospheric Administration, specializing in forecasts related to rivers in the Northeast, the prediction best supported by evidence is that Connecticut and the Northeast generally will

experience increased precipitation overall, including unusually intense rainstorms, often of short duration. At the same time, weather data suggest that dry spells, including severe drought, may also become more frequent and may last for months. But, evidently, periods of prolonged drought, enduring year after year are less likely. The kind of long drought that

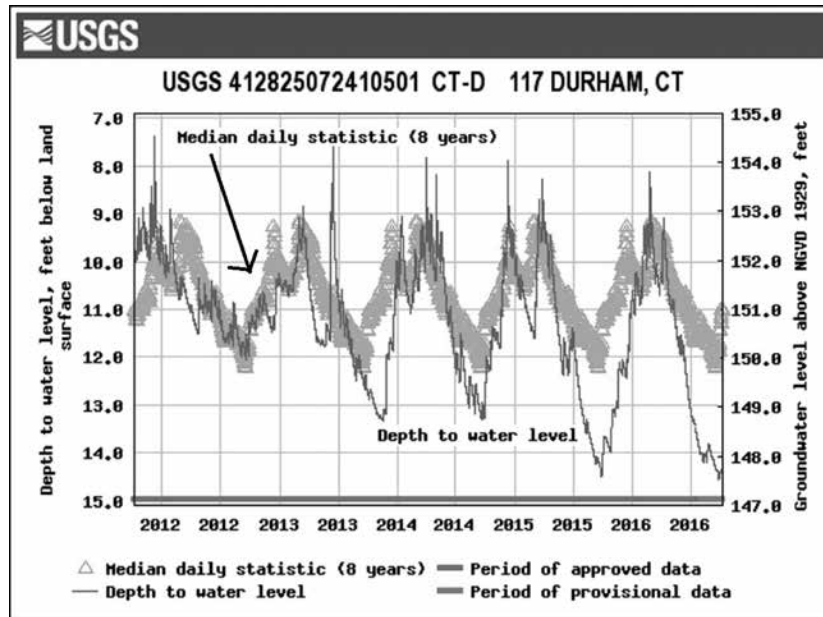
occurred in the 1960s has not recurred in Connecticut. Instead we have seen more frequent, relatively short-lived droughts.

Is this good news for wetlands, watercourses, and aquatic life? Not exactly. As happened this summer,

flows and river life can be wiped out relatively quickly for significant stretches of our streams. Low water and high temperatures compel fish to crowd into thermal refuges (usually small areas at the mouth of tributaries). Some fish survive, some

float out dead, many are picked off by predators. (The Department of Energy and Environmental Protection

drought, continued on page 5



USGS CT: Groundwater measurements show progressively lower water tables each summer and fall since 2012.



Dry Streambed - Coppermine Brook. Photo by T. Mitchell.

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banned fishing in several of these areas this summer.) Sudden rainstorms that may save a crop or a garden provide only temporary relief to a stream. Recharge of base flow may be meager.

In regulating and especially educating, wetlands and conservation officials can call on Mother Nature to assist with stream canopy and natural buffers that keep water more cool and ample in dry seasons. Headwaters need extra protection; at least give a stream a chance to get started. Trade in large lawns and impervious surfaces for native field and forest vegetation. These measures are prudent protections against both drought and flood. When planning for stormwater, use current data. "Unprecedented" storm events are happening all the time.

Rivers Alliance of Connecticut provides flow and weather information on the Know Your Flow page of our website at www.riversalliance.org.

Margaret Miner is Executive Director of Rivers Alliance of Connecticut. She can be reached at 860-361-9349.



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DEEP Reports Hydrilla Found In Connecticut River

DEEP Staff Finds Highly Invasive Aquatic Plant Growing Along Glastonbury's Riverfront Park

Connecticut's Department of Energy and Environmental Protection (DEEP) announced that Hydrilla (*Hydrilla verticillata*), a very highly invasive aquatic plant, has been found in the main stem Connecticut River in Glastonbury.

Earlier this week, DEEP staff observed several patches of hydrilla mixed in among the aquatic plants growing in the river at Glastonbury's Riverfront Park and Boathouse. This discovery follows the identification of hydrilla in a difficult-to-access portion of Kee-ney Cove by botanists participating in a "Bioblitz" conducted around the Two Rivers Magnet School, East Hartford, in June of this year.

"Finding hydrilla in a publically accessible portion of the state's largest water body is a matter of serious concern," said William Hyatt, DEEP's Chief of Natural Resources.

"The Connecticut River traverses the length of the state from north to south, supports substantial recreational use and has numerous access points," said Hyatt. "Managing this infestation will be exceedingly difficult. Based on what we've seen it appears that hydrilla has been in the river for a couple of years and it is likely to be widely dispersed downstream of Hartford. As a result eradication is not practical. What we can do is educate boaters on what they need to do to reduce the risk of further spread."

Hydrilla, which is not native to the United States, was likely first introduced to this country in the 1950s.

The source of these plants is unknown. It has since become a major problem in southeastern states and is beginning to spread into the northeast. It spreads aggressively, forms dense mats of vegetation, easily outcompetes and displaces native plants, alters aquatic habitats, and interferes with recreational activities. It is very difficult to control once established.

Hydrilla has been found in several waterbodies with public access scattered throughout the Northeast (Maine, New York, Massachusetts). Until recently, there were only a few waterbodies in Connecticut, the Silvermine River and several small ponds with no public access, known to have established hydrilla populations. In September, 2015, however, hydrilla was found in Coventry Lake (Coventry) where DEEP is currently funding ongoing eradication efforts (including surveys and herbicide treatments).

DEEP reminds users of our aquatic resources that the best method of controlling invasive species is

hydrilla, continued on page 7



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to prevent their spread. Boaters (including kayakers, canoeists), anglers and other recreational users should follow **Clean, Drain & Dry** precautions to prevent the spread of invasive plants and animals, including hydrilla:

Before leaving a boat launch:

- **CLEAN:** all visible plant, fish, and animals as well as mud or other debris. Do not transport them home.
- **DRAIN:** all water from every space (including bilges, live wells and engine cooling systems) and item that may hold water.

At home or prior to your next launch:

- **DRY:** anything that comes in contact with water (boats, trailers, anchors, propellers, etc).

If drying is not possible, you should take extra care to thoroughly clean your boat prior to the next launch. The techniques listed below are advised to decontaminate your vessel:

- Wash your boat with hot, pressurized water, *or*
- Dip equipment in 100% vinegar for 20 minutes prior to rinsing, *or*
- Wash with a 1% salt solution (2/3 cup to 5 gallons water) and leave on for 24 hours prior to rinsing, *or*
- “Wet” with bleach solution (1 oz to 1 gallon water) or soap and hot water (Lysol, boat soap, etc) for 10 minutes prior to rinsing.

When Fishing:

- Do not dump your bait bucket or release live bait! Avoid introducing unwanted plants and animals. Unless your bait was obtained on site, dispose of it in a suitable trash container or give it to another angler.
- Do not transport fish, other animals or plants between water bodies. Release caught fish, other animals and plants only into the waters from which **they came**.
- Individuals wishing to report possible sightings of aquatic invasive species can contact DEEP’s Inland Fisheries Division at **860-424-3474**. If you are interesting in learning how you can educate boaters on ways to prevent the spread of invasive species, contact the Boating Division at 860-447-4339. More information on aquatic invasive species can be found on the DEEP website at www.ct.gov/deep/invasivespecies and in the:

- 2016 CT Angler’s Guide (www.ct.gov/dep/lib/deep/fishing/anglers_guide/anguide.pdf)
- 2016 CT Boater’s guide (www.ct.gov/dep/lib/deep/boating/boating_guide/boaterguide.pdf).

Dennis Schain is Communications Director, Connecticut Department of Energy and Environmental Protection. He can be reached at 860.424.3110, or dennis.schain@ct.gov. www.ct.gov/deep.



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CACIWC's Environmental Conference Workshops

SESSION 1 (9:30 - 10:30 AM)

SESSION 2 (10:45 - 11:45 AM)

Conservation Biology &
Habitat Management

A1. "Connecticut Invasive Plant & Forest Disease Update"

*Rose Hiskes, Diagnostician & Horticulturist;
The Connecticut Agricultural Experiment Station (CAES) &
Robert E. Marra, PhD, Associate Scientist, CAES*

This workshop will provide you with updates on both current invasive plants in Connecticut along with information on blights, fungal species and other recently emerging diseases that endanger native trees and forest populations. Information provided in this workshop will help conservation commission members and staff learn to identify, control and report these invasive plants and emerging forest disease to help protect open space parcels in their towns.

B1. "Wetlands Exemptions; Survey of Local Wetlands Agencies"

Janet Brooks, Attorney at Law, LLC

This workshop will review the important rules and procedures for considering exemptions while acting on wetlands applications and appeals. Information from recent surveys of Connecticut wetlands agency regulations and practices will be used to illustrate the discussion. Attorney Brooks will draw upon her private practice experience and work with the Connecticut Attorney General's Office to present this review of the basic steps to ensuring that your inland wetlands commission is functioning within the law while protecting local wetlands and watercourses within your town. She will also utilize findings from recent Connecticut court cases to illustrate these important points.

C1. "The Benefits of Trees in Improving Urban Microclimates"

*Christopher M. Donnelly, Urban Forestry Coordinator;
State of Connecticut, Department of Energy &
Environmental Protection (DEEP), Division of Forestry*

Recent CACIWC conferences have focused on at-risk communities along Connecticut's coastline & inland waterways and provided attendees with pertinent information on the impacts of climate change on the natural, built, and human environment in these areas. In this workshop, recent data and other information will be provided that outline the benefits of promoting urban trees and forests to help improve microclimates within, while increasing the ecological diversity and esthetic appeal of, Connecticut municipalities.

D1. "How to Adopt a Plastic Bag Ban Ordinance in Your Town"

*Liz Milwe, Co-author of the Ordinance and Member of
the Westport Representative Town Meeting, Westport,
Connecticut*

In 2008, Westport was the first community in Connecticut to adopt a ban on the use of plastic bags for retail checkout of purchased goods. Learn how the community was able to garner support of the ban from both the residents and the business community, ways to promote the use of reusable bags and tips for promoting compliance.

Legal and Regulatory
Updates & Issues

Climate Adaptation &
Resiliency Planning

Local Environmental
Protection & Planning

A2. "Native Plants to Attract Pollinators"

*Kimberly A. Stoner, PhD; Department of Entomology, The
Connecticut Agricultural Experiment Station (CAES)*

Many CACIWC members are aware of incidents of hive mortality and downward trends in the size of many of our native bee populations. Publicity regarding these trends has spurred a new interest in cultivating habitats to foster these pollinators, which are so essential to the survivability of all of our food crop species. This workshop will provide information on easy and effective ways to plant open space gardens, protect meadows and promote bee habitats and those of other Connecticut pollinators.

B2. "2016 Wetlands Law Update with Question & Answer Session"

*David Wrinn, CT Attorney General's Office;
Janet Brooks, Attorney at Law, LLC;
Mark Branse, Branse & Willis, LLC*

This trio of wetlands attorneys has been brought back again by popular demand to keep you current with recent legislative changes and the latest state Supreme Court and Appellate Court cases. A large portion of this workshop will also include the question-and-answer session that you ask for each year!

C2. "NOAA Climate Change & Flood Frequency Data"

*Edward Capone, Service Coordination Hydrologist;
The National Oceanic and Atmospheric Administration (NOAA),
National Weather Service, Northeast River Forecast Center*

The NOAA Northeast River Forecast Center has accumulated years of data on how long- and short-term climate trends affect flood frequency throughout the New England states. Mr. Capone and other staff of the center, work closely with partners at the federal, state and local agencies to assess challenging issues throughout the entire hydrologic spectrum from floods to drought. He will provide trend data to help CACIWC members understand these dynamic issues and promote effective planning to improve resilience and climate adaptation within their towns.

D2. "Primary Stormwater Quality Practices for Difficult Sites: Alternatives to Detention Basins"

*Sean Hayden, Soil Scientist;
Northwest Conversation District*

Stormwater detention ponds have long been used as best management practices for control of storm runoff and to help attenuate peak discharges. A major limitation of this approach is their use in difficult sites with limited space and other constraints. This work shop will provide attendees with alternative practices that are effective and viable for challenging sites.

Saturday, November 12, 2016

**SESSION 3
(2:00 - 3:30 PM)**

A3. "2016 Gypsy Moth Outbreak and Predictions for 2017"

Kirby C. Stafford, III, PhD; State Entomologist and Chief Entomologist; The Connecticut Agricultural Experiment Station (CAES)

Many forests in Connecticut and neighboring states have experienced moderate to severe defoliation as a result of the 2016 gypsy moth outbreak. The Connecticut Agricultural Experiment Station (CAES), the plant pest regulatory agency for the State, conducted forest health surveys with DEEP foresters and other partners, to document this damage. Dr. Stafford will review these survey data and discuss the contributing factors that led to this outbreak and how CACIWC member commissions can potentially mitigate the expected impact of some on our forest resources during 2017.

B3. "Conservation & Environmental Cluster Subdivisions"

Attorney Mark K. Branse, Branse & Willis, LLC

This workshop will provide background information on conservation and environmental subdivisions. It will examine their legislative history, regulatory authority, and the various approaches to their use in Connecticut. Attorney Mark Branse will emphasize how Conservation and Inland Wetlands Commissions can work more effectively with their local Planning & Zoning Commissions in promoting these valuable tools.

C3. "Vernal Pools & Monitoring Program Update"

Edward Pawlak, MS, Registered Soil Scientist; Certified Professional Wetland Scientist; Connecticut Ecosystems LLC

Most CACIWC members are aware of the value of vernal pool ecosystems and the need to protect them. This workshop will review their origin, identification, and describe their associated habitats. The workshop will also discuss the Connecticut Association of Wetlands Scientists (CAWS) vernal pool monitoring program. The workshop will provide information on initial data trends and discuss how CACIWC member commissions can recruit vernal pools within their town for inclusion in this important monitoring program.

D3. "Connecticut River and Local Watershed Protection"

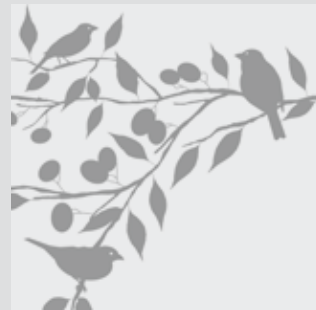
Eileen Fielding, Executive Director, Farmington River Watershed Association & Anne Hulick, Director, Connecticut Clean Water Action/Clean Water Fund; Coordinator, Coalition for a Safe and Healthy Connecticut

This workshop will describe statewide efforts to protect key river watershed areas in Connecticut and emphasize the ecological value of these habitats. Workshop attendees will learn how town commissions can help maintain these areas, which are necessary to both preserve key ecosystems and protect current and future drinking water sources.

CONFERENCE AGENDA

Registration & Breakfast	8:30 – 9:00 am
Welcome & Business Mtg.	9:00 – 9:30 am
Session 1 Workshops	9:30 – 10:30 am
Break 1	10:30 – 10:45 am
Session 2 Workshops	10:45 – 11:45 am
Break 2	11:45 am – 12:00 pm
Luncheon, Keynote Panel	12:00 – 1:30 pm
Break 3	1:30 – 2:00 pm
Session 3 Workshops	2:00 – 3:30 pm
Final Display Viewing	3:30 – 3:45 pm
Conference ends	4:00 pm

Displays will be on view
from 8:30 am – 3:45 pm.



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Shepaug Forest Block Recognized as an Important Bird Area

by Corrie Folsom-O'Keefe, Audubon Connecticut

Audubon Connecticut, the state office of the National Audubon Society, has recognized a forested landscape that spans 15 miles of the Shepaug River as an Important Bird Area (IBA).

The Shepaug Forest Block is a landscape-level Important Bird Area, one of six recognized this summer. "Landscape-level IBAs are different from many previously recognized IBAs in their size (the Shepaug IBA is nearly 14,000 acres), and in the number of landowners" says, Corrie Folsom-O'Keefe, Audubon Connecticut's IBA Program Coordinator. "Any landowners that are within the boundary of these landscapes are eligible for the benefits of recognizing their properties as part of the IBA, including eligibility for IBA small grants or utilizing the IBA status as a way to bolster other grant applications." For more information about Landscape-level IBAs, visit: <http://ct.audubon.org/conservation/important-bird-areas>.

The Shepaug IBA stretches from Lake Waramaug to Steep Rock Association's Macricostas, Hidden Valley; and from Steep Rock Preserves to Roxbury Land Trust's Carter and Mine Hill Preserve. It also includes preserves and easements held by the Weantinog Heritage Land Trust. "Working together, we hope to build awareness on the value of this landscape for birds and other wildlife," explains Lori Paradis Brant, Executive Director of Steep Rock Association.



Shepaug Forest Block - Louisiana Waterthrush.
Photo by Patrick Comins.



Shepaug Forest Block - Common Merganser.
Photo by Jeff Bleam.

The Shepaug River and its tributaries are a very important area for the Louisiana Waterthrush (a species of continental concern). The IBA also provides important habitat for Northern Goshawk (state concern) and Whip-or-will (continental

concern) and includes many habitat types recognized by the State of Connecticut as Critical Habitat. Lastly, the IBA includes Lake Waramaug, which hosts thousands of Common Mergansers each year during spring migration.

"Knowing that our preserves are important to species of continental and state concern will help guide our stewardship efforts," says Susan Payne, Executive Director of Roxbury Land Trust. "We look forward to learning more about these species and their habitat needs."

Shepaug, continued on page 11

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Shepaug Forest Block IBA recognition ceremony (individuals pictured: Eugene Pinover, President of the Steep Rock Association Board; Catherine Rawson, Executive Director of Weantinoge Heritage Land Trust; Lori Paradis Brant, Executive Director of Steep Rock Association; Susan Payne, Executive Director of Roxbury Land Trust; and the author - Corrie Folsom-O'Keefe, Audubon Connecticut's IBA Program Coordinator. Photo by Jennifer Benner.

“The designation also helps land trusts identify ecologically valuable properties for permanent protection” notes Catherine Rawson, Executive Director of Weantinoge Heritage Land Trust.

The overall goal of Audubon Connecticut's IBA program is to identify a network of key areas in the state that support sustainable populations of birds in greatest need of conservation. Once an area is identified, Audubon Connecticut works with landowners, other conservation partners, and the public to increase awareness about birds and the importance of the area to greatest conservation need species, improve habitat in the area, and find funding to support these efforts.

Corrie Folsom-O'Keefe is IBA Program Coordinator for Audubon Connecticut. She can be reached by email at Cfolsom-okeefe@audubon.org, and by phone at 203-405-9116. 🍂

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condominium law, and promoting organ donation awareness. He is a strong advocate for education, voting to protect East Haven's share of state education aid, as well as expanding the Family Resource Center at D.C. Moore School. He has worked to protect Medicaid and expand access to quality health care for our seniors.

Born and raised in East Haven, Representative Albis was a member of the first graduating class of East Haven Academy in 1998 and a 2002 graduate of East Haven High School. Upon graduating from EHHS, he attended New York University in New York City. In 2005, he spent a semester at NYU's campus in Florence, Italy, studying international economics. He graduated from NYU in 2006 with a BA in Economics.

The Connecticut League of Conservation Voters has recognized Representative Albis as a Legislative Champion from 2012-2014 for his work on coastal resilience and climate adaptation. The League also recently recognized Representative Albis as one of their 2016 Legislative Champions for his leadership on legislation to protect pollinators.

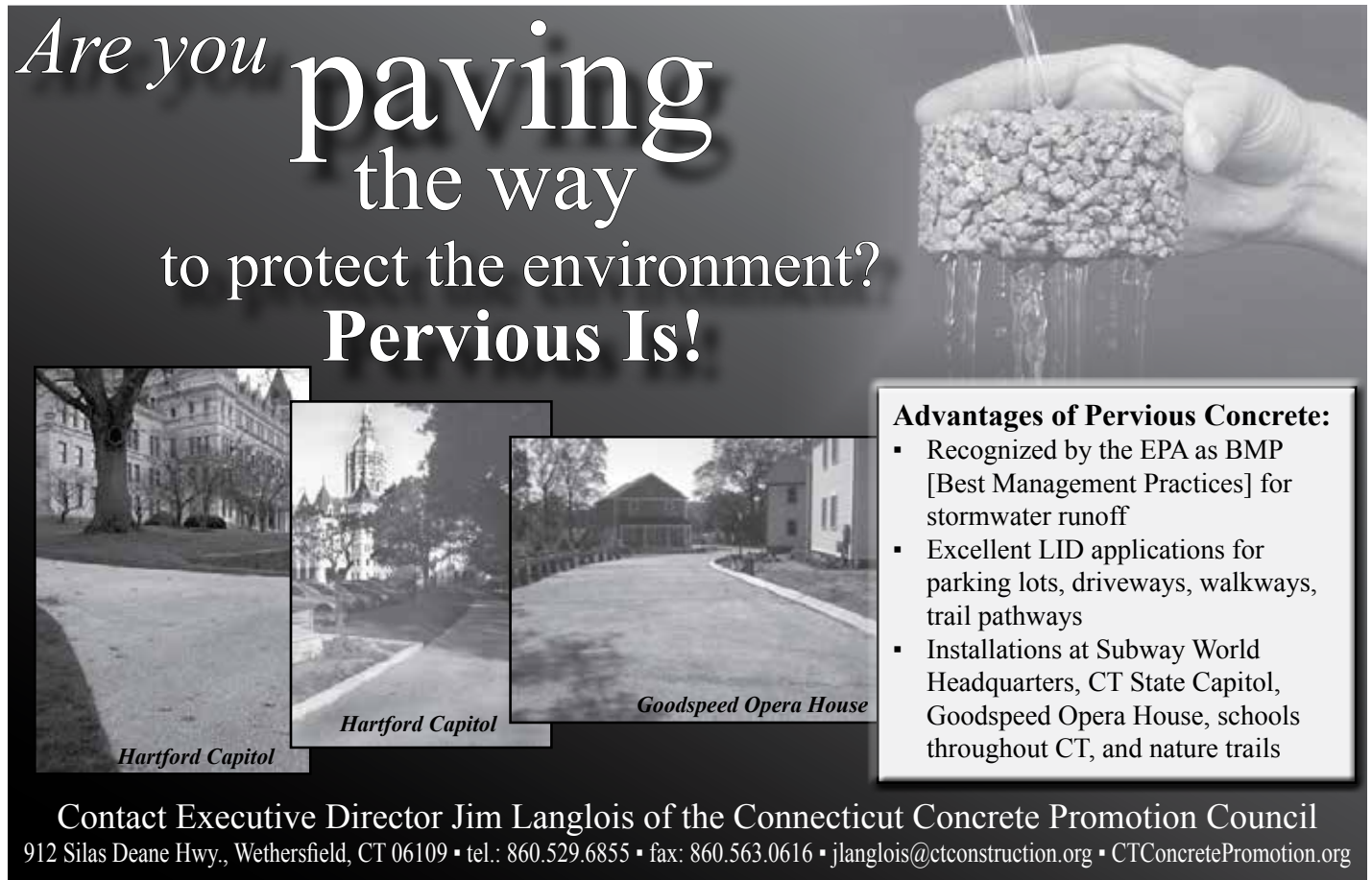
State Senator Ted M. Kennedy, Jr. (12th Senate District) is Majority Whip, Connecticut General Assembly (CGA) and Co-Chair, Environmental Committee (invited).

Senator Kennedy, who also serves on CGA Internship, Public Health and Transportation Committees is the son of the late U.S. Senator Edward M. "Ted" Kennedy from Massachusetts, and a nephew of former President John F. Kennedy.

Connecticut-educated Senator Ted Kennedy, Jr. earned a Bachelor of Arts degree from Wesleyan University, a Masters in Environmental Studies from Yale University School of Forestry and Environmental Studies, and a Juris Doctor degree from the University of Connecticut School of Law. Senator Kennedy practiced law with Wiggin & Dana in New Haven and co-founded the Marwood Group, which advises corporations on health care and financial services. He later joined the NYC firm of Epstein, Becker & Green, advising clients on health care reform policies.

Senator Ted Kennedy's commitment to healthcare issues began at an early age. He was twelve years

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old when he was diagnosed with bone cancer and needed to have his right leg amputated. Ted underwent months of intensive physical therapy and was eventually able to resume an active life including learning how to ski using adaptive equipment. As a teenager, he trained with the U.S. Handicapped Ski Team and won several national medals. After his experiences with surgery, two years of chemotherapy and learning how to walk with the use of a prosthesis, he understood how people like him faced a two-part struggle: the personal challenge of recovery and the public challenge of living in a society that did little to include people with disabilities.

The Connecticut League of Conservation Voters recently recognized Senator Kennedy as one of the 2016 Legislative Champions for his leadership on legislative issues regarding pollinators and consumer packaging waste.

State Representative Mary M. Mushinsky (85th House District) is a current member and former Co-Chair, Environmental Committee; also, Co-Chair, Program Review and Investigations Committee.

Mary Mushinsky was first elected to the Connecticut House of Representatives in 1980 on a platform of environmental activism, consumer advocacy and improved energy policies. Mary has held various leadership positions including co-chair of the legislature's bipartisan Program Review and Investigations Committee, specializing in preparing the workforce for a changing economy, retraining older and long term unemployed workers, apprenticeships, and improving efficiency of state programs. The committee spotlighted and expanded the state's most successful apprenticeship program, "Platform to Employment." Mary previously served as co-chair of the legislature's Select Committee on Children for ten years and passed the state's anti-bullying law. She is the recipient of numerous awards for adolescent pregnancy prevention and reduction of child poverty.

She also served for six years as co-chair of the legislature's Environment Committee. A biologist by training, Mary has been the chief proponent in the Connecticut legislature of major environmental legislation enacted during the 1980s and 1990s, including mandatory recycling, packaging reduction, open-space preservation, global warming mitigation and endangered species protection laws.

Mary served as a member of the Commission on Enhancing Agency Outcomes and the Results-Based Accountability Working Group to achieve greater efficiencies in taxpayer funded programs, as well as the Peak Oil Caucus to reduce the impact of high oil prices on residents and businesses. She currently serves on the Manufacturing Caucus and the Sportsmen's Caucus.

In Wallingford, Mary initiated and serves as co-chair of the Quinnipiac River Linear Trail Advisory Committee, which works with local, state and federal officials and the community to expand the pedestrian/bicycle trail. She also serves on the Wallingford Energy Conservation Commission, which promoted the energy audit and energy management recommendations now implemented by the Town of Wallingford school system. Mary is a member and legislative liaison for the Coalition for a Better Wallingford, which seeks to reduce drug and alcohol abuse.

The Connecticut League of Conservation Voters has long acknowledged Representative Mushinsky's legislative leadership and environmental advocacy work. She was also recently recognized as a 2016 Legislative Champion for her leadership on water resource planning and protection. 🍂

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CACIWC news, continued from page 2

the four Fairfield County towns served by the Aquarion Water Company. This order places various conditions on the utility including continued mandatory outdoor watering bans, water audits of its top twenty largest water users, and identifying ways to reduce water usage. “While this declaration deals specifically with these four towns and neighboring towns in New York, the entire state remains in a drought advisory, and I encourage all Connecticut residents to conserve water during this prolonged period of dry weather,” emphasized Commissioner Pino. Many Connecticut conservation commissioners and other CACIWC members are helping to promote water conservation throughout our state. Additional information to help CACIWC members on this task can be found in an article in this issue authored by Rivers Alliance Executive Director Margaret Miner. CACIWC members can also obtain the latest drought data in a special workshop presented by National Oceanic and Atmospheric Administration (NOAA) hydrologist Edward Capone.

Another critical environmental issue discussed in this issue is the recent finding of the invasive aquatic plant *Hydrilla verticillata* in the main stem of the Connecticut River in Glastonbury. Hydrilla, a native plant of the Old World continents of Africa, Asia, and Europe, as well as Australia, was introduced into the United States following release into the waters of Florida in the 1950s in association with the aquarium trade. A highly aggressive plant, Hydrilla, has out-competed and displaced many native aquatic plants, forming monocultures and altering aquatic ecosystems throughout the southeast. It has now naturalized in many areas along the east coast, and has been found as far north as Connecticut, Massachusetts, New York, and Maine. While Hydrilla had previously been found in several small ponds, Coventry Lake, and the Silvermine River, this finding is significant due to its location. “Finding Hydrilla in publically accessible portions of the state’s largest water body is a matter of serious concern,” said William Hyatt, Chief of Natural Resources for the Connecticut DEEP. In their recent News Release, reproduced in this issue, the DEEP is again promoting the “Clean, Drain & Dry” precautions to help reduce the spread of invasive aquatic plants. The CACIWC Board of Directors urges all members to help promote these precautions. More information on control of invasive plants will

be provided in an Annual Meeting workshop being provided by Rose Hiskes, Diagnostician and Horticulturist, Connecticut Agricultural Experiment Station (CAES).

Fortunately, not all environmental news is alarming. This issue also highlights an important announcement by Audubon Connecticut, the state office of the National Audubon Society, who recently recognized a forested landscape that spans 15 miles of the Shepaug River as an Important Bird Area (IBA). This area, known as the Shepaug Forest Block (nearly 14,000 acres in size), is a landscape-level Important Bird Area, one of six recognized in Connecticut this summer. Corrie Folsom-O’Keefe, Audubon Connecticut’s IBA Program Coordinator, emphasized that “Landscape-level IBAs are different from many previously recognized IBAs in their size, and in the number of landowners.”

Other CACIWC News

1. To help our member commissions understand the role they can play in recognizing and preserving important habitats in Connecticut, CACIWC is pleased to host a panel of key legislative leaders at our 39th Annual Meeting and Environmental Conference, scheduled for Saturday, November 12, 2016. We are excited to announce this year’s conference will be hosted by the Sheraton Hartford South Hotel in Rocky Hill. This upgraded facility, with food service provided by its award-winning Chef will provide a fresh new setting for our conference.

In response to your comments from the 2014 and 2015 meeting surveys, CACIWC has worked with our new conference facility to set aside space for displays, encourage networking, and increase learning through use of improved sound and audiovisual system. Please see the detailed workshop descriptions in this issue of *The Habitat* and watch for additional conference news on our www.caciwc.org website. You may direct any questions or comments on our annual meeting to us at: AnnualMtg@caciwc.org

2. It is not too late to renew your 2016-17 membership dues and take advantage of the \$15/per person annual meeting registration discount. A copy of the membership dues notice form recently mailed to you can also be found on our website: www.caciwc.org.

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Please consider registering using our online form and payment system. 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 appreciate any additional contributions that you can provide to support various CACIWC programs including our Annual Meeting, educational training materials, and issues of *The Habitat*.

3. The CACIWC board of directors has continued work on the development of our new strategic plan. As part of the strategic planning process, we have been incorporating information obtained from our various membership surveys. We will be requesting additional information at our 2016 Annual meeting to further 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. Are you a member or staff of a New London or Windham County conservation or wetlands commission? Please consider filling one of our other CACIWC board vacancies (an updated list can be found in this issue of *The Habitat* and on www.caciwc.org). Just send us a note at board@caciwc.org if you are interested in serving in one of the vacant positions.

5. We are continuing to pursue efforts to expand our ability to communicate with member commissions and staff. These include development of systems to quickly send you important messages on emerging topics of interest, including grants and funding, legislative issues, and educational opportunities. Our Membership Coordinator & Database Manager Janice Fournier and members of our board will be in touch with you for updated emails and other contact information.

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 hope to see all of you at our 39th Annual Meeting and Environmental Conference!

Alan J. Siniscalchi, President 🍀

wetlands, continued from page 3

As part of the executive branch an agency executes the policy; it doesn't set the policy. An agency "cannot modify, abridge or otherwise change the statutory provisions...under which it acquires authority unless the statutes expressly grant it that power."⁶ The most recent version of the DEEP Model Regulations (2006) eliminated any reference to an agent's determination whether an activity is exempt and reinforces the principal that the agency shall be provided with sufficient information to allow the agency to determine if the activity is exempt.⁷

(3) New categories of exemptions

I knew I would find some "new" categories of exempt activities. The good news is it has occurred, at this point in my survey, in only 12% of towns. "New" doesn't mean "new and improved." It means extralegal. That "extra" doesn't mean "free," it means "beyond," hence beyond legal, or simply put, illegal. Why? Reread the quotation from the case cited in the previous paragraph. An agency isn't authorized to create new categories of exemption – *unless the statute explicitly says so*. The specifics of the new categories will await my presentation on the full survey. One example constitutes, in my opinion, a fox guarding over the chicken coop: it's not just what's exempt, it's who determines if the activity is exempt and how they do it. (Hint: it's not anyone connected with the wetlands agency.) I hope that encourages some of you to attend the first legal workshop of the annual meeting, where all will be revealed and you will leave with a clear sense of how to properly amend your exemption regulations.

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 That survey was limited to those towns which post their municipal regulations online plus those towns which provided copies of the regulations when asked. In all, 90% of municipal regulations were reviewed.

² General Statutes § 22a-40 (b) (3).

³ www.ctwetlandslaw.com, search under the date in 2011.

⁴ www.ct.gov/deep/lib/deep/water_inland/wetlands/2011regulationsadvisory.pdf

⁵ General Statutes § 22a-42a (c) (2).

⁶ *Celentano v. Rocque*, 282 Conn. 645, 654, 923 A.2d 709, 716 (2007)

⁷ www.ct.gov/deep/lib/deep/water_inland/wetlands/modelregs-finalof4thedition.pdf 🍀



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CACIWC's Legislative Keynote Panel for the 2016 Annual Meeting and Environmental Conference



State Senator Ted M. Kennedy, Jr. (12th Senate District); Majority Whip, Connecticut General Assembly (CGA) and Co-Chair, Environmental Committee (invited).

State Representative Mary M. Mushinsky (85th House District); current member and former Co-Chair, Environmental Committee; Co-Chair, Program Review and Investigations Committee.



State Representative James M. Albis (99th House District); Co-Chair, Environmental Committee; member of Finance, Revenue, and Bonding, and the Executive and Legislative Nominations Committees.

(See page 1 for more about our speakers and conference)