

The Habitat

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

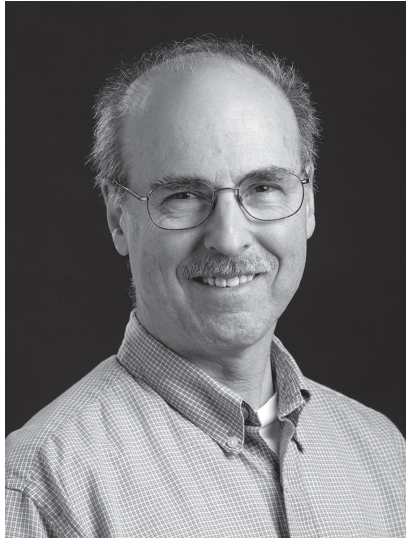
Summer 2017 volume 29 number 3



CACIWC's 40th Annual Meeting & Environmental Conference Saturday, November 18, 2017

New Venue, New Workshops and Networking Opportunities

Preparations for a Changing Climate: Impacts on Connecticut Habitats & Populations



*Robert Dubrow, MD, PhD
Professor of Epidemiology (Environmental Health) | Yale School of Public Health
Faculty Director, Yale Climate Change and Health Initiative*

We are pleased to welcome our keynote speaker panel, two notable scientists who will discuss their latest research in support of our conference theme.

Our 2017 keynote speakers are uniquely qualified to discuss the ongoing impact of climate change on Connecticut habitats and populations:

Dr. Robert Dubrow has been heavily involved in the educational mission of Yale School of Public Health, as well as in research. Moved by what he sees as the greatest public health challenge in this century, Dr. Dubrow has committed himself to a new direction of education, training, and research on climate change and health. He serves as Faculty Director for a new Climate Change and Health Initiative at Yale School of Public Health, which aims to 1) create a cohort of leaders dedicated to addressing climate change



*David Skelly, PhD
Director, Yale Peabody Museum of Natural History, Frank R. Oastler Professor of Ecology, Yale School of Forestry & Environmental Studies*

and health; 2) establish an educational program on climate change and health for students across the University; and 3) catalyze research on climate change and health utilizing Yale's multidisciplinary expertise to generate innovative interventions and policy prescriptions.

Professor David Skelly is interested in understanding the ecological mechanisms of animal distributions and in developing the means to apply that understanding to conservation and management. His studies of amphibians have been directed at determining the causes of patterns such as the extinction and establishment of populations. In order to

New Venue!

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In response to your comments from the 2016 meeting, the CACIWC Annual Meeting Committee has selected a new, larger facility that will provide easily accessible space for display viewing and networking, as well as more space for a buffet style luncheon. Join us!

Revised Agenda!

Registration - 8:00 a.m.
Business Meeting - 8:45 a.m.
Keynote Speaker Panel - 9:00 a.m.

Our keynote speaker panel will start at 9:00 am this year, before the workshops. This will allow members to network during a relaxed buffet luncheon, free from any presentations. Note that registration will start at 8:00 a.m., a half-hour earlier than previous years.

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www.caciwc.org

CACIWC News

The CACIWC Board of Directors has been working to finalize details of our special upcoming **40th Annual Meeting and Environmental Conference**. We are honored to host two nationally recognized scientists on our keynote speaker panel who are uniquely qualified to discuss the ongoing impact of climate change on Connecticut habitats and populations. While working on our conference, we have also been closely following the ongoing state budget negotiations that overwhelmed the 2017 legislative session. As this summer issue of the *Habitat* goes to press, the state budget remains at an impasse as negotiations drag on to solve the estimated \$3.5 million two year deficit.

Members of the CACIWC Board of Directors recognize the significant impact that the **state budget impasse** has had on you, our member municipal commissions and staff. Although the expenses to organize our annual meeting and environmental conference have increased each year during the past decade, we have worked to keep our expenses to a minimum through careful fiscal evaluation and increasing use of board members and other volunteers.

In other news:

1. The CACIWC Board of Directors and its Annual Meeting Committee are very pleased to announce a great new venue and expanded program for our **40th Annual Meeting and Environmental Conference**. This year's conference will be hosted by the **Radisson Hotel Cromwell**. This spacious facility, will provide a fresh new setting for our conference. The CACIWC Annual Meeting Committee, which has worked to keep our expenses low, is pleased to announce that we have held our 2017 registration fees at the 2016 rates. In addition, individuals associated with CACIWC member commissions in good standing who register before **October 1, 2017** can still save up to \$25 off the registration fee. Please note that this year's **early registration deadline is two weeks earlier than last year**, necessitated in part, by earlier attendance estimates required by the venue.

We have provided additional descriptions of the conference, including a detailed listing of the conference workshops, in this issue of *The Habitat*. Watch for additional conference news and the 2017 electronic registration form and payment link

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Journey to the Legal Horizon

by Attorney Janet Brooks

Pesticides and the Wetlands Act

In general, the application of pesticides to wetlands and watercourses is a regulated activity.

If someone had asked me six months ago to write an article that the application of pesticides to a wetland or watercourse is an activity triggering the need for a wetlands permit, I would have responded: it is so self-evident from reading the wetlands statute that no one would read the article. However, news in 2017 from communities around the state has persuaded me that it is appropriate to examine how the wetlands act applies to pesticide applications. A review of the exemption provisions of the wetlands act confirms the need to temper my broad statement acknowledging some pesticide uses may be found to fall within a number of the statutory exemptions.

In two circumstances of which I am aware, citizens opposing the application of pesticides in large waterbodies have focused on DEEP's issuance of an aquatic pesticides permit. Such state permit, set out in General Statutes § 22a-66z, addresses "the introduction of chemicals into the waters of the state for the control of aquatic vegetation, fish populations or other aquatic organisms." This permit is processed by the Pesticides Management Program of DEEP. More about the permit later.

Neither of the situations appears to be filing applications for municipal wetlands and watercourses permits. Why does the application of a pesticide to a waterbody require a wetlands permit? Let's start with some terminology. A "regulated activity" includes the "deposition of material" into a waterbody.¹ "Material" means any substance.² Turning to the pesticides statutes, a pesticide is defined as: "any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest, or any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant."³ Thus, "pesticide" is the umbrella term which includes herbicides, insecticides, fungicides and other "-cides." Since a pesticide is a substance (per the pesticides statutes) and a substance is a material (per the wetlands statutes) putting pesticides in a waterbody is "deposition of material."

We're not done yet with our inquiry because the definition of "regulated activity" excludes activities listed in the statutory exemptions section. To begin, there is no exemption for activities which receive a 22a-66z permit from DEEP.

In contrast, there is a general exemption for wetland or watercourse restoration or mosquito control for activities conducted by or under the authority of DEEP.⁴ So, we go exemption-by-exemption through General Statutes § 22a-40 to determine if the facts in a given application would qualify for the exemption. In each case the person claiming the exemption has the burden proving it.

The first category, gardening and farming, presents a possibility of exempt pesticide use. If the person claims the pesticide is to be used in a farming setting, such use, in my opinion, is not a regulated activity. Next, I wonder about the exemption for "uses incidental to the enjoyment and maintenance of residential property."⁵ That exemption specifically excludes "significant amounts of material from or onto a wetland or watercourse." Can homeowners establish that pesticide treatments for mosquitoes (to thwart West Nile disease) or ticks fall within the exemption? If they do, such activities would be exempt. As always, exemptions are so fact-specific and are determined on a case-by-case basis.

The treatment of a recreational waterbody for weeds is not likely to fall into any of the statutory exemptions. Thus, a wetlands permit will be required. Is there a reason to ban pesticide use in general? No. I compare it to antibiotic use. Pesticides, like antibiotics, may have been overused and unnecessary, but there may be circumstances which call for each. I have been involved in restoration efforts to control invasive plants where judicious use of pesticides was critical to the success of the project. Again, fact-specific.

At least one municipal wetlands commission has specifically addressed the application of pesticides and fertilizers, in its definition of "regulated activity": "The Commission has determined that the application of herbicides, pesticides and fertilizers within fifty (50) feet of any wetland or watercourse will cause or has a reasonable likelihood of causing an adverse impact and therefore such applications shall not be permitted without a permit pursuant to these regulations."⁶ Such a regulation is not necessary in order for a commission to regulate the application of pesticides. As established above, in general, the application of pesticides is a regulated activity. A note: that municipal regulation cannot erode the activities exempt by statute. If the pesticide application falls within

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The Coverts Project for Forest Landowners

It's Between You and Me

by Stephen H. Broderick

Editor's note: For earlier Habitat articles about the Coverts Project, see "Under Coverts," by Thomas Worthley, Volume 75 no. 4 (winter 2011), page 16; and "The Coverts Project," by Christine Woodside, Volume 66 no. 3 (Winter 2002).

Connecticut's forests are vital to the health of our land. They clean our air and water. They provide homes, food, and cover for our wildlife. They provide timber and a host of other products we all need. In forests, our cherished hiking and other recreation activities take place. The list of reasons goes on. Almost three-quarters of Connecticut's forestland are in private hands. Thousands of individuals and families own most of these woods that provide so many essential benefits. Sound stewardship of privately owned forestland is in everyone's interest. To put it another way, private forests do the public good.

Good forest stewardship requires informed decision making and an ability to sort through a daunting and often confusing array of choices: Is my forest currently good wildlife habitat, or could I be doing something to make it better? What should I do about this person who wants to buy my timber? Why are the leaves on my sugar maples turning brown? Such questions are challenges even for forestry professionals, and very few Connecticut forest owners are professionals. Further, with every passing year, fewer professional foresters are available to help the tens of thousands of woodland owners in the state. Currently, the state of Connecticut employs three foresters whose job descriptions include education and assistance for private forest owners. In a few years that number could well be 0.

Forest Owners Teach Each Other

Enter the Coverts Project. Created simultaneously in Connecticut and Vermont 34 years ago, the Coverts Project is designed to create and foster landowner-to-landowner communication channels through which

forest stewardship information can flow. At its core, the Coverts Project is crafted on one simple, research-proven communications principle: People are most apt to adopt a new idea if a trusted peer has already done so and affirms its value. For example, I love to fly fish, and I enjoy browsing through fishing tackle shops. Often, a shop owner will show me a new fly and wax eloquent about how it just catches fish like crazy. I'll take that under advisement and may or may not buy one. But if I get on the water and my fishing buddy has that fly and is catching fish like crazy, you can bet the next time I'm at the tackle shop I'll be stocking up.

For almost 40 years, I've stood in front of private forest landowners as a professional forester and tried to convince them that active, sound forest stewardship would be rewarding for them and good for the forest. Over the years, we've often followed up with some of them to see who actually acted on our advice. Many,

coverts, continued on page 5

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many times, those who did had a neighbor or friend who was already practicing good forest stewardship and finding it rewarding. It was this affirmation by trusted peers, who had no other reason than their own satisfaction and fulfillment for promoting good stewardship that ultimately inspired others into action. The goal of the Coverts Project has been to create and support hundreds of experienced, informed peer forest landowners, called Coverts cooperators, around the state. Cooperators are unbiased, volunteer stewardship ambassadors who share information and their experiences with others. They provide good examples of proactive forest management. They help bridge that gap between interest and action by their woods-owning neighbors.



Thomas Worthley shows Coverts seminar participants lumber made on a portable mill during the Saturday afternoon tools and equipment demonstration during the 2012 weekend seminar. Photo by Holly Drinkuth

The Three-Day Seminar

How does it work? Each year, a select group of woodland owners and environmentally concerned individuals are accepted to participate in a three-day training seminar. There they learn about Connecticut's forests and about where, how and why they grow as they do. They learn about different wildlife species, their needs, and how to provide for them. They learn about the many natural resource professionals and organizations available to help them, and how to put this knowledge to work on their own woodlands.

For many years the Coverts Project seminar has convened at the Yale Camp, a remote facility located in the heart of the Great Mountain Forest in Norfolk and Canaan. Imagine cabins and bunks and massive stone fireplaces, healthy and hearty meals, indoor and outdoor classrooms, and dramatic natural surroundings. Seminar participants gather on Thursday evening for introductions, orientation, and conversation by the fireplace. Most of the next three days are filled with lessons in the field and inside, covering forests, wetlands, and wildlife. Scientists, foresters, and other experts guide the field exercises and stimulate interaction among seminar participants. New Coverts cooperators leave the seminar with personal action plans to guide their stewardship activities at home and in their communities. Many cooperators establish long-term relationships with motivated and like-minded friends.

The seminar is offered at a very reasonable cost and includes meals, lodging, training and reference materials, and periodic follow-up workshops that are free to participants. The Coverts Project has always been and continues

to be supported primarily by generous private donors—most notably, for many years, the Connecticut Chapter of the Ruffed Grouse Society, led by John Millington, Harry Henriques, Tom Ettinger, and Pete Kunkel. For 14 years now, Connecticut Forest & Park Association (CFPA) has been among those donors.

Cooperators Share Knowledge

In exchange, participants agree to volunteer as Coverts Project co-

operators, returning to their communities and sharing what they've learned with others. Cooperators agree:

- To develop a sound forest and wildlife stewardship plan for their own woodland or for a woodland that they are involved in managing
- To maintain, for at least one year, an up to-date set of reference materials (provided by the Coverts Project) and be available to answer questions other landowners have
- To make an active effort to reach out to and motivate other woodland owners in their community

Although the initial commitment of a Coverts Project cooperator is one year of participation, many cooperators continue their interest and affiliation long after the year has passed. Today there are hundreds of them, some who

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The Traffic Engineer

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discover the links among landscape-level distributions, performance across environmental gradients, and the attributes of individual species, he has employed field and laboratory experiments in conjunction with long-term observations of populations and their environment. Current projects include an exploration of forest dynamics as a driver of amphibian population extinctions and an investigation of the role of infectious disease as a cause for amphibian deformities.

Our 2017 keynote speakers will also discuss how our member commissions can plan for more ecologically resilient communities, as we prepare for the short- and long-term changes to Connecticut habitats that may come about from global climate change.

Workshops

The conference will include **four workshop tracks** with topics on wildlife biology & habitat restoration, legal and regulatory updates & issues, climate adaptation & water management, and natural resource assessment, conservation, & management. Individual workshops will focus on the environmental benefits of wet meadows, wetlands enforcement, improving climate change resilience, Connecticut's Natural Diversity Data Base, understanding coyotes, wetlands law & regulation updates, revised stormwater management permits, tackling invasive plants, changing migratory bird populations, reviewing subdivision applications, understanding aquifer protection, and approaches to protecting and conserving land.

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.

Earlier Start

Please note that CACIWC's **40th Annual Meeting & Environmental Conference** will start 30 minutes earlier this year to accommodate our new keynote speaker plenary session. Be certain to arrive early to pick up your badge and registration materials in time to be in your seats for the 8:45 AM business meeting.

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



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CACIWC news, continued from page 2

on our www.caciwc.org website. Please note that we have scheduled our keynote speaker panel at 9:00 AM immediately following 8:45 AM Business Meeting (see attached schedule). This will allow a members to network with other attendees during a relaxed buffet luncheon, without concurrent keynote presentations. We anticipate a large turnout for this year's conference so *please register early and arrive early!*

2. The CACIWC Board of Directors has mailed a reminder of our current **2017-18 membership dues** and expresses its thanks to the commissions who have already paid. A copy of the new membership form and additional information has also been placed on our website: www.caciwc.org. Our website also provides a description of additional individual and business membership categories that you or your company can use to provide additional support to CACIWC. We will very much appreciate any additional contributions that you can provide to support various CACIWC programs including our Annual Meeting, educational materials, and future issues of *The Habitat*.

3. **Improved membership communication** is an important goal of our strategic plan. Our Membership Coordinator & Database Manager Janice Fournier



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extends her thanks to all of you who provided your email address during our 2016 annual meeting. These improved communications will include an expanded listserv and website-based systems. Janice has been in touch with many of you to confirm contact information and your interest in being included in our expanded ListServ. We continue to seek new topics for articles and additional feedback from our members, which you can email to us at TheHabitat@caciwc.org.

4. Although we have added new board members, several **CACIWC board vacancies** remain unfilled (please see the updated list in this issue of *The Habitat* and on www.caciwc.org). Please submit your name to us at board@caciwc.org if you are interested in serving as the Windham County representative, one of the vacant alternate county representatives, or as one of the alternate at large representative positions.

The 2017-18 State budget period will be associated with many challenges for CACIWC and its member commissions. We will continue to strive to bring you a high level publication, annual conference workshops and other education and outreach efforts. 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 again extend our thanks for your ongoing efforts to protect wetlands and other important habitats within your town!

Alan J. Siniscalchi, President 

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SEEDS

CACIWC's Environmental Conference Workshops

SESSION 1 (10:15 - 11:15 AM)

A1. Environmental Benefits and Aesthetics of Wet Meadows

Aleksandra Moch, Environmental Analyst, Conservation Commission, Town of Greenwich, Soil and Wetland Scientist, Landscape Designer

Wet meadows are not as common as red maple swamps in New England. Associated with pastures, their values and functions are hardly recognized and appreciated. This workshop will explain how these "overgrown" green oases support and sustain a fast-vanishing population of essential wildlife - insects, mammals, birds and flora, and ways this community of plants supports native species, filters storm water, stabilizes soil. Planting them over disturbed wetland and wetland buffer areas is a skill, but when properly done, it could bring all these benefits to the newly restored sites.

B1. Enforcement by Wetlands Agencies

Janet Brooks, Attorney at Law, LLC

Five years after the CT Supreme Court's decision in *Bozrah v. Chmurynski* reversing a trial court order allowing a zoning official to enter on private property to investigate if the owner was in violation of zoning regulations, it's time to see how wetlands agencies have adapted to the presence of the Fourth Amendment to the U.S. Constitution (against unreasonable searches) to their enforcement activities. Attorney Brooks will present the results of her survey of municipal wetlands regulations and consider the broader issues of enforcement. Come with questions! Extra credit for those who bring a copy of Section 14 on Enforcement (if following the DEP Model Regulations numbering) or your town's version of the enforcement provisions and the Fourth Amendment.

C1. Tools and Guidance for Nature-based Community Climate Resilience in Connecticut

Rebecca A. French, PhD, Connecticut Institute for Resilience and Climate Adaption (CIRCA), UConn

In this workshop, Dr. French will share the best practices and tools emerging from the Institute's funded projects that are available to communities with a focus on the use of nature-based approaches, including living shorelines and green infrastructure. Nature-based approaches mimic natural ecosystems, but are also engineered to provide a desired service. For example, living shorelines enhance coastal ecosystems, but are also designed to decrease erosion. Green infrastructure approaches, such as rain gardens and bioswales, may be used to capture and manage stormwater, while also providing habitat.

D1. Connecticut's Natural Diversity Data Base

Robin S. Blum, Supervisor, Natural Diversity Data Base (NDDB) & Karen Zyko, Environmental Analyst, Bureau of Natural Resources, CT DEEP

The NDDB is a CT DEEP Wildlife Division program that protects Connecticut's native biological diversity and natural heritage, with emphasis on our most vulnerable species and ecosystems. The NDDB houses a repository of information on the location and status of over 2,000 species which is used to determine which species may qualify to receive protection under the state's Endangered Species Act. The workshop will discuss how the public can contribute data and how it is used for research and conservation.

SESSION 2 (11:30 AM - 12:30 PM)

A2. Understanding Coyotes and Ways to Resolve Conflicts

Laura Simon, Wildlife Ecologist; president, Connecticut Wildlife Rehabilitators Association

Coyotes are becoming an increasingly common sight in the suburban landscape, yet public fears and conflicts are on the rise in many Connecticut communities. Towns are under increasing pressure to "do something" about this perceived threat to people's pets and families. This program will provide much insight about coyotes, their origin and behavior, and explain the kinds of techniques that can change problematic behaviors and help residents learn to co-exist with this wild canid species, which now ranges throughout the entire continental US. Ms. Simon specializes in resolving community conflicts with wildlife.

B2. 2017 Wetlands Law & Regulations Update with Question & Answer Session

Mark Branse, Halloran & Sage, LLP; Janet Brooks, Attorney at Law, LLC

These wetlands attorneys has been brought back by again popular demand to keep you current with recent legislative and proposed regulatory 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. Key Facts about the Revised General Stormwater Permit (MS4)

Chester L. Arnold, Director, UConn Center for Land Use Education and Research (CLEAR); Dave Dickson, NEMO Program Co-Director; Mike Dietz, NEMO Program Co-Director, and Amanda Ryan, NEMO MS4 Educator, UConn

Stormwater runoff is a major source of flooding, erosion and pollution of Connecticut's waterways, and will become a greater problem as a result of changing climate. The CT DEEP has recently revised the principal permit used to regulate stormwater in Connecticut via the "General Permit for the Discharge of Stormwater from Small Municipal Separate Storm Sewer Systems," or MS4. CLEAR representatives will review the major elements of the new permit, with focus on the permit's requirements regarding Low Impact Development (LID), and focus on the use of revised plans and regulations to support LID in new development applications.

D2. Tackling Invasive Plants: A Guide for Commissioners and Towns

Todd L. Mervosh, PhD, General Manager, TM Agricultural & Ecological Services, LLC; former scientist, The Connecticut Agricultural Experiment Station (CAES)

This workshop will review strategies for controlling common invasive plants including Japanese knotweed, oriental bitter-sweet, multiflora rose along with more recent invaders such as black and pale swallow-wort, Japanese stiltgrass and mile-a-minute weed. Invasive non-native plants are a continuous management problem throughout Connecticut. The best control methods for effective and environmentally sound non-chemical and chemical control options will be presented.

Wildlife Biology &
Habitat Restoration

Legal and Regulatory
Updates & Issues

Climate Adaptation & Water
Management

Natural Resource Assessment,
Conservation & Management

Saturday, November 18, 2017

SESSION 3 (2:00 - 3:15 PM)

A3. Changing Migratory Bird Populations in Connecticut

Min T. Huang, PhD, Migratory Bird Program Leader, Connecticut Department of Energy and Environmental Protection (DEEP) Populations of many migratory song birds, game birds and resident game birds are being closely studied in Connecticut and surrounding regions. While some populations are in serious decline as a result of fragmented or lost habitats, climate changes and other factors, other populations are improving. This workshop will review annual population studies the DEEP conducts. Dr. Huang will discuss how local commissioners and staff can help with some of these studies. He will also introduce the Connecticut Bird Atlas project, a large statewide endeavor that will rely heavily upon citizen science to collect data.

B3. Reviewing Subdivision Applications

Mark Branse, Halloran & Sage, LLP

This workshop will review the procedures followed by Planning and Zoning (P&Z) Commissions in their review of subdivision applications and how they interface with other local departments and commissions. Attorney Mark Branse will discuss the ability of other land use commissions to participate in P&Z Commission reviews of subdivision applications, emphasizing how Conservation and Inland Wetlands Commissions can work more effectively with their local P&Z colleagues.

C3. The Connecticut Aquifer Protection Area Program

Darcy Winther, Inland Wetlands Management Program, Land and Water Resources Division, CT DEEP

This workshop will provide a synopsis of the CT DEEP Aquifer Protection Area Program (APAP), and will present a new 6-minute video titled, "What is an Aquifer?" that was produced by the DEEP in cooperation with the Middlesex Community College Corporate Media Center. Connecticut's APAP protects major public water supply wells in sand and gravel aquifers to ensure a plentiful supply of drinking water for present and future generations. The APAP responsibilities are shared by DEEP, municipalities, and water companies. Municipalities play a critical role by regulating land use activities within the aquifer protection area. The workshop will review the important roles that CACIWC member commissions and staff can play in both protecting and promoting the value of aquifers within their towns.

D3. Techniques for Commissioners on Protecting & Conserving Land

Kelly Boling, Project Manager, Trust for Public Land (TPL); Honor Lawler TPL Field Representative

This workshop is geared to expanding commissioners knowledge on conservation, land use, and permit options. With America's open space disappearing at a rate of 6,000 acres a day and 1-in-3 residents lacking access to a park or natural area, this is a vital topic for CT commissioners. Whether holding preliminary discussions with future applicants, conducting advisory reviews requested by other land-use commissions, or reviewing formal permit requests; conservation and inland wetlands commissions are in a unique position to educate landowners and developers about conservation options, and encourage protection of local natural resources.

SCHEDULE FOR THE DAY

Registration & Breakfast	8:00 – 8:45 am
Welcome & Business Mtg.	8:45 – 9:00 am
Keynote Speaker Panel	9:00 – 10:00 am
Break 1	10:00 – 10:15 am
Session 1 Workshops	10:15 – 11:15 am
Break 2	11:15 – 11:30 am
Session 2 Workshops	11:30 am – 12:30 pm
Break 3	12:30 – 12:45 pm
Luncheon	12:45 – 1:45 pm
Break 4	1:45 – 2:00 pm
Session 3 Workshops	2:00 – 3:15 pm
Final display viewing	3:15 – 3:30 pm
Conference ends	3:45 pm

Bonus Demo Workshop

(during break)

Use of Drones for Aerial Photography & Surveys

Marc Langley, Owner, Airborne Works

The demonstration will highlight the unique perspective an unmanned aerial vehicle (UAV) or drone can provide. The use of drones for environmental monitoring in the U.S. is expected to grow due to the 2016 FAA part 107 Rule. Drones are a new tool to enhance existing tools used for environmental studies. They have the potential to revolutionize environmental applications when used at the right scale and for the right purpose. The best use of drones for environmental monitoring is for highly detailed coverage of a relatively small areas.

Register Early - Save \$\$!

Early Registration Deadline is

October 1st

Register online at www.caciwc.org

CACIWC member commissions in good standing who register before October 1st can save up to \$25 off the registration fee. We have kept our fees the same as 2016. We anticipate a large crowd this year, so register early to avoid disappointment!

pesticides, continued from page 3

a statutory exemption, that municipal regulation cannot serve to recast the activity as “regulated.”

Once an activity is a regulated activity, all of the rules apply for issuing permits. In order to vote to grant a permit to apply pesticides, it won't be enough to have residents testifying in support of a weed-free lake so they can enjoy swimming and boating. Nor will it be sufficient to have residents opposing pesticide use in general as a reason to deny a permit. The decision must be supported by expert evidence.

Back to the DEEP-issued 22a-66z aquatic pesticide permit. The focus for DEEP is on the federal pesticide label: is the pesticide going to be used for a target pest listed on the label and will it be applied per label instructions? In some instances some other considerations are added, if the location is within the ambit of the Coastal Management Act, if species of special concern are present, if the waterbody flows to a public water supply. The statute does not authorize public hearings on such application. For those trying to shoehorn more public process into the § 22a-66z permit, they would be better served by turning to the state wetlands act which has an established procedure and substantive body of law carried out in towns across the state by municipal wetlands and watercourses agencies.

In preparing this article I had the opportunity to speak with Valerie Bodner, DEEP Pesticides Management Program and Darcy Winther, DEEP Inland Wetlands and Watercourses Program. Both programs at DEEP are in synch that municipal wetlands agencies retain their jurisdiction over regulated activities and are not preempted by § 22a-66z from issuing municipal wetlands and watercourses permits for pesticide applications to waterbodies.

Let's continue this topic with your questions and comments at the CACIWC annual meeting. Join me for Session 2: Wetlands Law & Regulations Update, 11:30 am – 12:30 pm.

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)

¹CGS § 22a-38 (13), definition of “regulated activity.”

²CGS § 22a-38 (6), definition of “material.”

³CGS § 22a-47 (w), definition of “pesticide.”

⁴CGS § 22a-40 (a) (1).

⁵CGS § 22a-40 (a) (4).

⁶Roxbury Inland Wetlands and Watercourses Regulations § 2.1bb. 🍂

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coverts, continued from page 5

have remained with the program for decades. Through this network of informed, enthusiastic individuals, many thousands of Connecticut landowners have learned about and are practicing sound forest and wildlife conservation. The seminar is just the beginning. The work these land stewards do on their own land and in their own communities makes a positive difference for our woods and wildlife. Today, the Connecticut Coverts Project is one of approximately 20 similar programs in various states, some of which go by different names: Master Woodland Stewards, Master Forest Owners, and the Keystone Program, to name a few. All are based on these same principles and were built on the success of the original Coverts Projects in Connecticut and Vermont.

Change Your Life

If you are a woodland owner, land trust member, local land-use commissioner, or environmentally motivated local volunteer, and you are not already a member of this uniquely qualified group, please consider it. As several past Coverts cooperators have asserted, it might just change your life. The Coverts Project is a proven, cost-effective means of promoting and fostering sound forest stewardship on thousands of forested acres in our state. The costs of the program are remarkably small compared with the benefits it consistently produces both for individual participants and the Connecticut public. In this era of shrinking public resources, the CFPA is playing an ever-increasing role in keeping this critically important program alive. From where I sit, CFPA and the Coverts Project are an almost perfect fit: an organization with 100 years of excellence in training and supporting forest-based volunteers, and a program that relies on such volunteers to effect sound management of our state's forests. Once again, CFPA is proving itself to be a conservation leader in an area where critically important impacts extend across our state and beyond.

Stephen H. Broderick is a certified forester. He was formerly the extension forester at the University of Connecticut, forester and program director at the Goodwin Forest Conservation Education Center, and the CFPA forester. He cofounded and directed the Connecticut Coverts Project for 25 years. Assisting in this article was UConn Cooperative Extension Assistant Professor Thomas Worthley, who directs the annual Coverts seminar.

Editors Note: The Connecticut Coverts Project is co-coordinated by the CFPA and the UConn Cooperative Extension System with some support from the CT DEEP. If readers wish more information on the Coverts project they can contact the CFPA (860-346-2372) or the UConn Extension Service (860-345-4511). 🌿

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Volunteers Unite to Create Database of CT Conservation and Tree Commissions

Diane Hoffman, co-founder of Hamden Alliance for Trees, and Shirley McCarthy, co-founder and chair of the Branford Community Forest Commission have formed a small group of volunteers to create a database to help protect Connecticut trees.

Frustrated by the continuing overzealous pruning or cutting of healthy trees in CT, Diane and Shirley decided to create a state-wide alliance of Tree Commissions and other tree friendly groups to establish a tree protective action network.

After speaking to Chris Donnelly of DEEP Forestry, who has been instrumental in providing pertinent information to the group, and their local tree commissions, they came to the conclusion that a database available to all conservation and tree commissions, as well as other tree friendly community organizations, would be an inclusive, effective way to protect our trees.

During this organizing effort, we were encouraged to contact CACIWC for your assistance, given your similar mission of protecting natural resources. It would be greatly

appreciated if local Conservation and Inland Wetland Commissions could provide us with the following information: name of your commission, town/municipal arborists, and other tree protective group; contact person(s); phone number(s); email(s); website(s); mailing address(es).

Please send this information to dianehoffman@att.net and/or hasbanydick@gmail.com.

The database will be shared with all the organizations included in the database and will be used to inform all participants of tree-related legislation to support or oppose. It can also be used by the members to communicate with each other about upcoming issues, to seek advice, and share ideas.

With the assistance of CACIWC, Hamden residents Ellen Endriss, Dick Hasbany and Christine Crowder along with Shirley and Diane hope to have the database complete this Fall.

Thank you so much for your valuable assistance! 