

President's Silver Anniversary Challenge Grant: An Opportunity for Conservation Commission Training

“A conservation commission is the most important volunteer organization in the community for ensuring the long term conservation, restoration, and protection of the town's natural resources; it is the environmental consciousness of the community.” These are the words of Tom ODell, CACIWC's first President and long-time Conservation Commissioner.

To celebrate CACIWC's 25th Annual Meeting, Tom has established the President's Silver Anniversary Challenge Grant. The funds will be used to initiate training workshops for Conservation Commission Training. Tom will match YOUR contributions up to \$1,000, creating a potential of \$2,000 or more for the program.

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CACIWC will establish a Challenge Grant Fund for the training program. Please support the Challenge Grant. Your contributions are tax-deductible. Contributions may be sent to:

CACIWC
President's Silver Anniversary
Challenge Grant
P.O. Box 2373
Vernon, CT 06066-1773 

Energy Cable and Pipeline Crossing of Long Island Sound: An Important Economic and Environmental Issue for Connecticut.

by Curt Johnson and Penny Anthopolos

Approximately ten energy cables and pipelines have been proposed to Cross Long Island Sound. They raise a host of concerns about potential impacts, including suffocation of shellfish, interference with the movement of fin fish and other animals, and the stirring up of old toxic sediment that could damage the entire ecosystem.

But the environmental blunders associated with these projects are not merely hypothetical. We already know that when the Iroquois Pipeline was laid across the Sound more than ten years ago, it damaged shellfish beds that have still not recovered. That's why the one-year moratorium, passed this spring by the General Assembly, along with its mandated task force, is so critical now.

Connecticut Fund for the Environment (CFE), which was appointed to the Long Island Sound Task Force, views that body as an opportunity to use science-based planning to avoid, wherever possible, the very real threats that energy crossings pose to the Sound.

The Task Force is charged with assessing energy needs, alternative methods of supplying power, and the resources in Long Island Sound in order to identify the most environmentally protective routing, if the decision is made to proceed with the cables and pipelines. The Task Force is also looking at the regulatory structures that govern the permitting process and how the deregulated energy marketplace has impacted these government structures.

Besides CFE, other members of the 22 member Task Force include ISO New England, Connecticut energy industry representatives, representatives of companies proposing the LIS energy crossings, relevant state agencies and a few other environmental organizations.

Some alternatives are enhanced energy demand reduction programs; the promising development of feasible and cost-effective fuel-cell technologies; clean generation of power on Long Island that would make electrical cables from Connecticut to Long Island unnecessary; and careful evaluation of the existing proposals for more

traditional energy infrastructure development to meet Long Island's energy needs that avoid crossing the Sound entirely. Some possibilities include bringing power down the Hudson River valley and from eastern Canada across the open Atlantic Ocean to Long Island.

The Task Force report is due June 3, 2003. The Task Force has hired a consultant to do environmental, financial and needs assessments, but by gathering information that's already out there, not collecting new data. This reflects the limitations of a one-year moratorium.

CFE believes that the Task Force – and other truly regulatory bodies – must closely study the feasibility of alternative approaches to determine if they could, particularly in concert with one another, meet what are honestly determined to be the genuine energy needs of Connecticut and the region.

For more information, contact Joel Rinebolt at the Institute for Sustainable Energy at Eastern Connecticut State University - (860 423-5094) 

Curt Johnson is program director and Penny Anthopolos is a staff attorney at Connecticut Fund for the Environment, a statewide environmental public policy organization.

CT Fund for the Environment
205 Whitney Ave.
New Haven, CT 06511
Phone: (203) 787-0646
Fax: (203) 787-0246

We already know that when the Iroquois Pipeline was laid across the Sound more than ten years ago, it damaged shellfish beds that have still not recovered.



Training & Workshop Opportunities



Segment III of the Department of Environmental Protection's 2002 Municipal Inland Wetlands Commissioners Training Program

Segment III of the Department of Environmental Protection's 2002 Municipal Inland Wetlands Commissioners Training Program will be offered at the end of October and beginning of November. Segment III is designed for municipal inland wetlands agents, enforcement officers or other staff. This all-day program will provide participants with a detailed review of floodplain soils and will entail classroom presentations as well as a field visit. Program brochures have been mailed to every municipal inland wetlands agency. For more information contact Darcy Winther of the DEP's Wetlands Management Program at (860)424-3019.



Invasive Plants in Public Landscapes Meeting the Challenge

Thursday, November 7, 2002

9:00 a.m. to 4:00 p.m.

Connecticut Department of Environmental Protection
Sessions Woods Wildlife Management Area, Burlington, CT

For more information, contact Donna Ellis at (860) 486-6448 or donna.ellis@uconn.edu.

Information and registration form available at the CIPWG web site:

<http://www.hort.uconn.edu/cipwg>. Registration is limited to 230.

Sponsored by Connecticut Invasive Species Plant Working Group (CIPWG)
Co-Sponsors include CACIWC

Phase II Storm Water Management Workshops

Thursday, November 7, 2002

7:30p.m. to 9:30 p.m.

AND

Friday, November 8, 2002

8:00 a.m. to 3:30 p.m.

November 7 workshop is aimed at educating the general public and local officials about storm water management, non-point source pollution, and how Phase II regulations will impact local communities in Connecticut.

The November 8 workshop is aimed at local officials, and staff and land use professionals. The program includes a review of requirements for Phase II and what DEP is requiring. There will be a series of breakout sessions focusing on Best Management practices.

For more information call the League of Women Voters at (203) 352-4700 or visit caciwc.org, click on Conservation Commission or Inland Wetlands Commission, then on What's New. Both workshops will be held at the University of Connecticut in Stamford.

Sponsored by the League of Women Voters
Co-Sponsors include CACIWC

Municipal wetlands commissions devote the majority of their time to processing applications for permits to conduct regulated activities. Necessarily, the commissions are concerned with keeping up with the inflow of applications within the time limits set out in the state wetlands act. Enforcement issues often are addressed when egregious situations arise that require a swift, coordinated commission response. The goal of this article is to persuade commissioners to routinely undertake enforcement actions, from minor to major acts. The reason for this is two-fold: (1) routine enforcement will build a commission's confidence and skills to use its tools boldly in the rare, but extreme enforcement scenario; and (2) "any person" as the wetlands act authorizes, can step in to enforce the law and permits, especially if the municipal commission leaves the work undone.

Wetlands commissions haven't finished with an application upon the granting of a permit. The pre-permit stage and the post-permit stage are like two sides of a coin: they are inseparable. The responsibilities and obligations, pre-permit and post-permit, are as distinct as the two sides of a coin. Through the application phase, the applicant bears the responsibility of proving it is entitled to receive a permit. The applicant must come forward with evidence as to the acceptable impact, if any, of the proposed conduct on the wetlands and watercourses. In the enforcement stage, the municipal wetlands commission bears the responsibility and obligation of proving the violation of the wetlands law, from establishing the existence of wetlands soils to evidence of violation(s) of law or permit. The "burden of proof," the term used in legal parlance, shifts from the applicant, in the application phase, to the commission, in the enforcement phase.

Since the commission has no such burden in the application phase, executing this burden may feel uncomfortable, due to lack of familiarity and confidence that the commission's course is on a legal track. There is nothing like the routine enforcement of all permits and violations, starting with informal actions, to increase a commission's confidence and effectiveness.

It is valuable to review the enforcement tools available. A telephone call to the landowner/permittee by the commission's staff or agent may suffice in getting a change in conduct or restoration. Increasing steps can include a letter from the staff or agent warning that the conduct may be a violation of law requiring the landowner/permittee to contact the staff or appear at the next meeting. These "informal" tools may provide the relief the commission is seeking. They are "informal" in that no law spells out what steps are required for any of those tools nor are those tools enforceable. If a permittee does not return a phone call or respond to a letter, such inaction does not result in a breach of law.

Where the informal tools have not yielded the results intended, the commission may progress to formal tools, for which the law or regulations spell out the procedure to be followed. A commission may undertake steps to suspend or revoke a permit for failure to comply with the permit

conditions. Conn. Gen. Stat. Section 22a-42a(d)(1). A commission may issue a cease, desist and restore order. Conn. Gen. Stat. Section 22a-44(a). Care must be taken to provide notice to the party receiving the order or notice of revocation/suspension as required by law and to provide agency action within the established timeframe. It may be valuable to consult with the town's attorney before and during the pursuit of formal enforcement.

When agency proceedings still fail to produce the desired compliance with law, the commission may proceed to court. In fact, going to court even before instituting a formal agency action, such as a cease and desist order or permit revocation is always an option. However, there are advantages in the agency setting, such as speed and more informal setting, that in most circumstances will tip the balance in favor of beginning with hearings conducted by the agency. Consultation and close coordination with the commission's attorney are highly recommended if a commission is unsure of the course to follow.

Court proceedings may enforce an underlying commission action, such as a cease and desist order or the suspension/revocation of a permit. Or the commission may proceed directly to court with a violation of law. In situations of willful and knowing violations of the wetlands act, criminal violations may be pursued by the state's attorney's office. In such a case the wetlands commission is likely to be an important source of evidence and documentation.

To bolster the commission's enforcement regardless of which step is being employed, a few standardized techniques will be of great benefit, whether in persuading a landowner in a telephone call, at a cease and desist hearing or court proceeding. A cardinal rule: for staff and commission members, put your observations onto paper – field notes, photographs, video filmage, tape recordings and the like.

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Enforcement 'Tickets' for Inland Wetlands Violations

by Michael A. Zizka, Attorney, Murtha, Cullina LLP, Hartford, CT



Without the threat of enforcement, land use regulations would be of little value. Just as speed-limit signs are routinely ignored by drivers when their radar detectors aren't beeping, inland wetlands regulations would be of little concern to landowners and developers if there were no penalties for violating them. Yet despite the threat of civil and criminal sanctions of as much as \$1,000 per day, wetlands violations go largely unchallenged in many towns. Perhaps the local wetlands commission has had a bad experience in court, or the board of selectmen or finance has refused to allocate any funds to prosecution of the violations. Any number of seemingly valid reasons may explain a commission's inaction, but the result is truly unfortunate. More wetlands lost, more violators emboldened.

What causes municipalities to forgo wetlands enforcement? Local politics often plays a part, but the predominant motives are the avoidance of cost and the associated burdens of regulatory prosecution. When litigation becomes necessary, it is almost invariably nasty, time-consuming and expensive, and the results often fail to justify the means. Commissions that have "gone to the mat" over wetlands violations may be so soured on the process that they become loath to engage in further battles over subsequent, perhaps more egregious, violations.

There is no easy solution to this problem. However, that has not stopped the legislature from trying - albeit not very hard, and mostly due to the instigation of land use officials and their professional staff, rather than any original thinking by the solons. The most recent - indeed, the only - legislative effort to address the problem came in 1996 with the passage of Public Act 96-269. That act created Conn. Gen. Stat. Sec. 22a-42g, which allows municipalities to establish, by ordinance, fines for the violation of inland wetlands and watercourses regulations. The rationale for the act, as the author understands it, was that if "tickets" could be issued for wetlands infractions, municipalities would have a valuable new way to make abusers sit up and pay attention.

The Citation Approach to Enforcement

As noted above, Conn. Gen. Stat. Sec. 22a-42g allows municipalities to "ticket" (i.e., issue citations to) wetlands violators with fines of up to \$1,000, provided that the municipality (not the wetlands agency) adopts an ordinance establishing such fines. Likewise, it is the chief executive officer of the municipality (not the wetlands agency) who appoints the enforcement officer, although, as a practical matter, most municipal CEOs will probably appoint anyone recommended by the agency.

Section 22a-42g requires the establishment of a citation hearing procedure pursuant to Conn. Gen. Stat. Sec. 7-152c. That procedure, originally designed for other municipal ordinances, is cumbersome and, to some extent, unclear. The municipal CEO (again, not the wetlands agency) is charged with appointing the hearing officer, who may not be a police officer or employee or any person who can issue a citation. When a citation is issued, the municipality is obliged to send a notice of the

opportunity for a hearing to the recipient of the citation. More specifically, the notice must inform the alleged violator (1) of the allegations against him or her and the amount of the "fines, penalties, costs or fees" that are due; (2) that he or she may contest liability before the citation hearing officer by delivering in person or by mail, within ten days of the date of the notice, written notice of his or her intent to do so; (3) that if he or she does not deliver or mail such notice, an assessment and judgment may be rendered against him or her, and (4) that such judgment may issue without further notice.

Despite the reference to "fines, penalties, costs or fees" in Conn. Gen. Stat. Sec. 7-152c, there is no reference to anything but fines in Conn. Gen. Stat. Sec. 22a-42g. Indeed, there is no reference to penalties, costs or fees in any of the other statutes under which violations of ordinances can be "ticketed" pursuant to Conn. Gen. Stat. Sec. 7-152c. Thence arises the first riddle: is the language of Section 7-152c intended to create the right to recover penalties, costs and fees? Probably not, since the nature of these expenses is not expressly defined or limited by the statute. The courts generally look for explicit statutory authority for municipalities to assess fees and expenses, and Conn. Gen. Stat. Sec. 22a-44 has no such explicit language. Nonetheless, there is at least some limited case law allowing municipalities, in the absence of specific statutory provisions, to establish permit fees covering their reasonable expenses in processing certain types of applications. Consequently, municipalities may wish to add a processing fee to the post-citation hearing notice, but they should not rely on their ability to recover it.

Section 7-152c requires the hearing notice to be sent "within twelve months from the expiration of the final period for the uncontested payment" of the fine (underlining added). The use of the words "final" and "from" create the second point of uncertainty. Seemingly, the

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Tickets, continued

statute cannot mean twelve months prior to the expiration of the “uncontested payment” period, because that would conflict with the ten-day response requirement. On the other hand, how can a “final” period for uncontested payment expire before the hearing notice is sent, when the notice itself provides another ten days for uncontested payment? More fodder for lawyers!

In the absence of a clear legislative history, the author presumes that the legislature anticipated a two-step scenario. First, a citation would be issued that would provide only a bare-bones notice of the nature of the violation (i.e., “violation of Section 10.2 of the Inland Wetlands Regulations”). The citation would also prescribe a period to make payment of the fine without further ado. The second step would arise only if the payment were not made in the time allotted by the citation; the municipality would send the more detailed hearing notice, creating a new period of ten days to make the payment.

Assuming the author is correct about the two-step process, a question then arises whether the process can be merged into a single step by including in the citation itself the more detailed information required by the statute for a hearing notice. As a matter of law, a good argument can be made for such a merger but, as a practical matter, the author would not recommend it. The most appealing aspect of the citation approach is the opportunity it provides for the deterrence of future violations without a large cost to the municipality. If the citation itself notifies recipients of the opportunity for a hearing, the recipients are much more likely to demand a hearing before they will pay the fine. The hearing process (described below) would begin to create the burdens and expenses that the statute was presumably enacted to avoid.

As stated above, the hearing process is cumbersome. If a hearing is requested, another notice of the date, time and place for the hearing must be mailed to the party who was cited, and the hearing must be held within 15 to 30 days of the date of that notice. The hearing officer must render a decision at the end of the hearing. If he or she determines that the cited party is not

liable, the matter is dismissed. If he or she finds liability, a written finding to that effect must be made “forthwith.” However, if the violator still does not pay the fine when such a finding is made, the hearing officer must send yet another written notice of the assessment to the violator. The violator then has 30 days to appeal the assessment to the Superior Court. If no appeal is filed, the hearing officer must file a certified copy of the notice of assessment with the Superior Court within one year after the notice was mailed to the violator. The clerk of the court may then enter a judgment for the amount of the fine plus an eight-dollar filing fee, and a levy of execution may be made on the violator’s property.

As one can see, the citation process involves the possible need to conduct a lengthy hearing and to send out or file five separate notices. Obviously, all of these steps create additional expenses and administrative burdens for the municipality. The process of executing on a violator’s property would also require the assistance of a state marshal. Therefore, if the amount of the fine is small (and \$1,000 is the maximum), the municipality may have little incentive to see the process through.

Another question is whether the \$1,000 fine may be assessed on a daily basis for a continuing violation of wetlands regulations. The courts usually find differences in language between similar statutes to be meaningful. Conn. Gen. Stat. Sec. 22a-44 expressly allows a court to assess a civil penalty of \$1,000 per day for a continuing violation. Since Section 22a-42g does not contain such language, the author believes that it does not authorize a \$1,000-per-day fine.

An Assessment of the Citation Approach

The citation approach may be the most useful alternative for small violations. First-time offenders are especially likely to pay the amount shown on the citation without waiting for the second notice offering the opportunity for a hearing. Other violators may well decide that paying the fine is cheaper than losing time at a hearing. However, a violator who is fully cognizant of the statutory procedures may insist on them, if only to make the process onerous for the municipality and to discourage it from going forward. Although the expenses are not likely to rise to the level of those involved in a judicial appeal or injunction action, they may still be substantial.

The author would not recommend the citation process for serious violations. The author believes that it is generally better for the agency as a whole, rather than a hearing officer designated by the municipal CEO, to make determinations of liability. In addition, a citation cannot command remedial action. Furthermore, if a citation hearing officer made a determination of no liability, that determination could be binding on the agency in later proceedings, even if the agency strongly disagreed (see discussion below). Consequently, the author recommends the continued use of administrative orders (commonly, though not always correctly, called “cease and desist” orders) as the primary enforcement mechanism.

There have been no court decisions dealing with the interrelationship of citations and administrative orders. A question exists whether a

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final determination on a citation would be binding on a wetlands commission in an action to enforce an order. Courts try to avoid creating situations in which conflicting outcomes can arise from the same set of facts. Although, as the O.J. Simpson case showed, civil liability can be found where criminal liability is not, that result stems from the differences in the burden of proof in civil and criminal proceedings. A citation proceeding is not a criminal proceeding.

The author believes that a determination of no liability on a citation would not usually be binding on a wetlands commission in an enforcement proceeding. That belief is founded on the fact that the commission is not a designated player in the citation process. It does not issue the citation, it does not hold the hearing, and it has no right to appeal a hearing officer's decision pursuant to Conn. Gen. Stat. Sec. 7-152c. Courts typically will find prior proceedings to be binding only on the parties who participated in them or were given specific statutory rights as parties. Therefore, a wetlands commission or its agent could reasonably issue an enforcement order even after a citation had been issued, and vice versa. This may be the optimum approach for small, repeat violators. 🐾

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Has your commission spent time with new commissioners, explaining the importance of reducing observations to writing? A notebook, in which papers won't be mislaid or in the wrong order, which record the date, time, weather, precise location from which the observations were made, who present, will be an asset to successful enforcement. What seems crystal clear two days after occurrence will blur after the third major rainstorm or delay in proceeding to trial. If commissioners or staff are used to grabbing their notebooks and scribbling in them as they undertake routine enforcement, when the catastrophic wetlands violations hits town, they will be prepared to preserve the evidence that will support the enforcement they undertake.

Enforcement protects not only the wetlands and watercourses at stake in the specific proceeding. It serves to deter others from violating the law in the future. Once the commission has established the disadvantage of violating the law, that is the time and expense of answering to the commission and the cost of delayed restoration, along with delay in the landowner's/permittee's project, obeying the law will be promoted. And in fairness to the community members who do comply with the wetlands law and their permits, those who disobey them must be held accountable.

For those commissions who have let violations slip by detected or undetected, a warning: any member of the public can go to court to enforce the violations that you have not. Nor are they required to consult with the commission first or work in concert with restoration goals that the commission may have. A court action may be "brought by the commissioner [of DEP], municipality, district or ANY PERSON." Conn. Gen. Stat. Section 22a-44(b) (emphasis added). Two recent rulings at the trial court level underscore the clear wording of the law. "Any person" is as broad as it sounds. Also, no notice is required to be given to or permission received from the wetlands commission to commence an enforcement action. Wilcox v. American Materials Corporation, 2002Conn.Super. LEXIS 1118, 3/28/02 (denial of motion to dismiss private party's enforcement of alleged violations of a wetlands permit); Ventres v. Goodspeed Airport, Docket No. X07-CV01 0076812 S, Complex Litigation Docket at Tolland, 9/12/02 (denial of motion to dismiss case brought by wetlands commission's agent where commission alleged not to have properly endorsed lawsuit).

What to do if "any person" has beat your commission in the race to the courthouse to enforce alleged wetlands violations? A thorough investigation by your commission would be a good beginning. If the facts warrant, your commission could pursue administrative action. Consider joining the private effort. Consult your attorney to intervene. The commission may be in a superior position to comment on the degree of violation. The commission may have been pursuing certain kinds of resource protection through permit conditions that would be unknown to the enforcing party and also the court.

With practice your commission will be well-exercised and well-versed in the tools to use which will serve to protect our wetlands and watercourses and to promote future compliance.

Note: The author is a member of the wetlands practice group in the Attorney General's Office. For over a decade she has represented the Commissioner of Environmental Protection in municipal wetlands appeals and participated with DEP in its annual training program to municipal wetlands commissioners. This article represents the opinion of the author and not that of the Attorney General's Office. 🐾

25th Annual Meeting - Celebrating 25 Years of Environmental Protection



Saturday, November 16, 2002

8:30 a.m. – 4:00 p.m.

The Mountainside, High Hill Road, Wallingford

KEYNOTE ADDRESS BY: Julie Belaga, Co-Chair, Connecticut League of Conservation Voters

It's Nice to Win a Few: The Value of Collaboration in the Environmental Community

ANNIVERSARY

ADDRESS BY:

Michael Zizka, Attorney, Murtha, Cullina, LLP

Wetlands Regulation After 30 Years: Has It Gone Too Far or Not Far Enough?

WORKSHOPS:

SESSION A 10:45 A.M.

- ◆ Inland Wetlands Permit Conditions: The Good, the Bad and the Ugly
- ◆ Tips and Tricks for Using the 2002 CT Erosion & Sediment Guidelines
- ◆ Threatened and Endangered Species in Connecticut
- ◆ Preparing an Open Space Application: Before, During and After



SESSION B 11:45 A.M.

- ◆ Conservation Easements: Useful Tool or Legal Trap
- ◆ Offsite Development Impacts on Wetlands and Watercourses
- ◆ Vernal Pools: Identification, Ecology and Protection
- ◆ How to Prepare an Open Space Plan That Works: The Woodstock Experience

SESSION C 2:45 P.M.

- ◆ Connecticut Environmental Protection Act: CEPA Is An 'Open Sesame' for the Environment
- ◆ Fish Habitat: Impact Mitigation and Restoration Efforts in Connecticut
- ◆ DEP Invasive Species Policy
- ◆ Connecticut's Greenways: Making the Connection



For more information or registration form, visit caciwc.org or call (860) 896-4731.



Westchester NY Land Trust wants you to know about an important new manual for protecting vernal pools that is available from the Metropolitan Conservation Alliance/Wildlife Conservation Society. The manual is designed for local planners, preservationists and builders, and its title conveys

its purpose — “Best Development Practices: Conserving Pool-Breeding Amphibians in Residential and Commercial Developments in the Northeastern United States.”

Westchester Land Trust and the Westchester Open Space Alliance believe it can be an important tool in helping communities protect biodiversity, but only if the manual is read and used by decision-makers. We urge local advocates and others to get a copy and to bring it to the attention of your planning board and municipal planner or planning consultant.

The manual was written by **Michael W. Klemens, Ph.D.**, of the MCA/WCS, and **Aram J.K. Calhoun, Ph.D.**, of the Maine Audubon Society and the University of Maine.

The manual is easy to read, contains useful full-color photos and illustrations and, most importantly, is a practical guide to be used locally.

For more information, or to order a copy, call the MCA at 914-925-9175. 



2002 ENVIRONMENTAL SCORE CARD

The Environmental Score Card is produced by the Connecticut League of Conservation Voters (CTLCV), a bi-partisan, nonprofit organization that seeks to ensure a healthy environment for present and future generations. CTLCV accomplishes this by building effective environmental leadership among our elected officials.

As a legislative watchdog, CTLCV works closely with Connecticut's many environmental organizations. Their role extends beyond this, however. Their charter allows them to support pro-environment candidates for political office. Their end-to-end involvement in the legislative and electoral process places them in a unique position from which they are able to work constructively to protect the natural resources of this beautiful state and the health of its people.

CTLCV is comprised of leaders from some of Connecticut's many environmental organizations, former legislators, environmental lawyers, business leaders, and citizen activists. Members reach out to and work closely with a broad array of organizations to identify environmental issues and criteria that are important. Then they work hard to make sure that legislators know where CTLCV stands and how their choices will be evaluated.

The 2002 Legislative Session: Victories for Connecticut's Environment

This was an important year for Connecticut's environment. CTLCV knew before the session began that funding would be tight, so they focused aggressively on policy victories, not solely on increased

funding for environmental programs. In that respect it was rewarding to see how many pro-environment bills were passed.

Connecticut is experiencing a fundamental shift in the legislature. For the first time in many years, pro-environment legislators in the state House and Senate had the political support they needed from a unified environmental community to carry major bills all the way through both chambers. **Legislators passed more pro-environment legislation this session than in the last two sessions combined.**

Despite a short legislative session and major budget constraints, CTLCV worked closely with other environmental leaders to achieve several resounding victories. Significant legislation including revisions to the Connecticut Environmental Policy Act, mercury reduction, power plant emissions, diesel bus emissions, watershed protection and Long Island Sound protection top the list of victories this session. Furthermore, several bills that did not pass have a much better chance of success next year because of the groundwork done this session. The vast increase in legislators earning a 100% score is a reflection of the large number of well-crafted bills and a growing number of legislators stepping up to support them.

The 2002 Score Card

The CTLCV score card records how your elected state representative and senator voted on significant environmental issues during the 2002 session of the Connecticut General Assembly. This year represents a turning point for our organization, with significant victories achieved during the session—but much important work remains undone. None of these accomplishments would be possible without the help and support of the state's many environmental advocates, including you. **The score card is published so that you can see where your legislators stand, and then contact them to let them know what you think about the choices they have made—your informed involvement is the key to further progress.**

The score card is intended to be a fair and objective analysis of legislators' voting records. It helps to distinguish legislators who say they care about the environment from those who actually vote that way. It is the only resource of its kind for people who want to know how their legislators rate on the issues affecting clean air, clean water, wildlife, and open spaces. **Copies of the Score Card can be obtained from CTLCV by calling 860-524-1194 or accessing WWW.CTLCV.ORG.**

Voters' Stance on Environmental Issues

A comprehensive public opinion poll of 500 likely Connecticut voters commissioned in March by the Connecticut League of Conser-

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Score, continued

vation Voters (CTLCV) Education Fund found overwhelming support for more effective environmental laws in Connecticut. The poll identified what environmental issues voters care about and what messages move them. The results of the survey were shared with legislators and interest groups through a series of briefings during the 2002 legislative session.

Highlights

- ◆ Seven in ten Connecticut voters say they consider themselves to be environmentalists.
- ◆ Eight in ten believe the state's environmental laws need to be more strictly enforced, with nearly one in three saying Connecticut needs stronger environmental laws. More than seven in ten voters believe that Connecticut can have a clean environment and a strong economy at the same time.
- ◆ Two in three voters say the state should increase funding for environmental protection, with about 30% saying that the state should allocate much more to protecting the environment.
- ◆ Nearly half of all voters say that environmental problems in Connecticut have reached "major" proportions.
- ◆ More than seven in ten voters believe that Connecticut can have a clean environment and a strong economy at the same time, but only one in three say the state is doing an excellent or good job meeting that task.
- ◆ Unaffiliated voters (or "swing" voters that can often determine an election outcome) are as much or more concerned about issues that relate to the environment than Democrats and Republicans. Asked to pick between a candidate who believes we have a fundamental

obligation to protect the environment and one who believes the environment is important but the focus should really be on economic issues, voters choose the candidate with the environmental message by a 2-to-1 margin. More than four in ten voters are more likely to support a candidate if that person has been endorsed by an environmental organization.

In Summary:

Connecticut voters strongly support environmental laws and want those laws to be more strictly enforced. Voters believe many environmental problems have reached major proportions, and there is strong support for environmental initiatives to address these problems. The public opinion survey reveals that Connecticut's elected officials would garner significant public support if they dedicated themselves to doing more to ensure that Connecticut fulfills its duty and obligation to leave its children and future generations with a cleaner, healthier environment.

(The telephone survey, conducted by Impact Strategies, was done using a quota system to ensure appropriate regional, party and gender representation. The survey was conducted in March 2002.) 



DEP's "Managing Environmental Compliance" Available on the Web

The first edition of Connecticut Department of Environmental Protection's (DEP) "Managing Environmental Compliance in Connecticut", is now available at <http://www.dep.state.ct.us/enf/newsletter/envcompliance.htm>. Taking its name and direction from one of DEP's Environmental Quality Branch's nine strategic priorities for FY 2002-2007, (see <http://www.dep.state.ct.us/cmrsoffc/strategicplan/eqplan.htm>), Managing Environmental Compliance in Connecticut is intended to help keep department staff, the regulated community, and the public better informed of department enforcement policies, ongoing outreach and compliance assistance initiatives, permitting developments and enforcement activities.

If you have comments or questions regarding "Managing Environmental Compliance in Connecticut", please address them to the Office of Enforcement Policy and Coordination, care of susan.zampaglione@po.state.ct.us.



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October/November Trainings & Workshops

Segment III of the Department of
Environmental Protection's
2002 Municipal Inland Wetlands
Commissioners Training Program

 **Invasive Plants in
Public Landscapes
Meeting the Challenge**

 **Phase II Storm Water
Management Workshops**

Non-Profit Organization

JOIN US FOR OUR

25th Annual Meeting

*Celebrating 25 Years
of Environmental Protection*

Saturday, November 16, 2002

8:30 A.M. – 4:00 P.M.

**The Mountainside
High Hill Road, Wallingford, CT**

A day of varied and informative workshops with speakers Julie Belaga and Mike Zizka. Workshops will cover a number of current and important topics including: the latest recommendations on wetlands law, endangered species, greenways, invasive plants and animals, sediment and erosion control, vernal pools, and empowering conservation commissions. Opportunities to view many informational displays on conservation issues, and presentation of CACIWC's Lifetime Achievement Awards will complete the scheduled activities. More details inside, page 9.