



## WHAT DO WE DO NOW?

In the last five years, towns throughout Connecticut have taken advantage of the state's Open Space and Watershed Land Acquisition Grant Program, and they now have forests, fields and wetlands to protect and manage. CACIWC has been asked to provide information and guidance on how to develop and implement an open space management plan that integrates long term protection of a site's natural resources with community use. In this and following issues of *The Habitat* we will explore open space management issues and solutions. 🍂

## OPEN SPACE MANAGEMENT: Preserving Traditional Community Use of Land by Frederick B. Gahagan, Esq.

Although open space protection has benefitted from new conservation planning tools that have greatly increased the potential for flexible management of open space lands over the past 20 years, land conservation still suffers from the perception that protecting open space removes land from community use. In short, many landowners and community members still see land conservation as setting land aside as a "fallow" asset that is no longer available for human use, even human use that excludes development activity. In many cases this perception arises because open space lands are no longer actively used, even when it is not necessary.

Many of us have heard early grumbling about open space protection taking up too much land and beginning to impact the availability of land as a community resource. To the extent that protected properties are not being managed in a manner that allows continued sound use of the land, where that is compatible with the reasons for its protection, we are perpetuating this problem.

If we do not address this concern, support for further conservation action in our communities will weaken, and segments of our communities will oppose large scale conservation action in the future. In the end, if our communities view land conservation as something that removes land from community interaction, support for land conservation will dwindle. If our communities see and receive direct as well as indirect benefits, support will continue to grow.

How do we address this issue? How do we provide for informed stewardship and implementing management plans for protected open space? We must plan for it from the beginning.

- Ensure that the initial legal actions taken to protect an open space parcel allow appropriate management activities.
- Identify traditional community uses that are not inconsistent with conservation action.

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## CACIWC RECEIVES AWARD FROM CONNECTICUT FUND FOR THE ENVIRONMENT



*CACIWC President Tom Odell receives an award from CFE Executive Director Don Strait.*

The Connecticut Fund for the Environment (CFE) presented CACIWC with an award for its "extraordinary efforts to strengthen and improve the Connecticut Environmental Policy Act (CEPA)." CACIWC was one of 13 member organizations, besides CFE, of the CEPA Working Group. The award was presented at CFE's annual meeting in October 2002. 

# MANAGEMENT OF INVASIVE PLANTS:

## On-Site Open Space Management *by Sigrun Gadwa*

Controlling invasive plant species may seem daunting to those managing open space parcels. Twenty-four non-native plant species are on the “widespread and invasive” list of the Connecticut Invasive Plant Working Group; 68 more are designated “restricted and invasive” or “potentially invasive.” However, at a given site, only a few non-native plant species are actually likely to imminently threaten natural communities. Most non-native species, like the familiar daisy, are not super-competitors, able to “take-over” a native vegetative community.

The need for control is not obvious. Invasive species may be pretty and have wildlife food value – like autumn olive with its masses of red berries. The individual plants are not “bad”, but as they come to dominate, the diversity of plants, insects, and wildlife food declines. Several widespread invasive species are so dense that they shade out and eliminate native wildflowers, grasses, and ferns – and they also block human access.

An invasive plant has a competitive advantage because it lacks the herbivorous insects (leaf beetles, stem borers, etc.) that keep it in check in its place of origin. With fewer associated insects, it also provides less food for birds and other predators.

### *Assessment & Planning*

A survey by a qualified person should identify and flag the invasive species present, note age structure, and describe adjacent vegetation and the types of plant communities in the preserve. The survey provides information for *prioritization* to predict which invasive plant patches are most likely to expand quickly or spread into valuable parts of the preserve. Other infested areas may be stable, and suitable for restoration at a later date.

The survey of the open space area should identify beginning infestations, where prompt control spares future expense and effort, for example scattered autumn olive seedlings in a field. The survey should note the more pristine areas, rather than obviously post-agricultural areas, with uncommon species like grape fern. Limiting vehicle access and the number of trails is helpful in the more pristine areas because seeds, and non-native invertebrates as well, are dispersed on vehicle tires and boots. In these areas soils may not yet have been colonized by European earth worm species that alter surface soil and make it unsuitable for several rare wildflowers and ferns.

Prioritization should *consider the preferred growth conditions of invasive species* at the site. For example, moist, fertile forest is ideal habitat for shade-tolerant burning bush, whereas *Phragmites* needs open wetlands; therefore in a preserve dominated by sugar maple forest, a patch of burning bush needs control before a stand of *Phragmites*. Most urgent would be control of a *pioneer population*

of a highly invasive, but not yet widespread species, like giant hogweed. Reproductive traits affect the degree of threat. For example, bittersweet vines with abundant berries spread by birds threaten the Goshen Wildlife Management Area which has miles of invasive-free field edges; but heavy-seeded black locust trees are of minor concern within an East Haddam forest. *Streamside* garlic mustard and purple loosestrife spread downstream because water disperses their seeds.

### *Control*

Non-professional staff, volunteers, farmers, and/or landscapers can do *control* work with guidance from fact sheets available for each species from the Connecticut Invasive Plant Working Group web site (<http://www.hort.uconn.edu/cipwg/>). Control techniques differ for each species; they include hand-pulling, mechanical pulling, mowing, brush-trimming, brush-hogging, mulching with black-plastic, and follow-up herbicide application (usually glyphosate). *Reduction* is in itself a worthy accomplishment, not just elimination. With prioritization, the most threatening patches can be tackled first, with control over time in other areas, along with replacement native plantings for wildlife.

Workers must be trained to identify target species (seedlings, too), and shrubs flagged prior to winter brush removal. Some plants are always missed or sprout from seed banks or residual roots, so follow-up work parties are usually needed for each project. In meadow areas, after removal of woody invasive plants, mowing every one to three years will maintain control. Screening for new infestations should be done wherever recent tree cutting and/or soil disturbance has occurred, e.g. by a new access road or parking lot; open areas with a little competition by entrenched vegetation are most favorable for seeding survival.

Work that requires heavy machinery should be timed to avoid ground-nesting birds, rutting, soil compaction, and damage to subterranean wildlife, such as hibernating box turtles. Recommended best times are late summer during dry weather, or winter when the ground is frozen. “Weeding” work is best done when the ground is moist and soft. Herbicide effectiveness also depends on correct timing in relation to the plant’s growth cycle, and varies by species.

A long-term control strategy is to release host-specific herbivores from the place of origin - like the ongoing releases of leaf-eating *Galerucella* beetles (almost 250,000 beetles in 37 wetlands throughout the state) to control purple loosestrife by the Plant Science Department at UConn, Storrs. Contact Donna Ellis at [dellis@canr.cag.uconn.edu](mailto:dellis@canr.cag.uconn.edu) for information about this biological control and monitoring program. 🍁

*Sigrun N. Gadwa, MS is a Consulting Ecologist from Cheshire, CT. She can be contacted at [caryaova@juno.com](mailto:caryaova@juno.com).*

## **DEVELOPING MANAGEMENT OPTIONS AND GUIDELINES FOR MUNICIPAL OPEN SPACE: Use of the Environmental Review Team (ERT)**

**T**he Connecticut Environmental Review Team (King’s Mark and Eastern CT) is available to assist municipal commissions with their responsibilities relating to open space acquisition, natural resource inventories, planning, and developing management options and guidelines for good land stewardship.

Over the past 34 years, the ERT has produced a large number of reports that have assisted towns in identifying key parcels for acquisition, provided natural resource inventories that described limitations and potentials, and explained best management practices and land use options. These requests may come from the chairman of a municipal land use agency, such as the conservation commission, a chief elected official or in some cases a multi-town task force.

The ERT has approved requests that look at single discrete parcels, several parcels, or large areas such as watersheds, agricultural zones, or areas designated by a commonality.

Reports prepared by the ERT can be used to gain an overall picture of an area for future planning; educate officials and the public about the natural resources on the property; help focus financial resources to a specific project; and devise a management and stewardship plan.

These types of reviews are termed “natural resource inventories” and are approved and conducted as time allows, with development related review requests taking precedent because of the legal time constraints involved in those projects. Recent “natural resource inventories” have been conducted in Old Saybrook, Suffield, Cornwall and Torrington.

For more information please contact the ERT Coordinator Elaine Sych at 860.345.3977. 🍁

## **— WANTED: INVASIVE PLANT SURVEY VOLUNTEERS —**

The New England Wild Flower Society is currently seeking applicants for a plant conservation program in Connecticut called the Plant Conservation Volunteer Program (PCV). The PCV Program puts the skills of amateur botanists to work relocating and collecting data on populations of selected rare plants for the heritage programs throughout New England. The collected information enables state heritage programs to update rare plant records. The PCV Program is active in every New England state and currently enrolls just under 400 volunteers.

Candidates should ideally be committed to the conservation of the native flora of Connecticut and knowledgeable about plants, but enthusiastic amateurs can be trained.

Please contact either Chris Mattrick or Brandon Mann ([bmann@newfs.org](mailto:bmann@newfs.org)) to receive an application or check out our website at [www.newfs.org](http://www.newfs.org). 🍁

- Clearly prioritize our land protection projects and identify the conservation purpose that motivates protection.
- Structure protection in a way that protects identified conservation resources, but encourages or permits continued compatible use by the surrounding community.
- Recognize that our job is not done with the protection of a property.

### ***Ensure That the Legal Steps Taken to Protect Open Space Allow for Appropriate Flexibility in the Land's Management***

Plan from the beginning.

If you are acquiring an open space property through a matching Open Space Grant from the State, read the Agreement and Conservation Restriction at the beginning and write your grant application to specifically allow for more active management of the land.

If you are acquiring the land with funding from conservation organizations and municipal sources, negotiate management flexibility at the beginning when you still have room and leverage to do so. Get it written into an agreement that is signed and recorded at the time of the acquisition.

If you are acquiring the land through a gift, get an understanding of the landowner's stewardship ethic, encourage active use where possible and get the landowner to clearly identify his or her charitable intent for the future use and management of the land. In these cases, involve an attorney who knows the law of charitable uses, not just real estate law. Some care must be exercised here so that a landowner does not negatively impact his or her charitable gift deduction.

### ***Traditional Community Uses***

What do I mean by traditional community uses? I mean the historic uses of land that are part of the fabric of our rural history and are still compatible with sound land management **when properly carried out**. Examples are wood lot management for personal use, commercial forestry, agriculture, wildlife habitat management, hunting, fishing, hiking and horseback riding.

Some of these co-activities can also ensure that we maintain a diversity of habitats, and also can return funds for management of open space properties.

### ***Prioritize the Scope of a Land Protection Project and Identify the Conservation Purpose Underlying Open Space Protection.***

Prioritize your protection efforts and do not seek to protect marginal open space where that may conflict with other community needs. There are also times when a land protection project can be combined with other community needs, such as a small affordable housing project, municipal infrastructure, play grounds, etc. By partnering and serving broader segments of our communities, open space protection will gain further support.

Not all land needs to be protected in its entirety and we need to recognize that often protecting the ecological integrity of a property does not require protecting all of it. When it comes to landowner relations, landowner willingness to participate in open space protection, and community perception, greater protection is not always better.

Be aware of the difference between preservation and conservation. In this context I mean:

- Preservation is the absolute protection of land for a specified purpose, usually one that requires natural evolution of a parcel of land or management for a specific conservation goal.
- Conservation is the protection of important natural resources and prevention of unsound land use practices, but not the ownership and use of land for the purpose of preserving it in a state of natural evolution.

The former often precludes continued private ownership of open space lands and broad community use, the latter does not.

Preservation is necessary in some cases where land is being preserved to protect threatened and endangered species, or important natural communities. When land is being protected for this purpose it often requires that a property be absolutely protected and managed in a way that truly limits private landowner and community use of the land.

Conservation is all that may be necessary to protect the integrity of watersheds, agricultural lands, forest lands, wildlife habitat, wetlands, public access, public vistas and buffer areas for important natural preserves.

Public or charitable ownership is not always required for most of these purposes. Where open space that is protected for these purposes does involve public or charitable ownership, the land can still be managed to allow many traditional uses of the land. In these cases, conservation easements may be more appropriate, which will leave land on the municipal tax rolls and continue its historic use in the community.

### ***Structuring Conservation Action to Protect Identified Conservation Elements & Priorities***

• Where public or conservation organization ownership is not required to meet identified conservation goals, look for solutions that involve private ownership. Privately owned open space tends, in general, to be more actively managed and is perceived as remaining in “use.”

• Write flexibility into grant applications when seeking matching state funds.

• Where there is a charitable element in an open space project, identify the landowner’s stewardship ethic and obtain a clear statement of the landowner’s charitable intent. Write it into the deed.

• Even if you do not have the resources to actively manage an open space property now, preserve the right to do so in the future.

• Do not encourage or impose a conservation plan that legally restricts activity beyond what is necessary to meet your identified conservation goals.

• Encourage and try to specifically allow activity that is supportive of historic sound land use and a community’s self perception. Unless required by a landowner or a participating funder, consider providing for the ability to allow: farm leases, active maintenance of fields, pastures and meadows along roads that create a historic feel, hunting & fishing, horse trails and forest or woodlot management.

• If part of the land is suitable for other uses, look into partnerships with affordable housing and park and recreation commissions.

### ***Recognize That Our Job is Not Done With The Protection of Open Space***

If we are going to increase support for open space protection, after acquisition, we must provide our communities with a sense of ownership by involving community members in decision making, management, and use of open space lands.

Yes, open space lands protect our water supplies, clean our air, protect biological diversity, protect wildlife habitat, and provide other benefits such as increasing property values. While real, large segments of our communities perceive these as intangible benefits. Direct benefits to broad segments of the public will increase support for greater action.

An example can be seen in what happened in one town in southeastern Connecticut that obtained a 300± acre parcel as a park (Hartman Park). In that case the donor wanted to ensure use of the park, and the family and others provided modest sums to hire a retired DEP officer to log out trails and coordinate local volunteers to construct the trails, some education stations, and involve local schools. Within four years over 1500 people were signing the visitor guest book each year and the Park has become a vibrant part of the community. This small extra effort is just the type of action that ensures greater use and broad support for our open space programs. 🍀

*Attorney Gahagan is a principal of the law firm of Waller, Smith & Palmer, PC, which has offices in New London and Old Lyme, Connecticut. He has 15 years of experience advising landowners, conservation organizations, municipalities, and conservation minded developers on how to protect family lands and create conservation solutions, while meeting individual and community needs.*

## ***Upcoming Conferences***

### **Our Changing Coast: Private Rights & Public Trust March 28 & 29, 2003, Connecticut College**

This conference will focus on the important legal and ecological issues associated with coastal development, as well as the issue of private use and public protection of coastal areas. Program and registration information is available at <http://www.conncoll.edu/ccrec/greennet/ccbes/CC/agenda>. For more information call 860.439.5417 or email [ccbes@conncoll.edu](mailto:ccbes@conncoll.edu).

### **Land Trust Service Bureau 20th Annual Convocation March 29, 8:30 a.m.-3:00 p.m., Northeast Utilities, Berlin**

Eight workshops will be presented throughout the day. Keynote speech topic is on the Land Trust Alliance and the Land Trust Service Bureau partnership. For registration and info call Linda Bowers at 860.344.0716 ext. 314. 🍀

## WE APPRECIATE YOUR SUPPORT!

As of Feb. 1, 2003, the following Town commissions have supported CACIWC through membership dues for the 2002-2003 fiscal year July 1, 2002 – June 30, 2003. THANK YOU! If you do not see your commission on the list, please encourage your commission to join. Call (860)399-1807 for a membership form. If we are in error we apologize and would appreciate knowing. Member Commissions receive a copy of *The Habitat* for each commissioner if dues have been paid.

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East Hampton	IW	Southington	CC/IW
East Hartland	IW	Stamford	CC/IW
Eastford	IW	Stonington	IW
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## PHASE II STORMWATER WEBSITE RESOURCES FOR REGULATED SMALL MS4s

Phase II of the storm water management program is promulgated by the US Environmental Protection Agency through the CT Department of Environmental Protection. MS4 refers to “separate storm water sewer systems.” Phase II addresses the need for municipalities to take an active role in reducing polluted runoff. Most Connecticut municipalities have been notified that they need to develop, implement, and monitor effectiveness of a Storm Water Management Plan to reduce polluted runoff.

Conservation and Inland Wetlands Commissions can assist in developing information, recommendations and implementation of the following six minimum control measures that are required in the Storm Water Management Plan:

- Public education and outreach
- Public participation/involvement
- Illicit discharge detection and elimination
- Construction site runoff control
- Post-construction runoff control
- Pollution prevention/good housekeeping

Fact sheets for each of these measures can be obtained from <http://www.epa.gov/cgi-bin/paprintonly.cgi>.

Other sources of information include:

- EPA’s site for Best Management Practices - <http://www.epa.gov/npd/menuofbmps/menu.htm>
- Measurable Goals Guidance for Phase II Small MS4s - <http://cfpub1.epa.gov/npd/home.cfm>
- Center for Watershed Protection - <http://www.cwp.org>
- Links to other storm water sites - <http://www.epa.nsw.gov.au/stormwater/links.htm> 



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## THE HABITAT

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conservation of our precious natural resources.*



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# ELEVEN STATE CONSERVATIONISTS RECEIVE LIFETIME ACHIEVEMENT AWARDS AT CACIWC'S 25<sup>TH</sup> ANNUAL MEETING

**E**ight local conservation and inland wetlands commissioners and three town staff directors from across the state received awards for lifetime achievement in conservation and wetlands protection at CACIWC's 25<sup>th</sup> Annual Meeting. The award presentation was a special event celebrating our 25<sup>th</sup> anniversary. Awards were based on record of achievement, leadership, and years of service. Each recipient served 25 years or more in commission service.

Awards were presented to commissioners Dr. Charles Dimmick of Cheshire, 28 years of service; Letitia C. Malone of Milford, 27 years; Charles I. Motes of Plainville, 26 years; Roger L. Olsen of Enfield, 33 years; Jack M. Pasquale of Cheshire, 27 years; Eric L. Stone of Bethany, 32 years; and William Urban of Ansonia, 26 years.

A special lifetime achievement award was presented to Tom ODell, a founder and current president of CACIWC, and a 30-year veteran of the Westbrook Conservation Commission.

Awards for lifetime achievement and leadership excellence were also presented to three town staff conservation or inland wetlands directors and agents: Micheal A. Aurelia, Town of Greenwich; William L. McCann, City of Stratford; and Barbara A. Obeda, Town of Redding. Each had 25 years or more of service.

The keynote address was given by Julie Belaga, former head of the New England Region Environmental Protection Agency in Boston. Michael Zizka, environmental attorney, lecturer, and author, gave the anniversary address. Twelve educational workshops on conservation and inland wetlands issues were presented throughout the day.

The day-long conference, held November 16<sup>th</sup> at the Mountainside in Wallingford, was attended by 280 local Connecticut conservationists. We are very pleased with the positive response to our first all-day event – and are beginning to plan for a repeat in November, 2003. Stay tuned! 🍁