



THE HABITAT

Vol. XVI No. 3

Summer 2004

Editor: Tom ODell

CACIWC's 27th ANNUAL MEETING

**Saturday
November 13, 2004**

8:30 a.m. - 4:30 p.m.

Displays! *The Mountainside
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Workshops! **Lunch!**

YOU ARE INVITED TO ATTEND

*our 3rd statewide environmental
conference for municipal conservation &
inland wetlands commissioners and staff*

KEYNOTE ADDRESS

**“Bio-Blitzing: Discovering
Connecticut’s Natural Heritage”**

by David L. Wagner, Ph.D.
Associate Professor, Department of Ecology and
Evolutionary Biology, University of Connecticut

for more detail see page 11

Motorized Trespassers Threaten and Destroy Open Space Value and Function

by Tom ODell, Chairman Westbrook Conservation Commission

With the popularity of all terrain vehicles (ATVs) and “off the road” motorized dirt bikes escalating, the conflict between landowners and motorized trespassers is becoming increasingly contentious. It is unlikely that there is a community in Connecticut that is not experiencing this conflict at some level. Unfortunately, conflict resolution is not in sight. While riders using private land are required by state law to carry written and signed permission of the landowner, the law is seldom followed.

More often than not motorized trespassers use municipal, land trust and state open space land—directly in conflict with its intended value and function. In the process of using these power “toys” to explore and play in forests, fields and wetlands:

- ♦ Natural resources are threatened when soil is exposed causing erosion, siltation of wetlands and watercourses, and a ready site for invasive plants.

ATVs, continued on page 3

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DUES ARE DUE!

Time to renew your CACIWC membership! Your membership ensures that your commission will receive a copy of *The Habitat* for EACH commissioner. Membership forms for the 2004-2005 fiscal year have been sent to each commission. Please send your renewal as soon as possible so that we may have updated information from your commission. If another form is needed, contact Tom ODell, 860.399.1807, or visit caciwc.org, click on "About CACIWC...."

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ATVs, continued from page 1

- ◆ Passive recreation is significantly reduced by noise and destroyed trails.
- ◆ Protection and enhancement of biodiversity is unlikely because the impact of motorized trespassers is likely to occur at any time of day or night.

So how can Conservation Commissions and the community, acting as stewards of town owned open space, combat this growing threat of motorized trespassers? Education and enforcement would seem to be the best paths to take—but neither is easy nor necessarily “fool”—proof.

- ◆ **Education:** Involve the community by conducting site walks, trail maintenance, open space management planning, natural resource inventory and other on site activities. Make sure site neighbors participate—both adults and children. Create a community sense of pride and stewardship and a constituency for enforcement.
- ◆ **Enforcement:** Make sure there are appropriate town regulations in place to support motorized trespass enforcement. Many towns already have ordinances in place to regulate ATV and other motorized vehicle use on town property (see “Resources” at end of article). Commissions should also support future state legislation that will enhance local enforcement.

Local law enforcement is difficult because ATVs and most motorized dirt bikes are not registered and do not have identifying plates. Frequently, motorized trespassers that plague open space lands are children or adolescents acting without parental supervision, and it is likely that they will not be chased by enforcers for safety reasons.

State legislation can assist local enforcement. Appropriate fines, fees or points on vehicular licenses for illegal trespass, vandalism and littering that impact either the rider or the parent of the unsupervised adolescent should be part of any legislation. All vehicles falling under the legal definition of All Terrain Vehicles should be registered, and riders should be required to display adequate vehicular identification.

Help preserve the value and functions of the open space lands in your community. Let your legislators know your concerns regarding open space motorized trespassers and ask them to support legislation that will assist local enforcement to reduce motorized trespass of municipal and land trust open space.

Resources: The Connecticut Conference of Municipalities (CCM) has compiled a comprehensive list of information related to federal, state and municipal ATV regulations. We have posted the CCM pdf document on CACIWC.ORG on the Conservation Commission “Resources” page. 🍁

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Lawn-Care Pesticides Threaten Waterways

by Jane Bradley, MALS

Across Connecticut's landscape threads an interconnected network of waterways and wetlands vulnerable to contamination by lawn-care pesticides. In shoreline towns where homeowners prize green lawns as symbols of suburban success, storm drains empty into Long Island Sound bearing a tide of toxic pesticides, while lawn-care herbicides and insecticides threaten drinking water wells statewide.

Connecticut's major aquifer systems are shallow (generally less than 300 feet deep with the water table within 50 feet of the land surface) and are therefore susceptible to contamination. "Given our scientific understanding that pesticides could easily migrate from field to surface waters or to underground aquifers, it is remarkable that the quality of data on contamination levels is so limited," says John Wargo, Ph.D., author of *Risks from Lawn-Care Pesticides*, a report from Environment and Human Health, Inc. (EHHI).

More than 42 percent of Connecticut's population depends on groundwater for drinking according to the National Ground Water Association. The state has over 3,200 such

public water systems, 600 of them community systems that serve roughly 84 percent of its 3.4 million residents.

Each year, Americans apply nearly 80 million pounds of pesticide active ingredients—herbicides, insecticides and fungicides—to their lawns and gardens. These are intentionally toxic substances shown in numerous studies to have adverse effects on humans and their pets. Children are especially vulnerable to the harmful effects of lawn-care pesticides because they take in more pesticides relative to body weight than adults, and their immature organs and body systems are less able to detoxify the harmful chemicals

Numerous studies have shown that children living in households where pesticides are used have higher-than-normal rates of leukemia, brain cancer and soft tissue carcinoma. Exposure frequently occurs when children run barefoot on summer lawns or play in grass treated with herbicides and insecticides. In a study reported by Wargo in *Our Children's Toxic Legacy*, use of herbicides on yards elevated children's cancer risk more than three times. Parental exposure to lawn-care pesticides has been linked to birth defects in their unborn children.

The health risks from pesticides are well known to industry and government, but chemical industry lobbying and the complexity and cost of adequately testing the many different pesticides in their hundreds of combinations have resulted in governmental gridlock and lack of adequate protection for consumers. The undisclosed "inert ingredients" in pesticide formulations remain protected as a "trade secret" under federal law. No federal studies have assessed the safety of lawn-care pesticides in combination, though that is how most lawn-care pesticides are sold. The pesticides used solely on lawns are not required to undergo the same rigorous testing for long-term health effects and toxicity as those also used on food. Under the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), the Environmental Protection Agency regulates ingredients, formulations, packaging, storage and labeling—and specifies safe conditions for use and disposal.

People think the government would warn them if such widely sold chemicals were known to damage their nervous system, harm their unborn children or give them cancer.

Sadly, that is not the case. Pesticide labeling and packaging do not require warnings for consumers about adverse

Pesticides, continued on page 5

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Pesticides, continued from page 4

long-term health effects. States do not have the power to make packaging and labeling laws that differ from those of the federal government. Without prominent warning labels and since lawn-care pesticides are sold in stores in close proximity to food products, consumers assume that these products are safe. "Many states have no laws regulating where lawn-care pesticides can be sold, or require these large bags to be kept away from food," says Nancy Alderman, president of EHHI. "Broken and torn lawn-care pesticide bags can be seen in big box stores spilling their contents onto floors. Workers are not trained to understand the toxicity of such products or the special care needed to clean up leaking packages."

With most of the population not understanding the risks of lawn care pesticides, with a majority of the population using these products on their lawns, with big bags of these products breaking in most of the stores that sell them, our drinking water supplies remain under threat. As rates of childhood cancers continue to rise, we need to take every reasonable precaution to protect our children. We must have more stringent lawn-care pesticide laws if we are to safeguard our health, our drinking water supplies and the health of our wetlands and watercourses.

For more information and the text of *Risks from Lawn-Care Pesticides*, see www.ehhi.org.

Jane M. Bradley, MALS, is a freelance magazine writer and graphic designer for EHHI.

Editor's Note: *Conservation Commissions should be proactive in helping to reduce pesticides from reaching wetlands, watercourses and ground water. Most towns in Connecticut are developing stormwater management plans to reduce non-point source contaminants—pesticides are very destructive contaminants. Educating the community on the hazards of lawn-care pesticides is an important part of natural resource protection. Last year a bill was introduced in the Connecticut legislature (SB 220: An Act Concerning Pesticides at Schools and Day Care Facilities) that would ban the use of pesticides in the buildings and on the grounds of schools and child day care centers or group day care homes, except in an emergency situation. Unfortunately it did not pass. The pesticide industry lobby was very strong and effective. We expect similar bills to be introduced in the 2005 legislative session. Ask your legislator to support bills that will reduce the risks of pesticides to children, drinking water and wetlands and watercourses.* 🍀

DEP Kicks-Off Aquifer Protection Program

In February 2004, the Connecticut Department of Environmental Protection adopted new Aquifer Protection Area Regulations to help protect major public water supply wells across the state from contamination. Aquifer Protection Areas (APAs) will be designated around the state's 122 active well fields in sand and gravel aquifers that serve more than 1000 people, and land use controls will be imposed in those areas to minimize the potential for contamination of the well field. The regulations prohibit development of new high-risk land use activities in APAs, and require existing high-risk activities in these areas to register and follow best management practices.

A map showing the well fields in the program can be viewed at www.dep.state.ct.us/wtr/aquiferprotection/. The program is similar to the Inland Wetlands program - municipal aquifer protection agency must be appointed and will have administrative and enforcement authorities in regulating APA land uses, with minimum standards set by the state.

The communities in the program are listed below. If your community is included, you may wish to explore the detailed information available on the DEP web site. DEP has begun working with the 83 municipalities in the program to appoint local agencies (most are appointing their Planning and Zoning or Inland Wetlands Commissions) and to get the programs going.

As the program develops and opportunities for Conservation Commissions to support aquifer protection efforts are identified, we'll keep you informed via this newsletter. If you have questions, comments or ideas, please call 860.424.3020 or e-mail us (kim.czapla@dep.state.ct.us). Only through our combined efforts can the greatest water supply protection can be achieved. 🍀

MUNICIPALITIES WITH PROPOSED AQUIFER PROTECTION AREAS

Avon, Beacon Falls, Berlin, Bethany, Bethel, Bethlehem, Bolton, Bristol, Brooklyn, Burlington, Canton, Cheshire, Clinton, Colchester, Coventry, Cromwell, Danbury, Darien, Derby, East Lyme, East Windsor, Enfield, Essex, Farmington, Glastonbury, Granby, Goshen, Guilford, Griswold, Hamden, Killingly, Killingworth, Ledyard, Litchfield, Madison, Manchester, Mansfield, Meriden, Middletown, Montville, Naugatuck, New Canaan, New Hartford, New Milford, Newtown, North Canaan, North Haven, Norwalk, Old Saybrook, Oxford, Plainfield, Plainville, Plymouth, Portland, Prospect, Putnam, Ridgefield, Rocky Hill, Salisbury, Seymour, Shelton, Simsbury, Somers, Southbury, Southington, Stafford, Stamford, Stonington, Thomaston, Thompson, Tolland, Torrington, Vernon, Wallingford, Watertown, Westbrook, Weston, Westport, Willington, Windsor, Windsor Locks, Woodbury

Working Lands Alliance – Promoting Farm Preservation and Sound Land Use

by John Guskowski, Capital Region Council of Governments

For the last five years, Working Lands Alliance (WLA) has been working in Connecticut to advance the cause of farmland protection, largely through advocating for increased state funds for the Department of Agriculture's Purchase of Development Rights (PDR) Program.

Given that the impact of various land uses is among planners' main areas of expertise, going through a lengthy explanation of the importance of farmland in Connecticut probably contains a bit of unnecessary preaching to the choir. For those of us at or just past the urban fringe, farmland has a great deal to do with our rural identity, and what makes our communities feel special. Farms offer a productive buffer to sprawl. From a more quantifiable stance, farmland costs significantly less than residential land on a tax-dollar vs. community-service-cost comparison. Statewide, agriculture is a multi-billion dollar industry, a major employer, and the seventh largest industry cluster in Connecticut. We are home to some of the best agricultural soils in the world. Farmland is our heritage, it's in our soul, but it's also a business and an important part of our future.

Over the last few decades, however, farm consolidation, market forces, and residential development pressure have radically changed the landscape of agriculture in Connecticut. In the last twenty years, Connecticut has been losing between 8,000 - 9,000 acres of farmland each year to non-agricultural uses. For those of you more spatially oriented, that's equivalent to the Town of Newington, every year. In the late 1970's the State set a goal of protecting 130,000 acres of farmland. Twenty-five years later, we've only protected about 30,000. It's an uphill battle, but this year's General Assembly offered a few glimpses of hope.

The 2004 legislative session saw three areas of success for WLA and its coalition of organizations: the restoration of an independent Department of Agriculture, the release of previously-allocated bond funds for farmland preservation, and a renewed commitment to the PDR program despite the difficult fiscal climate.

The underappreciated Department of Agriculture had been slated, at the end of last year, to be merged with the Department of Consumer Protection in a dubious "cost-saving"

Farms, continued on page 7

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Farms, continued from page 6

realignment. Understanding that being relegated to “bureau” status within another cabinet-level department reflected a psychological and literal demotion of the DOAg, WLA joined with the Farm Bureau and Very Alive (a group of dairy farmers from Eastern Connecticut) to lead the Keep It Growing campaign. This campaign, with the support of legislators, individuals, and organizations, successfully reversed this merger, reinstating an independent Department of Agriculture.

Following over 18 months of delay by the Governor and his staff, pressure from the WLA and its partners was successful in obtaining the release of \$2.2 million in bond funds to purchase the development rights for seven farms. Unfortunately, delaying the release of these funds has meant that at least two of these seven farms are likely to refuse the state’s offer and instead sell their property to developers. While the release of the bond money will help several farms, the delay further underscored the inefficient way in which our State protects farms.

Senator Don Williams (D-29th) of the Environment Committee and Senator Len Fasano (R-34th) of Planning and Development have expressed interest in improving this process to allow the Department of Agriculture more freedom and flexibility to purchase development rights without having to slog through the cumbersome bonding

process. They plan to hold working sessions on this issue over the summer.

In the meantime, bonding for the PDR program continues. Despite bonding cuts of over \$60 million for various programs and projects, the PDR program actually received an increase in its bond authorization, from \$1.5 million to \$2 million for FY 2005. Though this does represent a victory of sorts, this amount is still far below a level necessary to slow the loss of farmland. In the past ten years, Connecticut has lost 90,000 acres and saved less than 6,000. At this rate, we will have no farmland left to save by 2040.

For a short legislative session, and one conducted under the cloud of gubernatorial impeachment hearings, 2004 was a rather successful one for advocates of farmland protection. Significant work is still ahead for Working Lands Alliance and its partners. In addition to promoting farmland protection, WLA will continue advocating for improved farmland viability and forging diverse partnerships to support agriculture in Connecticut.

For more information about Working Lands Alliance, contact Jiff Martin at 860.296.9325 or info@workinglandsalliance.org, or contact Tom ODell at 860.399.1807 or todell@snet.net.

John Guskowski is a Community Development Planner and Policy Analyst at the Capital Region Council of Governments.

Editors Note: *WLA needs the statewide support of Conservation Commissions. Regardless of whether or not agriculture is important in your town or where your town is in the Connecticut landscape, you are connected through a watershed to farmland. Protection of farmland in that watershed is locally, environmentally and economically critical. CACIWC has actively supported WLA since it was formed. I presently serve on the WLA Steering Committee. Please become an active supporter of farmland preservation by contacting me at todell@snet.net.*



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About Our Annual Meeting...

Registration brochures will be mailed to commissions in mid- September. Please register early - space for workshops will be provided on a first-come basis. Workshops will follow the same format as previous years: three sessions, a full hour each, at 9:30 a.m., 10:45 a.m., and 2:15 p.m. Each session will offer a choice of four workshops.

UConn Associate Professor **David L. Wagner, Ph.D.** will speak on “Bio-Blitzing: Discovering Connecticut’s Natural Heritage.” “Bio-Blitzing” is the convening of scientists and other volunteer specialists to intensely survey, identify and record (by species) the natural fauna of a preselected site that contains a diversity of natural habitats.

We’re excited about the workshops– and grateful to willing participants! Here’s a brief overview:

Three workshops on inland wetlands legal issues:

- ♦Two will be presented by **Attorneys General Janet Brooks and David Wrinn**, covering discussions on permit conditions, and the “ins and outs” of AvalonBay legislation.
- ♦The third will be a panel discussion by **Attorney Gregory Sharp** on vegetated buffer regulations as a wetlands protection tool. **Robert Jontos** of Land-Tech Consultants and **Brian Murphy** of DEP fisheries will be panelists.

Three workshops for Conservation Commissioners:

- ♦DEP fisheries biologist, **Stephen Gephard**, will discuss restoration of diadromous fishes to CT watersheds;
- ♦**Patrick Comins**, Director of Bird Conservation for National Audubon CT, will discuss linking bird habitat to open space planning; and
- ♦**Judy Preston** of the Tidewater Institute will discuss resources for Conservation Commissions, particularly for open space planning.

Three workshops for Inland Wetland Commissioners:

- ♦**John Rozum** of NEMO and **Cheryl Chase** of DEP will present a discussion on CT’s new Stormwater Quality Manual;
- ♦**Wendy Goodfriend** from the CRC Conservation District will present a hands-on workshop on site development plan review; and
- ♦UConn Associate Professor **Dr. Glenn Warner** and State Soil Scientist, **Kip Kolesinskas**, will discuss the relationship between activity in uplands and the physical characteristics of wetlands and watercourses.

Three workshop of interest to both IWCs and CCs:

- ♦**Stephen Broderick**, UConn Cooperative Extension Service will discuss forest logging and wetlands protection in CT;
- ♦**Brian Murphy** of DEP fisheries will discuss fish habitat, impact mitigation and restoration efforts in CT; and
- ♦Panel discussion on approaches to biodiversity conservation in watersheds: **Hank Gruner**, Wildlife Conservation Society, **Kevin Case**, Project Manager, 8-Mile River Wild & Scenic Study; **Eric Hammerling**, Executive Director, Farmington River Watershed Association; and **Stephen Broderick**, UConn, Senior Extension Educator.

See caciwc.org for more in-depth information on each workshop - some workshops have more basic content for newer commissioners and others are more advanced. If you have questions, call Executive Director Ann Letendre at 860.875.4623. 🍀

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— ★ **NOMINATIONS DUE SEPTEMBER 20** ★ —

**Do you want to recognize a special accomplishment
of a commission, commissioner or staffperson?**

**AWARDS TO BE PRESENTED AT THE ANNUAL MEETING & ENVIRONMENTAL CONFERENCE
NOVEMBER 13, 2004 ~ SAVE THE DATE!**

- Award categories will be for:
- Conservation Commissioner of the Year
 - Inland Wetlands Commissioner of the Year
 - Commission of the Year
 - Commission staff

The nomination form is available on www.caciwc.org, click on 'annual meeting' or call Tom Odell at 860.399.1807.

Summer 2004

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