

Putting the Feds on Notice

Plum Island: It's been described by the U.S. Fish and Wildlife Service as a "critical natural resource area." More than 200 bird species either breed or forage there. It's home to threatened and endangered species like piping plovers and roseate terns, as well as rare orchids, harbor seals and amphibians. It's been a vital stopover for migrating species for thousands of years. But all of that is about to change if the federal government has its way.

Plum Island is also the site of a federal research facility, which has resulted in most of the island remaining off-limits to the public, and therefore, wild. The government plans to move that facility to Kansas, and to pay for it, the Department of Homeland Security and General Services Administration (GSA) are on track to auction Plum Island to the highest bidder. At CFE and its bi-state program Save the Sound, we're racing against the clock to try to change that.

"We've had a very positive response to protecting this endangered island from area residents," explains Chris Cryder. He recently led an informative session at the Henry Carter Hull Library in Clinton with more than 60 attendees. "It's an issue that promises to have significant impacts for Connecticut as well as New York." Longtime CFE donor Jean M. Richards agrees. "I've been sailing by Plum Island for the past 50 years," she observes. "It's a wonderful resource that our region cannot afford to lose."

Ironically, preservation for Plum Island has been advocated by the federal government itself. The EPA, U.S. Fish and Wildlife Service, and a host of New York and Connecticut agencies have all recognized the financial, ecological, and historical government interests in preserving Plum Island.



Roseate tern. Photo: A.J. Hand

To achieve this, CFE/Save the Sound is advocating for a conservation sale—one in which the small footprint of the developed, laboratory portion would be sold to a private entity for reuse, while the virtually undisturbed habitats would be permanently protected, then managed by the U.S. Fish and Wildlife Service or another agency with conservation expertise.

Earlier this year, together with Soundkeeper, CFE and Save the Sound issued a 60-day notice of intent to sue to Homeland Security and the GSA for violations of the Endangered Species Act. "Sadly, the Department of Homeland Security and the General Services Administration conducted their environmental assessment and issued their final recommendation for a sale without sufficiently consulting the federal wildlife agencies versed in protecting these threatened species," explains Leah Lopez Schmalz, director of legislative and legal affairs at Save the Sound, "even though they acknowledge that the species are present and that development of the island could affect them. That consultation is not a mere formality—it's essential to making sure DHS and GSA's actions don't jeopardize these rare species. This failure violates the Endangered Species Act and puts the natural resources that belong to the American people at risk."

What You Can Do

Over the years, bipartisan legislation known as "Save, Don't Sell, Plum Island" bills, have been introduced in congress. With numerous new members, it's more important than ever to contact your senators and representatives. It is also important that your state and local elected officials know that you want them to do their part to protect Plum Island.

- Thank legislators for their work! Let them know you're concerned and ask them to continue the fight to reverse the sale of the island.
- Write a letter to your local newspaper, local Patch, or a regional publication like *Newsday* (on Long Island) to voice your concern.
- Share what you know about Plum Island with your friends and neighbors. We need to educate the public to what stands to be lost—before it's too late.

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Green Grantmaker: The Sun Hill Foundation

Timon Malloy and his wife Lori Malloy provide leadership support to Save the Sound through their foundation, The Sun Hill Foundation. Recently, Timon described his personal connection to Long Island Sound.

"I grew up in Westport," he explains, "with a lot of time spent swimming at the beach or sailing. I remember going to Compo Beach—seeing horseshoe crabs and swimming with seahorses. As a history buff, I've learned a great deal about the amazing natural history of the Sound. I think few people realize how bountiful the Sound's ecosystem once was."

Protecting the western Sound from the damages of hypoxia is a major challenge, but one which must be solved, agrees Timon, in order to bring back marine life. He feels that healing the Sound from the ravages of hypoxia needs extra attention both because of "the long timeframe needed to achieve it, and because it may seem remote to a lot of people." His ultimate goal is to see the Sound restored to health—with healthy marine life, a healthy fishery and improved economy.

"My vision," explains Timon, "would be of a permanently sustainable balance between people's use and marine life, which would be economically and environmentally sustainable indefinitely. I want to see the restoration of the Sound, one of the world's largest estuaries, serve as an example of ecological restoration and sustainability on a global scale."

The Sun Hill Foundation provides generous support to Save the Sound to work toward making that vision a reality.



Lori and Timon Malloy

Clean and Green

New Haven's West River has a problem. Bacterial contamination has earned it a place on the Connecticut Department of Energy and Environmental Protection's list of impaired water bodies. At Save the Sound, we're working to try to change that.

In much of Connecticut, "combined sewer pipes" carry stormwater runoff (rain that falls on roof tops, road ways, and other hard surfaces and flows into storm drains) and sanitary sewage (what you flush down the toilet or send down the kitchen sink) in the same pipes. On a sunny day in New Haven, all of the water in the pipes flows to a wastewater treatment plant to be cleaned before being released into the New Haven Harbor. When it rains, however, stormwater runoff causes the combined sewer pipes to fill up quickly. The result is that when it rains, untreated stormwater and sewage flow into our waterways, including the West River. The contamination makes the water unsafe for people, fish and other animals.

What are we doing about it? Save the Sound is building special gardens—called bioswales—which capture and soak up rain where it falls. A bioswale is a shallow trench with perennial



The Edgewood School Bioswale is a project of Save the Sound, constructed with generous assistance from the City of New Haven, the Urban Resources Initiative, and the Edgewood School; with funding from the Greater New Haven Green Fund, the Greater New Haven Water Pollution Control Authority, the Women's Seamen's Friend Society of Connecticut, and Connecticut Department of Energy and Environmental Protection.

plants and porous soil that intercepts stormwater runoff and keeps it out of storm drains, filters it, and slowly releases the clean water into the ground. Bioswales, like the one we recently built at New Haven's Edgewood School, can intercept hundreds of thousands of gallons of stormwater each year, while providing habitat for birds and butterflies, and creating opportunities for educating communities about stormwater.

The Role of Law

Given that we've just informed the federal government of our intent to take them to court, it seems an appropriate time to consider the role of law at CFE and its bi-state program Save the Sound. In January, as part of our effort to protect Plum Island, we submitted a 60-day notice letter under the Endangered Species Act. In it, we cited the federal government's failure to perform a substantive requirement of the Act, resulting in a flawed Environmental Impact Statement. (Read more about our work to protect Plum Island in this issue.)

Taking the U.S. government to task is not to be done lightly. When government fails to act in the interest of the public good, however, someone has to step up. At CFE and Save the Sound, we have the legal advocacy experience and expertise to do just that.

Connecticut Fund for the Environment was founded in 1978 to protect the land, air, and water of Connecticut. Save the Sound was founded in 1972 as the Long Island Sound Taskforce to preserve and protect the Sound. In 2004, CFE and Save the Sound merged, with Save the Sound incorporated as a program within CFE. Over the years, advocating for the passage of environmental laws and enforcing adherence to laws currently on the books has remained the core of what we do.

"The bedrock of CFE and Save the Sound's approach to legal advocacy is to bring together innovative legal theory with tested scientific research in order to achieve solutions to the most difficult environmental problems which face us," explains Peter Cooper, CFE General Counsel and longtime member. "It is this time-tested dual approach which has allowed the organization to become such

an important environmental protection leader in the region."

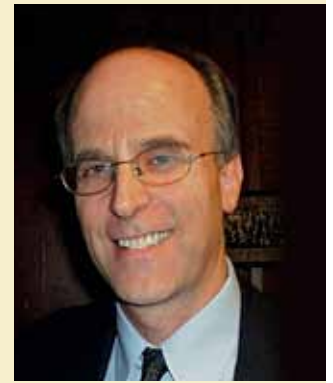
Legal expertise combined with advocacy and sound science were critical in protecting Old Saybrook's Preserve, which would otherwise be a golf course and luxury housing complex today. Saving the largest, unprotected coastal forest between Boston and New York took more than a decade of legal interventions, which were critical in making a conservation purchase possible.

Legal expertise enabled us to intervene successfully in the 2012 merger of energy companies Northeast Utilities (NU) and NSTAR to advocate for protection of large tracts of NU-owned land. As a result of that intervention, NU donated four properties to a land trust for permanent conservation, the largest of which is the 723-acre Skiff Mountain in Sharon.

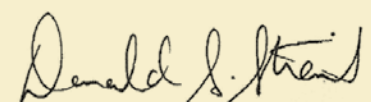
It took four years of legal advocacy and outreach to persuade New York State and the federal government to deny Shell Oil's Broadwater proposal. "Shell and TransCanada Corporation submitted reams of documents," observes Board Member W. Campbell Hudson, "purporting to show that their enormous and disastrously intrusive Broadwater project was necessary for our region and consistent with environmental law. In reality, it was neither. It would have damaged the ecology of the Sound, disrupted the local economy, and posed an enormous safety hazard. Using legal expertise and scientific and economic evidence, we were able to prove that in court and halt the progress of this ill-conceived project."

In one of our earliest battles, we fought against the contamination of drinking water wells in Southington by the Solvents Recovery Service of New England. Our effort resulted in a new state policy requiring the notification of residents when a well is contaminated. The funds from the final settlement have been used on a range of habitat restoration projects including the nine rain gardens that Save the Sound and our volunteers built in 2013 in Southington and last year's porous pavement project in Plainville.

Corporations and government interests cannot be relied upon to put public health before private gain. Our region needs someone who can fight for the public's environmental rights in court. Without the legal component of CFE and Save the Sound, Connecticut and western Long Island Sound would be a very different place to live. With your support, we will continue to serve as your legal, environmental watchdog.



Skiff Mountain, Sharon, CT



Saving the Preserve

Advocates for the Preserve rejoiced in January when a \$2 million grant for the state's share of funding to buy the last unprotected stretch of coastal forest in southern New England won unanimous approval of the state Bond Commission. That state grant, when combined with private funds raised by the Trust for Public Lands, along with federal and local funding sources, will make up the more than \$11 million needed to purchase and maintain nearly 1,000 acres in the towns of Old Saybrook, Essex and Westbrook. The funds will secure protection of a remarkable tract of land that has been at the heart of 15 years of legal challenges. Through it all, CFE led the way, providing the legal expertise that made a conservation purchase possible.

Before the public can enjoy this beautiful woodland, however, a major cleanup on the property needs to take place. The Newman's Own Foundation announced a \$150,000 dollar-for-dollar matching grant to help draw more private contributions for the cleanup and on-going stewardship effort. Volunteers cheered recently when the last abandoned car was hauled out of the woods. A host of helpers has been busy cutting and capping the 1,400 percolation test pipes that developers installed over the years. "The exact boundaries of the Preserve need to be marked, and trails will require grooming and markers to make the land more user-friendly," said Special Projects Coordinator Chris Cryder. "In addition, a management plan and trail design will also need to be completed. We've got a lot to do."

Once slated to become an exclusive 18-hole golf course and estate of 200-plus housing units, the Preserve offers an important stopover for migrating species in a world of fragmented natural areas. It provides a critical coastal buffer against storm waters, and connects to 500 acres of existing parklands in adjoining towns and miles of hiking trails. Rich in natural resources, wildlife, and biodiversity, the Preserve will eventually provide hiking, bird watching and other recreational opportunities for all.



Volunteers help remove trash from the Preserve.

LATE-BREAKING NEWS
As of our print date for this issue, the closing for the Preserve was anticipated shortly.

Treasuring Trees

Many Connecticut residents were concerned last year when United Illuminating and Connecticut Light & Power initiated their "enhanced tree-trimming" practices. CFE successfully advocated for a bill to reduce the damage of those practices. We followed this effort by developing a toolkit to help town leaders evaluate their preparedness for the new tree-cutting program and pass appropriate policies to protect street trees.

Titled "Protecting Neighborhood & Other Roadside Trees," the toolkit is available on the CFE website under the "Lands and Communities" tab. It covers the history of the issue, legal structures that can help towns, and the vital responsibilities of tree wardens, and offers recommended tactics for protecting healthy street trees.



The Connecticut Department of Energy and Environmental Protection are required to review the utilities' plans this year and help the Public Utilities Regulatory Authority

report to the legislature. We will be monitoring these events to see if further action is needed.

What You Can Do

Be proactive about ensuring your trees near power lines get any trimming they need to be safe, but are not cut more than necessary. Look for signs of structural weakness or dead limbs, and call your tree warden if you have concerns (unless you live on a state road, in which case you should call the Connecticut Department of Transportation.) Take pictures of your trees. Your tree warden should be able to tell you what streets are scheduled for upcoming tree work. Be on the lookout for notices from the utility and register a formal objection to overly aggressive trimming or removal. Finally, call the utility and tell them that you do not want your trees removed.

Be proactive about your town's trees: trees within the public right-of-way. Contact your local tree warden and ask what steps have been taken to protect town trees. Ask if they have given the utility blanket permission to perform tree work. If so, ask that they revoke it, and only give permission on a tree by tree basis. Your tree warden is your town's trees' best defense. Ask if your town has a "Tree Protection Ordinance." If not, talk to town leaders about creating one and share our Toolkit with them. We are in the process of developing model ordinances based on best practices, and would be willing to meet with interested towns to help them enact good tree policies.



Save the Sound®
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SoundBites

Spring 2015

Protecting the Western Sound

What's new at Save the Sound's Western Long Island Sound office? To find out, we went to the expert—Director Tracy Brown.



Tracy Brown, Director

We're working to make our coastal waters safe for swimming and recreation by identifying, tracking down and eliminating sources of bacterial pollution. This spring, we'll launch our web-based Long Island Sound-wide interactive map, the

"Sound Data Explorer," that will aggregate and graphically depict bacteria data.

What's the purpose of the new website?

For the first time, people will be able to see why some beaches close when it rains, how bacterial pollution varies by location, and feel empowered to do something about it. It will also help us plan our advocacy—showing us which beaches are contaminated when it rains, which suffer in both dry and wet weather, and provide clues as to where we might find unexpected sewage overflows that volunteers can help locate and shut down. Perhaps best of all, the website will be open source—so the public, students and researchers can download the data for their own studies. Watch for it this spring.

Will you be continuing your water quality monitoring?

Absolutely! We will be expanding our monitoring program and increasing the options for people who want to help. We'll be expanding our water sampling work to include the entire coastline of Westchester County and Greenwich, Connecticut. In addition to sampling at beaches and harbors, we'll also be setting up stream walks to look for discharges.

How can people help out?

They can help us collect water samples. They can also join us on stream walks and paddling, helping with observation and photo documentation. They can also serve as watch-dogs in their town, getting to know their local sewage infrastructure and documenting problems they observe—such as manhole covers that overflow during rainstorms. People can photograph those discharges and email the photos to us with a description including location and time of the overflow. It's easy and is a big help.

What would you like members to know about Save the Sound's water quality work?

This is a great time to tackle the problem of pollution that comes from our failing infrastructure. I see a lot of passion for the Sound. Each day, I encounter people who feel a strong personal connection and commitment to protecting the beaches and waterways in and around their town. This is one way almost anyone can help make Long Island Sound cleaner, safer and healthier for families to enjoy.



Meet Volunteer Russell Heller

"Living close to Long Island Sound in Rye, New York, I grew up with the ocean as a major part of my life. Unfortunately, ever since I was in sailing camp at age seven, I've understood that each time it rains, the Sound is inundated with sewage, making it unsafe for swimming. Sewage pollution harms people and animals. The group I volunteered with enjoyed our time together and understood the value of our work. Identifying pipe leaks to prevent beaches from closing after rainstorms serves the entire community through improving water quality and allowing for the natural wonders of Long Island Sound to be fully appreciated."

You can help! Join Save the Sound as a water-quality monitoring volunteer this summer by calling 914-381-3140 or email us at tbrown@savethesound.org.



The American Yacht Club youth sailors help spread a message about a cleaner Sound.

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Donor Profile - Tom and Maura Stavovy

Tom and Maura Stavovy have been CFE members since 1989. They initially joined CFE because they felt that complex decisions with long-term environmental impacts were being driven by short-term economic and political models. "We were looking for a voice to bring a longer-term view to the decision-making process and to help the process work better," explains Tom Stavovy. "We went to a CFE annual meeting and liked their presentation. CFE's environmental values are in line with our own, and they have a good record of accomplishment."



Tom and Maura Stavovy

Being longtime donors is important to Tom and Maura, who feel they have a stake in CFE's work and accomplishments. "Our support is part of a commitment to pass along a healthy environment to future generations," Tom says. "We are particularly interested in CFE's effort to protect the 840-acre Plum Island property, because it provides habitat for diverse wildlife and serves as a breeding ground and stop-over for migratory birds. The diversity of nature is part of the legacy we want to leave."

"Over the years," Maura adds, "we've seen that CFE is distinguished in its methodical approach and steady commitment to projects that can take years to be brought to fruition—like protecting the Kelda Lands and saving the property that became the Milford Point Coastal Center."

We are grateful to longtime donors, like Tom and Maura Stavovy, who make it possible for CFE to achieve victories, such as the Preserve, that can take years or even decades of steady commitment.

JOIN THE GREEN TEAM

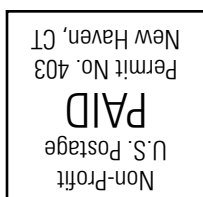
When you become a member of our monthly giving society The Green Team, you save paperwork and help us make the most of your membership donation to CFE or Save the Sound. Find out more at www.ctenvironment.org by clicking on the yellow "Join/Renew" button.

Leave an Environmental Legacy

A planned gift from your estate to CFE and its bi-state program Save the Sound can help protect public health and the endangered places you care about far into the future. Please consider a lasting gift to the environmental heritage of Connecticut and Long Island Sound. For more information, contact Michelle LeMere at 203-787-0646, ext. 104.

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