

POQUETANUCK COVE PROTECTION STRATEGIES June 2010

Existing Legislation Protecting Poquetanuck Cove:

- An Act Concerning the Establishment of Poquetanuck Cove as a Bird Sanctuary, pursuant to Section 26-101 of the CT General Statutes, June 1969.
- Special Act 82-14 -- An Act Concerning the Closure of Poquetanuck Cove to Waterfowl Hunting Pursuant to Section 26-101 and Chapter 54 of the CT General Statutes, June 1982.
- Public Act 95-22 -- An Act Transferring 35 Acres of Norwich Hospital Land in Preston abutting Poquetanuck Cove to the DEP, July 1995.

None of these Acts either call for or lay out a comprehensive protection plan or management strategy for Poquetanuck Cove.

“Ultimately, the responsibility for making cities livable rests with their governments and their people. What is required is the knowledge of what needs to be done and the will to do it. Whether it be pollution of the physical environment or decay of infrastructure, there is no lack of knowledge, but rather a lack of will.”

John J. Karakash, Dean Emeritus
School of Engineering
Lehigh University

Protection Proposal #1 -- Poquetanuck Cove National Wildlife Refuge (Ledyard’s 1993 Plan of Development, Page 51)

Goals of 1993 Plan -- Coastal Area Management

- Develop and implement mechanisms to guard against degradation of visual and ecological characteristics of the Thames River, Poquetanuck Cove, and adjoining freshwater and tidal wetlands.
- Establish a comprehensive protection plan and management strategy for Poquetanuck Cove and its surrounding undeveloped uplands.
- Identify and develop locations suitable for public access to the Thames River and Poquetanuck Cove.

Key Recommendation: Establish Poquetanuck Cove and adjoining protected uplands as a unit of the National Refuge System administered by the U.S. Fish & Wildlife Service.

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A new National Wildlife Refuge, to be administered by the U.S. Fish & Wildlife Service, is proposed for all of Poquetanuck Cove's freshwater tidal marshes and surrounding lands owned by the CT Nature Conservancy, Norwich Hospital, and Mashantucket Land Trust [at that time the name of Avalonia Land Conservancy]. Nearly two square miles of upland, marsh and estuarine embayment would be included. Nothing elsewhere of this size exists in the lower Thames Basin that has not already been heavily dredged, developed or filled in. This area has been designated as significant coastal habitat in an August 1991 report from Fish & Wildlife Service to the U.S. Congress.

Accomplishing this goal requires consensus between Preston and Ledyard, the affected property owners, and DEP's Office of Long Island Sound Programs. The goal is a single management framework for the largest remaining natural area on the Thames River, and perhaps the ability to leverage federal and state funds to tackle problems like limited tidal flushing and lack of public access.

An issue is whether the four groups that own property where a refuge would be created will have to transfer ownership to the Fish & Wildlife Service. A preferred alternative may be to permit current property owners to retain title, but establish a single management unit administered by the Service. Criteria this agency uses to determine if an area is appropriate for a refuge include its current use, species of wildlife found there, and whether there is enough property for sufficient protection.

The Conservation Commission should take a leadership role, and seek support from the State's Congressional delegation for an evaluation by the U.S. Fish & Wildlife Service. Consensus among all parties will be necessary because a National Wildlife Refuge can be established only by Act of Congress. Non-federal remedies may also be available, including designation of the area by the CT General Assembly as a state coastal preserve.

Protection Proposal #2 -- Poquetanuck Cove Natural Area Preserve (Ledyard's 2004 Plan of Conservation & Development, Page IV-9)

Goals of 2004 Plan -- Coastal Area Management

- Develop and implement best management practices to guard against degradation of visual and ecological characteristics of the Thames River, Poquetanuck Cove, other smaller embayments, and adjoining freshwater and tidal wetlands.
- Establish a comprehensive protection plan and management strategy for Poquetanuck Cove and its surrounding undeveloped uplands.
- Enhance public access to the Thames River and Poquetanuck Cove.

Key Recommendation: Establish Poquetanuck Cove and adjoining protected uplands as a component of DEP's Natural Area Preserve Program. The proposed Natural Area Preserve would include the cove's open waters and tidal salt marsh/mudflat (approximately 640 acres),

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DEP's 35-acre wildlife area in Preston, the Nature Conservancy's 256-acre tract in Ledyard, a small amount of acreage owned by Avalonia Land Conservancy, and a public access point for car-top boats adjacent to the Route 12 bridge crossing the cove. Nothing of this size exists in the lower Thames River basin that has not already been heavily dredged, developed or significantly altered by human activity. This area has already been identified on SCCOG's *Regional Conservation & Development Policy Guide Map* (October 1997) as a "wildlife preserve."

Creating a Natural Area Preserve requires consensus between Preston and Ledyard, affected property owners, and the DEP. The goal is to establish a single management framework for the largest remaining open space on the Thames River, and enhance chances of obtaining federal and state funds to address problems like contaminated stormwater runoff, Phragmite invasion, and lack of public access. Local elected officials and Conservation Commissions in both Ledyard and Preston should take a leadership role, and seek support from the region's General Assembly delegation. This position is consistent with Section 8-23 of the General Statutes, which calls for restoration and protection of the ecosystem and habitat of Long Island Sound.

Poquetanuck Cove and the adjacent Nature Conservancy tract have been designated an "Area of Special Concern" in DEP's Natural Diversity Database, with specific reference to "habitat areas of unusual significance to an aquatic fauna community . . . plant communities of unusual diversity and productivity." The U.S. Fish & Wildlife Service's *Northeast Coastal Area Study: Significant Coastal Habitats of Southern New England and Portions of Long Island, New York* (August 1991), identifies Poquetanuck Cove's marshes as an important coastal habitat site.

Protection Proposal #3 -- National Estuarine Research Reserve

On 11/19/2007, Ledyard resident William Haase sent the following email to DEP's David Kozak:

Please accept this email as public comment on the draft *Connecticut Coastal and Estuarine Land Conservation Program Plan (CELCP)* currently being developed by DEP. Connecticut is the only state on the Atlantic seaboard lacking a National Estuarine Research Reserve (NERR). Established by the Coastal Zone Management Act of 1972, the reserve system is a partnership program between the National Oceanic and Atmospheric Administration and the coastal states. NOAA provides funding, national guidance and technical assistance. Each reserve is managed on daily basis by a lead state agency or university, with input from local partners, and each reserve is protected for long-term research, water-quality monitoring, education and coastal stewardship.

DEP's proposed CELCP Plan indicates that many of Connecticut's shoreline coves and embayments that are potentially eligible for inclusion in the National Estuarine Research Reserve system are already under significant development pressure. Local municipalities are fiscally constrained, and it is very difficult to protect coastal resources from additional environmental degradation. National Estuarine Research Reserve designation can tip the balance in the other direction.

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Since the state's CELCP plan is itself mandated by NOAA, it appears to be an excellent starting point for the state, federal government and municipalities to join together and undertake a program of identifying coastal areas to be included in a National Estuarine Research Reserve.

Finally, it must be stressed that this is a true partnership since in other East Coast states, this designation has encouraged local communities and regional groups to address natural resource management issues, such as non-point source pollution, habitat restoration and invasive species.

Here is David Kozak's response, received on 11/21/2007:

“Thank you for your comments on CT's draft CELCP Plan. In fact CT has been working over the past 5 years to develop a NERR and recently received authorization from NOAA to formally apply to establish one. A working group is in the process of being created to, among other things, identify sites for inclusion in the NERR. Upon establishing a NERR, I would expect that CT will be able to provide additional justification for requesting CELCP funds for coastal land conservation.”

"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."

Margaret Mead

Where do we go from here?