4. Staging areas and storage areas for soil and rock should be at least 100 feet from all watercourses and wetland areas and positioned to minimize erosion and other impacts on wetlands.

5. The route of the pipeline should avoid recreation and hiking trails.

6. Both the temporary and permanent right of ways should be replanted with the largest mature trees and shrubs that are compatible with the requirements for maintaining the pipeline. It is insufficient to scatter some seeds of herbaceous plants and otherwise let nature take its course in reestablishing the vegetation. Very different plant communities develop in sunny and shaded natural areas. Therefore, a permit should carry the condition that temporary construction areas in wooded uplands and wetlands are replanted with trees that are as large as possible and in numbers and species that are sufficient to return the site to its pre-existing conditions within as short a time as possible.

7. A cleared right of way will become over-run with non-native invasive plants unless frequent and active management is implemented to remove the invasive plants. The management plan proposed by Islander East, mowing once every 3-4 years, will only encourage such infestation. The Land Trust should be provided with a guaranteed income source to pay for the cost of performing the necessary removal on a yearly basis.

Appendix II

Biological Inventory of Branford Land Trust Holdings Adjacent to Tilcon Railroad in Branford, CT

Carol Lemmon

Based on personal observations during several visits between July and Early November, 2001

4 November, 2001

Goss (NLV-194): The property is a classic example of the oak-hickory forest community that appears on the coastal plains in Connecticut and is an important habitat for our wildlife. This climax hardwood community has an overstory of co-dominant oaks and hickories. There are numerous large scarlet, chestnut, black, red and white oaks. Large hickories include pignut and mockernut. Other trees which are present include a nice beech clone, black birch, sassafras, tulip-tree, and ash. Additionally, there is an important diverse understory of herbaceous plants and woody shrubs such as mapleleaf viburnum and blueberries, both highbush and low, that provide food and shelter to wildlife. The oaks and hickories provide acorns and nuts, the major part of the hard mast crop of this community which serves as the principal food source for a variety of mammals such as fox, chipmunks, squirrels and other rodents, and for birds, such as wood ducks, wild turkeys, woodpeckers, pheasants, ruffed grouse, blue jays and thrashers. An important aspect of these communities is the slow decay of the leaf fall due to the tannic acids, creating a heavy leaf litter that provides food and shelter to small rodents, amphibians, insects and arthropods. These in turn provide food for larger mammals, hawks and owls. (2,3,4,10).

The route of the pipeline on the Goss property runs up and across an eastward facing slope, studded with many enormous boulders, that appears to be underlain by a continuous rocky ledge to the crest of the slope. At the base of the slope is a biologically diverse fresh water pond, approximately 210 feet in length and approximately 35 feet wide. Great blue and green herons, black ducks, mallards and egrets (both great and snowy) were observed using the pond. There is an abundance of aquatic plants, dragonfly and damselfly larvae, aquatic insects such back-skimmers and water striders, and green frogs. It most likely serves as a vernal pool in the spring.

This woodland preserve and the pond lie across the Tilcon railroad track from a large salt marsh. A fringe of forested habitat much improves the wildlife support function of salt marsh for wildlife such as fox, raccoon, and wetland birds such as the great blue herons that roost in upland trees. It also enhances the functions of the pond. A wooded buffer protects disturbance-sensitive wildlife from loud traffic noise and lights, as well as providing dens, cover, and food to those species that feed and breed in these green

corridors and salt marshes tucked in between developed sterile suburban areas. Its presence is particularly important here because the property on the other side of the Goss property from the marsh is a golf course, a relatively sterile open area, where pesticides and fertilizers are applied.

The following species of mature trees provide the overstory of this area of the Goss preserve:

Red Oak, *Quercus rubra*,
American Beech, *Fagus grandifolia*
White Ash, *Fraxinus americana*
Black Birch, *Betula lenta*
Eastern Hemlock, *Tsuga canadensis*
Chestnut Oak, *Quercus prinus*
Scarlet Oak, *Quercus coccinea*
Sassafras, *Sassafras albidum*
Tulip-tree, *Liriodendron tulipifera*
Mockernut Hickory, *Carya tomentosa*
Pignut Hickory, *Carya glabra*

The understory is composed largely of the following species:

Maple-leaf Viburnum, *Viburnum acerifolium*
American Chestnut, *Castanea dentata*
Low Blueberry, *Vaccinium spp.*
Highbush Blueberry, *Vaccinium corybosum*
Mountain Laurel, *Kalmia latifolia*
Christmas Fern, *Polystichum acrostichoides*
Spotted Wintergreen, *Chimaphila maculata*
False Solomon's Seal, *Smilacina racemosa*
Jack-in-the-Pulpit, *Arisaema atrorubens*
Horsebalm, *Collinsonia canadensis*
White Baneberry, *Actaea pachypoda*
Canada Mayflower *Maianthemum canadense*
Indian Pipe, *Monotropa uniflora*

Birds seen at pond,

Green Heron
Tree Swallow,
Mallard,
Great Egret **(Threatened)**
Snowy Egret **(Threatened)**
Great Blue Heron
Black Duck
Sharp-tailed Sparrow (across from pond) **(Species of Special Concern)**
Broadwinged Hawk
Carolina Wren

Kingfisher
Red-winged Blackbird
Common Tern
Herring Gull
Eastern Kingbird

Birds seen or heard on location

Crows
Mockingbird
Catbird,
Pair of Red Shouldered Hawks **(Species of Special Concern)**
Turkey Vulture
Song Sparrow
Red Bellied Woodpecker
Blue Jay
Red-Tailed Hawk
Broad Tailed Hawk
Phoebe
Chickadees
Great Horned Owl
Cooper's Hawk **(Threatened)**

Birds seen in salt marsh across from Goss pond

Great Egret **(Threatened)**
Snowy Egret **(Threatened)**
Glossy Ibis **(Species of Special Concern)**
Sharp-tailed Sparrow **(Species of Special Concern)**
Least Bittern (seen frequently during migration) (8) **(Threatened)**
King Rail (mated with clapper rail; nested 2001) (8) **(Endangered)**
Marsh Wren, (8)
Great Crested Flycatcher

Migratory dragonflies in the vicinity of the Goss pond

Common Green Darner *Anax junius*
Canada Darner *Aeshna canadensis*
Lance-Tipped Darner *Aeshna constricta*
Ruby Meadow Hawk *Sympetrum* spp.

Mammals

Eastern Chipmunk
Gray Squirrel
Red Fox
Opossum
Coyote

Rabbit

Reptiles

Eastern Box Turtle *Terrapene c. carolina* **(Species of Special Concern)**

Anderson Wilcox (NHV-175, NHV-182): At the southern end of this preserve (NHV-182) is a significant red maple-tussock sedge swamp with a mixed shrub swamp border of alder, sweet pepper bush, winterberry, willows and standing water. Red maple swamps are significant habitats to wildlife, especially for nesting birds. More than 40 species of birds breed in red maple swamps including black ducks, wood ducks, catbirds, ovenbirds, and a variety of warblers. These swamps often contain vernal pools that are breeding sites for spotted salamanders and wood frogs, and foraging sites for larger mammals. A watercourse flows through a 24 inch culvert from red maple swamp on the west side of the railroad tracks and flows into and throughout this property, often flooding low lying areas. The vegetation of this red maple swamp indicates that in addition to seasonal flooding there is frequent standing water present causing organic matter to accumulate (Application to Siting Council, Appendix 6, 4.2.7.9 Wetland CT-A32 reports the organic material is 36" deep at this site.) This organic matter supports the mixed shrubs that form a layer surrounding and beneath the tree canopy of the red maples. These wetlands are highly dynamic ecosystems and a change in the hydrology can significantly alter changes in plant and animal populations, to the point of causing the wetland forest to die. (6,7).

Species present in the red maple swamp include:

Red Maple, *Acer rubrum*
Speckled Alder, *Alnus rugosa*
Winterberry, *Ilex verticillata*
Spicebush, *Linera benzoin*
Northern Arrowwood, *Viburnum recognitum.*
Willow, *Salix spp.*
Sweet Pepperbush, *Clethra alnifolia*
Poison Sumac, *Rhus vernix*
Spotted Jewelweed, *Impatiens capensis*
Skunk Cabbage, *Symplocarpus foetidus*
Tussock Sedge, *Carex stricta*
Cinnamon Fern, *Osmunda cinnamomea*
Interrupted Fern, *Osmunda claytoniana*
Common Reed, *Phragmites australis*

Birds seen within and north of the red maple swamp on Land Trust property

Song Sparrow
Yellow–rumped Warbler
Song Sparrow

Ruby-crowned Kinglet
Field Sparrow
Flicker
Phoebe
Brown-headed Cowbird
Northern Parula
Common Yellow-throat
Starling
Blue Jay
Catbird
Bluebird
Junco
White-throated Sparrow
Tufted Titmouse
Brown Creeper
Carolina Wren
Mourning Dove

The wetland continues along the railroad track to about 350 feet north of Route 146, **(NHV 175)** here it narrows to about 25 feet from the track and the land rises into an oak hickory forest community. At approximated 500 feet, rock out cropping and ledges become obvious. Mountain laurel, witch hazel and viburnums become prominent in the understory. At approximately 700 feet north of route 146, the land rises abruptly into large boulders and nearly solid ledges for approximately 100 feet or more, then along the railroad track at 900 feet, it becomes a large wetland basin with a watercourse that is draining from the north and crosses at about at this point to the west side of the track were it wends its way through a large red maple swamp, south, to cross back, under the tracks to the east at NHV 182, as described earlier in this report. The wetland basin is low and saturated, seasonally flooded, with skunk cabbage, royal fern, alder and winterberry. The wetland is about 50 feet wide and rises to an oak-hickory forest dominated with beech. At approximately 1200 feet the watercourse frequently overflows in a low basin creating saturated soil, and supports obligate wetland plant species such as skunk cabbage, and royal fern. This low-lying wetland swamp basin is typical habitat throughout the next 600 feet to the end of property NHV 175. The basin is about 40 to fifty feet wide and the property rises to an oak hickory community.

Gould Lane (NHV-169) (visited on November 2 and 3, 2001): The property consists mostly of a forested swamp between I-95 and three houses on Gould Lane. A kidney-shaped pond approximately 400 feet long by 250 feet wide at its widest point lies between the houses and the Tilcon track. The pond is buffered from Interstate-95 by approximately 200 feet of oak-hickory forest on the north side. On the west and south, a dense thicket of trees and shrubs, 10 to 25 feet wide and interspersed by occasional short stretches of herbaceous border, edges the pond. The area between the track and the trees and shrubs at the edge of the pond contains a sanitary sewer line and is regularly mowed.

The proposed pipeline construction path encroaches on the western edge of the pond, removing the entire woody edge.

The pond and wetland provide habitat for ducks, birds and wetland edge animals, and storage and purification of storm water runoff. The pond has lily pads and emergent aquatic plants in the shallow areas. On two visits to the pond on November 2 and 3, 2001, 10 mallards and 13 Canada geese were in the pond. The mallards were actively feeding on the aquatic vegetation. Flocks of birds (Carolina wren, robins, song sparrows, white-throated sparrows, juncos, yellow-rumped warblers) were moving through the thickets, feeding on the abundant seeds and fruits provided by the trees and shrubs. Raccoon prints and coyote droppings were seen near the pond edge.

Within the 450 foot-long thicket on the west side of the pond there were 11 bird nests that were easily seen because of the leaf drop at this time of the year. One was the woven hanging nest of a Baltimore Oriole. Two nests were the distinctive flat, frail 12-inch open nests of interwoven twigs built by green herons. Eight other nests on the west side of the pond, built by unidentified species, were at various heights in the trees and shrubs. In a tree next to the north side of the pond was a large nest approximately 1.5 feet across constructed of heavy twigs. The wooded area around the pond, which provides an abundant food source, is clearly an important nesting area for a variety of birds. This area should be reexamined in the spring for nesting birds and other wildlife species. Disturbance of the narrow thicket on the west side of the pond, and the displacement of the birds that use it, should be avoided.

Species found along the edge of the pond:

Red Maple, *Acer rubrum*
Red Oak, *Quercus rubra*
Scarlet Oak, *Quercus coccinea*
Black Cherry, *Prunus serotina*
Crab Apple, *Pyrus spp.*
Red Cedar, *Juniperus virginiana*
Flowering Dogwood, *Cornus florida*
Winterberry, *Ilex verticillata*
Staghorn Sumac, *Rhus typhina*
Autumn Olive, *Eleagnus umbellata*
Willow, *Salix spp.*
Silky Dogwood, *Cornus amomum*
Red-osier Dogwood, *Cornus stolonifera*
Northern Arrowwood, *Viburnum recognitum*
Highbush Blueberry, *Vaccinium corybosum*
Burning bush, *Euonymus alatus*
Multiflora Rose, *Rosa multiflora*
Grape, *Vitis spp.*
Common Greenbriar, *Smilax rotundifolia*
Japanese Honeysuckle, *Lonicera japonica*

Asiatic Bittersweet, *Celastrus orbicularis*
Common Reed, *Phragmites australis*
Mugwort, *Artemisia spp.*
Goldenrods, *Solidago spp.*
Common mullein, *Verbascum thapsus*
Soft Rush, *Juncus effusus*
Tussock Sedge, *Carex stricta*
Sensitive Fern, *Onoclea sensibilis*
Marsh Fern, *Thelypteris palustris*

Impact of gas pipeline on biological value of Land Trust preserves

The Goss property (NHV-194) is an important oak-hickory community, while the south end of the Anderson-Wilcox property (NHV-182) is a significant red maple swamp, and the pond on Gould Lane, with its wooded edge, is heavily used by a variety of birds and other wildlife. The three habitats differ from and complement each other and support many species of birds and other wildlife. **To permanently create a cleared 50 foot righ of way through the center of Goss and Anderson Wilcox and to clear the trees from the edge of the Gould Land pond would destroy this currently sustainable, species-rich ecosystem.** These properties are components of a green buffer corridor, spanning th Tilcon quarry railroad, that consists of complex ecosystems that sustain large numbers of plant species and fauna that that utilize these refuges for food and shelter, for breeding, as over-wintering grounds and as refueling migratory stop-over areas. These forest buffers are often not more than 250 to 500 feet wide. A 50-foot right of way across the slope of the Goss property, by reducing and fragmenting the buffer, would reduce its value to the wildlife using it for nesting and for shelter. Studies indicate that the amount of wildlife in clear-cut stands have a direct relationship with the age of the clear-cut. Those of less than 10 years old have a lower abundance of wildlife species than older stands (11, 12). One c the major reasons that clear-cut stands are unsuitable for some wildlife is the absence of overstory trees and snags. These clear-cuts are not used by birds that need to mark territory by singing, cavity nesters, and there is a major loss of food and shelter. Small mammals that utilize forested canopies for food and nests are in lower numbers in clear cuts (5,9,10,13). These smaller rodents and birds are low on the food chain that supports larger species that feed on them.

A maintained clear-cut right-of-way throughout the Goss property will both lower its diversity and affect the aesthetic value to those people who use walk the trails on this property to enjoy the troves of infinite beauty and variety that occurs there.

In conclusion, the preservation of coastal open space is especially important for the migrating species, which use it for refueling before long migrations south, and as a stopover and food source for exhausted birds on the way north (1), making each preserve even more important than it would be inland. Oak-hickory forests are important woodlands and support many species of wildlife, providing high quality nutrition for a relatively small outlay of foraging energy. These green corridors provide a way for

wildlife to move from one area of open space to another and these woodlands offer food and shelter. Our coastal region supports the largest human population in Connecticut and the limited amount of preserved open space is fragmented and tucked between developments. Each preserve is more important, therefore, than a similarly sized area in a less highly developed area. These protected refuge corridors are lynchpins linking together communities of ecosystems that sustain our wildlife.

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Appendix III
Tree Census

Survey of Goss, Anderson-Wilcox, Gould Lane
July 21, 1:00 - 4:00 PM
Bill Horne, Harry and Joan Merrick

The purpose of the survey was to census the trees in the area of the Branford Land Trust Goss property within the construction and right of way area of the proposed Islander East pipeline .

We measured the circumference of several large trees, then counted trees with a diameter of about 12" or more in an area defined as follows: on the east, the edge of the railroad cut; on the west, the flagged line corresponding to the western boundary of the proposed construction area (flagged by Islander East surveyors on July 16); on the north, the point where the flagged line crosses the hiking trail; on the south, a line running west from the north end of the pond (approximately the location of the BLT sign post). Each person counted independently. Harry counted 67-68, Joan counted 74, Bill counted 62.

Trees measured:

Interior area:

Species	Circumference
White oak	7'3" (87")
White oak	9'3" (111")
White oak	6'7" (79")
Scarlet (?) oak	7'4" (88")
Beech	5'8" (68")
Black birch	3'10" (46")
Black birch	4'4" (52")

Along the edge of the property near the tracks:

White pine	5'8" (68")
Pitch pine	3'7" (43")
White oak	5'0" (60")
Black/red oak	4'6" (54")

During our visit, great egrets and snowy egrets, a little green heron and a duck (black or female mallard) flushed from the pond between the railroad tracks and Goss. The egrets moved to the salt marsh on the east side of the tracks near a panne that was visible from the tracks. At that panne, five great egrets and a snowy egret (including those that

moved from the pond) and a flock of over 20 glossy ibis were seen. (Harry counted 26 ibis.

About 100 yards south of **Gould Lane** on the east side of the tracks, we visited a **red oak of notable size** (noted by the survey teams on 7/16). **The circumference measured 11'6", the diameter of 44".** The height was crudely determined to be >> 60 ft. The character of the RR in this area is similar to that observed along the Anderson-Wilcox property (shaded by high canopy).

To: The Blue Ribbon Commission
From: SuZanne Botta, Resident
Regarding: Introduction
Date: October 2001

Hello, my name is SuZanne Botta and I am a resident of Branford. I live at 49 Silver Street, Apartment D. On this disk you will find several documents pertaining to the pipeline proposed by Islander East.

Because I have not had tremendous amounts of time to prepare, the attached documents are not as complete as I would like them to be; however if anyone on the commission has questions or would further explanations I am always available and happy to help in anyway I can.

My credentials:

I have been teaching people from age 5 to 95 about watersheds (how land-use effect water quality) for the past four years. In addition I created a program in Worcester in which high school and college students test water quality through the use of fresh-water macro invertebrates.

This past summer I taught Junior Naturalist programs at Hammonassett State Park. These programs focused on intertidal ecosystems as well as basic watershed issues.

I am currently the Vice President of Menunkatuck Audubon which is the local chapter of National Audubon. I am also the secretary of the Audubon Council, the council consists of one or more leaders from each chapter in the state, representatives from CT Audubon and representatives from National Audubon.

I am a member of the Branford River Project and since moving to Branford in September of 2000 have assisted the group in establishing a volunteer river monitoring program. We are currently testing the Branford River in six locations approximately 1 mile apart every month.

Finally I am a Naturalist.

I thank you for your time, dedication, and patience.

Happy Reading

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To: The Blue Ribbon Commission
From: SuZanne Botta, Resident (49 Silver Street, Apt. D)
Regarding: The Proposed Pipeline
Date: October 2001

I have several concerns regarding the construction of the Islander East pipeline. I have recently been in contact with staff at the Maritime Aquarium in Norwalk. Although the Maritime will not get involved with the pipeline concerns in Branford, a woman working on the seal survey program was quite generous with the information they have collected regarding Branford and Harbor Seals.

The coastline of Branford, particularly near the Thimble Islands is inhabited seasonally by Harbor Seals. The Harbor Seals arrive in Branford around November and stay through April. Although females do not give birth in Branford, pregnant females and females with year old pups are likely present. This past winter there were approximately 20-30 Harbor Seals in Branford.

Harbor Seals are marine mammals. Marine Mammals have special protections due to the passage of the 1972 Marine Mammal Act (see attachments).

Harbor Seals are incredibly site specific, not just to an island but often to a specific section of an island. In addition, these are shy animals that are easily disturbed; a seal that leaves the land it hauls out onto may not return. **Causing a Harbor Seal to leave the rocks or islands they haul out onto is a violation of the Marine Mammal Act.**

Harbor Seals have very sensitive hearing both on land and in the water. Additionally blind seals have been known to survive quiet well and although more research needs to be done it is hypothesized they use sonar to navigate. The level of noise and vibrations caused by the horizontal directional drill may not only be harmful but may deter the seals from approaching the Branford shoreline.

Another problem the proposed pipeline creates is the release of Copper into the waters off Long Island Sound. Copper is a Biocide. If the proposed pipeline passes and the Sound is dredged, Copper currently buried in the sediment will be stirred-up and become suspended. The Copper is then ingested by any filter-feeder including oysters, clams, sponges, etc. The bottom of the food-chain is made up of many of these filter-feeders. As we learned from DDT, Mercury, and PCBs when the bottom of the food-chain ingest this type of toxin it **bioaccumulates** when eaten by predatory animals and bioaccumulates further each time it moves up the food-chain. Harbor Seals are predatory animals. The presence of copper in the sediment on the coast of Branford raises concern of the bioaccumulation of toxins in Harbor Seals as well as other predatory animals including Osprey.

To: The Blue Ribbon Commission
From: SuZanne Botta, Vice President Menunkatuck Audubon
Regarding: The Proposed Pipeline
Date: October 2001

The pipeline project proposed by Islander East raises the following issues an concerns with regard to bird issues.

Habitat loss and fragmentation are the most serious threats facing populations of birds across America and around the world. Unless we do something now to slow the rapid destruction and degradation of habitat, populations of many birds--including some of our favorite species such as wood warblers and thrushes--may decline to dangerously low levels.

Background of the IBA

Important Bird Areas, or IBAs, are sites that provide essential habitat for one or more species of bird. IBAs include sites for breeding, wintering, and/or migrating birds. IBAs may be a few acres or thousands of acres, but usually they are discrete sites that stand out from the surrounding landscape. IBAs may include public or private lands, and they may be protected or unprotected.

Standardized, science-based criteria are used to identify areas as IBAs. The IBA criteria fit into five categories:

- Sites for important populations of threatened or endangered species.
- Sites for important populations of rare and endemic species, or species of special concern.
- Sites for species associated with rare, threatened, or unusual habitat types.
- Sites where birds occur in significant abundance or diversity.
- Sites where long-term bird monitoring and research is conducted.

A site may qualify as an IBA if it meets one or more of these criteria. Volunteers nominate sites by providing information on simple IBA nomination forms which are reviewed by a committee of expert ornithologists.

The first IBA Program was initiated by BirdLife International in Europe in the mid-1980s. Since then, more than 3,600 sites in 51 European countries have been identified as Important Bird Areas, with a total acreage covering 7% of Europe, greater than the size of West Virginia. Hundreds of these areas and millions of acres have been given better protection as a result of the IBA Program.

Audubon launched an IBA initiative in the United States in 1995, establishing programs state by state. State-based IBA programs provide conservation leaders with the flexibility to tailor the program to their unique needs. They also give Audubon members and local volunteers the greatest opportunities to protect sites in their communities.

Because copper is present it is important to find out what other heavy metals or toxins are present in the sediment. If Mercury or PCBs are also present we must discover what damage the release of those chemicals will do.

Anyone that has ever been to Cape Cod realizes there is a wonderful opportunity in taking advantage of the presence of Harbor Seals. They are a great tourist attraction and it should be noted there is, currently a boat that provides tours for people interested is seal-watching.

Do to all the above concerns I believe the follow actions must take place

- Survey Harbor Seals in Branford
- Create a detailed haul-out map
- Sediment Sampling **It is important to note that Islander East, Duke Energy, Keyspan, Algoquin, and all affiliated organizations should not be the source of information regarding sediment testing. Furthermore any group/organization performing the testing should be independent, and not receive any funding, grants or otherwise from the aforementioned companies
- Protect Seal Habitat from intrusive construction sound and vibrations
- Ensure that harmful materials that have become buried in sediment do not become resuspended in the Sound waters

It is also important for me to point out that although **I brought up these issues during the public hearings and asked direct questions (see below), the Islander East representatives never gave a direct answer. This raises a red flag for me, as I hope it does for you too.**

- How much copper is too much (100ppm, 100ppb)
- What happens if the sediment contains a number too high? Will they withdraw their proposal?
- Have they ever walked away because of high concentrations of Copper, Mercury, PCBs?
- What will happen to our seal population since proposed drilling is for a time when the seals would be present?

For the record, I strongly oppose the construction of any of the proposed pipeline routes.