



# SOUND OUTLOOK

A NEWSLETTER OF THE CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION









## Connecticut Supreme Court Expands Public Access Opportunities

The Connecticut Supreme Court recently handed down its decision in the case of *Leydon v. Greenwich*, 257 Conn. 318 (July 26, 2001). The case was originally brought by Brenden P. Leydon, a resident of Stamford, who was denied access to a Town-owned beach at Greenwich Point Park. Although the case attracted considerable media attention as a beach access case, the beach access issue turned out to be incidental to the Court's holding. Applying constitutional principles, the Court ruled that Greenwich Point Park constituted a traditional public forum, and therefore the Town's ban on nonresident access violated public rights of free speech and free association guaranteed by both federal and state constitutions. Thus, because nonresidents can no longer be barred outright from municipal parks, which include several coastal beaches, the *Leydon* decision should expand opportunities for Connecticut residents to enjoy the priceless natural resource and recreational amenities of our state.

The DEP had no direct legal interest in the constitutional dispute between Mr. Leydon and the Town of Greenwich. However, because of the way in which the case was argued in the lower courts, the DEP filed an *amicus curiae*, or "friend of the court" brief with the Supreme Court. The DEP's specific interest was to ensure that the common law Public Trust Doctrine, upon which many public tidelands and coastal resource management authorities are based, was not weakened or confused by its inappropriate application in the decision of the lower courts. Consequently, the DEP was very pleased that the Supreme Court upheld the Public Trust Doctrine as a separate and distinct legal authority from the public's constitutional right to access municipal parks.

The DEP is committed to expanding and improving public access to the state's tidal, coastal and navigable waters. Over the past 20 years, the public has gained more than 14 miles of coastal public access through state and local implementation of the Connecticut Coastal Management Act and public trust policies. Many of these public access sites can be found on the recently revised edition of our Coastal Public Access Guide, described on page 5.

The *Leydon* case did leave a number of unanswered questions, particularly concerning the legality of differential access fees and parking facilities for nonresidents, and which municipal facilities constitute a "public forum." Regardless of how these legal issues develop, it remains certain that the DEP will continue working with the citizens and communities of Connecticut to further enhance coastal public access opportunities. For further information on the *Leydon* case, contact David Blatt of OLISP at (860) 424-3034 or [david.blatt@po.state.ct.us](mailto:david.blatt@po.state.ct.us).

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## Don't Rock This Boat



*R/V John Dempsey plies the waters of Long Island Sound.*

One of the largest and most important pieces of equipment in the DEP's inventory for monitoring the health of Long Island Sound is the Research Vessel *John Dempsey*. Our understanding of LIS relies on data and information that has been collected from its waters in locations accessible only to a boat of the *Dempsey's* size and capabilities. The 50-foot long *Dempsey*, built specifically for the DEP's research and monitoring activities in the Sound, was named in honor of Connecticut's 66th governor (1961-1971), who launched the fight to clean up Connecticut's waters with the formation of the Clean Water Task Force in 1965 and the state's Clean Water Act in 1967.

One project in which the *Dempsey* plays an essential role is the DEP's annual Marine Resource Survey. The Survey monitors the abundance of over 40 fish and invertebrate populations in Long Island Sound using data from more than 200 bottom trawl samples taken by the *Dempsey* every spring and fall. The abundance and distribution of important finfish, squid, and crustaceans (lobster and crabs) in the Sound are monitored in order to develop management plans and regulations for those species. The *Dempsey* also participates in the DEP's Summer Hypoxia Survey, part of the broader, year-round, Long Island Sound Water Quality Monitoring Program. Bi-weekly surveys begin in mid-June and

end in mid-September, with 284 stations sampled over an average of seven cruises. The *Dempsey* is also used to conduct cooperative research projects with federal resource agencies and universities, including side-scan SONAR mapping and sediment sampling of the Sound.

The *Dempsey's* homeport is in Old Lyme at DEP's Marine Headquarters, but it is frequently berthed in Milford Harbor when conducting sampling since much of the required survey work takes place in the western half of the Sound. The boat, which was placed in service in September 1990, is normally manned by a crew of two, with other workers added for fish trawl surveys and water sampling programs. The *Dempsey* plies the waters of LIS every month of the year through all kinds of weather and wave conditions. The ruggedness of the boat and crew was proven on a cruise last February. With waves crashing over the bow and up to a half inch of ice forming over the superstructure and railings of the ship, the crew delivered staff and equipment to designated sampling sites in the Sound and safely back to port again.

This vessel has truly been invaluable to the DEP and other area researchers in helping us to understand the Sound and its resources. For more information on the R/V *John Dempsey* and related research activities, contact Dave Simpson of the DEP Marine Fisheries Division at [david.simpson@po.state.ct.us](mailto:david.simpson@po.state.ct.us).

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## Anadromous Fish Population Restoration - An Update

Anadromous fish habitat restoration is an important part of resource management at the DEP, and a main focus of the Long Island Sound Study. Over 35 miles of natural riverine migratory corridors have been reopened as part of the Study's 10-year initiative to improve anadromous fish runs in Connecticut. The re-opening of these corridors through the removal of obstacles, construction of fishways, and alteration of dam releases represents significant progress toward the LIS Study's Habitat Restoration Initiative goal of restoring 100 river miles of natural habitat by the year 2008. The expansion of anadromous habitat helps to ensure the future reproductive success of species such as alewife, American shad and Atlantic salmon, which mature and live in salt water but must return to freshwater to breed.

The DEP's Marine Fisheries Division conducts annual statewide inventories of fish runs to prioritize existing and potential locations for habitat restoration projects.

Fish counts taken at fishways throughout the state indicate that runs of blueback herring and alewife in the Connecticut River remain at very low levels. Connecticut's shad run has improved since the late 1990s, but their numbers remain below the boom seen in the 1980s. Numbers of Atlantic salmon in Connecticut and elsewhere in New England are down as are those of gizzard shad (probably due to winter mortality), while sea lamprey numbers have increased. These fluctuations in annual populations point to the continued need for management strategies which include a combination of habitat protection and restoration, along with promulgation of rules and regulations to protect the resource.

Fisheries biologists work closely with staff from the DEP's Bureau of Water Management and Office of Long Island Sound Programs to protect fish runs in watercourses subject to dredging, filling and bridge construction or demolition.

The DEP also works to develop legislation and regulations for the harvest of anadromous fish in state waters to ensure stock health and wise use. Connecticut and New York have enacted legislation establishing a moratorium on the use of purse seines in Long Island Sound because this type of fishing gear has indiscriminately captured many thousands of anadromous fish travelling through LIS on their way to freshwater breeding grounds. Since 1999, the DEP has also established fishing restrictions on the catch of blueback herring and alewives in all tributaries of the Connecticut River and a portion of the mainstem Connecticut River in the Hartford area in the hopes of restoring future population numbers. More information about DEP's current fisheries management efforts can be found on our website at [www.dep.state.ct.us/burnatr/fishing/fdhome.htm](http://www.dep.state.ct.us/burnatr/fishing/fdhome.htm).

# SPOTLIGHTED Coastal Access: Long Beach, Stratford



Are you tired of battling the hordes of leaf-peepers heading north this time of year? Why not head to the coast instead to look for more unusual colorful foliage? Long Beach in Stratford (Site # 86 on the *Connecticut Coastal Access Guide*) is a fascinating place to visit in the fall. Sandwiched between Long Island Sound and the Great Meadows

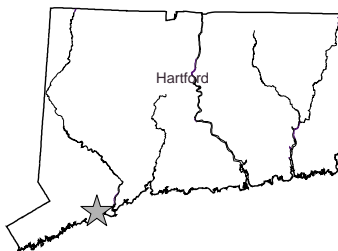
tidal wetlands, Long Beach is one of the longest barrier beaches in Connecticut—a little over a mile long. A visit here is a chance to walk along the shore, explore the dunes and appreciate the sheltered tidal wetlands. Though many of the colors may be a bit subdued, there is a sophistication in the warm buff of the dune grasses and the greens and golds of the tidal wetlands. If brighter colors are more to your liking, few northern maples can match the brilliant red of the dense mats of low-growing glasswort in the wetlands. The bright blues of a sunny sky reflected off the tidal creeks double the enjoyment.

Although most of our summer shorebirds are long gone, a visit in October also brings the chance to glimpse migrating birds that have spent their summer further north. Shorebirds (including semipalmated sandpiper, black-bellied plover, ruddy turnstone, sanderling, and greater and lesser yellowlegs), waterfowl (including mallard, black duck, and merganser), hawks, and other migrants often can be spotted here. So bring your binoculars and your bird books.

Off-season, the parking is free, but make sure you dress appropriately, as the “sea breeze” can be chilly. Fishing is permitted. If you intend to visit during

hunting season, proper precautions, including wearing hunter’s orange, should be taken as hunting is allowed in the Great Meadows salt marsh.

To get to Long Beach, take Exit 30 off I-95 and follow the signs to Sikorsky Memorial Airport. Enjoy the drive through the Great Meadows salt marsh, passing the airport on the left. At the next stop sign, turn right onto Oak Bluff Avenue. At the foot of Oak Bluff Avenue, enter the beach access and parking area. The beach is easily accessible from any of the parking spaces, but the easiest access for viewing the tidal wetlands is from the



far western end of the parking area. So leave the leaves behind this fall, and check out Long Beach in Stratford.

For a free copy of the newly updated and republished *Connecticut Coastal Access Guide*, call the DEP at 860-424-3034 or e-mail [coastal.access@po.state.ct.us](mailto:coastal.access@po.state.ct.us).

## LOOK OUT for upcoming events!!

**October 5-7:** Valley Rivers Celebration. Learn about the natural history and economic importance of the Housatonic and Naugatuck Rivers, and how they relate to LIS. Indian Well State Park, Shelton, 11 am - 6 pm each day. Visit [www.electronicvalley.org/celebration](http://www.electronicvalley.org/celebration).

**DEP Teacher/Student Workshops.** Call for times, locations and registration.

**Oct. 8 and 13: Long Island Sound Indicators.** Learn how physical, biological and chemical indicators are used to test the health of LIS. Call Alberto Mimo at (203) 393-2705.

**Nov. 2-3 and 6: Wet & Wild on Long Island Sound!** Help students to make a difference in the LIS watershed. Call Lori Brant at (203) 734-2513.

**Nov. 12 and 17: What's in a Drop of Water?** Experiment with chemical and biological water testing. Call Alberto Mimo at (203) 393-2705.

**November:** Harbor seals arrive in LIS from northern New England’s cooler waters. Bluefish and striped bass migrate south along Eastern Seaboard. Winter flounder move into shallower water.

**November 23-24:** Mystic Seaport Field Days. Enjoy the weekend after Thanksgiving with games on the green, hot cider and festive songs of the sea!

**December:** Bald eagles return to Connecticut for the winter. Call 1-800-368-8954 after December 8th for reservations and more information on the Shepaug Eagle Observation Area.



**January 2002:** LIS License Plate Request for Proposals will be mailed and posted on DEP website. Contact Kate Hughes, DEP, Office of Long Island Sound Programs, (860) 424-3034 for more information.

**Please be sure to check the calendar of events listed in DEP’s website:**  
[www.dep.state.ct.us](http://www.dep.state.ct.us)

## Derelict Barge Removed from Morris Creek



*Derelict barge lies abandoned in Morris Creek, New Haven.*

Through the cooperative efforts of the DEP, City of New Haven, New Haven Harbor Master, New Haven River Keeper and others, a derelict wooden barge was recently removed from Morris Creek on the border of New Haven and East Haven. The long-sought removal of the barge has resulted in improved public access, public safety, navigation and habitat quality in the creek.

The barge was abandoned in a sandy area at the mouth of Morris Creek in New Haven's Lighthouse Point Park more than 20 years ago. The area serves as the launch site for the Park's summer canoe and kayak program, as well as a

public access point for recreational paddlers (see *Sound Outlook*, February 2001). Park staff often observed children playing on the barge and were concerned about possible resulting injuries, as well as navigation hazards which the barge posed to small craft boaters.

For years, the mysterious origins and unknown ownership of the abandoned Morris Creek vessel prevented officials from determining responsibility for removing this eyesore and safety hazard from an important recreation and ecological area. Ultimately, Supplemental Environmental Project (SEP) funding resulting from a violation in the New

Haven area was used to pay for removal of the barge. SEP monies are paid by violators of State environmental protection laws in lieu of a cash penalty, and the money is typically used by a third party to pay for environmentally beneficial projects in the vicinity of the initial violation that would otherwise go unfunded. In this case, the City of New Haven entered into a Memorandum of Understanding with the DEP and agreed to contract for and oversee removal of the barge. The barge was dismantled with a crane and trucked to a local transfer station.

Derelict structures like the Morris Creek barge, including abandoned docks, bulkheads and seawalls, are a problem that the DEP frequently encounters across the coast. As the structures fail they become impediments to public access, navigational safety and habitat quality. New owners, or often the public at large, must assume the burden of remedying those impacts. This case demonstrates the benefits that can result from taking a cooperative approach to this problem. The removal of the barge will improve public use and safety in the area, and enhance the scenic quality of the shoreline. Its elimination will also restore valuable bottom habitat in Morris Creek, and possibly improve flushing of the upstream tidal marsh system. Many thanks go to all those who participated in the successful effort.

## Putting Your LIS Plate Money to Work:

### LONG ISLAND SOUND FUND 2001 GRANT AWARDS

On May 23, 2001, the Long Island Sound (LIS) Fund Advisory Committee awarded \$365,116.00 in grants for 21 projects to help preserve and protect Long Island Sound.

Highlights of the approved projects include:

#### **Education and Outreach:**

- A marine touch tank at the Children's Museum of Southeastern Connecticut in East Lyme
- Development of an urban youth stewardship and bilingual river guide program by the Institute for Educational Innovation in New Haven
- An easement management program to be produced by the Connecticut River Gateway Commission for use by land owners and managers

#### **Public Access:**

- Construction of handicapped-accessible boardwalks at Camp Harkness in

Waterford and Wilcox Park in Milford

- Equipment for the expansion of the Canoe New Haven recreation and education program

#### **Habitat Restoration:**

- Funding for installation of a fishway by the Connecticut River Watershed Council to restore anadromous fish passage to spawning habitat above the Vinton Dam in South Windsor

#### **Research:**

- A grant to Connecticut College to investigate wetland surface elevation changes
- A grant to The Coast and Harbor Institute to study oxygen depletion in a number of tidally influenced ponds and tidal rivers across the state

Connecticut residents can show their support for future projects by purchasing a *Preserve the Sound* license plate, acquiring a People's Bank LIS credit card,



#### **Purchase of an LIS License Plate supports the LIS Fund**

*As of July 31, 2001:*

- Plates sold: 110,724
- Funds raised: Over \$3.8 million
- Projects funded: 204

*The LIS Fund supports projects in the areas of education, public access to the shoreline, habitat restoration, and research.*

For information on ordering a Long Island Sound license plate, call 1-800-CT-SOUND.

from which a portion of the proceeds goes to the Fund, or by making a direct contribution to the Fund. LIS license plates can also be purchased as gifts.

*continued on next page*

# SPOTLIGHTED Coastal Resource: LIS Gets Seal of Approval

Long Island Sound is not usually known as a vacation spot during the cold winter months, but for one group of marine mammals, LIS has been growing in popularity as a great place to catch some rays in the off-season. Seals, most commonly harbor seals and hooded seals, are showing up on rocky islands and outcrops in the Sound from late December to April. Scientists speculate that the increase in the LIS seal population may be a result of improved water quality in the Sound and diminished fish stocks in the waters off the New England coast.

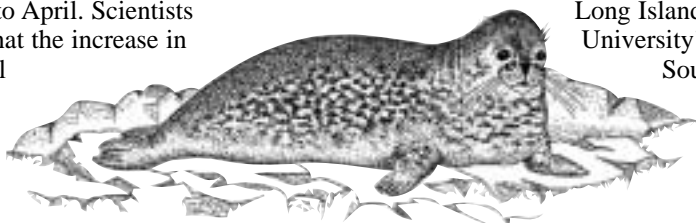
These seals spend most of their lives in the North Atlantic, migrating south to the waters off the northeastern and mid-Atlantic states during December and January. Two of the more favorite 'haul out' sites are Great Gull Island, off the 'north fork' tip of Long Island, and the Norwalk Islands offshore of Norwalk. About 4,000 of these federally protected animals winter throughout LIS before returning to spring breeding grounds off the coasts of Maine and Canada.

Counts of seals in the Sound beginning in the mid-1970s found a slow, steady increase in the population, almost all of them harbor seals. Since 1993 a sharp rise in their numbers has been

observed, and since 1997 three other species, the gray, harp, and hooded seals, have been sighted. Seals are also migrating further west into the Sound. Ten years ago seals were rarely seen in the Norwalk Islands; now about 60 are regularly sighted there annually.

A collaborative long-term seal survey was begun in 1998 by Long Island University's Southampton College, the Coastal Research and Education Society of Long Island, and the Norwalk Maritime Aquarium. Partial funding for this project was provided through a grant from the CT DEP LIS License Plate research fund. It is anticipated that further data will confirm a positive trend in the abundance of wintering seal populations in the Sound.

Whatever the reason, seals seem to be giving their approval to Long Island Sound as a place to spend the winter. Interested readers may visit the Norwalk Maritime Aquarium website at [www.maritimeaquarium.org/study-cruise.html](http://www.maritimeaquarium.org/study-cruise.html) and the Mystic Aquarium website at [www.mysticaquarium.org](http://www.mysticaquarium.org) for information on seal watch cruises and seal rescue and rehabilitation activities.



Harbor Seal

Southampton College, the Coastal Research and Education

## Sound Tips

### Winterizing Your Boat

It's time to think about putting your boat away for the winter. Here are a few clean boating tips:

- Clean your boat on a lawn or gravel driveway away from the water. Your marina or boatyard may have a designated upland cleaning area. Use a drop cloth to collect bottom scrapings and antifouling paint chips.
- Wash your boat with "non-toxic" and "phosphate-free" cleaners. Avoid cleaners with bleach, ammonia, lye or petroleum distillates.
- Recycle used motor oil, but do not mix it with other substances. Use absorbent materials to collect drips and clean up small spills.
- Store lead acid batteries in an area protected from the elements and raised from the ground on pieces of wood.
- Use a shoreside or mobile pumpout facility to flush your holding tank. Use non-toxic antifreeze to winterize your system.

For more information about clean boating and clean marina practices, contact Elke Sutt at 860-424-3034 or by e-mail at [elke.sutt@po.state.ct.us](mailto:elke.sutt@po.state.ct.us).

## LIS Plate Money *(continued)*

Projects completed with License Plate funding include publication of the *Connecticut Coastal Access Guide*, creation of kayak trails on the lower Connecticut River, and planting of beach grass coastwide for stabilization and restoration of sand dunes. Information and order forms for purchasing LIS license plates can be obtained by calling 1-800-CTSOUND or by writing to Long Island License Plate, 60 State Street, Wethersfield, CT 06161-6001. For more information about the program, please contact the Long Island Sound Fund Coordinator, Kate Hughes, at (860) 424-3034, by e-mail at [kate.hughes@po.state.ct.us](mailto:kate.hughes@po.state.ct.us), or visit our website at [www.dep.state.ct.us/olisp/licplate.htm](http://www.dep.state.ct.us/olisp/licplate.htm).

## Connecticut Coastal Access Guide

### Newly Revised and Updated - Get Yours Today

The *Connecticut Coastal Access Guide* has been revised and updated for 2001. The new 2nd edition of this popular publication includes 16 new coastal access sites on an easy-to-use map, bringing the total number of coastwide access sites to 276. The *Guide* describes sites where the public can fish, swim, hike, birdwatch, or boat along Connecticut's scenic and working coastline. New photographs highlight a number of sites, while informative facts about Connecticut's coastal environment and history remain. For a free copy of the *Connecticut Coastal Access Guide*, call either the DEP Office of Long Island Sound Programs at 860-424-3034 or the DEP Store at 860-424-3692, or e-mail us at [coastal.access@po.state.ct.us](mailto:coastal.access@po.state.ct.us).

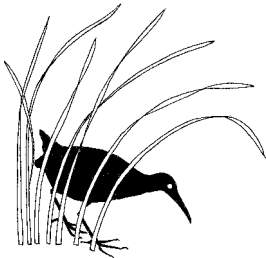
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Address: \_\_\_\_\_  
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Connecticut Department of  
Environmental Protection  
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## How's the Water?

Most people think of metals as bulky solid objects such as iron and steel. Metals are also found dissolved in water. In this issue of *Sound Outlook* we begin a series on dissolved metals present in LIS waters. Although it is not the most abundant metal in the Sound, mercury is certainly one of the most interesting. It is one of the top 20 naturally occurring metals found in estuarine and ocean waters. Mercury also enters the environment from activities associated with industry and agriculture. Due to Long Island Sound's proximity to large metropolitan populations and industrialized areas, researchers have estimated that over 70% of the mercury entering the Sound originates from such human activities. This input has raised the concentration of mercury in LIS above its normal salt water levels of 0.3 to 0.4 parts per billion (ppb). Mercury concentrations range from 0.46 ppb in the eastern Sound to nearly 4.0 ppb in the western Sound.

What makes mercury so interesting is the many forms it takes in the environment. A liquid under everyday temperatures, it can also vaporize as a gas and even combine with organic compounds. These transitions result in continuous fluxes of mercury both into and out of the Sound.

Researchers have observed total concentrations of mercury in Long Island Sound to vary both seasonally and spatially. Through a research project funded in part by the DEP, University of Connecticut researchers are measuring the amount of dissolved gaseous mercury that is given off into the atmosphere from the evaporation of Sound waters during the warm summer months, and how much is eventually recycled to LIS. This process of evaporation and redeposition can be observed as lower total mercury concentrations in the water column in the summer compared to winter.

In future issues of *Sound Outlook* we will discuss how mercury gets into the Sound, where it comes from and where it goes. We will also detail some of the mercury management, health management, and public outreach programs that are helping to both solve human caused mercury contamination problems and increase public awareness of these issues.

### Moving On . . .

Laurie Reynolds Rardin, founding editor of *Sound Outlook*, has left DEP and moved with her family to New Hampshire. Laurie oversaw the creation and development of *Sound Outlook*. We are grateful for her tireless efforts in this behalf, and wish her equal success in her new endeavors.

Visit the DEP website at [www.dep.state.ct.us](http://www.dep.state.ct.us).

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