

TOWN OF OLD SAYBROOK
SELECTMEN'S OFFICE

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**CONSERVATION MANAGEMENT COMMITTEE
MINUTES**

Wednesday, March 20, 2024

9:00 A.M.

Old Saybrook Town Hall – First Floor Conference Room

- I. **CALL TO ORDER** – All members present. Also: Bryan McFarland, Shelly Green from TNC; Ray Allen, Susan Esty, Chris Cryder and Kathy Connolly; Alex Amendola; Bob Lorenz.
- II. **COMMENTS FROM THE PUBLIC** – No comments.
- III. **COMMENTS FROM THE AD HOC COMMITTEE** – The ad hoc committee submitted a document stating their position on hunting (attached). They would like it limited in some way, mostly in time, so that the Preserve could be “shut down” for a period while hunters are in the forest. The issue here becomes management which is time and money. There was a lot of discussion about the pros and cons of this: obviously more convenient for the public but there was strong concern that this might not be sufficient to cull the herd. Bow hunting not very effective in controlling numbers (and possibly cruel). Whether there is currently a deer overpopulation or not, we don't want to wait until there is because too much damage will have been done. There was discussion about how deer do damage to the flora and one month of hunting might not be enough. DEEP felt confident that hunting and recreation can be co-managed. There was general agreement that sharp shooting is not the best idea. Decision on hunting is for fall, 2025.
- IV. **COMMENTS FROM THE COMMITTEE**- None.
- V. **APPROVAL OF MINUTES**- December 20, 2023. *A MOTION was made to approve the December 20, 2023 minutes.*
FORTUNA/HOCHHOLZER
- VI. **BUSINESS BEFORE THE BOARD**
 - A. Dr. Klemens Vernal Pools Study Update – After discussion, it was decided not to do a follow up this year. Perhaps when more funds are released (after stewardship plan is complete), we can reconsider.
 - B. Forest Management Plan Update – The management plan has been submitted in draft form and incorporates the GEI report with Dr.Klemens edits. There will be a one-month review and we will reconvene (May 15) at which time we will vote to move to public presentation.

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- C. Hunting at the Preserve- Working Group Update – Discussed during ad hoc comments.
 - D. Update on the monitoring and control efforts for invasive weeds. Ms. Connolly said she and a group have been working on 11 acres since 2021 and have pretty much cleared that site of invasives. She handed out a map of other invasive areas that need work. With the Beech tree decline, the canopy is opening up which is good for the invasive species to thrive. She stated that invasive species management needs to be a priority.
 - E. Preserve Eversource ROW Clearing Update – The group was a little dismayed at the Eversource work. They have not been very responsive. The clearing is massive.
- VII. OTHER BUSINESS** - It was mentioned that the bridge for the trail from the parking lot is still not built, nor is the Frog Bridge. DEEP will try to push this along. Once we have a management plan, and a trail plan, funds will be released for this and other maintenance.
Mr. Allen also brought up well capping. Mr. Fortuna said he would reach out to Rich Hanratty at Connecticut Water. Mr. Allen will look on the state website for certified well cappers.
- VIII. NEXT REGULAR MEETING DATE – June 26, 2024.**
- IX. ADJOURNMENT** – *A MOTION was made to adjourn at 10:20 am.*
FORTUNA/HOCHHOLZER
UNANIMOUSLY APPROVED

Respectfully submitted,



Carl P. Fortuna Jr.
First Selectman

Ad Hoc Committee Position on Hunting – March 2024

The ad hoc committee has been diligently researching, working on, and wrestling with, the issue of hunting in The Preserve for the past 6 years. We have interacted with the state biologists who produced the HRT report in 2018, and have had discussions with Mr. Kilpatrick of CT DEEP on three occasions over the past year. Collectively, the decision we make regarding hunting is probably one of our most important and far-reaching yet. Herein, the committee makes its observations and recommendations to the CMC. Our opinion regarding trapping will come later.

The committee believes one of its prime responsibilities is to listen to, and take very seriously, the opinions of the citizens of Old Saybrook and the region, who worked tirelessly for nearly two decades to protect and purchase The Preserve. We particularly give credence to the voices of those residents whose properties border, or are near, The Preserve.

The possibility of hunting in The Preserve is a controversial issue, with citizens having strong opinions on both sides of the spectrum. This divide was clearly demonstrated in the results of the public use survey performed by GEI, in which over 1,400 people participated. The results showed that slightly more people were strongly against (44.1%) allowing hunting, while the other half were strongly for allowing hunting (34.2%). The survey asked, "If hunting was deemed beneficial and safe by DEEP, hunting should be allowed within The Preserve." 652 people were strongly against this idea, while 505 were strongly for allowing hunting.

The Preserve is surrounded on three sides by well-populated suburban neighborhoods with numerous entrance points. Additionally, it is sandwiched between the Essex Land Trust property to the north, and the Great Cedars East and West conservation areas, all of which do not permit hunting, and the complex trail systems are interconnected. Old Saybrook is growing, and younger families with children are occupying homes, which is evident around The Preserve. The Goodwin Elementary School has seen a 23% increase in enrollment over the past 5 years. New homes are being built on subdivided lots abutting The Preserve. Public use of the forest skyrocketed during Covid 19, and continues to be strong.

The committee hired William Moorhead, botanist, to perform the **Baseline Inventory of the Vascular Flora & Natural Communities of The Preserve**. He spent nearly three years in the field, and the committee believes it must pay heed to his expert opinions and recommendations.

Since the protection of The Preserve in 2015, the committee, whose members represent a wide array of backgrounds and opinions, have always sought to obtain a broad view of the competing interests involved with The Preserve's future, and thus, we often search for **compromise solutions**.

Legal and Liability Issues

Although the CMC has verbally approved hunting within The Preserve¹, the ad hoc committee does not believe the CMC has adequately addressed certain legal and liability issues, which impact the town specifically, and were first addressed by the town's attorney, Michael Cronin. The ad hoc committee supports Cronin's recommendation to clarify the existing, vague statutory language regarding hunting should the town pursue hunting in The Preserve.

¹ The ad hoc committee has not yet found within CMC minutes a formal vote of hunting approval.

A secondary issue, outlined in DEEP's publication, **Managing Urban Deer in Connecticut**, addresses the fact that the town of Old Saybrook, due to its unique joint ownership of the property with the state, assumes new liability for hunting accidents that may occur in The Preserve. Towns do not receive protection from liability under the Connecticut Recreational Land Use Act, therefore some towns in Connecticut have addressed liability concerns by requiring hunters to sign an indemnity agreement. The committee believes that the CMC should consider having hunters register with the town of Old Saybrook and execute such an agreement. Furthermore, the town's finance commission may want to better understand any cost ramifications of adding additional liability insurance to cover this risk, if it hasn't already done so.

Deer Population, Ecological Impacts, & Special Controlled Hunts

The committee fully understands the negative ecological impacts of having deer populations that exceed the carrying capacity of the forest.²

William Moorhead gives a detailed description of these deleterious impacts in his report. However, after spending almost 3 years in the forest, he provides strong anecdotal evidence that the population of deer is well below the carrying capacity of the forest. Moorhead identified in his field studies large areas of understory flora that had not been browsed by deer, therefore indicating a low population. This is contrary to the opinion of CT DEEP biologists on their walk of the forest done in preparation for the HRT report.

Moorhead's opinion is further supported by our own observations and stories we hear. For example, many choice plants and rows of arborvitae in abutting properties remain uneaten. Recently, a family who moved here from New Jersey and living on Barley Hill Road adjacent to The Preserve, reported, "We are so surprised how few deer are here, unlike our home in New Jersey".

One hypothesis of why there is a low deer population is that over the last decade there has been a robust number of deer hunters on private property surrounding The Preserve. These hunters kill a significant number of deer (both buck and doe) each year, and their success is regularly shared on social media. Because Old Saybrook is in Zone 12, hunters can bait for deer, and deer will regularly travel from The Preserve to these private properties for readily available food. There are 10+ active hunters situated around The Preserve and Great Cedars forests.

Another theory is the population of coyotes and bobcats has risen in recent years, and these animals apply some predatory pressure, taking fawns in the spring and early summer. This has been proven in some areas of Connecticut where coyote scat, for example, includes DNA from juvenile deer³.

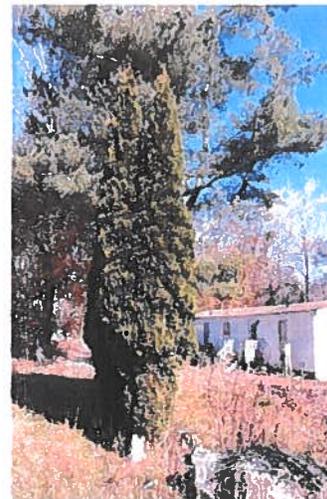


Figure 1. Arborvitae in Groton badly eaten at bottom by deer. Properties abutting The Preserve do not have this severity of foraging.

² Deer are vectors for ticks carrying Lyme disease, and deer can cause car accidents.

³ Coyote will take adult deer that are injured or ill. Coyote also eat deer carrion.

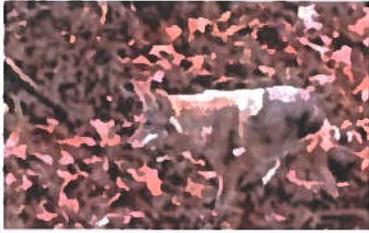


Figure 2. Coyote spotted from tree stand on border of The Preserve in 2022. More coyotes are appearing on game cameras over the past 5 yrs.

Notwithstanding these theories, the committee understands that deer population levels are cyclical in nature, and are dependent on multiple factors, including weather, food availability, disease prevalence, and predator pressure (including humans).

Moorhead suggests an expert on deer browse identification be hired to scientifically determine the level of browsing activity. Secondly, he proposes that a deer population analysis be done.

While the committee agrees it would be advantageous for both of these studies to be done, combined, they would be costly. We would, however, like to explore cost-effective and reliable options of performing a baseline deer population count.

At the heart of Moorhead's hunting recommendation is his explanation that hunters can cause harm, through repetitive trampling, to sensitive plant communities. He explains hunters typically wish to hunt from higher elevations, and it is here where many of the critical plant habitats are located. The committee can verify that hunters on surrounding property will often form clean trails to their favorite elevated hunting spots, in order to create no noise from twigs and leaves while they hike to their tree stands. Moorhead goes on to recommend that if deer populations are found to be high, then periodic controlled, organized hunts can be done to reduce the population, and in this way, hunters can be informed and trained to avoid critical habitat and sensitive plant areas.

Utilizing special controlled hunts for a specific, shorter period of time, rather than the full open hunting season as requested by the state, has numerous additional benefits, and is used in various forms by several towns in Connecticut, a number of land trusts, and The Nature Conservancy. These benefits include: 1) the number and spacing of hunters can be managed, therefore hunting effectiveness is improved, and safety is enhanced; 2) because the property is closed to non-hunters, this improves the hunter's experience, as well as reduces the safety risks for non-hunters; 3) experienced hunters can specifically be recruited, and can be trained on a variety of topics prior to the hunt; 4) hunters can be focused to harvest doe, which has a greater impact on population management; 5) the hunting success rate can be tracked in real-time, and is more accurate, and; 6) since a controlled hunt is shorter, this expands the time that non-hunters can enjoy the forest unencumbered by fear for their safety.

Fear and Firearms

Probably more than any other topic, the greatest citizen concern we hear about is the potential use of firearms in The Preserve—from hikers to bikers, equestrians, and in particular, abutting homeowners.

It's no wonder in this modern era that hearing a nearby gunshot can trigger a fear response. Researchers have now shown that the level of fear response to gunshots is equivalent to that of seeing harmful animals, such as snakes, for example. The most common response from hikers who participated in the public survey was that they feared for their safety should hunting be permitted. We have heard from several abutting homeowners, and they have expressed; "I don't want to fear for my children's safety", and; "We didn't expect hunting when we bought our house 5 years ago". No matter how much we try to explain the positive statistics about hunting safety, this group of people will generally not be swayed

from their position. Fear is a human psychological reaction that simply cannot be rationally argued away.

The statistics do bear mentioning. We are fully aware that nationally, and here in Connecticut, the number of all hunting related accidents and fatalities are low compared to the number of participants, and are declining. According to CT DEEP, there have been 50 hunting accidents in Connecticut, including four fatalities, from 2000 to 2019. Thirty-two of these accidents involved the discharge of a firearm or pellet gun. The other accidents involved falling from a tree stand or natural causes. Non-hunters were the known accident victim in two cases (both nonfatal).

Conclusions and Recommendations

- 1. Clarify Old Saybrook's Statutory Language and Control Liability:** The committee believes that should the CMC move forward with hunting, and not change the existing statutory language, there would be opportunity for a litigant to challenge the town's use of The Preserve for hunting. Therefore, the committee recommends the statutory language be changed to clarify that hunting is a permitted use within the town's portion of The Preserve. Additionally, in order to reduce liability, the committee recommends that hunters register with the town and sign indemnity waivers as has been done in other Connecticut towns. The town's insurance may already cover potential hunting and trapping activities in The Preserve, however we suggest this be verified, and per the Cooperative Management Agreement, the state and The Nature Conservancy are to be additional insureds.
- 2. Perform a Baseline Deer Population Study if Financially Feasible:** Based on Moorhead's anecdotal evidence, it is believed that the deer population is low, however, scientific verification is needed. Since Mr. Kilpatrick of CT DEEP reported they will not be doing a population survey, the committee believes it is prudent for future hunting policy formulation to have a baseline deer population study performed by the town, if the cost is reasonable. The committee would like the CMC's approval to begin the investigation of survey alternatives and costs, including aerial infrared, fecal pellet group counting, and camera trapping, plus other options.
- 3. Perform Periodic Controlled Hunts:** After considerable research and lengthy discussions, our recommendation to the CMC is to strongly consider orchestrating periodic controlled hunts, where The Preserve would be closed to non-hunters, allowing experienced hunters on a permitted basis, to harvest deer using all forms of state permissible weaponry. Although this includes the use of firearms, we believe the public fears regarding safety are mitigated due to the closure of the forest to non-hunters. This supposition would need to be tested during the upcoming public outreach sessions. We do understand that this option will require time and resources to implement. And, because the state does not support this option in the HRT study, we make the presumption that the town will need to carry the burden of implementation. Several towns in Connecticut have formed hunting committees to determine the form and specifics of the controlled hunts, as well as the human and financial resources needed. We make the recommendation that such a committee be formed, and assistance be sought from The Nature Conservancy. We believe this proposal is a reasonable *compromise solution*. It will reduce liability exposure for the town, and partially satisfy the concerns of abutting homeowners and hikers and bikers in the forest, while also partially satisfying local and regional hunters, and will keep a level of consistent pressure on the deer population as supported by CT DEEP.

4. **Current Timeline is Too Aggressive:** As the committee shared at the December, 2023 CMC meeting, we feel that the commencement of hunting in the fall of 2024 as proposed by Mr. Kilpatrick of DEEP is too soon. Currently, the trail system in the eastern section of The Preserve is unofficial and unmarked, and we discourage hikers and bikers from using these unsanctioned trails. We think allowing hunters to use unsanctioned areas of The Preserve, while prohibiting other public user groups from these same areas, would be sending the wrong message. Most likely, the completion of the final trail design, construction of new trails and bridges, as well as closure of certain existing trails, will not happen until 2025, at the earliest. Moreover, installing perimeter signage and hunting signs, gaining clarity of Old Saybrook's statutory language regarding hunting, coordinating communication among the tri-town police forces, and implementing the public outreach process, may take longer as well.
5. **Public Outreach and Education Must Be Done:** As agreed to by the CMC in February, 2022, the formulation of the hunting plan will require public participation and input. The ad hoc committee looks forward to participating in the upcoming work groups, which will address hunting, as well as the outreach process for the final management plans, as suggested by The Nature Conservancy.