

104

January 18, 2022

Robert A. Avena
Raymond L. Baribeault, Jr.
James P. Berryman
Michael A. Blanchard
Eric W. Callahan
Michael P. Carey
Richard S. Cody
John A. Collins, III

The Town of Preston
Inland Wetlands and Watercourses Commission
Preston Town Hall
389 Route 2
Preston, CT 06365

Jeanette M. Dostie
Eileen C. Duggan
Bryan P. Flango
Theodore W. Heiser

Re: *Inland Wetlands Application #2021-12, Blue Camp CT, LLC, Applicant, and MPTN, Owner, for property located at 451, 455 and 495 Route 2, Preston, Ct.*

Jeffrey W. Hill

Dear Chairman Moulson and Commission members:

Carolyn P. Kelly

Kristi D. Kelly

Please be advised that this office represents Susan Hotchkiss and Jennifer Hollstein in connection with the captioned application. They reside at 20 Lynn Drive and 12 Lynn Drive, respectively. They are members of the Preston community and have concerns with the nature and scope of the proposed development, and in particular its potential adverse impacts upon Avery Pond. Different from an applicant's resources, Ms. Hotchkiss and Hollstein, like many Preston residents, cannot reasonably afford to hire attorneys and scientific experts to attend hours of public hearings only to testify and comment for a few minutes. For this reason, they are exercising their right to submit written argument and testimony. Kindly then accept this letter and the other submittals they present as their articulated legal and technical positions. They respectfully request that you give these due consideration.¹

Nicholas F. Kepple

Robert B. Keville

Julian K. Miller

Sam Nascetta

Laura A. Raymond

Kyle J. Zrenda

In Memoriam

Andrew J. Brand

James F. Brennan

James J. Courtney

L. Patrick Gray, III

Michael V. Sage

Matthew Shafner

Max M. Shapiro

Charles J. Suisman

Thomas B. Wilson

Louis C. Wool

They each are submitting an intervention petition under Connecticut General Statute Section 22a-19, alleging that the proposed activities and uses, together with their direct and indirect effects, will be reasonably likely

Of Counsel

Hinda K. Kimme

Jay B. Levin

Richard A. Schatz

¹ in addition, the applicant and other persons have filed last-minute technical changes which our clients and expert have been unable to evaluate and respond to. Due to this, they request that the public hearing must be continued.

A Tradition of Innovative Solutions

January 18, 2022

Page 2

to unreasonably impair the natural resources of the State. In support, they are submitting a letter from a qualified biologist and former professor, Dr. Steven Loomis, who has evaluated the environmental assessment report presented by the applicant. Among his several criticisms of the report is its abject thinness in the scope of its study. It largely ignores the "elephant in the room," which is Avery Pond. Further, the environmental investigation of the attributes of the wetlands and watercourses (including the pond), such as wildlife and habitat, had a meager 12 hours of field investigation, all of which was done in one week in only one season of the year. As Dr. Loomis aptly implies, this is hardly a thorough and adequate environmental investigation. This is also reflected in Mr. Theroux's comments, in that the applicant is not fully flagging the inland wetlands boundaries. Because of this meagerness, the only reasonable conclusion from the applicant's report is that it is inconclusive as to the impact on the natural resources. This means that you must find that the applicant has not sustained its burden, and deny the application.

Ms. Hollstein and Hotchkiss will be submitting a report by the Attorney General of Maryland that a Maryland organization called "Blue Water Development Corp.," which owned a campground in Berlin, Maryland, maintained a groundwater discharge system deficiently for an extended period of time. The report says, "Subsequently, in February 2012, the MDE documented non-tidal wetland violations at the campground. Specifically, the campground placed sandbags on the beach and placed a floating platform in non-tidal wetlands to hold jet skis without a permit." State enforcement action was recommended and taken. The submittal will show that a fine was imposed. Perhaps management changed or these are different Maryland organizations with nearly identical names, but our clients implore you to be ascertain that the applicant is competent to carry out its permit duties and obligations, and will operate best management practices, because the pond is a fragile and important natural resource.

Further, they respectfully implore you to thoroughly vet the applicant's plans for the use of the pond, and be required to provide you with a comprehensive environmental study of the impacts. Our clients believe that the number of campground units is an excessive number driven not by a careful study and a determined lack of harm to the natural resources, but instead is driven by profit. A so-called "critical mass," "on-balance," argument cannot be found anywhere in the law or in your regulations to support a regulatory finding that there is no impairment to the natural resources. Were the project environmentally sound, you would not have to ask for the applicant to spend the soft

January 18, 2022

Page 2

costs on complete flagging, nor would you be asked to accept a shallow environmental report based upon only 12 hours of field study done over only one week of time.

A separate issue is that there are activities for which no application is being sought, like a dock. It goes without saying that the impacts from this are not being adequately presented or considered.

Lastly, a municipal wetlands commission is mandated to review and consider alternatives. For example, see Section 8.1.2 of your Regulations. An alternative must be evaluated as thoroughly as the proposed activities, and yet the applicant has not proposed and ruled out alternative uses at all. For this reason too, the application is deficient and must be denied.

Very truly yours,



Richard S. Cody, for
Suisman, Shapiro
Their attorneys

CONNECTICUT COLLEGE

New London, Connecticut 06320

1/9/2022

Inland wetlands agency

Commission members:

Sue Hotchkiss has asked me to review the document "Wetlands Assessment & Impact Analysis" and to provide comments that I might have about it. I have read the document and I find it on the surface to be a complete and accurate description of the biological and physical characteristics of the habitats described. However, on closer scrutiny I find several flaws with the methodology and conclusions drawn by the study. I will briefly outline the issues that I have with the document.

First, the methods used in this study were designed to cover assessment of disruption of habitats caused by construction of highways and thus may be less valid for assessing ponds. A better tool for bio assessment of ponds would be the EPA document "Estuarine and Coastal Marine Waters: Bioassessment and Bio Criteria Technical Guidance" (822-B-00-24, Dec 2000). I know the wetlands in this study are freshwater, but the methods and criteria outlined in the document are as appropriate for fresh water systems and more appropriate for this pond.

Second, the EPA Document referenced above lists four tiers of the study of the characteristics of a body of water, Tier 3 being the most comprehensive and conclusive level of a bioassessment.

Tier 0 involves literature review only.

Tier 1 involves one site visit.

Tier 2 involves multiple site visits at different times of the year.

Tier 3 involves diagnostic investigation attempting to understand the dynamics of the ecosystem.

The goal should be to complete as many tiers as possible. Much of this study reached level 0 plus site visits. But the site visits were completed at the same time of the year. Also, the site visits included only 12 hours in the field not nearly enough time to complete a field survey.

Third, and most importantly, the study all but ignored a large portion of the biological communities in the pond habitat; specifically the fish and invertebrates. Mention was made of fish, but there was no identification of species composition. An example of the type of information that can be missed by not surveying fish species includes population fluctuations of Alewife. Alewife are an ecologically important species which have been historically found in Avery Pond. Alewife migrate from saltwater to inland freshwater destinations, including Avery Pond, to spawn. Fish surveys by the Connecticut DEEP showed the following results for Avery Pond:

Date	# of Alewife sampled
1988	0
1990	4
1992	48
2004	1
2016	0

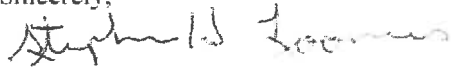
It is still not clear why the population crashed so it is very important to keep monitoring the population.

There was mention of one invertebrate (Eastern elliptio mussel) claiming that its presence was an indication of good water quality. In reality, this particular species has a broad tolerance of water quality and thus is not an indicator species. A complete study of aquatic organisms should include benthic macro invertebrates, fish species, phytoplankton and zooplankton. Zooplankton, for example, are an important food source for the aforementioned alewife. They are also sensitive to light pollution.

Finally, I saw no effort to identify endangered species. Without a comprehensive study of all of the habitats, it could be easy to overlook the presence of any endangered species. In my opinion, this analysis, as is, is not complete enough for a commission such as yours to adequately evaluate the environmental impact on the habitats of these species.

I hope these comments are useful.

Sincerely,

A handwritten signature in dark ink, appearing to read "Stephen H. Loomis". The signature is fluid and cursive, with the first name being the most prominent.

Stephen H. Loomis
Jean C. Tempel Professor of Biology Emeritus
Connecticut College

CURRICULUM VITAE

STEPHEN H. LOOMIS

CURRENT ADDRESS

Department of Biology
Box 5496
Connecticut College
New London, CT 06320

Phone: (860) 439-2135
email: shloo@conncoll.edu
Fax: (860) 439-2519

EDUCATION

Ph.D (1979), University of California, Davis
(Zoology: Comparative Biochemistry and Physiology)

B.S (1974), University of California, Davis (Zoology)

EMPLOYMENT

2018	Named Jean C. Tempel '65 Professor Emeritus in Biology
2001	Named to the Jean C. Tempel '65 Endowed Chair in Biology
1991-Present	Professor of Biology, Connecticut College, New London, CT
1992-1995	Provost and Dean of the Faculty, Connecticut College, New London, CT
1990-1992	Associate Dean of the Faculty, Connecticut College, New London, CT
1988-1990	Department Chair, Zoology, Connecticut College, New London, CT
1986-1991	Associate Professor of Zoology, Connecticut College, New London, CT
1987	Associate Research Scientist, University of California, Davis, CA
1980-1986	Assistant Professor of Zoology, Connecticut College, New London, CT
1979-1980	Research Associate, Department of Biology, Rice University, Houston, TX
1976-1979	Research Assistant, University of California, Davis
Summer 1976	Research Assistant, Marine Biological Laboratory, Woods Hole, MA
1975-1976	Teaching Assistant, University of California, Davis
1974-1975	Sea Grant Trainee, Aquaculture Group, Bodega Marine Laboratory

Stephen H. Loomis

Summer 1973 Laboratory Assistant, Aquaculture Group, Bodega Marine
Laboratory

TEACHING EXPERIENCE

I have taught courses in general biology, general zoology, organisms, human physiology, comparative physiology, physiological chemistry, cell biology, invertebrate zoology, marine biology, coral reef biology, and field tropical biology.

TEACHING AWARDS

2000 John King Prize for Teaching (Connecticut College)
2000 Carnegie Foundation for the Advancement of Teaching/CASE Connecticut
Professor of the Year

RESEARCH INTERESTS

My main research interests are in the area of stress physiology in invertebrates. I am particularly interested in mechanisms of freezing tolerance in intertidal invertebrates and diapause in fresh water sponges.

SOCIETY MEMBERSHIPS

American Society of Zoologists, American Association for the Advancement of Science, Society for Cryobiology, Sigma Xi, New England Estuarine Research Society, National Science Teachers Association, Project Kaleidoscope

1997-2003 Councilor for the Council on Undergraduate Research
1995-2000 Project Kaleidoscope Faculty for the 21st Century

RESEARCH GRANTS RECEIVED

1983-1984 Cottrell College Science Grant, Research Corporation, \$10,470 to
study mechanisms of freezing tolerance in snails

1985 Cottrell College Science Grant, Research Corporation, \$9,637 to
continue studies of the mechanisms of freezing tolerance in snails

1987 NSF Research Opportunity Award, \$12,000 to study cryoprotection in
marine molluscs with John Crowe at U.C. Davis

1987 Connecticut College enhanced sabbatical leave award

1990-1992 NOAA Sea Grant, \$15,220 to study mechanisms of
osmoregulation in estuarine sponges

1993 NSF Research Opportunity Award, \$15,000 to study metabolism during
germination in sponge gemmules with Steve Hand at University of
Colorado, Boulder

1997 Alden Trust, \$50,000 for renovation of studio lab.

Stephen H. Loomis

1998-2000 NSF Grant, \$46,117 to develop virtual reality representations of scientific concepts (with Bridget Baird and Andrea Wollensak)
2010 NSF Grant \$54,070 for Purchase of atomic absorption Spectrometer (with Stanton Ching, Joe Schroeder, Peter Siver, Page Owen)

COLLEGE GRANTS (I played a major role in obtaining)

1990 \$160,000 grant from W.M. Keck Foundation to establish endowment for summer science research program
1992 \$7,000,000 grant from F.W. Olin foundation for new science building
1994 \$1,600,000 from the Sherman Fairchild Foundation for equipment and endowed chair in Physics
1997 \$400,000 from Mellon Foundation for using technology to convert barrier science courses to gateways
1997 \$50,000 from the Aiden Trust for a science studio laboratory

PROFESSIONAL ACTIVITIES

1997 Connecticut Department of Education, took part in validation study of portfolio assessment of second year science teachers
1998-2001 Connecticut Department of Education, Portfolio Evaluator of second year science teachers

PUBLICATIONS

Crowe, J.H., K.A.C., Madin and S.H. Loomis. 1977. Anhydrobiosis in nematodes: metabolism during resumption of activity. *Journal of Experimental Zoology* 201:57-63.
Madin, K.A.C., J.H. Crowe, and S. H. Loomis. 1978. Metabolic transitions in a nematode during induction of and recovery from anhydrobiosis. In: *Dry Biological Systems*. J.H. Crowe and J.S. Clegg eds., Academic Press.
Loomis, S.H., S.J. O'Dell, and J.H. Crowe. 1979. Anhydrobiosis in nematodes: inhibition of the browning reaction of reducing sugars with dry proteins. *Journal of Experimental Zoology* 208:355-360.
Loomis, S.H., K.A.C. Madin, and J.H. Crowe. 1980. Anhydrobiosis in nematodes: biosynthesis of trehalose. *Journal of Experimental Zoology* 211:311-320.
Loomis, S.H., S.J. O'Dell, and J.H. Crowe. 1980. Anhydrobiosis in nematodes: control of the synthesis of trehalose during induction. *Journal of Experimental Zoology* 211:321-330.
Loomis, Stephen H. and Wendy VanNieuwenhuyze*. 1985. Sediment correlates to density of Crepidula fornicata Linnaeus in the Pataguanset River, Connecticut. *The Veliger*. 27(3):266-272.

- Loomis, Stephen H. 1985. Seasonal changes in the freezing tolerance of the intertidal pulmonate gastropod Melampus bidentatus, Say. Canadian Journal of Zoology. 63:2021-2025.
- Madin, Katherine A.C., Stephen H. Loomis and John H. Crowe. 1985. Anhydrobiosis in nematodes: control of carbon flow through the glyoxylate cycle. Journal of Experimental Zoology 234:341-350.
- Hayes*, D.R. and S.H. Loomis. 1985. Evidence for a protienaceous ice nucleator in the hemolymph of the pulmonate gastropod, Melampus bidentatus. Cryo-Letters. 6(6):418-421
- Loomis, S.H. and Deborah Hayes*. 1987. Effects of temperature, food deprivation and photoperiod on the cold tolerance of the intertidal pulmonate gastropod, Melampus bidentatus. Cryo-Letters. 8: 25-34.
- Loomis, S.H. 1987. Freezing in intertidal invertebrates: an update. Cryo-Letters. 8:186-195. (Invited review)
- Loomis, S.H., J.F. Carpenter and J.H. Crowe 1987. Identification of strombine and taurine as cryoprotectants in the intertidal bivalve Mytilus edulis. Biochim. Biophys. Acta 943:133-138.
- Carpenter, J.F. Beth Martin*, S.H. Loomis and J.H. Crowe. 1988. Long-term preservation of dried phosphofructokinase by sugars and sugar/zinc mixtures. Cryobiology 25(4):372-376.
- Anchordoguy, T., J.F. Carpenter, S.H. Loomis, and J.H. Crowe. 1988. Mechanisms of interaction of amino-acids with phospholipid bilayers during freezing. Biochim. Biophys. Acta. 946:299-306
- Loomis, S.H., J.F. Carpenter, T.J. Anchordoguy, J.H. Crowe and B.R. Branchini. 1989. Cryoprotective capacity of end products of anaerobic metabolism. J. Exp. Zool. 252(1):9-15.
- Boutselis*, N.J., P.E. Fell and S.H. Loomis. 1990. Low temperature tolerance of gemmules of Eunapius fragilis. J. Exp. Zool. 255(1):125-129.
- Loomis, S.H. 1991. Comparative invertebrate cold-hardiness. In: Insects at Low Temperature. R.E. Lee and D.L. Denlinger (eds.). John Wiley and Sons. N.Y. pp. 301-317.
- Holland*, B.A., S.H. Loomis and J.L. Gordon*. 1991. Ice formation and freezing damage in the foot muscle of the intertidal snail, Melampus bidentatus. Cryobiology 28:491-498.
- Madison*, Dana L., Mona M. Scrofano*, Robert C. Ireland and Stephen H. Loomis. 1991. Purification and partial characterization of an ice nucleator protein from the intertidal gastropod, Melampus bidentatus. Cryobiology 28:483-490.
- Knight*, P.A., S.H. Loomis and P.E. Fell. 1992. The use of free amino acids for osmotic compensation by the euryhaline sponge, Microciona prolifera (Ellis and Solander) J. Exp. Mar. Biol. Ecol. 163:111-123.
- Loomis, S.H. 1995. Freezing tolerance of marine invertebrates. 1995. Oceanography and Marine Biology: an Annual Review. 33:337-350.
- Loomis, S.H., L.F. Ungemach*, B.R. Branchini, S.C. Hand and P.E. Fell. 1996. Carbohydrate mobilization in post-diapausing gemmules of the fresh-water sponge, Eunapius fragilis. Biol. Bull. 191:393-401.

Stephen H. Loomis

Loomis, S.H., S.C. Hand, and P.E. Fell. 1996. Metabolism of gemmules from the fresh-water sponge, *Eunapius fragilis*, during diapause and post-diapause states. *Biol. Bull.* 191: 385-392.

Ungemach*, L.F., K. Souza*, P.E. Fell and S.H. Loomis. 1996. Possession and loss of low temperature tolerance by sponge gemmules: a comparative study. *Invertebrate Biology* 116(1):1-5.

Loomis, S.H. 2000. Human Physiology. In: *Interactive Learning: Vignettes from America's most Wired Campuses*. David G. Brown (ed.) Anker Publishing Co. Bolton, MA pp:95-97.

Loomis, S.H. and Margaret Zinser*. 2001. Isolation and Identification of a natural ice-nucleating bacterium from the gills of the intertidal bivalve mollusc *Geukensia demissa*. *J. Exp. Mar. Biol. and Ecol.* 261:225-235.

Loomis, S.H. 2001. Research opportunities for all Students at Connecticut College. *CUR Quarterly.* XXI (4):159-162.

Loomis, S.H., Aubrey Bettridge* and B.R. Branchini. 2009. The effects of osmotic concentration on control of germination in the gemmules of freshwater sponges *Eunapius fragilis* and *Anheteromeyenia ryderi*. *Physiological and Biochemical Zoology.* 82(4): 388-395

Loomis, S.H. 2009. Diapause and estivation in sponges. In: *Progress in Molecular and Subcellular Biology: Estivation*. Jose Eduardo de Carvalho and Carlos Navas, eds. Springer. New York.

Loomis, Stephen H. 2012. Kindling the Fire in Undergraduate Biology Students. In: *Pathways to Excellence in Teaching*. Ernest H. Williams ed. Richard W. Cooper Press. Clinton NY.

Dennis, A.B., S.H. Loomis and M.E. Helberg. 2014. Latitudinal variation of freeze tolerance in intertidal marine snails of the genus *Melampus* (Gastropoda: Ellobiidae). *Physiological and Biochemical Zoology.* 87(4):517-526.

SERVICE TO THE COLLEGE

Over the past thirty six years, I have served on over twenty five committees including the Faculty Steering and Conference Committee and the Educational Planning Committee. I have served as a Faculty Admissions Associate for two years. In addition, I have been the Radiation Safety Officer for thirty years, Associate Dean of the Faculty for two and a half years and Provost and Dean of the Faculty for two and a half years.

SERVICE TO THE COMMUNITY

My service to the community has included member of the Board of Directors, Southeastern Connecticut Chapter, American Red Cross; Science Advisory Committee, Thames Science Center; Science Advisory Committee, Williams College/Mystic Seaport Program of Maritime Studies; Board of Directors, Science Center of Southeastern Connecticut; East Lyme Rowing Association (vice president and president).

* indicates undergraduate student author

To: The Town of Preston, Ct. Inland Wetlands and Watercourses Commission (IWWC).

Re: Inland Wetlands Application #2021-12, Blue Camp CT, LLC, Applicant, and MPTN, Owner, for property located at 451, 455 and 495 Route 2, Preston, Ct., for development of a comprehensive luxury recreational campground (Application).

Date: January 18, 2022.

NOTICE AND PETITION OF INTERVENTION (CGS § 22a-19)

1. Susan M. Hotchkiss (Intervenor) is a person who owns and resides at property located at 20 Lynn Drive, Preston, Ct., directly across Avery Pond from one of the “glam” camping sites proposed by the Application.

2. The Application, filed with the Preston Inland Wetlands and Watercourses Commission (IWWC) by Blue Camp CT, LLC (Applicant), seeks a regulated activities permit(s) to “temporarily” disturb approximately 800 sq. ft. of regulated wetlands to construct a temporary construction access way and a golf cart path to a “peninsula,” on which the Applicant proposes to construct approximately 27 (per the original Application) permanent “glam” camping sites, and to conduct other intense activities in upland review areas on three contiguous parcels located at 451, 455 and 495 Route 2, Preston, Ct. (the “Property”). The overall total is 304 sites, and the total upland review area is 511,571 sq. ft. Other activities to be conducted on the Property will include construction and use of a floating dock in Avery Pond and the use of the pond for boating. Upon review of the Application, no regulated activities permit has been sought from the IWWC for the use of the watercourse, namely Avery Pond.

3. The Intervenor hereby exercises her right under CGS § 22a-19 to intervene as a party in the IWWC’s proceeding on the Application by filing this “verified pleading asserting that the proceeding involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.”

4. The proceeding before the IWWC involves conduct which has, or which is reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water or other natural resources of the state, including the construction and use of temporary and permanent pathways through a wetlands to the glam camping sites on the peninsula; the intense use of upland review areas; and the disturbance of Avery Pond and of its use for ecologically valuable purposes to which it is being and is planned to be put.

5. Defects in the Application that are reasonably likely to result in adverse impacts to protected resources include:

a. According to a retired Professor of Biology, Connecticut College, New London, Ct, who has reviewed the document, the “The Wetlands Assessment and Impact Analysis” submitted by the Applicant suffers from flaws in methodology and in its conclusions. In short, the report cannot be the basis of a conclusion, which the IWWC must reach, that the activities proposed are not reasonably likely to unreasonably impair the natural resources, including the habitats. Instead, the inferences are directly to the opposite. Copies of the Professor’s report and resume are attached.

The defects in Applicant’s Wetlands Assessment include that:

i. It did not use the most appropriate methods for judging impacts on a pond.

The methods used in the study were designed for the assessment of disruption of habitats caused by highway construction and may be less valid for assessing Avery Pond. A better tool is the EPA document, “Estuarine and Coastal Marine Waters: Bioassessment and Bio Criteria Technical Guidance) (822-B-00-24, Dec 2000). It is an appropriate tool for evaluating impacts to fresh water systems such as Avery Pond and is more appropriate for Avery Pond than is the test used by the Applicant.

ii. The field study conducted by the Applicant’s expert is inadequate. First, it consisted of only 12 hours of field study, and was done in one week during only one season; not nearly enough time to complete a field study. This is not the number or scope of site visits recommended by the EPA Document to study, properly, the characteristics of a body of water and the impacts of human development upon it.

Second, the EPA Document sets out a tiered program for studying the characteristics of a body of water, ranging from Tier 0 to Tier 4. Tier 0 is literature review only. The Document sets a goal of completing as many tiers as possible. The Wetlands Assessment reached only Tier 0 plus site visits for much of the study.

iii. The Wetlands Assessment all but ignored a large portion of the biological communities in the pond habitat: specifically the fish and invertebrates.

There was no identification of fish species composition. An example of the type of information that can be missed by not surveying fish species includes population fluctuations of Alewife. Alewife are an ecologically important species that have been historically found in Avery Pond. Alewife migrate from saltwater to inland freshwater destinations, including Avery Pond, to spawn. Fish surveys by the Connecticut DEEP showed the following results for Avery Pond:

Date	# of Alewife sampled
1988	0
1990	4
1992	48
2004	1
2016	0

It is still not clear why the population crashed so it is very important to keep monitoring the population.

iv. A complete study of aquatic organisms should include benthic macro invertebrates, fish species, phytoplankton and zooplankton. The Wetlands Assessment does mention one invertebrate (Eastern elliptio mussel), and claims that its presence is an indication of good water quality. But it is not. That species has a broad tolerance of water quality and thus is not an indicator species. They are also sensitive to light pollution.

v. The Wetlands Assessment does not appear to identify endangered species. Without a comprehensive study of all of the habitats, it could be easy to overlook the presence of any endangered species, and in the Professor's opinion, the IWWC does not have sufficient information to adequately evaluate the environmental impact on the habitats of these species.

b. The Application does not take into account at all the fact that for the last 18 years the Avery Pond has been part of an ongoing private and governmental effort to maintain and enhance a fish migration path (completed in 2013) that enables alewife to travel from Long Island Sound to the Thames and Avery Pond and Amos Lake to spawn. The route includes Indiantown Brook. The path is a sensitive area that should not be disturbed.

c. According to the IWWC's consulting soil scientist, the wetlands on the site were delineated a good number of years ago, as shown by the weathered and often missing flag remnants. The markings he did find were very unclear, and there were almost no flags in emergent wetlands. His opinion was that the wetlands had to be reflagged for the IWWC to properly evaluate the Application, especially because of the closeness of proposed construction activities to wetlands. Despite it having been reflagged in part, the flagging is still inadequate, and does not provide a sufficient basis for granting the Application.

d. It appears that runoff from 27 safari (glam) camps drains directly into wetlands and The Pond without being properly treated.

e. The proposed uses will likely damage the fragile and already distressed ecosystem of Avery Pond, and the Pond itself.

f. Destruction of wetlands and other habitat;


g. Interruption and/or destruction of fish and other aquatic life, and fish spawning and other aquatic life cycles; and

j. The Applicant has presented no feasible and prudent alternative to its plans, such as a reduction in scope or less intensive uses of the land, and has offered no adequate reason why the alternative of not disturbing the wetlands to build the glam sites on the peninsula

and the temporary and permanent paths to them would not be feasible or prudent.

5. The activities proposed by the Application, separately, in combination with one another, cumulatively, or in combination with other sources of pollution, involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state, including the wetlands on site, Avery Pond, and the fish, birds and wildlife who have their habitats on and near the Property..

RESPECTFULLY SUBMITTED



INTERVENOR
Susan Hotchkiss

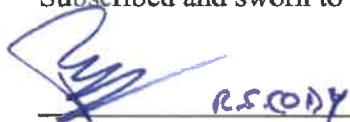
VERIFICATION

I, Susan Hotchkiss, being duly sworn, depose and say that I have read the foregoing Notice of Intervention and that the allegations contained in the Notice of Intervention are true to the best of my information, knowledge and belief.



Susan Hotchkiss

Subscribed and sworn to before me this 17th day of January 2022.



Notary Public/Commissioner of
Superior Court

To: The Town of Preston, Ct. Inland Wetlands and Watercourses Commission (IWWC).

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2. The Application, filed with the Preston Inland Wetlands and Watercourses Commission (IWWC) by Blue Camp CT, LLC (Applicant), seeks a regulated activities permit(s) to “temporarily” disturb approximately 800 sq. ft. of regulated wetlands to construct a temporary construction access way and a golf cart path to a “peninsula,” on which the Applicant proposes to construct approximately 27 (per the original Application) permanent “glam” camping sites, and to conduct other intense activities in upland review areas on three contiguous parcels located at 451, 455 and 495 Route 2, Preston, Ct. (the “Property”). The overall total is 304 sites, and the total upland review area is 511,571 sq. ft. Other activities to be conducted on the Property will include construction and use of a floating dock in Avery Pond and the use of the pond for boating. Upon review of the Application, no regulated activities permit has been sought from the IWWC for the use of the watercourse, namely Avery Pond.

3. The Intervenor hereby exercises her right under CGS § 22a-19 to intervene as a party in the IWWC’s proceeding on the Application by filing this “verified pleading asserting that the proceeding involves conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state.”

4. The proceeding before the IWWC involves conduct which has, or which is reasonably likely to have the effect of unreasonably polluting, impairing, or destroying the public trust in the air, water or other natural resources of the state, including the construction and use of temporary and permanent pathways through a wetlands to the glam camping sites on the peninsula; the intense use of upland review areas; and the disturbance of Avery Pond and of its use for ecologically valuable purposes to which it is being and is planned to be put.

5. Defects in the Application that are reasonably likely to result in adverse impacts to protected resources include:

a. According to a retired Professor of Biology, Connecticut College, New London, Ct, who has reviewed the document, the “The Wetlands Assessment and Impact Analysis” submitted by the Applicant suffers from flaws in methodology and in its conclusions. In short, the report cannot be the basis of a conclusion, which the IWWC must reach, that the activities proposed are not reasonably likely to unreasonably impair the natural resources, including the habitats. Instead, the inferences are directly to the opposite. Copies of the Professor’s report and resume are attached.

The defects in Applicant’s Wetlands Assessment include that:

i. It did not use the most appropriate methods for judging impacts on a pond. The methods used in the study were designed for the assessment of disruption of habitats caused by highway construction and may be less valid for assessing Avery Pond. A better tool is the EPA document, “Estuarine and Coastal Marine Waters: Bioassessment and Bio Criteria Technical Guidance) (822-B-00-24, Dec 2000). It is an appropriate tool for evaluating impacts to fresh water systems such as Avery Pond and is more appropriate for Avery Pond than is the test used by the Applicant.

ii. The field study conducted by the Applicant’s expert is inadequate. First, it consisted of only 12 hours of field study, and was done in one week during only one season; not nearly enough time to complete a field study. This is not the number or scope of site visits recommended by the EPA Document to study, properly, the characteristics of a body of water and the impacts of human development upon it.

Second, the EPA Document sets out a tiered program for studying the characteristics of a body of water, ranging from Tier 0 to Tier 4. Tier 0 is literature review only. The Document sets a goal of completing as many tiers as possible. The Wetlands Assessment reached only Tier 0 plus site visits for much of the study.

iii. The Wetlands Assessment all but ignored a large portion of the biological communities in the pond habitat: specifically the fish and invertebrates. There was no identification of fish species composition. An example of the type of information that can be missed by not surveying fish species includes population fluctuations of Alewife. Alewife are an ecologically important species that have been historically found in Avery Pond. Alewife migrate from saltwater to inland freshwater destinations, including Avery Pond, to spawn. Fish surveys by the Connecticut DEEP showed the following results for Avery Pond:

Date	# of Alewife sampled
1988	0
1990	4
1992	48
2004	1
2016	0

It is still not clear why the population crashed so it is very important to keep monitoring the population.

iv. A complete study of aquatic organisms should include benthic macro invertebrates, fish species, phytoplankton and zooplankton. The Wetlands Assessment does mention one invertebrate (Eastern elliptio mussel), and claims that its presence is an indication of good water quality. But it is not. That species has a broad tolerance of water quality and thus is not an indicator species. They are also sensitive to light pollution.

v. The Wetlands Assessment does not appear to identify endangered species. Without a comprehensive study of all of the habitats, it could be easy to overlook the presence of any endangered species, and in the Professor's opinion, the IWWC does not have sufficient information to adequately evaluate the environmental impact on the habitats of these species.

b. The Application does not take into account at all the fact that for the last 18 years the Avery Pond has been part of an ongoing private and governmental effort to maintain and enhance a fish migration path (completed in 2013) that enables alewife to travel from Long Island Sound to the Thames and Avery Pond and Amos Lake to spawn. The route includes Indiantown Brook. The path is a sensitive area that should not be disturbed.

c. According to the IWWC's consulting soil scientist, the wetlands on the site were delineated a good number of years ago, as shown by the weathered and often missing flag remnants. The markings he did find were very unclear, and there were almost no flags in emergent wetlands. His opinion was that the wetlands had to be reflagged for the IWWC to properly evaluate the Application, especially because of the closeness of proposed construction activities to wetlands. Despite it having been reflagged in part, the flagging is still inadequate, and does not provide a sufficient basis for granting the Application.

d. It appears that runoff from 27 safari (glam) camps drains directly into wetlands and The Pond without being properly treated.

e. The proposed uses will likely damage the fragile and already distressed ecosystem of Avery Pond, and the Pond itself.

f. Destruction of wetlands and other habitat;

g. Interruption and/or destruction of fish and other aquatic life, and fish spawning and other aquatic life cycles; and

j. The Applicant has presented no feasible and prudent alternative to its plans, such as a reduction in scope or less intensive uses of the land, and has offered no adequate reason why the alternative of not disturbing the wetlands to build the glam sites on the peninsula

and the temporary and permanent paths to them would not be feasible or prudent.

5. The activities proposed by the Application, separately, in combination with one another, cumulatively, or in combination with other sources of pollution, involve conduct which has, or which is reasonably likely to have, the effect of unreasonably polluting, impairing or destroying the public trust in the air, water or other natural resources of the state, including the wetlands on site, Avery Pond, and the fish, birds and wildlife who have their habitats on and near the Property..

RESPECTFULLY SUBMITTED



INTERVENOR
Jennifer Hollstein

VERIFICATION

I, Jennifer Hollstein, being duly sworn, depose and say that I have read the foregoing Notice of Intervention and that the allegations contained in the Notice of Intervention are true to the best of my information, knowledge and belief.



Jennifer Hollstein

Subscribed and sworn to before me this 17th day of January 2022.



Notary Public/Commissioner of
Superior Court