

**Representative Policy Board
Land Use Committee
South Central Connecticut Regional Water District
Via Remote Access****

AGENDA

Regular Meeting of Wednesday, December 8, 2021 at 5:30 p.m.

1. Safety Moment
2. Approval of Minutes – November 10, 2021 meeting
3. 2021 Deer Hunt Summary: Nicole Smith
4. Updates on other land and RWA properties, including invasive species update
5. Other Land items
6. Confirm proposed date of special joint committee meeting for FY 2023 budget review - April 18, 2022 at 5:30 p.m. (Regular meeting for CAC/Special meeting for LUC)
7. Member to attend December 16, 2021 RWA Meeting – J. Mowat Young
8. Next Meeting: Wednesday, January 12, 2022 at 5:30 p.m.
9. Adjourn

****Members of the public may attend the meeting via remote access. For information on attending the meeting and to view meeting documents, please visit <https://www.rwater.com/about-us/our-boards/board-meetings-minutes?year=2021&category=1435&meettype=&page=>. For questions, contact the board office at 203-401-2515.**

Topic: RPB Land Use Committee Meeting

Time: Dec 8, 2021 05:30 PM Eastern Time (US and Canada)

Join Zoom Meeting (*via conference call*)

Dial by your location

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Meeting ID: 892 7985 4073

Passcode: 636388

For questions contact the board office at 203-401-2515 or by email at jslubowski@rwater.com

SAFETY MOMENT

PROTECTING THE ENVIRONMENT IN WINTER WEATHER

As snow and ice accumulate it becomes contaminated with salt, litter, dirt, and other pollutants. During the spring thaw those pollutants are washed away and can clog storm drains and contaminate waterways. The emissions from idling car engines, gas-fueled equipment like snow blowers, and wood-burning fires can negatively impact air quality and harm human health.

WHAT YOU CAN DO

- Do your best to remove snow before it becomes compacted.
- Look for eco-friendly and pet-safe ice melt for a safer alternative.
- Use battery, electric, or hybrid-powered snow blowers.
- Minimize how many wood-burning fires you make this winter or switch to gas or electric fireplaces.

Service – Teamwork – Accountability – Respect – Safety

Tap Into
Safety



Regional Water Authority



 Regional Water Authority

**Representative Policy Board
Land Use Committee
South Central Connecticut Regional Water District**

Minutes of November 10, 2021 Meeting

A regular meeting of the Land Use Committee of the Representative Policy Board of the South Central Connecticut Regional Water District (“RWA”) took place on Wednesday, November 10, 2021, via remote access. Chair Betkoski presided.

Present: Committee Members: P. Betkoski, P. DeSantis, B. Eitzer, R. Harvey, M. Horbal, M. Levine, G. Malloy, J. Oslander and J. Mowat Young

Authority: S. Sack
Management: T. Norris and J. Triana
UCONN: G. Reynolds
URI: L. Tewksbury
RPB Staff: J. Slubowski

Chair Betkoski called the meeting to order at 5:30 p.m.

In remembrance of Veterans Day, Chair Betkoski thanked veterans for their service and asked the committee to honor those who served.

Mr. Betkoski reviewed the Safety Moment distributed to members.

On motion made by Mr. Malloy, seconded by Mr. Eitzer, and unanimously carried the Committee approved the minutes of its October 13, 2021 meeting.

Ms. Tewksbury, of the Biological Control Lab at the University of Rhode Island (“URI”), provided a presentation on the biocontrol of swallow-worts, which included:

- Description and background information
- Toxicity
- Moth control
- Moth life cycle
- Host specificity
- URI quarantine facility
- Lessons learned

Ms. Reynolds, of Field Implementation at the University of Connecticut, provided a presentation on the biocontrol of swallow-worts on RWA properties, which included:

- Description and implementation
- Background and relationship with the RWA
- Potential release sites at Lake Gaillard
- Data gathering and monitoring
- Defoliation levels
- Next steps

At 6:07 p.m., Mss. Reynolds and Tewksbury withdrew from the meeting.

Update on *The Land We Need for the Water We Use Program* – J. Triana, the RWA’s Real Estate Manager, reported:

Reservoir Levels (Percent Full)

	Current Year	Previous Year	Historical Average	Drought Status
October 31, 2021	87%	65%	66%	None

Rainfall (inches)

	Current Year	Previous Year	Historical Average
October 2021	6.51	4.22	3.85
Fiscal YTD (6/1/21 – 10/31/21)	28.01	15.65	19.02

Land We Need for the Water We Use Program (Dispositions/Acquisitions)

- Killingworth, 200 Little City Rd. (O’Hare property) – Deed and map filed on the land records. Submitted QFR and forestland 490 application to the assessor.
- Cheshire – Corresponded with property owner of 56+/- acres.
- Madison – Corresponded with property owner of 19+/- acres.
- Madison – Corresponded with property owner of 23+/- acres.
- North Branford, Beech St. and Poms La. properties (NB 4 and NB 4A) – Received all the updated appraisals. Corresponded with NBLCT staff.
- New Haven, Rt. 80 PRV – Corresponded with New Haven BOE staff to re-start discussion about acquisition of an easement for the PRV on school grounds off of Barnes Ave.

Rental houses:

- Hamden, 95 Ives St. (HA 13) – Received final materials needed from Murtha and sent bid to Purchasing.
- Woodbridge, 1029 Johnson Rd. – Discussed Tarlowski’s plans with Preservation Connecticut staff. Corresponded with Tarlowski about PC’s suggestions.
- Seymour, 59 Rimmon Rd. – Approved request for work at the house by Kanzler.

Forestry Update

- Guilford – West of Sugar Loaf ash salvage (GU 4) – 40% complete
- Killingworth - East Hammonasset Leaf Screen Thinning, (KI 4) – 25% complete.
- Hamden - Overstory removal and Tornado Salvage, (HA 36) – Not started yet.
- Madison - Nathan’s Pond Slash Wall Harvest (MA 6) – 75% complete.
- Seymour - Silvermine Road Slash Wall Harvest (SE 9) – Awarded contract. Not started yet.
- Killingworth - N. Chestnut Hill Patch Cuts, (KI-6) - Marking Complete, Job out to Bid.
 - Hosted a walk with DEEP in North Madison on RWA property for the Master Woodlands Program (35+ people)
 - Hosted an open Land Trust and legislator walk with CAES, DEEP, & UConn in North Madison (40+ people).
 - Met with Dr. Fraser from DEEP to set up acoustic monitoring stations for bats at Lake Gaillard.
 - Met with UConn remote sensing team to discuss projects for FY23.
 - Attended Guilford Inland Wetland Commission meeting for timber harvest 2021-03.

Recreation

- Climate change walk (Nicole) at Lake Saltonstall had 22 people.

- Forestry walk (Alex) with NBLCT at Lake Gaillard had over 50 people.
- Tree/shrub identification walk (Nicole) at Lake Gaillard for the North Branford Recreation Department with 18 people.
- The Water Wagon attended three events this month. It was brought to a fourth event, but upon arrival, recreation staff found out the event was not taking place and we were never notified.
- Boat rentals ended at Lake Saltonstall for the season and the docks were removed.
- 1900 walleye fingerlings were delivered to Lake Saltonstall.
- Lake Gaillard walk-a-thon fundraiser for the Branford Women’s Club was held with 162 walkers participating. They made a donation to the Watershed Fund of over \$800.

	October		September	
	2021	2020	2021	2020
Permit Holders	5,366	5,758	5,684	5,711

Special Activity Permits

- Resources in Search and Rescue, Inc.-(Ms. Celeste Robitaille and designees)-Training of Seach and Rescue K9 teams to locate lost or missing individuals, Lake Watrous and Lake Dawson, (10/13/2021-10/3/2022).
- Branford Community Television (BCTV) (Ted Ebberts) Rest stop for annual fundraiser “Tour de Branford” - Sugarloaf Parking Lot (11/7/21)
- Stantec Consulting Services – (Mr. Joelvito G. Villaluz, Structural Engineer)—take photos of completed bridge project for company use, Wepawaug Reservoir, (10/28/21 – 11/4/21).

Other items

- Encroachments/agreements –
 - Agricultural agreements – Signed license agreement with Galgano for the use of one of the Downs Rd. fields in Hamden. Replied to two other potential farmers.
 - Seymour, Maiden Lane – Aitkenhead indicated that he will be selling his property and will not renew the license agreement for parking.
 - East Haven, 167 Saltonstall Parkway (Route 1) (EH 7) – Provided all documentation to Murtha staff about what damage was done and was remediation was completed. Included invoices.
- Invasive plants – Charter Oak completed clearing fields on Downs Rd., Hamden. Documented or treated invasive populations in East Haven, Branford, Woodbridge, and Prospect. Recorded the final day of data collection from the Prospect stilt grass plots. Attended a zoom meeting with folks from UConn to discuss a drone project that would allow us to use LIDAR to measure regeneration in two locations that we are performing some clear-cut harvests surrounded by slash walls. Periodically checked on spotted lanternfly traps on the Saltonstall Ridge.

Invasive Species Documented/ Mapped (ac)	21.75 acres
Invasive Species Treated (ac/MH)	7.1 acres

- Deer hunt – Scouting period occurred. Continued marking boundaries. Hunt started on October 30th.

- East Haven, Beach Ave. watermain – Corresponded with Murtha asking for the draft easement and what remedies would be if we can't get complete agreement from property owners.
- Hamden, Olin property option – Alerted by HLCT attorney that Olin staff claimed we relinquished the option in 2005. Researched this and did not find any evidence of this. Reported what I found on Chaplik's emails to them.
- Bethany, Bear Hill Rd. partial discontinuance – Received documents from the town about the partial discontinuance of Bear Hill Rd. to motorized vehicles.

The committee reviewed its proposed 2022 calendar year meeting dates. After discussion, it was the consensus of the committee to adopt the meeting calendar, with revisions.

Chair Betkoski reported on the volunteer to attend the Authority meeting on November 18, 2021.

The next regular meeting of the committee is Wednesday, December 8, 2021 at 5:30 p.m.

At 6:32 p.m., on motion made by Mr. Eitzer, seconded by Mr. Malloy, and unanimously carried, the committee meeting adjourned.

Peter Betkoski, Chairman

**Presentation to the Regional Water Authority
Land Use Committee
Update on the 2021 Archery Deer Hunt**



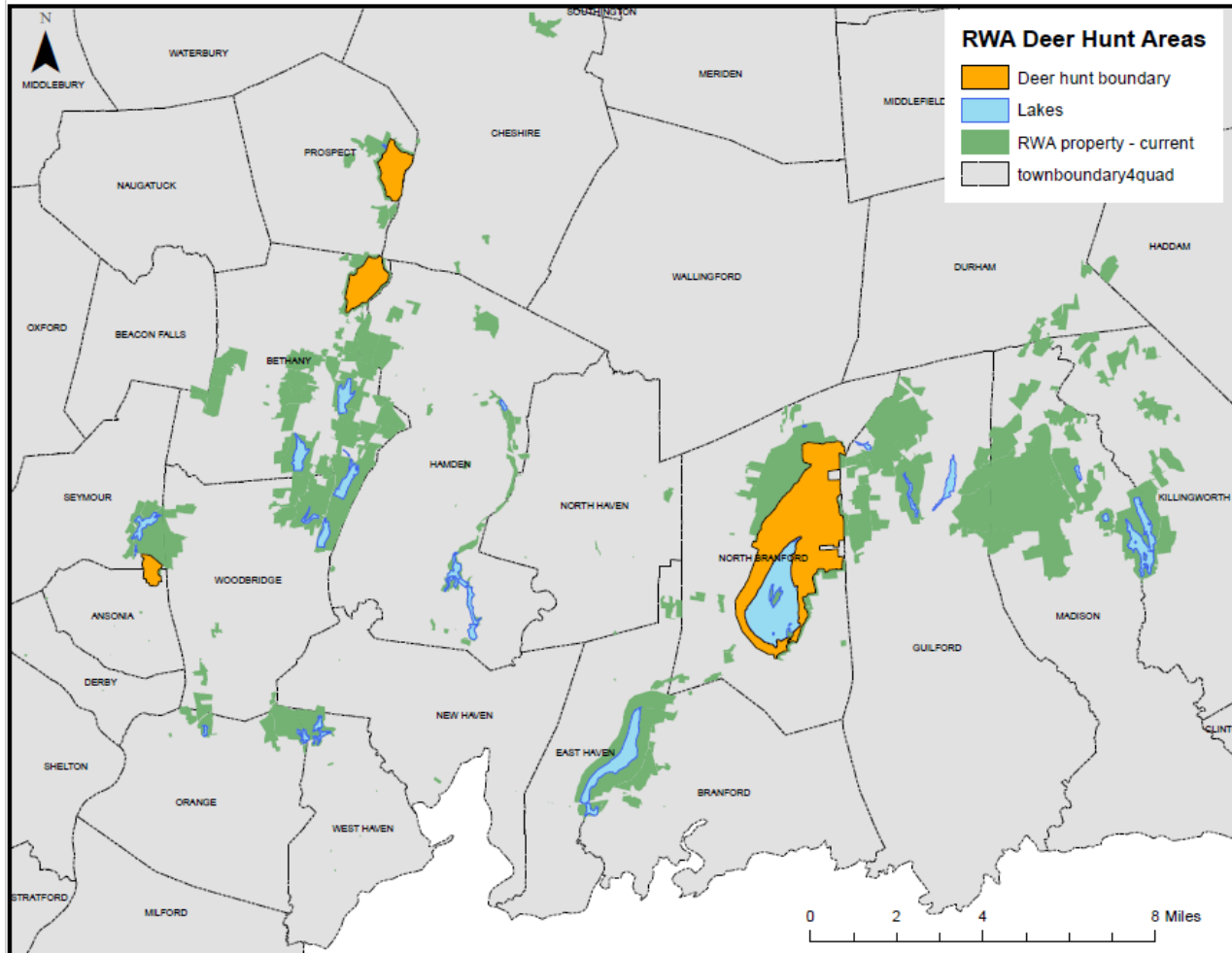
**Nicole Smith
Natural Resources Analyst**

Reducing Deer Density

- Enhances forest regeneration.
- Controls erosion and locks up nutrients that can fuel algal blooms in reservoirs.



Deer Hunting on 4,400 Acres



Hunting Season 2021

27 Days of Hunting During 10/30/21 – 11/30/21

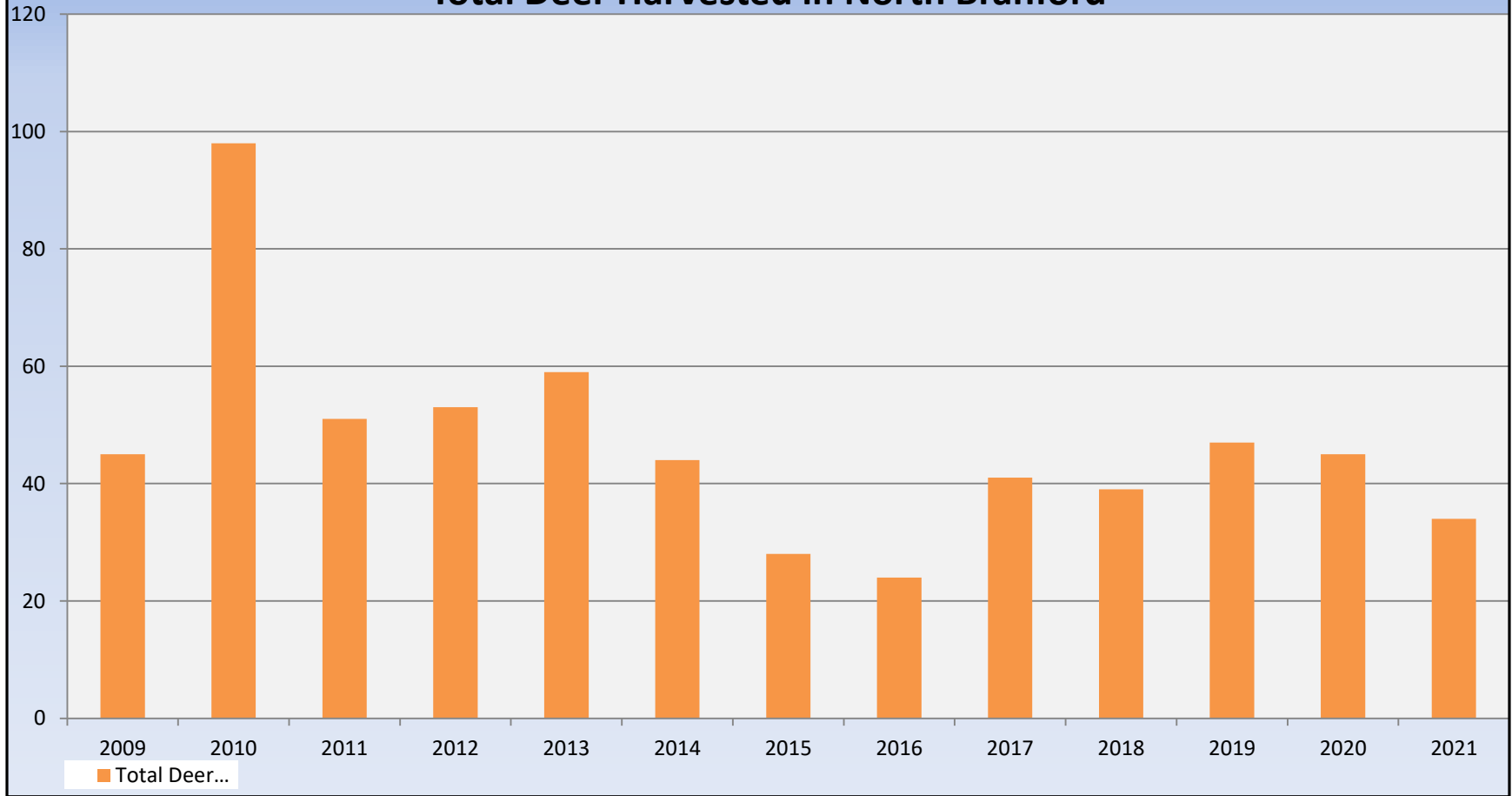
- 205 permits issued by lottery.
- Ten days of scouting in October.
- Two deer check stations (Lake Gaillard & Bethany) staffed by 53 volunteers.
- Doe Incentive – 9 does harvested



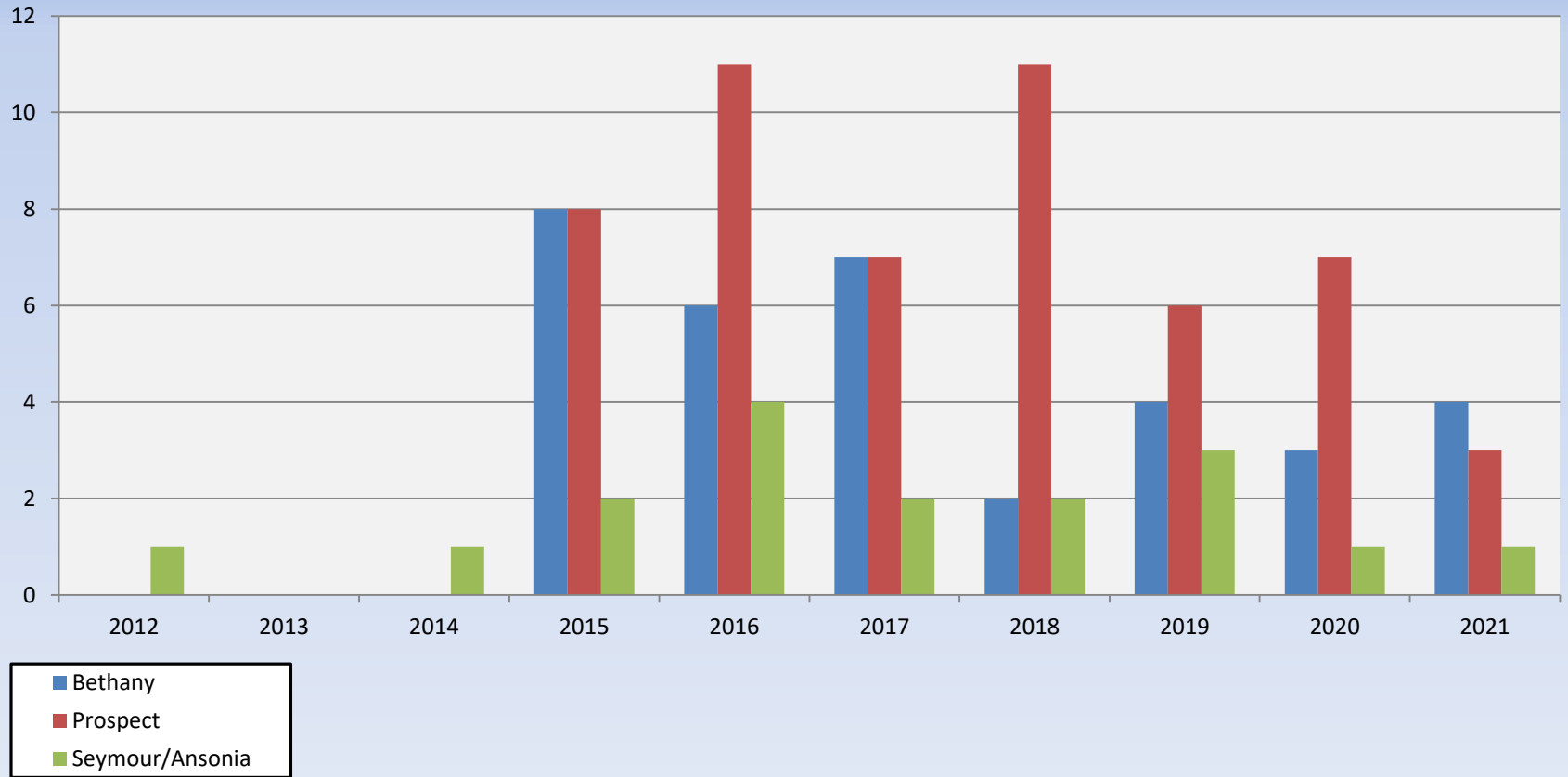
2021 Harvest Totals

2021 Deer Harvest by Area				
Location	Permits	Doe	Buck	Total
North Branford	152	6	20	26
Prospect	20	1	2	3
Bethany	25	2	2	3
Seymour/Ansonia	8	0	1	1
2021	205	9	25	34
2020	180	26	19	45
2019	168	24	23	47
2018	172	15	24	39
2017	174	24	17	41

Total Deer Harvested in North Branford



Total Deer Harvested In Seymour/Ansonia, Bethany and Prospect



Final Thoughts



- **Hunt Impacts**
 - Fewer deer sightings since in Bethany, Prospect, and Ansonia/Seymour,
 - Increased invasive species, (i.e. barberry and multiflora rose) make some areas inaccessible to hunters
 - Decreased annual harvest, especially harvest of does most evident in North Branford, even with the hunt at full capacity this year.
- We have reached the twelve year mark for collecting and analyzing data.
- RWA Forestry and CT DEEP each have established research plots.
 - RWA Forester is comparing data collected. Analysis of results was done in March 2020.
- **Annual DPH reporting requirement.**
 - DPH Recreational Activity Permits has been renewed and expires Dec. 2, 2031.
- Hunters are grateful for the opportunity. Appreciate our efforts toward conservation and stewardship of the land. No negative publicity this season.



Questions?



**December 8, 2021
Land Use Committee Meeting**

Reservoir Levels (Percent Full)

	Current Year	Previous Year	Historical Average	Drought Status
November 30, 2021	85%	67%	66%	None

Rainfall (inches)

	Current Year	Previous Year	Historical Average
November 2021	1.65	5.20	3.96
Fiscal YTD (6/1/21 – 11/30/21)	29.58	20.85	22.99

Land We Need for the Water We Use Program (Dispositions/Acquisitions)

- Cheshire – Corresponded with property owner of 56+/- acres.
- Madison – Corresponded with property owner of 19+/- acres.
- Madison – Corresponded with property owner of 23+/- acres.
- North Haven – Corresponded with property owner of 14+/- acres.
- North Branford, Beech St. and Poms La. properties (NB 4 and NB 4A) – Corresponded with NBLCT staff about the steps forward.
- Branford, Brushy Plain Rd. property (BR 7) – Saw correspondence between Larry and the First Selectman about these acres. Emailed the First Selectman’s office to discuss further.

Rental houses:

- Hamden, 95 Ives St. (HA 13) – Bid published. Three pre-bid meetings held. Corresponded with WPCA and QVHD about the waste system at the property. Two addenda published for the bid.
- Hamden, 233 Skiff St. (HA 9A) – Emailed town staff to determine the status of the condemnation.
- Woodbridge, 1029 Johnson Rd. – Continued correspondence with the Tarlowski’s about their plans for the house.
- Woodbridge, 2040 Litchfield Tpk. – Bayram’s placed three piles of material over the property line and pushed it down the bank. Ordered them to remove everything from our property. Told them that I would not accept any bid from them for 95 Ives St. if any material was left over the property line.

Forestry Update

- Guilford – West of Sugar Loaf ash salvage (GU 4) – 40% complete
- Killingworth - East Hammonasset Leaf Screen Thinning, (KI 4) – 25% complete.
- Hamden - Overstory removal and Tornado Salvage, (HA 36) – Not started yet. **Looking to grant extension.**
- Madison - Nathan’s Pond Slash Wall Harvest (MA 6) – **85% complete.**
- Seymour - Silvermine Road Slash Wall Harvest (SE 9) – Awarded contract. **Expected to start in December.**
- Killingworth - N. Chestnut Hill Patch Cuts, (KI-6) - Marking Complete, Job out to Bid.
 - Alex Amendola announced he will be leaving in December after taking a job with DEEP Forestry.
 - Marked timber for future sale at Lake Menunketuc.
 - Showed timber harvest 2021-02 to potential bidders and awarded the harvest to PermaTreat Corporation.
 - Attended/Co-Hosted Forestry Career Development Event at the CT Agricultural Experiment Station.
 - Ordered plants for re-forestation efforts for the spring.

Recreation

- Bird walk at Lake Hammonasset with the New Haven Bird Club has 7 people.
- Updated online forms to include the “Veterans” category.
- Gave tour of recreation facilities to the two new Customer Service Reps.
- Corresponded with DEEP staff about new fishing regulations.
- Water Wagon attended one event.
- Process started to hire new people for next year’s fishing season.

	November		October	
	2021	2020	2021	2020
Permit Holders	5,578	5,879	5,366	5,758

Special Activity Permits

- (none in November)

Other items

- Encroachments/agreements –
 - Agricultural agreements – Met potential farmer at the southern field off of Downs Rd. The Page’s indicated that they will not be using the Parish Farm Rd. fields anymore, but would renew the agreements for the Barberry Rd. fields that expire soon. Sent them drafts to review.
 - East Haven, 167 Saltonstall Parkway (Route 1) (EH 7) – Corresponded with Murtha staff about progress.
 - Cheshire, 264 Harrison Rd. (CH 2) – Sent letter to abutter about fence, lawn, and cut brush over the line. Previous owners had license agreement, but the property changed hands a couple years ago. Talked to abutter and will send them a draft license agreement.
- Invasive plants – Documented or treated invasive populations in Hamden, East Haven, Branford, and North Branford. Met with Gerda Magana from the CAES to discuss the invasive insect collection and her special permit. Watched Nancy Marek from UConn present her findings on distinguishing Japanese barberry and multiflora rose from images taken from an off-the-shelf drone.

Invasive Species Documented/ Mapped (ac)	11 acres
Invasive Species Treated (ac/MH)	4 acres

- Deer hunt – Hunt ended on Nov. 30th. Total deer harvested was 34. Breakdown of harvest is shown in the table below. NRA made regular trips to the field to meet check station volunteers and oversee the hunt areas. A hunter fell from his stand and was found hanging by his harness by another hunter. Trespassers were observed multiple times and the gates at Prospect and Beech St. were vandalized.

2021 Archery Deer Hunt Preliminary Numbers			
Property	Doe Harvested	Buck Harvested	Total Deer
North Branford/Gaillard	6	20	26
Bethany	2	2	4
Prospect	1	2	3
Ansonia/Seymour	0	1	1
Totals	9	25	34

- East Haven, Beach Ave. water main – Ted and Tom came up with an alternate route for the water main coming from Morgan Ave. and Stanton Rd. Got draft easement from Murtha. Told Juliano to proceed with the draft survey.
- Hamden, Olin property option – Forwarded the Chaplik’s 2005 emails to the HLCT attorney.
- Christmas tree donation – Donated oversized Christmas tree to New Haven Parks Dept. for use at Sea Wall Park.
- Responded to two abutters of Rockland Rd. (Guilford) and County Rd. (Madison) about problems with the locks on the gate we installed.

Attachments

- October 2021 – Yankee Division News - NESAF News Quarterly
- November 30, 2021 - The 2021 Atlantic hurricane season ends as the third most active year ever - NPR
- November 22, 2021 - Supreme Court backs Tennessee in water rights dispute with Mississippi - USA Today
- November 10, 2021 - Federal judge approves \$626.25M settlement in Flint water litigation – Detroit Free Press
- November 15, 2021 - November tornadoes might become more common in Connecticut as the climate changes - CT Public Radio

Upcoming Agenda Items

January 2022 – Water chestnut harvest summary – Josh Tracy and Will Henley

Yankee Division News ~ Tim Hawley

Madison, CT - Sixty people attended the Yankee Division fall field meeting on land of the South Central Connecticut Regional Water Authority (SCCRWA) on September 21. The meeting was organized by Jeff Ward, Alex Amendola, and Tom Worthley. As is his custom, division chair Larry Rousseau selected a day with perfect weather.

Jeff Ward conducted a tour of a *cutting methods study*, initiated by Connecticut Agricultural Experiment Station forester George Stephens with the assistance of SCCRWA forester Bob Hart in 1984. Plots of then-80-year-old central hardwoods typical of southern New England, ranging in size from four to seven acres, were marked and commercially harvested according to five practices: shelterwood, diameter limit, coppice with standards, commercial (sawtimber-only) clearcut, and silvicultural clearcut. The shelterwood, diameter limit, and coppice with standards plots were cut again in 2000. Deer browsing strongly influenced regeneration and residual volume and carbon were heavily impacted by the 2016-2018 drought and gypsy moth (and possibly red oak and two-lined chestnut borers). Discussion focused on regeneration and public perception.

Natural Resource Conservation Service soil scientists Donald Parizek and Milton Vega reported their findings from several soil pits dug within the plots. Depth to a glacially-compacted layer below the B horizon was typically about two feet. NRCS is analyzing samples to determine the carbon content within the soils of each cutting method.



Alex Amendola, Josh Tracy, Peter Smallidge, and Brett Chedzoy. Slash Walls 101 (photo by J Ward)

During the business meeting, NESAF chair Bill Hill reported that NESAF may have an opportunity to host another national SAF convention in 2025. If so, there will be lots of opportunities to learn from the inside how conventions are organized. Tim Hawley was elected Yankee Division vice chair.



Bill Hill addressing Yankee SAF business meeting (photo by Tim Hawley)

Alex Amendola and Josh Tracy of SCCRWA led the group to a 20-acre clearcut to be enclosed by a slash wall. Alex, Peter Smallidge, senior extension associate at Cornell University, and Brett Chedzoy, senior resource educator, Cornell Cooperative Extension shared their experiences in building slash walls. Stanley Burr, supervising forest products harvester, demonstrated slash wall construction with a grapple skidder. For more information, please visit <https://blogs.cornell.edu/slashwall/>.



Robert Marra sharing information about Beech leaf disease (photo by J Ward)

The day concluded with a look at beech leaf disease, led by Robert Marra, CAES Plant Pathologist. Marra explained that beech nematode is known to be necessary for the disease; whether another micro-organism such as a fungus or virus is also involved remains to be determined. Beech leaf disease was first recognized in Ohio in 2012 and has been found in Ontario, New York, and Connecticut. In Ontario, it was found where winter temperatures drop to -20°F .

The 2021 Atlantic hurricane season ends as the third most active year ever

By Bill Chappell - November 30, 2021 - NPR

The 2021 Atlantic hurricane season is now officially over, ending a period in which eight storms smacked into the U.S. coast. With 21 named storms, 2021 ranks as the third most active year in history, according to the National Hurricane Center.

Here are some of the things that set the 2021 season apart:

Storms inflicted deaths and expensive damage

While repairs and recovery efforts are ongoing, the 2021 Atlantic season will likely go down as one of the most expensive in history. Hurricane Ida alone accounts for more than \$60 billion in damages — making it one of the five most costly U.S. hurricanes on record since 1980, according to the National Oceanic and Atmospheric Administration.

Ida hit Louisiana as a Category 4 hurricane with a dangerous storm surge and strong winds, and it remained dangerous and destructive for roughly 1,000 miles, as it brought catastrophic flooding to the mid-Atlantic.

Ida was blamed for 26 deaths in Louisiana, and at least 50 deaths in the Northeast.

Four storms — Tropical Storm Elsa in July, Tropical Storm Fred in August, Hurricane Nicholas in September and Ida in August and September — each inflicted more than \$1 billion in costs, NOAA said.

We ran out of names again

Because of the above-average number of named storms, 2021 is the second straight year in which meteorologists ran out of names for the cyclones after Wanda was dubbed in early November.

It's the first time forecasters have used up the World Meteorological Organization's initial list of names in two consecutive years.

The average is 14 named storms in a year, the NHC says. Before 2020, the only other time forecasters ran out of names was in 2005.

The 2021 season roared to an early start

The 2021 season continued a trend of unusually early cyclones, as it became "the seventh consecutive year with a named storm forming before the official start to the season on June 1," according to the NHC.

The first storm was Tropical Storm Ana, which formed north of Bermuda on May 23.

The final two months of the season were relatively quiet, after nine new named storms formed in September: Larry, Mindy, Nicholas, Odette, Peter, Rose, Sam, Teresa and Victor.

Climate change is part of the dynamic

"Climate factors, which include La Niña, above-normal sea surface temperatures earlier in the season, and above-average West African Monsoon rainfall were the primary contributors for this above-average hurricane season," said Matthew Rosencrans, lead seasonal hurricane forecaster at NOAA's Climate Prediction Center.

In August, the Intergovernmental Panel on Climate Change issued an assessment report saying it was highly confident "that the global proportion of tropical cyclones that reach very intense (category 4-5) levels, along with their peak winds and rainfall rates, are expected to increase with climate warming at the global scale," the NHC said.

Only two years on record were busier

The busy 2021 season is eclipsed only by the 27 named storms (and one unnamed storm) that were recorded in 2005, and by the record 30 named storms of 2020.

Supreme Court backs Tennessee in water rights dispute with Mississippi

John Fritze - USA TODAY – Nov 22, 2021

WASHINGTON – A unanimous Supreme Court sided with Tennessee on Monday in a years long dispute over an aquifer the state shares with neighboring Mississippi.

The case, which yielded the first decision of the Supreme Court's 2021-2022 term, came to the court when Mississippi claimed Tennessee was pumping hundreds of billions of gallons of water from the Middle Claiborne Aquifer located under Mississippi's borders.

In a decision that could have ramifications for the allocation of drinking water supplies between other states, the nation's highest court applied the same standard it uses to resolve disputes between states that share water flowing in a river.

"It is certainly true that 'each state has full jurisdiction over the lands within its borders, including the beds of streams and other waters,'" the court said. "But such jurisdiction does not confer unfettered 'ownership or control' of flowing interstate waters themselves."

Mississippi had sought at least \$615 million in damages.

Cheryl Patterson, general counsel for Memphis Light, Gas and Water, said the utility is "extremely pleased" with the decision and that it "charts a sound path for interstate groundwater disputes going forward." The Mississippi attorney general's office issued a one-sentence statement saying it would respect the court's opinion.

But that case is still pending.

The complicated legal questions presented by the water dispute led the justices to contemplate some unusual hypotheticals during oral argument in the case last month – the first since the justices returned to their courtroom since the pandemic.

Chief Justice John Roberts had asked which state would have control of a herd of wild horses crossing back and forth over a border. Associate Justice Stephen Breyer at one point questioned whether California would be harmed if another state captured some of San Francisco's fog for itself.

Federal judge approves \$626.25M settlement in Flint water litigation

Paul Egan – Nov 10, 2021 - Detroit Free Press

DETROIT — A federal judge on Wednesday gave final approval to a \$626.25 million settlement of civil claims against the state of Michigan and a handful of other parties resulting from the lead poisoning of Flint's drinking water, in what is one of the largest civil settlements in state history.

The settlement, designed to send the brunt of the proceeds to Flint, Michigan, residents who were children at the time of the water crisis, is still only considered a partial settlement of civil claims. That is because some defendants, such as the U.S. Environmental Protection Agency, are not part of the settlement.

"The settlement reached here is a remarkable achievement for many reasons, not the least of which is that it sets forth a comprehensive compensation program and timeline that is consistent for every qualifying participant, regardless of whether they are members of a class or are non-class individuals represented by their own counsel," U.S. District Judge Judith Levy said in a 178-page opinion.

"The court is persuaded that the over \$600 million settlement is a fair and sensible resolution of the claims against the settling defendants," Levy wrote. "The complexity and volume of this litigation present significant risks and potentially great expense to all parties if the cases were to be tried."

Attorneys have requested about \$200 million in legal fees out of the total amount. Levy is to rule on that request in a separate order.

Levy gave preliminary approval to the proposed settlement in January and held a fairness hearing over several days in mid-July. The state of Michigan is paying the bulk of the settlement with a \$600-million payment.

The city of Flint is paying \$20 million, McLaren Hospitals \$5 million, and Rowe Professional Services Co., which did engineering work related to the 2014 switch to the Flint River as the city's drinking water source, is paying \$1.25 million.

Litigation continues against other private companies that were involved in Flint's switch from Lake Huron to the Flint River for its source of drinking water, as well as the EPA.

A major selling point of the settlement is its major focus on those most impacted by the lead poisoning: those who were children at the time and whose development could be most adversely affected by the toxin. Nearly 80% of the payments would go to those who were under 18 at the time of the crisis.

But many are unhappy that Flint adults are unlikely to get more than \$1,000 individually unless they can show specific injuries.

Former Flint Mayor Karen Weaver drew unfavorable comparisons between the Flint settlement, to be shared among about 50,000 residents who are predominantly people of color, and other recent settlements impacting mostly white communities.

Weaver pointed to Michigan State University's \$500-million settlement with 332 women sexually abused by former sports doctor Larry Nassar; Penn State's \$109-million settlement with about 40 men molested by former football coach Jerry Sandusky, and USC's \$852-million settlement with about 710 women abused by a former campus gynecologist.

"I am here to tell you today that this is not justice for Flint," Weaver, who was mayor of Flint from 2015 to 2019, said at the July fairness hearing. "We will not settle for the crumbs that have been set before us."

Levy said in the opinion that although she heard from many objectors, they represent less than a fraction of 1% of the more than 50,000 Flint residents who are participating in the settlement.

"The total number of objectors is exceedingly small in comparison to the overwhelming number of non-objecting participants," she wrote.

There is also a huge controversy surrounding the use of portable scanners that lawyers have used to measure lead levels in the bones of Flint residents.

Levy accepted assurances the use of the portable scanners is safe and exposes residents to no more radiation than they would receive through a dental X-ray. But the manufacturer of the portable scanners, Thermo Fisher Scientific, said the scanners, used in the mining and recycling industries, are not intended for use on humans and told lawyers to quit using them.

Levy went into considerable detail responding to the bone scanning controversy in her opinion and rejected both safety concerns and concerns about whether the devices should be approved for use on humans by a regulatory agency such as the Food and Drug Administration.

She said it is true that Thermo Fisher has never marketed the portable scanners for use on humans, but the company

Access to the scanners has been another major issue, since one New York City firm, Napoli Shkolnik, owns or leases the scanners that have been used on thousands of Flint residents and has restricted access to the scanners for residents represented by other firms.

Flint's water crisis began when a state-appointed emergency manager switched the city's drinking water supply from Lake Huron water treated in Detroit to Flint River water treated at the Flint Water Treatment Plant. It was intended as a temporary, cost-saving measure, but turned out to be a disastrous mistake. The Michigan Department of Environmental Quality has acknowledged it failed to require needed corrosion-control chemicals as part of the water treatment process.

Before the 2014 water switch, the Flint City Council had backed a plan to join the Karegnondi Water Authority pipeline to Lake Huron as a new water source, though members have said they thought the city would stay on Detroit water until the new pipeline was completed.

After Flint River water began flowing, corrosive water caused lead to leach from joints, pipes and fixtures, causing a spike in toxic lead levels in the blood of Flint children and other residents.

Flint switched back to Detroit water in October 2015, but the risk remained because of damage to the city's water distribution infrastructure.

November tornadoes might become more common in Connecticut as the climate changes

Connecticut Public Radio | By Matt Dwyer - November 15, 2021

Saturday's four tornadoes in Connecticut were unusual — especially for this time of the year.

The National Weather Service has not recorded a tornado in the state in November since at least 1950. That's how far back the weather service's database goes.

Meteorologist Garrett Argianas says this could be the sort of weather scientists would expect to see more of in the spring and fall because of climate change.

"We are seeing longer tornado seasons. That would be in line with what we are seeing here, seeing the first confirmed November tornadoes in the period of record across Connecticut," Argianas said. "So with warmer weather and more moisture around, we are more likely to see more of these tornado events on the fringes of the warmer weather season."

Argianas says we may see more tornadoes at times of the year we are not used to in the future.

Argianas says the latest data shows that climate change does not impact tornado frequency.

The weather radar in the region was updated over the last decade, allowing meteorologists to see debris lofted into the air. That allows meteorologists to see more tornadoes than in the past.

The National Weather Service says a twister with a 6 mile path started in Plainfield, and crossed the state line into Rhode Island.

It moved a heavy, red trailer about 50 feet. Another tornado started in Stonington, before continuing into Rhode Island, destroying sheds and throwing several trampolines around.

One of the trampolines ended up hanging from a power line about 20 feet off the ground.

Other weather service storm reports said in Branford, another tornado toppled light tower generators at a school.

In Cheshire, an SUV and RV were crushed, according to the weather service.

The tornadoes were classified as EF-0 or EF-1, on the low end of tornado wind speed and damage.

Read some of the National Weather Service reports on the twisters in Stonington, Branford, and Cheshire.