

Act Number: 09-180

Bill Number: 5108

Senate Pages: 5676, 5701-5703 **4**

House Pages: 8419-8439 **21**

Committee: Environment: 462-464, 599-603, 677-679, 755-761, 930 **19**

Page Total: **44**

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GENERAL ASSEMBLY
SENATE**

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mhr
SENATE

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Consent Calendar. Without objection, so ordered, sir.

SENATOR LOONEY:

Thank you, Mr. President. Moving to Calendar Page 22, Mr. President, Calendar 716, House Bill 5474. Mr. President, that item is marked go. And also on Calendar Page 22, Mr. President, Calendar 718, House Bill 5861. Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion on the floor to place Calendar Number 718 on the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Moving to Calendar Page 23, Calendar 719, House Bill 6676 is marked go. And also, Mr. President, on Calendar Page 23, Calendar 720, House Bill 5108.

Mr. President, would move to place that item on the Consent Calendar.

THE CHAIR:

There's a motion to place Calendar Number 720 on the Consent Calendar. Without objection, so ordered.

SENATOR LOONEY:

Yes. Thank you, Mr. President. Mr. President, also continuing Calendar Page 23, Calendar 722, House

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Mr. Clerk, please call Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber. Immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the chamber.

Mr. President, those items placed on the Second Consent Calendar --

THE CHAIR:

Mr. Clerk, please hold for a second.

I'm trying to hear the Clerk call the Consent Calendar and I'm sure you don't want to miss that vote either, so if I could have your attention and quiet, please.

Mr. Clerk.

THE CLERK:

The items placed on the Second Consent Calendar begin on Senate Agenda 1, substitute for House Bill 6486, substitute for House Bill 6649. Senate Agenda Number 3, House Bill 6394. Today's Calendar, Calendar Page 3, Calendar 317, Senate Bill 586; Calendar Page 4, Calendar 455, House Bill 5018; Calendar Page 7, Calendar Number 593, Substitute House Bill 5286; Calendar Page 8, Calendar 606, substitute

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for House Bill 5883; Calendar Page 9, Calendar 619,
House Bill 6343; Calendar 626, House Bill 6476;
Calendar 629, substitute for House Bill 6232; Calendar
Page 10, Calendar 634, House Bill 6544; Calendar 636,
substitute for House Bill 6483; Calendar Page 11,
Calendar 649, substitute for House Bill 6466; Calendar
Page 13, Calendar 663, substitute for House Bill 5254;
Calendar Page 15, Calendar 680, substitute for House
Bill 5821; Calendar Page 16, Calendar 684, House
Bill 6231; Calendar Page 17, Calendar 689, substitute
for House Bill 5421; Calendar Page 18, Calendar 695,
substitute for House Bill 6419; Calendar Page 19,
Calendar 699, substitute for House Bill 6284; Calendar
Page 21, Calendar 711, House Bill 5099; Calendar 712,
substitute for House Bill 6025; Calendar Page 22,
Calendar 718, substitute for House Bill 5861; Calendar
Page 23, Calendar 720, substitute for House Bill 5108;
Calendar Page 32, Calendar 450, House Bill 6233;
Calendar 467, substitute for Senate Bill 1031; and,
Calendar Page 35, Calendar 205, substitute for Senate
Bill 948. Mr. President, that completes the items
placed on the Second Consent Calendar.

THE CHAIR:

Will you please call the Consent Calendar? The
machine will be open.

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SENATE

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THE CLERK:

The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber. The Senate is now voting by roll call on the Consent Calendar. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be closed. The Clerk will call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 2:

Total Number Voting	36
Those voting Yea	36
Those voting Nay	0
Those absent and not voting	0

THE CHAIR:

Consent Calendar Number 2 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, would move for immediate transmittal to the House of Representatives of any items voted on, on Consent Calendar Number 2, requiring additional action by the

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TRAILS. Favorable Report of the Committee on
Environment.

DEPUTY SPEAKER ORANGE:

Thank you. Representative Lonnie Reed, you have
the floor.

REP. REED (102sd):

Thank you, Madam Speaker. I move for acceptance
of the Joint Committee's Favorable Report and passage
of the Bill.

DEPUTY SPEAKER ORANGE:

The question is acceptance of the Joint
Committee's Favorable Report and passage of the Bill.
Will you remark? Representative Reed.

REP. REED (102nd):

Madam Speaker, this Bill reserves six trails
around the state that horses may use with equestrians
aboard, of course. I grew up riding and there seem to
be trails all over the state, trails actually blazed
and often maintained by equestrians and always used
by others as well.

Over time, competition for use with bikers and
hikers and joggers has made many of those trails off
limits to horses.

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Horse associations have worked with the Department of Environmental Protection and the Forest and Park Association and the Environment Committee to come up with this compromise that sets aside, as I said, trails in six parks around the state. Not exclusively, others may use them as well.

It's an excellent compromise and I urge my colleagues to support this legislation. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you remark further on the Bill? Representative Hovey of the 112th.

REP. HOVEY (112th):

Thank you, Madam Speaker. I want to thank the kind gentleman who chairs the Environment Committee for bringing this Bill forward, and also the Ranking Members who probably knows way more than he ever wanted to know or should know about horses.

We did start out with 26 trails, and have compromised to the six trails and parks that are on this list. Connecticut Forest and Parks Association, the Connecticut Horse Council and the Equine Advisory Council have all worked together to come up with these

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six trails that have had a long-standing history of equestrian use here in the State of Connecticut.

This is considered historical legislation for the State of Connecticut, and I hope it is the beginning of preservation of trails that equestrians have used for centuries across the state.

The equestrian industry here in the State of Connecticut is a billion dollar industry and we need to preserve it and appreciate it, and I urge everyone to support this legislation, and I thank all who have had a part in the compromise for this legislation, and I look forward to adding other trails in the years ahead as we document their historical use for horses.

Thank you, madam.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark further on the Bill? Representative Chapin, you have the floor, sir.

REP. CHAPIN (67th):

Thank you, Madam Speaker. A couple of questions to the proponent of the Bill, through you, please.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. CHAPIN (67th):

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Thank you, Madam Speaker. Can the lady tell me if the six trails identified in the Bill currently allow horses in those parks? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Reed.

REP. REED (102nd):

Thank you. Through you, Madam Speaker, as I understand it, they do.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker. And in the decision to include these particular trails and parks, was the availability of parking, was that one of the considerations given? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Reed.

REP. REED (102nd):

Through you, Madam Speaker, yes it was.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

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Thank you, Madam Speaker, and I thank the lady
for her answers.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further
on the Bill? Representative Brian O'Connor of the
35th, you have the floor, sir.

REP. O'CONNOR (35th):

Thank you, Madam Speaker. I also rise in support
of this and you know, just working through with DEP
and also the Connecticut Forest and Park Association,
there was one horse trail that we are going to be
adding to this list.

The Clerk is in possession of LCO Number 8740. I
ask that he call and ask leave of the Chamber to
summarize.

DEPUTY SPEAKER ORANGE:

Will the Clerk please call LCO Number 8740
designated as House Amendment Schedule "A".

THE CLERK:

LCO Number 8740, House "A", offered by
Representatives O'Connor, Roy, Spallone and Senators
Meyer, Daily.

DEPUTY SPEAKER ORANGE:

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The Representative seeks leave of the Chamber to summarize the Amendment. Is there objection? Is there objection? Hearing none, Representative O'Connor, please proceed, sir.

REP. O'CONNOR (35th):

Thank you, Madam Speaker. We're going to be adding in this Amendment, Cockaponset State Forest, which basically runs through the Towns of Westbrook, Deep River, Killingworth, Haddam and Chester and this is basically a state forest that has a long history of horseback riding and horse stewardship through the Bridlepath Conservancy and also the Lower Connecticut Valley Workmen's Club who back in 2003 picked up slack during the last budget crisis and maintained the trails so that they weren't shut down.

I move adoption.

DEPUTY SPEAKER ORANGE:

The question is on adoption. Will you remark further on House Amendment Schedule "A"? Now we're talking on House Amendment Schedule "A"?

Representative Chapin.

REP. CHAPIN (67th):

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Thank you, Madam Speaker, a couple of questions to the proponent of the Amendment, through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. CHAPIN (67th):

Thank you, Madam Speaker. Can the gentleman tell me if this particular state forest trail was vetted through the process of the other six trails in the underlying Bill were? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th):

Thank you, Madam Speaker. It was vetted in the sense that we just got clearance through the State Department of Environmental Protection and also talked to the Connecticut Forest and Park Association who I know was concerned about the pre-blazed trail.

We're not going to be impacting those, so I guess it has been properly vetted. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

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Thank you, Madam Speaker, and again, through you, did the Equine Advisory Council have any input in this decision?

Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Madam Speaker, not directly through me, no.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker, and are horses presently allowed on these trails? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Madam Speaker, yes, they are, and they do spend plenty of volunteer hours maintaining those trails currently.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

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Thank you, Madam Speaker. And my last question, is there any concern that by putting this in statute that additional parking will be required at this particular park? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Madam Speaker, no. There's adequate parking today.

DEPUTY SPEAKER ORANGE:

Representative Chapin.

REP. CHAPIN (67th):

Thank you, Madam Speaker, and I thank the gentleman for his answers. I also support the Amendment that's before us and encourage my colleagues to also support it.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on House Amendment Schedule "A"? Representative Reed.

REP. REED (102nd):

Thank you, Madam Speaker. I just want to say I also consider this a friendly Amendment, and I have to say I encountered the Cockaponset group one day when I

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was running in that area, and they were searching for a lost child.

So this is a very, very involved group. It's very helpful to the community, and I urge passage.

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark further on the Amendment? House Amendment "A"? Representative Kehoe on the Amendment. Thank you. Representative Tercyak, on the Amendment?

REP. TERCYAK (26th):

Thank you very much, Madam Speaker. Through you to the proponent of the Amendment.

This additional trail and--

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. TERCYAK (26th):

Thank you, ma'am. This additional trail and I assume if it's true for this trail it would be true for the others. Would this include use by a horse of a different color?

DEPUTY SPEAKER ORANGE:

Representative O'Connor, do you care to answer, sir?

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REP. TERCYAK (26th):

Through you, Madam Speaker, I'll repeat the question. Would this include use by a horse of a different color?

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Madam Speaker, yes.

REP. TERCYAK (26th)

Thank you. Through you, Madam Speaker--

DEPUTY SPEAKER ORANGE:

Representative Tercyak.

REP. TERCYAK (26th):

A sawhorse.

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th):

I don't think that applies to this Bill.

REP. TERCYAK (26th):

A sea horse? Through you, Madam Speaker.

REP. O'CONNOR (35th):

Through you, Madam Speaker, I don't think that's an appropriate question to the Amendment as well.

REP. TERCYAK (26th):

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Then I'll wait and ask the rest for the proponent of the Bill, Madam Speaker, thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark on the Amendment? Will you care to remark further on the Amendment? Representative Caruso.

REP. CARUSO (126th):

Thank you, Madam Speaker. Madam Speaker, through you to the proponent of the Amendment.

DEPUTY SPEAKER ORANGE:

Please proceed, sir.

REP. CARUSO (126th):

Yes, through you, Madam Speaker, to Representative O'Connor, I'm concerned. Would this be a mandate on horses?

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th)

Through you, Madam Speaker, no, it would not. This is a free trail where there's no inhibitions or mandates put on them.

DEPUTY SPEAKER ORANGE:

Representative Caruso.

REP. CARUSO (126th):

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Through you, Madam Speaker, I appreciate the comments of the distinguished gentlemen, but don't horses have to have shoes, and who would pay for them?

Through you.

DEPUTY SPEAKER ORANGE:

They have to have something. Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Madam Speaker, that would not be subsidized by the state, and it would be a private sector basically. They would be able to buy them from them and they would be self sufficient. Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Caruso.

REP. CARUSO (126th):

Through you, Madam Speaker, so I understand then Cockaponset State Trail would in no way have to pay for this in the middle of this fiscal crisis?

DEPUTY SPEAKER ORANGE:

Representative O'Connor.

REP. O'CONNOR (35th):

Through you, Madam Speaker, they would not.

DEPUTY SPEAKER ORANGE:

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Representative Caruso.

REP. CARUSO (126th):

Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark further on the Amendment? Representative Hovey.

REP. HOVEY (112th):

Thank you, Madam Speaker. Madam Speaker, just for the record, a horse of a different color is a gray and horses do not necessarily have to wear shoes, and those of us who have horses, know what it means in a fiscal crisis to make sure that something is cared for.

This particular trail has been taken care of and has had a long history of equestrian use, and I thank the good gentleman for bringing it out. I'm glad that he did the work of getting it vetted so that it is able to be added to the list.

And I would encourage anyone else in the Hall of the House who has a trail in their district that they know has a long-standing history of equestrian use to advocate for it being preserved and to work with the Connecticut Horse Council and the DEP Equine Advisory

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Council to assure that that trail is preserved in
perpetuity for use for equestrians. Thank you, madam.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark
further on the Amendment? Will you care, the
Amendment? Will you care to remark further on the
Amendment that is before us? Okay. Let me try your
minds.

All those in favor of House Amendment Schedule
"A" please signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER ORANGE:

All those opposed, Neigh.

(Applause and laughter.)

I think the Ayes have it and the Amendment is
adopted.

Will you care to remark on the Bill before us as
amended by House Amendment Schedule "A".

Representative Kehoe of the 31st, you have the floor,
sir.

REP. KEHOE (31st):

Thank you very much, Madam Speaker. Well, with
perhaps not as much levity, I did want to add that

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Connecticut does have a rich history of, with presence of horses, both equestrian, working horses, all types, and I think it's very important as we try to preserve the character of our state that we do what we can to maintain the riding paths and trails that we have, the open space that we have, and it is all part of a big system as we make it available. People maintain horses and they maintain the fields that go along with it.

And as Representative Hovey mentioned, it is a very important industry contributing to our economy as well.

So I do rise in support of this Bill and hope that we'll pass this tonight. Thank you.

DEPUTY SPEAKER ORANGE:

Thank you, sir. Will you care to remark on the Bill as amended by House Amendment "A"? Representative Sawyer of the 55th, you have the floor, ma'am.

REP. SAWYER (55th):

Thank you, Madam Speaker. In seriousness here, what we do know in the State of Connecticut is that there are more horses per capita than any other state in the union, and the trail usage has been a subject

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of question over the course of a number of years, not only because of those pressures of horses, but also the pressures of hikers, mountain bikers, and ATVs.

I have the distinction of having two trails out of this collection cross through my district, and perhaps the nature of where it is, but it's also the nature of long-standing preservation.

Particularly the piece that goes from Bolton to Columbia. That particular piece is part of the East Coast Greenway, and we are hoping at some point to be able to connect it through to be able to have that particular trail, so it would not totally be for the horses to be connected as part of the Maine to Florida East Coast Greenway System. There are pieces of it.

There are pieces that we have spent many years putting together. When the Trail was so narrow it literally could not be used, we were blessed to have, for a little bit of background, the National Guard come in. They did a summer camp. They did their road-building skills. They went through and they widened it, and we found the money to what we thought we'd be able to do to put down the trap rock, and then to put on the stone dust on top.

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The horse people, the horse set in my area came to me because we lost the money somehow to another project. We were supposed to put down the stone dust on top, and if you know anything about trap rock, it's very large and very irregular and not conducive to walking or horseback riding, so the Trail began to fall into non-use.

The good news was that the DEP came back to the table. We were able to find the money and that particular Trail was completed.

So, Madam Speaker, with that little bit of history, I'd like to ask a question to the proponent of the bill.

DEPUTY SPEAKER ORANGE:

Please proceed, ma'am.

REP. SAWYER (55th):

In the case where we have now minimal horse usage because it has been accepted in this particular area, was there discussion about ongoing conditions where the DEP would do preservation, or would it be expected to be taken over by non-state groups and done as perhaps a club activity or a donation? Through you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

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Representative Reed.

REP. REED (102nd):

Through you, Madam Speaker, as I understand it, the conversation, part of what this Bill is set to accomplish is to get these conversations sort of elevated to a new level where the DEP and the Forest and Parks people and the associations are all talking about all of these issues, so as I understand it, yes. Thank you, Madam Speaker.

DEPUTY SPEAKER ORANGE:

Representative Sawyer.

REP. SAWYER (55th):

I would like to thank her for that answer, and as we go forward, it is going to be difficult, I think for the next few years, certainly, to be able to find state monies to be able to trail repair as I presume when this has gone out to a lot of the aficionados that these trails will be used quite a bit, which I'm looking forward to that.

We also know that in some of these areas there are pieces of the trail missing. In the case of the Andover to Bolton, there is a piece missing. As a matter of fact, it ends at a railroad where there used to be a railroad bridge. There's a cliff, and it goes

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across a very big intersection that the indomitable
Route 6 and 316 and there is a bridge abutment on the
other side.

Madam Speaker, there is a bridge that has money
allotted for it, and unfortunately is in the midst of
a lawsuit, but the good news is, when we were
designing this, some of us from the 55th District and
perhaps the yellow jacket, insisted that the bridge
have, not just be for pedestrian uses but it would
also be used for horses as well.

So we have a covered bridge coming, and it would
be the only one on the East Coast Greenway and it's
designed to protect it so that horses can use it
throughout the year.

Thank you, Madam Speaker, and I thank everyone
who worked on this.

DEPUTY SPEAKER ORANGE:

Thank you, ma'am. Will you care to remark
further on the Bill as amended? Will you care to
remark further on the Bill as amended?

If not, staff and guests please come to the Well
of the House. The machine will be opened.

THE CLERK:

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The House of Representatives is voting by Roll
Call. Members to the Chamber.

Members to the Chamber. The House is voting by
Roll.

DEPUTY SPEAKER ORANGE:

Have all Members voted? Have all Members voted?
Please check the board to determine if your vote has
been properly cast.

If so, the machine will be locked and the Clerk
will take a tally.

And the Clerk will announce the tally, please.

THE CLERK:

House Bill Number 5108 as amended by House "A".

Total Number Voting	141
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Necessary for Passage	71
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Those voting Yea	141
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Those voting Nay	0
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Those absent and not voting	10
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DEPUTY SPEAKER ORANGE:

The Bill as amended passes.

Will the Clerk please call Calendar Number 560.

THE CLERK:

On Page 15, Calendar Number 560, Substitute for
House Bill Number 6676 AN ACT CONCERNING LICENSURE OF

**JOINT
STANDIN
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 2
326 - 641**

2009

State Representative DebraLee Hovey. She'll be followed by Jennifer Finlayson from the general public, as we've crossed the first hour.

Thank you.

REP. HOVEY: Thank you, Mr. Chairman, Ranking Members and honorable members of the Environment Committee. I wanted to thank you all for hearing my bill, HB 5108. Many of us here today are deeply troubled by the continued loss of open space traditionally used by equestrians. The formation of land management groups that do not include equestrians and the signage changes prohibiting horses where they've been traveling for years.

Two years ago the Legislature saw the importance of the equestrian and established the Equine Advisory Council as support for DEP in assuring that equestrians needs were being considered. This group has not been utilized by DEP and I'm not sure, but last time I looked, I don't think all the appointments had made -- been made to the group, and so it was not a fully functioning group.

Equestrians are fast losing their ability to enjoy an alternate means of nonmotorized transportation and recreation. Trails and greenways that were once created and exclusively used for equestrians are now being paved and restricted to foot and bicycle use. I don't know what has caused this change in policy, as Connecticut leads the nation in the number horses per capita. The impact of this distinction is about a billion dollars annually. No other trail user group even comes close to having this kind of impact on our economy.

I've put some testimony in about some of the concerns that I know different groups have had, but let me just state for the record that the concern about a negative impact by equines on the environment are completely false and unable to be substantiated. Horses are animals of the land. Their footpath is flat, so it does not make the big indentations into -- into the land and their manure is completely biodegradable. Horses only consume natural grains and grasses and their diets are completely vegetarian.

Historically, Connecticut has been friendly to equestrians and it's my hope that this tradition would continue. Horses have played significant role in the creation and growth of our state. And even today this legacy is still apparent by the two official horse guards for the Governor.

We have tried to work with DEP in hopes that it would change its position and become more responsive and allow equestrian continued access to trails, but to this point, I believe been pacified and politely ignored.

When preserving trails and open space, all groups who have a vested interest should be at the table including the equestrians who, in this state, are represented by the Connecticut Horse Council. And in HB 5108 you see a list of trails. I recognize that some of those trails have issues. Representative Mushinsky has a trail that she has some concerns about. What I would tell you is, I have introduced this legislation, once again, to put this issue on your radar, and that I would defer to the Connecticut Horse Council and their recommendation for some trails, that they have specifically assessed, and by assessing,

they've gone out and ridden them. So I defer to their recommendations, because they have a rigorous program for assessing trails and trying to maintain and manage them.

It's my hope that by continuing to offer this trails preservation bill, DEP will honestly come to the table and be proactive in supporting equestrian use and preservation. DEP should work with the DOT to include equestrians as nonmotorized pedestrians and assure Connecticut's legacy of equestrian excellence is preserved.

Thank you for your time.

REP. ROY: Thank you.

Are there any questions from members of the committee?

Any questions or comments?

See --

REP. HOVEY: You all know where to find me. And I know where to find you.

REP. ROY: We're sure.

DebraLee, thank you very much.

REP. HOVEY: Thank you, Mr. Chairman. I really appreciate it.

REP. ROY: Okay. Our next speaker will be Jennifer Finlayson.

I'm going to ask that we adhere to the three-minute time limit as much as possible. You'll hear the bell, please bring your remarks to a conclusion.

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ccm/gbr

ENVIRONMENT COMMITTEE

February 9, 2009
10:00 A.M.

time and a lot of money on this, and did you pick up any information about any other cases?

BRIAN PICCIOLI: Not within the state of Connecticut, no.

SENATOR MEYER: All right. Thank you.

REP. ROY: Thank you.

Any other questions or comments?

Thank you very much.

BRIAN PICCIOLI: I just wanted to offer up, I know there was some question about the case in Massachusetts last year from individuals who drank pasteurized milk, but that was in the postpasteurization process. I believe somebody handled a deer carcass and contaminated the milk, so it's not like most pasteurized milk can be affected equally.

REP. ROY: Thank you.

BRIAN PICCIOLI: I'd offer that up as a point of clarification.

REP. ROY: Eric Hammerling, followed by Rachel Menti.

ERIC HAMMERLING: Good afternoon. On behalf of the Connecticut Forest Park & Association, and our partners at the Appalachian Mountain Club, and the Housatonic Valley Association, I'm here to testify today in opposition to proposed Bill 5108, An Act Preserving Certain Horse Trails.

I have several general and specific objections to this bill. In general, number one, the title of the bill suggests that this is, in

fact, preserving existing horse trails, but after reviewing the trails, they're actually, at least two, which would be new equestrian trails, and I don't believe that's what the Act's title is suggesting.

There's also a problem with the process that we have gotten to the bill. As the DEP testified earlier, there was an equine advisory council established in 2007, and its purpose was to evaluate which trails might be best for equestrian use. I would say that doing it in this order has certainly put the cart before the horse.

The Legislature has also, with respect to two of the particular trails, those in the bill being Trail Number 3 and Trail Number 12, these are Blue Blaze hiking trails, and the Legislature has spoken very clearly, and I'll just quote from the Legislature Section 23-10(a) of the General Statutes: "Those portions of the Connecticut Blue Blaze Trail System which cross state property are hereby designated as state hiking trails, not as equestrian trails."

There are also Trail Number 3 that's mentioned is the Metacomet, Mettabesett and Monadnock Trail, and including this is quite bizarre to me. This is, first of all, not an equestrian trail. Second of all, the Monadnock portion of the trail is located in Massachusetts, and only a very small portion of the trail actually goes through state land. Thirteen percent of THAT 110-mile long trail which is managed and maintained by CFPA volunteers is on state land. Eighty-seven percent of that trail goes through private land, and I don't -- I don't believe that we should go back on 80 years worth of agreements with private landowners for how their land would be

maintained for the trails by now saying that these are equestrian trails.

I'm not here to testify against all equestrian trails. I do love horses. I think they're beautiful animals, but, quite frankly, there are some trails that are not well designed for horse usage.

Many of the Blue Blaze hiking trails are on steep slopes, cliff edges, densely wooded areas, and essentially equestrian use in those areas would -- would be inappropriate.

I'll close with that. But I, of course, would encourage you to please vote nay on this bill.

REP. ROY: Thank you, Eric.

Any questions or comments from members of the committee?

REP. CHAPIN: Thank you, Mr. Chairman.

Good afternoon. I don't know if you were here when Representative Hovey gave her testimony, but she was the architect of the bill in 2007, as well as this year, and she had expressed some frustration as to the speed that the process has taken, so perhaps you might want to have a conversation with her and we can come to some sort of amenable conclusion.

ERIC HAMMERLING: Would be glad to have that conversation. And, in fact, on the Equine Advisory Council, there is supposed to be a CFPA member on that, which has not yet been appointed, so we hope that will happen as well.

REP. CHAPIN: And did we charge some particular person with making that appointment, and if

so, do you know who that would be?

ERIC HAMMERLING: I believe that resides with Senator McKinney.

REP. CHAPIN: Thank you.

REP. ROY: Thank you.

Any other questions?

Senator Meyer?

SENATOR MEYER: Thank you, Mr. Chairman.

You're with a parks and trails organization, which one?

ERIC HAMMERLING: The Connecticut Forest and Park Association.

SENATOR MEYER: Okay. And what are the responsibilities of that association?

ERIC HAMMERLING: We have many responsibilities, but the most relevant one is we train volunteers who maintain and have created the blue blaze hiking trail system. It's actually celebrating its 80 anniversary this year.

SENATOR MEYER: Are you familiar with all of the trails that are mentioned in this bill?

ERIC HAMMERLING: No. I really wanted to just focus my remarks on the two Blue Blaze hiking trails that are mentioned in this bill, the others I believe DEP has spoken -- has spoken to.

SENATOR MEYER: Okay. I know the sponsor of the bill, Representative Hovey, has told me that she would agree to modify this bill to take

out trails that are mentioned here that are inappropriate for horseback riding, and that's why I was going to ask you if you knew enough about the trail specifically that you could point out ones that are appropriate to horseback riding and ones that are not appropriate.

ERIC HAMMERLING: Yeah, I wish I could do that, Senator Meyer, but it really is the job of the Equine Advisory Council to, in fact, come up with that list.

SENATOR MEYER: Okay. Thanks.

REP. ROY: Thank you.

Any other questions or comments from members of the Committee?

Seeing none, thank you, Eric.

ERIC HAMMERLING: Thank you.

REP. ROY: Rachel Menti, followed by Phyllis Johnson.

RACHEL MENTI: Hello panel, very nice to be here. I'm elated to have your attention on supporting Bill 5811 in removing -- modifying the cage span for hens.

Rachel Menti. Good pronunciation, by the way, on your part.

I am a concerned and contributory citizen of the state. I directly affect our revenue in the state by purchasing mass amounts of lottery tickets for the state. I'm also part -- I'm proud to be part of this trend-setting state in hopefully making a move to evolving our farm practices. I do believe

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February 9, 2009

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10:00 A.M.

violation of the law, and I think that just by adding words "condominium and PUD" to the law clarifies that so there is no question as to whether this is public private property.

REP. ROY: Thank you.

Any other questions or comments for members of the committee?

Seeing none, thank you, Rich.

RICH MELLEN: Thank you for your time.

REP. ROY: Carlene Kulisch, followed by Karen Rasmussen.

CARLENE KULISCH: Good afternoon, Chairman Roy, Chairman Meyer, and members of the committee. I am Carlene Kulisch. I'm here today representing my client, the South Central Connecticut Regional Water Authority to provide some concerns on Proposed Bill 5108, an Act Preserving Certain Horse Trails.

As most of you are aware, the Regional Water authority serves over -- almost a half a million consumers, approximately 53 million gallons a day. We've reviewed the bill and we have a little bit of concern on the bill as to whether it provides enough right for the property owner. The Regional Water Authority has an extensive trail system and 57 miles of trails which are allowed for hiking, biking and cross-country skiing in designated areas, also fishing in five reservoirs and horseback riding is allowed in two areas by special permit only.

Because these areas are on public drinking water watersheds and aquifers any change in use to allow any kind of recreation is given

extensive study and review and evaluation before that is determined appropriate by the Regional Water authority.

Further, a change of use permit is necessary to be received from the State Health Department. The Regional Water Authority over the past three years has been working with Connecticut Forest and Park Association on extending the Triple-M-Trail System across the Genesee property in North Guilford.

The trail that the Regional Water Authority is building for the Triple-M Trail is not appropriate for horseback riding due to its rocky nature. We just want to make sure that if this bill is passed that appropriate language gets included to provide the property owner to determine that horseback riding would be appropriate on that trail, whichever ones are listed there.

I'll be happy to work with the committee on language to make this right, and be happy to answer any questions you have.

REP. ROY: Carlene, thank you.

The two trails you mentioned that you allow horseback riding on now --

CARLENE KULISCH: Yes.

REP. ROY: -- are they contained in this bill that's before us?

CARLENE KULISCH: No, they aren't. They are strictly Regional Water Authority Trails in Bethany and also North Madison, and those -- and it is by permit only. So that the horseback riders have to pay, and it's much more than our regular recreation permit.

REP. ROY: Okay. The new trail system that you're putting in, is there anything in that bill that says they want to ride on that trail?

CARLENE KULISCH: Well, the bill, the way we read Proposed Bill 5108, it says -- and I'm sorry, I don't have a copy of it here, I didn't pick one up outside -- but it says that all of the trails listed would be preserved for horseback riding, and one of those trails is this Triple-M Trail that Metacomet, Mettabesett and Monadnock Trail that comes in from, I guess it's Durham and up there, and we're willing to have it connect to put in part of a trail over our property so that people can hike and cross-country ski over the Genesee's track, but three years ago when we started this process, we were not considering horseback riding, and the trail itself is not conducive to that, and we would be very concerned about any kind of liability and the safety of the horseback riders and the hikers for that matter.

REP. ROY: Thank you.

Any other questions or comments for Carlene?

Seeing none, thank you very much.

CARLENE KULISCH: All right. Thanks very much.

REP. ROY: Karen Rasmussen, followed by Bryant Piccioli. Karen? Okay.

Allison Allen. We're moving a little faster now, aren't we?

Irl Sanders, followed by Dr. Mike Darre from UConn.



The Connecticut Horse Council, Inc.
P.O. Box 57
Durham, CT 06422
www.cthorsecouncil.org

February 9, 2009

Mr. Chairman and
Honorable Members of the Environment Committee:

Thank you for the opportunity to hear Raised Bill No. 5108
AN ACT PRESERVING CERTAIN HORSE TRAILS

My name is Diane Ciano, 660 Greystone Road, Plymouth, CT. I am speaking on behalf of the CT Horse Council (CHC) as its Trails Chairperson.

The CHC is in support of this bill as it will help to recognize and preserve the horse's historic use of trails in the state.

Through the years we have seen many of these trails on this list developed through state and Federal funds. Many towns that receive such funding, decide what uses will be allowed and the type of surface to be put down without regard to past usage which in many cases exclude historic usage of horse trails. HB 5108 would help prevent this problem.

The current list on this bill includes Rails to Trails, Greenways, Trails and Open Space that have been already established (some of which have provided a multi use natural surface, while others have been paved). These all have historic equestrian use. Others on the list are proposed projects or projects in progress. The list also includes public town lands as well as state land.

This bill will help to provide equestrians with a "tool" to encourage Open Space Lands and Trails & Greenways planners to include equestrian use in future projects.

As proud owners of our prized possessions, equestrians appreciate the land and trails that provide beauty and peace to our lives. We are proud to be part our nation's historic traditions and are willing to serve the community in helping to preserve trails and open space for our future generations.

Please support and Co-sponsor HB 5108 AN ACT PRESERVING CERTAIN HORSE TRAILS IN CONNECTICUT.

Thank you,

Diane Ciano
Trails Chairperson
660 Greystone Road, Plymouth, CT 06782
203-757-1904



314 Southford Road
 Southbury, CT 06488
 Alesia DiFederico
 203-509-6603

February 7, 2009

Environment Committee
 300 Capitol Avenue
 Room 3200 LOB
 Hartford, CT 06106

Testimony for Public Hearing
 Monday Feb. 9, 2009

Re: AN ACT PRESERVING CERTAIN HORSE TRAILS HB 5108

Dear Mr. Chairman and Committee Members,

My name is Alesia DiFederico, I am here today on behalf of Southbury Horse & Livestock Association. We would like to offer our **SUPPORT** for Bill 5108, the preservation of certain horse trails.

In these modern times people are less familiar with horses. Many people assume that horse trail riding is novelty or small user group here in CT. The northeast is home to nearly one million equines and the largest user group in general is trail riders.

Connecticut has the highest horse density in the northeast, nine horses per square mile. The competition for land is fierce, agricultural pursuits are squeezed out by development everyday. Trails historically ridden and created by horseback riders are disappearing at an alarming rate. Bill 5108 will be a valuable resource and protection of a time honored tradition. Please support Bill 5108 so trail riders will have a place to ride in CT.

I would also like to offer our **SUPPORT** for HB5807 AN ACT CONCERNING ABANDONED ANIMALS. Pets left behind by displaced families must be acknowledged. Please support Bill 5807 to save these pets from starvation and exposure when they too are evicted from their homes.

Last but certainly not least I would like to urge you all to **OPPOSE** Raised Bill 784 AN ACT CONCERNING ROAMING LIVESTOCK AND PUBLIC SAFETY. This bill would allow our UNTRAINED Animal Control Officers a free hand in the capture and care of large animals as if they were the same as a cat or dog.

A Twelve hundred pound horse is **NOT** a cat or dog. Our ACO's are not mandated to receive **ANY** training in the handling of any animals let alone a large livestock animal. Can you imagine a horse confined inside a chain link dog kennel?

Most towns do not have the facilities or experience to handle the custody and care of large livestock creating a potentially fatal situation for both the animal and the officers involved. Please **OPPOSE** Bill 784 as it is currently written.

Sincerely,

Alesia DiFederico
 Secretary Southbury Horse & Livestock Association



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing – February 9, 2009
Environment Committee

Testimony Submitted by Commissioner Gina McCarthy
Department of Environmental Protection

Proposed House Bill No. 5108 - An Act Preserving Certain Horse Trails

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5108 – AN ACT PRESERVING CERTAIN HORSE TRAILS. We appreciate the Committee's willingness to raise this issue. However, the Connecticut Department of Environmental Protection (DEP) believes that the legislative designation of trails to be preserved for equestrian use as set out in the bill is premature at this time.

The Equine Advisory Council (EAC) was established in 2007 to assist DEP in establishing and preserving equestrian trail use throughout. The EAC has agreed to work with DEP in developing a comprehensive Equestrian Trail Plan for Connecticut. The first step in this effort is to develop an existing conditions map that will identify trails on DEP land where equestrian use is allowed and supported. We should await the outcome of this evaluation and planning effort before pursuing legislation.

For instance, the proposed bill includes the Larkin, Air Line, and Hop River State Park Trails which currently allow and support equestrian use. Conversely, the bill identifies the Metacomet, Mattabesett and Monadnock Trail System which is part of Connecticut's Blue Blazed Hiking Trail system; this trail network has been nominated for designation as a National Scenic Trail and such a designation would conflict with preservation of the trail for equestrian use.

In general, it is not prudent to assume all designated hiking trails can, or should, accommodate equestrian traffic. Where a Connecticut Blue Blazed Hiking Trail crosses DEP land, the trail is a designated foot path only, except where DEP blazed and maintained multi-use trails inclusive of equestrian use overlap. The same holds true for the Appalachian Trail system. These trail sections will be evaluated as part of the EAC's planning efforts.

DEP is pleased to be working with the EAC on this planning effort and looks forward to the completion of this project. Should legislation be needed to achieve the intended outcome of this proposed bill both EAC and DEP would surely benefit from the guidance of a completed comprehensive trail plan.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert La France, Legislative Liaison at 424-3401.

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Testimony to the Environment Committee

Proposed Bill 5108, An Act Preserving Certain Horse Trails

February 9, 2009

The South Central Connecticut Regional Water Authority is a non-profit, public corporation and political subdivision of the State. Within the 20 member towns of our water district, we own and operate a public water system, which includes 18 reservoirs, 4 surface water treatment plants and 7 ground water treatment plants. We serve over 427,000 water consumers approximately 53 million gallons of water per day and provide fire protection throughout our service area. The source of this water is a system of watershed and aquifer areas that cover about 120 square miles within 24 municipalities. Almost 27,000 acres of these watershed and aquifer areas are protected as open space as a result of the Authority's ownership while an additional 900 acres are protected with a conservation easement.

The Regional Water Authority has reviewed proposed House Bill 5108, An Act Preserving Certain Horse Trails, and has some concerns about the bill and whether it provides for the rights of the property owner. The Regional Water Authority is committed to providing passive recreation use of its land when that use is compatible with its primary purpose of providing and assuring an adequate supply of pure water at a reasonable cost to the people of its district. As such, it has an extensive trail system of 57 miles of trails located in Bethany, Branford, East Haven, Guilford, Killingworth, Madison, Northford, Orange, Seymour, West Haven, and Woodbridge. People who purchase a Regional Water Authority Recreation Permit are allowed to hike, bike and cross country ski in designated areas and fish in five reservoirs. Horseback riding is allowed in two areas by special permit only.

Approximately 2,500 acres of land owned by the Regional Water Authority are designated for recreation use. Because these areas are on public drinking water supply watersheds and aquifers, any change of use to allow recreation is given extensive study and evaluation to ensure that water quality is not impaired by the recreational activities that would occur on that land. Additionally, any change of use requested by a water company must be approved by the Connecticut Department of Public Health.

We notice that proposed House Bill 5108 would preserve the Metacomet, Mattabesett and Monadnock Trail System for equine use. The Regional Water Authority has been working with the Connecticut Forest and Park Association for three years to extend the Metacomet, Mattabesett and Monadnock Trail System across our Genesee property in North Guilford. The proposed trail on Regional Water Authority property is designed for hiking and is not appropriate for horse riding due to its rocky nature. If the Committee decides to pass the bill, the Regional Water Authority urges the Committee to consider including appropriate language in the bill that will give the property owner the right to determine if equine use should take place on its property.

We welcome the opportunity to answer any questions members of the committee may have and to work with the committee on substitute language to address our concerns.

Member Towns: Ansonia, Beacon Falls, Bethany, Branford, Cheshire, Derby, East Haven, Guilford, Hamden, Killingworth, Madison, Milford, New Haven, North Branford, North Haven, Orange, Prospect, Seymour, West Haven and Woodbridge



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February 9, 2009

Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

Proposed Bill 5108: AN ACT PRESERVING CERTAIN HORSE TRAILS.

Honorable Members of the Environment Committee:

On behalf of the Connecticut Forest & Park Association and our partners at the Appalachian Mountain Club and Housatonic Valley Association, I am testifying today in opposition to proposed bill 5108, An Act Preserving Certain Horse Trails.

The Connecticut Forest & Park Association, established in 1895, is the oldest conservation organization in Connecticut and we are known for our focus on trail recreation, sustainable forestry, conservation education, and operations of our State's Parks and Forests.

One of the recognized crown jewels of outdoor recreation in Connecticut is the 825-mile long Blue-Blazed Hiking Trail System. What many people don't know, even those who may walk on portions of the Blue-Blazed Hiking Trails every day, is that these trails are maintained by CFPA volunteers. What is also poorly understood is that these trails cross a patchwork of state, municipal, and private lands which have been knit together since 1929.

So why shouldn't these Blue-Blazed Hiking Trails simply become horse trails? There are several reasons:

1) the Legislature has already spoken quite clearly on its intentions for this trail system years ago by stating "Those portions of the Connecticut blue-blazed trail system which cross state property are hereby designated as state hiking trails" (Section 23-10a of the Connecticut General Statutes).

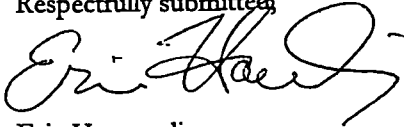
2) this proposed bill stretches beyond the authority of the Legislature. As an example, the Metacomet, Mattabesett and Monadnock Trail System (#3 horse trail proposed in the bill) poses two major problems. First of all, the Monadnock Trail is located in Massachusetts. Second, only 13% of the Metacomet and Mattabesett Trails are located on State land. The remaining 87% of these trails in Connecticut run through a mix of private, municipal, non-profit, and water utility lands who host the trail on their lands because it is a well-maintained hiking trail. Is the Legislature going to dictate to these private landowners what uses they need to allow on their land?

3) the Blue-Blazed Hiking Trails generally aren't designed for horse usage. Many of the Blue-Blazed Hiking Trails are situated on steep slopes and cliff edges and in densely wooded areas that pose serious hazards to those not traveling on foot. CFPA volunteers design and construct bridges, install waterbars and other erosion control measures, and trim vegetation with foot traffic in mind. In many areas, equestrian use may cause erosion or trail damage, or create hazardous and unsafe conditions for hikers.

Although we are strongly opposed to this proposed bill, I should note that CFPA does not oppose equestrian trails absolutely. Indeed, there are a few equestrian trails that coincide with a small portion of the Blue-Blazed Hiking Trail System on woods roads in state forests and parks. CFPA would only support equestrian uses of the Blue-Blazed Hiking Trails in areas where 1) the host landowner has granted permission and 2) CFPA has determined that the design of the trail is conducive to equestrian uses (e.g., a former logging road). None of that careful analysis would be done as a result of this bill.

Thank you for the opportunity to provide this testimony.

Respectfully submitted,



Eric Hammerling
Executive Director



State of Connecticut
 HOUSE REPUBLICAN OFFICE
 STATE CAPITOL
 HARTFORD, CONN. 06106

State Representative DebraLee Hovey
 Public Hearing Testimony
 Monday, February 9, 2009

Dear Senator Meyer, Senator McKinney, Senator Maynard, Representative Roy,
 Representative Chapin, Representative Hurlburt, and Environment Committee Membership:

I want to thank the Environment Committee for hosting this public hearing and Hearing my bill, HB #5108. Many of us here today are deeply troubled by the continued loss of open space traditionally used by equestrians, the formation of land management groups that do not include equestrians and signage changes prohibiting horses where they had been traveling for years.

Two years ago the legislature saw the importance of the Equestrian community and established the Equine Advisory Council as a support to the DEP for assuring equestrian needs were being considered. This group has not been utilized by the DEP and I am not sure, but I do not think all the appointments have been made so that it is not a fully functioning group.

Equestrians are fast losing their ability to enjoy an alternate means of non-motorized transportation and recreation. Trails and Greenways that were once created and exclusively used for equestrians are now being paved and restricted to foot and bicycle use. I do not know what has caused this policy shift as Connecticut leads the nation in the number of horses per capita. The impact of this distinction is about a billion dollars annually; no other trail user group even comes close to having this kind of impact on our economy.

Perhaps there is a misconception that equestrians ruin trails or pose a danger to others? Not true. No one who rides their equine off personal property does so without thought to the safety of others and themselves. Horses are land roving animals and their hooves are made to fall flat and to have minimal impact on the land. Their manure is totally organic and decomposes within several months. Horses consume only natural grains and grasses, their diets are completely vegetarian.

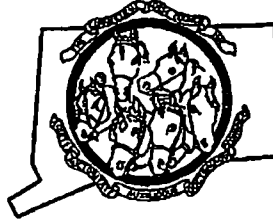
Historically, Connecticut has been very friendly to equestrians and it is my hope that this tradition will continue. Horses have played a significant role in the creation and growth of our State and even today this legacy is still apparent by two official horse guards for the Governor

I have tried to work with the DEP in hopes that it would change its position and become more responsive and allow equestrians continued access to trails. But to this point I feel I have been pacified but politely ignored

When preserving trails and open space all groups who have a vested interest should be at the table, including the equestrians who in this state are represented by the CT Horse Council.

It is my hope that by continuing to offer this trail preservation bill that DEP will honestly come to the table and be proactive in supporting equestrian use and preservation. DEP should work with the DOT to include equestrians as nonmotorized pedestrians and assure that Connecticut's legacy of equestrian excellence is preserved.

Thank you for your time and support.



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RE:
SUPPORT HB5108
OPPOSE SB 784
SUPPORT HB5807

Members of the Environment Committee:

Feb 9, 2009

The Connecticut Horse Council would like to offer **support for HB5108** An Act Preserving Certain Horse Trails.

This legislation would provide important protection to trails that have known equestrian use. Horses were among the first modes of transportation, and were used to found this country. They were used to pull stages, carry people and packs, and became so valuable to a person that horse theft was named as a serious crime.

Today, trails which typically would see equestrian use, have frequently been designated off limits due to new user groups taking over trail management. This bill would help stem the tide of trails being closed to horses. To clarify: the bill does not make these horse trails exclusively, but rather it protects equestrian use as part of the heritage of uses on the trail.

Additionally, Connecticut Horse Council would like to strongly **OPPOSE SB 784** An Act Concerning Roaming Livestock and Public Safety. SB 784 could potentially put Animal Control Officers at risk, by asking them to capture and handle large animals. Currently, no training is provided to ACOs, so most of them have no experience in this regard. Furthermore, most towns do not have proper facilities to house livestock, and it is unreasonable to believe that they could safely maintain the animals in question.

Finally, Connecticut Horse Council would like to **SUPPORT HB5807** An Act Concerning Abandoned Animals. Animals being left behind by families who are evicted is a growing and difficult problem. Horse Council recognizes that this should be addressed, and we feel this bill is an important step.

We appreciate the Committee's consideration of these very important issues.

Thank you,
Amy Stegall
President, The Connecticut Horse Council Inc.
President@cthorsecouncil.org
www.cthorsecouncil.org