

PA 11-198

HB6263

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**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 5
1371 – 1695**

2011

Particularly in Keeney Park in Hartford we've experienced a lot of illegal dumping, and those people, those bad actors who want to continue to do this and flagrantly violate our environmental laws of the State of Connecticut to the extent they do it more than once and have to pay more than \$99, and that fine goes up almost a couple hundred percent, I believe is not a bad idea.

Again, we're not here to penalize those who abide by the laws, but those who want to again, pollute our waterways or our parks and our streams. We believe there could be a heavier price to pay.

So that is my testimony and I appreciate the Committee's time today. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any questions or comments from members of the Committee?

REP. RITTER: Thank you. Have a nice day.

REP. ROY: Boy, you officials are getting let off easy. Representative O'Neill. Is he here? Don't see him. All right. Representative O'Neill will be given space when he arrives, and so with that, we will move on to the public portion at 11:17, according to our clock on the wall. This is excellent. Good start.

Our first speaker will be Amy Peterson, or Paterson. It's on Bill 6263 and she will be followed by Kachina Walsh-Weaver. Amy Paterson? Kachina. Okay, Kachina's here. She will be followed by Martin Mador. Good morning, Kachina.

KACHINA WALSH-WEAVER: -- Committee before. Very quickly, I have four bills in front of me that I have an interest in, the first one being 6263. We've had extensive conversations with proponents of the bill.

HB 503
HB 6262
HB 505
SB 1020

CCM wants to be on record as having some concerns with the fact that this would change the way Ten-Mil Properties are valued at the time of reassessments. Instead, we've urged proponents of the bill to consider a municipal option approach, leaving the discussions to happen at the local level between municipal chief elected officials and property owners.

In addition, I ask that the Committee as they do look at this bill moving forward, it has been explained to us by the Department of Environmental Protection that this bill would require reassessment of these properties based on 490 land values instead of the current and best use.

However, the properties would continue to stay in the Ten-Mil Program and they would continue to have the corresponding penalty and the commitment for the next 50 years remain in tact, and it's a little unclear to us. I just would like, hope that the Committee would clarify that.

CCM is also going to speak very quickly in support of Raised House Bill 6503 and 66, sorry, 6262, both concerning funding first for the Conservation Districts and the second for the Community Investment Act. Both of these are extremely worthy causes, worthy programs, that provide needed funding across the state, and these bills, sorry, would have no state impact.

Lastly, we do oppose Raised House Bill 6505 AN ACT CONCERNING STREAM FLOW REGULATIONS. This bill would restart the clock of what DEP has been working on with regarding the stream flow regulations. It would include groundwater.

We see this as being very problematic, and we would instead encourage the General Assembly's

support of Raised Senate Bill 1020 AN ACT CONCERNING WATER RESOURCES AND ECONOMIC DEVELOPMENT, which was heard in the Commerce Committee last week. Thank you.

REP. ROY: Thank you, Kachine. Any questions or comments from members of the Committee? Representative Davis.

REP. DAVIS: Just on the stream flow situation.

KACHINE WALSH-WEAVER: Yes.

REP. DAVIS: I know negotiations are supposed to be going on. You have concerns that, including the groundwater would change the direction of the negotiations or put us back at the starting point again with a different standard to work on. Is that correct?

KACHINE WALSH-WEAVER: Correct.

REP. DAVIS: Okay, thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Seeing none, thank you. Has Amy Paterson come in? I think we surprised everybody by going as quickly as we have.

Martin Mador followed by Jean Bouteiller.

MARTIN MADOR: Good morning, members of the Committee. I'm Martin Mador. I'm the Legislative Chair for the Connecticut Sierra Club. I'm also a Director of Rivers Alliance and the Quinnipiac River Watershed Association.

I'm going to do a three-minute romp through eight bills if I can. Let me mention a few in passing.

SB205
HB6262
HB5387
SB1117
HB6263
HB6503
HB6505
HB5518

S.B. 205 is the bill about mercury thermometers. Mercury is clearly a toxic. This is an exposure problem where the thermometers get into the way stream. This is an excellent bill along the lines of extended producer responsibility.

The littering bill makes a lot of sense, but there's no definition in the bill of what a second offense is, and I think the bill needs to be expanded so it's clear of what it actually means.

HB5387

Take back for meds is a very significant problem. This bill sort of, 1117 kind of addresses that. Briefly, at least some education about what the rules are.

In my testimony, I've indicated what the federal advisories are for disposal of unwanted meds and I'm wondering how many people actually understand what those rules are.

Conversion of the Ten-Mil Properties is a bill that should have happened last year. It's a good bill that makes sure these properties are going to remain open space, and please pass the bill again this year and let's make it happen.

HB6263

We need to protect the Community Investment Account and make sure payments continue from that so the Bill 6262 that protects these is good.

Finally, funding for soil and water conservation (inaudible) is important. If it's not through the budget, do it through the fees.

HB6503

Now, the bill I really want to talk to on, are the stream flow regulations bill. The regulations have been in process for six years pursuant to a bill passed in '05. The bill passed unanimously in both Chambers.

HB6505

REP. MINER: -- would you think that would be true?

MARTIN MADOR: I don't know if the DEP has actually undertaken that to study the effect of the regulations as written. I just simply don't know whether they've done that.

REP. MINER: Thank you.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Thank you. Okay. Just a brief message. We've been trying a new system this year by going by bill and in order.

If the bill that you're going to address mostly is further down on the list, sign up for that further down on the list. Otherwise, you're interrupting the flow that we've been trying to establish and Marty, I appreciate your honesty in saying the one you're going to talk about mostly is Item Number 8, not Item Number 1, but it's not working for us. So thank you.

MARTIN MADOR: Well, all I can say is, a clear set of rules is to everybody's benefit. I can't deny it.

REP. ROY: That's why we've got to announce them as we go along. It's a new system. Thank you.

Our next speaker is Jean Bouteiller.

A VOICE: (Inaudible).

JEAN BOUTEILLER: Good morning, Co-Chairmen, Senator Meyer, Representative Roy and members of the Environment Committee. I am a Ten-Mil landowner in Cornwall, and I'm here to testify in support of House Bill 6263.

For nearly a century, the Ten-Mil Program has successfully conserved forests in Connecticut.

REP. ROY: Excuse me. You're Amy, correct?

JEAN BOUTEILLER: No, I'm Jean.

REP. ROY: You're Jean?

JEAN BOUTEILLER: Yeah.

REP. ROY: Okay.

JEAN BOUTEILLER: Sorry. Misunderstood. For nearly a century, the Ten-Mil Program has successfully conserved forests in Connecticut. Most owners of Ten-Mil land will soon reach their 50-year anniversary of being in the program, when our properties and timber will be reassessed at highest and best use values, instead of actual use value, causing dramatic increases in our taxes.

I do not believe that the originators of the Ten-Mil Program foresaw the tremendous rise in property values that has occurred in the last 50 years. Nor do I believe that it was their intent that landowners who stayed with the long-term commitment of forest conservation be punished for their efforts with huge tax bills.

House Bill 6263 provides a compromise that would allow our property taxes to increase at our 50-year anniversary but be capped at the same per acre rate paid by forest landowners in the Public Act 490 program.

This bill also provides an option to convert from the Ten-Mil Program into the PA-490 Program without penalty by first placing a conservation easement on the property further ensuring the preservation of the forest land.

Because the costs associated with this second option would be prohibitive for many, it is important to retain the option of capping our taxes at the PA-490 rate.

For more than 100 years, my Ten-Mil property has been the lifeblood of my family from the crops and animals raised on the land to the game, pelts, timber and firewood harvested from the forest, this land has fed, clothed and warmed us.

While it is true that the Ten-Mil forest lands benefit the individual owners, it is also true that the benefits reach much further. Forests provide increasingly scarce habitat for animals, plants and wildlife, water and air filtration, erosion control and carbon sequestration, all global objectives.

Forests also help to maintain the rural character of our town, the key objective for the citizens of Cornwall.

If our taxes increase beyond the PA-490 rate, the tax burden may force many of us to sell or develop our land in order to pay the bill. How ironic that would be. Development of these properties would mean more houses, more people, more strain on town budgets. The cost to service these increases is far greater than the tax revenues generated by these increases.

Forests require far lower expenditures for services, thus help to maintain lower property taxes for all.

We live in a time when forest conservation is a key element in the climate change equation. Please support House Bill 6263 to help protect family forest lands and the benefits they provide to all. Help prevent the tragic and unfair end

to a program that has protected Connecticut family forests for nearly 100 years. Thank you.

REP. ROY: Thank you, Jean. Any questions or comments from members of the Committee? Are you just waving, or did you want to speak, sir?

SENATOR MEYER: Just waving.

REP. ROY: Thank you. Thank you, Jean. Amy Paterson, have you returned? You have. Okay. Then followed by Allen Herkimer.

AMY PATERSON: Thank you very much. For the record, again, Amy Paterson. I'm the Executive Director of the Connecticut Land Conservation Council, and I thank you very much for hearing my testimony today.

I'm actually here to support both Bills 6262 concerning the Community Investment Act as well as 6263 on the Ten-Mil.

I'd like to spend, and this goes to your point, I would like to spend more of my time on the 6262 Community Investment Act.

So what I'd like to say for the record is that for all the reasons that were just stated by Jean the landowner that just spoke, we are also in support of this bill to extend the Ten-Mil Program and make the amendments to allow the landowners to benefit from the current rates now under 490.

On Bill Number 6262 the Community Investment Act, as you know, that Act was enacted in 2005. It's funded through a surcharge on recording fees. The revenue from those fees go into the Community Investment Act fund, which funds four separate program by the state, open space, farmland

In the private sector, the CIA projects have created approximately 2,000 jobs since 2006 in affordable housing and historic preservation sectors ranging from construction to tourism, et cetera.

In short, the impact on both the quality of life and our economy from the CIA overall has been remarkable and we thank you very much for your support of that Act and we encourage you to remove that sunset provision on the dairy industry safety net so as to allow that program to continue at its fullest. Thank you very much.

REP. ROY: Thank you, Amy. Any questions from members of the Committee? Senator Meyer.

SENATOR MEYER: I just want to thank you for your good advocacy. It is a wonderful policy and a wonderful Act and it's doing good things for people in Connecticut and I thought you outlined those benefits very well.

AMY PATERSON: Thank you very much.

REP. ROY: Thank you. Any other questions or comments? Seeing none, Allen Herkimer, followed by Joan Nichols.

ALLEN HERKIMER: Senator Meyer, Representative Roy and members of the Environment Committee, I appreciate the opportunity to provide testimony in support of Raised Bill 6263 AN ACT CONCERNING THE TRANSITION FROM THE TEN-MIL PROGRAM.

My name is Al Herkimer and I live in Cornwell Bridge. I am a stockholder and third generation resident of Dark Entry Forest Incorporated, a 765 acre wildlife end forestry preserve.

DEF is located in Cornwall and is totally situated within the Housatonic River Watershed in the northwestern corner of Litchfield County.

For 23 years, I have been the natural resource manager for DEF. In 1900, my grandfather, Dr. William C. Clark began to form a large continuous parcel of forest and farmland by acquiring adjoining properties.

His vision was for protection in perpetuity of this large open space parcel. Along with other Ten-Mil property owners, the stewardship of our large, undeveloped parcels provide invaluable benefits to citizens, wildlife, municipalities, regions and to sustainable forestry practices.

For decades, DEF has allowed a segment of the Blue Trail Hiking System to go through our property. Our forest adjoins other large unfragmented parcels, forming an extensive bio-diverse wildlife corridor.

Never take for granted the ability of these lands to filter and recharge our aquifers. DEF also allows scientific disciplines access to the property to conduct studies including wildlife inventories and habitat assessments.

DEF is coming to a close of its first 50 year commitment in the Ten-Mil Program, a brilliant example of innovative legislation far ahead of its time. Current regulations state that our acreage will be revalued at true and actual market prices, versus current use property values before we move into the second 50 years of the Ten-Mil Program.

I am confident that DEF and its stockholders will be unable to afford the dramatically higher property taxes, the results of which would likely

be disastrous for the land that we now have protected for over a century.

If passed, Raised Bill Number 6263 will allow us to remain in the Ten-Mil Program, yet convert to PA-490 evaluation and tax structure.

I strongly support the 2011 iteration of this bill. However, I also request that additional clarifying language be considered that better defines the parameters of those who wish to remain in the Ten-Mil Program to the fulfillment of their original 100-year commitment.

Although conservation easements and other similar land protection vehicles are certainly viable alternatives to protect ecology important parcels, I extend my gratitude for your recognition of those private individuals and private entities who are as determined and as committed and have demonstrated their successful long-term practices of maintaining large parcels as forever wild.

I would like to thank all members of the Environment Committee for their perseverance in crafting this bill that calls for equal compromises from all affected parties.

My special thanks to Representative Roberta Willis, Senator Andrew Roraback, the Department of Environmental Protection's Chris Martin and Eric Hammerling of Connecticut Forest and Park Association for the combined efforts in working on this critical legislation.

And I know there's many other people that have been working on this, and I give my thanks to them as well.

REP. ROY: Thank you. Any questions or comments from members of the Committee? Representative Hurlburt.

REP. HURLBURT: Thank you, Mr. Chairman. Thank you very much for coming to testify today. Toward the end of your testimony, you request that additional clarifying language be considered.

Do you have any particulars in mind or some direction for the Committee as we work on the bill?

ALLEN HERKIMER: Yeah. The bill reads in one section of it, where it says, convert to provisions of Section 12-107d without penalty, comma, including but not limited to any penalty for the value of any standing timber provided a sale or donation of such land to a nonprofit land preservation organization or the sale or donation of a permanent conservation easement upon the land.

This, to me, it overlaps into the different options people have to transfer into the 490 or to remain in the 12-96. It's not clear that the easement is separate in some cases.

The way it reads, and I'm just a layman, but I'm reading this and it's very confusing to know whether we have to get an easement or not.

REP. HURLBURT: Well, I remember last year when we were working on this particular piece, that's why I'm looking over at our LCO attorney. It was very challenging to craft it in such a way that it, but the request from legislators was that there needs to be an easement in order to continue, that the land will be permanently protected.

So we'll see if we can tighten that up a little bit and make it a little bit easier for everybody

to understand and read. So thank you very much for the suggestion.

ALLEN HERKIMER: Thank you.

REP. HURLBURT: Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments from members of the Committee? Seeing none, thank you.

Our next speaker will be Joan Nichols, followed by George Cump, or Camp.

JOAN NICHOLS: Good morning, Representative Roy, Senator Meyer and members of the Environment Committee. My name is Joan Nichols. I'm here today to speak on House Bill 6263 on behalf of the Connecticut Professional Timber Producers Association and the Connecticut Farm Bureau.

Both associations urge your support of this bill. The Ten-Mil Program is an archaic tax law that never took into account the potential for skyrocketing land values when it was enacted in the early part of the 20th century.

Many owners of Ten-Mil land have owned this property for multiple generations in a fond sense of stewardship. They should not be penalized for being good stewards of their land.

H.B. 6263 is good public policy that will protect almost 14,000 acres of Connecticut forest land from an overly burdensome tax assessment.

Connecticut Farm Bureau Association has grave concerns over H.B. 6505 AN ACT CONCERNING STREAM FLOW REGULATIONS. The Association opposed the Connecticut DEP proposed stream flow standards and regulations on the grounds that they did not adequately address the concerns of Connecticut

REP. ROY: Getting good at this. George Camp,
followed by Eric Hammerling.

GEORGE CAMP: Good morning, Mr. Chairman.

REP. ROY: Good morning, Mr. Camp.

GEORGE CAMP: My name is George Camp. I'm a resident
of Middletown and I'm here to speak in behalf of
6263.

I submitted testimony to the Committee over the
weekend, so I assume that you have that and have
that for the record. So I'd just like to speak
to some additional points that relate to those
remarks.

I'm really here not just to speak for myself but
for my family, and by my family, I mean five
generations going back to my grandparents who
bought the land back at the turn of the 19th
century for farmland and in fact used it as a
dairy farm for nearly 35 years.

When the Ten-Mil Program came to the attention of
my father, I remember him saying to me, it really
is not only in our best interest as good citizens
but as community members of Middletown, and also
citizens of the State of Connecticut to do what
we can to protect the land as there continues to
be demands for development, both commercial and
residential, and this was one way to do it.

And I do recall, Mr. Chairman, him saying to me
that George, this is only going to last for 50
years. At the end of the 50 years, you know,
this is going to come up for renewal and
discussion.

So we're not surprised by this, although I must say I'm a little surprised at the great growth of the population and also in land values.

That being said, he also said, the Legislature or public officials will take this into consideration. Hopefully, they will be as thoughtful and as considerate about keeping the spaces open as they were when this legislation was first passed.

So we put that land, 250 acres into the Ten-Mil Program. Since that, we've given an easement to Connecticut Forest and Park. We want to keep it open exactly that way.

And it's not as though we're not willing to pay our fair share of taxes, and even under the PA bill, 490, I believe it is, taxes would go up by some 275 percent, granted at a very low base. But they would go up nine times that amount if this was not amended to allow Ten-Mil owners to convert into the 490 program.

We forego at let's say \$40,000 an acre, 250 acres, one could argue \$10 million. But let's just say it was just valued at \$20 million. Five million dollars, our family said, we would rather reinvest in the state for open spaces.

And it's not as though, Mr. Chairman, in conclusion, that we are not taxpayers in the City of Middletown because in fact we pay \$16,000 in property taxes each year. Excuse me?

UNIDENTIFIED SPEAKER: (Inaudible).

GEORGE CAMP: We love our home. We love Middletown and we really want to see these spaces, not just in Middletown, but elsewhere remain open for the public good.

REP. ROY: Thank you very much. Any comments or questions from members of the Committee? Seeing none, I think you have some friends here who will be working us very, very hard as this bill moves forward.

GEORGE CAMP: Anything I can do to help, I'd (inaudible).

REP. ROY: We'd like it also.

GEORGE CAMP: Thank you.

REP. ROY: Thank you. Eric Hammerling, followed by Anne Holcomb.

ERIC HAMMERLING: Good morning, Chairman Roy, members of the Environment Committee. I am in support of several bills here as you see on my testimony, but will be focusing on H.B. 6263 on the Ten-Mil Program.

I want to start by thanking a few folks who have spent extra, extra effort on this. Representative Hurlburt, Representative Willis and the Co-Chairs, we really appreciate your efforts to both understand it and be advocates for it.

But I also want to thank the Ten-Mil landowners who took the time to be here today and to testify on this important bill.

We're here in support of the protection of 14,000 acres of forest that are registered under this program, and over the last two years, CFPA and the DEP Forestry Division have been working closely with landowners and assessors from the towns that have Ten-Mil lands in their towns to find a balanced solution to the impending problems for landowners associated with the

upcoming 50-year anniversary of being in the program.

All of the Ten-Mil landowners will be coming to their 50-year anniversary, which triggers the large tax increases that you've heard about already this morning between this year, 2011 and 2022, so the time is really now to address this situation.

The bill itself would do three very important things. It would cap the property tax levels for Ten-Mil landowners at the same rate being paid by people in the PA 490 Program.

As you might imagine, if you're talking about Ten-Mil landowners with neighbors in PA 490, it's fair to be thinking about those alongside one another.

But for those Ten-Mil landowners who may have been willing or might be willing in the future, to put a permanent conservation easement on their properties, this would give them the flexibility of either staying in Ten-Mil or moving into the PA-490 Program without incurring a penalty.

And then lastly, the towns that originally expressed some concerns about Ten-Mil said, we want to make sure that we don't lose the ability to collect penalties from landowners if they were to change use out of forestry.

This bill would keep those penalties in place and provide towns that may have had agreements that they've worked out with private landowners, keep those from being affected by this legislation.

We have a concern about the municipal option that was put forward by CCM as a concept earlier. I think that really puts at jeopardy the safety and security of Ten-Mil landowners who would have to

take the towns on one by one and also there was a mention made of the revaluation that would be looked at by the towns.

Well, really the reval would be unnecessary under this bill because there would be that smooth transition from Ten-Mil into PA-490.

In terms of the clarifying language that was brought up earlier, you know, we certainly would be happy to give some input into that discussion, but again, we thank you for raising this important bill and for your support.

REP. ROY: (Inaudible).

REP. HURLBURT: Thank you, Mr. Chairman. Eric, thank you very much for pointing this issue out to us last year and your continued advocacy this year.

I just want to bring to the members' attention, in Eric's testimony the transition from the Ten-Mil, understanding Ten-Mil and the transition from the Ten-Mil to 490 can be complicated and confusing, but Eric's done a nice job of breaking it down as to what, you know, a real-life example as to what we would expect from, if this bill were to pass.

So, I just want to thank you and I do look forward to working with you as we, you know, continue trying to make sure that this bill is the best it can possibly be to protect those 14,000 acres of forest. Thank you. Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments? Seeing none, Eric, thank you very much.

ERIC HAMMERLING: Thank you.

REP. ROY: Anne Holcombe, followed by Mary Pelletier.

ANNE HOLCOMBE: Hi. I'm Anne Holcombe, a member of the family that owns Ten-Mil property in Marlborough and Hebron. I think you have testimony from other members of the family who weren't able to attend today that sent in.

And just for myself I'd like to say, you know, we support the bill going forward and we also have planned in 490 as well as Ten-Mill and both of the programs have been really good at encouraging preservation of forest land in Connecticut and the growth of the property values over the last 100 years.

Ten-Mil Program's kind of been outpaced and the intention of it, the penalties that were written into the law are no longer logical in the preservation efforts of the forest land.

One common sense proposal in 6263 is the compromise that would allow property taxes to increase to the 490 level and cap them there. That seems like it would be very much favorable for the preservation of the forest land.

But if they increase beyond that, it would unfairly penalize those who have made a commitment to forest conservation and possibly have the reverse effect of forcing some to either sell or develop land to pay the bill.

The proposed section allowing transition to PA-490 contingent on a conservation easement being granted is a good idea but by requiring it to be permanent it would deprive owners of their property rights in the long term.

Previously suggested 50-year easement or longer at the owner's choice would be in keeping with the original 100-year contract.

I would support H.B. 6263 with the suggested modifications.

I would also support a transition to PA-490 that would include making up back taxes to the 490 level from the 1972-73. I think that was the year when there was a previous exit window. Thank you.

REP. ROY: Thank you very much. Any questions or comments from members of the Committee? Good, because the speaker left. Mary Pelletier, and she will be followed by Carlene Kulish again?

A VOICE: (Inaudible).

REP. ROY: Mary Pelletier has left? Okay. Don Turner, excuse me. Don Turner here? Okay? And followed by Ben Bowell. Bowell, excuse me.

DON TULLER; Representative Roy, members of the Environment Committee, Don Tuller, President of Connecticut Farm Bureau, here to speak in support of 5203 AN ACT CONCERNING THE AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL.

The Farm Bureau submitted electronic testimony on five bills. One of the problems is, you do have a lot of bills that are important to us, so it is hard sometimes to pick the most important.

The assumption that state-owned land, prime and important farmland owned by the state is already protected, I think this bill shows and recognizes that in fact it's not protected and needs to be protected.

The Farmland Preservation Advisory Committee identified this property and several others that need to be put under conservation easement so

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that they are permanently protected. There will be virtually no cost to the state and this would be a very cost-effective move that would have a tremendous value for the agricultural production capacity of the state, which would kind of limit some of these annexations that are happening by local communities that then convert important farmland to other uses.

6263, the Ten-Mil Program, this is a necessary upgrade to that or correction, just anticipation of appreciation land value, just, no one ever anticipated that it would put them in such a difficult position, so this is a necessary fix.

H.B. 6262 AN ACT CONCERNING THE COMMUNITY INVESTMENT ACT, it is, it's essential that the sunset provision be removed. The crisis in continuing to keep dairy in that program, it's been remarkably successful and there is a need.

If down the road the federal pricing formula between cost of milk and inputs, you know, if that gets better then it will cease to function, so it's critical that we keep this, remove the sunset.

AN ACT CONCERNING CONSERVATION DISTRICT FUNDING, H.B. 6503 just getting a dedicated stream, and they do important work for both the communities, for the towns, the agricultural community and the individual landowners.

And 6505 AN ACT CONCERNING STREAM FLOW REGULATIONS, agriculture was assured that we would be taken care of in the first round. Then no concerns were addressed when it was rejected by Reg Review. I mean, even after the public comment period we expressed our concerns. They were ignored.

REP. ROY: Mr. Bowell, excuse me. I've got another problem, Mr. Bowell. I'm going to have to go back to a previous bill and then we'll pick up with you.

BEN BOWELL: Okay, thank you.

REP. ROY: Two people who got left off who were late adds, Glen Wolyner and then Nick Yanick, and then we will finish with Bill 6263. The new system is hurting the Committee, too. Thanks.

GLEN WOLYNER: Good morning, Chairman Meyer, members of the Committee, I'm here to support House Bill 6263. I'm the President of the Preston Mountain Club. We own about 1,200 acres in the State of Connecticut. It's a club that was founded in the early part of the century and has really had a long-standing tradition of conservation.

You know, I've submitted written testimony over the weekend. I also brought with me Nick Yanick, who is our manager. Nick is a conservation expert and we hired him specifically with that quality in mind.

The land itself supports an incredible amount of wildlife, including a lot of endangered wildlife. It's really an incredible place. The club itself is run very, very tight from a financial standpoint.

If we were to have an extreme increase in our taxes, we probably would have to sell land, and that would be a tragedy. That's really what I came here to say, and any questions at all. It's a beautiful place.

REP. ROY: Thank you. Any questions? Representative Miller.

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REP. LARRY MILLER: I'm sorry. I didn't get where the club is located.

GLEN WOLYNER: It's in Kent. It's mostly in Kent, Connecticut.

REP. LARRY MILLER: Okay.

GLEN WOLYNER: Yeah. And I'm also a homeowner in Kent.

The other concern as a homeowner I would have is that the increase in stress on the infrastructure. Sure. Thanks.

REP. ROY: Thank you. Representative Miner.

REP. MINER: Thank you. I just want to get a clarification. Are there any deed restrictions on this that would prevent development?

GLEN WOLYNER: Not at this time, no. You know, conservation easements, we would consider, you know, all those things we would consider. We want to keep the land as is.

REP. MINER: No, I meant, currently as the land exists, the 1,200 acres, are there any encumbrances on it, deed restrictions, non-development language?

GLEN WOLYNER: No.

REP. MINER: So theoretically, you could sell it --

GLEN WOLYNER: Yes.

REP. MINER: -- and not only sell it but sell it for development --

GLEN WOLYNER: That's correct.

REP. MINER: -- not just sell it as --

GLEN WOLYNER: That's correct. That's correct.

REP. MINER: -- a parcel that would be undeveloped.

GLEN WOLYNER: Yes. That's correct. Yeah, that's correct.

REP. MINER: And is it open to the public or is it private?

GLEN WOLYNER: The club is a private club.

REP. MINER: Okay, thank you.

GLEN WOLYNER: Sure.

REP. ROY: Thank you. (Inaudible).

NICK YANICK: I'll be brief. Thanks for the opportunity. We are in favor of the 6263. My name is Nick Yanick. I'm the Manager of the Preston Mountain Club. I was hired to turn this property into a wildlife sanctuary, so to speak, and we've invested a lot of money in creating food plots, creating, you know, creating wetlands for ducks, just creating a habitat for all the wildlife.

Having this tax increase would really hamstring us on any further development for the members as far as for hunting and fishing, and it would hate to see it be sold off for development for just to be able to support the taxes.

I'm just here to voice my opinion and say I would hate to see that happen. It's a very special place. It's been around since the 1920s and it is just kept solely for habitat. And that's about it.

REP. ROY: Nick, thank you very much. Any questions or comments from members of the Committee? Seeing none, thank you.

We will now move back to Item Number 2, Bill 5203. Ben Bowell, followed by Gordon Gibson.

BEN BOWELL: Chairman Meyer, Chairman Roy, members of the Committee, thank you very much for the opportunity to testify before you today. I am Ben Bowell with the Working Lands Alliance, a statewide coalition of individuals, organizations and businesses focused on preserving Connecticut's farmlands.

My comments will focus on three bills. First, House Bill 5203 AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON LANDS OF THE SOUTHERBURY TRAINING SCHOOL. The preservation of state-owned farmland is a top legislative priority of the Working Lands Alliance and we strongly support House Bill 5203.

Despite a growing agricultural industry, we continue to lose precious farmland in Connecticut, including land held by the state.

In recent years, there have been nine transfers to non-state entities amounting to 165 acres of farmland lost.

House Bill 5203 presents an opportunity to move closer toward the state's goal of preserving 130,000 acres of farmland at no cost to the state.

HB 6262
HB 6263

In January of 2010, the Farmland Preservation Advisory Board submitted recommendations to the Commissioner of Agriculture and this Committee to permanently preserve more than 1,300 acres of state-owned farmland on six properties.

Granting an agricultural conservation easement on the farmland of Southbury Training School is an important first step toward the implementation of these recommendations.

I have also delivered written testimony in support of this bill for several members of our coalition.

Second. House Bill 6262 AN ACT CONCERNING THE COMMUNITY INVESTMENT ACT. The continuation of the Dairy Support Program under the Community Investment Act is a top priority of the Working Lands Alliance. Connecticut's dairy industry contributes over \$1.1 billion to the state's economy and employs over 4,000 people.

Dairy farms steward over 70,000 acres of farmland and provide fresh, local milk to residents.

Due to a federal milk pricing system that does not account for the high cost of production in our region, the Connecticut dairy farmers are often losing money when they produce milk.

A change to the CIA in 2009 created the Agriculture Sustainability Account to correct this disadvantage and saved our state's dairy businesses.

We strongly support the continuation of the state's policy. This program will strengthen the general health of the agriculture industry in Connecticut by sustaining a major user of agriculture inputs and services while also stabilizing a critical mass of farmland with potential to be preserved.

And I just wanted to express our support for a third bill, which is House Bill 6263, the transition to Ten-Mil. Thank you.

REP. ROY: Thank you, sir. Any other questions or comments from the Committee? Representative Urban.

REP. URBAN: Thank you, Mr. Chairman. Just a question. Has there been any progress made on a federal marketing order?

BEN BOWELL: Not that I'm aware of, and I'm sure our dairy farmers coming after me will be able to speak to it more, but I'm not (inaudible).

REP. URBAN: No, my experience is we haven't been able to crack that one open again but it sure would be nice.

BEN BOWELL: Yes. It would, indeed.

REP. URBAN: Thank you, Mr. Chairman.

REP. ROY: Thank you. Any other questions or comments? Representative Hurlburt.

REP. HURLBURT: Thank you very much, Mr. Chairman, and Ben, good to see you up here.

Last month, Representative Ryan, Representative Sawyer and I were at a rural and ag leader summit in Arizona, and it was surprising to hear legislators from Wisconsin, from the Dakotas, from Montana, from Texas, from Idaho, all these large milk-producing states, talk about the need for federal changes, and that they are still not making money.

When we started two years ago with the discussion, or three and four years ago, too, you know, we thought we were alone in that. It was because we're small producers in a small state. But the reality is, nationally it's become a huge problem, so hopefully that will get the federal

government to focus and get Congress to move in the right direction.

But I just thought it was really amazing that we are not alone in this, in the big, you know, the super producers are also having huge problems with the milk pricing.

But thank you for your testimony and we'll continue to work on it, because I think the program has been extremely successful and has really become a national model for us. So thank you, Ben and thank you for the Committee's time.

BEN BOWELL: Thank you.

REP. ROY: Thank you, sir. Any other questions or comments from members of the Committee? Seeing none, thank you very much.

BEN BOWELL: Thank you.

REP. ROY: Gordon Gibson, followed by Sandy Breslin.

GORDON GIBSON: Thank you. Good morning, Senator Meyer, Representative Roy, members of the Committee. I'm Gordon Gibson, Vice-Chair of the Board of Directors and Legislative Liaison for the Connecticut State Grange.

We're speaking today on three bills, 5203, 6262 and 6263. The state has an active program to purchase and preserve 130,000 acres of prime farmland by purchasing and holding the development rights to that land.

The Grange recommends and encourages the state to preserve the more than 1,300 acres of prime farmland it already owns on six parcels. The preservation of the farmland at Southury Training School would be a significant step in that direction, and would not cost the state anything

other than the staff time to complete the transaction. Notice that it wouldn't cost the state anything.

The bill mandates that the easement be held by a nonprofit organization dedicated to permanently protecting agricultural lands because no entity, including the state, can hold an easement on land owned in fee simple.

Connecticut Farmland Trust, Incorporated is such an organization and partners with the state in preserving our valuable farmland.

In terms of our valuable farmland, I don't know how many of you saw the front page of this morning's Courant, where among our major exports from Connecticut are now corn and wheat. Interesting, because we haven't grown wheat in many years.

I also want to speak this morning in support of Raised Bill 6262, which would make permanent the current distribution of funds generated by the Community Investment Act, which are now scheduled to sunset on July 1st.

This sunset provision would terminate the portion of the program that provides funds to help correct a complicated federal milk pricing system, which does not take into account the high cost of milk production in Connecticut.

In addition to providing fresh local milk, Connecticut's dairy farms occupy over 70,000 acres of farmland, which could be vulnerable to development if our dairy farms go out of business. That's land, 70,000 acres, that's in dairy that is not subject to preservation easements, yet.

In addition to this our dairy industry provides about 4,000 full-time jobs and contributes approximately \$1.1 billion annually to Connecticut's economy.

In addition to assisting our dairy industry, the Community Investment Act funds, which are scheduled to sunset, helped develop and sustain new farm enterprises.

It's one thing to preserve prime farmland from development, but we must also encourage and support the active farm, was that mine, it's active use to raise crops to preserve it as farmland and prevent it from reverting to woodland and other natural growth. In other words, we've got to protect it from Mother Nature.

I'll skip over the rest of Bill 6262 and in the interest of time, I will just say the Grange supports Raised Bill 6263 concerning the Ten-Mil Program. We have heard much testimony on that this morning and I need not repeat that.

SENATOR MEYER: Thank you for your good articulation, Mr. Gibson, and for your wonderful service as usual.

GORDON GIBSON: Thank you.

SENATOR MEYER: Do the members of the Committee have any questions or comments? Representative Urban.

REP. URBAN: Thank you, Mr. Chairman. Thank you, Mr. Gibson for being here, and everyone who has come up to testify on this. I think it's a particularly critical time when we look at oil prices going up again and we realize that food travels from farm to plate an average of 1,500 miles, and that we're losing our prime farmland in Connecticut.

So I think we need to constantly remind ourselves that we need to look to producing in our own state. So I really appreciate your being here.

Thank you, Mr. Chairman.

GORDON GIBSON: Thank you.

SENATOR MEYER: Thank you, Representative Urban. Any other questions? Representative Miner.

REP. MINER: Thank you, Mr. Chairman, and I also thank you for coming up today. On Bill 6262, one of the concerns I have about permanency is that we have other industries, other livelihoods in the state that are under similar pressures, and yet we have no permanent monetary assistance to them.

Why should this be different?

GORDON GIBSON: My own personal concern, Representative Miner, is that we need to eat, and as Representative Urban just said, our food travels an average of 1,500 miles to reach us.

Never mind the cost of transporting it for a minute. Right now a lot of our food comes from foreign countries. The United States today is a net food importing country.

Now what would happen if some of these foreign countries that were shipping us food said, hmmm, look at what they've done in the Middle East with an oil cartel. What can we do if we put in a food and vegetable cartel? Or a grain cartel? We could be hungry in a hurry.

If a terrorist group were to come in and knock out all the bridges on the Hudson River, our food supply is so hand to mouth right now that our shelves in our grocery stores would be empty in

totality of land that's there at the Training School. So we're really talking about those lands that were originally set aside to provide food and hay and support the activities at the Training School.

I would love to invite you all to come and visit this property. It's some of the most spectacular property in the State of Connecticut. It's really gorgeous and it's incredibly important ecologically as well as for the agricultural legacy and future of Southbury.

SENATOR MEYER: Questions or comments from the Committee? Good job.

SANDY GRESLIN: Thank you very much.

SENATOR MEYER: Thanks. Next is Henry Talmadge, followed by Tom Crider.

HENRY TALMADGE: Good morning, Senator Meyer, members of the Committee. My name is Henry Talmadge. I'm the Executive Director of the Connecticut Farmland Trust.

I'm here to express the Connecticut Farmland Trust's support of House Bill 5203 AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL.

CFT is the state's only private nonprofit organization dedicated exclusively to the preservation of working land. We hold agricultural conservation easements on privately owned farms and assist with families throughout the process of protecting their land. CFT is a member of the Working Lands Alliance Coalition.

CFT wholeheartedly supports 5203 as it provides a mechanism to permanently protect this critical agricultural parcel, that although currently

HB 5203

HB 5203

The residents of Connecticut recognize that protecting our precious farms are important to the need, for the future use of agriculture and food production in the state.

I'd also like to raise the support for 6263 regarding the Ten-Mil Program and as well as 6262 the Community Investment Act. I'd be happy to answer any questions.

SENATOR MEYER: Thank you, Mr. Talmadge. We do appreciate the work of the Farmland Trust. It makes a big difference for us.

Are there any questions or comments from the Committee? Thank you.

Our last witness on this bill is Tom Crider from Southbury.

TOM CRIDER: Mr. Chairman and members of the Committee, my name is Tom Crider. I'm President of the Southbury Land Trust and I'm here to speak in favor of Bill Number 5203.

The Southbury Land Trust is a nonprofit whose mission is preserving farmland and other open space, and as such we would be qualified as holders of the conservation easement authorized by this bill.

I was going to go into the overall reasons, excellent reasons for preserving farmland in the State of Connecticut but so many other people have spoken to this, I think I'll just zero in on some very specific points here.

I attached a map showing the Southbury Training School property with my testimony. I hope you have it. It shows the Training School has, covers over all 1,400 acres and only about 250 of

I strongly support the proposal to allow 10 Mill participants to transition to the PL 490 program. I live in Ledyard, CT , adjacent to forest land that has been in my family for over 300 years. We love the land as is and have no interest in development.

HB 2623

However, the prospective tax increases would create a huge financial burden which would likely would force my family to divest some or all of this property.

Thank you for your consideration.

David Lamb
14 Lambtown Rd
Ledyard, CT 06339
860-464-8327

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 6
1696 – 2016**

2011



Audubon CONNECTICUT

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ENVIRONMENT COMMITTEE PUBLIC HEARING
 March 7, 2011

TESTIMONY OF
 SANDY BRESLIN, DIRECTOR OF GOVERNMENT AFFAIRS
 AUDUBON CONNECTICUT

IN SUPPORT OF:

H.B. 5203 AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL.

H.B. 6263 AN ACT CONCERNING THE TRANSITION FROM THE TEN MILL PROGRAM.

H.B. 6262 AN ACT CONCERNING THE COMMUNITY INVESTMENT ACCOUNT

Audubon Connecticut, the state organization of the National Audubon Society with more than 10,000 members statewide, works to protect birds, other wildlife and their habitats through education, science and conservation, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of community-based nature centers, protected wildlife sanctuaries, and local volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.

Senator Meyer, Representative Roy and members of the Committee, thank you for the opportunity to address you today. Audubon Connecticut, the state organization of the National Audubon Society **strongly supports** the intent of H.B. 5203, *AA Authorizing An Agricultural Easement on the Lands of the Southbury Training School* that seeks to protect farmland and farm operations in the Town of Southbury while also protecting a key parcel of protected habitat for wildlife. This proposal is a **no-cost way** to help us meet our state farmland preservation goals, while also helping to conserve habitat for some of our state's most endangered bird species.

The estimated 900 acres of undeveloped, state-owned fields, shrublands, and woodlands at the Southbury Training School (agricultural and associated lands) form the heart of a nearly contiguous swath of protected land that runs from Good Hill Airport in Roxbury to the Housatonic River in Southbury, including the 750 acres of land owned and managed by the Audubon Center at Bent of the River. Taken together, these lands (which do not include the major structures of the School) offer a rare landscape of protected grassland and shrubland habitat that is fast vanishing in the State of Connecticut. Some of the birds that utilize this land include: Bobolink, Eastern meadowlark, Brown thrasher, Long-eared owl, Savannah and Field sparrow, American kestrel, wintering raptors and other open

country birds, as well as more than 100 species of migrant birds. A number of these bird species are in trouble and disappearing from our state. Long-eared owl is classified as Endangered, but has been confirmed as a nester on the property for the past five (5) years. American kestrel is listed as Threatened, while Bobolink, Eastern meadowlark, Brown thrasher, and Savannah sparrow are all state species of Special Concern.

Working collaboratively, agricultural stakeholders, open space supporters, and wildlife conservationists have for a number of years been seeking to permanently dedicate these agricultural lands, now owned and managed by the Department of Social Services (DSS), to permanent agricultural use. Originally cultivated to provide food for the residents and staff of the Southbury Training School, in recent years, the lands have been leased to local farmers. Unfortunately, needed maintenance of structures such as barns and essential utilities such as water have not been possible under DSS's mission and budget driving at least one dairy farmer off the land and to New York State.

In order to ensure that habitat conservation remains a permanent part of the property's agricultural future, Audubon offers the following recommendations to the Committee:

- Consult with the Department of Environmental Protection's Wildlife Division regarding areas that may benefit from additional protection and/or conservation management strategies that may go beyond usual agricultural practice.
- Require development of a habitat management plan that allows for maximum agricultural use of the property while also preserving those areas that are of highest ecological and habitat value.
- Ensure continued public access to the property compatible with agricultural use. For example, the area has been routinely inventoried for many years as part of Audubon's Christmas and Summer Bird Counts, and data from the site is now an important part of the largest and oldest citizen-science inventory in the nation.

Audubon Connecticut strongly urges you to **support** H.B. 5203, AA Authorizing an Agricultural Conservation Easement on the Lands of the Southbury Training School. This proposal offers a unique opportunity to promote agriculture and conserve wildlife habitat at **no cost** to taxpayers.

- Thank you for the opportunity to testify before you on this important matter.

H.B. 6263 AN ACT CONCERNING THE TRANSITION FROM THE TEN MILL PROGRAM.

Audubon offers its strong support for H.B. 6263, AAC *The Transition From The Ten Mill Program*, which seeks to conserve more than 14,000 acres of forestland in 34 towns currently protected under the 100-year old tax program know as 10 Mill by capping the property tax rate for 10 Mill landowners at the rate paid by forest landowners in the P.A. 490 program and allowing 10 Mill forest landowners who have already put their land under conservation easements the ability to transition into the P.A. 490 program without

incurring a penalty. Connecticut's core forestlands are fast disappearing, primarily as a result of fragmentation due to development. This proposal would help to protect the important habitat, timber resources and scenic beauty of these historic forests areas.

H.B. 6262 AN ACT CONCERNING THE COMMUNITY INVESTMENT ACCOUNT.

As a member of the Community Investment Act Coalition, Audubon Connecticut supports the provisions of H.B. 6262, *AAC The Community Investment Account*, which will allow for continuing and much-needed support of Connecticut's agriculture economy, particularly dairy, and farmland preservation.. The Community Investment Act (CIA) program is currently the key mechanism that provides funding to sustain farming, protect open space, preserve historic structures, and create affordable housing in our state. Dairy farm viability is easily affected by fluctuations in the price of milk, and since this type of agriculture utilizes the largest amounts of land, loss of dairy farms can result in substantial loss of key agricultural and associated open lands. Continuing the current funding allocation for CIA will promote jobs, create partnerships and help to improve quality of life in Connecticut. We urge the Environment Committee to support this legislation and the good public policy it promotes. To learn more about the job creating impact of the Community Investment Act:

[http://www.communityinvestmentact.org/Get the Flyer .php](http://www.communityinvestmentact.org/Get_the_Flyer.php)

Thank you for the opportunity to comment on these important matters.



Connecticut State Grange

LEGISLATIVE TESTIMONY

**TESTIMONY OF THE CONNECTICUT STATE GRANGE IN SUPPORT OF
RAISED BILL NO. 5203, AN ACT AUTHORIZING AN AGRICULTURAL
 EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL,
RAISED BILL NO. 6262, AN ACT CONCERNING THE COMMUNITY
 INVESTMENT PROGRAM AND
RAISED BILL NO. 6263, AN ACT CONCERNING THE TRANSITION FROM
 THE TEN MILL PROGRAM**

I am Gordon Gibson of Vernon, Vice Chair of the Board of Directors and Legislative Liaison for the Connecticut State Grange. I am speaking today in support of Raised Bill 5203, An Act Authorizing an Agricultural Easement on the lands of the Southbury Training School, Raised Bill 6262, An Act Concerning the Community Investment Program and Raised Bill No. 6263, An Act Concerning the Transition from the Ten Mill Program.

The State has an active program to preserve 130,000 acres of prime farmland by purchasing and holding the development rights to that land. The Grange recommends and encourages the State to preserve the more than 1300 acres of prime farmland it already owns on six parcels. The preservation of 1300 acres of farmland at Southbury Training School as proposed in Raised Bill No. 5203 would be a significant step in that direction and would not cost the State anything other than the staff time to complete the transaction. The bill mandates that the easement be held by a nonprofit organization dedicated to permanently protecting agricultural lands because no entity, including the State, can hold an easement on land it owns in fee simple. Connecticut Farmland Trust, Inc. is such an organization and partners with the State in preserving our valuable farmland.

The Grange also supports Raised Bill No. 6262 which would make permanent the current distribution of funds generated by the Community Investment Act which is scheduled to sunset on July 1, 2011. This sunset provision would terminate the portion of the program that provides funds to help correct a complicated federal milk pricing system which does not take into account the high cost of milk production in Connecticut. In addition to providing fresh local milk, Connecticut's dairy farms occupy over 70,000 acres of farmland which could be vulnerable to development if our dairy farms go out of business. Our dairy industry provides many full time jobs and contributes approximately \$1.1 billion annually to Connecticut's economy. In addition to assisting our dairy industry, the Community Investment Act funds which are scheduled to sunset on July 1, 2011 help develop and sustain new farm enterprises. It is one thing to preserve prime farmland from development, but we must also encourage and support its active use to raise crops to preserve it as farmland and prevent it from reverting to woodland and other natural growth. The State has many programs to encourage the development and growth of new businesses and the employment they provide. Raised Bill No. 6262 will continue the programs now in place that encourage the development and growth of new farm businesses and the employment they provide.

TESTIMONY OF THE CONNECTICUT STATE GRANGE

PAGE 2

The Grange supports Raised Bill No. 6263 to protect the owners of 14,000 acres of forest land enrolled in the "10 mill" program from having their land assessed at its highest and best use value over the next ten years. Many years ago Connecticut moved to protect its privately owned forests by offering the land owners a program that capped their local property taxes at 10 mills based on the then current value of the land and provided significant penalties for those who removed their land from the program for development. That program also provided that fifty years after the land was put into the program it would be reassessed at its then current market value for development. 14,000 acres of privately owned woodland will reach the fifty-year reassessment time during the next ten years. The so-called "490 program" which mandates that farm, forest and open space property entered into the program be assessed and taxed at its current use value rather than its highest and best use had not been conceived when the "10 mill" program was created. Raised Bill No. 6263 will allow the owners of the 14,000 acres of forest land currently under the "10 mill" program to convert their land to the "490 program" as it reaches the time when it would otherwise be assessed at its highest and best use value. Without the option of this conversion many forest land owners will be forced to sell their land for development just to raise the cash needed to pay the taxes which will be levied on it at its current highest and best use value.

Thank you for your consideration of my testimony.

Gordon F. Gibson
Legislative Liaison
Connecticut State Grange
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860-871-7757
gfgibson@aol.com

CONNECTICUT
Land Conservation Council

Testimony in Support of Bill No. 6262 and Bill No. 6263
Presented by Amy Blaymore Paterson, Esq., Executive Director
Environment Committee - March 7, 2011

Senator Meyer, Representative Roy and Members of the Environment Committee:

The Connecticut Land Conservation Council (CLCC) joins a statewide coalition of organizations in strongly supporting Bill No. 6262, AA Concerning the Community Investment Account (CIA) and Bill No. 6263, AA Concerning the Transition from the Ten Mill Program. CLCC works with land trusts, town conservation and open space commissions, garden clubs and others to help ensure the protection of Connecticut's natural resources. We provide training, technical assistance and funding to ensure the long term strength and viability of the land trust and conservation community across the state. Thank you for this opportunity to testify on behalf of our members.

Bill No. 6262: Enacted with tremendous bipartisan support in 2005, the CIA provides increased funding for state programs for open space, farmland, historic properties and affordable housing projects as well as for important municipal capital improvement initiatives. Two years ago, the General Assembly and Governor Rell passed legislation to expand the CIA to provide two years of funding for a dairy safety net paid when federal prices fall below the cost of production. Bill 6262 would remove the sunset provision and ensure that this critical assistance to the dairy industry would be continued.

Funded by a surcharge on recording fees, the impact of the CIA on the economic well-being and overall quality of life in our communities has exceeded all expectations. According to the latest figures compiled by a statewide coalition of open space, farmland, affordable housing and historic preservation groups - the CIA has provided funding for over 562 projects in 145 towns, including at least 26 of the state's 32 Distressed and Targeted Investment municipalities, and has been used to leverage significant match dollars by and for these communities. Overall, 200% in matching funds from private, federal and local sources have been raised to match the state's CIA dollars - funds which have been invested directly back into our communities to support CIA funded projects.

The CIA also funds and creates a need for jobs including at least 14 staff positions at the state agencies that administer these programs. In the private sector, CIA projects have created approximately 2,000 jobs since 2006 in the affordable housing and historic preservation sectors - ranging from construction contractors to jobs in the tourism industry. The \$873 million outdoor recreation industry and the \$3.5 billion dollar agricultural industry, which together generate 28,000 jobs, are strengthened by CIA investments to local farm businesses and land protection.

In short, CIA funded projects not only make our towns more attractive for people to live and for businesses to operate but they contribute significantly to our state's economy. We respectfully request that you support Bill 6262 and the CIA to continue these critical investments into our state's economy.

Bill No. 6263: Landowners in the 10 Mill program made a 100-year commitment to protecting their forest lands - with the original incentive being that their property taxes would be kept at the 10 mill rate. However, on the 50-year anniversary of being in the program these property taxes are likely to increase dramatically if both the standing timber and property are re-assessed and taxed based upon their current "developable" values. Bill 6263 provides a common-sense compromise by: 1) making it easier for landowners to maintain their long-term commitment to forest conservation by capping their property taxes at the P.A. 490 rate upon their 50-year anniversary in the 10 Mill program, and 2) providing 10 Mill landowners who are willing to place a conservation easement on their properties with the flexibility to keep their lands in 10 Mill or transition into P.A. 490 without a financial penalty.

Testimony of Jean Bouteiller before the Environment Committee in support of H.B. 6263

Dear Co-Chairmen Senator Meyer, Representative Roy, and Members of the Environment Committee,

I am a "10 Mil landowner" in Cornwall and I am here to testify in support of H.B. 6263.

For nearly a century the 10 mil program has successfully conserved forests in Connecticut. Most owners of 10-mil land will soon reach their 50-year anniversary of being in the program, when our properties and timber will be reassessed at highest and best use values, instead of actual "use-value" causing dramatic increases in our taxes. I do not believe that originators of the 10-mil program foresaw the tremendous rise in property values that has occurred in the last 50 years. Nor do I believe that it was their intent that landowners, who stayed with the long-term commitment of forest conservation, be punished for their efforts with huge tax bills.

H.B. 6263 provides a compromise that would allow our property taxes to increase at our 50-year anniversary, but be capped at the same per-acre rate paid by forest landowners in the Public Act 490 program. This bill also provides an option to convert from the 10-mil program into the P.A. 490 program without penalty by first placing a conservation easement on the property, further ensuring the preservation of the forest land. Because the costs associated with this second option would be prohibitive for many it is important to retain the option of capping our taxes at the P.A. 490 rate.

For more than 100 years my 10-mil property has been the lifeblood of my family. From the crops and animals raised on the land to the game, pelts, timber, and firewood harvested from the forest this land has fed, clothed, and warmed us.

While it is true that 10-mil forestlands benefit the individual owners, it is also true that the benefits reach much further. Forests provide increasingly scarce habitat for plants and wildlife, water and air filtration, erosion control, and carbon sequestration, all global objectives. Forests also help to maintain the rural character of our town, a key objective for citizens of Cornwall. If our taxes increase beyond the P.A. 490 rate, the tax burden may force many of us to sell or develop our land in order to pay the bill. How ironic that would be! Development of these properties would mean more houses, more people, and more strain on town budgets. The cost to service these increases is far greater than tax revenues generated by these increases. Forests require far lower expenditures for services, thus help to maintain lower property taxes for all.

We live in a time when forest conservation is a key element in the climate change equation. Please support H.B. 6263 to help protect family forestlands and the benefits they provide to all. Help prevent the tragic and unfair end to a program that has protected Connecticut family forests for nearly 100 years. Thank you.



PO BOX 71 LEBANON, CT 06249 Ph 860 948-0432 WWW.TIMPROCT.ORG

The Voice of the Connecticut Forest Products Industry

March 6, 2011

Testimony in support of:

H.B. 6263 AN ACT CONCERNING THE TRANSITION FORM THE TEN MILL PROGRAM

Submitted by: Joan Nichols -- President CT Professional Timber Producers Association, Inc.

Senator Meyer, Representative Roy and members of the Environment Committee:

According to statistics from the CT DEP Division of Forestry, approximately 14,000 acres of private forest land are coming up for reassessment under the 10 mil program. Assessment on this land will be significantly higher than the assessment on this land fifty years ago. H.B. 6263 will allow 10 mil land to be assessed at the same value as comparable forest land under PA 490. Connecticut forest land is a precious resource that should not be jeopardized by an archaic tax law that will saddle private forest land owners with a tax bill they cannot afford. Over 50% of the land base in Connecticut is forested and over 80% of that land is held in private ownership. Working forest land is the resource base for the Connecticut forest products industry which contributed \$131.5 million dollars to the state's economy in 2007 and supplies over 10,000 jobs.

The Connecticut Professional Timber Producers Association urges your support of H.B. 6263 to sustain working private forest land in the state of Connecticut.

Testimony to the respected members of the Environment Committee re: H.B. 6263 re: Ten Mill Land:

Can you imagine committing to something for 100 years? Yet, in the interest of forest preservation called for by the Federal government, that's exactly what our father Louis Chatey was willing to do when he signed up forest land on our Ashford property close to 50 years ago under the Ten Mill program. As a soil scientist and a naturalist, he valued the woods, and recognized the need to preserve it.

We encourage the legislature to reward those property owners who committed 100 years of forest preservation with a reasonable 50-year adjustment on the tax rate. We support the proposal to adjust the tax rate on our 10 mill acreage to the recommended value as if it were classified under PA490.

It will be another 50 years before our acreage is finished with its 10 mill commitment. Our children will be 65 and 69 years old—essentially three generations will have managed and tended our little corner of Connecticut without developing it. We believe that commitment is worth something to our community and our state.

According to a story in Sunday's *Hartford Courant*., the U.S. Forest Service estimates that New England could lose as much as 63% of its land to development in the next 20 years. Any programs that encourage landowners to maintain forestry, farmland and open space should be supported.

Thank you,

Margaret and Louis Chatey
196 Chatey Road
Ashford, CT

My name is Richard J. Soltes. My wife and I own 55 acres of woodland in Cornwall which is on the 10 MIL portion of the grand list. I had originally intended to build one house on the property as a family retreat and was not aware that by putting the entire property in forest land under C.G.S. §12-93, I was committing the entire property to forest for 100 years under a penalty which increases each year. I did not receive the information which was publicized during the limited period of time in which property owners could convert from the 10 MIL list to PA490 forest land without penalty. I have been in contact with other 10 mil property owners who have made the same mistake on their properties in Connecticut so I know that I was not alone in my assumptions.

The proposed bill is a step in the right direction. I understand that towns like Cornwall are reluctant to give up any revenue (if in fact this is revenue the town would eventually receive). The proposed bill would allow property owners to put the entire property under a conservation easement and transfer to PA490, without paying the greater penalty under C.G.S. §12-96. Would it be possible to include a provision which would allow the property owner the option of one building site (which in Cornwall is 5 acres) subject to the PA490 penalty, provided that the rest of the property was put into a conservation easement. This would allow one home to be built on the property, with a penalty to be paid, but would include a conservation easement as a trade-off. Otherwise, I do not see too many land owners opting for this approach. (Even the agricultural land program allows one building site in an area determined by the Commissioner).

Senators and Representatives, Please let me know if this approach has any merit.

Sincerely, Richard J. and Mary M. Soltes.

**Testimony of Glen M. Wolyner President of the Preston Mountain Club before the Environment
Committee in support of H.B. 6263**

Dear Co-Chairmen Senator Meyer, Representative Roy, and Members of the Environment Committee,

I am a "10 Mill landowner" in Kent and I am here to testify in support of H.B. 6263.

Landowners in the 10 Mill program like me have made a 100-year commitment to protecting our forest lands. This long-term commitment was originally incentivized by keeping property taxes low at the 10 mill rate. However, on the 50-year anniversary of being in the program our property taxes are likely to increase dramatically if both our standing timber and property would be re-assessed and taxed based upon their current "developable" values (even though we have no intentions to develop). The significant rise in property values over the last half century could not have been foreseen either by the State or by the landowners who originally entered into this 100-year agreement.

H.B. 6263 suggests a common-sense compromise that would allow our property taxes to increase upon our 50-year anniversary in the program, but the property taxes would be capped sensibly at the same per-acre rate paid by other forest landowners in the Public Act 490 program.

Our forest is an integral part of our club. The Preston Mountain Club was founded in the 1920s. Many of its members and families are multi generational. My own 15 year old son learned to fly fish here when he was 3. He has learned to appreciate and respect nature. He has also learned that the environment doesn't protect itself and people need to act to protect it. Once lost or compromised, the natural beauty generally doesn't come back. Additionally our property is a haven for wildlife, both endangered and otherwise. The Preston Mountain Club, at a significant cost, employs a conservation expert as it's manager (Nick Yanick) and his resume is attached. Some of the wildlife on our property includes: Bog Turtles, Rattle Snakes, Deer, Bobcat, Black Bear, Coyotes, Otter, Beaver, Mink, Herons, Ospreys, Red tail Hawks, Barred Owls, Snowy Owls, Barn Owls, Geese, Duck, Wild Turkey, Bald Eagles, and Golden Eagles.

Our forest lands provide multiple benefits to our community by providing habitat, cleansing air and water, and maintaining our town's rural character. I am also a resident of the town of Kent and am concerned that additional development would place a further strain on an already strained town infrastructure. If our property taxes increase beyond the P.A. 490 rate, it would unfairly penalize those of us who have made this long-term commitment to forest conservation. Indeed, our forest lands are already protected by the prospect of large penalties if we were to either withdraw from the program or change the current forestry use of our property. Again, it is not our intention to change the forestry use of our property, but it would be sadly ironic if the 50-year anniversary property tax increase under 10 Mill forced us to either sell or develop our properties to pay the bill.

Please support H.B. 6263, which would 1) make it easier for us to maintain our long-term commitment to forest conservation by capping our property taxes at the P.A. 490 rate upon our 50-year anniversary in the program, and 2) provide 10 Mill landowners who are willing to place a conservation easement on

their properties with the flexibility to keep their lands in 10 Mill or transition into P.A. 490 without a financial penalty. Thank you.

CC: Your State Rep & State Senator

CC: or BCC: Your friends at CFPA

ALLEN G. HERKIMER, III
42 BALD MOUNTAIN ROAD P O BOX 264 CORNWALL BRIDGE, CT 06754

March 07, 2011; Public Hearing - Environment Committee

Testimony submitted on my own behalf in support of Raised Bill No. 6263, *AN ACT CONCERNING THE TRANSITION FROM THE TEN MILL PROGRAM*.

Senator Meyer, Representative Roy, and Members of the Environment Committee:

I appreciate the opportunity to provide testimony in support of Raised Bill No. 6263, *AN ACT CONCERNING THE TRANSITION FROM THE TEN MILL PROGRAM*. My name is Allen Herkimer and I live in Cornwall Bridge. I am a stockholder and 3rd generation resident of Dark Entry Forest, Inc.(DEF), a 765-acre wildlife and forestry preserve. DEF is located in Cornwall and is totally situated within the Housatonic River watershed in the northwestern corner of Litchfield County. For 23 years, I have been the natural resource manager for DEF. In 1900 my grandfather, Dr. William C. Clarke, began to form a large contiguous parcel of forest and farmland by acquiring adjoining properties. His vision was for the protection, in perpetuity, of this large open space parcel.

Along with other Ten Mill property owners, the stewardship of our large undeveloped parcels provide invaluable benefits to citizens, wildlife, municipalities, regions and to sustainable forestry practices. For decades, DEF has allowed a segment of the Blue Trail hiking system to go through our property. Our forest adjoins other large unfragmented parcels, forming an extensive biodiverse wildlife corridor. Never take for granted the ability of these lands to filter and recharge our aquifers. DEF also allows scientific disciplines access to the property to conduct studies, including wildlife inventories and habitat assessments.

DEF is coming to the close of its first 50-year commitment in the Ten Mill program, a brilliant example of innovative legislation far ahead of its time. Current regulations state that our acreage will be revalued at true and actual market prices, versus current use property values, before we move into the second 50-years of the Ten Mill program. I am confident that DEF and its stockholders will be unable to afford the dramatically higher property taxes, the results of which will likely be disastrous for the land that we have now protected for over a century. If passed, Raised Bill No. 6263 will allow us to remain in the Ten Mill program, yet convert to PA 490 valuation and tax structure.

I strongly support the 2011 iteration of this bill, however I also request that additional clarifying language be considered that better defines the parameters of those who wish to remain in the Ten Mill program to the fulfillment of their original 100-year commitment.

Although conservation easements and other similar land protection vehicles are certainly viable alternatives to protect ecologically important parcels, I extend my gratitude for your recognition of those private individuals and private entities who are as determined, as committed, and have demonstrated their successful long-term practices of maintaining large parcels as forever wild.

I would like to thank the members of the Environment Committee for their perseverance in crafting this bill that calls for equal compromises from all affected parties. My special thanks go to Representative Roberta Willis, Senator Andrew Roraback, Department of Environmental Protection's Chris Martin and Eric Hammerling of Connecticut Forest and Park Association for their combined efforts in working on this critical legislation.



TESTIMONY
of the
CONNECTICUT CONFERENCE OF MUNICIPALITIES
to the
ENVIRONMENT COMMITTEE

March 7, 2011

CCM is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate this opportunity to provide testimony to you on issues of concern to towns and cities.

CCM has concerns with HB 6263 "An Act Concerning the Transition from the Ten-Mil program," which would change the way Ten-Mil properties are valued at the time of reassessment.

BACKGROUND

The Ten-Mil Program was established about fifty years ago as a way to help reduce the tax burden on certain forest lands in an effort to ensure preservation of these properties. Property owners voluntarily entered in the program, a 100 year commitment, to preserve the property.

Once in the program, the property was initially assessed and then taxed based on a 10-mil rate for fifty years. At the conclusion of the first half of the program, the properties are to be reassessed and again taxed at the same 10-mil rate on the new assessed value for the second half of the program. The penalty for leaving this program anytime during the 100 year cycle is 5-mils per year the property was in the program. The fifty year reassessment begins to come due this year for some properties and continues through 2022.

Our understanding is that there is a growing concern the new tax bill on the reassessed values of these properties could create such a financial burden that it may force some property owners to sell. It has been said that "even though the penalty is very steep, it would not exceed the income they could generate if they clear cut the timber and sold the vacant land to a developer."

CCM's CONCERNS

While CCM understands the genesis behind this proposal, without a doubt this would reduce future revenues for local governments that are already cash-strapped.

Instead, **we have urged proponents of the bill to consider a municipal-option approach**, leaving the discussions to happen on the local level between municipal chief elected officials and property owners.

In addition, as it has been explained to CCM by the Department of Environmental Protection - this bill would require reassessment of these properties based on PA 490 land values, instead of current and best use but that the properties would continue to stay in the Ten-Mil program and the commitment for the next fifty years and corresponding penalty would remain intact. CCM asks for **clarification from the Committee that this is indeed what the bill would do**.

##

If you have any questions Kachina Walsh-Weaver, CCM Senior Legislative Associate,
at kweaver@ccm-ct.org or (203) 710-9525.



Working Lands Alliance
A Project of American Farmland Trust

Date: March 7, 2011
To: Environment Committee

HB 6263: AN ACT CONCERNING THE TRANSITION FROM THE TEN MILL PROGRAM

Submitted by: Ben Bowell, Acting Project Director, Working Lands Alliance

The following testimony is submitted on behalf of the Working Lands Alliance, a statewide coalition of caring individuals and more than 200 organizations and businesses working together to raise awareness of the need and importance of saving Connecticut's valuable and vanishing farmland.

The Working Lands Alliance strongly supports HB 6263.

Enacted in 1913, the "10 Mill" program was the first forest conservation law enacted in Connecticut. Landowners with over 25 acres of forest could receive a low property rate of "10 mills" based on the value of their land at that time.

In exchange, landowners made a 100-year commitment to preserving their land as forest.

However, a significant problem has arisen. After 50 years in the program, a landowner's property and standing timber are re-assessed at their current developable value. Due to dramatic growth in the value of land over time, the re-assessment will likely result in property taxes increasing by 20 times or more.

These landowners have demonstrated a remarkable long-term commitment to land conservation and should not be subject to these dramatic and unsustainable increases.

Created in 1963, the 490 program has become the preferred choice for farm and forest land owners, but is not available to those who made an earlier commitment to conservation under 10 Mill. HB 6263 will address this situation for the landowners of 14,000 acres of Connecticut forestland by capping the property taxes of 10 Mill landowners at the 490 rate. The bill also provides 10 Mill landowners who are willing to place a conservation easement on their properties with the flexibility to keep their lands in 10 Mill or transition into PA 490 without a financial penalty.

It is important to act now as all remaining 10 Mill properties will hit their 50 year anniversaries between 2011 and 2022.

Thank you for the opportunity to address the Committee on this important issue. The Working Lands Alliance is strongly supportive of HB 6263 and urges your support.

Testimony of George M. Camp
Before the Environment Committee
in support of
H.B. 6263

Dear Co-Chairmen Senator Meyer, Representative Roy, and Members of the Environment Committee:

I am a "10 Mill landowner" in Middletown, and am here to testify in support of H.B. 6263.

Landowners in the 10 Mill program like me have made a 100-year commitment to protecting our forest lands. This long-term commitment was originally incentivized by keeping property taxes low at the 10 Mill rate. However, on the 50-year anniversary of being in the program our property taxes are likely to increase dramatically if both our standing timber and property were to be re-assessed and taxed based upon current "developable" land values (even though we have no intentions to develop it and further doing so would be in direct conflict with the easement we have conveyed to the Connecticut Forest and Park Association which ensures, we thought, that it would remain in perpetuity protected from commercial or private development).

The significant rise in property values over the last half-century could not have been foreseen either by the State or by the landowners who originally entered into this 100-year agreement. Because it is important to the people of Connecticut that forest land be protected from development, and that doing so does not place a catastrophic financial burden on 10 mill landowners, an option other than the complete elimination of the incentive is needed. Thankfully, H.B. 6263 provides such an option.

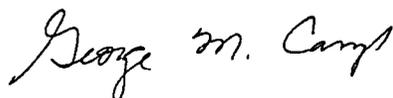
H.B. 6263 suggests a common-sense compromise that would allow property taxes to increase upon the 50-year anniversary in the program, but in a way that sensibly caps them at the same per-acre rate paid by other forest landowners in the Public Act 490 program.

Our forest is approximately 250 acres in size, and became part of the 10 Mill program in the 1960's when my parents saw the degree to which small parcels of open land were being consumed for commercial and residential purposes, leaving fewer and fewer open spaces for citizens to appreciate and enjoy. Rather than selling the land to a developer they decided to forego the financial gain from such a sale by ensuring that the forest land remained open and protected. At my father's death in 1995, the Connecticut Forest and Park Association accepted our offer of an easement on the forest land to forever maintain it for forestry education and other open spaces purposes.

Our forest lands provide multiple benefits to our community by providing habitat, cleansing air and water, and maintaining our town's rural character, as well as furthering the mission and goals of the Connecticut Forest and Park Association. If our property taxes increase beyond the P.A. 490 rate, it would unfairly penalize those of us who have made this long-term commitment to forest conservation. Indeed, our forest lands are already protected by the prospect of large penalties if we were to either withdraw from the program or change the current forestry use of our property. Again, it is not our intention to change the forestry use of our property, but it would be sadly ironic if the 50-year anniversary property tax increases under 10 Mill forced us to either sell or develop our properties to pay the bill.

Therefore, please support H.B. 6263, which would 1) make it easier for us to maintain our long-term commitment to forest conservation by capping our property taxes at the P.A. 490 rate upon our 50-year anniversary in the program, and 2) provide 10 Mill landowners who are willing to place a conservation easement on their properties with the flexibility to keep their lands in 10 Mill or transition into P.A. 490 without a financial penalty.

Thank you very much.



George M. Camp

To: Co-Chairmen Senator Meyer, Representative Roy and Members of the
Environmental Committee.
From; Edmund Lamb

I am a forest landowner in the Town of Ledyard. I am in the "10 Mill Program" and I vigorously support HB 6263. I want our property taxes for our "10 Mill" land to increase to the rate of tax currently assessed under PA 490. This would be a fair and equitable rate for our forest land and is the same rate now paid by forest land owners who are in the PA 490 program. We have no intention to develop our property and we sincerely desire to be able to move our land into the PA 490 program where it belongs.

Sincerely,
Edmund Lamb
Forest Land Owner

**Testimony of Nick D. Yanick of The Preston Mountain Club before
the Environment Committee in support of H.B. 6263**

I have been involved in the hunting industry for the past 10 years. Creating habitat for animals and all wildlife has been a passion of mine since the early 1990's. I have been a member of the Quality Deer Management Association (QDMA) since 1998, and have helped numerous landowners in New York, Connecticut & Michigan create habitats along with customized food plots for feeding and providing cover for all types of wildlife.

I also managed a large, private deer hunting ranch in Lagrangeville, NY for 5 years, managing over 1000 acres, turning it into a piece of property that sustains over 400 deer, plus turkey, bears and other wildlife.

I was hired by Preston Mountain Club to not only help turn their property into a hunting and fishing paradise for the members, but also one that sustains the diverse amount of different wildlife as well. We have spent a substantial amount of money in our habitat & forestry, working closely with a certified forester in order to protect that wildlife, creating clear-cuts for food plots which also serves as cover for animals during the winter months. Our commitment has finally started to pay off as this past year was a very successful one for both hunting & fishing.

We have a very intense logging program that will take the next 4 years to complete, hoping to have at least 100 acres of separate fields in full operation by 2013. The 10 Mill program, though it made sense at the time, does not make sense now and the proposed tax increase will devastate this small club and completely run all the progress that has been made. This mountain is a very special place, I have seen many ranches, and have worked at some nice places, but this club is a very unique one in that all the club members first dedication is to the wildlife that makes this club what it is. This is also the very reason why I chose to work here as well as live here.

Sincerely,
Nick D. Yanick
Manager
Preston Mountain Club

Testimony of Anne Holcombe before the Environment Committee in support of H.B. 6263

To the Members of the Environment Committee:

As a member of a family that owns both "10 Mill" and PA 490 land in Marlborough, I am here to testify in *partial* support of H.B. 6263.

Both of these programs have encouraged the growth and preservation of forest land in Connecticut. With the enormous growth in property values over the last hundred years, the 10 Mill program has been outpaced, and the most logical move would be to transition people into 490, as was done in the '70's. The creators of the 10 Mill law, in creating the structure to encourage long-term participation, did not anticipate the punishing taxes faced now.

H.B. 6263 suggests one common-sense compromise that would allow property taxes to increase upon the 50-year anniversary in the program, but the property taxes would be capped sensibly at the same per-acre rate paid by forest landowners in the Public Act 490 program. If the property taxes increase beyond the P.A. 490 rate, it would unfairly penalize those who have made a commitment to forest conservation, and possibly have the reverse effect of forcing some to either sell or develop land to pay the bill.

The proposed section allowing transition to PA 490 contingent on a conservation easement being granted is a good idea, but by requiring a permanent easement, it would deprive owners of their property rights long-term. A previously suggested 50-year easement (or longer at the owner's choice) would be in keeping with the original 100-year contract.

I would support HB6263, with the suggested modification. I would also support a transition to PA 490 that included making up back taxes (to the 490 level) from the 1972-73 exit window.

Thank you.

Anne Holcombe

Testimony of Matthew Holcombe before the Environment Committee in support of H.B. 6263

Dear Co-Chairmen Senator Meyer, Representative Roy, and Members of the Environment Committee,

I am a "10 Mill landowner" in Marlborough & Hebron and I am here to testify in support of H.B. 6263.

Landowners in the 10 Mill program like me have made a 100-year commitment to protecting our forest lands. This long-term commitment was originally incentivized by keeping property taxes low at the 10 mill rate. However, on the 50-year anniversary of being in the program our property taxes are likely to increase dramatically if both our standing timber and property would be re-assessed and taxed based upon their current "developable" values (even though we have no intentions to develop). The significant rise in property values over the last half century could not have been foreseen either by the State or by the landowners who originally entered into this 100-year agreement.

H.B. 6263 suggests a common-sense compromise that would allow our property taxes to increase upon our 50-year anniversary in the program, but the property taxes would be capped sensibly at the same per-acre rate paid by other forest landowners in the Public Act 490 program.

Our forest lands provide multiple benefits to our community by providing habitat, cleansing air and water, and maintaining our town's rural character. If our property taxes increase beyond the P.A. 490 rate, it would unfairly penalize those of us who have made this long-term commitment to forest conservation. Indeed, our forest lands are already protected by the prospect of large penalties if we were to either withdraw from the program or change the current forestry use of our property. Again, it is not our intention to change the forestry use of our property, but it would be sadly ironic if the 50-year anniversary property tax increase under 10 Mill forced us to either sell or develop our properties to pay the bill.

Please support H.B. 6263, which would 1) make it easier for us to maintain our long-term commitment to forest conservation by capping our property taxes at the P.A. 490 rate upon our 50-year anniversary in the program, and 2) provide 10 Mill landowners who are willing to place a conservation easement on their properties with the flexibility to keep their lands in 10 Mill or transition into P.A. 490 without a financial penalty. Thank you.

CC: Your State Rep & State Senator

CC: or BCC: Your friends at CFPA

Matthew Holcombe
817 Hill Street
Santa Monica, CA 90405
Stonehouse Rd.
Marlborough/Hebron, CT

March 4, 2011

Environmental Committee
Eric Hammerling, Executive Director
Connecticut Forest & Park Association
16 Meriden Road
Rockfall, Connecticut 06481

RE: HB 6263

Public Hearing March 7, 2011

Dear Environmental Committee:

This letter is to inform you I, Matthew Holcombe, landowner in Marlborough and Hebron Connecticut want to express in my absence my strong support of HB 6263, transition from 10 mil program. The Holcombe family, as other 10 mil property owners, have held land in the state for 100 +- years preserving the land's natural condition, providing an environment for the propagation of flora and fauna, and providing clean, oxygenated air for the residents of Connecticut.

Over the years we have carried the cost of owning and maintaining the land. Though there have been tax advantages vs non 10 mil land, there still remained a cost to the owners. Any additional taxation would be an extreme financial burden on our family, potentially forcing the sale of some acreage in order to pay additional taxes.

HB 6263 would allow the property owners to maintain a forest/open space tax advantage thereby ensuring continued protection of the land and continuing the passive advantage surrounding residents are enjoying.

Sincerely,

Matthew T. Holcombe

Joshua Holcombe
3074 Woodstock Ave.
Naples, FL 34120
Stonehouse Rd.
Marlborough/Hebron, CT

March 4, 2011

Environmental Committee
Eric Hammerling, Executive Director
Connecticut Forest & Park Association
16 Meriden Road
Rockfall, Connecticut 06481

RE: HB 6263

Public Hearing March 7, 2011

Dear Environmental Committee:

This letter is to inform you I, Joshua Holcombe, landowner in Marlborough and Hebron Connecticut want to express in my absence my strong support of HB 6263, transition from 10 mil program. The Holcombe family, as other 10 mil property owners, have held land in the state for 100 +- years preserving the land's natural condition, providing an environment for the propagation of flora and fauna, and providing clean, oxygenated air for the residents of Connecticut.

Over the years we have carried the cost of owning and maintaining the land. Though there have been tax advantages vs non 10 mil land, there still remained a cost to the owners. Any additional taxation would be an extreme financial burden on our family, potentially forcing the sale of some acreage in order to pay additional taxes.

HB 6263 would allow the property owners to maintain a forest/open space tax advantage thereby ensuring continued protection of the land and continuing the passive advantage surrounding residents are enjoying.

Sincerely,

Joshua Holcombe

Low Flow Rivers in Connecticut
 Compiled by Rivers Alliance of Connecticut
DRAFT

The following water courses have been identified impaired or threatened by low flows in part or in their entirety. The list was first compiled in 2002, primarily from DEP documents. Subsequently, the DEP stopped reporting the "threatened" category, so these entries cannot be updated readily. The underlined entries have been listed as impaired. We are in the process of rechecking entries. More information available on request.

Southeast Coastal Drainage Area:

Copps Brook (2102)¹ --- 303(d)² list of 1996, 1998, 2002, 2004 & 305(b) list 2008

Tributary to Copps Brook (2102), 305(b) list 2008.

Williams Brook (2103) --- DEP report³

Whitford Brook (2104), Ledyard --- DEP report, 303(d) list of 2002 & 2004, 305(b) list 2008

Latimer Brook (2202) --- DEP report

Patagansett River (2205) --- 303(d) list of 2002

Bride Brook (2206) --- 303(d) lists of 1998⁴ 2002 & 2004, DEP report, 305(d) list 2008

Thames River Watershed:

Fenton River (3207) -- DEP report, 303(d) of 2002, 305(b) list 2008; candidate for removal

Oxoboxo Brook and Rockland Pond (3004), Montville --- DEP report, 303(d) 1998 & 2002

Quinebaug River (3700), MA to Shetucket River --- 303(d) 1998 & 2002; 305(b) list 2006 & 2008

Shetucket River (3800), Scotland -- 303(d) 1998 & 2002

Connecticut River Watershed:

Scantic River (4200), Enfield -- 303(d) 1998

Farmington River (4300) Sandy Brook to W. Branch Reservoir -- 303(d) of 2002 & 2008

Mad River (4302), Winchester -- 303(d) 2008

Farmington River, East Branch* (4308) --303(d) 1998, 2002, 305(b) list 2006 & 2008, DEP report

Nepaug River* (4310), reservoir to mouth -- 303(d) 1998 & 2002; 305(b) list 2006 & 2008; DEP report

Roaring Brook (4312), Canton --- DEP report

Pequabuck River (4315) --- DEP report

Polland River* (4313) --- DEP report

Copper Mine Brook* (4314) --- DEP report

Tankerhoosen River (4503) --- DEP report and 303(d) list of 2002 & 2004; 305(b) list 2006 & 2008

Scott Swamp Brook* (4315)

Nod Brook* (4317)

Hockanum River and Shenipsit Lake (4500) --- DEP report and 303(d) of 2002

Crooked Brook (4601) -- 303(d) of 2002 & 2008

South Central Coast Drainage Area:

Menunketesuck River (5103), Clinton -- DEP report and 303(d) of 2002; 305(b) 2006 & 2008

Hammonasset River (5106) DEP report and 303(d) of 2002; numerous local reports thru 2009

Quinnipiac River (5200) --- DEP report and 303(d) of 2002; 305(b) list 2006 & 2008

Patton Brook (5200) --- DEP report and 303(d) of 2002
Misery Brook* (5203) --- DEP report and 303(d) of 2002; 305(b) list 2006 & 2008
 Honey Pot Brook (5200) --- DEP report and 303(d) of 2002
 Broad Brook* (5204) --- DEP report
Sodom Brook* (5205) --- DEP report and 303(d) of 2002; 305(b) list 2006 & 2008
 Roaring Brook* (5201), Southington --- 303(d) of 2002
 Humiston Brook* (5201)
Harbor Brook (5206) -- 303(d) of 2002, 305(b) list 2006 & 2008
Muddy River* (5208), Wallingford --- 303(d) of 2002, 305(b) list 2006 & 2008
 Mill River (5302), Hamden -- 303(d) 1998 & 2002 and DEP report
West River (5305), West Haven -- 303(d) of 2002, 305(b) list 2006 & 2008
 Wepawaug River (5307) -- DEP report
Race Brook (5307) -- 305(b) list 2006 & 2008
 West River (5110), Guilford -- DEP report
 Branford River (5111) --- DEP report

Housatonic River Basin:

Housatonic River (6000)—303(d) 1998 & 2002, deleted because of run-of-river improvements?
 Pootatuck River (6020) --- DEP report
Farmill River (6025) --- DEP report and 305(b) list 2006 & 2008
 Wagnum Lake Brook* (6202)
 Still River (6600) --- DEP report
 Limekiln Brook (6606) --- DEP report
 Padanaram Brook (6603) --- DEP report
 Sympaug Brook (6604) --- DEP report
 Ball Pond Brook (6402) --- DEP report
Shepaug River* (6700) -- 303(d) 1998 & 2002 and DEP report; 305(b) list 2006 & 2008. May be deleted because of new management plan.
 Bantam River (6705), Litchfield --- 303(d) 1998 & 2002
 Pomperaug River* (6800) --- 303(d) of 1998 and DEP report
South Brook (6802) -- 305(b) list 2006 & 2008
 Kohanza Brook* (6602)
 Padanarum Brook* (6603)
 Nonnewaug River* (6802) -- 303(d) of 2002
Stiles Brook (6803) -- 305(b) list 2006 & 2008
Hart Brook* (6902) -- 303(d) of 2002, 305(b) list 2006 & 2008
Nickel Mine Brook* (6903) -- 303(d) of 2002, 305(b) list 2006
Branch Brook* (6910) --- DEP report and 303(d) of 2002, 305(b) list 2006 & 2008
 Hop Brook (6916) --- DEP report

Southwest Coast Drainage Area (see also TU reports, 2011, below)

Pequonnock River (7105) --- DEP report
 Mill River* (7108), Fairfield/Easton --- DEP report and 303(d) of 2002
 Saugatuck River* (7200) --- DEP report; current Aquarion/Nature Conservancy flow study
 Tributary to Hawley's Brook (7200) -- 303(d) list of 2008
 Aspentuck River* (7202) --- DEP report
 Norwalk River (7300) --- DEP report
 Fivemile River* (7401) --- DEP report

Rippowam River* (7405) --- DEP report and 303(d) of 2002
 Horseneck Brook (7409), Greenwich --- 303(d) 1998 & 2002
 Cricker Brook* (7107)
 Silvermine River* (7302)
 Mianus River* (7407) -- 303(d) of 2002

***Additional Low Flow Rivers Needing Evaluation
 as Reported to Rivers Alliance in Response to Email Broadcast Request, 2001***

Billings Avery Brook
 Brides Brook, Kensington
 Eccleston Brook
 Farm River
 Haley Brook
 Hunts Brook
 Indiantown Brook
 Trading Cove Brook

Responses to our email survey also identified the following rivers, which are included in our compilation starting on page one.

Latimer Brook
 Mianus River
 Mattabesset/Sebeth River
 Whitford Brook

Low Flow Rivers Reported in 2011 by Trout Unlimited Members

All also mentioned in our compilation

Aspetuck
 Byram River (very low)
 Comstock Brook (Wilton, full mile dry)
 Hawley's Brook (Easton, dried out)
 Rippowam/Mill River
 Saugatuck

Footnotes

¹ Basin number assigned by USGS and CT DEP

² *Connecticut Water Bodies Not Meeting Water Quality Standards*. 2002. Prepared by the DEP under the federal Clean Water Act.

³ *Waterbodies or Watersheds with Existing or Potential Water Resource Concerns from a Water Quality/Quantity Perspective*. 1992 revised report by Arthur Mauger, DEP Bureau of Water Management.

⁴ *Connecticut Water Bodies Not Meeting Water Quality Standards*. 1998. Prepared by the DEP under the federal Clean Water Act.

* Diversion type and impact available in "Low Flow Rivers Due to Public Water Supply," prepared for the Water Allocation Task Force (Rivers Advisory Committee)

Underlined entries are identified as impaired in the 303(d) list of 2002 &/or 2008



Connecticut Farm Bureau Association
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(860) 768-1100 • Fax (860) 768-1108 • www.cfba.org

March 6, 2011

Testimony in Support of:

H.B. 6263: AN ACT CONCERNING THE TRANSITION FROM THE TEN MIL PROGRAM

Submitted by: Donald Tuller, President, Connecticut Farm Bureau Association

The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.

Senator Edward Meyer, Representative Richard Roy and members of the Environment Committee:

Beginning in 2011, approximately 14,000 acres of forest land held in private ownership under the ten mill program will be reassessed at a substantially higher assessment than comparable forest land under PA 490. The ten mil program is an archaic tax law that never took into account the potential for skyrocketing land values when it was enacted in the early part of the 20th century.

Connecticut forest land comprises over 50% of the state's land base and over 80% of that land base is held in private ownership. Cost of Community Services studies consistently show that working lands generate more in tax revenues than the town's expend in supporting that land. Forest land provides wildlife habitat, open space, clean water and clean air to all residents of the state of Connecticut. Many owners of ten mil land have owned this property for multiple generations and have a fond sense of stewardship. They should not be penalized for being good stewards of their land. H.B. 6263 will allow ten mil land to be taxed at the same rate as land classified as Forest Land under PA 490. H.B. 6263 is good public policy that will help protect 14,000 acres of Connecticut forest land from an overly burdensome tax assessment.

Connecticut Farm Bureau urges your support of H.B. 6263.



Conserving Connecticut since 1895

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

Legislation before the Environment Committee on March 7, 2011	Support/ Oppose
H.B. 6263: AN ACT CONCERNING THE TRANSITION FROM THE 10 MILL PROGRAM.	Support
H.B. 6262: AN ACT CONCERNING THE COMMUNITY INVESTMENT ACCOUNT	Support
H.B. 5203: AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL	Support

Co-Chairs Meyer, Roy, and Members of the Environment Committee:

My name is Eric Hammerling and I am the Executive Director of the Connecticut Forest & Park Association, the first conservation organization established in Connecticut in 1895. As you know, CFPA has offered testimony before the Legislature on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation every year since 1897.

As a partner of the Working Lands Alliance, we support H.B. 6262 and H.B. 5203, but I will focus my three minutes today in strong support of protecting 14,000 acres of forest that are currently in the 10 Mill program. H.B. 6263: An Act Concerning the Transition from the 10 Mill Program, would ensure that the landowners who made a visionary 100-year commitment to forest conservation receive our appreciation rather than being stuck with a large tax bill.

"10 Mill" is the name of the first forest conservation law enacted in Connecticut (1913). Entering the 10 Mill program provided large forest landowners (over 25 acres) with a low property tax rate of 10 mills based on the original value of the land. Landowners had to be willing to abide by the following conditions: 1) make a 100-year commitment to preserve their land as forest; 2) subject themselves to severe penalties if they changed the use of their properties out of forestry before the conclusion of their 100 years; and 3) they would pay yield taxes to the town if they ever conducted a commercial harvest on the property. It was an amazing program that was many decades ahead of its time.

However, many 10 Mill landowners did not realize that on the 50 year anniversary of being in the program, both their land and standing timber would be re-assessed at their current "developable" values. In most instances the value of the land and timber has increased dramatically over time. Re-assessing the land and timber at their current, developable values (despite the fact that actually developing the land would incur a large penalty) will likely result in property taxes for 10 Mill landowners increasing by an estimated 20 times or more.

A conservative estimate of the property tax increase provided by the DEP Forestry division had property taxes increasing from \$1/acre to \$24.50/acre at the 50 year anniversary. Meanwhile, in this same example, neighboring forest landowners in the Public Act 490 program (which has become the preferred choice for forest, agricultural, and open space landowners since its inception in 1963), are paying the equivalent of only \$2.73/acre.¹

H.B. 6263 would provide a balanced compromise to address this situation by:

1. capping the property taxes of 10 Mill landowners at the P.A. 490 rate when they reach their 50-year anniversary in the program;
2. providing 10 Mill landowners who are willing to place a conservation easement on their properties with the flexibility to keep their lands in 10-Mill or transition into P.A. 490 without a financial penalty; and
3. maintaining the penalties associated with changing use out of forestry to both protect the forest values of the 10-Mill lands and ensure that towns would benefit financially if the landowners decided to develop.

Simply stated, passing H.B. 6263 is critical to the landowners of 14,000 acres of forest who made both an early, long-term commitment to protecting their forests! It is urgent to pass this bill this year because all of the 10 Mill properties will hit their 50 year anniversaries between 2011 and 2022. Over 1,250 acres will be impacted in 2011 alone if this bill does not succeed.

Thank you for raising this important bill and for your ongoing support of forest, land, trail, and natural resource conservation in Connecticut!

¹ See attached example entitled "Hypothetical Examples Pertaining to Revaluation of 10-Mill Classification..."

**Hypothetical Examples Pertaining to Revaluation of "10-Mill"
Classification of Forest Land
(Sec. 12-96 to Sec. 12-103)**

Assuming the land is staying in the 10-mill program, after the first 50 year revaluation the new assessment is subject to an annual tax on the "true and actual value" of both the land and timber separately at the local rate, but not more than 10 mills, for another period of fifty years. (See "Statutes Pertaining to the "10-mill" Classification of Forest Land" below)

Assume in 2010, we are using the "true and actual value" or "market value" of \$3000 per acre for the land (and not OPM's recommended "current use value" for Forest land of \$130 per acre). Also assume the value of the timber is \$500 per acre (6 thousand board feet (mbf) per acre @ \$166 per mbf over half of the acreage = roughly \$500 per acre) this would give us a new true and actual value of **\$3,500 per acre** for the land and the timber combined.

(Note, depending on the actual value of the land and timber that is present, this number might be significantly different.)

The examples below are for comparison only using OPM's Recommended Land Use Values effective October 1st 2010, which are updated every 5 years. Also note that forest land and timber values have been combined for simplicity.

Under the 10-mill law

First 50 years, true value of land and timber originally assessed separately at \$100 per acre* total x 10-mills, annual tax is **\$1/acre**.

(For 100 acres total tax per year is **\$100**)

Second 50 years, true and actual value of land and timber revalued separately at \$3500 per acre** total (see above). Using a 70% assessment ratio*** at 10-mills the annual tax would be (70% x \$3,500 x 10-mills) **\$24.50/acre**.

(For 100 acres total tax per year is **\$2,450**)

*For 50 years ago, \$100 per acre true value for land and timber combined is conservatively on the high side.

**Note, depending on the actual value of the land and timber that is present, this number might be significantly different.

*** See Section 12-62a.(b) on page 9 of this document

Under P.A.- 490 (in 2010 using OPM's recommended forest land use value of \$130/acre, 70% assessment ratio and a mill rate of 30)

Forest Land use value at \$130 per acre x 70% assessment ratio x 30-mills or \$2.73/acre.

(For 100 acres total tax per year is \$273)

Taxed at a Fair Market Value

Land fair market value at \$3000 per acre x 70% assessment ratio x 30-mills or \$63/acre.

(For 100 acres at 70% assessment total tax per year is \$6300)

Annual Property Tax per acre for Forest Land using the examples above for 1 acre and 100 acres

1-Acre

	Fixed First 50 Years/Year	Fixed second Fifty Years/Year	Annual/Year @ 2010 \$
10- Mill Law	\$1/acre	\$24.50/acre	n/a
PA-490	n/a	n/a	\$2.73/acre
Fair Market Value	n/a	n/a	\$63/acre

100-Acres

	Fixed First 50 Years/Year	Fixed second Fifty Years/Year	Annual/Year @ 2010 \$
10- Mill Law	\$100	\$2,450	n/a
PA-490	n/a	n/a	\$273
Fair Market Value	n/a	n/a	\$6300

**Hypothetical Example pertaining to the Tax to be paid Upon
Cancellation of Classification of Forest Land under "Ten Mill"
(Sec. 12-99)**

In 1965 a landowner owns 100 acres of forest land and has it Classified as Forest Land under the Ten Mill Law.

The true and actual value of land and timber were assessed separately by the town assessor in 1965 and the combined total value was **\$100 per acre**.

At \$100 per acre x 100 acres the true and actual value of the land and timber combined at the time of assessment was **\$10,000**. For the first 50 years the annual tax is \$1/acre or \$100 for the entire 100 acres.

Assume in 2015, (50 year revaluation) we are using the "**true and actual value**" or "**market value**" of **\$3000 per acre** for the land (and not OPM's recommended "current use value" for Forest land). Also assume that we use \$500 per acre for the value of the timber. This would give us a new true and actual value of **\$3,500 per acre** for the land and the timber combined.

At \$3,500 per acre x 100 acres the true and actual value of the land and timber combined at the time of assessment in 2015 will be **\$350,000**.

**Calculation of the tax to be paid upon cancellation of Classification
of Forest Land under the "Ten Mill" Law
(Assume 50 years under "Ten Mill")**

Sec. 12-99. Whenever a classification has been cancelled, the assessors shall deduct the valuation of both the land and the timber thereon as established at the time of classification from the then value of such land and timber as assessed for future taxation and, on the excess value thus determined, a tax shall be collected at the rate of five mills per annum for the entire number of years that such land has been under classification.

70% assessment ratio/rate is applied:

**\$350,000 X 70% = \$245,000 - \$10,000 X 5 Mills X 50 years = \$61,250
recapture tax upon cancelation**

(\$612.50 recapture tax per acre)

**Hypothetical Example pertaining to the Graduated Yield Tax to be
paid upon the sale of Timber or Wood Products from Forest Land
Classified under "Ten Mill"
(Sec. 12-97 and Sec. 12-98)**

In 1965 a landowner owns 100 acres of forest land with more than ten years growth of and has it Classified as Forest Land under the Ten Mill Law. Before trees are harvested (except as specified in Sec. 12-100) and sold or otherwise disposed of, the Assessor and State Forester must be notified of the quantity and stumpage value of all trees to be cut. If agreed upon, a yield tax as provided in sections 12-97 and 12-98 shall be paid by the owner of the land at the following rates:

Under Sec. 12-97		Under Sec. 12-98	
Years after Classification	Yield Tax	Any time after Classification	Yield Tax
1-10	2%		10%
11-20	3%		
21-30	4%		
31-40	5%		
41-50	6%		
Over 50 years	7%		

Example: A commercial timber sale is proposed to take place 31 years after classification. Before any trees are removed from the property, the land owner files a sworn statement with the Assessor and State Forester of the quantity and stumpage value of all material to be removed. If the Assessor and State Forester agree with the stumpage value of \$10,000, then a yield tax would be collected as follows:

31 Years after Classification

Under Sec. 12-97

5% X \$10,000 = \$500

Under Sec. 12-98

10% X \$10,000 = \$1,000

(Revised 11/18/2010)



55 Church Street
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203-568-6297

**Testimony in Support of Bill 6263 –
AAC the Transition from the Ten Mil Program**

**David Sutherland – Director of Government Relations
March 7, 2011 – Before the Environment Committee**

On behalf of The Nature Conservancy's Connecticut Chapter, I would like to express our support for Bill 6263 – AAC the Transition from the Ten Mil Program.

When first established in 1913, the "ten mill" program was a very innovative initiative to encourage forest land owners to leave their land in a forested state. Unfortunately, the drafters of the original legislation, while recognizing the importance of thinking in long time frames – in this case, 50-year obligation periods - when conserving forest land, did not take into account the rising value of land and other changes that would take place over several decades.

The legislation crafters incorporated significant penalties for withdrawing from the program to ensure that municipalities, who were sacrificing tax revenues, were truly getting the financial and ecological benefits of having the land remain undeveloped.

Most forest and farmland owners now use the "PA 490" program to gain "current use" assessments, which enable them to be taxed based not on what the land would be worth if it was developed, but rather on what it is currently being used for. Landowners get to keep their land as forest or farmland, and towns do not have to provide the services that would be required by residences or businesses. The 490 program is less burdensome on landowners than the older ten-mill program.

As the end of the second of the 50-year ten mill obligation periods nears, we now have 75 landowners, holding 14,000 acres of forestland, facing a very difficult situation. Unless the statute is changed, their tax assessments will drastically rise, forcing them to sell their lands or face drastically higher taxes.

This legislation would 1) capping the property taxes of ten mill landowners at the P.A. 490 rate at their 50-year anniversary in the program; 2) provide ten mill landowners who are willing to place a conservation easement on their properties with the flexibility to keep their lands in ten mill or transition into P.A. 490 without a financial penalty; and 3) maintain the penalties associated with changing use out of forestry to both protect the forest values of the ten mill lands and ensure that towns would benefit financially if the landowners decided to develop. We urge your support for this bill.



**Testimony of David Sutherland – Director of Government Relations
Before the Environment Committee – March 7, 2011**

In Support of Bill 6262 – AAC the Community Investment Account

On behalf of The Nature Conservancy, I would like to first of all express our deep appreciation to this committee for the support it has demonstrated for the Community Investment Act (CIA), and secondly urge you to support Bill 6262. The CIA, established by the General Assembly in 2005, uses a surcharge on real estate document recording fees to generate funds that are split between four types of state programs: 1) affordable housing initiatives at the Connecticut Housing Finance Authority, 2) the Department of Agriculture's Farmland Preservation programs, 3) historic preservation programs at the Commission on Culture and Tourism, and 4) the DEP's Open Space Matching Grants program.

Two years ago, in a widely praised action, the General Assembly and Governor Rell passed legislation to expand the CIA to provide assistance to dairy farmers for two years. Bill 6262 would ensure that the invaluable assistance that action provided to the dairy industry would be continued.

The programs funded by the CIA create on-the-ground jobs and the type of communities that attract businesses and residents. In the past five years, the CIA has become a critical component of the state's efforts to protect the resources that are essential to the health, vitality, and economic well-being of our communities. It has funded over 626 projects in 148 towns, which have provided matching funds for all of the projects. Our latest figures indicate that communities have provided almost a one to one match on average for all the projects. The CIA also funds at least 14 staff positions at the state agencies to administer these programs.

At least twenty six of our thirty two Distressed and Targeted Investment municipalities have already received grants, many multiple grants, from the CIA.

The CIA is not funded by taxes, but by fees that property owners pay with the understanding that the revenues generated by it go towards protecting those crucial resources that are most often affected by real estate activity.

Connecticut has made progress on open space conservation in the past decade, but we still rank far behind our neighboring states in the amount of state-owned parks and forests we provide for our citizens. We've just started to make progress in slowing the fastest loss of farmland in the nation. The downturn in the real estate market has given our communities important opportunities to protect prime parkland and farmland at favorable prices, but they need help to pursue these projects.



Connecticut Chapter
 645 Farmington Ave.
 Hartford, Connecticut 06105
www.connecticut.sierraclub.org
 Martin Mador, Legislative Chair

Environment Committee
 March 7, 2011

Testimony In Support of
HB 6263 AAC The Transition From The Ten Mill Program
HB 6262 The Community Investment Account
HB 6503 AAC Conservation District Funding
HB 6505 AAC Stream Flow Regulations
 HB 5518 AA Establishing A State-wide Water Use Plan
SB 205 AA Requiring Certain Thermostat Manufacturers To Pay Incentives
 For The Return Of Mercury Thermostats
HB 5387 AA Establishing A Fine For The Subsequent Illegal Dumping Of Litter
SB 1117 AAC Pharmaceutical And Prescription Drug Waste

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I am also a director of Rivers Alliance and of the Quinnipiac River Watershed Association. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies. I studied water and river processes as part of my graduate coursework.

HB 6505

PA 05-142 instructed DEP to promulgate streamflow regulations which would, for the first time, require that all streams in the state receive enough water to keep them minimally alive. DEP engaged in a five year process to produce the regulations. All stakeholders and several state agencies were at the table during this process, which culminated in a hearing and written testimony from four hundred people and organizations.

The Regulations Review Committee last year rejected without prejudice the submitted DEP regulations, in part because of a claim that the regulations covered surface flows and releases as well as groundwater, but that the word "groundwater" did not appear explicitly in the underlying legislation. Environmental advocates claimed that the goal of the bill, "To establish interim and long-term water flow regulations, which regulations will provide for a sufficient flow of water to preserve and protect natural aquatic life", could not possibly be met without consideration of groundwater. The science of river processes informs us that surface flows and groundwater are part of a single hydrologic system, and that groundwater had to be included. Further, the use of terms such as "areas of stratified drift" were clear evidence of groundwater inclusion. In the end, the Committee recommended that additional legislation be submitted to explicitly bring consideration of groundwater into the regulations.

HB 6505 does exactly that. Concerns that this bill would impede, undercut, or take the six year development process back to the beginning, are unfounded. DEP may have removed groundwater from the regulations in later submissions to the Committee, but they are already drafted, and exist in earlier versions of the submitted regulations. Because implementation of the regulations will take many years, even decades, adding groundwater as a second stage in the

adopt the federal guidelines. There are none currently on the agency's webpages. There is a list of 78 items with specific disposal guidelines, including pesticides, gasoline and oil, dead animals, and household hazardous waste, but none for prescription drugs.

I wonder how many people are aware of the federal recommendation:

If a drug take-back or collection program is not available:

- Take your prescription drugs out of their original containers.
- Mix drugs with an undesirable substance, such as cat litter or used coffee grounds.
- Put the mixture into a disposable container with a lid, such as an empty margarine tub, or into a sealable bag.
- Conceal or remove any personal information, including Rx number, on the empty containers by covering it with black permanent marker or duct tape, or by scratching it off.
- Place the sealed container with the mixture, and the empty drug containers, in the trash.

Office of National Drug Control Policy, October 2009

Including this information with each prescription would be sound public policy.

HB 6263

Conversion of the 10mil properties to the 490 program should have happened in the 2010 session. It is good public policy. This bill is recommended.

HB 6262

Payments from the Community Investment Account may cease on July 1 of this year unless 6262 is passed. The program funds valuable programs, and should be allowed to continue disbursement of funds.

HB 6503

The Soil and Water Conservation Districts have provided very useful resources for environmental projects. The Governor's budget contains no funding for them. This bill would fund the districts, as they have been in the past, through fees rather than from the general fund. Sierra recommends passage.

TESTIMONY
FOR THE ENVIRONMENT COMMITTEE
PUBLIC HEARING
March 7, 2011

To Chairmen Ed Meyer, Richard Roy, and Members of the Committee:

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 500 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.

HB 6263 AAC The Transition from the Ten Mill Program

Rivers Alliance supports this bill and the testimony of Connecticut Forest & Park Association. Forested land is the most important natural purifier of water. The state should encourage its preservation by allowing transfer of tax reductions from the old ten mill program to the current 490 program without penalty.

HB 66503 AAC Conservation District Funding

This bill aims to reinstate dedicated revenue for the Conservation Districts. Rivers Alliance supports ample and stable funding for the districts. Their expert advice to towns provides consistency in stormwater management and wetlands permitting. They potentially could play a key role in regional integration of conservation policies and practices relating to soil and water. Their important contributions are sometimes not understood, and their funding repeatedly has been threatened.

HB6503

SB205

SB227

SB204

HB 6505 AAC Stream Flow Regulations

This bill clarifies that PA 05-142 was intended to provide the state's rivers and streams protection from excessive withdrawals whether by damming, pumping, siphoning, or other means. Rivers Alliance believes this clarification is not legally necessary given the language of the Act. Moreover groundwater regulation has been

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 2
288 – 627**

2011

Blancato, Allison

From: Marilyn Johnston [marilynjohnston2003@yahoo.com]

Sent: Saturday, February 12, 2011 6:25 PM

To: Blancato, Allison

Subject: S,B 831, H.B. 6157, H.B. 6263

Dear Ms. Blancato,

I am writing you today to express support for the above three bills currently under consideration in the CT legislature. I am a 25-year resident and property owner in the town of Bloomfield and am most proud of the agricultural heritage/potential and natural beauty of the town. Conservation is an important issue to me and I have supported open space/agricultural planning in the town by attending recent public forums on these topics. I believe the passage of the above bills would support conservation efforts I support. I think liability protections for municipal owners of open space is a good idea. I believe a portion of timber revenues going to forest management is wise and I think 10 mill landowners should receive the benefits provided by HB 6263.

Thank you for your attention on these bills and for considering my endorsement of them which I hereby give.

Sincerely,
Marilyn Johnston
49 Duncaster Rd
Bloomfield, CT 06002

8:00? 8:25? 8:40? Find a flick in no time
with the Yahoo! Search movie showtime shortcut.

2/14/2011

H – 1107

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2011**

**VOL.54
PART 16
5169 – 5506**

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HOUSE OF REPRESENTATIVES

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May 27, 2011

call Calendar Number 206.

THE CLERK:

State of Connecticut House of Representatives
Calendar for Friday, May 27, 2011.

On page 36, Calendar 206, House Bill Number 623 -
- I'm sorry -- 6263, AN ACT CONCERNING THE TRANSITION
FROM THE TEN MILL PROGRAM. Favorable report of the
Committee on Finance, Revenue and Bonding.

SPEAKER DONOVAN:

Representative Brian Hurlburt.

REP. HURLBURT (53rd):

Good morning, Mr. Speaker.

SPEAKER DONOVAN:

Good morning, sir.

REP. HURLBURT (53rd):

How are you today? Mr. Speaker, I move for
acceptance of the joint committee's favorable report
and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance of the joint
committee's favorable report and passage of the bill.

Will you remark?

REP. HURLBURT (53rd):

Thank you, Mr. Speaker. Mr. Speaker, before we

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get started on the -- on the bill, I'd like to bring forward Amendment LCO 7482. I believe the Clerk has it in his possession and I be given leave to summarize.

SPEAKER DONOVAN:

Will the Clerk please call LCO 7482, which will be designated House Amendment Schedule "A".

THE CLERK:

LCO Number 7482, House "A", offered by
Representative Hurlburt.

SPEAKER DONOVAN:

Representative seeks leave of the Chamber to summarize the amendment. Any objection? Hearing none -- hold on for a second. Chamber will stand at ease. Looking for amendment.

(Chamber at ease.)

SPEAKER DONOVAN:

The Chamber will come back to order.

Representative Hurlburt, you had moved a -- an amendment was called, you granted leave. Any objection to summarization? Any objection? Hearing none, Representative Hurlburt, you may proceed with

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summarization.

REP. HURLBURT (53rd):

Thank you, Mr. Speaker, without skipping a beat. Mr. Speaker, the amendment before us now that everybody in the Chamber has access to it makes a few technical changes for consistency's purpose. It doesn't change the -- the thrust of the underlying bill. I move that we adopt this amendment and ask that we could move to discussion on the bill as amended. I move adoption.

SPEAKER DONOVAN:

Question is on adoption of the amendment. Would you remark further? Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Mr. Speaker, I agree with the proponent. It's a technical amendment and I urge passage. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further on the amendment? Would you care to remark further? If not, let me try your minds. All those in favor of the amendment, please signify by saying Aye.

REPRESENTATIVES:

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Aye.

SPEAKER DONOVAN:

Those opposed, Nay.

The Ayes have it. The amendment is adopted.

Remark further on the bill as amended?

Representative Hurlburt.

REP. HURLBURT (53rd):

Thank you very much, Mr. Speaker. Mr. Speaker, the amended language we have before us is a continuation of our efforts that the House and the Environment Committee put forward last year. We did a substantially similar bill on the last day of session in 2010. Unfortunately, we did not make the deadline in the Senate and so we have the bill before us again this year. It was passed on the Consent Calendar. But what the bill does is it caps the property taxes of Ten Mill landowners and allows them to transition to the PA 490 program.

This is a property tax relief program that allows for those landowners with 25 or more acres to have some property tax relief in order to maintain their land as forest land. It's a great bill to continue the efforts in protecting the character of the state of Connecticut, the -- rural character of our -- of

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May 27, 2011

our communities -- across the state and I ask that my colleagues please join me in supporting the bill as amended. Thank you.

SPEAKER DONOVAN:

Thank you, Representative.

Would you care to remark further? Representative Chapin.

REP. CHAPIN (67th):

Thank you, Mr. Speaker. Mr. Speaker, I also rise in support of the bill as amended. As the proponent has indicated, it was a bill that has been through the Environment Committee a number of times, as well as through -- through the House I believe unanimously last year.

It involves a little over 14,000 acres in the entire state of Connecticut. I think that, if I'm remembering the number correctly, that acreage is owned by I think 75 landowners and the -- those towns that would be affected are 43 different communities. I do believe that this transition from the Ten Mill Program into 490 is certainly consistent with the intent of both programs and I urge passage. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

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Thank you, Representative.

Representative Willis.

REP. WILLIS (64th):

Thank you, Mr. Speaker. I rise in support of this Legislation. First I want to thank Representative Hurlburt for taking the lead on this for the last two years, and I'm so glad that it has finally made it again to the floor, and hopefully this year we will see passage.

This is a very important bill, particularly in my community because for nearly a century, several of the families in my district have successfully conserved their forest land, and many of these owners in the Ten Mill program would not be able to hold on to their land, and obviously it's a benefit for our towns to keep these as open space.

Our forefathers a hundred years ago and 50 years ago had the foresight to come up with a -- program like this to ensure that Connecticut kept its land -- its heritage and its landscape. Again, I urge passage. Thank you very much.

SPEAKER DONOVAN:

Thank you, Representative.

Representative Sawyer.

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REP. SAWYER (55th):

Thank you, Mr. Speaker. As the morning starts, sometimes people are interested in many pieces of Legislation, so I apologize.

A question through you to the proponent of the bill.

SPEAKER DONOVAN:

Please proceed, madam.

REP. SAWYER (55th):

In this particular transition between the Ten Mill to the 490, does the 490 also contain the protection that it -- the 490 goes with the land and not with the owner? Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Hurlburt.

REP. HURLBURT (53rd):

Through you, Mr. Speaker. Yes, the way the bill is drafted, the property would continue with the 490 program as the 490 program is on statute. Through you.

SPEAKER DONOVAN:

Representative Sawyer.

REP. SAWYER (55th):

I thank the gentleman for his answer because in

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the background information of the Ten Mill program it says that the classification does not terminate upon sale or transfer of the land, and is tied to the land, not to the owner. So these programs are perhaps some of the strongest that we have in land preservation in Connecticut and as we -- those of us that are heavily involved in preservation of some of our fragile lands, some of our historical lands, some of our open space land that is the key to a lot of our forestation, a lot of our animal management as well.

It is key that we look to the preservation that is identified with the land that is held with the land versus something that could be lost with an owner passing, or land passing on to another generation, and we don't want to have to put the burden on to the next group of successive property holders to be able to preserve that land.

I too would like to -- to thank Representative Hurlburt for his work on this particular measure because it is something that is longstanding and it is something that we will be looking at in 20 to 50 years from now and be glad that we did it. Thank you very much. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

lxe/gbr
HOUSE OF REPRESENTATIVES

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May 27, 2011

Thank you, Representative.

Care to remark further on the bill as amended?

Care to remark further on the bill as amended? If not, staff and guests please come to the Well of the House, members take their seats, the machine will be open.

THE CLERK: .

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all members have voted, the machine will be locked and the Clerk will please take a tally.

Clerk, please announce the tally.

THE CLERK:

House Bill 6263 as amended by House "A".

Total Number voting	125
Necessary for passage	63
Those voting Yea	125
Those voting Nay	0
Those absent and not voting	26

SPEAKER DONOVAN:

The bill as amended is passed.

Are there any announcements or introduction? Any announcements or introductions? Representative Urban.

REP. URBAN (43rd):

Thank you, Mr. Speaker. For the purposes of an introduction.

SPEAKER DONOVAN:

Please proceed, madam.

REP. URBAN (43rd):

Thank you, Mr. Speaker. Mr. Speaker, up in the gallery today is the fourth-grade class from West Broad Street School in Pawcatuck and I would like everybody -- they're all waving -- so if my colleagues could give them a big wave and welcome them here to the Capitol. And I would like to give them my personal thanks for the time that we spent together with them instructing me as to how I should be voting here in Hartford. And don't worry, I listen to you. Have a great day in the Capitol. Thank you, Mr. Speaker.

SPEAKER DONOVAN:

All right, thank you. Thank you for joining us. Returning to the Calendar, will the Clerk please

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

**PROCEEDINGS
2011**

**VOL. 54
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cd/lg/sg/mhr/gbr
SENATE

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June 8, 2011

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Moving now to Calendar page 14, Calendar 574,
House Bill 6410; Madam President, move to place the
item on the Consent Calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Continuing Calendar page 14, Calendar 578, House
Bill 6156; Madam President, move to place the item on
the Consent Calendar.

THE CHAIR:

So ordered.

SENATOR LOONEY:

Thank you, Madam President.

Moving to Calendar page 15, Calendar 591, House
Bill 6263; Madam President, move to place the item on
the Consent Calendar.

THE CHAIR:

So ordered.

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.

Madam President, the items placed on the first Consent Calendar begin on Calendar page 10, Calendar Number 478, House Bill 6488; Calendar 480, House Bill 5256.

Calendar page 11, Calendar 513, substitute for House Bill 6557.

Calendar page 12, Calendar Number 535, substitute for House Bill 6226; Calendar 555, House Bill 6259.

Calendar page 13, Calendar 560, substitute for House Bill 5368; Calendar 567, substitute for House Bill 6157.

Calendar page 14, Calendar 574, substitute for House Bill 6410; Calendar 578, House Bill 6156.

Calendar page 15, Calendar 591, House Bill 6263; Calendar 594, substitute for House Bill 5508; Calendar 595, substitute for House Bill 62 -- 5263.

Calendar page 16, Calendar Number 606, substitute for House Bill 6581; Calendar 609, substitute for House Bill 6501.

Calendar page 17, Calendar 610, substitute for House Bill 6224; Calendar 613, substitute for House Bill 6453.

Calendar page 18, Calendar 614, substitute for House Bill 5068; Calendar 628, substitute for House Bill 5008; Calendars 633, House Bill 6489.

Calendar page 19, Calendar 635, substitute for House Bill 6351; Calendar 640, House Bills, 6559.

Calendar page 20, Calendar 642; House Bill 6595.

Calendar page 21, Calendar 645, substitute for House Bill 6267; Calendar 648, substitute for House Bill 5326; Calendar 650, substitute for House Bill 6344.

Calendar page 22, Calendar 651, substitute for House Bill 6540.

Calendar page 23, Calendar Number 655, substitute for House Bill 6497; Calendar 657, substitute for House Bill 6262; Calendar 658, House Bill 6364; Calendar 659, House Bill 5489.

Calendar page 24, Calendar 660, substitute for House Bill 6449.

Calendar page 36 -- correction -- Calendar page 33, Calendar Number 390, substitute for Senate Bill 1181.

Calendar page 36, Calendar Number 481, House Bill 5472.

Calendar page 37, Calendar Number 584, substitute for House Joint Resolution Number 34; Calendar 585, substitute for House Joint Resolution Number 54; Calendar 586, House Joint Resolution Number 65, Calendar 587, House Joint Resolution Number 66.

Calendar page 38, Calendar 588, House Joint Resolution Number 80; Calendar 589, House Joint Resolution Number 63; Calendar 590, House Joint Resolution Number 35; Calendar 620, substitute for House Joint Resolution Number 45.

Calendar page 39, Calendar Number 621, substitute for House Joint Resolution Number 47; Calendar 622, House Joint Resolution Number 68; Calendar 623, substitute for House Joint Resolution Number 69; Calendar 624, substitute for House Joint Resolution Number 73.

Calendar page 40, Calendar 625, substitute for House Joint Resolution Number 81; Calendar 626, House Joint Resolution Number 84.

Madam President, I believe that completes the items placed on Consent Calendar Number 1.

THE CHAIR:

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SENATE

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June 8, 2011

Thank you.

SENATOR LOONEY:

Thank you, Madam President.

THE CHAIR:

Mr. Clerk, please call for a roll call vote, and the machine will be open.

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:

Senator Gomes?

If all members have voted; all members have voted? The machine shall be locked.

And, Mr. Clerk, will you please call the tally.

THE CLERK:

Motion is on adoption of Consent Calendar
Number 1.

Total number voting	36
Those voting Yea	36
Those voting Nay	0

Those absent and not voting 0

THE CHAIR:

Consent Calendar passes.

The Senate will stand at ease for a moment.

(Chamber at ease.)

SENATOR LOONEY:

Madam President?

THE CHAIR:

Yes, Senator.

The Senate will come to order.

SENATOR LOONEY:

Yes. Madam President, the Clerk is in possession of Senate Agenda Number 5 for today's session.

THE CHAIR:

Mr. Clerk.

THE CLERK:

Madam President, the Clerk is in possession of Senate Agenda Number 5, dated Wednesday, June 8, 2011.

Copies have been made available.

THE CHAIR:

Senator Looney.