

**PA12-152**

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**JOINT  
STANDING  
COMMITTEE  
HEARINGS**

**ENVIRONMENT  
PART 7  
2085 – 2412**

**2012**

them too --

REP. L. MILLER: -- are getting the brunt of it.

DAVID CROSBY: -- so when we replace the tanks there will be an additional tax, property tax.

REP. L. MILLER: Well good luck and thank you very much.

DAVID CROSBY: Thank you.

REP. ROY: Thank you, Representative Miller.

Any other questions?

Appreciate it?

DAVID CROSBY: Want me to get up now?

SENATOR MEYER: Our next witness is Karl Wagener, Director of the Council on Environmental Quality.

Good morning, Karl

KARL WAGENER: Good morning. Thank you.

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Council submitted testimony on two bills. I want to address 349, AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY MEMBERS AND AGENTS. You've seen something similar in the past. We -- the Council strongly recommends a favorable report on this. This year there's been a breakthrough and I think this year that this bill's time has come and I'll explain why.

But as we've reported to you before, the conservation of inland wetlands is one of the core functions of DEEP but -- and the single most -- important of DEEP in relation to

wetlands is the training of local commission members. It's not the CEQ's opinion. We did a statistical analysis of this, training makes a difference. And the training program is regarded as excellent. The problem is that too many towns don't participate.

So here's the breakthrough. This year DEEP is putting -- has made available segment one of its comprehensive training course as an online course through the UConn Continuing Education Program. We would consider this to be basic training and what we're recommending is that all new members as they come on to a local wetlands agency would be required within a year to complete basic training, either online or in a traditional classroom function.

In the past we -- were searching for a solution that wouldn't put a financial burden on DEEP, wouldn't put a financial burden on the towns or wouldn't put a burden on the time of volunteer commission members. But this year we think we have it and we -- we don't think the completion of an online course or in the classroom within a year is a burden to new member. In fact we think it's -- it's a benefit. You get on a commission, not only do you get -- not only do you serve on the commission now but you get an opportunity to take the necessary training in the comfort of your own home.

And the organization that represents these local commissions, the Connecticut Association of Conservation and Inland Wetlands Commissions has told us that they definitely support this kind of requirement.

And there are a couple of other provisions in the bill, but I wanted to in my three minutes to also convey the Council's strong

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recommendation for 347, AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN. And land conservation is another core function of DEEP but land reservation has pretty much come to a standstill. There are a number of reasons for that. But if I had to put the problem that this bill is intended to solve in a nutshell, it's this. As a state, we don't know how much land we've already preserved and we haven't identified our priorities for preservation. So how can we say we have a coherent strategy for protecting land in this state? We don't and we think this bill would put us on a track toward a coherent strategy. Thank you.

SENATOR MEYER: Karl, with respect to the inland wetlands training bill.

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KARL WAGENER: Yes.

SENATOR MEYER: I gather that that would be financed through -- through members of the agency paying a registration fee for the training? Is that right?

KARL WAGENER: What we've recommended is that -- well, right now, it's in statute that every town gets a free seat in training every year. If you have a situation where it counts in the future, a commission gets two or three new members in a year, that town could ask DEEP for additional vouchers to cover that cost for the online training. And it's not a huge cost and DEEP has a fund that they use for this now, it's the -- Inland Wetlands Penalty Fund. If whenever they collect a penalty on an inland wetlands violation it goes into that fund and there's several specific uses and education and training is one of them.

DEEP has expressed to me their concern what if that fund runs out of money in the future,

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

MARK KOHORST: Thank you.

REP. ROY: Marty Mador followed by Susan Eastwood.

MARTIN MADOR: Afternoon members of the committee. I'm Martin Mador, I'm the Legislative Chair for the Connecticut Sierra Club. It's my fortunate privilege to be able to take a romp through eight of the bills on your agenda in the next three minutes so I will do my best, starting with two mercury bills. We like 93. We think it's an appropriate bill.

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We have very little confidence that a program that does not -- that does not have some sort of financial incentive to get people to do this especially residential owners who are going to swap out these thermostats themselves. We don't think this is going to work without a financial incentive. We think it's necessary. We support 93. We do not support 350.

We think 93 is going to be more effective and I assume you understand the issue here that the stream hazards represented by exposure to mercury. This is important. We've -- we've been doing products stewardship, extended producer responsibility on a number of issues. We've done this ewaste previously. We did it for paint last year. We're doing it for mattresses this year. Next year we might do it for carpets.

The mercury take back is another example of this, of making sure that there's responsibility for postconsumer disposal in appropriate of products which have

we do our water management and encourage conservation as a good thing. This bill would do it. We fully endorse it.

347 on open space is a very, very important bill. We have seen that we have no protections on open space right now. The DEP manages 258,000 acres of open space, none of it protected. As we've seen with the Haddam land swap, there are no protections here making sure that that dedicated, conserved open space actually remains open space. This bill asks the agency to come up with suggestions for how we can actually protect this land. We like that a lot.

This is a very high priority for us. 5410, transferring natural resources to agriculture, we do not think this is a well founded idea. The issues between agriculture which is very intensively managed land and open space and natural resources which are not managed land have very little in common. We don't think is a well thought out proposal. Let me stop there.

REP. ROY: Thank you, Marty. Do you have any questions or comments? Senator Meyer.

SENATOR MEYER: Marty, actually DEP does have a process for -- for open space land and they have a written process that they've formulated several years ago. The State legislature and the Governor last year in the Haddam land swap did not allow the agency to -- to use and implement its process.

But it has a written process for -- for any conveyance of open space that is quite careful and has good standards in it. Again, the legislature and the Governor overran those standards in that process last year with the

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Haddam land swap and that was very unfortunate.

MARTIN MADOR: Correct. The-

SENATOR MEYER: Are you familiar with the process they have?

MARTIN MADOR: The legislature ran a land transfer bill in 2007 which says we should have very clear standards for disposal of State open space lands. In response to that bill, the then Commissioner Gina McCarthy rewrote the land directive which is what you're describing about which had originally been issued in 1991. She revised that and reissued it in 2008 which provides for a very -- a very protective process for deciding whether such a conveyance is in the public interest or not.

If that had been followed we actually would have done a study saying is this a good idea for the public or not. The problem is Connecticut has its own brand of tsunami and that is the words notwithstanding any provision of the General Statutes which wipes out everything in its path except perhaps the language in a contract because you can't -- the legislature does not have the power to void a contract. And that's exactly what happened here. And that's why we need to find a way to protect this land so what happened in Haddam will not happen in the future.

SENATOR MEYER: And so you believe that the bill before us on open space will do that?

MARTIN MADOR: It's -- it directs DEP to look into this and makes some recommendations. There are a number of us actively working on trying to find a way to put these protections in.



We don't know how to do this right now but there are many conversations taking place to try to find out how to do it and this really pertains to lands the State already owns, lands yet that -- yet to be acquired can be protected through language in a contract which is what transfers the land, if a contract specifies that the land must be retained as open space that protects the land. But that's only going forward.

SENATOR MEYER: Yeah. But in -- in light of DEP so quickly handing over that lovely piece of land on the Connecticut River last year, you're -- you're still confident in this -- in the strategy of this bill and that is for DEP to make recommendations which will preserve open space?

MARTIN MADOR: I don't know if that's going to result in the -- in the what we -- the protection we really want to have. It specifically says DEP look at this, make proposals for how we can invoke these protections. There's no guarantee this is actually going to come up with a solution but I think it's appropriate to have DEP looking into this. I'd love to see the Attorney General looking into this as well.

This is a very high priority for us and as of right now we don't know how to solve the problem so we need to have these conversations in as many places as we can. And having DEP put together their own proposals for how to do this will help us out.

REP. ROY: Thank you. Any other questions?  
Representative Chapin.

REP. CHAPIN: Thank you, Mr. Chairman. In your testimony you referenced storm water

HB5492

continues to plague us even at these very low dosage. We can safeguard ourselves by keeping our waters and foods without contamination.

Remember you are what you eat and if you can't remember too that mercury causes brain neurodegeneration. This means it actually melts brain cells by vapor inhalation in a study producing molecular lesions in the brain protein metabolism is highly seen in 80 percent of Alzheimer's diseased brains. I'm not talking aluminum. I'm talking mercury here. This is indeed food for thought and not for consumption. Further adding to this long known danger or mercury is a new link to heart disease.

The American Journal of Physiology found that low dose exposure may up to the risk -- may up the risk of heart disease by the development of impaired artery function a factor -- a key factor in heart disease. I would ask for your support in S.B. 93 holding the manufacturers responsible for this incentive to provide protection for our community of all ages. Money is the motivator. And I thank you.

REP. ROY: Thank you. Any questions for Joyce? At least I found out why I eat too much. Louis Birch. Kip Kolesinkas. And after Kip, Sandy Breslin.

KIP KOLESINKAS: Senator Meyer, Representative Roy and members of the environment committee, I'm Kip Kolesinkas, a member of the Steering Committee for the Working Lands Alliance. The Working Lands Alliance is supportive of Bill 347.

Working Lands Alliance also recommends that in section 8B that the Commissioner of Agriculture be added to be in consultation

with the Commissioner of DEEP, the Council on Environmental Equality and other entities. Many of the protected lands referenced serve multiple purposes including agricultural production.

As such in the same section agricultural potential should also be included along with wildlife, habitat and ecological resources to be identified for protection. Agriculture can be a compatible and even necessary use with these other purposes. Currently the State of Connecticut is fortunate to own thousands of acres of land throughout the State under control of a number of agencies. The permitted protection of these State lands has been recognized as a priority by the Working Lands Alliance in the past and is still a priority.

In addition the Commissioner of Agriculture's farmland advisory board studied the extent and value of the agriculture potential a number of these agency properties. The study did not include DEEP owned lands. Their recommendation should be considered in the strategy referenced in section 8D. This section also should include farmland or agricultural production in addition to open space as a conservation purpose for State agency lands.

Over 30 years ago we laid the groundwork for what today is known as the Connecticut Farmland Preservation Program. The State goal is to protect 130,000 acres of farmland. As of March 2012, the program has protected over 38,000 acres and though there's currently no statewide registry or database that tracks other farmland that's protected -- been protected by towns or land trusts without the use of State or federal funds. The Working

Lands Alliance is committed to the State goals and believes it can be reached if we continue on protecting about 2,000 acres of farmland using the State funding with land trusts and municipalities protecting another 500 acres each year.

Without a centralized registry however the State will continue to be unable to track it's progress towards this goal. A registry would also be useful for monitoring easements on protected farmland as well as setting and implementing municipal open space and farmland preservation goals. Knowing what lands are critical to protect or develop is critical to smart growth and ensures that public and private investments are used effectively and efficiently.

The Working Lands Alliance is supportive of Raised Bill 347 which would establish a statewide system to keep track of the extent of protected open space and farmland. Thank you for your consideration.

REP. ROY: Thank you, sir. Any questions or comments? Senator Meyer.

SENATOR MEYER: Thanks for your -- your commitment to open space. I want to ask you a question though.

KIP KOLESINKAS: Sure.

SENATOR MEYER: In light of the Department of Energy and Environmental Protection giving away the Haddam land last year for development, do you still have confidence that -- that that department should handle open space because that's -- that's what this bill does.

This bill -- I have a raft of letters from people -- as Senate Chair of this committee from people who say never, ever again will I give any land to the State of Connecticut because it'll be given to development and not to conservation. This -- this bill in a very direct way empowers the same agency to create open space and to deal with open space and keep a registry and do -- do reports and so forth. Do you still have confidence after our experience last year?

KIP KOLESINKAS: I guess that I would -- the piece of this bill that I think is important as it relates to that is the opportunity to look at all of the State owned properties and really consciously make an effort in collaboration with others of what needs permanent protection and why.

And I think that that's -- that's a great place to start with that -- that discussion of what needs to be permanently protected. So I think that with -- that sets the stage for a mechanism.

REP. ROY: Thank you. Any other discussions?  
Representative Miller.

REP. P. J. MILLER: Yes. Thank you for your testimony. This morning we heard one speaker say that there -- suggest that there was no articulation for how much open space we would have as a goal to protect here permanently in Connecticut. And do you remember when Governor Rowland in 2003 suggested that 20 percent by the year 2023. I've heard that goal even expressed recently. Is that on your radar chart?

KIP KOLESINKAS: Right. There -- right -- there was a goal of a percentage to protect and I

think that the challenge is of knowing what land is out there that has been protected, what level of protection does it have and then also where is it in relation to each other and kind of what are the values of the -- the ecosystem, goods and services of those properties that they can provide.

So I think that's part of the challenge of not knowing specifically of what actually has been protected, what level of protection which relates to some of the other questions.

REP. P. J. MILLER: And do you have -- do you specify -- give higher value to land that could be protected that would either join existing protected land or that would be along wetland corridors. Do you value the land in different categories like that as well?

KIP KOLESINKAS: I would say most of the programs whether it's federal programs, State programs, land trusts, towns what we would hope is that they would have criteria.

And typically criteria, one of the things that oftentimes it rewards for parcels to protect is ones that are adjacent to other protected parcels. So if you're trying to establish a wildlife corridor, protect water quality, have an agricultural community that's going to function oftentimes we're interested in knowing what's next door and whether it's protected or not.

REP. P. J. MILLER: And my last question does this -- and do you put value on trying to educate people to the fact that open space is a tax winner?

KIP KOLESINKAS: Yes. I think that that's one of the things that the Working Lands Alliance and

the land trust throughout the State and the country as a community has talked about is the value of protected land and that again, even if you can't kick a ball on it which certainly is of interest to some people, the fact that you're getting clean air, clean water, habitat, tourism, agricultural production off of those economic activity is also important.

REP. P. J. MILLER: Okay. Then I just want to make one last comment. I would suggest you highlight that aspect of this plan too. I think sometimes we still hear people lamenting that that State open space over there they think of it as some kind of impediment to our economic development like it's a -- it's good land that would otherwise be contributing something to the tax rolls lying fallow, you know so.

KIP KOLESINKAS: It's -- right it's part of our green infrastructure in the State and we all are interested in clean air, clean water and healthy food and those all have value.

REP. ROY: Any other questions or comments from members of the committee? Representative Willis.

REP. WILLIS: Just a comment. Hi, Kip.

KIP KOLESINKAS: Hello.

REP. WILLIS: I just -- you retired and you're still fighting the good fight.

KIP KOLESINKAS: That's right.

REP. WILLIS: That's great. It's nice to see you here today and thank you.

KIP KOLESINKAS: Thank you.

REP. WILLIS: Look forward to working with you.

KIP KOLESINKAS: Okay. Thanks for the opportunity.

REP. WILLIS: You're welcome.

REP. ROY: Thank you. Any other questions or comments? Kip, thank you. Sandy Breslin.

SANDY BRESLIN: Good afternoon, Senator Meyer, Chairman Roy -- Representative Roy, members of the committee. Thank you very much for the opportunity to speak to you this afternoon. You -- you have put together an agenda where there are a number of bills that are of interest to Audubon Connecticut, the State organization of the National Audubon Society that I represent.

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(HB5413)

So I'm going to try and be brief and fit it all in and see where we get. First of all I want to thank you for raising Senate Bill 347. Audubon Connecticut strongly supports that bill. As you know we have been very interested over the past couple of years and been privileged to work with you in trying to establish a protected lands registry for the reasons that our former State soil scientist, Mr. Kolesinkas just so -- so well articulated. We really do not have an up to date database.

When we look to do landscape scale conservation and planning and it would be very helpful for us to have that to have information about our State protected lands and State owned lands in that format but also the other missing piece is that there is a lot of locally conserved land and we don't have information about that. The DEP is -- the DEEP has very diligently tried to assemble that information but it's incredibly pain



staking and it requires individuals going into town halls, going through records and assembling this information.

And of course as new easements and deed restrictions come on board the second they walk out the door of the town hall the information is out of date. So we support this bill. It would require updates and revising of the plan on a more regular basis. It would require DEEP to do an assessment of the State owned land, not conservation lands but other State owned lands that may have conservation value which are low hanging fruit essentially. Audubon is very familiar with this.

Our property abuts the Southbury training school which is both very great prime farmland and also has some great habitat. So we're very strongly supportive of that bill. We also strongly support House Bill 5121, which is the act that lifts the municipal preemption on pesticides. This is a very common sense sort of approach that would allow for municipalities to decide where and when they wanted pesticide to be applied but it wouldn't require them to do that.

And I'll just say quickly we're opposed to House Bill 5140. We also support Senate Bill 93 and are very strongly supportive of House Bill 5143, AN ACT CONCERNING THE INVASIVE PLANTS COUNCIL. And I'd be happy to say more on any of them.

HB 5410

(HB 5413)

REP. ROY: (Inaudible.)

SENATOR MEYER: Sandy, on the open space bill we don't have a fiscal note yet but I'm concerned it could be a whopper particularly with an understaffed agency. Can you -- can you see a

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way that we can deal with this?

SANDY BRESLIN: Well I think it's -- I mean I think that's -- that has been a consideration in the past. It certainly remains a consideration, Senator. I think what's different now is that the State overall agencies are looking at upgrading their IT capacity and there may be a way to work that in. I don't know.

We have to have that conversation with the agency and I would be remiss if I didn't let you know that the agency has indicated to us a great willingness to have that conversation already. So they are thinking about it and trying to be creative in how they might -- they might fill this need without incurring a cost.

SENATOR MEYER: So I was thinking, you know, if we wrote in some language into this bill that -- that the work to be done by the agency would be in coordination with Audubon, Connecticut Fund for the Environment, fuel organizations that could do some of the labor, the identification that is needed here. How would you feel about that?

SANDY BRESLIN: My boss isn't listening, right? I would have to do my budget too. I think we would have to look at that. I don't know if we have the information or the expertise, Senator to provide to the agency what they need to really make this happen.

It might be beyond what our organizations could do and it might not work but I think we -- we would be willing to explore it and see how, you know, what we could do to be able to assist in that regard. I think the information -- oh, go ahead.

Agriculture. So what's really being suggested is merging those bureaus into agriculture and that doesn't give me and my organization a sense of confidence that there's going to be a real conservation benefit there.

I would say that, you know, in the time of diminishing governmental funding everyone in the conservation community is working together to leverage the limited dollars and resources that we do have. And at the federal level we are working all the time with NRCS and USDA and the ag folks and -- to the extent that we could do a better job doing that. Here in Connecticut I think we should definitely explore that and see what kind of synergies and leverage there is there for us and maybe we can do a better job.

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

SANDY BRESLIN: Thank you very much.

REP. ROY: Milan Bull followed by Maureen Westbrook.

MILAN BULL: Greetings, Senator Meyer, Representative Roy, and members of the environment committee. Maybe I can kill two birds with one testimony here so to speak.

SB 349

REP. ROY: (Inaudible.)

MILAN BULL: That's right. That was my pun. In order to save time I'd like to first of all endorse and support the testimony of my colleague and National Audubon in support of 347 which is what I'm here to talk about. But in addition and referring to Representative Miller's comments in 1997 of course the General Assembly passed a goal of preserving

21 percent of the land area in Connecticut for open space both for public recreation and natural resources. And we've made great -- great strides towards accomplishing this open space goal, current economy excepted. But we really still don't have an ongoing inventory of our open spaces including how they're being protected and what conservation goal they meet.

No town for example reports to the State when it acquires a conservation easement from a development project and no analysis is available as to what if any conservation goal was achieved. A one acre conservation easement in the center of a 48 acre lot -- a 40 lot development may add to the State's open space acquisition and serve another town objective but does it really serve a conservation purpose such as for example having a positive effect on our declining songbird populations.

So we need to understand how much land we require to meet our conservation goals, how much of what we already have met -- how much of what we already have meets those goals and therefore how much land we need to acquire and where it is located. An effective plan would enable all of us who acquire conservation land, State, towns, NGOs and land trusts to focus on acquiring property that accomplishes a specific goal.

In our case wildlife habitat, and moves us all towards our larger objective. So as most of you know revising this plan has been a top priority of Audubon since 2010 when we recognized the need to better understand where all known protected public and private lands are located in Connecticut, the usefulness of these lands for protecting species of

conservation concern and a need to identify and prioritize lands that need to be acquired in order to protect habitats of greatest conservation needs.

We think this bill will help accomplish these goals and importantly provide for regular revisions that will increase the ability of the State to meet its open space goals set by the General Assembly. Also I'd like to support S.B. 349, the inland wetland training agency -- training the agency members sitting as a chairman of inland wetland regulatory agency I understand that training is key.

REP. ROY: Thank you, Milan. Any questions or comments from members of the committee? Senator Meyer.

SENATOR MEYER: Milan, I will remember several years ago the environment committee introduced a bill.

MILAN BULL: Fifty four seventeen.

SENATOR MEYER: Is that the number?

MILAN BULL: Yeah.

SENATOR MEYER: You're amazing. And because of money costs, you know, we were not able to get it through and I -- as I mentioned to the prior speaker I'm a little concerned about this as well unless we can find a way -- how to finance this but it's about time that we do this.

MILAN BULL: Absolutely.

SENATOR MEYER: All right. And thanks for your advocacy for quite a few years.

MILAN BULL: Thank you.

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

REP. P. J. MILLER: Thank you, Mr. Chairman. And thank you, Milan. I just thought to take advantage of you while you're here.

MILAN BULL: Sure.

REP. P. J. MILLER: Could you give us in very short terms the health of our bird populations since they are indicative of our quality of environment here?

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MILAN BULL: Right. That's why we're all here. That's why I'm here anyway because birds are a great indicator of the quality of our environment. When habitat quality declines or our environmental quality declines it shows up pretty much first in the diversity of our bird populations.

So whether you feed birds or are interested in birds at all you should be because most of the -- the reason most of us are in Connecticut because of our mountains and our meadows, our Long Island Sound and our beaches. Those are all bird habitats. And when the quality of those habitats decline it shows up in reduction in the diversity of our -- of our birds. So in order to -- that's the long answer to your question -- is about 50 percent of our -- of our birds in Connecticut are declining. And those that are habitat specialists are the ones that are declining the fastest.

Those that depends on -- those that depend on grasslands for instance and shrub scrub lands, those habitats are declining very quickly so

they're going down too as well as our -- our aerial insectivores, those birds that feed in the air column are declining across the country.

REP. ROY: Thank you. Any other questions or comments? (Inaudible.)

MILAN BULL: Thank you. Thanks for your support.

REP. ROY: Maureen Westbrook followed by Don Morrissey.

MAUREEN WESTBROOK: Good afternoon, Chairman Meyer, Roy, and members of the committee. My name is Maureen Westbrook and I'm here on behalf of Connecticut Water to speak on S.B. 348 and urge your support of this bill. I've submitted written testimony but in the interest of your time I'm just going to summarize and be here to answer any questions.

The bill comes on the heels of the adoption of Connecticut's stream flow regulations and is a logical and important next step to build on those regulations to promote conservation and reduce demands on the State's water resources.

It will formalize policies for PURA rate making that will promote conservation and achieve many environmental goals, protect -- reduce demands on energy and delay our needs -- delay or avoid the need to develop new water supplies and hopefully streamline the PURA regulatory process at the same time. Ultimately it will serve these best interests of the public and the consumers.

The proposal's consistent with the report recently approved by the water planning council on water rates and incentives to promote conservation. It specifically talks

anybody -- I'd be surprised and confused if the industry would not want that because they're safe.

And as far as you said, well, let some organic pesticides that are dangerous, I would say if that's the case don't use them. They shouldn't be used either, you know, because we're interested in protecting children and child in utero and human health.

SENATOR MEYER: And so the second part of my question is, given the definition you've just given of pesticides and exempting micro-bio and biochemical pesticides --

JERRY SILBERT: Microbial, yeah.

SENATOR MEYER: Microbial, excuse me. Microbial and biochemical pesticides.

JERRY SILBERT: Right.

SENATOR MEYER: What are we exempting them from by making this change?

JERRY SILBERT: We're exempting them from the prohibition of using EPA-registered pesticides because they are EPA-registered pesticides.

SENATOR MEYER: Okay. Thank you.

REP. ROY: (Inaudible).

JERRY SILBERT: Thank you very much for this opportunity.

REP. ROY: Margaret Miner followed by Laura Reid.

MARGARET MINER: Good afternoon, Chairman, members of the committee. I'm Margaret Miner with Rivers Alliance of Connecticut, also -- well,

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with Rivers Alliance of Connecticut. We commented on a number of bills, pulled out the pesticide bill that's, to us, extremely important.

HB 5121

In rapid comment, we support the water conservation bill. We worked on it. We did address many of the questions that were raised. An example of where I think you get savings for consumers and for industry is regulation of peak rates. As with energy, a lot of your infrastructure, a lot of your investment goes to responding to a situation that may only exist a couple of weeks a year.

SB 348

On the idea that stream flow regulations required that we do this, they certainly were a contributor, but the underlying constraint on supply in the water business is that Connecticut has a uniquely high standard for potable water. So our state cannot get water from sources that other states can and that means finding new supply is difficult. Stream flow regulations did add another element there, but I think it's less of a concern that our high potable water standard, which I agreed to.

Training in the wetlands commissions, I -- we don't support the Coastal Management Act. You know that our position is until the State has some kind of policy for coastal areas, let's not change too many things.

SB 375

The -- you know, we support reform of mercury disposal. The open space, I particularly want to mention it's a rather broad bill, some addressing issues we've had for a while, the registry.

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The other parts looking at policy issues, as you know, our state programs for conserved

land have really -- are really sort of in disarray now. So we certainly support doing something about it and we've been having a number of meetings. So I applaud the bill, but we would hope to be working together on it. It's a wide array of issues.

On the pesticides I support what Jerry Silbert says. We worked with him often. The science, if you do it science based, if you have the discretion not to use these things you shouldn't be using them.

HB5121

I would just say in terms of patchwork and outsourcing we have officials in towns who are ready to work on this. If they're not, they don't have to participate. If the -- we've also been working on aquatic pesticides. If the DEEP can't get out to the field because they don't have enough people; they can't monitor, they can't enforce, why not let the people who are there who have the same interests and who have a statutory responsibility take some of that burden?

So that's my summary. I put in a lot of text you can read just to illustrate the hundred million pounds a year annually of lawn treatment in this nation. Lets cut it down to maybe 50 million pounds.

REP. ROY: Thank you, Margaret.

Would you support giving the DEP a year to start putting together a comprehensive plan and just keep the status quo as it is?

MARGARET MINER: I certainly am skeptical because that's what we faced last year. And we said, oh, okay. Sure. Take a year. So the year has gone by.

17 Southwood Road  
Storrs, CT 06268  
March 16, 2012

Committee on the Environment  
Legislative Office Building  
300 Capitol Avenue  
Hartford, CT 06106

Dear Committee on the Environment Members,

I write in strong support of Raised Bill No. 347, "An Act Concerning the State's Open Space Plan". In my own community I am aware of state-owned undeveloped land whose preservation would help protect abutting working farms, protect and enhance abutting town park and recreation land, and also help protect precious water resources. Additionally the preservation of one parcel would serve to complete a bike path and a hiking trail circuit which is now interrupted. State land preservation of this nature would benefit all of our citizens.

I hope that you will give Raised Bill No. 347 your most enthusiastic support.

Kind regards,

Alison Hilding

## COALITION OF CONNECTICUT SPORTSMEN

P.O. Box 2506, Hartford, CT 06146, (203) 245-8076  
[www.ctsportsmen.com](http://www.ctsportsmen.com) [ccsct@comcast.net](mailto:ccsct@comcast.net)

Testimony presented to the ENVIRONMENT COMMITTEE  
7, 2012

March

### IN SUPPORT of Raised Bill No. 347 AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.

by Robert T. Crook, Director.

Passage of the provisions of this bill are long overdue and it is only common sense that the DEEP and the Legislature know who owns, number of acres, and if possible, the use of such properties. It will also determine the extent of accomplishment of the state's open space acquisition program.

We are always concerned with placing additional responsibilities on the underfunded/undermanned DEEP, however, identifying lands preserved as open space is essential.

Thank you.



**Testimony**  
**Elizabeth Gara**  
**Connecticut Water Works Association (CWWA)**  
**Before the Environment Committee**  
**Public Hearing**  
**March 16, 2012**

Re: SB-347, AN ACT CREATING THE STATE'S OPEN SPACE PLAN

**CWWA supports the intent of SB-347 with revisions.**

CWWA has long supported efforts to protect Connecticut's water supply watershed and aquifer lands by preserving these lands as open space. Connecticut has made tremendous progress toward the goal of protecting 21% of the state's land as open space by the year 2023 due to programs like the Open Space and Watershed Acquisition program and the tax credit for donation of open space land at discount prices. These programs provide powerful incentives to water utilities and the state to acquire and preserve open space lands to help protect Connecticut's ecological habitats, its natural beauty and its outdoor recreational areas.

However, we are concerned with the wording change in the bill beginning on line 38 which authorizes the state Department of Energy & Environmental Protection (DEEP), the CT Environmental Quality Council, municipalities and regional planning agencies to set a goal for land held as open space by municipalities and water companies. Although water companies have taken steps to preserve watershed land as open space and Class I and Class II lands are already subject to conservation easements, we are concerned that this language authorizes the state to impose a goal that could be construed to require water companies to purchase additional lands and/or maintain lands that are not needed for water supply or source water protection purposes, as determined by the state Department of Public Health.

We therefore recommend that the reference to water companies be deleted in line 45. Current law provides sufficient incentives for water companies to protect land as open space. This approach has been enormously successful in preserving hundreds of acres as open space lands. Imposing a goal for the acquisition and/or protection of open space lands by water companies could wind up subjecting water customers to increased rates associated with the purchase and maintenance of lands that are not necessary for water supply purposes.

*The Connecticut Water Works Association, Inc (CWWA) is an association of private, regional and municipal water supply utilities serving more than 500,000 customers, or population of about 2½ million people, located throughout Connecticut. As purveyors of public water supplies, our members have an obligation to provide sufficient quantities of high-quality water at a reasonable cost to consumers of the communities served.*



**Connecticut Fund  
for the Environment**



**Save the Sound<sup>1</sup>**  
A program of  
Connecticut Fund for the Environment

**Testimony of Connecticut Fund for the Environment  
Before the Environment Committee**

*Regarding.*

S.B. 347, AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN

S.B. 348, AN ACT CONCERNING WATER CONSERVATION

S.B. 349, AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY  
MEMBERS AND AGENTS

H.B. 5410, AN ACT TRANSFERRING THE CONSERVATION FUNCTIONS OF THE  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO THE  
DEPARTMENT OF AGRICULTURE

Submitted by Jessica Morowitz, Legal Fellow  
March 16, 2012

*Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.*

**CFE supports S.B. 347**, An Act Concerning the State's Open Space Plan. This is a simple but important bill that will help the state achieve its Open Space goals.

This bill would require the Commissioner of DEEP, in consultation with the Council on Environmental Quality, municipalities, regional planning agencies and nonprofit land conservation organization, to update the comprehensive strategy for achieving the state's open space goal not less than once every five years. This comprehensive strategy would now include priorities for acquisition identified to be in the greatest need for immediate preservation. This bill would also have the Commissioner, in consultation with each state agency, identify lands owned by the state that are valuable for conservation purposes and include in the comprehensive strategy a strategy for preserving such state agency lands in perpetuity as open space. Finally, the bill would require the Commissioner to submit a report to the Environment Committee with recommendations for establishing a system to accurately keep track of lands preserved as open space throughout the state.

The small changes proposed in this bill should help advance the state's open space goals. By requiring more frequent updates to the plan and including priorities for acquisition, the state will be in a better position to act quickly if and when an opportunity to preserve open space presents itself. Also, establishing a system to accurately keep track of and inventory open space lands in the state will aid in the efforts to prioritize properties for acquisition. If the Department can see that a property is adjacent to a large protected open space area, that will help them in

determining the property's acquisition priority. The inventory will also help to create an accurate tool to track the state's progress toward achieving its open space goals.

CFE asks the Committee to vote favorably on S.B. 347, An Act Concerning the State's Open Space Plan.

**CFE supports S.B. 348, An Act Concerning Water Conservation.** This bill provides for regulatory policies and ratemaking tools to encourage water conservation.

This bill allows the Public Utilities Regulatory Authority (PURA) to authorize rates for water companies that promote water conservation and investments in infrastructure that promote water and energy conservation. PURA is directed to conduct a generic docket to identify the water and energy conservation programs that, if implemented, would be eligible for recovery in rates in a general rate case. The bill also allows PURA to authorize a water conservation and sustainability adjustment charge or credit and establishes the conditions for seeking and process for approving the adjustment. In addition, the bill amends the definition of "eligible projects" under the Water Infrastructure and Conservation Adjustment (WICA) program, to include the purchase of energy-efficient equipment or investments in renewable energy supplies as well as capital improvements necessary to comply with streamflow regulations. It also increases the WICA cap from seven to ten percent between rate cases.

All of these provisions should help both the water companies and their consumers conserve water. It will allow consumer programs that promote conservation, such as monthly billing or rebates for installing more efficient fixtures. It will also help ensure that the water company can still recover a reasonable rate of return while promoting water conservation. Currently, a water company's rate of return or revenues is based on use—the more water customers use, the more money the company makes. This creates a disincentive for water companies to promote conservation. This bill helps to overcome that disincentive by allowing for flexible rate structures and other measures such as the water conservation and sustainability adjustment and WICA.

CFE asks the Committee to vote favorably on S.B. 348, An Act Concerning Water Conservation.

**CFE supports S.B. 349, An Act Concerning Training for Inland Wetlands Agency Members and Agents.** Appropriate training of Inland Wetlands Agency members and agents is one of the most important components of ensuring that these valuable resources are protected.

This bill would leave all existing requirements for training in place. It would, however, have DEEP designate a "Basic Training" program for new members that will be available both on-line and as a classroom course. This Basic Training will be required for all new Inland Wetlands Agency members appointed on or after January 1, 2014. Having online access to the Basic Training program should help ensure that all new members receive the appropriate training within a reasonable time. In addition, beginning in January of 2015, designated agents will be required to complete an update course annually. If the agent fails to complete the annual update course, the Inland Wetlands Agency cannot delegate any authority to the agent until the agent completes the required update course. Finally, the bill would require each Inland Wetlands Agency to post, at least once a year, the training status of its members and send a copy to DEEP. Again, training is one of the most important components to protecting valuable inland wetland

*Frank C. DeFelice  
32 Cherry Lane  
Durham, Connecticut 06422  
Telephone: 860-690-2400  
fcddefelice@aol.com*

March 15, 2012

Environment Committee  
Room 3200  
Legislative Office Building  
Hartford, Connecticut 06106

**Opposition to Raised Bill No. 347: An Act Concerning The State's Open Space Plan**

Distinguished Members of the Environment Committee,

I am writing **in opposition** to Raised Bill 347 entitled "*An Act Concerning The State's Open Space Plan*". As a member of both the Inland Wetlands & Watercourses Commission and the Planning & Zoning Commission in the Town of Durham, Connecticut, I feel compelled to offer comment on the potential impact of this bill.

First, the requirements in this bill would result in an unfunded mandate for our municipalities.

Second, this bill fails to recognize what many municipalities have come to realize: **Open Space is not free; even when it is granted or gifted**. It must be maintained and insured. When granted as part of an application for development, the municipality typically receives the most undesirable portions of the total parcel. For these reasons, many municipalities now look to receive a **Fee-in-Lieu of Open Space**, rather than take deeded possession of the land itself. The fees received are typically used to cover the cost of continued maintenance for a town's current Open Spaces.

Thank you for your time and consideration of the above points.

Sincerely,

Frank C. DeFelice





## STATE OF CONNECTICUT

## COUNCIL ON ENVIRONMENTAL QUALITY

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Karl J Wagener  
Executive Director

## TESTIMONY

DATE: March 16, 2012

PRESENTED TO: Environment Committee  
Connecticut General Assembly

PRESENTED BY: Karl J. Wagener  
Executive Director

SUBJECT: Raised Bill 347, An Act Concerning the State's Open Space Plan

The Council strongly recommends a favorable report of this bill, as it will go a long way, at virtually no cost, to correct some of the state's deficiencies in its approach to conserving land.

Five years ago, the Department of Environmental Protection (DEP) took an unusually proactive approach to conserving land for a specific purpose. The Department declared that the state needed to conserve more grassland habitat for those wildlife species that depend on grasslands. It searched for suitable parcels of land, and, in partnership with Massachusetts and the nonprofit Conservation Fund, it conserved several hundred acres that straddle the border with Massachusetts. A noteworthy success! Why doesn't Connecticut do this more often? We would need a plan with several critical components, and we do not have such a plan.

#### How This Bill Improves Land Conservation

Connecticut needs a strategy – for itself and its partners, which include municipalities, nonprofits and water companies – for identifying and conserving those lands which the public needs the most. Connecticut should know 1) what the highest conservation needs are, 2) what lands are *already* conserved that fulfill those needs, both geographically and functionally, 3) what types of land (and where) on which conservation efforts should be focused over the next five years, and 4) how much money will be needed. With such a plan, Connecticut could get land conservation moving again. The raised bill would create such a strategy for DEEP and its partners.

The raised bill would

- 1) improve several specific components of The Green Plan, with an emphasis on identifying priorities for conservation.
- 2) broaden DEEP's consultation on the plan to include municipalities and regional planning agencies,
- 3) require a report from DEEP on how the state could best create a dynamic registry of preserved lands. As a reminder to the Committee: the state has a statutory goal of preserving 21 percent of the state's land area; this goal includes the state and municipalities, nonprofit organizations, and water companies. We have no idea where we stand in relation to that goal, because there is no comprehensive inventory of preserved lands.)
- 4) require DEEP to work with other agencies that have custody of significant landholdings to identify parcels that should be conserved. This provision (subsection (d) of the bill) is an extremely low-cost approach to moving the state forward toward its goals at a time when preservation is at a standstill.

#### **Suggestion**

If the Committee elects to report this bill favorably with substitute language, we would also suggest eliminating the lines in the existing statute, in CGS Section 23-8, that establish specific goals for the years 1999 – 2002, for obvious reasons.

#### **Background**

Prior to 1997, the DEP had no plan for conserving land. That year, the General Assembly gave the Department a responsibility to prepare such a plan, which the DEP dubbed "The Green Plan." The DEP established a five-year cycle for updating the plan. The current version expires in 2012.

Most of the current Green Plan consists of descriptions of existing programs. There is a list of types of lands which, if offered to the DEP, would be given consideration. The plan is explicit in saying that this list is unranked; there is no identification of priorities. If you or a constituent want to see what the DEP has in mind for land conservation over the next five years, and how much money it needs to fulfill its objectives, you won't find it in The Green Plan.



# STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

## TESTIMONY PRESENTED BEFORE THE ENVIRONMENT COMMITTEE

March 16, 2012

Ellen Blaschinski, Chief, Regulatory Services Branch 860-509-8171

### Senate Bill # 347- AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN

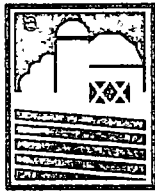
The Department of Public Health opposes Senate Bill No 347

The department opposes the mandatory inclusion of land owned by water companies in the state's open space plan for the following reasons.

1. The scope of this bill is exceptionally broad. It would apply to the large water companies that own thousands of acres of pristine land, and it would also apply to water companies such as a homeowner's association or a local place of worship. It is not likely that the intention of this bill is to capture a parcel upon which a water tank is located, a well lot in a subdivision or the parking lot of a church in the State's Open Space Plan, however that would be the consequences of this bill should it pass.
2. There are countless acres of municipal water company land that are also used for recreation. How would these dual-use lands be accounted for in the Plan?
3. The format in which the Open Space Plan will be presented is not specified. Will it quantify open space or will there be maps which identify actual locations of open space? A public map containing open space land owned by water companies could become a source of concern within the water industry. Some water companies choose to publicize their land holdings, whereas other water companies believe that publishing the locations of their infrastructure poses a public health and security risk.
4. There is no indication on how this information will be compiled. Should this task fall to the DPH, as the regulatory authority over water companies, additional staff resources and data collection capabilities would be required to be allocated to accomplish this task.

The department recognizes that water companies hold and conserve significant amounts of land for the purposes of public health protection and would advocate for a voluntary system of reporting land holdings that are consistent with the goals of the Open Space Plan.

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 An Equal Opportunity Employer



## Working Lands Alliance

*A Project of American Farmland Trust*

### STEERING COMMITTEE

Nicole Berube  
CitySeed

Joseph Bonelli  
University of Connecticut

Bonnie Burr  
University of Connecticut

Cris Coffin  
American Farmland Trust

Bill Duesing  
CT NOFA

Gordon Gibson  
Connecticut State Grange

John Guskowski  
CME Associates

Eric Hammerling  
CT Forest & Park Association

Terry Jones  
Jones Family Farms

Llyn Kaimowitz  
West Hartford

Elisabeth Moore  
Connecticut Farmland Trust

Lucy Nolan  
End Hunger CT!

Julia Pon  
Wholesome Wave

Richard Roberts  
Holloran & Sage

Kevin Sullivan  
Chestnut Hill Nursery

Jim Smith  
Cushman Farm

Melissa Spear  
Common Ground

Henry Talmage  
CT Farm Bureau Association

Herm Weingart  
Franklin

STAFF  
Leah Mayor  
Armando Paolino

### Testimony in support of Raised Bill No. 347: An ACT CONCERNING THE STATE'S OPEN SPACE PLAN

Submitted by: Kip Kolesinskas, Steering Committee, Working Lands Alliance  
Submitted on March 16, 2012

Senator Meyer, Representative Roy, and members of the Environment Committee. I am Kip Kolesinskas, a member of the Steering Committee for the Working Lands Alliance. The Working Lands Alliance is a broad-based coalition of farmers, conservation organizations, and food security groups whose policy, education, and advocacy has led to the protection of thousands of acres of productive Connecticut farmland.

The Working Lands Alliance is supportive of Raised Bill 347, which would require a regular update of the state's open space plan, identify lands owned and managed by the state that would be valuable for conservation, and make recommendation for the establishment of a registry to accurately keep track of preserved lands.

Working Lands Alliance recommends that in Proposed 23-8 (b) that the Commissioner of Agriculture be added to the consultation with the Commissioner of the Department of Energy and Environmental Protection (DEEP), the Council on Environmental Quality, and other entities. Many of the protected lands referenced serve multiple purposes, including agricultural production. As such, in the same section, agricultural potential should also be included along with wildlife habitat and ecological resources to be identified for protection. Agriculture can be a compatible and even necessary use with these other purposes.

Currently the State of Connecticut is fortunate to own thousands of acres of land throughout the state, under control of a number of agencies. A significant acreage of this land is in agricultural production and serves as a critical base of farmland for our growing agricultural industry. The permanent protection of these state lands has been recognized as a priority by the Working Lands Alliance. In addition, the Commissioner of Agriculture's Farmland Advisory Board studied the extent and value of the agricultural potential on a number of agency properties. The study did not include DEEP owned lands. Their recommendations should be considered in the strategy referenced in Proposed 23-8(d). This section also should include farmland, or agricultural production, in addition to open space as a conservation purpose of state agency lands.

Over thirty years ago passage of Public Act 78-232 laid the groundwork for what is today known as the Connecticut Farmland Preservation Program. The

main objective of the program is to secure a food and fiber producing land resource base for the future of agriculture in Connecticut. The state goal is to protect 130,000 acres of farmland, including cropland and supportive lands such as forest and wetlands.

We currently do not know how many acres of farmland have been protected in the state and, subsequently, how close we are to reaching the state's goal.

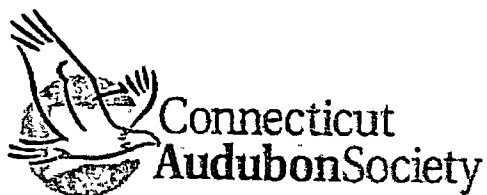
As of March 2012, the CT Farmland Preservation Program has protected over 38,000 acres. There is currently no statewide registry or data base that tracks other farmland that has been protected by towns and land trusts without the use of state or federal funding. We very roughly estimate that some notable towns and land trusts which have aggressively protected farmland have added an additional 10,000 acres to the state's total. These figures tell us that Connecticut is roughly 37% of the way toward meeting its goal of 130,000 acres.

The Working Lands Alliance is committed to the state's goal and believes it can be reached by 2043 if at least 2,000 acres of farmland are protected annually using state funding while land trusts and municipalities protect another 500 acres of farmland each year. Without a centralized registry, however, the state will continue to be unable to track its progress toward the goal.

A registry would also be useful for monitoring easements on protected farmland as well as setting and implementing municipal open space and farmland preservation goals. Knowing what lands that are critical to protect, or develop is essential to smart growth, natural resource protection, climate change adaptation, food security, and economic development. It will ensure that public and private investments are used effectively and efficiently.

The Working Lands Alliance is supportive of Raised Bill No. 347, which would establish a statewide system to keep track of the extent of protected open space and farmland.

Thank you for your consideration.



**Subject: RB No. 347 AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN**

As a representative of The Connecticut Audubon Society, I would ask your support of RB 347, An Act Concerning the State's Open Space Plan.

In 1997, the General Assembly set a goal of preserving 21 percent of the land area of Connecticut as open space for public recreation and for natural resource conservation and preservation. The statutory goal is for 10 percent of the state's land area to be acquired and held by the state of Connecticut, and for 11 percent to be acquired by partners (municipalities, non-profits, and watershed lands). We have made great strides toward accomplishing this open space goal (though progress is currently being hindered

3/15/2012

by the adverse economic situation). However, we really don't have an ongoing inventory of open spaces, including how they are being protected and what conservation goal they meet. No town, for example, reports to the state when it acquires a conservation easement from a development project, and no analysis is available as to what, if any, conservation goal is achieved. A one-acre conservation easement in the center of a 40-lot development may add to the state's open space acquisition goal and serve another town objective, but does it really serve a conservation purpose, such as, for example, having a positive effect on a declining songbird population?

We need to understand how much land we require to meet our conservation goals, how much of what we already have meets those goals and, therefore, how much land we need to acquire and where it is located.

An effective plan would enable all of us who acquire conservation land (state, towns, land trusts, NGO's) to focus on acquiring property that accomplishes a specific goal (in our case, wildlife habitat) and moves us all toward our larger objective.

Revising this plan has been a top priority of the Society since 2010 ([http://www.ctaudubon.org/wp-content/uploads/2011/01/SOTB2010Report\\_Final.pdf](http://www.ctaudubon.org/wp-content/uploads/2011/01/SOTB2010Report_Final.pdf)) when we recognized a need to better understand where all known protected public and private lands are located in Connecticut, the usefulness of these lands for protecting species of conservation concern, and a need to identify and prioritize lands that need to be acquired in order to protect habitats of greatest conservation needs.

We believe this bill will effectively help to accomplish these goals and, importantly, provide for regular revisions that will increase the ability of the state to meet its open space goals set by the General Assembly.

We urge you to support this bill.

Thank you for your consideration.

-----  
Milan G. Bull  
Senior Director of Science and Conservation  
Connecticut Audubon Society  
2325 Burr St.  
Fairfield, CT 06824  
(203)259-6305, ext. 111  
[mbull@ctaudubon.org](mailto:mbull@ctaudubon.org)

*The Connecticut Audubon Society is an independent, statewide organization with over 10,000 members. Our mission is to conserve Connecticut's environment through science-based education and advocacy focused on the state's bird populations and their habitats. We have offices throughout the state in Pomfret, Glastonbury, Milford, and Fairfield.*



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[www.ctwoodlands.org](http://www.ctwoodlands.org)

*Conserving Connecticut Connecting people to the land.*

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

Legislation before the Environment Committee on March 16, 2012	Position
<u>S.B. 347: AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.</u>	Support
<u>S.B. 349: AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY MEMBERS AND AGENTS.</u>	Support
<u>H.B. 5413: AN ACT CONCERNING INVASIVE PLANTS.</u>	Support

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 General Assembly on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation every year since 1897.

On behalf of CFPA, I am testifying on 3 bills today:

S.B. 347: There are several aspects of this bill that have great merit:

- It would help keep the State's Green Plan which is intended to guide land acquisition and protection for the state up to date by requiring an update every 5 years (the most recent Green Plan was released in 2007);
- It would include a strategy to protect appropriate state agency lands in perpetuity as open space; and
- It would help the state get a better picture of where protected lands are actually located.

As the old saying goes, "you can't know where you're going, until you know where you've been."



CONNECTICUT  
Land Conservation Council

Testimony in Support of S.B. No. 347 and H.B. 5413

To the Environment Committee

Submitted by: Amy Blaymore Paterson, Esq., Executive Director

March 16, 2012

Senator Meyer, Representative Roy and Members of the Committee:

The Connecticut Land Conservation Council (CLCC) strongly supports **S. B. No. 347**: AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN and **H. B. No. 5413**: AN ACT CONCERNING INVASIVE PLANTS

CLCC's mission is to work with land trusts, municipal conservation commissions and open space committees, other conservation and advocacy organizations and landowners to increase the pace, quality and scale of land conservation in Connecticut. CLCC is a voice for land conservation at the Capitol and provides leadership, information, technical assistance, grant fund awards, and a common forum to discuss issues for Connecticut's land conservation community. CLCC is guided by a Steering Committee with statewide representation.

**S.B. No. 347**: An effective Open Space Plan will allow the state to establish a comprehensive vision and approach to protecting Connecticut's natural resources. C.G.S.A. Section 23-8 ("23-8") establishes the goal of conserving 21% of the state's land as open space ("the 21% goal"), but does not provide for a sufficiently meaningful process to achieve that goal. The amendments proposed by S.B. 347 would help to address this deficiency by requiring more detail in the state's comprehensive strategy to reach the 21% goal, including: a review of the state's open space strategy at regular intervals; an assessment of the state's resources available for the acquisition and proper stewardship of open space; a prioritization of lands for acquisition; a mechanism for keeping track of conserved lands; and a process for ensuring that state lands valuable for conservation purposes are legally protected as such.

Proposed 23-8(d), in particular, is especially important as it requires the Commissioner of the Department of Energy and Environmental Protection ("DEEP") to address the important issue of how to best protect state lands that contain valuable natural resources but are not legally protected or specifically defined as open space under the statutes. Without a mechanism for legal protection in place, these lands are vulnerable to conversion to other uses which may threaten or destroy their conservation values.

Proposed 23-8(e), takes a step forward in addressing the serious problem of a lack of a statewide registry for holding reliable data about what lands are protected, where and by what mechanism. Although the State's Green Plan (2007) does contain some figures and the Land Trust Alliance -- a national, private NGO -- 2010 Land Trust Census Data offers further insight into the pace of conservation by private land trusts, without a centralized registry there is no accurate method for determining how many acres of land have been preserved for conservation purposes throughout the state.

A statewide registry will not only enable the state to track where it stands in relation to the 21% goal but will also promote good planning and policy making for conservation action, natural resource management and smart growth development at both the municipal and state level. While we respectfully contend that a truly effective system needs to be mandatory, a voluntary system is a good first step in the right direction.

**H.B. No. 5413**: Invasive plants are a pervasive and serious problem in Connecticut both on state and private lands, including those owned by land trusts and other conservation organizations. Protecting native species and the habitats in which they occur is a shared objective of DEEP and the conservation community. The Connecticut Invasive Plants Council has developed a list of invasive species that pose a threat of environmental harm to minimally-managed areas, such as conservation lands. Enabling the Council to maintain the services of an invasive plants coordinator is essential to making progress in addressing the control and eradication of invasive species.

Thank you for your consideration.



**Connecticut Fund  
for the Environment**



**Save the Sound**  
A program of  
Connecticut Fund for the Environment

**Testimony of Connecticut Fund for the Environment  
Before the Environment Committee**

*Regarding*

S.B. 347, AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN

S.B. 348, AN ACT CONCERNING WATER CONSERVATION

S.B. 349, AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY  
MEMBERS AND AGENTS

H.B. 5410, AN ACT TRANSFERRING THE CONSERVATION FUNCTIONS OF THE  
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION TO THE  
DEPARTMENT OF AGRICULTURE

Submitted by Jessica Morowitz, Legal Fellow  
March 16, 2012

*Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 5,400 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.*

**CFE supports S.B. 347**, An Act Concerning the State's Open Space Plan. This is a simple but important bill that will help the state achieve its Open Space goals.

This bill would require the Commissioner of DEEP, in consultation with the Council on Environmental Quality, municipalities, regional planning agencies and nonprofit land conservation organization, to update the comprehensive strategy for achieving the state's open space goal not less than once every five years. This comprehensive strategy would now include priorities for acquisition identified to be in the greatest need for immediate preservation. This bill would also have the Commissioner, in consultation with each state agency, identify lands owned by the state that are valuable for conservation purposes and include in the comprehensive strategy a strategy for preserving such state agency lands in perpetuity as open space. Finally, the bill would require the Commissioner to submit a report to the Environment Committee with recommendations for establishing a system to accurately keep track of lands preserved as open space throughout the state.

The small changes proposed in this bill should help advance the state's open space goals. By requiring more frequent updates to the plan and including priorities for acquisition, the state will be in a better position to act quickly if and when an opportunity to preserve open space presents itself. Also, establishing a system to accurately keep track of and inventory open space lands in the state will aid in the efforts to prioritize properties for acquisition. If the Department can see that a property is adjacent to a large protected open space area, that will help them in

determining the property's acquisition priority. The inventory will also help to create an accurate tool to track the state's progress toward achieving its open space goals

CFE asks the Committee to vote favorably on S.B. 347, An Act Concerning the State's Open Space Plan.

**CFE supports S.B. 348**, An Act Concerning Water Conservation. This bill provides for regulatory policies and ratemaking tools to encourage water conservation.

This bill allows the Public Utilities Regulatory Authority (PURA) to authorize rates for water companies that promote water conservation and investments in infrastructure that promote water and energy conservation. PURA is directed to conduct a generic docket to identify the water and energy conservation programs that, if implemented, would be eligible for recovery in rates in a general rate case. The bill also allows PURA to authorize a water conservation and sustainability adjustment charge or credit and establishes the conditions for seeking and process for approving the adjustment. In addition, the bill amends the definition of "eligible projects" under the Water Infrastructure and Conservation Adjustment (WICA) program, to include the purchase of energy-efficient equipment or investments in renewable energy supplies as well as capital improvements necessary to comply with streamflow regulations. It also increases the WICA cap from seven to ten percent between rate cases.

All of these provisions should help both the water companies and their consumers conserve water. It will allow consumer programs that promote conservation, such as monthly billing or rebates for installing more efficient fixtures. It will also help ensure that the water company can still recover a reasonable rate of return while promoting water conservation. Currently, a water company's rate of return or revenues is based on use—the more water customers use, the more money the company makes. This creates a disincentive for water companies to promote conservation. This bill helps to overcome that disincentive by allowing for flexible rate structures and other measures such as the water conservation and sustainability adjustment and WICA.

CFE asks the Committee to vote favorably on S.B. 348, An Act Concerning Water Conservation.

**CFE supports S.B. 349**, An Act Concerning Training for Inland Wetlands Agency Members and Agents. Appropriate training of Inland Wetlands Agency members and agents is one of the most important components of ensuring that these valuable resources are protected.

This bill would leave all existing requirements for training in place. It would, however, have DEEP designate a "Basic Training" program for new members that will be available both on-line and as a classroom course. This Basic Training will be required for all new Inland Wetlands Agency members appointed on or after January 1, 2014. Having online access to the Basic Training program should help ensure that all new members receive the appropriate training within a reasonable time. In addition, beginning in January of 2015, designated agents will be required to complete an update course annually. If the agent fails to complete the annual update course, the Inland Wetlands Agency cannot delegate any authority to the agent until the agent completes the required update course. Finally, the bill would require each Inland Wetlands Agency to post, at least once a year, the training status of its members and send a copy to DEEP. Again, training is one of the most important components to protecting valuable inland wetland

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## Connecticut Association of Conservation and Inland Wetlands Commissions, Inc.

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### TESTIMONY TO THE CONNECTICUT GENERAL ASSEMBLY, ENVIRONMENT COMMITTEE PUBLIC HEARING Friday, March 16, 2012

The Connecticut Association of Conservation and Inland Wetlands Commissions, Inc (CACIWC) is pleased to submit testimony on the following three bills:

- S.B. No. 347 (RAISED) AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN,
- S.B. No. 349 (RAISED) AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY MEMBERS AND AGENTS, &
- H.B. No. 5413 (RAISED) AN ACT CONCERNING INVASIVE PLANTS.

CACIWC appreciates the Committee's decision to hold a public hearing on these bills and offers the following comments to assist the committee in their deliberations:

#### S.B. No. 347 (RAISED) AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.

CACIWC has a long-standing policy of supporting efforts to preserve forests, fields, farmland and other open space land for conservation purposes. These include efforts to support authorization of sufficient funds to preserve open space, along with a commitment to maintain the state capital budget for open space preservation while pursuing legislative initiatives to help achieve statewide open space preservation goals. CACIWC supports SB 347 as it will require more frequent updates to the comprehensive strategy for achieving state open space goals, include consultations with municipalities in these updates, and set the highest priorities for land acquisition to wildlife habitat and ecological resources identified with the greatest need of immediate preservation.

CACIWC also supports efforts to identify land in custody of state agencies that is valuable for conservation purposes. In particular, CACIWC is strongly in favor of the SB 347 requirement to establish a statewide estimate or registry of lands preserved by the state, municipalities, water companies and non-profit land conservation organizations. Many of our member conservation commissions will be pleased to contribute to such a registry, as well as to support continued statewide efforts to improve planning for protection of land.

#### S.B. No. 349 (RAISED) AN ACT CONCERNING TRAINING FOR INLAND WETLANDS AGENCY MEMBERS AND AGENTS.

A number of major goals for CACIWC are associated with the enhancement of educational and training opportunities for our member commissions. Opportunities that provide updated information for existing wetlands commissioners and staff as well as training for new



# Rivers Alliance of Connecticut

ENVIRONMENT COMMITTEE PUBLIC HEARING: MARCH 16, 2012

HB 5082 SB 375  
SB 93 SB 350  
SB 347 (HB 5413)

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

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*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 450 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents.*

We offer brief testimony on the following bills, in the order in which they are listed in the online agenda for today's public hearing

**RB 348 AAC WATER CONSERVATION.** Rivers Alliance has been interested in supporting a bill like this for more than ten years. We hope you will like it. Both water companies and environmental advocates participated in its development. Essentially, the bill encourages the de-coupling of water revenues from volumes sold. This is the same principle that has been applied in the energy sector. Efficiency and conservation can be costly to the utility. Water-saving appliances depress sales and revenue, then investment in infrastructure and maintenance is slowed; the resulting emergency repairs are expensive, staff is let go, water quality is at risk, and rates rise in crisis mode. The solution is a rate structure that rewards the consumer for thrift but provides a predictable revenue flow for the water company. Different utilities work in very different conditions, so the bill is designed to accommodate different needs. *Support.*

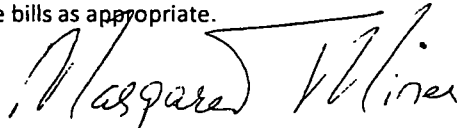
**RB <sup>344</sup> ~~375~~ AAC TRAINING FOR INLAND WETLANDS AGENCY MEMBERS AND AGENTS.** The Council on Environmental Quality (CEQ) developed this bill to upgrade the expertise of wetlands commissioners and agents. Present law requires almost no training for staff or members of a commission. CEQ research revealed that the better trained commissions more successfully protected wetlands. Previous efforts at legislation were more burdensome and costly than necessary, and also occasionally punitive. This bill has largely cured those problems. *Support.*

**RB 376 AAC THE COASTAL MANAGEMENT ACT AND SHORELINE FLOOD AND EROSION CONTROL STRUCTURES.** This is a complicated instrument for overriding shoreline zoning rules. We have opposed changes to regulatory authority until the state develops a broad policy for shoreline construction in an era of rising water. Note, the definition of "cost prohibitive" is pinned to the overall cost of a project. But this does not take into account the resources of the applicant (for whom nothing or everything may be too costly) or the importance of the requirement to human and environmental health. *Oppose.*

Notes on the concepts in other bills on the agenda.

- Leaking underground storage tanks are still causing extensive contamination of groundwater and soil. (5082 and 375)
- Mercury contamination affects all streams and fish in Connecticut. The less mercury left around the better. (93 and 350)
- Monitoring and protecting state open space, including water company lands, must improve if the state is to meet its policy goals and pledges to the public. (347)
- Invasive aquatic plants can be a nuisance, a health hazard, and can lead to the application of hundreds of pounds of aquatic pesticides over and over in the same area. (HB 5413)

Thank you for your attention. We would be happy to answer questions and to work on any of these bills as appropriate.

  
Margaret Miner,  
Executive Director

CONNECTICUT  
Land Conservation Council

Testimony in Support of S.B. No. 347 and H.B. 5413

To the Environment Committee

Submitted by: Amy Blaymore Paterson, Esq., Executive Director

March 16, 2012

Senator Meyer, Representative Roy and Members of the Committee:

The Connecticut Land Conservation Council (CLCC) strongly supports S. B. No. 347: AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN and H. B. No. 5413: AN ACT CONCERNING INVASIVE PLANTS

CLCC's mission is to work with land trusts, municipal conservation commissions and open space committees, other conservation and advocacy organizations and landowners to increase the pace, quality and scale of land conservation in Connecticut. CLCC is a voice for land conservation at the Capitol and provides leadership, information, technical assistance, grant fund awards, and a common forum to discuss issues for Connecticut's land conservation community. CLCC is guided by a Steering Committee with statewide representation.

S.B. No. 347: An effective Open Space Plan will allow the state to establish a comprehensive vision and approach to protecting Connecticut's natural resources. C.G.S.A. Section 23-8 ("23-8") establishes the goal of conserving 21% of the state's land as open space ("the 21% goal"), but does not provide for a sufficiently meaningful process to achieve that goal. The amendments proposed by S.B. 347 would help to address this deficiency by requiring more detail in the state's comprehensive strategy to reach the 21% goal, including: a review of the state's open space strategy at regular intervals; an assessment of the state's resources available for the acquisition and proper stewardship of open space; a prioritization of lands for acquisition; a mechanism for keeping track of conserved lands; and a process for ensuring that state lands valuable for conservation purposes are legally protected as such.

Proposed 23-8(d), in particular, is especially important as it requires the Commissioner of the Department of Energy and Environmental Protection ("DEEP") to address the important issue of how to best protect state lands that contain valuable natural resources but are not legally protected or specifically defined as open space under the statutes. Without a mechanism for legal protection in place, these lands are vulnerable to conversion to other uses which may threaten or destroy their conservation values.

Proposed 23-8(e), takes a step forward in addressing the serious problem of a lack of a statewide registry for holding reliable data about what lands are protected, where and by what mechanism. Although the State's Green Plan (2007) does contain some figures and the Land Trust Alliance -- a national, private NGO -- 2010 Land Trust Census Data offers further insight into the pace of conservation by private land trusts, without a centralized registry there is no accurate method for determining how many acres of land have been preserved for conservation purposes throughout the state.

A statewide registry will not only enable the state to track where it stands in relation to the 21% goal but will also promote good planning and policy making for conservation action, natural resource management and smart growth development at both the municipal and state level. While we respectfully contend that a truly effective system needs to be mandatory, a voluntary system is a good first step in the right direction.

H.B. No. 5413: Invasive plants are a pervasive and serious problem in Connecticut both on state and private lands, including those owned by land trusts and other conservation organizations. Protecting native species and the habitats in which they occur is a shared objective of DEEP and the conservation community. The Connecticut Invasive Plants Council has developed a list of invasive species that pose a threat of environmental harm to minimally-managed areas, such as conservation lands. Enabling the Council to maintain the services of an invasive plants coordinator is essential to making progress in addressing the control and eradication of invasive species.

Thank you for your consideration.



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establish if he is ever to come to the place where he wants to be safe. To quote Epictetus again, "Everything has two handles. One by which it may be borne, another by which it cannot." For a person with a mental illness, outpatient commitment is not a handle by which it may be borne. Our respect for his or her autonomy as a human being is. Thank you.

SENATOR DOYLE: Thank you for your particularly eloquent testimony.

Any comments from the committee?

I appreciate it. Thank you.

Next speaker is Amy Paterson, then Andrew Bloom, Monica Fore, Lynne McCarron, Sandra Martinik and Carmelinda Tardif.

AMY PATTERSON: Members of the Judiciary Committee, SB 347 thank you very, very much for allowing me to testify today. For the record, I'm Amy Patterson, and I am the executive director of the Connecticut Land Conservation Council. I am here today to voice my testimony on behalf of the land conservation community against SB Number 445.

Just by way of introduction, I'm also a licensed attorney and prior to my coming to CLCC as its executive director, I was a land use attorney for over 20 years. CLCC's mission is to work with land trust conservation commissions, other advocacy organizations and landowners and others interested in land conservation to ensure the strength and viability of conservation throughout the state. We provide a number of services to the land conservation community, including advocating on their behalf, which is the role that I'm here today. I really look at this issue as one of policy. I'm looking at it

extended to private landowners. And so, now we have these amendments proposed by SB Number 445, and we look at those as a major step backwards. And in amending the definition of "land" with the broad terms that are proposed, it would -- it would certainly increase the risk of personal injury lawsuits that are brought against municipalities, which again, increase the risk that municipalities are going to curtail their use of lands that they currently own and might forgo opportunities to purchase more land.

So I -- I know I'm done. I have written testimony, it is for the record, but I just want to close by saying that when we look at an amendment, especially one that comes on the heels of something that was just enacted so -- such as short time ago, we really believe that we need to give these amendments a chance to breathe and play themselves out and see where we go with them and look at those -- at these amendments that are being proposed in the context of what we already have out there. We have a State -- a State goal of 21 percent, which means we need conservation to be pursued aggressively by communities, and we are actually looking under a separate bill now, and that's Bill 347 at -- at looking at our comprehensive conservation strategy and how we're going about doing this. We want to encourage conservation on the one hand, and yet this amendment would discourage it on the other. So I -- I would ask you to -- to look at this, not just in and of itself, but look at it in the broader context of land conservation and all of the laws that we have on the books now.

SENATOR DOYLE: Okay. Thank you.

Any questions?

Representative Baram.

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The motion is to place this item on consent.

Any objection?

Hearing none, the item is placed on the consent calendar.

Will the Clerk please call Calendar Number 506.

THE CLERK:

On page 26, Calendar 506, Substitute for Senate Bill Number 347, AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN, favorable report by the Committee on Appropriations.

SPEAKER DONOVAN:

Representative Phil Miller, you have --

REP. P. J. MILLER (36th):

Thank you, Mr. Speaker.

I move acceptance of the joint committee's favorable report and passage of the bill in concurrence with the Senate.

SPEAKER DONOVAN:

The question is on acceptance and passage in concurrence with the Senate.

Will you remark?

REP. P. J. MILLER (36th):

Yes. Thank you, Mr. Speaker.

This bill seeks to update the State's open-space plan by increasing the frequency of revisions to every five

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years and to differentiate between lands which are held by different state agencies and water conservation lands, and also to make recommendations for the establishment of a system to accurately keep track of lands preserved as open space.

Mr. Speaker, the Clerk has amendment LCO 5462. I ask that it be called and that I be allowed to summarize.

SPEAKER DONOVAN:

The Clerk please call LCO 5462, previously designated Senate "A."

REP. P. J. MILLER (36th):

Excuse me, Mr. Speaker.

SPEAKER DONOVAN:

Yes, Representative.

REP. P. J. MILLER (36th):

I'm sorry. I gave the wrong number on that. It's LCO Number 4132.

SPEAKER DONOVAN:

The Clerk please call LCO 4132, previously designated Senate "A."

THE CLERK:

LCO 4132, Senate "A," offered by Senator Meyer.

SPEAKER DONOVAN:

Is there objection to summarization? Hearing none,

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Representative, you may proceed.

REP. P. J. MILLER (36th):

Thank you, Mr. Speaker.

Basically what this amendment does is it adds the commissioner of public health in the list of agency heads who have some oversight of this plan. It adds the commissioner of public health to the commissioner of the Department of Energy and Environmental Protection and the commissioner of agriculture.

Mr. Speaker, I move this be made into the consent calendar, if there's no objections.

SPEAKER DONOVAN:

Let's try adoption first, Representative.

REP. P. J. MILLER (36th):

Oh, yes. I move adoption, Mr. Speaker.

SPEAKER DONOVAN:

The question is on adoption. Care to remark further?

Care to remark further on the amendment?

If not, let me try your minds.

All those in favor of the amendment, please signify by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

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Those opposed, nay.

The ayes have it. The amendment is adopted.

Representative -- care to remark further?

Representative Miller.

REP. P. J. MILLER (36th):

Thank you, Mr. Speaker.

I move consent.

SPEAKER DONOVAN:

The motion is to put this bill on the consent item.

Any objection?

Hearing none, the bill is placed on consent.

Will the Clerk please call LCO -- I mean, Calendar Number 512.

THE CLERK:

On page 27, Calendar 512, Senate Bill Number 345, AN ACT CONCERNING MUNICIPAL FLOOD AND EROSION CONTROL BOARDS, favorable report by the Committee on the Environment.

SPEAKER DONOVAN:

Back again, Representative Gentile, you have the floor, madam.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, I move for acceptance of the joint committee's favorable report and passage of the bill in



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calendar.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker..

Mr. Speaker, I'm about to call the items again that are on the consent calendar, but I would like to alert the Clerk to two bills that we will be taking off the consent calendar. They are Calendars 380, and Calendars 431. Those are Calendars 380 and Calendar 431.

HB5333  
SB130

SPEAKER DONOVAN:

Will the Clerk please call Calendar 204.

THE CLERK:

On page 6, Calendar 204, Substitute for House Bill Number 530, AN ACT CONCERNING THE BOARD IN CONTROL OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION, favorable report by the Committee on Government Administration and Elections.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

With that, let me -- I was looking to just list the calendar numbers again that we are planning to put on the consent calendar before I move them. I'll be doing this

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in numerical order by calendar number.

They are Calendar Number 71, Calendar 204, Calendar 205, Calendar 287, Calendar 292, Calendar 330, Calendar 402, Calendar 407, Calendar 412, Calendar 417, Calendar 425, Calendar 426, Calendar 442, Calendar 458, Calendar 460.

Calendar 463, Calendar 492, Calendar 495, Calendar 499, Calendar 500, Calendar 501, Calendar 506, Calendar 507, Calendar 508, Calendar 512, Calendar 515, Calendar 516, Calendar 530, Calendar 538 and Calendar 545.

And I'd also like to add to that -- I'm sorry. I omitted one which is Calendar 275.

SPEAKER DONOVAN:

The question before us is passage of the bills on today's consent calendar.

Will you remark? Will you remark?

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 the consent calendar by roll call. Members to the Chamber, please.

HB5025  
HB5368  
HB5326  
HB5539  
HB5146  
SB328  
HB5534  
HB5555  
SB157  
SB232  
SB339  
SB340  
SB41  
SB98  
SB116  
SB196  
SB97  
SB188  
SB234  
SB237  
SB299  
SB347  
SB371  
SB391  
SB345  
SB383  
SB384  
SB29  
SB354  
HB5320  
SB254

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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 the members have voted the machine will be locked. The Clerk will please take a tally.

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting 150

Necessary for Adoption 76

Those Voting Yea 150

Those Voting Nay 0

Those Absent and Not Voting 1

SPEAKER DONOVAN:

The consent calendar passes.

Will the Clerk please call Calendar 443.

THE CLERK:

On page 20, Calendar 443, Senate Bill Number 60, AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

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building. They tend to come up and testify with the Select Committee on Children and other committees that they have interest in legislation on so as -- as other Senators have said this morning when we've introduced various students that we -- we know that they are leaders in our community. We expect some of them may at one point join us here in the Circle or downstairs in the House but regardless whatever path they take we know that they're doing great work and they have great leadership skills and also want to introduce Bob Kocienda, I don't know if he's here right now, but he's the director of the Center for Youth Leadership and we're very, very proud in Norwalk of all that they do and if the Senate can give them the normal warm welcome we'd appreciate that.

Thank you.

THE CHAIR:

Well I -- I kind of hope that, you know, the -- in the center -- in the Circle here sometimes you call me madam president, I'd like to see one of you become the real president. So thank you for coming and it really is a pleasure to meet so many wonderful women, young women, that are involved. God bless you all.

Okay. Mr. -- Senator -- Mr. Majority Leader, Senator Looney.

SENATOR LOONEY:

Thank you Madam President.

Madam President, if the Clerk would call as the next item calendar page 25, Calendar 208, Senate Bill 347.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 25, Calendar 208, Substitute for Senate Bill Number 347, AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN, favorable report of the Committees on Environment and Appropriations.

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THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Thank you Madam President.

I move acceptance of the committee's joint and favorable report and move passage of the bill.

THE CHAIR:

Motion is on acceptance and passage.

Will you remark, sir?

SENATOR MEYER:

Yes thank you.

Colleagues we have a wonderful state law that requires that 21 percent of our land must be open space and that creates a quality of life in Connecticut that is extremely important. What this bill does is it requires the Department of Energy and Environmental Protection to update the state's open space plan every five -- at least every five years.

Right now there is no time limit with respect to updating it. It also requires the Commissioner of the Department to consult with other agencies concerning open space. The bill also expands the type of information that the Commissioner must include in the state's open space plan and -- and finally the bill requires the Commissioner to identify state owned land that should be conserved.

This is a quality bill and there is an amendment, a very technical amendment. I'm going to ask the Clerk kindly to call LCO 4132.

THE CHAIR:

Mr. Clerk.

THE CLERK:

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LCO Number 4132, Senate A, offered by Senator Meyer.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Madam President I move adoption and seek leave to summarize.

THE CHAIR:

Motion is on adoption. Please proceed, sir.

SENATOR MEYER:

Colleagues I mentioned that the Commissioner of DEEP has to consult with other commissioners. What this little amendment does is it adds the Commissioner of Public Health as one of the commissioners that should be consulted with respect to the state's open space plan. That's all the amendment does and I move it.

THE CHAIR:

Will you remark? Will you remark?

Seeing none, all in favor of Senate A, please say aye.

SENATORS:

Aye.

THE CHAIR:

Opposed?

Amendment A has been adopted.

Senator Meyer.

SENATOR MEYER:

Madam President, that -- that concludes this bill and I would be happy to answer any questions.

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THE CHAIR:

Will you remark? Will you remark?

Senator Roarback.

SENATOR ROARBACK:

Thank you Madam President, good afternoon.

THE CHAIR:

Good afternoon, sir.

SENATOR ROARBACK:

Through you if I may to Senator Meyer a couple of questions.

THE CHAIR:

Please proceed, sir.

SENATOR ROARBACK:

Thank you Madam President.

Senator Meyer, first of all I want to thank you for all of your hard work on a bill which will clearly benefit our state long into the future. But there are a couple of questions that I had with respect to what the bill requires of the DEEP commissioner in terms of establishing and identifying state owned properties which are deserving of conservation and protection.

And through you, Madam President to Senator Meyer, as I read the bill it is asking the DEEP commissioner to establish a way for each state agency to identify state owned land in its custody that is valuable for conservation purposes.

So through you, Madam President to Senator Meyer, does that mean we're going to ask the Department of Corrections to look at land that it owns and make a determination as to whether or not it's appropriate for conservation?

Through you, Madam President to Senator Meyer.



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THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, I -- the legislative intent would be that the Department of Corrections is not an appropriate agency to consult with respect to open space.

THE CHAIR:

Senator Roraback

SENATOR ROARBACK:

And -- and the point I'm trying to make, and I appreciate Senator Meyer's answers, that really I think that we need to look to the DEEP to play an important supervisory role in helping state agencies that might not otherwise have the expertise to make a determination as to which land might or might not be valuable for conservation purposes and I think of the Department of Developmental Services which owns lands in Southbury, a lot of open space land in Southbury. Their expertise is working with and improving the lives of people with developmental disabilities not necessarily identifying what conservation priorities should be.

So, through you, Madam President to Senator Meyer, would he agree that we really are entrusting the DEEP to oversee and collaborate and assist all agencies in this important work?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, Senator Roar back's position is well taken and the bill actually refers to the Commissioner of DEEP consulting with the Commissioner of Agriculture and that would be an appropriate agency that would be interested and involved with open space.

The -- the bill also refers to the Commissioner of DEEP

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consulting with municipalities and with -- and with regional planning agencies. Again those are the kinds of --- of entities that make some sense to consult with and so I -- I believe that the Senator's point is well taken with respect to other agencies that would not be relevant.

THE CHAIR:

Senator Roraback.

SENATOR ROARBACK:

Thank you Madam President.

And one -- and one last question through you to Senator Meyer because the -- the wound is still a little raw. Last year at this time this body saw fit to allow the DEEP to try to sell some land to private developers, or exchange some land, the so-called swap bill.

And through you, Madam President to Senator Meyer, is it Senator Meyer's opinion that all land held by DEEP should be held for conservation purposes or does he think that some of their land ought to be available for sale or other purposes?

Through you, Madam President to Senator Meyer.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, DEEP historically has acquired land as it did the land you're referring to Senator Roarback for conservation purposes and one of the principles of this bill that we're now debating and considering is to identify state owned land that should be conserved and I think that's -- meets the point and the trouble we had last year.

THE CHAIR:

Senator Roarback.

SENATOR ROARBACK:

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Thank you Madam President.

And I -- and I appreciate Senator Meyer's answers. I would certainly -- had this bill been in place we might have had a place to turn for kind of a -- an objective before the fact determination of which lands are really priorities for us to conserve. So this is a great giant step forward as the state marches on to its lofty and ambitious and important goal of preserving 21 percent of our land as open space by 2020, I think I have that right.

SENATOR MEYER:

You do.

SENATOR ROARBACK:

Thank you Madam President.

Through you to Sen -- thank you.

THE CHAIR:

Thank you.

Senator McLachlan.

SENATOR McLACHLAN:

Thank you Madam President.

Through you a couple of questions to the proponent of the bill.

THE CHAIR:

Please proceed, sir.

SENATOR McLACHLAN:

Thank you Madam President.

Senator Meyer, thank you for your leadership on open space preservation and all the work you do in the environment world. I -- I do wonder if you could share with us what is the goal of this bill as it relates to state government

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communicating with local municipalities on priorities of local interest in open space preservation.

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, the -- one of the purposes of this bill, Senator McLachlan, is to require the Commissioner of the Department of Energy and Environmental Protection to communicate with our towns to discover whether or not there is open space in those towns which should become part of the state open space plan.

And -- and that would -- could lead to a situation where the state would actually acquire property -- open space land from a municipality for a consideration.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you Madam President.

Thank you, Senator Meyer. So in the case of a community like Danbury who worked with community partners to develop a -- a priority list, in fact they did a complete inventory of open space in the community and then prioritized each and every one of those parcels, both privately owned, state and federal owned lands, the state plan would then incorporate some of those priorities into the state open space plan?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

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Yes the -- the registry, through you, Madam President, the registry which the commissioner prepares does include -- does incorporate local open space land as you are describing it. It also includes federal open space land. I'm familiar -- for example in your district, there's a federal prison that's got a lot of open space with it and that is part of the open space registry for Connecticut.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

Thank you Madam President.

Thank you, Senator. In fact that -- that parcel of land owned by the federal government is probably the -- the most pristine and most beautiful land along Candlewood Lake and so we'd certainly want to see to it that that is preserved.

Being more specific though about the inventory that's created by a local municipality and/or a regional cog of -- of governments, would -- would the priorities of the local entity be adopted entirely by the state or would that have to be petitioned in some way?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, through you, Madam President, my understanding is that the state registry does not include local priorities as you call them. It does include the -- the existence of -- of open space in a local plan but does not include any particular sense of priority.

THE CHAIR:

Senator McLachlan.

SENATOR McLACHLAN:

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Thank you Madam President.

Well I'm -- I'm glad to hear that this bill appears to bring local officials into the process of developing the state open space plan and certainly the regional government groups into the planning and prior -- prioritizing the state open place -- space plan. I think that's a step in the right direction and I would support it.

Thank you Madam President.

THE CHAIR:

Thank you.

Will you remark?

Good morn -- good afternoon Senator Welch.

SENATOR WELCH:

Good afternoon, Madam President. Thank you.

I do have a few questions, through you, Madam President, as the ranking member of Public Health. I know Public Health Department had a few concerns about this bill when it was first -- when it was first put together and I think some of those were addressed during the public hearing.

So if I may, through you, propose a few questions to the proponent.

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

Thank you Madam President.

The -- really the -- the gravamen of their questions focused around water companies which fall within the jurisdiction of -- of DPH. I know in particular they were concerned about municipal water company land that's also used for regulation -- excuse me for recreation and how the dual use of land would be accounted for within the plan.

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Do -- do you know, through you, Madam President, if that has been addressed and, if so, how?

Through you.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, actually of the 21 percent open space we're required to have in Connecticut, 11 percent of that is land held by water companies and municipalities. So the water -- the water companies are a very important -- important part of our -- of our open space and the municipalities, as -- as Senator McLachlan pointed out, are as well. They are part of the 21 percent today.

THE CHAIR:

Senator Welch, Senator Welch.

SENATOR WELCH:

Thank you Madam President.

Thank you for that answer. So to -- to what extent then I guess, through you, Madam President, would there be an onus on DPH to be a part of -- of the compilation process?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Through you, Madam President, DPH would be one of the agencies with which the Commissioner of the Department of Energy and Environmental Protection would consult. That's one of the provisions in the bill as I mentioned before and your point is well taken that that would be an important agency to consult with because there's an

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oversight by DPH with respect to water companies and the integrity of the water.

THE CHAIR:

Senator Welch.

SENATOR WELCH:

Thank you Madam President. That's all the questions I have.

Thank you very much.

THE CHAIR:

Thank you, sir.

Will you remark? Will you remark?

Senator Meyer.

SENATOR MEYER:

Madam President, if -- if there's no objection may this bill please be added to the Consent Calendar?

THE CHAIR:

Seeing no objection, so ordered sir.

Mr. Clerk.

THE CLERK:

On page 27, Calendar 288, Substitute for Senate Bill Number 299, AN ACT CONCERNING MINOR REVISIONS TO THE EDUCATION STATUTES, favorable report of the Committees on Education and Appropriations.

THE CHAIR:

Good afternoon, Senator Stillman.

SENATOR STILLMAN:

Good afternoon, Madam President, you're looking well.



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House Bill 5123; on page 15, Calendar 401, House Bill 5516; on page 19, Calendar 421, House Bill 5107.

On page 21, Calendar 59, Senate Bill Number 97; also on page 21, Calendar 90, Senate Bill 188; on page 21, again, Calendar 72, Senate Bill 63; page 21, Calendar 73, Senate Bill 195; on page 22, Calendar 104, Senate Bill 207; on page 24, Calendar 197, Senate Bill Number 315; also on page 24, Calendar 183, Senate Bill 234.

Page 25, Calendar 208, Senate Bill 347; on page 25, Calendar 233, Senate Bill 371; on page 26, Calendar 275, Senate Bill 391; on page 27, Calendar 288, Senate Bill 299; on page 27, Calendar 292, Senate Bill 156; and on page 28, Calendar 333, Senate Bill Number 426.

THE CHAIR:

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

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

If all members have voted -- all members voted. The machine will be closed. And Mr. Clerk, will you call this great tally?

THE CLERK:

On today's consent calendar.

Total Number voting	36	
Necessary for adoption	19	
Those voting Yea		36
Those voting Nay		0
Those absent and not voting	0	

THE CHAIR:

The consent calendar passed.