

PA13-90

HB6542

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| Environment | 1887-1899, 1937-1943, 1945-1947, 1951-1952, 2016, 2058-2060, 2061- 2075, 2076, 2105-2106, 2113, 2114, 2288, 2290, 2483-2515, 2519-2544 | 110 |
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| House | 3533-3539 | 7 |
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| Senate | 3683-3684 | 2 |
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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2013**

**VOL.56
PART 11
3446 - 3814**

law/djp/gbr
HOUSE OF REPRESENTATIVES

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May 9, 2013

THE CLERK:

Yes. On page 47, Calendar 301, favorable report of the Joint Standing Committee on Government Administration and Elections, House Bill 6542, AN ACT CONCERNING THE PRESERVATION OF FARM LAND AT THE SOUTHBURY TRAINING SCHOOL.

SPEAKER SHARKEY:

Representative Albis.

REP. ALBIS (99th):

Good evening, Mr. Speaker, good evening.

SPEAKER SHARKEY:

Good evening, sir.

REP. ALBIS (99th):

Mr. Speaker, I move for acceptance of the Joint Committee's favorable report and passage of the Bill.

SPEAKER SHARKEY:

The question is the acceptance of the Joint Committee's favorable report and passage of the Bill.

Will you remark, sir?

REP. ALBIS (99th):

Yes, thank you, Mr. Speaker. Mr. Speaker, this Bill transfers the custody and care of 825 acres of farm land at the Southbury Training School from the Department of Developmental Services to the Department

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of Agriculture and provides for the conveyance of the conservation easement from the State of Connecticut to a third party non-profit entity whose mission is for the protection of agricultural lands for agricultural purposes.

Mr. Speaker, the Clerk does have an Amendment, LCO Number 6759. I ask that the Clerk please call the Amendment and that I be granted leave of the Chamber to summarize.

SPEAKER SHARKEY:

Will the Clerk please call LCO 6759 which will be designated House Amendment "A".

THE CLERK:

House Amendment "A", LCO 6759, introduced by Representative Gentile and et al.

SPEAKER SHARKEY:

Gentleman seeks leave of the Chamber to summarize the Amendment.

Is there objection?

Seeing none, you may proceed with summarization, sir.

REP. ALBIS (99th):

Thank you, Mr. Speaker. Mr. Speaker, this Amendment calls for the Natural Resources

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Conservations Service to prepare a conservation plan for the Southbury Training School farmland bringing the process in line with that. It applies to other properties protected by the U.S. Department of Agriculture through the farmland preservations program. I move adoption.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further on the Amendment, House Amendment "A" that's before us?

Representative Shaban of the 135th.

REP. SHABAN (135th):

Thank you, Mr. Speaker. The Amendment approves the Bill. The Bill and the Amendment together overall a good effort putting a conservation easement in a beautiful part of our state, I urge its passage and support.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further on the Amendment?

Representative O'Neill of the 69th?

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. This is a very good Amendment clarifying that there are conservation

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concerns regarding natural resources that should be protected even though the land is going to be primarily utilized for agricultural purposes, there needs to be some balance with existing wildlife that have taken residence there. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Do you care to remark further on the Amendment before us? Do you care to remark further?

If not, let me try your minds. All those in favor of House Amendment "A", please signify by saying Aye.

REPRESENTATIVES:

Aye.

SPEAKER SHARKEY:

Those opposed Nay.

The Ayes have it. The Amendment is adopted.

Would you care to remark further on the Bill as amended? Would you care to remark further on the Bill as amended?

Representative Bolinsky of the 106th.

REP. BOLINSKY (106th):

Thank you, Mr. Speaker, I just wanted to say that I voted for this out of the Environment Committee.

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The Amendment makes it a better Bill. It is a beautiful piece of land being purposed to do exactly what it's doing today and the conservation easement makes it permanent. So, I support this Bill fully and urge everybody to do so as well. Thank you, Mr. Speaker.

SPEAKER SHARKEY:

Thank you, sir.

Would you care to remark further on the Bill as amended?

Representative O'Neill of the 69th.

REP. O'NEILL (69th):

Yes, thank you, Mr. Speaker. I want to thank the Environment Committee and my colleagues here as well as the Department of Agriculture and the Governor for all of the support that we've gotten on this Bill this year and I believe that this is a piece of legislation that I've been working on since my first year in the General Assembly.

I remember introducing an Amendment 25 years ago; that Amendment was not successful. Hopefully tonight it will sail through and make its way to the Senate and we'll finally complete this project. Thank you, Mr. Speaker.

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SPEAKER SHARKEY:

Thank you, sir and congratulations.

Would you care to remark further on the Bill as amended?

If not, let me try your -- I'm sorry, staff and guests to the well of the house, members take your seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately?

SPEAKER SHARKEY:

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

Clerk please announce the tally.

THE CLERK:

Bill Number 6542 as amended by House "A".

| | |
|-----------------------|-----|
| Total number voting | 135 |
| Necessary for passage | 68 |
| Those voting Yea | 135 |
| Those voting Nay | 6 |

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Those absent and not voting 15

SPEAKER SHARKEY:

The Bill as amended passes.

Will the Clerk please Calendar Number 306?

THE CLERK:

Yes. On page 15, favorable report of the Joint Standing Committee on Education, 306, House Bill 6625,
AN ACT CONCERNING THE GENERAL EDUCATION DEVELOPMENT TESTING PROGRAM.

SPEAKER SHARKEY:

Distinguished Chairman of the Education Committee, Representative Fleischmann, you have the floor, sir.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker. I move for acceptance of the Joint Committee's favorable report and passage of the Bill.

SPEAKER SHARKEY:

The question is the acceptance of the Joint Committee's favorable report and passage of the Bill.

You have the floor, sir.

REP. FLEISCHMANN (18th):

Thank you, Mr. Speaker. This bill before us simply requires that the GED testing service shares

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SENATE**

**PROCEEDINGS
2013**

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3488 – 3812**

mhr/gbr
SENATE

441
May 29, 2013

Senator Osten, would you like to vote, please?

Thank you.

If all members have voted; all members have voted?
The machine will be closed.

Mr. Clerk, will you please call a tally.

THE CLERK:

House Bill 6495.

| | |
|-----------------------|----|
| Total Number Voting | 35 |
| Those voting Yea | 19 |
| Those voting Nay | 16 |
| Absent and not voting | 1 |

THE CHAIR:

The bill passes.

Congratulations. Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, that will -- we will not take action on -- on the bills to be debated, but I do have one additional item to add to the Consent Calendar, and then if we might proceed to a vote on the Consent Calendar.

Madam President, Calendar Page 47, Calendar 584, House Bills -- 6542 to the, add to the other item that we had placed on Consent, earlier today.

THE CHAIR:

Mr. Clerk, will you call for the Consent Calendar today please.

Oh, seeing no objection, so ordered, sir. I'm sorry.

And now Mr. Clerk.

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THE CLERK:

In today's Consent Calendar, on Page 47, Calendar 584, House Bill 6542, and on Page 48, Calendar 306, Senate Bill 111.

THE CHAIR:

The machine -- will you please call for a roll call vote, and the machine will be open for the Consent Calendar.

THE CLERK:

Immediate roll call has been ordered in the Senate. Senators, please return to the Chamber. Immediate roll call on today's Consent Calendar has been ordered in the Senate

THE CHAIR:

If all members have voted, if all members voted, the machine will be closed.

Mr. Clerk, will you call the tally.

THE CLERK:

On today's Consent Calendar.

| | |
|-----------------------|----|
| Total Number Voting | 35 |
| Those voting Yea | 35 |
| Those voting Nay | 0 |
| Absent and not voting | 1 |

THE CHAIR:

The Consent Calendar passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, for a Journal notation.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 6
1666 - 2009**

2013

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mb/cip/gbr ENVIRONMENT COMMITTEE

March 15, 2013
10:30 A.M.

sellers land along the trail.

SENATOR CHAPIN: And -- so right after the words "eminent domain" it says "or otherwise to acquire such land" I guess that could be stricken as well --

DEPUTY COMMISSIONER SUSAN WHALEN: Yes.

SENATOR CHAPIN: -- because there is already a provision in there to purchase.

DEPUTY COMMISSIONER SUSAN WHALEN: Yes.

SENATOR CHAPIN: Thank you.

Thank you, Mr. Chairman.

SENATOR MEYER: Any other questions?

Thanks so much.

DEPUTY COMMISSIONER MACKY MCCLEARY: One last thing I did forget to say. Susan mentioned a couple of drafting suggestions that we have. We have a couple of drafting suggestions both on 10/19 on 6536 as well, which we've put in the written testimony so hopefully the committee will take close look at those. Thanks.

SENATOR MEYER: We will watch for that. Thanks.

DEPUTY COMMISSIONER MACKY MCCLEARY: Thanks.

SENATOR MEYER: Our next witness will be Commissioner Reviczky followed by Greg Wideman.

Good morning, Commissioner.

COMMISSIONER STEVEN K. REVICZKY: I am Steve Reviczky and I'm the Commissioner of the

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Connecticut Department of Agriculture. We have submitted written testimony on a number of bills, but I would like to talk to you specifically about House Bill 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. This bill is one of the most significant pieces of legislation before the General Assembly with respect to the actions that the state can take regarding the permanent protection of critical farmlands. This southwestern Connecticut resource is one of the -- is one of a kind and is consider the crown jewel of state agricultural properties.

Passage of House Bill 6542 will keep this farm unit available for agricultural in perpetuity. The Department of Agriculture applause Governor Malloy for his initiative and thanks the Department of Development Services and Commissioner Macy in particular for their support for the protection of this incredible state and natural resource. And If I could just talk for a minute about how we've gotten to where we are today. This has been a very, very long road that we've traveled. The state has a history of not being the best steward, especially in terms of those lands that were once institutions or continue to be part of institutional properties, mental health and mental retardation, in particular, and this proposal after careful review of the Farmland Preservation Advisory Committee, which is an advisory board that is made up through appointees of the Governor and leaders of the General Assembly after Special Act 09-8 was passed took a careful look at some of the state properties that Connecticut owns, some are under the custody and control of the State Department of Correction, and this property that is under the custody and control of the Department of Development Services and scored

those properties the same way you would with any application to the state's farmland preservation program.

And this property in Southbury clearly rose to the top as a resource that demanded attention and protection. I've submitted pretty extensive testimony on this bill, which I would ask you to review at your leisure, but just let me review what we have there for quality soil. We're looking at protecting a total of 825 acres as a farm unit; 340 acres are considered prime by -- prime soil, prime agricultural farmland soils by the United States Department of Agriculture Natural Resources Conversation Service. In addition, 207 are soils that are considered of statewide importance for a total of 547 acres of prime and important farmland soils or 66.5 percent of the total farm unit. This is -- I mean, this is an incredible agricultural resource that's located in southwestern Connecticut. We can't duplicate this anywhere and what the bill proposes because the state doesn't have such a good history of its stewardship of these types of resources is to place a conservation easement on the farm unit and it is proposing to do essentially a farmland preservation project in reverse.

So the state would continue to have custody and control of the property, but a conservation would be deeded to an independent third party, hopefully the Southbury Land Trust, who will then have the ability to enforce those restrictions and then the State Department of Agriculture will manage these farm resources under its current authority and we have a whole host of ideas that -- of activities that could take place on this farm. We currently have a lot of the crop acreage leased to a local dairy farmer in Southbury.

We will continue to maintain that lease. And in addition to that, restore the other farmland acres there to make them available as an incubator farm so that other agricultural produces have the opportunity to grow fruits and vegetables and other agricultural crops on that property.

We do this kind of work for the State Department of Correction making some of their lands available to farmers through an open bid process and evaluation and we envision being able to do that same thing in Southbury. Again, I am absolutely thrilled to be here today to offer testimony in support of this bill. It's been a long time in the making. I am thrilled to be able to be hear to support the Governor's initiative with the support of the commissioner of the Department of Developmental Services and I would ask the committee for its affirmative vote and moving this bill forward. And thank you very much.

SENATOR MEYER: Thank you, Commissioner.

I don't know if you're familiar with the position that the Working Land Alliance is taking on this bill. They support it in general, but they've asked us to amend it and let me read what they said so I can get your reaction to it. They're concerned about the easement not being permanent and the ability to change the easement. And they say this -- I'm quoting -- "Without specific language in the bill waiving the state's sovereign immunity, there is a question of what rights the easement holder would have to enforce the terms of the easement in the event of a violation." And it goes on to say, "We believe an amendment adding a waiver of the state's sovereign immunity is needed in order to assure the permanence of the easement."

Is that something you've considered? Waiving sovereign on a hypothetical basis is something that is not easy to entertain, but I wanted you to know their comment and they will be testifying later today on this.

COMMISSIONER STEVEN K. REVICZKY: I have had meeting with the Office of Attorney General on that exact subject. The Office of the Attorney General has a long -- their position has been long held that they defend the state's interest including the protection of critical lands. My position is that if indeed we are seeking to permanently protect this farm unit in perpetuity that having the ability of the independent third party to -- to be able to enforce the terms and conditions of that is essential. We are at a moment in time where we have a governor and an attorney general who are very supportive of the protection of this farm. Perpetuity is a very long time so we don't know what the future holds and -- so the ability to be able to enforce the conservation easement is critical. And it -- the executive branch I believe rightly supports the state's position with regard to sovereign immunity, but the legislative branch you all obviously have opinions, too, so you should consider the testimony of stakeholders in making your decisions.

SENATOR MEYER: I'm just trying to figure out whether or not the Department of Agriculture is coming down in favor of a waiver of sovereign immunity. You sound like you are.

COMMISSIONER STEVEN K. REVICZKY: In my discussions with the Office of the Attorney General, I supported that position. I supported the position of waiving -- the waiver of sovereign

immunity in this case.

SENATOR MEYER: Okay. Questions?

Representative Hurlburt.

REP. HURLBURT: Thank you very much, Mr. Chairman.

And thank you, Commissioner, for coming and presenting the testimony and having the opportunity to put this bill forward. It was a pleasure working with you and Working Lands Alliance and a number of other stakeholders and your previous position with the Farm Bureau to identify important state lands that should be conserved and put the measures in place. I think we did maybe four or five years ago with the hope that we would have the opportunity to implement those protections so to have a bill here with your support and your willingness to work with the legislative community and the stakeholders to make sure that at the end of this session we finally do get those protections in place. It's remarkable and I would love to see that through and continue these efforts.

So not so much a question, Mr. Chairman, but just a comment to the Commissioner for his efforts. So thank you both for the time and the opportunity.

SENATOR MEYER: Thank you, Representative.

Representative Miner.

REP. MINER: Thank you, Mr. Chairman.

Good morning, Commissioner. I am, like you, interested in trying to make sure that this property remains open for agricultural use and I'm curious as to whether it has other uses

currently in addition to agriculture.

COMMISSIONER STEVEN K. REVICZKY: Currently, the Department of Development Services conducts certain programs on the property. They have a farming operation there, growing Christmas trees and producing -- they have chickens that produce eggs and they have -- I believe they have some housing that still exists within the farm unit. It would be our intention to negotiate a memorandum of understanding with the Department of Developmental Services to allow them to continue the current uses for their customers in addition to perhaps enhances those opportunities for as long as they have need there. So it would be to allow those uses to continue and then to absolutely enhance the agricultural use of the farm.

REP. MINER: And so I guess what I don't quite get is why there is a need to transfer anything to anyone if you have the ability to fulfill this mission now. What is it that stops you from making a blanket policy statement or the administrative from making a blanket policy statement that they think this such a viable agricultural location that it should be preserved for that purpose. We do that with parks. We do that -- couldn't the state of Connecticut put its own language in the deed effectively creating that perpetuity that I think people are looking for.

COMMISSIONER STEVEN K. REVICZKY: Well, I think that there could be language crafted that would accomplish that, but I don't know if the -- I don't know if anything that the General Assembly adopted couldn't then be reversed once the members of the General Assembly and the Governor changed. So it might be your desire as a current member of the General Assembly to see this piece of state property

remain or be transferred so that it could be utilized for agricultural purposes, but future General Assemblies and governors might have a different mindset and want to do something else with it.

REP. MINER: Thank you. I'm going to take a little closer look at the language that's that's been proposed here. It seems like there is a termination of the agreement in this language.

COMMISSIONER STEVEN K. REVICZKY: Termination of --

REP. MINER: Fifteen years?

COMMISSIONER STEVEN K. REVICZKY: So those are leases to private farming farmers so that those individual leasers where we -- where we reach an agreement through an open-bid process that those leases could only run a maximum of 15 years. So we couldn't do a 99-year lease to somebody or a longer lease to somebody on the state land and keep those people in place for essentially ever. We want to give the opportunity for other people to get on that land should -- should that opportunity arise.

REP. MINER: And lastly, Mr. Chairman, so even though there would be a filing to protect this property theoretically in perpetuity, the state wants to retain its right of sovereign immunity to make a change in that decision and control the leases so are the leases that would be in place at the sole discretion of the state of Connecticut?

COMMISSIONER STEVEN K. REVICZKY: The agricultural leases would be at the sole discretion of the Department, the state of Connecticut, but if they were leases that were not farming and agricultural under 1-1(q), then the land trust that holds the conservation easement would

have -- well, could and maybe should have the right to enforce that. So if for instance the state decided it wanted to lease a part of the farm for a for-profit prison, well, that's not under 1-1(q), or a casino or whatever uses that aren't farming or agricultural, then that wouldn't be in accordance with the conservation easement or the intent of this legislation.

And I wanted to add one other thing when you talked about the need to do what this bill proposes to do. The prime example for changing intent would be Fairfield Hills Hospital in Newtown where when they first closed down the hospital, certain acreages related -- regarding the farming operation at Fairfield Hills, custody and control of those properties were given to the Department of Agriculture and then over time through special acts, acreage was peeled off of that to the point now where we have very little agricultural land there and those prime and important farmland soils were transferred off to other entities and no longer available for agricultural uses.

So we don't want that happen again at Southbury Training School. We really want this farm unit to be protected in perpetuity.

REP. MINER: Thank you, Commissioner.

Thank you, Mr. Chairman.

SENATOR MEYER: Senator Chapin followed by Representative Miller.

SENATOR CHAPIN: Thank you, Mr. Chairman.

Thank you for bringing this bill forward. It is an agency bill as I recall and I know we've

had discussions in prior years thanks to the efforts of Representative O'Neill about this very issue so I appreciate your willingness to work with Representative O'Neill in moving this forward. Going back to the sovereign immunity discussion with Senator Meyer, you had suggested that you advocated for it, yet it's not in this bill. Would I be correct in assuming that others objected to it?

COMMISSIONER STEVEN K. REVICZKY: The bill is silent. I think the conclusion was that if the Legislature saw fit to enact legislation that included a waiver, that would be your prerogative, but I don't think the executive branch was comfortable advancing that position, but I don't -- I'm not sure if there would necessarily be objection.

SENATOR CHAPIN: That's -- I think that's fair enough. Thank you for that.

The other concern I have is -- so you're in charge of the lease, but the actual easement or carrying out of the easement and the terms of that easement would be up to the third party. Is that correct?

COMMISSIONER STEVEN K. REVICZKY: The easement would be a conservation easement that would -- it's farmland preservation in reverse so we're going to take the development rights and extinguish them through a conservation easement that's transferred to a third party. What the state will retain like we do with private parties in farmland preservation are all of those other rights pertaining to farming and agriculture. So the state of Connecticut will still have that bundle of rights stripping off the rights that would allow conversion of this land to nonagricultural uses and -- so then the

Department of Agriculture would have the ability to examine -- to develop the master plan for the farm unit and then make an opportunity available to private individuals or nonprofits or -- I outline a whole host of possible uses that could exist there and then they would submit proposals that we would examine and enter into a lease agreement with those individuals or entities.

SENATOR CHAPIN: I guess one of my concerns and maybe it's best articulated if I give you an example. One may argue that somebody who applies for and receives a grant which may not allow the farmer to cut hay prior to August 1st. I think that that is one of the contingencies of receiving one of those grants. It's probably -- it may not be the best use of prime agricultural soils because the quality of the hay is diminished waiting that long in the season. Would it still be -- would a decision like that remain under your control or would it be under the control of theoretically the land trust if that's how this plays out?

COMMISSIONER STEVEN K. REVICZKY: All of those practices, the decision-making authority would rest with the Department of Agriculture and not -- the land trust would be charged with ensuring that the state remains a good steward in terms of requiring that only agricultural uses occur on that property that they not -- that we not allow nonagricul -- a conversion of that land to nonagricultural uses. So what we would require in a lease like we do with the leases for other state lands is that lessee secures a conversation plan working with the natural resources conversation service and have that planned approved by the Department of Agriculture.

SENATOR CHAPIN: Thank you.

Thank you, Mr. Chairman.

SENATOR MEYER: Representative Miller.

REP. MILLER: Thank you, Mr. Chairman.

Good morning, Commissioner. Total acreage of the facility is 825 acres total is or is that just --

COMMISSIONER STEVEN K. REVICZKY: The total acreage of the facility is about 1400 plus or minus acres. The farm unit is 825 acres.

REP. MILLER: And there are a number of buildings on that parcel including the powerhouse down the road -- across the street there. What is the intention that the state would utilize those buildings for any particular purpose?

COMMISSIONER STEVEN K. REVICZKY: So on the farm unit itself, there is an old dairy facility. There are some other cafeteria-type facilities. There are old -- there is the chicken coop and some housing. The -- the land and improvements that the Department of Agriculture would be custody and control over would have to be assessed and then come up with a plan. And again, our intention is continue through an MOU with the Department of Developmental Services programming for its customers where they are and enhance them where we can and then make decisions on some of those other assets that quite frankly have been allowed to go into severe disrepair over time. Some of them might be salvageable, but there are quite a few structures there that will have to be razed.

REP. MINER: Thank you. It's a wonderful piece of

property and certainly I would be very supportive of the bill. Thank you very much.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Representative Miller.

Any other questions?

Thanks, Commissioner. Appreciate.

COMMISSIONER STEVEN K. REVICZKY: You're welcome. And I was remiss, Senator Chapin, in recognizing all the hard work over time of the representative from Southbury who has been a champion of the protection of this property for as long as I can remember. Thank you.

SENATOR MEYER: Okay. Our next witness is Greg Weidemann followed by Tom Callahan and then Representative Haddad.

GREGORY WEIDEMANN: Good morning. I'm Greg Wiedemann. I'm dean of the College of Agriculture and National Resources at the University of Connecticut and I'm going to provide a little bit of testimony on House Bill 5480.

SENATOR MEYER: I apologize for the mispronunciation of your name.

GREGORY WEIDEMANN: That's fine.

In the interest of time, I see you have a very full agenda. I've submitted written testimony so I'll just hit a few highlights from that testimony. This is in reference to our plant and science research and education facility which is located about two miles south of the Storrs campus. This facility serves as our primary research education outreach facility

REP. GENTILE: Thank you, Mr. Chair.

Just a quick question. Have you personally have any damage done to your own property from this plant?

THERESA GROFF: No, I haven't. I have two houses over from me. She is being invaded, her well is right in the direct line and there are wetlands that are in the direct line of this bamboo. This is the person that has occluded the culvert -- would have caused the entire culvert to be filled with bamboo roots and across the street where the water normally drains through the culvert, a simple rain storm creates flooding for three separate properties.

SENATOR MEYER: Are there any other questions?

Thank you, Ms. Groff. If you want to leave that chart with us, the committee members will be able to look at it.

THERESA GROFF: Thank you.

SENATOR MEYER: Just leave it with the clerk right over there. Nice job.

Okay. Representative O'Neill followed by Thomasine O'Boyle.

REP. O'NEILL: Good -- I think it's still -- oh, it's afternoon. Good afternoon, Mr. Chairman and ranking members. I have submitted written testimony. I'll try to just touch the highlights and expand on a point that was brought up a little earlier. First off, I want to thank you for raising the bill. As I thank you two years ago for raising a similar bill and for reporting that bill that out and we got it pretty far through the process,

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aiming at the same goal as the bill before us today, before it died I think in the Finance Committee.

The purpose of the bill is really to fulfill a mission that we started about 20 years ago. Legislation that I introduced then said it was going to be the state policy to preserve agricultural lands at Southbury Training School Farm and that the objective was to try get agricultural activity to occur there. Unfortunately, the latter event has not really happened. There is a dairy farmer who even before the legislation was passed was grazing cattle and there is a map indicating the extent -- and it's substantial. It's several hundred acres of land that he grazes dairy cattle, but hundreds and hundreds of other acres of land are basically lying fallow and gradually turning back into forest and/or brush.

And the reasons for this seem to be partly because the state's leasing policies made it very difficult for anybody to come on the land and make kind of reasonable investments because we only would grant short-term leases so I'm happy to hear that we're talking about a 15-year lease and I'm hoping that those might be available for renewal because when someone puts a lot of money into developing a piece of land for agricultural activities, they need to have some time to recover their investments. That's been one of the problems. And also I think -- and I'm hoping that the department is changing its direction a little bit, but historically, for the last 20 years, the Department of Agriculture and the Department of Developmental Services have both seen this as not part of their core mission so I'm hoping that with this legislation, with the promptings coming from the easement

holder, that they will be more fully motivated to bring about agricultural activity on this land.

And it is also of course the concern that by having the easement in the hands of a third party or a second party, I guess, that it won't be possible for the state -- and we've all -- all of us who are sitting here have seen this -- on the last night session, some bill comes out of the hopper and an amendment is attached to it, nobody really knows exactly what it does and then you find out a couple of days later that you've just transferred the University of Connecticut to the Soviet Union or something. I mean, where do these things come from, we don't know, but they pass because it's part of a must-pass bill.

And so that's always been the great fear even after the legislation was passed some 20 years ago was that something like that could happen that some sort of unexpected sudden secret activity could occur. Even though we're all being broadcast on television, not everybody knows exactly what everything in each of these bills is and especially on the last few days of session. Some weird things have happened. We've all had that experience.

Attached to my testimony, there are a significant number of letters that come from various sources, regional planning authorities, conservation commissions and so forth, all very supportive, town officials -- and you'll be hearing from some town officials after me as well. The one thing that was mentioned here that I want to amplify a little bit upon is the need for some sort of explicit waiver of the sovereign immunity of the state of Connecticut. That issue was raised -- Chairman Meyer, you raised it -- and it's

something that has been a concern to a number of us and I think that we can address that effectively and I think it's necessary that we do so.

There is a case -- I will leave this with my testimony and it's an unreported case so you have to get the citation through the court system. But basically it involved an easement that the state had on a piece of land, sort of the reverse of the situation here, but it was an easement that the state had on a piece of land that ran a water pipe through the land. The water pipe became defective. The people through whose land it was being run wanted the state to fix the pipe. The state refused so they went to court and they were told you can't sue the state over this defective water pipe because you don't have an explicit waiver of the right of sovereign immunity that the state holds. So in order to have the easement holder be able to go court to enforce in the easement in the need -- and hopefully, it's not needed, but if it ever were -- there needs to be an explicit waiver of sovereign immunity. The courts have been pretty clear that it's very difficult to find an implied or common law basis or anything else.

So even when there is an agreement, an easement between the state and the property holder, that doesn't somehow implicitly waive sovereign immunity. This case is clear on that point. And certainly when the state is the fee holder and the easement is what's being held by the private party, it's probably going to be even more difficult for a court to find its way to be able to get passed sovereign immunity. So I hope that the committee will favorably vote for this bill and that we can move forward. This is very important to the Town of Southbury, to the

Town of Roxbury, to the entire region and to the state of Connecticut. I think the Commissioner of Agriculture did a very good job of explaining how really important this land is to western Connecticut. Thank you.

SENATOR MEYER: Thank you very much, Art. I think our good LCO, Brad Towson -- Brad, you might be looking before the JFing of where could put in that waiver. Thank you.

I gather you support, Representative, you would support adding a waiver of sovereign immunity.

REP. O'NEILL: Absolutely. It's part of my testimony that -- in fact, I will read it into the record if need be. I would recommend one addition to the draft that is before you. The addition of language that makes clear that the easement holder will be able to bring court action, we hope never necessary, against the state to enforce the easement authorized by this legislation. I've attached proposed language that would accomplish this purpose. And it's three lines. It's drawn from another statute where we have sovereign immunity so that lawsuits could be brought.

SENATOR MEYER: Okay. Good work on this again and hopefully we'll get to the finish line this time.

REP. O'NEILL: Great. I hope so too.

SENATOR MEYER: Any questions?

Senator Chapin.

SENATOR CHAPIN: Thank you, Mr. Chairman.

I had a question about two sentences and you

probably don't have the bill in front of you, but it says "any property leased, permitted or licensed pursuant to this subsection shall be exempt from taxation from the municipality in which said property is located." It already is, isn't it?

REP. O'NEILL: Yes. That may be a form of redundancy. I was not the drafter of the bill as it sits right now. It -- clearly, the land is not subject to taxation. The fee will remain with the state. I don't know if perhaps somebody might put something -- attach something to the land, that might become an issue and maybe that's why it's there, if someone were to build some kind of structure, whether it's some type of irrigation device or something of that nature, there might be an issue about whether that would also be exempt from taxation, but I'm not sure. That probably -- the exact language maybe came from the attorney general's office. I'm not sure.

SENATOR CHAPIN: Well, the next sentence may clarify at least its intent which talks about the assessed value being part of a calculation for a payment. I assume the towns now receive PILOT payments for the property, don't they?

REP. O'NEILL: Yes, they do.

SENATOR CHAPIN: Thank you.

REP. O'NEILL: And it's several hundred thousand dollars. I believe somewhere in the neighborhood of \$300,000.

SENATOR CHAPIN: So I guess I don't object to articulating that that should continue.

REP. O'NEILL: Absolutely. I think the towns would be confused. I mean, obviously, there would

be more taxes levied because PILOT only picks about 20 percent of the cost -- of what taxes would probably generate on a piece of property. So the town theoretically could get more money, but I think that rather than muddy the waters as to who pays and what has to be charged and so forth, it's clearer just to leave it untaxed as it is right now.

SENATOR CHAPIN: Thank you.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you.

Any other questions?

Thanks, Art.

REP. O'NEILL: Thank you very much.

SENATOR MEYER: Our next witness is Thomasine O'Boyle followed by Chad Landmon.

THOMASINE O'BOYLE: With my written testimony, I submitted (inaudible.) Do you have those because with my testimony there are pictures?

SB 1016

I would like to thank you for giving me the opportunity to talk to you about the invasive running bamboo. I've submitted some pictures to you that will help you understand our personal situation. In our backyard, we have a small pond that drains storm water from neighbor's properties next to a town storm drain. The drain pipe that you see in the top picture was installed as the result of a superior court decision and the approval of the Department of Energy and Environmental Protection.

As you can see, the yellow bamboo is directly

THOMASINE O'BOYLE: Route 1 and Route 27.

SENATOR MAYNARD: Route 1 and Route 27 where I've seen it. I mean, it can be a lovely screen, but unfortunately, it's so aggressive and it moves beyond the owner's property that obviously cognizant of the damage.

THOMASINE O'BOYLE: We asked to try to have a barrier, but she had put some on our side of the wall, this neighbor owns one foot of property on our side of the wall and she had put some there before and she put it (inaudible) but it doesn't do anything. You know, it doesn't keep it from going under. It doesn't keep it from going down. (Inaudible.)

SENATOR MAYNARD: Well, I appreciate you taking the time to be up here. We know that it was a long wait, but it's helpful for you to present that kind of testimony.

THOMASINE O'BOYLE: Actually, one of the speakers coming up is one of our neighbors and she owns the property with the taller bamboo. This neighbor just does this for spite and to block the (inaudible) for anyone who lives within 300 miles of her. Thank you.

REP. GENTILE: Thank you. Any other questions?

Chad Landmon. Chad will be followed by Marissa Vallillo.

CHAD LANDMON: Good afternoon. My name is Chad Landman. I'm here on behalf -- in support of House Bill 6542. I'm actually a member of the Southbury Board of Selectman. I also happen to be a member of our Rural Preservation Advisory Committee. Our First Selectman Ed Edelton has submitted written testimony. He

is unfortunately out of the country, but I'm here today to summarize that testimony for you which I will do very briefly, particularly given all of your time.

As you know, Southbury has a long history of farming and agriculture. The ability to preserve these lands is an important objective that is consistently scored highly in surveys that we've done of our residents. Of course, the history of the Southbury Training School has been such that parents and guardians have been very concerned about discussions of the future of the school. This is completely understandable; however, the agricultural lands can be permanently preserved for farming without any impact on the school or its residents. Unfortunately, the converse is not true. We cannot continue to ignore these prime agricultural lands without having an impact on their ability to be farmed with the type of long-term commitment that farming requires.

In this case, weather and nature have been at work. Beautiful farm buildings are not being maintained. In fact, many barns have even collapsed on the property. Tress and invasive plants -- although thankfully I don't think any bamboo -- have begun to take -- these other invasive plants have begun to take their toll on the pastures that are there. Waiting any longer for deliberate action to encourage farming will make future efforts more expensive and time consuming. As you know, the Department of Agriculture has laid ambitious and creative ideas for the use of these lands and they can bring about a rebirth of farming in our community.

Given the size and quantity -- quality of these lands, this could become a new economic

generated for the region. This farming requires support for equipment and processing. It's also supportive of tourism in our region due to the fact that many fine restaurants are looking for local produce. Finally, the importance of these lands for environmental quality cannot be overstated. This legislation is good for our town. It's good for agriculture in our region and it's good for our state. I urge you to support this bill.

Finally, I do want to thank Representative O'Neill for his long and hard work to preserve this property. I want to thank the Southbury Land Trust and many others who have worked for decades now to try and get this property preserved. And thank you for your time. I urge your support for this bill.

REP. GENTILE: Thank you. Thank you for your time and your patience.

Any questions?

Thank you.

Marissa Vallillo. Marissa will be followed by Barbara Henry.

MARISSA VALLILLO: Good afternoon. My name is Marissa Vallillo and I am also a Lords Point community member. We -- I should thank you for hearing us today about running bamboo. Two years ago, my husband and I purchased a piece of property in a little beach community and -- to basically have an escape or a getaway and we had to knock the house down that we were building so we invested a lot of money into this new home. On the property, right on the line, ten feet from our structure is bamboo with not containing wall to

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some insight as to why or why not it hasn't seemed to make it on the list.

MARISSA VALLILLO: Okay. Thank you.

REP. GENTILE: Thank you.

Barbara Henry followed by Mary Wilson followed by Representative Kupchick.

BARBARA HENRY: Good morning -- good afternoon, actually. Thank you for allowing me to be here today. And before I start, I have to piggyback on all these comments for the -- about the bamboo. Our public works wages war on it every year in the small town of Roxbury. I actually have some in my -- on my own property and it coming through my driveway as we speak.

But I'm actually here to testify in support of H.B. 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. And I would like to thank our Representative, Arthur O'Neill, for keeping this subject front and center for so many years. You also have testimony from Roxbury's Conservation Commission and our Roxbury Land Trust. And I forgot to identify myself. I'm Barbara Henry. I'm first selectman in the Town of Roxbury.

I'd like to say hello to my colleague there, Representative Sear and Senator Chapin.

As you've heard, this bill would preserve and protect of 800 acres of farmland and open space owned by the Southbury Training School. But what you might not know is about 105 acres of that is in Roxbury and it is contiguous to 117 acres already protected by the Roxbury Land Trust. Recognizing the importance of protecting Connecticut's agricultural lands,

the state adopted the Farmland Preservation Program in 1978 with the goal of preserving 130,000 acres. By authorizing the state to grant a conservation easement to preserve Southbury Training School's agricultural lands, this bill helps Connecticut move closer to achieving that goals.

Small towns like Roxbury have fought to keep our farms and our open space and we have supported the efforts of our land trust during the successful Save of Farms Campaign which preserved almost 800 acres and three farms that were being eyed for development. Their dedication and efforts to preserving the community's raw character has resulted in 3400 acres or about 17 percent of Roxbury being conserved as open space under their stewardship. So when the towns of Roxbury and Southbury are helped by this bill to get closer to achieving their preservation goals, the state is the beneficiary also. In addition, by authorizing the State Department of Agriculture to lease the land for farming, this bill will generate additional state and local tax revenue and help create jobs in our region which will benefit the local economy.

In summary, this bill is a win-win for Connecticut and the communities of Roxbury and Southbury and I strongly urge your support. Thank you.

REP. GENTILE: Thank you, Barbara.

Any questions?

Thank you.

Mary Wilson followed by Representative Kupchick.

**JOINT
STANDING
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**ENVIRONMENT
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now what we're seeing seems to have gotten legs of its own, and it's moving on its own without a heck of a lot of input from residents any longer.

REP. GENTILE: Thank you.

DORIENCE SMITH: Thank you. Margaret Miner followed by Arthur Smith.

MARGARET MINER: Thank you Chairman Gentile and Chairman Meyer and Members of the Committee. I submitted testimony on a number of bills. The, very close to my heart is the pesticide issue, as you know, and I do, I believe that the, oh, did I say I'm with Rivers Alliance of Connecticut, executive director. We protect water resources.

HB 6537

HB 5480

Statewide, we have a problem with having no publicly accessible database or even an agency availability to know what we've put down in the way of pesticides where. And as you saw last year with the reports of a well contamination in Stamford and Fairfield County, investigating that is very difficult when we have no, we don't have accessible records as to what was applied.

So I favor a study and more transparency at the farm. So I live in Roxbury and for years have been aware of and have friends working on the Southbury Training School, so I'm really looking forward to that finally being resolved. On the bill to make UCONN a water company, it could almost have said support with reservations are opposed with reservations. So I came down with support.

HB 6542

This actually closely resembles a bill we worked on in 2001. The, many Legislators, including Don Williams and the Attorney

HB 6537

SENATOR MEYER: Okay. All right. The next bill we're going to hear is the Southbury Training School conservation easement bill, and our first witness is Amy Paterson.

AMY PATERSON: I am here.

SENATOR MEYER: Hi.

AMY PATERSON: Thank you very much, Senator Meyer, Representative Gentile, and Members of the Committee. I appreciate the opportunity to testify here today in support of this important bill. At the outset, again, for the record, my name is Amy Paterson, and I am the executive director of the Connecticut Land Conservation Council.

HB 6542
SB 1011 SB 1015

But at the outset, just in case I run out of time, I wanted to also extend my appreciation to the Governor and Commissioner Revitsky for their support of this important bill. It's a real step forward for land conservation here in Connecticut.

As most of you know, CLCC works with land trusts, other conservation and advocacy organizations, government entities, and landowners to increase the pace, quality, and scale of conservation here in Connecticut. So the concept of perpetuity is central to what we do.

In fact, next weekend, Saturday is our conference, our 29th annual conference, and the theme this year is perpetuity. And I'm going to leave some extra brochures with the clerk before I leave. I hope to see all of you there.

In the last year, we have been focusing at CLCC along with several of our partners on the

concept of perpetuity in the context of Public Act 12-152, which was the ACT CONCERNING THE OPEN SPACE PLAN. And we have been focusing on finding a definition for lands of high conservation value and also looking at the best mechanisms for protecting land in perpetuity.

And we have started to draft legislation which will hopefully help to move that implementation forward. But what we have concluded as part of that research is that a layering approach to conservation to ensure perpetuity is the ideal and that the grant of a third party or the grant of a conservation easement to a third party is the best mechanism to ensure conservation in perpetuity.

So we are very excited about this proposal under H.B. 6542, because we believe that it could be used as a model as we move forward with the implementation of 12-152 in expanding conservation and the protection and perpetuity to other state properties throughout.

We do propose two amendments, and you heard, I believe, at least one of them and maybe two this morning through Commissioner Revitsky's testimony.

We support the position of the Working Lands Alliance that would, that the bill should be amended to include a waiver of sovereign immunity, and that would ensure that third, the third-party holder would have an unobstructed right to enforce the easement terms and conditions in the event that there are some future violations.

We also support an amendment that would require a baseline documentation report, a

natural resource inventory, to be done at the time of the transaction. As the umbrella organization for the land conservation community, we work with land trusts throughout the state. There are 137 of them now.

And we work to ensure that they are in compliance with the National Land Trust Alliance Standards and Practices, which are the guidelines for ethical and legal standards for land trusts to follow. And perpetuity is as much about the legal mechanisms that we put in place at the outset as it is about the proper stewardship of the property.

A baseline documentation report and a requirement that one be done would ensure that the condition of the property is properly documented and the condition meaning not only its state but also the resources that are on there are properly documented at the outset and that the holder of the easement would then have that document as it moves forward, and it would better help to monitor the condition of the land into the future.

Commissioner Revitsky had talked about the fact that the agency was going to be working on such documentations, and we are so thrilled to hear that. And we believe that putting something like that in this legislation would ensure that future commissioners and future agencies would also follow that same guide.

In short, and I do have two other bills. I'm not going to talk about them here. They are in my written testimony. It's S.B. 1011 and S.B. 1015. We support those with qualifications and echo the comments of the Connecticut Forest and Park Association on that. But I thank you so much for this

opportunity. This is a very exciting moment for (inaudible).

SENATOR MEYER: And the documentation you're suggesting is having some data within the bill describing the property and the condition of the property, is that --

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AMY PATERSON: No, I wouldn't suggest that that type of detail be appropriate for the bill, but what I would suggest is that the concept of a natural resource inventory and baseline documentation report be codified, that that wouldn't be required, so that whenever a, and this is in all land deals that involve conservation easements according to the standards and practices.

It's a tool, it's a cornerstone of conservation easement transactions. And it really ensures that not only is there a proper inventory of the resources but helps with stewardship of those resources in putting the proper plans in place. But moving forward, it assists the holder of the easement in determining whether or not any violations have occurred on the part of the landowner.

It's, again, it's a critical tool. And I believe that Commissioner Revitsky, through his testimony, suggested that that type of inventory would be done, and that would be put in place, which is fabulous.

SENATOR MEYER: Okay. I'm not sure I know the words to do that. If you have the words, and you want to give them to our clerk, that would be helpful.

AMY PATERSON: We would be happy to work with you on that, and I would look to others as well to

help me with that to make sure that we had the right words for it.

SENATOR MEYER: Okay. Don't tarry on that. Do that right away.

AMY PATERSON: Right, will do.

SENATOR MEYER: Okay?

AMY PATERSON: (Inaudible) Sandy Breslin. She's right here.

SENATOR MEYER: Senator Chapin.

SENATOR CHAPIN: Thank you, Mr. Chairman. Is the natural resource inventory something that would cost the property owner?

AMY PATERSON: You know, it, when land trusts undertake them, and they hire a consultant, then it would, but I believe, and, again, I don't know what's out there in terms of the data, but my understanding is there's a lot already that's been accumulated and collected on the part for the Southbury Training School, because this property has been evaluated for so many years for conservation purposes.

So I believe that there would be a lot of information that would already be available both through the agency, and I believe that the commissioner might have said the Natural Resource Conservation Service and other agencies as well as private and nonprofit organizations that has that, that have that information.

SENATOR CHAPIN: And if no information was available, do you have any idea how much in inventory like that on a piece this large would cost?

AMY PATERSON: You know, baseline documentation reports can range from two to \$5,000 based on my experiences working with the land trust throughout the state.

SENATOR CHAPIN: Thank you. Thank you, Mr. Chairman.

SENATOR MEYER: Any other questions? Thanks.

AMY PATERSON: Thank you very much.

SENATOR MEYER: Good job. Our next witness is Tom Crider followed by Henry Talmage.

JOHN ERICKSON: Senator Meyer and Representative Gentile, other Members of the Environment Committee, my name is John Erickson. I'm here in substitution for Tom Crider. I'm a member of the board and vice president of the Southbury Land Trust.

Tom, and I wish he could be here, and he wishes he could be here. He was here this morning, but he has back issues, and they kicked up, and he just had to leave. He was too uncomfortable. And it's a shame, because he is our leader. He has worked many years very hard on this issue. And I know he would like to be here, but nevertheless, he's not.

So I would like to speak in favor of this bill, which is an excellent bill. The Southbury Land Trust is a nonprofit organization whose mission is to preserve farmland and other open space. As such, we would qualify to be holders of the conservation easement authorized by H.B. 6542.

We currently own or hold easements on 11 farms in Southbury. Because of its significance as

the largest unprotected property in our area, we've been advocating the preservation of the farmland at the training school for several years.

The 1400-plus acres Southbury Training School property contains the largest parcel of farmland left in Southbury. Preserving this land would be a major step toward keeping what remains of the rural character of our town intact. It's also essential to the survival of agriculture in our region.

This bill would achieve preservation in a logical, thoughtful way, first, by transferring responsibility for the farmland to the Department of Agriculture and then by giving the land legal and permanent protection by means of a conservation easement. When accomplished, these steps will ensure that over 800 acres of prime farm and forest land will be used for agricultural purposes.

This bill helps achieve a goal stated in the Conservation and Development Policies Plan for Connecticut, which is, quote, to maintain and support the viability of the agricultural sector to increase a long-term, in-state food-producing capacity through conservation and preservation of prime agricultural lands, unquote.

For the past decade or so, the state has spent millions of dollars to purchase the development rights on Connecticut farms. But to date, only about 37 percent of its goal of 130,000 acres has been protected. This bill is a significant advance toward that goal and could provide a template for preserving other valuable state-owned farmland.

We urge you to pass this bill, which, in a time of serious financial constraints, offers a way to permanently protect a significant amount of farmland at no cost. Thank you for your consideration.

SENATOR MEYER: Good advocacy. Any questions of Mr. Erickson? Thank you, sir. Henry Talmage, the distinguished director of the Connecticut Farm Bureau.

HENRY TALMAGE: Thank you, Senator Meyer and Representative Gentile and Members of the Committee. My name is Henry Talmage, executive director of the Connecticut Farm Bureau. Maybe you're getting sick of hearing that, but, still, that remains.

Today is a, we want to, I want to come forward in strong support of 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT SOUTHBURY TRAINING SCHOOL. This is a, well, first of all, I represent the 5,000 farming families across the state. I also serve on the Working Lands Alliance Steering Committee and the Farmlands Preservation Advisory Board, and I was a former director of the Connecticut Farmland Trust for five years prior to taking this position.

Almost immediately when I arrived in Connecticut I became aware of this property through Tom Crider, and I had the opportunity to work with Southbury Land Trust, which I can tell you of the 130-odd land trusts, Southbury Land Trust is a really shining example of how a land trust should be run, a really exemplary organization.

But this property, having toured it early on when I first arrived here, just jumps off at the, just jumps out at you as a farm property

that needs to be protected. And right from the beginning, there was concern about this, that, yes, the state owns it, but we're all but one so-called good idea away of fragmentation or losing that land for another use.

And I think anybody that's been to this property really recognizes just how an incredible resource it is, and it ought to be protected. A couple of years ago the Farmland Preservation Advisory Board took on a task of evaluating seven or eight state-owned properties, including the Southbury Training School and some other properties that are owned on prison systems and so on, that were part of an agricultural base at one time or are currently being leased for agricultural purposes.

What we did was run those through the ranking criteria, the same ranking criteria the department uses for the Farmland Preservation Advisory, Farmland Preservation Program. The Southbury training property, as you might imagine, just ranked top of the list. It was just on every criteria, just jumps off the page why this should be protected.

So I want to say to you that there was and has been great scrutiny in terms of the quality of this project prior to this decision, so you should take that into consideration when considering this. As mentioned also, this issue of sovereign immunity is one of concern. I know it becomes complex for the state-owned land.

I think by putting on, in place a third party conservation easement certainly improves the likelihood that it stays in agriculture in perpetuity, which is the goal. I think the

outcome of that discussion should really be evaluated, because we want to make sure that whatever is done here does, in fact, protect this land for future agricultural use.

As mentioned, this, you know, this gets us closer to our 130,000-acre goal at very little cost to the state. And I can tell you if this property came to the Farmland Preservation Program as an applicant, it would be thought of as a great outcome. Here you have the opportunity to add this to the list of protected farms for virtually no cost at a time when monies are very, very tight.

So with that in mind, I'd also just like to touch briefly on the issue of stewardship. You know, the Program Review Committee made some recommendations on the Farmland Preservation Program to heighten its efforts on stewardship of farmland preservations protected.

By engaging a third party, and especially a local land trust that's engaged in a property, the stewardship issue improves greatly, because it allows that third party to do a lot of the things that frankly the state hasn't had the resources to do and monitor in a way, monitor it in a way that's reflective of the standards being imposed in the private land trust world, which is really much higher, frankly, than a lot of state-owned property.

So I think that's an upgrade. That's an opportunity to include a better stewardship outcome and determine a pathway for future partnerships that could be used on other state-owned land as well. So I, in every way, this is a good deal.

SENATOR MEYER: Thanks, Henry. Questions or comments from the Committee? You did it. Thanks. Nice job.

HENRY TALMAGE: Thank you.

SENATOR MEYER: We next have representatives from Audubon, Leslie Kane and Patrick Comin, Comins. Afternoon.

LESLIE MACLISE-KANE: Good afternoon. I, my name is Leslie MacLise-Kane, and I'm the center director here at the Audubon Center Bent of the River, which is the local Southbury part of Audubon Connecticut and the state, which is a state organization of the National Audubon Society. I am joined with Patrick, by Patrick Comins, director of bird conservation for Audubon Connecticut, this afternoon.

Thank you very much for giving us the opportunity to speak in strong support of House Bill 6542, AN ACT CONCERNING THE PRESERVATION OF THE FARMLAND AT THE SOUTHBURY TRAINING SCHOOL.

The Southbury Training School has long been an important part of the Southbury community for both the work it does and the agricultural production off its lands. Southbury is a community that actively supports its farms and farmers. The National Audubon Society, the Southbury Land Trust, and the Town of Southbury have all partnered to protect working agricultural lands over the years.

All of the partners have had long the goal for protecting the agricultural acreage at the training school for farming in perpetuity. However, Audubon and others also realize that the Southbury Training School property has very important habitat value, as it is an

invaluable keystone in a larger open space matrix that includes Audubon's 750-acre Bent of the River Center, Southbury Land Trust properties, Town of Southbury lands and DEEP Wildlife Management Areas all in nearby proximity.

The Southbury Training School property has been nominated as an important bird area and is likely to be eventually included as part of an IBA complex with the Bent of the River and other open space lands. And I'll let Patrick speak to that in a moment.

I do want to say thank you very much to Chairman Meyer and Chairman Gentile and all the Members of the Committee for bringing this bill up and that the National Audubon Society wholeheartedly supports the transfer to the Commissioner of Agriculture.

We would like to ensure that the values that make it important to birds are preserved to the greatest degree possible, particularly for state-listed species. We believe this is possible and hope to work with all the partners to achieve those combined goals. I'm going to let Patrick speak directly to some of the conservation important bird areas.

PATRICK COMINS: Great. Thank you, Leslie, and good afternoon, Chairman Meyer and Chairman Gentile and the Members of the Committee, and we thank you for letting us provide this testimony here this afternoon.

Just wanted to reiterate Audubon Connecticut's strong support for House Bill 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. And this represents many years of work by many advocates for this at the state and local

level. Lots of groups are very excited by this possibility.

And as Leslie mentioned, in addition to the prime agricultural soils that this property represents, this land is extremely important, as is, with its active agricultural use, to a great variety of birds, including many state-listed species. And these birds flourish there.

It is one of the best spots in the state to see certain birds, including shrub land birds, grassland birds, open county hunting raptors. In fact, it's one of the few places in the state that I know of where the state-endangered long-eared owl regularly nests.

There's a roost there every winter, and on several of the past seasons, Larry Fischer, who is the president of the Western Connecticut Bird Club, has documented nesting attempts by long-eared owls, and I don't even know anywhere else in the state where that species nests. It's really endangered. It is very much at risk of disappearing as a nesting species here in Connecticut.

As Leslie mentioned, it is a part of an important complex of open space, stretching from the Good Hill Airport and beyond up in Woodbury and Roxbury down through the Southbury Training School lands, other agricultural lands, both protected and unprotected, and also the Bent of the River all the way down to the Housatonic River, including the state forest lands along that area.

That corridor not only is important for birds, but it is also an important area for ecotourism. Every birder in Connecticut knows

the spots you want to go. And if you want to go see a Northern Shrike in the wintertime, if you want to go see Bobolinks nesting in the springtime, these are the spots you want to go.

In the long term, this is a very growing field, and in the long term, this is going to be an important economic driver of tourism in the area. And it is compatible with the agricultural uses of lands. As I said, it provides these critical habitats for these state-listed species under its existing uses of agriculture.

So we're thrilled about this bill. We have much more information we have attached with our testimony, and thank you very much for the opportunity to support this important legislation.

SENATOR MEYER: Good job. The support really helps. Nice description. Thanks.

PATRICK COMINS: You're welcome, and thank you.

LESLIE MACLISE-KANE: Thank you.

SENATOR MEYER: Our next witnesses are Lisa Bassani and Terry Jones of Working Land Alliance. Nice to see you again.

TERRY JONES: I understand we have group rates.

LISA BASSANI: Senator Meyer, Representative Gentile, and Committee Members, my name is Lisa Bassani. I'm the project director for the Working Lands Alliance. I'm joined by Terry Jones, the chairman of the Working Lands Alliance Steering Committee. And we're here to speak in strong support of House Bill 6542,

AN ACT CONCERNING THE PRESERVATION OF FARMLAND
AT THE SOUTHBURY TRAINING SCHOOL.

The Working Lands Alliance is a broad-based, statewide coalition dedicated to preserving working lands in Connecticut, and one of our top priorities is to ensure that the state invests in the preservation of prime and important farmland soils. And obviously, as this particular parcel goes, there's none better to protect.

Of the 825 acres of this parcel, 575 are considered prime and important farmland soils. And as Henry rightly mentioned, in the review by the Farmland Preservation Advisory Board, it ranks with the top of the list for preservation.

You know, and obviously by protecting the largest parcel of farmland left in Southbury, this bill would provide in perpetuity a reliable land base for increased agriculturally that base economic activity in a part of the state where it is really needed.

In addition, I think importantly in the times of fiscal restraint this, I think, points the way towards important public-private partnerships, and I think the stewardship of this property in the hands of a high-quality third party would really allow, you know, would reduce the state's monitoring oversight costs and provide a local responsive advocate for the agricultural community who's using the land.

We also concur with some of the previous testimony about the issue of sovereign immunity on the property. We think a waiver of sovereign immunity will really strengthen this bill providing full rights for the third

party to defend these in the case of a violation. So we support the earlier testimony provided with regards to that. And with that, I will allow Terry to chime in.

TERRY JONES: Thank you, and thank you, Senator Meyer and Representative Gentile and Members of the Environment Committee. I am a fifth-generation farmer and chair the Working Lands Alliance. And we offer our fierce support for this bill and applaud the vision of the Legislature and the Governor for at last taking up this opportunity.

HB 6542

There's three million acres in Connecticut. A hundred and thirty thousand acres is the goal of Farmland Preservation, and we're closing in on 40,000. So I just want to give a perspective of the challenge. I've been farming for 55 years, and I've watched an enormous amount of very valuable, some of the best farmland soils in the world be converted to other use, so every acre counts as far as what's left.

And I've watched as a kid, our society predicted and was smitten with the idea that someday we would eat a pill, and that would be our dinner. Most of you aren't old enough to remember that vision. And I've watched a generation of people converting and kids growing up on highly processed foods.

And I've watched in our, through the State Board of Education, how many of our children do not have healthy diets and how that affects their academic performance and contributes to our achievement gap. So everything is interconnected, and I would say in short more than ever we need to preserve every potential quality acre of food-producing soil for future generations.

I'll just close on the subject of sovereign immunity. Right now, I think we have a reasonably enlightened Legislature and a Governor who's also sensitive to agriculture, but that may not always be the case. And I think this is a reasonable safeguard that will enable the protection of the land.

And I'll, there's nothing like leading by example, and this is the state's opportunity to do it. And I'll just say in our own personal situation, on our farm, I've been concerned about the future of it. And we have literally created a farm trust and given up ownership of 500 acres of our land into a trust that sort of equivocates to this notion of what we're doing here and hoping the state will do.

In our motto by the founding father of our farm must be good to the land, and the land will be good to you, protecting this land at Southbury and giving the legal security of that will give each member of the General Assembly the satisfaction and peace of mind that I've found even though I've given up the legal ownership of our land.

But I have a great inner peace and satisfaction knowing that it will be available in perpetuity for the benefit of our society. And I think the Legislature will find likewise, and --

SENATOR MEYER: I think we'll get this done with your help. Appreciate it. Any questions? Thanks so much.

TERRY JONES: Thank you.

SENATOR MEYER: We're going to go back and invite two witnesses who got hung up. Why don't they come up together, Eric, Claire Cain.

ERIC HAMMERLING: Good afternoon, and --

SENATOR MEYER: Pull your chair right up there, Claire, so you can add to whatever Eric is going to tell us.

ERIC HAMMERLING: So good afternoon, and thank you so much for your flexibility. We both, on our way here, got caught in some gnarly traffic. We appreciate very much the opportunity to speak together, and we thank you all for raising three important bills. I'm going to talk very quickly about each of those, and then Claire will talk a bit about the New England National Scenic Trail Bill.

HB6542

On Raised Bill 1015, AN ACT CONCERNING THE NEW ENGLAND NATIONAL SCENIC TRAIL, again, we want to thank you for raising that bill. And, Senator Meyer, I'd certainly say that there's a very direct interest in this legislation, because Guilford happens to be the gateway to the National Scenic Trail.

And from Guilford, it stretches 220 miles all the way up to the Massachusetts/New Hampshire border. It's the nation's newest national scenic trail designated in 2009 and has the same status as the Appalachian Trail.

So this is something that we're very excited about, and we appreciate your giving it the same status that the Appalachian Trail has in the statutes. And we certainly will continue to work on this with you if you would like.

On Raised Bill 1011, AN ACT CONCERNING CERTAIN USER FEES AT STATE PARKS, thank you for

raising this as well. I think you're well aware that our state park system is not only having its 100-year anniversary this year, and I would certainly invite you both to adopt your park and also to see the great state park poster display that's now up in the concourse, but we would also advise you and suggest if you can find ways to fund our state parks.

Increasing user fees for weddings, for special events I think it is a smart and important way to do this. The one thing that we would ask you to think about is to consider removing the difference between the increase proposed for in-state and out-of-state residents.

The only rationale here is that if you think about who is coming to events, staying overnight, even spending more money, it's often the out-of-state residents, so it seems to increase their fees by that much more, can actually be hurting the opportunity bring more people to the state parks.

Also, it becomes very difficult at the state park level for them bureaucratically to figure out who is in-state and who is out-of-state. There are a lot of groups with mixed in-state/out-of-state participants, and that can become an issue at times.

And then very lastly, I wanted to talk in favor of Raised Bill 6542. That's one that you just heard Working Lands Alliance talk about, and I will just say that my remarks will be along those same lines, and we support it very much. Thank you.

SENATOR MEYER: Thank you, Terry. Claire, anything to add?

CONNECTICUT
 Land Conservation Council

STEERING COMMITTEE

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Trust for Public Land

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STAFF

Amy B. Paterson, Esq.

**Testimony in Support of H.B. 6542, S.B.1011 and S.B. 1015
 (with modifications)**

To the Environment Committee

Submitted by: Amy Blaymore Paterson, Esq., Executive Director
 March 15, 2013

Senator Meyer, Representative Gentile, and members of the Committee:

Please accept this testimony on behalf of the Connecticut Land Conservation Council in support of Raised H.B. 6542: An Act Concerning The Preservation Of Farmland at The Southbury Training School, Raised S. B. 1011: An Act Concerning Certain User Fees at State Parks, and Raised S. B. 1015: An Act Concerning The New England National Scenic Trail.

The Connecticut Land Conservation Council (CLCC) works with land trusts, other conservation and advocacy organizations, government entities and landowners to increase the pace, quality and scale of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state. CLCC focuses on building land trust capacity and sustainability, leading a unified land conservation voice for public policies that support land conservation, and engaging broad constituencies to foster a deep understanding of the benefits and need for land conservation.

Raised H.B. 6542: An Act Concerning The Preservation of Farmland at The Southbury Training School

Consistent with our conservation agenda, CLCC supports the preservation of the Southbury Training School – a state property with significant agricultural and conservation value – through a grant of a conservation easement to a nonprofit conservation organization, which we contend is the most effective means of assuring high quality stewardship and protection of conservation land *in perpetuity*.

We do, however, respectfully recommend two amendments to the bill which we contend would strengthen the preservation purposes of the transaction. First, CLCC concurs with the Working Lands Alliance that the bill include a waiver of sovereign immunity in order to best provide the easement holder with an unobstructed right to enforce the terms and conditions of the conservation restriction against the landowner (the state).

In addition, as the statewide umbrella organization for the land conservation community, CLCC recommends compliance with the Land Trust Alliance *Standards & Practices*, the national guide for legal and ethical standards for land trusts. To that end, CLCC suggests that the bill be amended to require a complete natural resource inventory and baseline documentation report for the land. Such a report would identify the agricultural and other natural resource attributes to be protected, and would document the condition of the property at the time the easement is put in place in order to better monitor changes to the land over time.

Finally, by way of a suggestion and not a proposed amendment – also in accordance with *Standards & Practices* - CLCC suggests that the state consider providing the Department of Agriculture with funding to establish a stewardship endowment to help ensure that the lands are managed in accordance with the terms and conditions of the conservation easement.

With these amendments, CLCC contends that the bill's use of a public-private partnership to achieve permanent land conservation -- through the grant of a conservation easement -- may serve as a model for future transactions as the state begins the broader process of identifying, prioritizing and protecting *in perpetuity* all state lands of high conservation value pursuant to P.A. 12-152.

We commend the Governor for his continued commitment to farmland preservation and would welcome the opportunity to provide further input as this important conservation transaction moves forward.

Raised S. B. 1011: An Act Concerning Certain User Fees at State Parks

CLCC supports the overall concept of this bill in recognition of the critical need to find additional sources of revenue to support the operation and maintenance of our State Park system. However, we do share the concerns raised in the testimony provided by Eric Hammerling, on behalf of the Connecticut Forest & Park Association (CFPA), fiscal sponsor of CLCC. In particular, we strongly concur with CFPA's recommendation that the revenues raised under this bill continue to be directed into the DEEP Maintenance Repair and Improvement account to ensure that the funds actually provide a direct benefit for the State Park system.

Raised S.B. 1015: An Act Concerning The New England National Scenic Trail

This bill reflects the state's recognition of the importance of the New England National Scenic Trail (NET) by providing the NET with the same level of statutory rights and obligations as have been accorded to the Appalachian Trail. The NET system is critically important to Connecticut's trail system and the lands surrounding the same. CLCC therefore supports S.B. 1015 and respectfully associates our testimony with the additional comments provided by CFPA.

On behalf of the Connecticut Land Conservation Council and our conservation partners throughout the state, we respectfully request the Committee to approve the foregoing bills, subject to the comments and recommendations provided herein. We thank you again for this opportunity to present our comments.



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

| Legislation before the Environment Committee on March 15, 2013 | Support/ Oppose |
|--|------------------------|
| <u>RAISED S. B. 1015</u> : AN ACT CONCERNING THE NEW ENGLAND NATIONAL SCENIC TRAIL. | Support with Change |
| <u>RAISED S. B. 1011</u> : AN ACT CONCERNING CERTAIN USER FEES AT STATE PARKS | Support with Change |
| <u>RAISED H.B. 6542</u> : AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. | Support with Change |

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut in 1895. CFPA has offered testimony before the General Assembly every year since 1897 on issues such as sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation.

I am here to testify in support of three bills today (see above), and I thank the Co-Chairs and Committee for bringing these important bills forward! For each bill, I have some small suggestions that should help the legislative language most closely match the legislative intent as I understand it.

Raised S.B. 1015

In 2009, Congress passed the Omnibus Public Lands Act, Public Law 111-11, which officially designated the New England Trail as a National Scenic Trail. With this designation, the New England Trail joined the Appalachian Trail and only 9 others in the U.S. to achieve this special distinction.

Modeling the language of S.B. 1015 on the language found in the CT General Statutes for the Appalachian Trail (C.G.S. Chapter 452 § 23-66 through 23-72), makes great sense and we strongly support this bill with one exception. We recommend that the words "eminent domain" be removed from line 6 of this bill. The reason for this suggestion is that eminent domain was a sticking point in Congress that stalled the passage of the National Scenic Trail designation bill, and specific language was inserted to clarify that "The United States shall not acquire for the trail any land or interest in land without the consent of the owner." This federal language would not remove the possibility of the State exerting its eminent domain authority, but we don't believe this would be in the "spirit" of the national scenic trail designation.

Raised S.B. 1011

We support the concept of this bill, and thank you for recognizing the need to raise revenues that would support ongoing operations and maintenance of the State Parks. We believe making a distinction between in-state and out-of-state fees may become exceedingly complex to sort out bureaucratically at the field level. For example, if you have a family reunion and rent a pavilion for a mix of in-state and out-of-state people, what is the fair way to handle this? It may be easier to just authorize DEEP to increase special event fees by up to 150% across the board.

Even if the Committee would like DEEP to retain the distinction between in-state and out-of-state fees, it is critical to ensure that the funds actually provide a direct benefit for the State Park system. We strongly recommend that the revenues raised under this bill continue to be directed into the DEEP Maintenance Repair and Improvement account. If they are not, we worry that the funds will disappear into the General Fund and will not result in any direct benefit for the Parks where the funds are raised.

Raised H.B. 6542

We support this bill and the position of the Working Lands Alliance (on whose Steering Committee I serve). Specifically, we strongly support the preservation in perpetuity of the farmland at the Southbury Training School through a conservation easement to a qualified nonprofit organization like the Southbury Land Trust. However, it is important to add that unless the holder of this conservation easement has the ability to enforce it against some future violation of the easement by the landowner (in this case, the State), it is almost meaningless. We recommend that some provision in the bill be made that will enable the State to relax its sovereign immunity to allow enforcement of this conservation easement by the easement holding organization.

Thank you for the opportunity to testify on these bills, and I am glad to respond to any questions you may have.



FOR THE ENVIRONMENT COMMITTEE
PUBLIC HEARING TESTIMONY OF RIVERS ALLIANCE OF CONNECTICUT
MARCH 15 2013

HB 6536
HB 6537
HB 6542
SB 1019

To the Chairmen, Sen. Ed Meyer and Rep. Linda Gentile, and Members of the Committee:

Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and educating the public about the importance of water stewardship. Our 450 members include almost all of the state's river and watershed conservation groups, representing many thousand Connecticut residents

Thank you for the opportunity to comment on bills before you today. I will address them in their order on the agenda.

HB 5480 AA REQUIRING AN ASSESSMENT OF THE USE OF CERTAIN PESTICIDES AT THE UNIVERSITY OF CONNECTICUT RESEARCH FARM. Support.

The agricultural research at UConn is an important benefit to the state. The proposed bill would require a review of safety precautions relating to UConn's use of pesticides at its research farm on Rte 195, south of the main campus in Storrs. The review would cover storage, application protocols, and water testing. The assessment is to be done by DEEP and DPH, who will report findings and recommendations to the CGA. This kind of safety review is important to do periodically when toxic substances are involved. It is especially timely when the effects of pesticides on health and the environment are being scrutinized statewide.

A few notes. Pesticides can travel through air and water. They can blow from one property to another. They can travel in water from one property to another. They can be carried on clothing, on vehicles, and by animals. Storage of hazardous waste materials has been a problem at the university, with the main collection area still being the converted coy dog kennel in the Fenton River watershed.

As described in the 2012 OLR Report *UCONN RESEARCH FARM* by J. L. Kaminski Leduc, the pesticides being tested at the UConn farm include over-the-counter products; restricted products theoretically available only to licensed persons (but definitely available through the internet and probably other sources); and 26 secret proprietary formulas. In 2011, more than 100 applications were made, primarily in spring and summer of herbicides, fungicides, and insecticides. The brand names are largely familiar, with many brands having different formulas. Conversely, the same chemical can be sold under different names. For example, the

It is not in the public interest for such a large water controller and supplier to be operating outside the laws that apply to all regional, municipal, and private water utilities. The situation has enabled UConn to avoid reconciling its ambition to grow with its relationship to the landscape, natural resources, and neighboring communities. The university's estimates of what its water needs are and will be vary widely, sometimes almost week to week. The approach is "If we build it, water will be found. We come first."

This bill also illuminates the chaotic condition of water planning in Connecticut. The confusion in Storrs Mansfield extends to most other parts of the state. Despite having a Water Planning Council, and Water Utility Coordinating Committees (in some places), we have no water budget (inventory of all water resources), no analysis of how much water is usable for what, and no means of designing a fair allocation of water to serve the public and the environment.

The reform of UConn's water planning should be linked to development of a water management and stewardship process that works for the region and for Connecticut.

HB 6542, AAC THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. Support.

The open space and farmland at the Southbury Training School is correctly regarded in the town and neighboring communities as vital protection for natural resources and local farming. Some leaders in the community, including Rep. Art O'Neill, have been working on its conservation for years. The late Marc Taylor, M.D., who headed national environmental efforts, always made time to work on saving this open space. You have a chance here to treat state land with wisdom and respect. Please take this opportunity.

HB 6536, AAC GENERAL PERMITS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION. Support.

Enforcement of general permits is feeble. I would prefer a more expansive cure, but enforcement must occur occasionally for the permit conditions to have any credibility. Given the shrunken resources of DEEP, this means raising some money for the work.

HB 1019, AAC ADMINISTRATIVE STREAMLINING AT THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Stream channel encroachment: It is good that this bill retains the important option for the Commissioner to exercise authority when warranted.

Public notice for tentative permit determinations. The proposed new method is inadequate. Postings on the DEEP website will not reach most members of the general public. Already, people overlook the small newspaper announcements. I recommend communicating notices electronically with town clerks and town commissions so that announcements can be posted on town bulletin boards and handed out at commission meetings. The handouts should include information on how to subscribe to DEEP email alerts and how to go to the dedicated web page.

Margaret Miner, Rivers Alliance of Connecticut, Executive Director

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
PART 8
2352 - 2684**

2013



State of Connecticut

HOUSE OF REPRESENTATIVES
 STATE CAPITOL
 HARTFORD, CONNECTICUT 06106-1591

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 REGULATIONS REVIEW COMMITTEE
 LEGISLATIVE MANAGEMENT COMMITTEE

Testimony by Representative Arthur J. O'Neill
Before the Environment Committee
On House Bill 6542
March 15, 2013

Thank you Chairmen Meyer and Gentile, Ranking Members Chapin and Shaban, and all members of the Environment Committee for raising and holding a public hearing on House Bill 6542.

This piece of legislation has two basic purposes:

First it is intended to reinforce the long-standing state commitment to the preservation of Southbury Training School Farm;

Second it is intended to encourage more active agricultural use of this approximately 1000 acre tract of land.

This policy was originally placed in state statute as a result of legislation that I introduced more than 20 years ago. Unfortunately the second purpose has not been fulfilled. For a number of years I have proposed legislation in keeping with the recommendations of the task force that studied the future use of Southbury Training School Farm and other state owned agricultural lands. The key recommendation of the task force was that a private party be given control over the land for the purpose of encouraging and facilitating long-term agricultural use. For a variety of reasons the state agencies charged with this task were unable to implement it. Partly this was a result of state leasing policies and partly a result of the fact that encouraging agricultural use of these lands was not a core mission of any of the agencies involved.

In addition giving a private party dedicated to the encouragement of agricultural use of the land an easement on the land would also provide an additional layer of protection to ensure that no secret or sudden decision by either the executive or legislative branches would change the long-standing policy of preserving these lands for agriculture.

This committee recognized the wisdom of the foregoing policy when it reported out an earlier version of this bill which I had introduced in 2011. Unfortunately that piece of legislation died in another committee.

I am very pleased that the Administration is now supporting the concepts contained in this bill. This legislation will continue this legislature's long-standing policy commitment to preserving the Southbury Training School Farm. It will also, I hope, become a model, for the preservation and agricultural activation of the other lands all across our state which were identified in the task force report.

I would recommend one addition to the draft that is before you: the addition of language that makes clear that the easement holder will be able to bring court action, we hope never necessary, against the state to enforce the easement authorized by this legislation. I have attached proposed language that would accomplish this purpose.

I am also aware that at least one conservation organization is concerned about the preservation of migratory bird habitat that might be disturbed by more active agricultural use of the land. I am confident that it should be possible to incorporate language in the final bill and the easement to address those legitimate concerns.

Thank You



State of Connecticut

SENATE

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HARTFORD, CONNECTICUT 06106-1591

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**DEPUTY MINORITY LEADER PRO TEMPORE AND
CAUCUS CHAIRMAN FOR POLICY**

RANKING MEMBER
APPROPRIATIONS COMMITTEE

MEMBER
PUBLIC HEALTH COMMITTEE
REGULATIONS REVIEW COMMITTEE

Dear Senator Meyer, Representative Gentile, Senator Chapin, Representative Shaban and the members of the Environment Committee,

Thank you for the opportunity to testify in support of House Bill 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL.

This bill would transfer over 800 acres of farmland at the Southbury Training School from the Department of Developmental Services to the Department of Agriculture. This high quality farmland would then be permanently preserved, and would not be subject to any further commercial or residential development.

This area around the Southbury Training School has been determined to contain high quality farmland. If this land is permanently kept in agricultural use it will not only be a source of many healthy products, but it will preserve the historical and rural landscape we love so much about Connecticut. Some of this land has been leased for use by a local farmer, but a group selected by the Department of Agriculture to manage the farming activities on this land would maximize its value to the residents of Southbury.

I ask you to carefully consider this proposal. Please contact me with any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Rob Kane".

Rob Kane
Deputy Minority Leader Pro Tempore

HB6542

I am a resident of Southbury and am a huge proponent of keeping this land for agricultural and environmental purposes.

The last thing we need is more construction and less open green space in Southbury. As farmland this can be preserved for the good of all.

Thank you.

--

Suzanne Finnegan

HB 6542

Dear. Rep. O'Neil:

I am in support of preserving the Southbury Training School Land. We need less development, not more, and the State of CT should be a great steward of this beautiful property and not just think of profit but our future generations in this state.

Thank you,

Terri Tibbatts
Washington Depot, CT

re: HB 6542, the preservation of Farmland at Southbury Training School

I have lived less than a mile away from the Southbury Training School property since 1996. I strongly agree that this acreage is important to the quality of life in Southbury.

The farmland and preserves in this area have been a valuable part of our lives. When my son was little, I began taking him with me to volunteer for the Southbury Land Trust work days, pruning and clearing brush in parcels all over town. I wanted him to experience a connection to the land and beauty of nature, the way I did on visits to my uncle's farmland in Minnesota as a child.

For about 8 years, I drove up Spruce Brook Rd every week to the Purchase area above the Training School, to take my son to his piano lesson. My single favorite spot in this whole region is the view from the hills up there. I cherish it. For me, the ability to have this experience of farmland has an profound impact on my humanity, a connection to the earth. It is rare these days to find rolling country hills that provide such a quality of life, so accessible to a highway like Route 84. That means it is also too vulnerable to development, and needs our protection.

Thank you.

Deborah Winograd
26 Surrey Lane
Southbury, CT 06488
(203) 262-8827

HB 6542

This bill is one of the most positive acts the Legislature could do to preserve the STS farm lands forever. I commend you for having the insight to realize the importance, not only from an environmental view, but from the necessity of Connecticut using its lands productively for our future generations to come. There has been much concern and conversation among my friends, about the future of the STS properties. One even said, perhaps Donald Trump would come up and build one of his \$100,000 membership golf courses, like he did in New Jersey. Not a wonderful prospect to those of us who cherish the green lands of Southbury, and Connecticut,

Thank you,

Edith F. Owen

HB6542

However I would like to see the Southbury Training school's land retained for it's original purpose. I live in the Purchase on Purchase Brook Road and my property backs up to the training school orchards Like all other residents in Southbury, we have a vested interest in retaining our agricultural history and precedence I would not want any new developments popping up in my back yard nor would I ever enteratrain an easement to access said land

Thank you

Ellen Roberto
Enterprise Solutions Delivery Group
☎ Phone (860)226.1239
✉ Email. Ellen.Roberto@CIGNA.com

HB 6542

I as a southbury resident would look favorably on preserving this great ag lands for future generations to farm ,also instead of the state of conn spending monies to preserve land this would cost nothing to do because they allready own it. The state lets this place fall into serious disrepair with no money to up keep it ,i can remember when this place was a booming farm now its a total discrace

DAVE BLERSCH

6542



TOWN OF SOUTHBURY

PLANNING COMMISSION

501 Main Street South
Southbury, Connecticut 06488
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Fax: (203) 264-3719

Arthur J. O'Neill
Representative 69th District

RE: Testimony in support of H.B. 6542

AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL

Dear Representative O'Neill:

The town of Southbury's Plans of Conservation and Development have historically stressed the importance of conserving "remaining working farms as productive and economic farm units" and to "give priority to land that preserves farmland". The 2012 Plan specifically speaks of the Southbury Training School as follows:

"ensure that the future use of the land and buildings at the Southbury Training School will..... preserve the site's agricultural and natural and historic resources." The Plan also extends the Town's goal of preserving open space which is enthusiastically supported by the residents. The proposed legislation is consistent with these goals and we appreciate your support of the proposed legislation.

Thank you.

Edward W. Gore, Jr.
Chairman,
Southbury Planning Commission



Testimony in support of H.B. 6542: AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE LANDS OF THE SOUTHBURY TRAINING SCHOOL.

Submitted by Tom Crider, President of the Southbury Land Trust [3/15/2013]

Senator Meyer, Representative Gentile and Members of the Environment Committee: My name is Tom Crider and I'm President of the Southbury Land Trust. I'm here to speak in favor of this excellent bill.

The Southbury Land Trust is a non-profit organization whose mission is to preserve farmland and other open space. As such we would qualify to be holders of the conservation easement authorized by HB 6542. We currently own or hold easements on eleven farms in Southbury. Because of its significance as the largest unprotected property in our area, we've been advocating the preservation of the farmland at the Training School for several years.

The 1400+A Southbury Training School property contains the largest parcel of farmland left in Southbury. Preserving this land would be a major step toward keeping what remains of the rural character of our town intact. It's also essential to the survival of agriculture in our region. This bill would achieve preservation in a logical, thoughtful way—first, by transferring responsibility for the farmland to the Department of Agriculture and then by giving the land legal and permanent protection by means of a conservation easement. When accomplished, these steps will insure that over 800A of prime farm and forest land will be used for agricultural purposes.

This bill helps achieve a goal stated in the Conservation and Development Policies Plan for Connecticut which is "...to maintain and support the viability of the agricultural sector to increase a long-term, in-state food producing capacity... through conservation and preservation of prime agricultural lands."

For the past decade or so the State has spent millions of dollars to purchase the development rights on Connecticut farms, but to date only about 37% of its goal of 130,000A has been protected. This bill is a significant advance toward that goal and could provide a template for preserving other valuable state-owned farmland.

We urge you to pass this bill, which in a time of serious financial constraints, offers a way to permanently protect a significant amount of farmland at no cost! Thank you for your consideration.



TOWN OF SOUTHBURY
OFFICE OF THE FIRST SELECTMAN

501 Main Street South
 Southbury, Connecticut 06488
 (203) 262-0647
 Fax: (203) 264-9762

Testimony in support of H.B. 6542
AN ACT AUTHORIZING AN AGRICULTURAL CONSERVATION EASEMENT ON THE
LANDS OF THE SOUTHBURY TRAINING SCHOOL.

Submitted by Ed Edelson, First Selectman, Town of Southbury

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

At the outset, let me say that I have yet to find anyone in Southbury who is against the permanent designation of these lands for agriculture. Southbury is proud of its agricultural heritage. The ability to preserve these lands, which played such an important part of the town's history, is an important objective that has consistently scored highly in surveys done in support of Plans of Conservation and Development that have been prepared over the years.

Of course, the history of the Southbury Training School has been such that parents and guardians have been concerned about any discussions about the future of the school. This is completely understandable. However, the agricultural lands can be permanently preserved for farming without any impact on the operation of the School or its residents.

The converse is not true. We cannot continue to ignore these prime agricultural lands without having an impact on their ability to be farmed with the type of long term commitment that farming requires. As the saying goes, by choosing not to decide you still have made a choice. In this case, weather and nature have been at work. Beautiful farm buildings are not maintained. They begin to deteriorate and in some cases barns have collapsed. Trees and invasive plants have begun to take their toll on pastures. Waiting any longer before deliberate action is taken to encourage farming will make future efforts more expensive and time consuming.

The Department of Agriculture has laid out ambitious and creative ideas for the use of these agricultural lands. I applaud those ideas as a way to encourage a rebirth of farming in our community. As with any industry, some amount of clustering is important to provide the type of infrastructure and support to keep a thriving industry going. Given the size and quality of these lands, this could become a new economic generator for the region as farming requires support for equipment and processing. It is also supportive of the tourism in our area including the many fine restaurants that are looking for more local food products.

Testimony in support of H.B. 6542

Page 2

Finally, the importance of these lands to the environmental quality of our community cannot be overstated. As the former executive director of the Pomperaug River Watershed Coalition, I had many conversations with the late Dr. Marc Taylor about the role of agricultural lands in preserving and protecting our aquifers and high-quality drinking water.

In closing, let me say how much I appreciate the strong support that these ideas about the future of the Southbury Training School lands have received from the Governor and his staff. His leadership on open space and specifically agricultural lands has been clear to me for many years. With this bill, the legislature has the opportunity to follow through with legislation that is good for our town, good for agriculture in our region and good for the State. I urge you to vote yes on Raised Bill 6542.

Thank you for your consideration.



Ed Edelson
First Selectman, Southbury



14 March 2013

Environment Committee
Room 2B, Legislative Office Building
Hartford, CT 06106

env.testimony@cga.ct.gov

Re: HB 6542 AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE
SOUTHBURY TRAINING SCHOOL

Dear Committee Members,

I write to you on behalf of the Roxbury Conservation Commission. As you may be aware, in the State of Connecticut, municipal conservation commissions are charged to serve as the "Conservation Consciousness of the Community." We seek to preserve Roxbury's open space, agricultural lands, scenic views and roads, unusual or important natural features, and historic or aesthetic resources. Roxbury treasures its farming heritage.

To that end we offer our testimony regarding the protection of the Southbury Training School lands. Please be aware: 105 acres of this property lies within the boundaries of Roxbury.

Our commission is concerned about the rapid loss of farmland in our community, region, and the state of Connecticut. We fully support the passage of HB 6542 as a means to conserve this vital resource and a prudent investment in our state's economic future. We request that provision be made for the towns of Roxbury and Southbury to establish trails through the contiguous Training School properties for the quiet enjoyment of all. Please reflect on these important issues and approve the proposed legislation

Sincerely,

A handwritten signature in black ink, appearing to read "Trudy Swenson McKinna", is written over a printed name and title.

Trudy Swenson McKinna
Roxbury Conservation Commission Chairman

On behalf of all Roxbury Conservation Commission members.

Hugh Rawson, Vice Chair
Cathy Masi, Secretary
Ron Faanes

Cecelia Santillo
Gary Steinman
Joni Weller



TOWN OF ROXBURY CONNECTICUT

Barbara Henry
First Selectman

29 North Street • P.O. Box 203 • Roxbury, CT 06783-0203
Tel: (860) 354-9938 • Fax: (860) 354-0560

Testimony
Barbara Henry
First Selectman, Town of Roxbury

Environment Committee
March 13, 2013

Thank you for the opportunity to speak in support of **HB-6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL.**

HB-6542 would preserve and protect 900 acres of farmland and open space owned by the Southbury Training School, of which 105 acres are in Roxbury. Agricultural land not only adds to the scenic beauty of our small towns but preserves our rich agricultural heritage and our state's heritage as well. Unfortunately, these lands are rapidly disappearing from the CT landscape.

Recognizing the importance of preserving and protecting Connecticut's agricultural lands, the state adopted the Farmland Preservation program in 1978 with the goal of preserving 130,000 acres. By authorizing the state to grant a conservation easement to preserve Southbury Training School's agricultural lands, HB-6542 helps Connecticut move closer to achieving this goal.

Small towns like Roxbury have fought to keep our farms and open space and supported the efforts of our Land Trust during its successful "Save Our Farms" campaign which preserved almost 800 acres and 3 farms being eyed for development. The volunteer Trust's dedication and efforts to preserving the community's rural character for generations to come has resulted in 3,400 acres or about 17 percent of Roxbury being conserved as open space under their stewardship. When the towns of Roxbury and Southbury are helped by this bill to get closer to achieving their preservation goals, the State of Connecticut is the beneficiary in meeting its goals.

In addition, by authorizing the state Department of Agriculture to lease the land for farming, this bill will generate additional state and local tax revenues and help create jobs in our region. This could benefit our local economy.

HB-6542 will help preserve hundreds of acres of farmland to be enjoyed by generations to come, create jobs and increase revenues. This bill is certainly a win-win for Connecticut and the communities of Roxbury and Southbury. I strongly urge your support.

Thank you for the opportunity to comment on this important issue

I fear that the agricultural land owned by the Southbury Training School could be sold to developers. If the area is built-up, it would necessitate the expansion of a multitude of town services and infra-structure (police, fire, road maintenance, additional school, etc) resulting in an increased tax burden as well as changing the character of the two towns. Or, similar to Newtown, the towns may feel the need to purchase the land which will also result in an increased tax burden.

Your Bill seeks to preserve land for agricultural use, protect open space, protect the character of the communities, and hold the two towns' infra-structure and costs in control. I applaud your effort and support the Bill (NB 6542). I do wish that more of the acreage could be preserved and would support expanding the proposed area.

Thanks Again and Best Regards,
Chris DePalma

To me, It is important to save the gorgeous farmland found at the Southbury Training School. I hope you also support House Bill 6542. Is it possible to save all the land?

Thank you for your interest and hard work.

Robert N. Brown

To Whom It May Concern

Re: HB 6542 ~ An Act Concerning the Preservation of Farmland at the Southbury Training School

I urge the approval of this act and the permanent protection of some 800-900 acres of farmland at the Southbury Training School. This acreage is contiguous to 117 acres protected by the Roxbury Land Trust and acreage already protected by the Southbury Land Trust. It is critically important to the quality of life of our communities and wildlife habitats to preserve permanently connected, unfragmented blocks of land. It is also vitally important to our communities that farmland be protected and be utilized for the production of locally grown and sold produce, fruit, eggs, livestock, cider, wine et al.

Thank you, Susan Payne



Susan Payne, *Executive Director*

Roxbury Land Trust

spayne@roxburylandtrust.org

860-350-4148

www.roxburylandtrust.org

HB6542

Dear Representative O'neill,

Thank you for this opportunity to express my feelings with regard to preserving the land at the Southbury Training School. It is my wish and hope that this beautiful piece of land be protected to remain in it's natural state and free from development into homes, condos and businesses. People and wildlife need protected land like this for good health and well being, both physically and spiritually. My family and I have lived in Connecticut for the past forty five years. My wife and I now live in New Preston and we feel the need and importance of open space be preserved for all the people of the state.

Sincerely,
T.N. Tibbatts
138 Kinney Hill Road
New Preston, CT. 06777
860-868-0413

Bill, HB 6542, *An Act Concerning the preservation of Farmland at the Southbury Training School*, - I'm for preserving the farmland for Southbury residents and visitors which will help preserve Connecticut's beautiful and historical rural landscapes to balance urban growth. Preserving land will help freshen the air and water of Connecticut. I will not be testifying, but just wanted to voice my support. Thanks,
Linda Perry, 711B Heritage Vlg, Southbury, 06488

Re bill, HB 6542, an act concerning the preservation of Farmland at the Southbury Training School: This acreage attached to the Training School (900 acres of farmland on its total 1,600 acre lot) is an important parcel of land, and it is important to the quality of life in Southbury. Save this land.

Magdalene Shuster

HB6542

We would like to voice our opinion on this land. We live across the street from STS at the Traditions community. We buy our eggs at their store and buy our Christmas Trees from them also. We would love to see this land developed for agriculture use and maybe have some land for growing crops on it. It is beautiful land and should be used wisely for farming in the town. Thank you, Marian and Rae Van Egas

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HB 6542

I JOHN FLEMING FROM 155 RIVER TRAIL SOUTH BURY, 06488 IS IN STRONG FAVOR OF PRESERVING THE S.T.S. FARMLAND AND LOOK AHEAD TO MORE FRESH PRODUCE, BEEF, CHICKEN, PORK, FISH, LAMB, HERBS AND ANY OTHER LOCAL, FRESH AND HEALTHY CHOICES OUR LOCAL COMMUNITY CAN PROVIDE, INCLUDING HAY AND GRAZING PASTURES !! THIS IS A WONDERFUL STEP IN THE RIGHT DIRECTION !! YOU HAVE MY SUPPORT!! ALSO I WOULD LIKE TO JUST ADD THAT THIS SHOWS HOW IMPORTANT CLEAN HEALTHY SOIL IS TO OUR TOWN, STATE, AND COUNTRY !! CAN WE GO ONE STEP FURTHER AND START TO GET LABELS ON ALL NON-GMO PRODUCTS ON STORE SHELVES SO WE ALL CAN BE MORE ABLE TO MAKE SAFE AND HEALTHY FOOD CHOICES TO ENSURE BETTER HEALTH FOR ALL!! AND SLOW DOWN SICKNESS AND DISEASE TO BE ABLE TO START TO FIX THE HEALTH ISSUES FACING OUR NATION, AND START SAVING REAL MONEY IN OUR NATION'S HEALTH CARE SYSTEM!! LETS STOP THE USE OF G.M.O'S AND B.G.H. (bovine growth hormone) INJECTIONS IN OUR CATTLE AND GET THE HEALTH AND STRENGTH OF OUR SOIL, U.S.A. SOIL THAT WE ONCE CHERISHED AND FOUGHT FOR TO OUR DEATH!! AND THE HEALTH OF THE AMERICAN PEOPLE BACK ON THE RIGHT TRACK !! THANK YOU FOR YOUR TIME.. SINCERLY JOHN FLEMING, SOUTH BURY CT 06488. A PROUD AMERICAN.!!!

I support the bill, HB 6542, which would preserve and protect land owned by the Southbury Training School and ensure its continued use for agricultural purposes.

The preservation of this land for continued agricultural use will preserve the character of the Southbury and Roxbury communities as well as provide the benefits of open space to the surrounding communities.

Preserving this land benefits the entire state.

I wish more of the 1600 acres could be preserved for agricultural purposes and I would support expanding the proposed area.

Thank you to Representatives O'Neil and Kane for their support.

Thank you,
Chris DePalma

157 Hinman Lane
Southbury, CT

From: Lucinda Hunt-Stowell [<mailto:lhunt@dmstowell.com>]
Sent: Wednesday, March 13, 2013 5:13 PM
To: zRepresentative Arthur O'Neill
Subject: HB No. 6542

To the Honorable Arthur O'Neill:

Thank you for sponsoring HB No. 6542 that will protect the farmland of the Southbury Training School with a permanent and perpetual conservation easement. As a citizen of Southbury, CT, and as an advocate for environmental non-profits in the area, I am very supportive of this action.

I'm sorry that my schedule prevents me from attending the public hearing on March 15th, but I know that the town of Southbury as well as the Southbury Land Trust will be well represented.

Sincerely,
Cindy Hunt-Stowell

--
Lucinda Hunt-Stowell
167 Colonial Drive
Southbury, CT 06488-1207
203-262-6744

Commissioner: Land Trust Accreditation Commission
<http://www.landtrustaccreditation.org/>
Committee Member: Rural Preservation Advisory Committee, Town of Southbury, CT
<http://www.southbury-ct.org/content/994/276/2589/default.aspx>
Advisor: Non-profit Assistance Initiative, Connecticut Community Foundation, Inc. <http://conncf.org/nai/index.htm>
Trustee: Southbury Land Trust, Inc.
<http://www.southburylandtrust.org>
Advisory Committee: Pomperaug River Watershed Coalition, Inc.
<http://pomperaug.org/>

The public hearing for the bill, HB 6542, *An Act Concerning the preservation of Farmland at the Southbury Training School*, will be held on Friday, March 15, 2013, in at 10:30 A.M. in Room 2B of the Legislative Office Building in Hartford.

Dear Sir or Madam,

I wanted to make sure you knew that I support your bill to preserve 900 acres of the Southbury Training School land as farmland. It is important to maintain the open space and natural surroundings we love in Southbury. Keep up the good work.

Thanks,
Dan Gibbons
104 Fawn Ridge Court
Southbury, CT 06488

HB6542

I am writing to urge the acquisition of the land at Southbury Training School for open space/ recreational use. The character of Southbury is a rural/ suburban community which currently has an excellent balance of open space and developed land. This is one of the features that myself and other residents really appreciate about our town.

There is currently a glut of real estate for sale and no need for further development. This is in part due to the current economy, but a large increase in development and the infrastructure required would adversely affect the character of the community. Please allocate these lands for recreational and open space use.

Thank you for your consideration

Dave Finnegan
1882 South Britain Rd
Southbury, CT



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
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Kevin Sullivan
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Jim Smith
Cushman Farm

Melissa Spear
Common Ground

Henry Talmage
CT Farm Bureau Association

STAFF
Lisa Bassani
Director

Testimony in support of HB 6542 (with 2 modifications)
Environment Committee

Submitted by: Lisa Bassani, Project Director, Working Lands Alliance
March 15, 2013

Senator Meyer, Representative Gentile, and Committee members:

The Working Lands Alliance appreciates this opportunity to submit testimony in support of HB 6542, An Act Concerning the Preservation of Farmland at the Southbury Training School.

The Working Lands Alliance is a broad-based, statewide coalition dedicated to preserving Connecticut's farmland, and includes such organizations as American Farmland Trust, the CT State Grange, CT Forest & Park Association, End Hunger CT!, and the CT Farm Bureau, among many others. One of the top priorities of our diverse coalition is to ensure that the state invests in the preservation of prime and important farmland soils, and continues to make progress towards its overall goal of protecting 130,000 acres of productive farmland in Connecticut.

Our coalition supports HB 6542, and we commend the Governor for his support of a preservation option for this property. WLA believes that the preservation of the 825 acres of land at the Southbury Training School will be beneficial to the state in multiple ways. This bill will, at minimal cost, allow the state to make a significant stride in reaching the overall goal of 130,000 acres of protected farmland; and by protecting the largest parcel of farmland left in Southbury, this bill will thus finally provide (in perpetuity) a reliable land base for increased agriculturally-based economic development in a part of the state where it is needed.

The Farmland Preservation Advisory Board conducted a study of state-owned farmland, and identified a number of properties worthy of protection. The 825 acres at Southbury Training School, which contains approximately 575 acres of prime and important farmland soils, was at the top of the list. A preservation outcome for this key property would set the stage for permanent preservation of other key state-owned farmland properties, and would provide an excellent opportunity to quickly and cost-effectively increase the pace of farmland preservation in this state.

In addition, the protection of farmland at Southbury Training School will point the way towards future public-private partnerships that are so valuable in times of fiscal restraint. HB 6542 would both protect a keystone agricultural landscape in

southwestern Connecticut, and would allow a high quality third party private entity to oversee the stewardship on this 825-acre property. The oversight provided will reduce the State's costs for monitoring and stewardship, and provide a local, responsive advocate for the agricultural community using the State land.

Our coalition, however, has two suggested changes to the bill. The first change concerns the permanence of the easement conveyed to the third party and the ability of this entity to fully enforce the terms of the easement. Without specific language in the bill waiving the state's sovereign immunity, there is a question of what rights the easement holder would have to enforce the terms of the easement in the event of a violation. The Working Lands Alliance supports this bill, but believes that an amendment adding a waiver of the state's sovereign immunity is needed to assure the permanence of the easement. This waiver of sovereign immunity would be specific to this property with the express purpose to strengthen the protections of the working lands. By conveying full rights to the third party to defend the easement, this would add an important layer of protection and transparency, and would significantly strengthen this bill.

Secondly, WLA believes that the legislation should specify that the overall intent of the conveyance is that the land remains available for active agricultural use in perpetuity. This clarification is needed to ensure that the agricultural use of the property retains primacy relative to other possible future uses of the property.

On behalf of the Working Lands Alliance, I urge the Committee to act favorably on HB 6542, with the modifications noted above.



STATE OF CONNECTICUT

DEPARTMENT OF AGRICULTURE

*Office of Steven K. Reviczky
Commissioner*



**Testimony presented to the Environment Committee of
The Connecticut General Assembly
By the Connecticut Department of Agriculture
March 15, 2013**

**H. B. 6542 AN ACT CONCERNING THE PRESERVATION OF FARMLAND
AT THE SOUTHBURY TRAINING SCHOOL**

Chairpersons Meyer and Gentile, Vice Chairs Maynard and Albis, Ranking Members Chapin and Shaban and members of the Environment Committee, thank you for the opportunity to submit testimony today.

House Bill 6542, An Act Concerning the Preservation of Farmland at the Southbury Training School, is one of the most significant pieces of legislation before the General Assembly with respect actions the state can take regarding the permanent protection of critical farmlands. This southwestern Connecticut resource is one of a kind and the "crown jewel" of state agricultural properties. Passage of HB 6542 will keep this farm unit available for agricultural production in perpetuity. The Department of Agriculture applauds Governor Malloy for this initiative and thanks the Department of Developmental Services and Commissioner Macy in particular for their support for the protection of this incredible state and natural resource.

Special Act 09-8 required the Farmland Preservation Advisory Board to review any state-owned agricultural land, excluding Department of Energy and Environmental Protection (DEEP) lands, to evaluate permanent preservation methods and make recommendations for further preservation action. This included recommendations for (1) a conservation easement or possible transfer of the property's interest and (2) the identification of potential recipients of any resulting conservation easement.

By law, the 12-member Farmland Preservation Advisory Board (FPAB) makes recommendations to the Department of Agriculture (DoAg) regarding its purchase of development rights program and other agency efforts to protect agricultural lands.

A subcommittee of six members including the chair was formed from the board, as well as representatives from the Connecticut Farmland Trust, Working Lands Alliance, Southbury Land Trust and the USDA Natural Resources Conservation Service. Seven properties were identified that met the criteria for the permanent preservation of state-owned agricultural lands.

In making its recommendation, the farm property of the Southbury Training School was considered the premier piece of agricultural land among the seven properties considered for permanent protection.

"Agricultural land" is defined as any land in the state which, based on soil type, is suitable for (1) cultivating plants for production of human food and fiber and other useful and

valuable plant products; (2) producing animals, livestock, and poultry useful to man and the environment; and (3) providing economically profitable farm units. It may include adjacent pastures, wooded land, natural drainage areas, and other adjacent open areas.

The goal for the unique farm property found at the Southbury Training School is to manage it as a strategic agricultural preserve. HB 6519 specifies that a permanent conservation restriction be placed on the property and the Department recommends that the conservation easement be held by the Southbury Land Trust. Fee ownership will remain with the State of Connecticut, under the custody and control of the Department of Agriculture.

Presently, there are a total of 1,413 +/- acres owned by the state under the custody and control of the Department of Developmental Services (DDS) at the Southbury Training School (STS). It is estimated that 825 +/- acres are associated with the farm unit. It is that portion of the STS that is proposed for permanent protection. The property is located in the towns of Southbury and Roxbury on the general easterly/westerly sides of Cassidy Road, generally the northerly/southerly sides of Purchase Brook Road, and generally the easterly/westerly sides of Spruce Brook Road.

The DDS operated a state dairy facility at STS for many years. In 1992, state employee positions supporting the facility were eliminated from the state budget. At the time, staff managed a herd of over 100 milking and replacement cows, and cropped the agricultural fields. DDS and a neighboring dairy farmer entered into an emergency license to meet the needs of the animals and the farming operation. This license was negotiated by the DoAg, in accordance with Public Act 92-15. The act allowed for a lease agreement on the agricultural lands and dairy facility at STS, with approval of the State Properties Review Board, with the lease to be administered by the Commissioner of Agriculture. Eventually, the state-leased dairy herd was declared "surplus" by the state and sold at auction. The farmer licensee purchased the herd. In 2008, the dairy facility, related structures, and additional areas of the farm were removed from the farm lease by DDS.

From 1992 to present, DoAg has assisted DDS with the agricultural agreements for the STS farm. The farm has been leased by private farmers for over 20 years. Presently, Benjamin Platt and his father, Edward Platt III, have a current agricultural lease agreement with the state covering a portion of the farm unit which they manage in concert with their neighboring farm enterprise.

The STS farm unit property contains more than 500 acres of cropland, in hay, silage corn, meadow, pasture, an old apple orchard, and an old vineyard. The farm is as picturesque as it is productive and consists of rolling hills and level ground. The property is traversed by Spruce Brook, a tributary of Transylvania Brook. Like most Connecticut farms, the STS farm has associated forest land and wetlands. Soils of the farm have been classified by the United States Department of Agriculture, Natural Resources Conservation Service, ranging from Class I to Class VIII. Those soils best suited for agriculture crop production purposes are classified as Class I and Class II, being considered "Prime Farmland Soils" and Class III "Farmland of Statewide Importance".

The STS farm unit contains the following estimate of farmland soil acreages:

- 340 acres Prime Farmland Soils (41%)
- 207 acres Statewide Important Farmland Soils (25%)
- 547 acres Total Prime and Important Farmland Soils (66.5%)

Comparatively, the STS farm unit has a very high percentage of prime and important farmland soils and natural resource functions and values. The Commissioner of Agriculture, DoAg staff and the Farmland Preservation Advisory Board have studied and reviewed the property for its potential agricultural use. The unanimous recommendation is that the state convey a conservation easement to a local land trust (Southbury Land Trust), allowing the land to continue to be used for agricultural purposes in perpetuity. The state (DoAg) would retain the fee ownership and management of the property because of its unique agricultural resources and potential compatible multiple use benefits.

The agency would continue to make land available to farmers through an open and competitive bid process. Although currently in dairy support of hay, pasture, and corn, additional uses will be pursued.

The DoAg will continue to work with DDS on all existing programs and would welcome creating new programs to meet diverse client needs. This includes DDS and their clients continuing the operation of the chicken coop for egg production, continued operation of the cord-wood production program, continued use of residences where required, continued client vegetable garden(s), and continued growing and sale of Christmas trees on the site.

The issue of the buildings may be discussed and decided through consultation between the DoAg, DDS, and OPM. Following appropriate assessment, some structures may be incorporated into agricultural operations while other buildings may need to be razed. Some structures have not been maintained over time or are economically and functionally obsolete.

There are costs associated with maintaining the farm property. We recommend a self-funded maintenance and improvement account be established, funded through the property lease payments, and used exclusively to aid in the maintenance of the property.

Uses and benefits of the STS farm are many including area(s) for bee hives, an opportunity to renovate the old orchard and vineyard areas, which have been unmanaged for a significant time, and opportunities to reestablish areas as cropland for vegetables, a local community garden, maintaining existing and establishing new DDS client programs and providing for the establishment of an incubator farm for new agricultural producers. The potential also exists for the creation of a small scale food processing facility that could serve area farmers and to enhance and utilize forest lands for maple syrup production. Opportunities with other state agencies could also be explored, such as working with the Agricultural Experiment Station for research and demonstration projects.

There are many, many benefits associated with the protection of this agricultural resource:

- Active farming of the land keeps the land open and in production, reducing maintenance costs borne by the state;

- **The permanent protection of this land will help maintain critical mass and sustain local farmers;**
- **Compatible recreational uses, such as public hiking and bird watching along existing dirt roads that could be maintained and expanded.**

The Commissioner and the Farmland Preservation Advisory Board believe a plan maximizing the agricultural use of the property, while providing compatible multiple-use, will produce measurable benefits to the agricultural community, the general public and the natural resource itself.

The placement of a conservation easement on the STS farm and the management of the agricultural resources will be a lasting legacy.

(54) p/9/17


Audubon CONNECTICUT

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TESTIMONY OF
PATRICK COMINS, DIRECTOR OF BIRD CONSERVATION
AUDUBON CONNECTICUT

ENVIRONMENT COMMITTEE PUBLIC HEARING

March 15, 2013

PROPOSED H.B. 6542 AN ACT CONCERNING THE PRESERVATION OF THE FARMLAND AT THE SOUTHBURY TRAINING SCHOOL.

With the amendments recommended below, Audubon Connecticut *strongly supports* H.B. 6542 AAC the Preservation of the Farmland at the Southbury Training School, which represents many years of effort by local and state advocates to safeguard the future of the valuable agricultural and natural resources found at this site. We commend Governor Malloy, the proponents of this legislation, and the Environment Committee for their support of this effort and look forward to working with you to make conservation of this area a reality.

The Issue:

In addition to their prime agricultural soils, the Southbury Training School lands host another public trust resource of value to the state: *a great variety of state-listed and other bird species* that flourish there in large part as a result of the agricultural use of the property. Permanent protection of these lands through the granting of a conservation easement as proposed in H.B. 6542 offers an opportunity not only to protect and enhance Southbury's and the state's agricultural heritage, but also to conserve scarce habitat for bird species once common during Connecticut's agricultural past.

The Southbury Training School is part of a matrix of protected lands that stretches from Good Hill Airport in Woodbury to the Housatonic River, and includes the 750-acres of the Audubon Center at Bent of the River, as well as a number of conservation parcels owned variously by the Connecticut Department of Energy and Environmental Protection, the Southbury Land Trust, and The Nature Conservancy. I have included a rough map indicating the relative location of these parcels with my testimony. The

Training School lands themselves comprise a varied mix of agricultural fields, wetlands, early successional habitat or shrubland, orchard and forestland.

The lands under consideration in this legislation have been *nominated as an Important Bird Area (IBA)* and the area is likely to be included as part of an IBA complex with Audubon's Bent of the River Center and other surrounding open space lands in the future. The Important Bird Area Program is part of a global effort to identify and protect places that are essential for birds during some part of their life cycle whether that is during migration, breeding season or foraging. Audubon is the exclusive U.S. partner in this effort with BirdLife International and ensures that the scientific criteria for identification of each IBA are met. Connecticut currently has 28 identified Important Bird Areas throughout the state, with more sites nominated and under consideration by our Technical Committee of academic and other ornithological experts.

Audubon would like to ensure that the values that make the STS area important to birds are preserved to the greatest degree possible through this legislation. The site currently hosts *state-listed species such as*: Long-eared Owls (State Endangered Species) that winter on the property and have nested there in the past; American Kestrels (State Threatened Species) that nest on the site and use it during migration; and Northern Harriers (State Endangered Species) that use the area for migratory stopover. The area is also extensively used for nesting by Bobolinks, Eastern Meadowlarks, and Savannah Sparrows (State Species of Special Concern). The area provides winter habitat and some nesting potential for Northern Saw-whet Owls (State Species of Special Concern).

The early successional areas of the property support nesting Brown Thrashers (State Species of Special Concern) and other shrubland birds of conservation concern such as Blue-winged Warbler, Prairie Warbler, and American Woodcock.

Attached to my testimony is a report from Larry Fisher that details his observations of state-listed species at the site during the past 10 years. Mr. Fisher is the President of the Western Connecticut Bird Club, and an expert birder who holds both state and federal bird banding permits.

Audubon Connecticut Recommends:

To ensure conservation of the bird species present at the Southbury Training School while allowing for permanent agricultural use of the property, we respectfully ask that H.B. 6245 *be amended* to include the following provisions to:

- Identify the bird and other natural resources of the site prior to drafting an easement.
- Include management schemes to preserve habitat for key species as part of the final easement.
- Dedicate state bond monies to the Department of Agriculture to establish a fund (endowment) dedicated to managing these lands in perpetuity for agriculture and wildlife conservation.

- Ensure a waiver of Sovereign Immunity in order to allow the nonprofit easement holder clear legal standing to defend the purposes of the easement against future violations.

Conclusion:

With these amendments, Audubon Connecticut *strongly urges* the Environment Committee *to support* H.B. 6542 *AAC the Preservation of the Farmland at the Southbury Training School* that would establish an historic public-private conservation partnership ensuring that the agricultural and natural resources of this publicly-owned property are conserved for future generations.

Thank you for the opportunity to comment on this matter today. Audubon would be happy to provide further input and looks forward to working with the Committee, the Department of Agriculture and stakeholders as this important conservation process moves forward.

**The Southbury Training School Farm
Birds of Interest
2003 – 2013
Lawrence B. Fischer, Jr.
Federal Banding permit #23426
State Banding Permit#0013009**

Long-eared Owl:

Long-eared owls have been present in a cedar grove on the eastern edge of the farmland every winter from the winter of 2003/2004 to the winter of 2012/2013 inclusive. The number of owls varies each winter from three to five individuals. In April of 2004 a long-eared owl was exhibiting territorial defense during a daytime visit. On a visit one week later, a long-eared owl was observed flying from a partially constructed nest. The site was again visited in May but the nest had been taken over by American crows. A long-eared owl was observed in the near vicinity but no other nest was found. To put this in perspective, this was only the third recorded attempt for this owl species to nest in the State of CT in the last 60+ years. See the report for the year 2004 submitted to DEEP as part of the state banding permit requirements. In the spring of 2005, during a nighttime observation, a long-eared owl was heard giving courtship calls. Attempts to find a nest during the day were fruitless. No serious attempt has been made since then to find a nest for these owls but it is at least possible that they attempt to nest every year. The approximate coordinates of this site are N 41 30'8" X W 073 16'20"

American Kestrel:

A nest box placed on a tree along a small stream west of Cassidy Road, approximate coordinates N 41 30'6" X W 073 16'59", was occupied by American Kestrels but abandoned before eggs were laid in the spring of 2004. See the above mentioned report. American kestrels again used this box successfully in 2009 and again 2011. Eastern screech owls have used the box in alternating years; 2008, 2010, and 2012. It is not known where the owls or the kestrels nest when the other species is using the nest box and perhaps another box or two should be placed in the near vicinity.

A nest box placed at approximately N 41 30'0" by W 073 16'41" was used successfully by American kestrels in 2006. See report submitted to DEEP for the

year 2006 and the "Species of Special Concern" report submitted to the Natural History Diversity Data Base.

Bobolinks:

Significant numbers of bobolinks have been present in the upper meadows and fields every breeding season since 1982 for the Woodbury/Roxbury June Bird Count.

Meadowlarks:

Small numbers (2-5) have been observed most summers for the Woodbury/Roxbury June Bird Count. This species lingers on site until early winter. In early December of 2012, five (5) individuals were observed in the meadow on top of the hill to the east.

Fall and Winter Hawks and other Birds:

During the fall and winter northern harriers, American kestrels, red-tailed hawks, red-shouldered hawks, American rough-legged hawks, and northern shrikes can be observed hunting the fields and meadows. Usually a flock of white-crowned sparrows and the occasional snow goose can also be seen.

Respectfully,
Lawrence Fischer



Raptor Banding Activities -2004

Lawrence B. Fischer Jr.
Federal Permit # 2149-B
State Permit # 0006009

January thru March

Saw-whet owls were for the third winter, numerous throughout the study area in Western CT. Most sites harboring owls had two or more individuals throughout the period. The highest concentration of Saw-whet owls in the study area was once again on BHC properties (see last years report) in the Aspetuck River Valley. Fourteen owls were found in the study area and of these eleven were caught, banded and released. Interestingly all but one owl, a hatch year male, were females with a high percentage of those birds being in their third winter or older.

Quinnipiac River State Park was checked for saw-whet owls in March and only one bird was found, caught, banded and released. Based on pellets found, it was apparent that there had been very little owl activity through the winter. A section of pines at the very northern end of the park was surveyed for the first time. No owls were seen, but it was obvious from pellet accumulations that this grove of white pines had been used extensively by small owls of unknown species.

Once again, searches for great horned nests in the study area proved fruitless with one exception. A successful nest of one owlet was found in an old red-tail nest in woodland adjacent to the Southbury Training School Farm (STSF) property.

Three ~~long-eared owls~~ were observed occasionally roosting in a hemlock grove along the entrance road near the entrance to the Ralph C. Waldo State Park in Southbury on Purchase Brook Road. Also in Southbury at the STSF, 3-4 long-eared owls were observed throughout the winter in a cedar grove along the eastern edge of a meadow on the eastern edge of the property. In April an owl, presumably a male, was exhibiting territorial defense during a daytime visit. On a visit a week later, an owl was observed flying from a partially constructed nest in a tall cedar tree. The site was again visited in May and the nest was taken over by common crows. One owl was seen but no other nest was found. After that no evidence of owls or nesting was detected.

~ 073° 16' 30"
X 41° 30' 8"

April thru June

Banding of migrating American kestrels at the Aspetuck Valley Orchard on Flirt Hill in Easton began at the end of March and continued to early May. The migration peaked in the middle of April as is typical. On nine (9) visits a total of twenty-seven (27) kestrels were caught. The AVO continues to be a significant foraging/migration staging area for both Spring and Fall migrating kestrels. Many more individuals were seen than were banded. Banded birds represent about one tenth of individuals seen. Of special note was an extremely erythristic female that was seen but not banded. Nest boxes for American kestrels were used at Sunny Valley Farm (TNC), Wewauka Brook Farm (TNC), and Flirt Hill (BHC) (see enclosed reports). A nest box at STSF (State of CT) was occupied briefly but abandoned before eggs were laid.

~ 073° 16' 59" X 41° 30' 6"

Twelve (12) former nesting territories of Cooper's hawks were surveyed. Breeding was confirmed at six (6) sites. One (1) of the six active sites was new to the study area. Banding was done at five (5) of the sites (see enclosed forms). At the sixth site permission to access the property was denied and the outcome of the nest was not determined. This pair formerly nested in the Ralph C. Waldo State Park.

The resident Red-tailed hawk population continues to decline and that is likely due to continued housing development. At the same time the red-shouldered hawk population appears to continue to increase. The red-shouldered hawk forages over a significantly smaller area than the red-tailed hawk and the red-shouldered hawk is much less disturbed by human activity in the vicinity of its nest. One active nest was observed in a yard in Southbury. No attempt was made to band the young.

Three recently occupied and one formerly occupied nest woods of northern goshawks were surveyed. Only one active nest was found. This nest woods is located at the northern end of the Saugatuck Reservoir in Redding. This nest failed from unknown causes.

Several barred owl nests were found but all failed and the cool wet spring may have been the cause.

September thru November

Migration banding/counting began at the AVO on Flirt Hill in Easton on September 13th and ended on November 14th. Banding/counting was done on ten (10) days. A dramatic change in mowing practices appeared to have a negative impact on foraging raptors. In the past a gradual sectional mowing began in the middle of the summer and ended in late October. This practice produced a patchwork of different grass lengths and habitats for prey species. This past fall a single mowing was done at the middle of October and created a mono culture of short grass. In the past Northern harriers stopping over to hunt, typically spent several hours to all day foraging. Last fall they were observed to make a single unsuccessful foraging pass then leave the AVO. American kestrel captures were way down for the same reason. Foraging was poor and the birds moved through quickly. It remains to be seen how northward migrating American kestrels will behave in the spring. Raptor observations and banding have been going on at this site for twenty (20) years. The site is outside the coastal migration corridor yet attracts many raptors because it is prime foraging habitat. Many raptors are seen coming in from the south rather than the northeast as they change course to stopover and hunt. THIS AREA NEEDS TO BE RECOGNIZED AS AN IMPORTANT FORAGING AREA FOR MIGRATING RAPTORS AND MANAGEMENT/MOWING PRACTICES NEED TO ADDRESS THIS ISSUE.

November thru December

Preliminary searches for saw-whet owls would indicate the owls will be very scarce in the study area this winter (04/05).

Wintering red-tailed hawk numbers in the study area are considerably lower than last winter. Red-shouldered hawks wintering in the study area, while no where near the number of red-tails, are none the less significantly higher than in past years. Most birds being observed are adults and may represent the growing resident population.

Inquiries and questions regarding the above data may be addressed to the author at:

124 Sugar Street
Newtown, CT 06470

Or E-mail
KL.Fischer5@aol.com

Raptor Banding Activities-2006

Lawrence B. Fischer, Jr.

Federal Permit # 21499-B

#23426 as of 05/03/06

State Permit # 0006009

January thru March

Saw-whet owls were rare in the study area (southern Roxbury, southern New Milford, and Bridgewater south to Easton and Redding) with only three (3) owls being found. A formerly productive sight in Bridgewater was lost to house construction. At the Quinipiac River State Park, four (4) owls were found in the southern half of the park.

More than twenty (20) active Red-tailed hawk nests were located while attempting to find breeding activity by Great-horned owls. No Great-horned owl nests were found but adults were observed during the day in suitable habitat in Newtown, Redding, Easton, Southbury and New Milford.

April thru July

American kestrels were again trapped banded and released at Flirt Hill (Aspetuck Valley Orchard). Numbers were decent although not exceptional and the species in general continues to decline. **IT CAN NOT BE EMPHASIZED ENOUGH HOW IMPORTANT THIS AREA IS AS A FORAGING AREA TO MIGRATING KESTRELS (AS WELL AS MANY OTHER RAPTOR SPECIES). NO OTHER SITE IN THE STATE IS KNOWN FOR SIMILAR CONCENTRATIONS OF FORAGING RAPTORS. ALL GRASSLAND MANAGEMENT POLICIES SHOULD REFLECT THE NEEDS (SHORT TO MODERATELY LONG GRASS) OF FORAGING KESTRELS (AND OTHER RAPTORS).**

Might
also be
true for
STSF

All active red-tailed nests were revisited and all contained young. Banding of nestlings was done at nine (9) sites as time allowed.

Red-shouldered hawks continue to become more common as adults were seen or heard throughout the study area. Four active nests located in residential yards [two (2) in Newtown, one (1) in Southbury and one (1) in Trumbull] were observed to fledged young. No banding of nestlings was done. This hawk continues to become a "backyard" bird in older neighborhoods with large deciduous shade trees and wetland areas.

See page 2

One (1) new Goshawk nest was found at the north end of the Easton reservoir in Trumbull. This nest failed of unknown (suspicious) causes.

Seven (7) Cooper's hawks nests were found with one (1) of them being new. See species of special concern report. Banding of nestlings occurred at five of the sites. One site was in a backyard setting and the other was located too late and as such, there was a high risk of premature fledging if disturbed.

One (1) Sharp-shinned hawk nest was found in Easton. This site was reported in last year's report. This year's nestlings were not banded as time constraints did not allow a visit during optimal banding age.

Five American kestrel nest boxes were occupied by breeding birds. Although two of the boxes failed, this is a record number of occupancies to date. Two (2) boxes at Sunny Valley Farm (TNC property) in New Milford were occupied. One failed due to the removal of nesting shavings by starlings prior to occupancy by the kestrels. This creates a situation where the eggs cannot be incubated properly because they roll around on the wooden floor. This situation can be rectified if discovered after the clutch is started but before incubation begins. One (1) box at Iron Ore Hill Road Farm (TNC Property) in Bridgewater fledged young. This box has been successful in prior years. A box at Wewauka Brook Farm (TNC Property) in Bridgewater, occupied in the past, went unoccupied but approximately a half mile away; a box on Bridgewater Land Trust Property was occupied. This breeding attempt failed apparently from being raided by a quadruped. The tree is not protected with a predator guard. A box on the Southbury Training School Farm Property (CT State Land) was occupied for the first time and fledged young. See species of special concern report.

September thru December

From mid September thru mid November hawk trapping and hawk migration counts were carried out at Flirt Hill (BHC property referred to locally as the Aspetuck Valley Orchard). Trapping/counting on average was one two days a week. Migration numbers were typical with the exception of a high count of more than six hundred (600) broad-winged hawks on September 20. Twenty-three (23) kestrels banded represents a four (4) year high but is considerably lower than the forty (40) caught in the fall of 2002 and is the fifth highest total since 1994. Three (3) merlins banded is a new record for that species. As merlin populations in the northeast increase, more and more individuals use Flirt Hill as a migration stopover. A hatching year female peregrine falcon, while not caught, was observed to spend time at Flirt Hill foraging.

Perhaps, the highlight of the season was the capture of a hatching year golden eagle as it attempted to pirate a lure bird (starling) from a northern harrier. It was released without a band (I now have eagle bands). Flirt Hill and the surrounding watershed and reservoir system has always been foraging area for migrating and wintering bald eagles but in recent years golden eagles have been observed foraging and spending at least part of the winter at Flirt Hill.

Winter searches for saw-whet owls have been fruitless to this point. However long-eared owls have been found in Southbury, Brookfield and Easton. White-footed mice have been observed to be plentiful as they can be seen scurrying underfoot, peaking out of nests built in old warbler nests, peeking out of bluebird boxes and occupying kestrel nest boxes.

124 Sugar Street
Newtown, CT 06470
Or E-mail
KLFischer5@aol.com



Dannel P. Malloy
Governor

State of Connecticut
Department of Developmental Services

DDS

Terrence W. Macy, Ph.D.
Commissioner

Joseph W. Drexler, Esq.
Deputy Commissioner

TESTIMONY OF THE
DEPARTMENT OF DEVELOPMENTAL SERVICES
TO THE
ENVIRONMENT COMMITTEE

H.B. No. 6542- An Act Concerning the Preservation of Farmland at the
Southbury Training School

March 15, 2013

Senator Meyer, Representative Gentile and members of the Environment Committee. I am Terrence W. Macy, Ph.D., Commissioner of the Department of Developmental Services. Thank you for the opportunity to submit testimony in support of **House Bill 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL.**

DDS's Southbury Training School (STS) is situated on over 1400 acres in Southbury. Approximately 370 individuals reside in small cottages and apartments on the campus. The campus includes a 331 acre farm, which currently is leased by DDS to a local dairy farmer. The five year lease agreement is in its final year and there is an option for renewal for an additional five years. All lease payments, which total approximately \$6,600 annually, are returned to the general fund.

DDS appreciates the work that the Department of Agriculture has done regarding this legislation. Commissioner Reviczky and I have had numerous conversations regarding the preservation of agricultural lands on the STS campus, which is such a valuable asset for the state.

While there is no plan to close STS in a set number of years, provisions of the Settlement Agreement in the case of *Messier v. Southbury Training School* continue to guide the process by which class members/STS residents and their families and guardians explore and consider community placement. The professional teams at Southbury Training School (STS) have been making a recommendation regarding community placement during each Individual Plan meeting since November of 2011. During 2012, 24 individuals moved out of STS and are receiving community based supports. There are 30 more individuals at STS who are currently having

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460 Capitol Avenue • Hartford, Connecticut 06106
www.ct.gov/dds • e-mail: ddsct.co@ct.gov
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community services developed for them. The professional team reassesses each person at least annually regarding the recommendation for community services and presents or revisits this recommendation with the guardian. As the census at STS continues to decrease, DDS is consolidates resources by moving individuals to residential buildings on the main area of the STS campus.

This legislation will allow DDS to focus solely on the mission of the department related to individuals in our service system instead of having to focus limited resources on administering agricultural land, which is clearly an issue better suited for the Department of Agriculture. While limited, DDS still has a need for the use of, and access to, a few buildings on the property referred to in this legislation, including but not limited to residences, a respite center, and the chicken farm. We are confident that a memorandum of understanding with the Department of Agriculture will address our need to preserve access to these buildings for the immediate future and as long as necessary.

I would like to thank Governor Malloy and Commissioner Reviczky for their work on this legislation. The provisions of the bill will both protect the goal of preservation and allow DDS continued use of the necessary land and buildings, which are a valuable resource for persons with intellectual disability.

Again, thank you for the opportunity to testify in support of House Bill 6542. If you have any questions or need any additional information from DDS, please contact Christine Pollio Cooney, Director of Legislative and Executive Affairs at (860) 418-6066.



March 14, 2013

Representative Arthur O'Neill, CT 69th District
Connecticut House Republican Office
L.O.B. Room 4200
Hartford, CT 06106

RE: HB 6542 An Act Concerning the Preservation of Farmland at the Southbury Training School

Dear Rep. O'Neill:

COGCV staff has reviewed HB 6542, *An Act Concerning the Preservation of Farmland at the Southbury Training School* and has found it in conformity with the *Central Naugatuck Valley Regional Plan of Conservation and Development: 2008* and the *State Conservation and Development Policies Plan: 2005*.

The 900 acres of land surrounding the Southbury Training School in the Town of Southbury are of local, regional, and state significance. The property's unique combination of cultural, historical, and natural resources contributes to the rural and historic character of Southbury and makes its preservation important. The Training School property is designated a Historic District on the National and State Registries of Historic Places. A vast majority of the property is used for agriculture (46%) or has been left in a natural state (35%). In addition, the property is part of the environmentally sensitive Pomperaug River Watershed, contains an aquifer protection area, and is partially located in the 100 year flood plain of Transylvania Brook. The State Plan categorizes the property as a mix of "conservation areas," "preservation areas," and "rural." The new draft State Plan map shows a Local Conservation Factor for the agricultural land of the Southbury Training School. Preservation of the farmland at the Southbury Training School will help the state reach its goal to preserve 21% of the state's total land area as open space by 2023.

In addition, the bill's objective satisfies several recommendations from COGCV's 2008 Regional Plan:

- Protect more open space in the region.
- Encourage settlement patterns that reduce the rate of land consumption in the region.
- Recognize farmland as an important natural resource worthy of conserving for farming activity, as well as its present aesthetic and economic benefits to the community.
- Encourage efforts to preserve areas threatened by development.
- Encourage preservation of cultural resources.
- Protect water resources.

Southbury's 2012 Plan of Conservation and Development recommends preservation for a substantial portion of the Training School for open space or agriculture, which will help the Town preserve its rural and historic character. The Town would like to ensure that the future use of the

land at the Southbury Training School will maintain the site's agricultural, natural, and historic resources.

Please feel free to contact me if we can be of assistance with this proposed bill.

Sincerely,

Peter Dorpalen
Executive Director

CC: First Selectman Edward Edelson, Town of Southbury
Deloris Curtis, AICP, Land Use Administrator, Town of Southbury

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Presevation Letter.docx



Audubon
CENTER BENT OF THE RIVER

185 East Flat Hill Road Southbury, CT 06488

203.264.5098

Testimony of Leslie MacLise-Kane, Director, Audubon Center Bent of the River

Legislation before the Committee on Environment on March 15, 2013

Raised Bill 6542: An Act Concerning the Preservation of Farmland at the Southbury Training School – IN SUPPORT

This testimony is in support of the preservation of the farmland at the Southbury Training School as property of important agricultural and habitat value to the State of Connecticut.

The Southbury Training School (STS) has long been an important part of the Southbury Community for both the work it does and the agricultural production off its lands. Southbury is a community that actively supports its farms and farmers. The National Audubon Society, the Southbury Land Trust and the Town of Southbury have all partnered to protect working agricultural lands over the years. All of the partners have long had the goal of protecting the agricultural acreage at the Training School for farming.

However, Audubon and others also realize that the STS property also has very important habitat value as it is an invaluable keystone in a larger open space matrix that includes Audubon's 750-acre Bent of the River Center, Southbury Land Trust properties, Town of Southbury lands and DEEP WMA and Forest lands. The STS property has been nominated as an Important Bird Area and is likely to eventually be included as part of an IBA complex with Bent of the River and other open space lands.

Not to be ignored is the economic value of this property for Southbury and the State of CT. With the proposed structure of this transfer there will be financial gains for both agriculture and tourism in CT. Outdoor recreation – including birding, photography, hiking, etc – add a significant amount to our local and State economy. STS is also a great destination for bird and wildlife viewing and along with these other protected open space areas has the potential to be an important tourism destination and economic asset for for the Southbury area. According to the 2012 report "The Outdoor Recreation Economy" produced by the Outdoor Industry

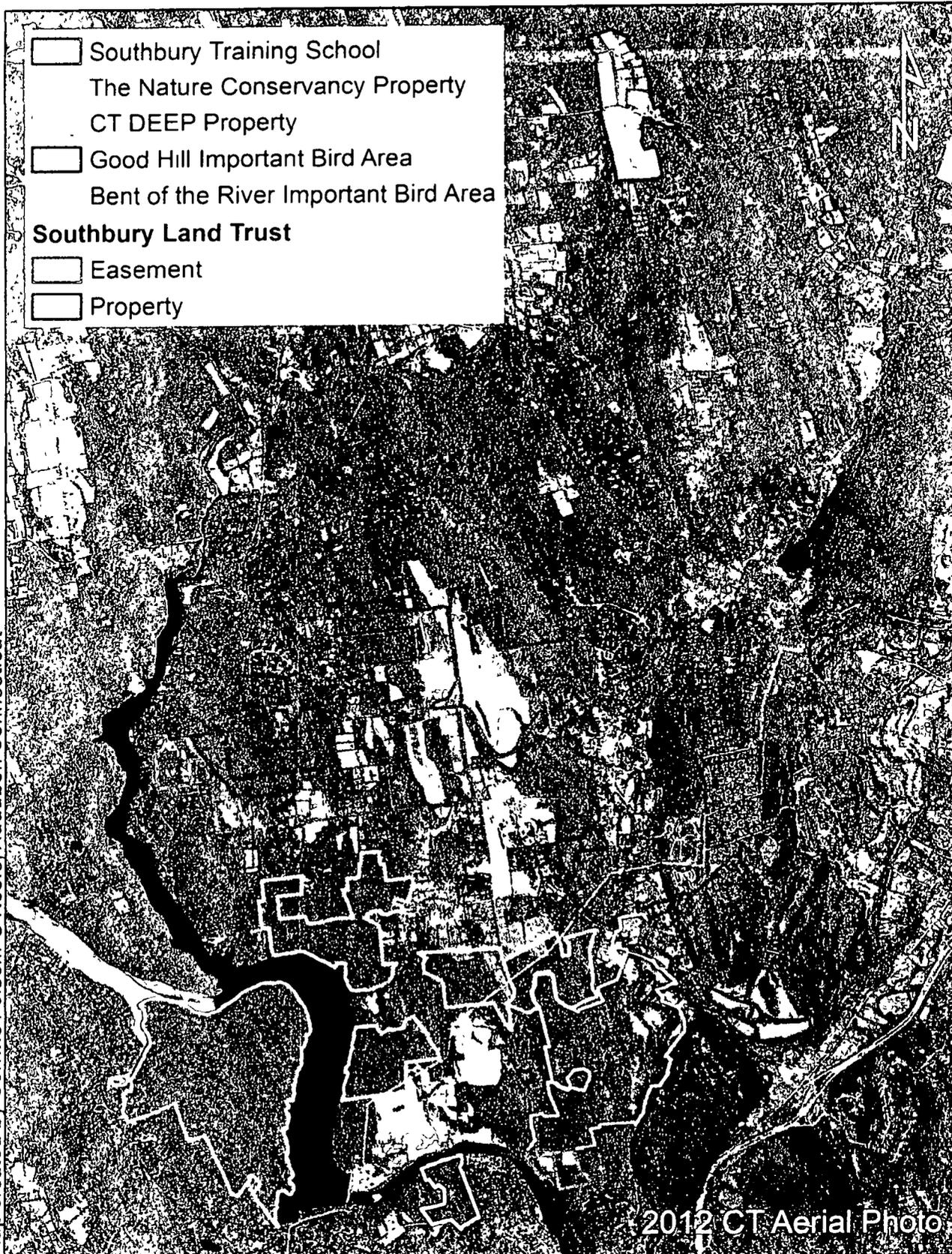
Association, http://www.outdoorindustry.org/pdf/OIA_OutdoorRecEconomyReport2012.pdf

Outdoor recreation is an important economic engine for the US, annually generating:

- 6.1 million American jobs
- \$646 billion in outdoor recreation spending each year
- \$39.9 billion in federal tax revenue
- \$39.7 billion in state/local tax revenue

The National Audubon Society wholeheartedly supports the transfer to the Commissioner of Agriculture. We would like to ensure that the values that make it important to birds are preserved to the greatest degree possible, particularly for state-listed species. We believe this is possible and hope to work with all the partners to achieve the combined goals.

Preserved Open Space around the Southbury Training School



Map created by Corrine Folsom-O'Keefe, Audubon Connecticut

2012 CT Aerial Photo

0 1.25 2.5 5 Km

Williams, David

From: DePalma, Christopher <depalma c@pg.com>
Sent: Thursday, March 14, 2013 3:53 PM
To: zRepresentative Arthur O'Neill
Subject: RE: HB 6542, An Act Concerning the preservation of Farmland at the Southbury Training School

Thanks for the reply. No objection at all, feel free to share my email.

Here are my additional comments which you can share as well if you like. I fear that the agricultural land owned by the Southbury Training School could be sold to developers. If the area is built-up, it would necessitate the expansion of a multitude of town services and infra-structure (police, fire, road maintenance, additional school, etc) resulting in an increased tax burden as well as changing the character of the two towns. Or, similar to Newtown, the towns may feel the need to purchase the land which will also result in an increased tax burden.

Your Bill seeks to preserve land for agricultural use, protect open space, protect the character of the communities, and hold the two towns' infra-structure and costs in control.

I applaud your effort and support the Bill (NB 6542).

I do wish that more of the acreage could be preserved and would support expanding the proposed area.

Thanks Again and Best Regards,
 Chris DePalma

From: zRepresentative Arthur O'Neill [<mailto:Arthur.O'Neill@housegop.ct.gov>]
Sent: Thursday, March 14, 2013 3:25 PM
To: DePalma, Christopher
Subject: FW: HB 6542, An Act Concerning the preservation of Farmland at the Southbury Training School

Hello Chris, thank you for your e-mail. Would you have any objection if I showed your e-mail to my colleagues on the Environment Committee?

Rep. O'Neill

From: DePalma, Christopher [<mailto:depalma c@pg.com>]
Sent: Wednesday, March 13, 2013 5:33 PM
To: envtestimony
Cc: zRepresentative Arthur O'Neill
Subject: HB 6542, An Act Concerning the preservation of Farmland at the Southbury Training School

I support the bill, HB 6542, which would preserve and protect land owned by the Southbury Training School and ensure its continued use for agricultural purposes.

The preservation of this land for continued agricultural use will preserve the character of the Southbury and Roxbury communities as well as provide the benefits of open space to the surrounding communities.

Preserving this land benefits the entire state.

I wish more of the 1600 acres could be preserved for agricultural purposes and I would support expanding the proposed area

Thank you to Representatives O'Neil and Kane for their support

Thank you,
Chris DePalma

157 Hinman Lane
Southbury, CT

Williams, David

From: Lauren Rizzo <lrizzo@cogcnv.org> on behalf of Peter Dorpalen
<pdorpalen@cogcnv.org>
Sent: Thursday, March 14, 2013 3:58 PM
To: Williams, David
Cc: Edward Edelson, DeLoris Curtis
Subject: HB 6542 An Act Concerning the Preservation of Farmland at the Southbury Training School
Attachments: HB6542-Southbury Training School Farmland Preservation Letter.docx

March 14, 2013

Representative Arthur O'Neill, CT 69th District
 Connecticut House Republican Office
 L.O.B. Room 4200
 Hartford, CT 06106

RE: HB 6542 An Act Concerning the Preservation of Farmland at the Southbury Training School

Dear Rep. O'Neill:

COGCVN staff has reviewed HB 6542, An Act Concerning the Preservation of Farmland at the Southbury Training School and has found it in conformity with the *Central Naugatuck Valley Regional Plan of Conservation and Development: 2008* and the *State Conservation and Development Policies Plan: 2005*.

The 900 acres of land surrounding the Southbury Training School in the Town of Southbury are of local, regional, and state significance. The property's unique combination of cultural, historical, and natural resources contributes to the rural and historic character of Southbury and makes its preservation important. The Training School property is designated a Historic District on the National and State Registries of Historic Places. A vast majority of the property is used for agriculture (46%) or has been left in a natural state (35%). In addition, the property is part of the environmentally sensitive Pomperaug River Watershed, contains an aquifer protection area, and is partially located in the 100 year flood plain of Transylvania Brook. The State Plan categorizes the property as a mix of "conservation areas," "preservation areas," and "rural." The new draft State Plan map shows a Local Conservation Factor for the agricultural land of the Southbury Training School. Preservation of the farmland at the Southbury Training School will help the state reach its goal to preserve 21% of the state's total land area as open space by 2023.

In addition, the bill's objective satisfies several recommendations from COGCVN's 2008 Regional Plan.

- Protect more open space in the region
- Encourage settlement patterns that reduce the rate of land consumption in the region.
- Recognize farmland as an important natural resource worthy of conserving for farming activity, as well as its present aesthetic and economic benefits to the community
- Encourage efforts to preserve areas threatened by development.
- Encourage preservation of cultural resources

- Protect water resources.

Southbury's 2012 Plan of Conservation and Development recommends preservation for a substantial portion of the Training School for open space or agriculture, which will help the Town preserve its rural and historic character. The Town would like to ensure that the future use of the land at the Southbury Training School will maintain the site's agricultural, natural, and historic resources.

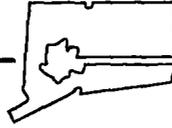
Please feel free to contact me if we can be of assistance with this proposed bill.

Sincerely,

Peter Dorpalen
Executive Director

CC: First Selectman Edward Edelson, Town of Southbury
Deloris Curtis, AICP, Land Use Administrator, Town of Southbury

COUNCIL OF GOVERNMENTS



CENTRAL NAUGATUCK VALLEY

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March 14, 2013

Representative Arthur O'Neill, CT 69th District
 Connecticut House Republican Office
 L.O.B. Room 4200
 Hartford, CT 06106

RE: HB 6542 An Act Concerning the Preservation of Farmland at the Southbury Training School

Dear Rep. O'Neill:

COGCV staff has reviewed HB 6542, *An Act Concerning the Preservation of Farmland at the Southbury Training School* and has found it in conformity with the *Central Naugatuck Valley Regional Plan of Conservation and Development: 2008* and the *State Conservation and Development Policies Plan: 2005*.

The 900 acres of land surrounding the Southbury Training School in the Town of Southbury are of local, regional, and state significance. The property's unique combination of cultural, historical, and natural resources contributes to the rural and historic character of Southbury and makes its preservation important. The Training School property is designated a Historic District on the National and State Registries of Historic Places. A vast majority of the property is used for agriculture (46%) or has been left in a natural state (35%). In addition, the property is part of the environmentally sensitive Pomperaug River Watershed, contains an aquifer protection area, and is partially located in the 100 year flood plain of Transylvania Brook. The State Plan categorizes the property as a mix of "conservation areas," "preservation areas," and "rural." The new draft State Plan map shows a Local Conservation Factor for the agricultural land of the Southbury Training School. Preservation of the farmland at the Southbury Training School will help the state reach its goal to preserve 21% of the state's total land area as open space by 2023.

In addition, the bill's objective satisfies several recommendations from COGCV's 2008 Regional Plan:

- Protect more open space in the region.
- Encourage settlement patterns that reduce the rate of land consumption in the region.
- Recognize farmland as an important natural resource worthy of conserving for farming activity, as well as its present aesthetic and economic benefits to the community
- Encourage efforts to preserve areas threatened by development.
- Encourage preservation of cultural resources.
- Protect water resources.

Southbury's 2012 Plan of Conservation and Development recommends preservation for a substantial portion of the Training School for open space or agriculture, which will help the Town preserve its rural and historic character. The Town would like to ensure that the future use of the

land at the Southbury Training School will maintain the site's agricultural, natural, and historic resources.

Please feel free to contact me if we can be of assistance with this proposed bill.

Sincerely,

Peter Dorpalen
Executive Director

CC: First Selectman Edward Edelson, Town of Southbury
Deloris Curtis, AICP, Land Use Administrator, Town of Southbury

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March 15, 2013

Testimony in Support of: Raised Bill No. 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

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

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

The Connecticut Farm Bureau enthusiastically supports Raised Bill No. 6542, AN ACT CONCERNING THE PRESERVATION OF FARMLAND AT THE SOUTHBURY TRAINING SCHOOL. This bill provides a mechanism to protect this unique and substantial agricultural resource for the future of Connecticut. The fact that the land is already owned by the state does not protect it from future development or fragmentation that would result in the loss of this special resource. By permanently protecting this land we will add 825 acres to our protected farmland at very little cost to the taxpayers.

The Farmland Preservation Advisory Board conducted a study of this property as well as several other state-owned properties to evaluate the appropriateness of protecting the lands for permanent agricultural use. Each property was ranked using the same criteria that the Farmland Preservation Program uses when evaluating a farm for purchase of development rights. Not surprisingly, the Southbury Training School property ranked extremely high, confirming what many already knew... This is an agricultural gem that deserves to be permanently protected.

Raised Bill no. 6542 provides for the creation of a permanent conservation easement that would be held by a qualified third party non-profit organization with competency and experience in holding agricultural conservation easements. The ownership of the fee title would remain in the State of Connecticut. The Commissioner of Agriculture would be granted authority to manage and lease the land to farmers subject to the terms of the easement. The involvement of the third-party easement holder will help the state by assisting in the role of stewardship through monitoring and enforcement of the terms of the conservation easement. Our only concern with this arrangement is that we would like to see measures included in the bill that would waive the state's right of sovereign immunity or some other measure that would assure the easement holder legal standing to enforce the terms of the easement if the need arose in the future.

We are very pleased that the Governor and this committee has recognized the unique opportunity we have to protect one of the most spectacular farm properties in the state. The Connecticut Farm Bureau therefore urges adoption of Raised Bill No. 6542.

Williams, David

From: Williams, David
Sent: Thursday, March 14, 2013 5 12 PM
To: envtestimony
Subject: FW House Bill 6542

Testimony

From: ROBERT BROWN [<mailto:bwt107@sbcglobal.net>]
Sent: Wednesday, March 13, 2013 5 57 PM
To: zRepresentative Arthur O'Neill
Subject: House Bill 6542

Dear Representative O'Neill,

To me, it is important to save the gorgeous farmland found at the Southbury Training School. I hope you also support House Bill 6542. Is it possible to save all the land?

Thank you for your interest and hard work

Robert N Brown

Williams, David

From: Lucinda Hunt-Stowell <lhunt@dmstowell.com>
Sent: Wednesday, March 13, 2013 5:13 PM
To: zRepresentative Arthur O'Neill
Subject: HB No 6542

To the Honorable Arthur O'Neill:

Thank you for sponsoring HB No. 6542 that will protect the farmland of the Southbury Training School with a permanent and perpetual conservation easement. As a citizen of Southbury, CT, and as an advocate for environmental non-profits in the area, I am very supportive of this action.

I'm sorry that my schedule prevents me from attending the public hearing on March 15th, but I know that the town of Southbury as well as the Southbury Land Trust will be well represented.

Sincerely,
Cindy Hunt-Stowell

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Lucinda Hunt-Stowell
167 Colonial Drive
Southbury, CT 06488-1207
203-262-6744

Commissioner: Land Trust Accreditation Commission
<http://www.landtrustaccreditation.org/>
Committee Member: Rural Preservation Advisory Committee, Town of Southbury, CT
<http://www.southbury-ct.org/content/994/276/2589/default.aspx>
Advisor: Non-profit Assistance Initiative, Connecticut Community Foundation, Inc. <http://conncf.org/na1/index.htm>
Trustee: Southbury Land Trust, Inc.
<http://www.southburylandtrust.org>
Advisory Committee: Pomperaug River Watershed Coalition, Inc.
<http://pomperaug.org/>

Williams, David

From: Ron Rada <ronrada@gmail.com>
Sent: Thursday, March 14, 2013 5 23 PM
To: zRepresentative Arthur O'Neill
Subject: HB6542

I support your bill to preserve STS land.
Thanks,
Ron Rada