

Legislative History for Connecticut Act

PA 14-169

SB70

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2014**

**VOL.57
PART 20
6540 – 6911**

DEPUTY SPEAKER GODFREY:

The question is moving this item to the Consent Calendar with Senate "A." Is there objection?

Hearing none, so ordered.

Mr. Clerk, 450.

THE CLERK:

House Calendar 450, Favorable Report of the joint standing Committee on Government Administration and Elections, Substitute Senate Bill 70, AN ACT CONCERNING THE GRANT OF PROPERTY INTERESTS IN PROPERTY HELD BY THE DEPARTMENT OF AGRICULTURE AND ENERGY AND ENVIRONMENTAL PROTECTION AND THE ESTABLISHMENT OF A PUBLIC USE AND BENEFITS LAND REGISTRY.

DEPUTY SPEAKER GODFREY:

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I move the following items to the Consent Calendar as amended by Senate "C."

DEPUTY SPEAKER GODFREY:

The question is on putting this on the Consent Calendar as amended by Senate "C." Is there objection?

Hearing none, so ordered.

Three-twenty-six; Mr. Clerk.

506 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

506 is removed from the Consent Calendar.

Representative Aresimowicz.

REP. ARESIMOWICZ (30th):

Mr. Speaker, I'd like to remove Calendar 508 from the Consent Calendar, please.

DEPUTY SPEAKER GODFREY:

Calendar 508 is removed from the Consent Calendar.

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Mr. Clerk, would you kindly call the Consent Calendar.

THE CLERK:

Mr. Speaker, Consent Calendar Number 1, consisting of Calendar Numbers 548; 512, as amended by Senate "A"; 450, as amended by Senate "C"; 236, as amended by Senate "A"; Calendar 425; Calendar 518, as amended by Senate "A"; Calendar 452; Calendar 511; Calendar 5 -- excuse me -- 458; Calendar 491; Calendar 467; Calendar 468; item under suspension, 535; Senate Bill 00114, as considered under suspension; Senate Bill 417, suspension; Calendar Number 537, as amended by Senate "A"; Calendar 498; Calendar 499, as amended by Senate "A"; Calendar 508; and, House Bill -- what

SB176
SB179
SB70
SB247
SB271
SB426
SB154
SB155
SB262
SB456
SB463
SB493
SB114
SB417
SB269
SB309
HB5312

is it? Is off -- excuse me -- and House Bill 5312,
which was done under suspension with Senate "A" and
"B."

DEPUTY SPEAKER GODFREY:

Thank you, Mr. Clerk.

Just -- just for my own clarification, was --
that was 326 not 236?

THE CLERK:

Three-two-six.

DEPUTY SPEAKER GODFREY:

Thank you, sir.

Representative Aresimowicz, what's your pleasure
on today's Consent Calendar?

REP. ARESIMOWICZ (30th):

Thank you very much, Mr. Speaker.

Mr. Speaker, I move passage of the bills on
today's Consent.

DEPUTY SPEAKER GODFREY:

Question is on passage of the bills on the
Consent Calendar.

Staff and guests please come to the well of the
House. Members take their seat. The machine will be
open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll, by --
on today's first Consent Calendar. Will members
please report to the Chamber immediately.

DEPUTY SPEAKER GODFREY:

Have all the members voted?

Ladies and gentlemen, before I call for the
machine being locked, I need to note that the board is
not completely in line with the motion. Calendar 520
"A," which unfortunately is up on the board, was --
there was no motion to put that on the Consent
Calendar. Unless there's objection, we'll just fix it
ministerially and proceed on. Is there any objection
to that solution?

Thank you all.

If all the -- if everyone has voted, the machine
will be locked. Clerk will take a tally.

And the Clerk will announce the tally.

THE CLERK:

Consent Calendar Number 1.

Total Number Voting	148
Necessary for Passage	75
Those voting Yea	148
Those voting Nay	0

Those absent and not voting 3

DEPUTY SPEAKER GODFREY:

The Consent Calendar as moved, the bills on it
are passed.

And now, Mr. Clerk, we will do Calendar 528.

THE CLERK:

House Calendar 528, Favorable Report of the joint
standing Committee on Insurance and Real Estate,
Senate Bill 480, AN ACT CONCERNING LIFE INSURANCE
PROCEDURE LICENSES AND REGISTRATIONS OF BROKER-
DEALERS, AGENTS, INVESTMENT ADVISERS AND INVESTMENT
ADVISER AGENTS.

DEPUTY SPEAKER GODFREY:

The distinguished Chairman of the Insurance and
Real Estate Committee, Representative Megna.

REP. MEGNA (97th):

Thank -- thank you, Mr. Speaker.

Mr. Speaker, I move acceptance of the joint
committee's Favorable Report and passage of the bill,
in concurrence with the Senate.

DEPUTY SPEAKER GODFREY:

The question is on passage and concurrence.
Would you explain the bill, please, Representative --

REP. MEGNA (97th):

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SENATE**

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SENATOR LOONEY:

Thank you, Madam President.

Madam President, returning to our go list, if the clerk would next turn to the sequence of bills from the Environment Committee, first of those would be under Matters Returned, Calendar page 31, Calendar 169, Senate Bill 70, to be followed by Calendar page 31, Calendar 172, Senate Bill 314.

And then under favorable reports, Calendar page 9, Calendar 258, Senate Bill 446. If we might call those three items in sequence, Madam President.

THE CHAIR:

Thank you. Mr. Clerk.

THE CLERK:

On page 31, Calendar 172. I'm sorry. Calendar 169, substitute for Senate Bill Number 70, AN ACT CONCERNING THE GRANT OF PROPERTY INTERESTS AND PROPERTY HELD BY THE DEPARTMENTS OF AGRICULTURE AND ENERGY, AND ENVIRONMENTAL PROTECTION AND THE ESTABLISHMENT OF A PUBLIC USE AND BENEFIT LAND REGISTRY. Favorable report of the Committee on Environment. There are amendments.

THE CHAIR:

Senator Meyer. Good afternoon, sir.

SENATOR MEYER:

Good afternoon, Madam President. Nice to see you.

Madam President, I move acceptance of the Joint Committee's favorable report and passage of this bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

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SENATOR MEYER:

Yes, please. Madam President, colleagues, the Department of Energy and Environmental Protection in Connecticut has over 250,000 acres, and if you asked the commissioner or staff what really comprises that 250,000 acres, they couldn't really tell you in any specific way.

And so in order to get a better understanding of these lands and what we can do with them and shouldn't do with them, this bill before us does two things. First, it authorizes the commissioner to designate department-owned land as -- I'm quoting -- "land of public use and benefit." And that's defined to include land for conservation, public enjoyment or recreational purposes.

The second thing the bill does, it establishes a GIS, a publicly accessible Geographic Information Map System for these lands, these over 250,000 acres.

And it creates a database that has a public use and benefit land registry. We are going to have a much better handle as land conveyance bills come before us for lands that are held by DEEP after we get this registry and after we get the designation of department-owned lands as lands of public use and benefit.

So that is the central part of this bill, but there are also two amendments. And Madam President, the clerk is in possession of LCO 3928, and could that kindly be called and I be given leave to summarize?

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 3928, Senate A, offered by Senator Meyer and Representative Gentile.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

I move the amendment.

THE CHAIR:

Motion to adopt amendment, please remark.

SENATOR MEYER:

Colleagues, Section 1 of this bill is being removed by this amendment. Section 1 was something that I strongly advocated as did the Environment Committee, but it did not have enough support. What Section 1 did, it said that if the department of Energy and Environmental Protection was ever to transfer a land of high-conservation value, it would have to hold a public hearing so that the public would be informed about that.

And that transfer of land would have to be approved by the Environment Committee.

Some aspects of our leadership of the general assembly felt that that is not the traditional way that we've dealt with a land conveyance bill, and so to move this bill and the other important components in it, we've struck Section 1.

Secondly, this amendment allows the Commissioner of Agriculture to place a conservation or preservation restriction on land owned by the department. Now, we've done that, you remember, with Southbury Training School last year.

We have a bill before us this year on Savin Farm, and I want, as a matter of legislative intent, I want to make it clear that we're talking here about above-ground lands, not submerged lands.

We're not talking about oyster beds. We're talking about lands like the lands of Southbury Training School and Savin Farm, and some of the representatives of the oyster beds expressed some concern and asked us to make a legislative representation in that regard.

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So that in essence is the first amendment, and again I urge the passage of this amendment.

THE CHAIR:

Will you remark?

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

Madam President, I rise in support of the amendment. As the good chairman said, Section 1 wasn't without controversy. We're all familiar with the conveyance process that we use in the legislature here.

One of the issues I heard in opposition to Section 1 was there are conveyances that sometimes are in need of some fairly swift action and certainly Section 1 had the potential for slowing down that particular action.

In the amendment, the new section, starting in lines 11 through 14, talks about lands owned by the department. Just for purposes of clarification, I have a question to the proponent, through you, Madam President.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

I suppose technically all lands are owned by the State of Connecticut not actually by each individual agency, so I assume the language in this piece of amendment is referring to those lands that are specifically under that agency's custody and control?

Through you, Madam President.

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Senator Meyer.

SENATOR MEYER:

Yes. Through you, Madam President.

That's a very good clarification and I adopt that,
Senator Chapin.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

And I thank the gentleman for his clarification and I
certainly support the amendment before us.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark further? Will you remark
further?

If not, I'll try (inaudible) all in favor in Senate A
please say ay.

Opposed? Senate A has been adopted.

Senator Meyer.

SENATOR MEYER:

Yes. Madam President, there is a second amendment,
very brief. And the Clerk is in possession of LCO
4063, and I respectfully ask that that amendment be
called and I be given leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

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LCO Number 4063, Senate B, offered by Senators Meyer,
Chapin et al.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. I most this amendment.

THE CHAIR:

Motion is on adoption. Will you remark, sir?

SENATOR MEYER:

Yes. In the original bill, the register of lands of DEEP lands included water company lands. And the water company was concerned that if we did a register, which included their private water company lands, that they could be thrown in for recreation purposes or other purposes that are inconsistent with the water company's use of those lands.

And so at the request of the water companies, Senator Chapin and I and Representative Gentile in the House are offering an amendment that strikes a reference to water companies and inserts instead, I'm quoting, "state-owned water supply land".

So it makes it clear that we're talking about state public property only. So that's the crux of that amendment, and I urge its passage.

THE CHAIR:

Will you remark?

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President.

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Madam President, I also rise in support of the amendment now before us. I think it was probably post-9/11 that security for water company lands became an issue. I think there are protections from FOI on certain water company lands. I think the amendment addresses those concerns that were raised, and I support the amendment before us.

Thank you, Madam President.

THE CHAIR:

Thank you. Will you remark? Will you remark?

Senator McLachlan.

SENATOR MCLACHLAN:

Thank you, Madam President.

I rise for purpose of a question to the proponent of the amendment.

THE CHAIR:

Please proceed, sir.

SENATOR MCLACHLAN:

Thank you, Madam President.

Senator Meyer, your initial amendment struck Section 1 of the underlying bill, and this amendment before us also strikes Section 1. And so the confusion -- I just want to clarify -- the last amendment renumbered the bill so that Section 2 was now Section 1, and now this subsequent amendment is striking Section 1, which is the former Section 2. Is that your intention?

Through you, Madam President.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

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Through you, Madam President.

I think Senator McLachlan has made a good technical catch here, because okay, at the suggestion of staff we're going to PT the bill and fix that.

THE CHAIR:

Thank you very much. The bill will be PT'd.

Mr. Clerk.

THE CLERK:

On page 31, Calendar 172, substitute for Senate Bill Number 314, AN ACT CONCERNING THE HERITAGE PARK'S ADVISORY BOARDS, favorable report of the Committee on Environment.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Madam President, I do move acceptance of the Joint Committee's favorable report and passage of this bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark, sir?

SENATOR MEYER:

Yes. Colleagues, we have a system in Connecticut of what's called Heritage Parks. Heritage Parks are lands that have some specific social or economic or recreational purpose and character. The current law with respect to these parks is quite bureaucratic, and what this bill is intended to do is to end some of the bureaucracy.

It terminates the advisory board as not being necessary, and some of our colleagues who are supporting this bill have said that the advisory boards have messed up the operation of the Heritage

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THE CLERK:

On page 9.

THE CHAIR:

No, it's 31, sir.

THE CLERK:

I'm sorry.

THE CHAIR:

Thirty-one. We're going to take up that bill again.

THE CLERK:

Page 31, sorry about that.

THE CHAIR:

No problem.

THE CLERK:

Calendar 169, substitute for Senate Bill Number 70, AN
ACT CONCERNING THE GRANT OF PROPERTY INTEREST IN
PROPERTY HELD BY THE DEPARTMENTS OF AGRICULTURE AND
ENERGY AND ENVIRONMENTAL PROTECTION AND THE
ESTABLISHMENT OF A PUBLIC USE AND BENEFIT LAND
REGISTRY. Favorable report of the Committee on
Environment.

Senate A has been adopted, and B has been designated.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes. Madam President, you recall that Senator
McLachlan raised a question about a technical mistake
that I made in the presentation of the bill. And now
returning to the bill, we are not in need of Senate

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Amendment A and I'm going to move to reject Senate
Amendment A.

THE CHAIR:

Will you remark?

Senator Welch.

SENATOR WELCH:

Thank you, Madam President.

If I may, a question through you to the proponent of -
-

THE CHAIR:

Please proceed, sir.

SENATOR WELCH:

I guess even before that, Madam President, I'm a
little confused as to where we are procedurally. Is
there an amendment on the floor that was not voted on?

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yeah, through you, Madam President, to Senator Welch.
What happened, Senator Welch, you may not have been in
the chamber, was that two amendments were called to
this bill, and I urged passage of both amendments.

Senator McLachlan very properly realized that there
was an overlap in the amendments, that the amendment -
- that the two amendments actually in part did the
same thing. Both struck Section 1.

THE CHAIR:

Senator Meyer, can you -- I'm going to call the
session for a moment.

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THE CHAIR:

The Senate will come back to order. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President, good evening.

THE CHAIR:

Good evening, sir.

SENATOR LOONEY:

Mr. President, if we might call as the first item the bill that was PT'd earlier that was under Matters Returned from Committee. Calendar 31 Calendar page 31, Calendar 169, Senate Bill Number 70 from the Environment Committee. It was a bill that was under discussion, and was passed temporarily before our recess.

THE CHAIR:

So ordered.

SENATOR LOONEY:

If the Clerk might call that item first, then we'll mark additional go items after that.

THE CHAIR:

Thank you, Senator Looney. Clerk.

THE CLERK:

Page Number 31, Senate Calendar 169. Substitute Senate Bill 70, AN ACT CONCERNING THE GRANT OF PROPERTY INTERESTS IN PROPERTY HELD BY THE DEPARTMENTS OF AGRICULTURE AND ENERGY, ENVIRONMENTAL PROTECTION, AND THE ESTABLISHMENT OF A PUBLIC USE AND BENEFIT LAND REGISTRY. And there are amendments.

THE CHAIR:

Senator Meyer.

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SENATOR MEYER:

Thank you, Mr. President. Mr. President, I move acceptance of the Joint Committee's Favorable Report and passage of this bill.

THE CHAIR:

On acceptance of passage for remarks, sir.

SENATOR MEYER:

I will. Mr. President, colleagues, you recall that this bill was before us earlier today. That there was a mechanical clerical mistake with respect to two amendments. That the bill basically allows the DEEP Commissioner to designate department owned lands as lands of public use and benefit.

And it also permits him to establish a geographic information map of our public use and benefit lands. So that is that is the underlying bill, and we had two amendments. And the Madam President, before you, Mr. President, allowed allowed us to withdraw Amendment "B". And now being on the prevailing side I move for reconsideration of Amendment "A".

THE CHAIR:

There's a question on reconsideration.

SENATOR MEYER:

And because of of a mechanical mistake I move for the rejection of Amendment "A".

THE CHAIR:

All those in favor thank you all those in favor of rejection please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

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Opposed nay. The ayes have it. "A" is rejected.

SENATOR MEYER:

Okay. And now, Mr. President, the Clerk is in possession of an LCO Amendment Number 4107, and I ask that it be called, please, and I be given leave to summarize.

THE CHAIR:

Mr. Clerk.

THE CLERK:

LCO Number 4107, Senate "C", offered by Senators Meyer, Chapin, and Representative Gentile.

THE CHAIR:

Senator Meyer.

SENATOR MEYER:

Yes, I move this amendment.

THE CHAIR:

On acceptance. Will you remark, sir?

SENATOR MEYER:

Yes, briefly. Colleagues, you'll recall that this is the same amendment which was Amendment "B" before, and what it does is just several things. The first thing is it strikes Section 1 of the bill in its entirety. That's Section 1 which was favored by the Environment Committee, but had problems. Called for a public hearing in the event that DEEP wanted to convey any land of high conservation value. So that section is struck by this amendment.

Secondly the amendment allows the Commissioner to place a conservation restriction on certain lands of high conservation value. And as I said before the

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legislative intent is to cover here lands above ground and not submerged lands, such as oyster beds.

And then finally what this amendment does is it makes it clear that we're not talking about the lands of private water companies, but we're talking about state owned water supply lands that would be within the registry set up by the underlying bill.

So that is that is the amendment, and I urge its passage.

THE CHAIR:

Thank you, Senator. Will you remark further on the amendment? Will you remark further on the amendment? If not, I'll try your minds. All those in favor please signify by saying aye.

SENATORS:

Aye.

THE CHAIR:

All those opposed, nay. The ayes have it. The amendment is adopted.

Will you remark further on the bill as amended? Will you remark further on the bill as amended? Senator Meyer.

SENATOR MEYER:

So Mr. President, I believe this is an important bill for the State of Connecticut, and if there's no objection I urge that it be added to our Consent Calendar.

THE CHAIR:

Thank you, Senator. Will you remark further on the bill as amended? Is there objection to placing it on Consent Calendar? If not, Mr. Clerk. Senator Looney, we're going to mark some bills.

SENATOR LOONEY:

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that we might proceed to a vote on the Consent Calendar.

THE CHAIR:

Madam would the people please take their conversations outside the chamber so the Clerk can so we can all hear the items on the Consent Calendar? Madam Clerk.

THE CLERK:

Items on the Consent Calendar. Page 1, Calendar Number 325, House Joint Resolution 66, and Calendar Number 326, House Joint Resolution 67.

Page 5, Calendar Number 102, Senate Bill 258. Page 6, Calendar Number 143, Senate Bill 363. Page 10, Calendar Number 287, Senate Bill 257.

Page 16, Calendar Number 368, Senate Bill 262. Page 17, Calendar Number 370, Senate Bill 411, and Calendar Number 372, Senate Bill 463.

Page 19, Calendar Number 391, Senate Bill 154. Page 20, Calendar Number 411, Senate Bill 493.

Page 27, Senate Bill 101, excuse me, Calendar 101, Senate Bill 156.

Page 28, Calendar Number 105, Senate Bill 221, and Calendar Number 115, Senate Bill 291.

And Calendar Number 114, Senate Bill 295.

Page 29, Calendar Number 123, Senate Bill 290. Page 31, Calendar Number 172, Senate Bill 314.

And Calendar Number 169, Senate Bill 70. And page 33, Calendar Number 217, Senate Bill 318.

THE CHAIR:

Thank you, Madam Clerk. Please announce the pendency for roll call vote, and the machine will be open.

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There will be an immediate roll call vote in the Senate. All senators report to the Chambers.
Immediate roll call vote for Consent Calendar in the Senate. All senators report to the Chambers.

THE CHAIR:

Senator Frantz.

Have all members voted? If all members have voted, please check the board to make sure your vote is accurately recorded. If all members have voted, the machine will be closed and the Clerk will announce the tally.

THE CLERK:

Total voting	36
Aye	36
Nay	0
Absent	0

THE CHAIR:

Consent Calendar Number 1 passes. Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. I would yield the floor for members if there are announcements of any other committee meetings or other points of personal privilege to be announced before adjournment.

THE CHAIR:

Any members with additional announcements or points of personal privilege? Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President. Mr. President, since there are a number of committee meetings tomorrow morning, it's our intention to begin the day with a Senate caucus at noon, and then session to follow. And with that I move the Senate stand adjourned subject to the call of the Chair.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**ENVIRONMENT
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No.

Any other questions by members of the committee?

Thank you; appreciate it.

GARRY BRUMBACK: Thank you, very much.

SENATOR MEYER: Our next witness is our commissioner, Commissioner Reviczky, of Ag, followed by Walter Garcarz [sic], Town Engineer of Cheshire.

Good morning, Commissioner; nice to have you back.

COMMISSIONER STEVEN K. REVICZKY: Good morning; good to be back.

Chairwoman Gentile -- happy birthday, by the way -- Chairman Meyer, Ranking Members Chapin and Shaban, my name, for the record, is Steven Reviczky, and it's my honor to serve as the Commissioner of the Connecticut Department of Agriculture and to be here this morning to testify on the agency's 2014, legislative agenda.

Joining me is George Krivda, who's my legislative program manager and chief of staff, with Jason Bowsza and Linda Piotrowicz, also from my office. And also joining me is Dr. Bruce Sherman; he's a doctor of veterinary medicine and director of the agency's Bureau of Regulation and Inspection, and David Carey, who is the director of the Bureau of Aquaculture.

With a short legislative session this year, our package is lean but powerful, containing proposals that have the potential to significantly help us grow Connecticut farms

SB65
HB5088
HB5085
HB5087
SB69
SB70

Senator Chapin.

SENATOR CHAPIN: Thank you, Mr. Chairman.

Good afternoon.

I was wondering if you had an opportunity to review other items on our agenda and could speak to any of those that may impact your agency.

COMMISSIONER STEVEN K. REVICZKY: I have not looked at the agenda, but I am aware that there are other items on it, so hit me with a question.

SENATOR CHAPIN: Specifically Raised Bill 70, which concerns the preservation of lands under your agency's control. As I recall, this is, this partially started in 2012, when we were hoping to compel the state to put together an inventory of our open spaces. And one of the terms that I think we probably entered into statute at that time, that hadn't been there before, is lands of high conservation value.

I'm familiar with your agency's use of prime agricultural soils. In your opinion, are they the same thing or do you have your own definition of lands of high conservation value for your agency?

COMMISSIONER STEVEN K. REVICZKY: In terms of a definition, for agricultural purposes for production agriculture, we would talk about the number of crop acres that are in crop land and prime and important farmland soils. That would be our main focus, whether or not those lands are suitable for agricultural purposes.

SENATOR CHAPIN: Okay; and I know under our taxing system we have lands that are classified as

"Tillable A, Tillable B," so would a tillable land that was classified -- and I think it goes down to Tillable D, if I remember correctly --

COMMISSIONER STEVEN K. REVICZKY: It does.

SENATOR CHAPIN: -- would that be classified at the same value as, high conservation value as lands with Tillable A or haven't you really developed that scheme as of this point?

COMMISSIONER STEVEN K. REVICZKY: You know, I -- we've given it some thought, but I'd, again, love to have more conversation with you about it. I don't know if I would go with the tillable definitions that are in P.A. 490; I would, I personally would prefer for agricultural purposes sticking with the classification based on soil, because some lands are -- are not in a state where they can be tilled readily, if they've been treed, where they've been allowed to revert to other -- other growth stages. So in terms of defining what might be considered of high conservation value for -- for agricultural purposes, for production agriculture, I would invite more conversation about that.

SENATOR CHAPIN: Thank you.

And -- and, lastly, I have recognized and spoken to your agency, as well as some of the advocates, about your point system on the Purchase of Development Rights program that you run so effectively. As it relates to the community farms program, as I recall, one, an applicant in the, under the PDR program may gain a little bit of a boost in points if there are other properties that have been preserved in the area, which I would say with a community farms program may be one of the biggest benefits of preserving a -- a farm under that

program would be it may be the only one in the community that would be preserved. So would you draw a distinction between a high conservation value, based on whether surrounding lands were already preserved?

COMMISSIONER STEVEN K. REVICZKY: One of the main reasons that those areas receive more points is because obviously if you have a farm where it's neighbors are, the neighboring properties are either protected state forest, state park land, municipally owned land, other farms, the conflicts that are inherent with farming and neighbors tend to diminish if you have other open-space purposes surrounding the farm.

In the case of -- of a farm property, a high-scoring, high-quality farm property not being in proximity to other protected lands, it, the -- the major factors would be what are the qualities, what is the quality of the soil on that farm and what is the use and intended use of the farm property. So you know, with the -- the programs that we administer at the Department of Agriculture obviously focus on -- on farming and agriculture. So there are other programs that other agencies administer that go to protecting land for open-space purposes or other conservation purposes.

So we would look at the application based on how many acres it is, how many acres of prime and important farmland soils. If a municipality has, in fact, worked with the Natural Resources Conservation Service to define soils in that community that are locally important, we would look at that as well.

With a community farms program, we're trying to look at things holistically. One of the -- the requirements that we have to participate in community farms involve, make a town

inventorying its agricultural resources, incorporating agricultural and farming into its plan of conservation and development. If they, do they have a -- a funding source readily available that would, where they could partner with the state to protect the land; do -- have they gone, have they worked within RCS to define locally important soils. So if -- if they've done those things and they have a qualifying farm, we're happy to work with, work -- work with the municipality, work with that farmland owner.

SENATOR CHAPIN: Thank you.

And my last question: Under Senate Bill 70, it talks about lands that are under your care and custody or custody and control -- I can't remember exactly which -- do you have any idea acreage-wise how much that would be?

COMMISSIONER STEVEN K. REVICZKY: We have a couple-hundred acres, a-hundred-and-eighty-some-odd acres left down at Fairfield Hills Hospital.. We have about 650 acres in Lebanon, at the Lebanon Agricultural Reserve, the old Savin property. And soon we'll have 825-plus acres at Southbury Training School.

SENATOR CHAPIN: Terrific. Thank you.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Senator.

Next is Representative Shaban.

REP. SHABAN: Thank you, Mr. Chairman.

HB5085

A quick follow-up on the shellfish ground leases. The leases that you use, is it a form lease? Is it, is, are they, is -- is there a

out. It's probably a technical issue and I will find out if there's a down side to going twelve months instead of six.

Thank you.

WALTER J. GANCARZ: Thank you.

REP. MUSHINSKY: Thanks, Mr. Chairman.

SENATOR MEYER: Thank you; appreciate it.

WALTER J. GANCARZ: Thank you.

SENATOR MEYER: Our next witness is Henry Talmage, distinguished Director of the Farm Bureau, followed by Karl Wagener.

HENRY N. TALMAGE: Good afternoon, Senator Meyer, Representative Gentile, members of the committee. My name is Henry Talmage; I'm the Executive Director of the Connecticut Farm Bureau. I'm here representing Connecticut Farm Bureau's 5,000 family members dedicated to the future of Connecticut agriculture.

I have submitted testimony on five bills that are being considered today, the first of which is House Bill 5088, AN ACT CONCERNING CERTIFICATION FOR CONNECTICUT-GROWN MARKETS AND RESTAURANTS. The Farm Bureau supports this adoption of this bill as the current Farm-fresh Market program is -- is not, as -- as far I'm aware not being utilized at all, mainly because of the thresholds that are in place make it nearly impossible for markets to comply. We think the changes of changing the thresholds from 15 to 5 percent of -- of the shelf space as well as making it a higher percentage during the -- the peak months are a positive move as well as the alignment of using the "Connecticut-grown" name market instead of the

HB5087

SB69

SB70

SB66

"Farm-fresh market." So we're in favor of that, of that bill.

We'd also like to speak in favor of -- of 5087, AN ACT CONCERNING THE STEALING OF SHELLFISH, expanding the shellfish that are covered under the law from "oysters" to "all shellfish."

Next, I'd just like to touch base on Senate Bill 69, AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT PUBLIC LANDS PROGRAMS FOR THE DEPARTMENT OF AG. We support this bill as well, as it allows for farmers to be reimbursed for the cost of the farmland restoration plan. It also makes provisions for those plans to be reimbursed on leased land of state municipal properties with a lease of at least five years, as well as inclusion of a nuisance wildlife fencing and other incidental land-clearing activities that we think will improve the workability of that law as well. So we're in favor of that.

Senate Bill 70, AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE. We're in favor in concept of this as it -- it goes towards protecting state-owned farmland. We do have some concerns as to the -- the definitions of "high conservation value" and the potential conflict between as defined in the bill today, how those definitions would -- would present potential conflicts between agricultural use and other conservation uses.

What we'd like to see instead is that in the case of land that's held and controlled by the Department of Agriculture to utilize criteria similar or the same as using the farmland preservation criteria to rank it for its agricultural attributes and to -- to handle

that and -- and use that as the -- the basis for high conservation value for agricultural lands.

Finally, it wouldn't be this time of year if we didn't have a discussion about outdoor wood furnaces. I keep saying I don't think we get this time back, but, anyway, here we are again.

SBld

Just in general terms, I mean I know we're here discussing the language in the bill which -- which deals with setbacks and stack heights and the fact that EPA is, in fact, in the process of -- of drafting regulations in a hearing in Boston. However, you know, our main concern with this really comes down to figuring out a way to adopt cleaner-burning technology through -- if that means the -- the EPA standards program, so be it -- and also allow for those who have invested in units to continue to use them through a useful life period for -- for units that's reasonable, with the understanding that if there are problem units, that there may be ways to have the state help in terms of conversion over to newer, cleaner-burning technology. We look forward to having this discussion as it unfolds, but I just wanted to be clear; we really do favor the idea of cleaner-burning technology.

And I'd be happy to discuss any -- any points with regard to that or any of the -- the bills.

SENATOR MEYER: Thank you, Henry.

Any questions from the committee members?

Representative Miner.

REP. MINER: Thank you, Mr. Chairman.

Good afternoon, Henry.

HENRY N. TALMAGE: Hello.

REP. MINER: When I was taking a trip out west, I was noticing that on much of the vast, well, significant portions of -- of certain tracks of vast farmland, there seems to be a mixed use of windmills, solar panels, you name it, there seems to be an opportunity to combine farming within -- I think some would argue -- more environmentally friendly energy alternatives.

In Senate Bill 70, is there anything in this language that you see that might give rise to those types of operations not occurring here in Connecticut?

HENRY N. TALMAGE: Well, they, as you are aware, we've been working on some farm energy issues in the last year with the Energy Committee as well as the -- the Governor's Council on Agricultural Development has -- has been working on these issues.

And I'd -- I'd have to say that your perception of -- of diversified and mix-use agriculture is one of a trend that's happening, not just in America, in the United States but also in Europe. A big part of our testimony in that is that there are 5,000 anaerobic digesters on farms in Germany, small scale, that allow for power to come back and be -- be used into the grid and also offset some of the costs in the environmental challenges of dealing with -- with manure. We certainly see that there's opportunity to -- to deal with these types of things.

It - it is complex because it makes the -- I -- I don't think in -- in Act 70 necessarily, accept that depending on the way conservation value is listed in there. I believe part of it

is -- is a scenic component that could come into play there. I think the idea in that particular bill is to say, look, this land is appropriate for agriculture and if it is, then let's -- let's utilize it in a way consistent with how we utilize other agricultural lands. And if there are other lands that are, that are best served for wildlife habitat or other protections, then -- then we can do that.

If there are ways to be compatible, to cross compatible, that's great, but to just one-size-fits-all, we're -- we're worried about how that interaction might -- might come about. That's why from our perspective having it protected and designated as lands of high conservation value should be based on if we're doing that one for agriculture, it should be on its agricultural attributes.

I think the -- the bigger question about, you know, mixed use and zoning and -- and all the things that come into play, especially, you know, it's not just agricultural production but it's also the mixed-use activities on a farm. I mean, this is a, this is a challenge. You know, somebody plants grapes; now you have a -- a vineyard. Then we have a -- a winery, and then we have a, events at the winery. You know, how does that mixed use come into play; very complex and has a lot to do with local zoning as well. I don't know, so --

REP. MINER: And thank you.

And so that's kind of what I was, I guess, attempting to get at. I've received some correspondence already about the folks that are interested in having me support this bill, because they see it as a long-term way to kind of lock up what people originally intended to do, and -- and I'm inclined to support that.

But we've had, just in the time I've been in the Legislature we've had a number of conversations about dairy viability. Next we'll have some conversation, I'm sure, about some other kind of viability. And I, and I don't know whether some of these other alternatives that may -- may run afoul of this law, if it were to pass, are -- are necessarily running afoul of the original intent. I mean, when I think about preserving farmland, I think about preserving it for its agricultural benefit to society.

The open space is great, but I, you know, I see it as usable, tillable land, in some cases or vineyard or whatever else it is. And if we, if we foreclose any of these other opportunities, I'm not sure they -- I don't -- I don't know the viability is there. So I -- we don't have to go on --

HENRY N. TALMAGE: Well --

REP. MINER: -- about this, but --

HENRY N. TALMAGE: -- I'm -- I'm -- one thing I would say, I think Senate Bill 70 goes, addresses a couple of key concerns. One of them is the -- the -- they put some additional barriers into conversion of -- of lands out of high conservation values. So if -- if land is, in fact, determined to be of high conservation value, it would be much more difficult to convert that. And for that, in that regard --

REP. MINER: Yeah.

HENRY N. TALMAGE: -- I think, it has, it has merit.

It also has some mechanism for the process of what would have to happen as a result of -- of,

you know, land conversion, land swaps and so forth. That has, I think, has some value if -- I think the model that was used last time with the Southbury Training School is one that we'd like to see or I, we -- certainly the Farm Bureau would like to see used on other, on other state-owned properties where we have a debate about a specific parcel.

They say, you know what, this one ought to be protected for agriculture; let's do that through a third-party easement and put that in place, which I think it goes further than -- than this. This is, this is, goes part way there but it doesn't go as far as we'd like. And so, in reality, I think that's the way to go, the long term. And -- and then decide as we go, what -- what attributes are we protecting.

REP. MINER: Thank you.

Thank you, Mr. Chairman, Madam Chair.

SENATOR MEYER: Thank you, Representative Miner.

And any other questions?

Thanks, Henry.

HENRY N. TALMAGE: Okay; thank you.

SENATOR MEYER: Karl Wagener, Director of the all-important Council on Environmental Quality.

KARL J. WAGENER: Thank you --

SENATOR MEYER: Welcome, Karl.

KARL J. WAGENER: -- for that introduction, Mr. Chairman.

My name is Karl Wagener; I'm Director of the State Council on Environmental Quality. CEQ was pleased to see that three of the bills on its list of recommendations were raised and are being heard today.

Raised Bill 66, which is the outdoor wood-burning furnace bill you were just talking about, as I'm sure you will hear, this is urgent because the federal EPA is rolling out its emissions standards, and when that happens, Connecticut's entirely separate siting requirements will essentially sunset, unless this bill passes. And please don't let that happen.

The clean burning technology that Henry Talmage was talking about pertains to the emissions standards; the siting requirements would go away when those come through, and that shouldn't happen.

Raised Bill 72 concerns running bamboo. CEQ never looked at running bamboo until recently, and when it did, it concluded that last year's legislation is inadequate, and actually the running bamboo should be added to the list of species in statute that should be, for which the sale and planting should be prohibited. Our council members have personally observed running bamboo spreading into wetland areas, and we would like to see that prohibition added to this bill.

Now I want to use most of my minute for Raised Bill 70, AN ACT CONCERNING THE PRESERVATION OF LANDS IN THE CUSTODY OF DEEP AND THE DEPARTMENT OF AGRICULTURE, and I just want to explain why this bill is so important. Recently you received a copy of a special CEQ report, "Preserved but Maybe Not." If you misplaced it, it's easily found on the CEQ web site. And

the report was initiated in response to numerous complaints from citizens who were dismayed when parcels of state park, state forests, and state wildlife management areas were proposed for transfer, either out of custody of DEEP or out of state ownership.

And these proposals are more common than you might think; they were more common than we thought. Just in the last three years, DEEP and the General Assembly have been asked to consider proposals totaling -- totally hundreds of acres of state conservation lands. And fortunately, most of these transfers did not go through, but the door remains wide open, and it's the council's recommendation that these lands that are held in trust for the public should only be exchanged or given away in extraordinary circumstances.

And the proposals, which are documented in our report, all have a common thread. Someone, a developer, a municipality, a neighboring landowner sees some undeveloped land and they ask the state if they can have it for what they, the proponents, view as worthy purposes. And I just -- but the proposal was made; the decision is made.

Generally the proponent puts the land in an unfavorable light -- I've read these proposals -- you know, there's always poor soils, lack of great access for the tourists, invasive species or some other deficiency. But where is the factual information in the process? You know, why was the land purchased for conservation in the first place? Does it harbor rare species; is it a wildlife corridor that connects another conserved land to another conserved land? Too often, this factual information arrived very late in the process, too late for the decision maker or not at all.

And the proposed legislation would highlight the conservation value of the public's land, and it would communicate to would-be acquirers of this land that the door is not wide open to overly optimistic and often time-wasting proposals and that state lands of high conservation value will, in fact, be preserved for conservation purposes, for all people and for all time.

And the council anticipates there might be some changes to some of their language and would welcome the opportunity to provide additional input as it moves forward. But thank you for consideration of this bill and for these comments.

SENATOR MEYER: Karl, I, we appreciate your comments, particularly about Senate Bill 70, and --

KARL J. WAGENER: Thanks.

SENATOR MEYER: And our efforts to preserve these lands.

KARL J. WAGENER: Yes.

SENATOR MEYER: You got a bit of a checkered history here, and we're trying to do it. And I think it'll, it may well be an uphill fight in the Legislature to do this, so do make your voice heard outside, inside and outside this committee on --

KARL J. WAGENER: Oh, we will.

SENATOR MEYER: On the issue.

KARL J. WAGENER: We will. And I -- I will say that since some of the bill would affect the

internal workings of the General Assembly, it's unusual for our council to make a recommendation toward that, but in this case, we witnessed instances where decisions have been put before you without the requisite information. So we -- we, the council feels strongly that the -- the process is flawed, and we will certainly talk to other people --

SENATOR MEYER: Great.

KARL J. WAGENER: -- about this one.

Do any members of the committee have any questions?

Yes, Representative.

REP. BOWLES: Yes; thank you, Mr. Chair.

I'm just curious; in terms of trying to quantify the issue around S.B. 70 --

KARL J. WAGENER: Uh-huh.

REP. BOWLES: -- do you know how many; out of the proposals that you talked about, could you quantify the number of acres that have been made vulnerable recently through --

KARL J. WAGENER: Yeah.

REP. BOWLES: -- that process?

Thank you.

KARL J. WAGENER: We don't actually have a comprehensive list, but we know is the last three years the comprehensive acreage is well over 200 acres. There was one particularly large block of 140 acres, where a wind farm developer asked if they could have 140 acres of

state forest land to site a wind farm, offering in exchange 11 acres to -- to DEEP. And after four months and a lot of investigation by DEEP it was denied, but in the council's view, that was four months of hard work that shouldn't have had to been put in.

So -- but yeah; it's -- it's -- and -- and I'll this, too, Representative Bowles, that -- that proposed exchange was in the newspaper, and we didn't get many complaints about that when it was in the paper.

So when I asked for the files on that, I -- I reviewed the files, and it was discussed in an internal committee of DEEP, public information. And they, on that same meeting agenda, they had five of these proposals on that agenda. I don't know what the total acreage of the five is, but just one meeting and there were five proposals.

REP. BOWLES: Okay.

SENATOR MEYER: (Inaudible.)

Rep Miner.

REP. MINER: Thank you, Mr. Chairman.

In your reading of the bill -- I think it's on line 115 -- anyway, it talks about "shall allow any agricultural, forestry or recreational activities." Would you view hunting as being a, an appropriate recreational activity for lands that may have a high agricultural or high conservation value?

KARL J. WAGENER: Of course. I -- I don't see this bill changing DEEP's determination of what -- what lands are available for hunting. I -- I don't see any --

REP. MINER: Just --

KARL J. WAGENER: -- distinction there.

REP. MINER: Just thought I'd ask the question.

KARL J. WAGENER: Sure.

REP. MINER: Thank you.

KARL J. WAGENER: Sure.

SENATOR MEYER: Any other questions?

Thank you.

KARL J. WAGENER: Sure; thank you.

SENATOR MEYER: Okay; we're going to be jumping back and forth between the public officials, and I see Senator Boucher is here, but before she comes, our next witness will be Win Smith, followed by Senator Boucher.

Senator, nice to see you.

WIN SMITH, JR.: Nice to see you, Senator.

SENATOR MEYER: You and I didn't quite catch the same time, but almost.

WIN SMITH, JR.: Thank you for the opportunity to be here, Madam -- Madam Chair as well, and committee members.

I'm here today representing the Association of Connecticut Shellfishers, with respect to House Bill 5085. And you've got our written comments in front of you; we have eight points there. I won't bore you with all of them, but I -- I do want to emphasize the fact that the industry

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WIN SMITH, JR.: Thank you.

SENATOR MEYER: Any other questions by the committee members?

Thank you.

Our colleague, Senator Boucher.

Senator Boucher will be followed by -- just a second, Senator -- Amy Paterson.

SENATOR BOUCHER: Good afternoon, Mr. Chairman.

Chairman Meyer, Chairman Gentile, Ranking Member Chapin and Ranking Member Shaban, and other very distinguished members of the Environment Committee, thank you, very much, for the opportunity for me to submit testimony in support of Senate Bill 70, AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE.

This important bill will help protect Connecticut's open space by permanently preserving state lands of high conservation value. Whatever the importance of its individual parcels, Connecticut's open space as a whole is precious and irreplaceable; as such, its value should not be subject to constant revisions, and it should not be necessary to continually defend this land from being repurposed.

Over the years, we in Connecticut have become increasingly conscious of the vital role that the environment plays in our quality of life. Open space contributes to public health by supporting a wide verity of low-impact recreational activities. It acts as a bellwether for observing changes in the

environment and offers numerous educational, scientific opportunities. Finally, it preserves the ecological richness of Connecticut, its biodiversity, and the natural beauty which attracts would-be residents and creates a solitary environment in which to live and raise a family.

The State of Connecticut should recognize the permanent value of such a vital resource, and Senate Bill 70 would allow Connecticut's Open Space Program to realize its original intentions, removing any doubt about the state's commitment towards protecting our environment and ensuring its preservation for future generations.

I hope that the members of the Environment Committee will vote to support this bill, however with the full understanding that there are many practical obstacles that many of the stakeholders have brought forward -- forward your committee. So when you go about the final resolution on the bill, I hope that you'll include some of that language so you can make this bill something that it can be universally supported, and we can have a unanimous vote on either the floor of the House or Senate.

Thank you, very much.

SENATOR MEYER: Senator, your -- your support is very, very welcome and appreciated.

There's a provision in this bill, at the end, that says that -- that a conveyance of land by one of these agencies cannot be made without a public hearing of this committee. And I assume from the -- the strength of your comments, you support that as well?

SENATOR BOUCHER: Very strongly support that

particular aspect, because I do -- and I've been involved in so many, over the years in the House and Senate, in an area of the state that has been under -- under attack and at risk for -- water lands and so forth -- for heavy development. And it -- it was very clear that minds were changed in the process of a public hearing, when -- when the public came forward.

And the public has a lot of individual experts, great resources that we don't often get, and they come forward and they were able to explain some of the issues around it. And -- and usually it's done in a very positive way, without a lot of rancor, and I think we've ended up being better as a state.

You know, one of the three things that people used to come to Connecticut for was for its very low taxes -- in fact, no income tax -- it's top educational system; but the third thing, and very importantly, was its quality of life. And that quality of life attracts not just residents but also tourism to our state. That's very key; you know that yourself, when the fall season comes along, I -- I don't think there's any state that's more beautiful than the State of Connecticut.

SENATOR MEYER: Okay.

SENATOR BOUCHER: Thank you.

SENATOR MEYER: That's a message you can deliver around the state, I gather.

SENATOR BOUCHER: I'm happy to do it at any time.

SENATOR MEYER: Good.

Any other questions?

SENATOR BOUCHER: Thank you.

SENATOR MEYER: Thank you, Senator.

Our next witness is Amy Paterson, followed by Representative Srinivasan; it's Srinivasan.

AMY BLAYMORE PATERSON: Thank you, Senator Meyer, Representative Gentile, and members of the committee. For the record, Amy Blaymore Paterson, and I'm the Executive Director of the Connecticut Land Conservation Council.

Thank you, so much, for this opportunity to testify on Senate Bill 70. On behalf of CLCC and our members throughout Connecticut, that broader conservation community, including 137-plus land trusts, we want to thank you for raising this bill, and we want to voice our strong support for the same.

I did submit written testimony, and in that testimony I outlined three subtitles, essentially, the first being that we have a problem in the state. We've heard about it; you all know about it, and that is we have lands that were acquired and conveyed for the purpose of conservation and that those lands are largely unprotected, and that we have a process by which those lands can be conveyed that is devoid of sufficient opportunity for the public to participate and of information for those making that decision. So that's the issue; we all know about the issue.

And we've read Raised Bill 70, and I want to, without going into the bill, certainly welcome the opportunity to address some of the technical questions that might have come up and to continue working with the committee and with the staff at DEEP to move forward with any changes to that bill that might be necessary to

make it more acceptable and workable.

I want to thank DEEP, in particular, for its cooperation and assistance to this date in working forward on these bigger issues.

And finally, I addressed in my testimony that state lands are worth protecting. They're worth protecting because they are, enhance our quality of life, but they also enhance the local and state economies that we have relied upon.

And this is my obligation, every year, to -- to waive the brochure for our annual conference, which is coming up on March 15th; I hope you'll be there. The theme is the economic benefits of open space, and so I won't go into all of that now.

But when I was writing my testimony, I kept thinking about some of the personal experiences that I have had. And so I'm going to go off-script a little bit and within the balance of my three minutes just talk about a state wildlife management area that I had a lot of contact with, in my own town, and it took years for the state to acquire it. This project spanned my entire career, both as a, as an attorney in the town doing volunteer work for the Open Space Task Force, years later as a project manager with the Trust for Public Land -- oh, my gosh -- and now, as the Executive Director of the Connecticut Land Conservation Council.

And I will quickly say that this family worked very, very hard with the State of Connecticut, through the Recreational and Natural Heritage Trust program to get that land preserved. It was not an easy, easy road; it took years, partly because the family wasn't on board,

partly because the state didn't have the funds when -- when they needed it, and partly because there was some very, very attractive, competing offers from developers in the community wanting that land.

That land is in the program, and so you can imagine two years ago when we went and looked at the deed how shocked I was to see that there was no language in that deed that would protect that land and uphold the intent of that family in selling that land to the State of Connecticut and uphold the intent of the Rec and Natural Heritage Trust program in preserving that land in perpetuity.

And so this bill will go such a long way to restoring the public trust in the system that we have set up here in Connecticut to protect the lands of this state that make it so incredibly special.

I could keep going, but obviously I -- my time is way up. So I will stop there and -- and certainly welcome any questions that you may have.

But again, thank you so much for raising this bill; and, again, our thanks to DEEP for their cooperation in working with us on this --

SENATOR MEYER: Well, you --

AMY BLAYMORE PATERSON: -- as well.

SENATOR MEYER: You've made a major contribution to this bill -- Amy, thank you -- as -- as Sandy Breslin has as well, and others. And we -- we appreciate that, as we try to move forward on this.

Are there any questions by the, by the committee?

Yes. Senator Chapin.

SENATOR CHAPIN: Thank you, Mr. Chairman.

Good afternoon, Amy.

You were, as I recall, you were very supportive of Public Act 12-152, which primarily dealt with doing an inventory of our open space. And as I recall, I think we put in a deadline of October 2014 -- which we haven't reached yet -- for the commissioner to identify those properties that he thought were of value to conserve. Is that, is my recollection accurate on that?

AMY BLAYMORE PATERSON: I actually thought it was December of 2012, and that that, this was, again, in the context of the revisions to the comprehensive open space strategy, that -- that point that you raised with respect to the recommendations on an inventory. I actually have the bill here --

SENATOR CHAPIN: Yeah.

AMY BLAYMORE PATERSON: -- in front of me. I believe it was December 2012, but -- oh, no, you're right. It's on or before October 1, 2014, realize the goals of this section on or before -- yes. You're right, October 2014. I'm thinking of when we worked on it. Yes, that's correct.

SENATOR CHAPIN: So I -- I guess what I struggle with is are we putting the cart before the horse to be working towards passing legislation such as this before we've even given the commissioner the opportunity to identify those

lands.

AMY BLAYMORE PATERSON: Well, I think -- and -- and we have discussed this -- and I think that the way I would address that question is by looking both retrospectively and prospectively at lands of high conservation value. You know, one of the ways to help implement 12-152 and to give it some teeth is to provide the commissioner with the tools that he needs. That's one of the things that the bill says, in addition to recommendations with respect to the comprehensive strategy or the Green Plan, it -- it provides a -- a mandate that the commissioner work with the other agencies and -- and identify the lands and protect them in perpetuity. They need the tools to do that. This bill will set that in motion. And so that is, in looking at retrospectively and inventorying the lands, coming up with that list of lands of high conservation value and then moving forward and having the tools to protect them as set forth, if this bill is passed by this legislation.

But also, we have prospectively; we have lands that have not yet been acquired by the State of Connecticut. You know, lands like I had just described, that wildlife management area, moving forward. This bill will enable the state to move forward with acquiring new lands that -- and have the tools in place, as they're doing that, to put in the types of restrictions that are necessary to protect them, whether they be immediately, right off the bat in the contract, whether it be in the deed, whether it be in another type of conservation restriction that will help meet the goals of -- of 12-152.

So I think -- I don't think it is, with all due respect, putting the cart before the horse, because I think that the agency, yes, needs an

opportunity to evaluate the lands that it has, but it also needs the tools to protect them. And those tools can be, can be worked, used prospectively.

SENATOR CHAPIN: Thank you.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Senator Chapin.

Representative, your turn.

REP. ZIOBRON: Thank you. Thank you, Mr. Chairman.

And -- and thank you for being here.

I've been a longtime advocate for the environment in my district, which encompasses East Haddam, East Hampton, and a part of Colchester, but frankly, I wasn't familiar with your organization, so I just the time to look it up and understand a little bit about what you do.

Before I ask you about that, my first question to you is: I see here in your testimony you talk about a Constitutional Amendment. My question to you is: If -- if this bill passed, would there still be a need for a Constitutional Amendment?

AMY BLAYMORE PATERSON: I would say yes there would be, because as we know, the Legislature has the opportunity to -- in the conveyance bill, itself, using the word "notwithstanding" -- set aside provisions that are existing in the current General Statutes and not have to apply them. So while we can put into place through this legislation some -- some very strong protections, stronger protections than certainly we have now, they're not foolproof.

And so, yes, I would. I would argue that -- that a Constitutional Amendment would be the -- the best way to really protect our lands. And I believe that Karl Wagener had testified the same and -- and put that in his report.

REP. ZIOBRON: Thank you.

And do you know currently how many states -- and I had to step out for another meeting, so maybe this was addressed earlier -- but do you know how many states currently have a Constitutional Amendment like that?

AMY BLAYMORE PATERSON: I don't. But actually, we have -- I know the two that were referenced in the report -- New York, and Massachusetts, but beyond that I -- I don't know.

We have two interns that we are lucky enough to have from the Yale School of Forestry, the graduate program, and they are working on that research for us. So we will certainly share that information with the committee and -- and others, when we obtain the same.

REP. ZIOBRON: Great; thank you.

My last question is: I'm looking at your membership and -- and I looked through your steering committee members, but I found it interesting that your membership also allows for municipal commission members but I, yet I don't see any on your steering committee. And so I'm curious. Do you currently have municipality commission members that are a member of your, of your group?

AMY BLAYMORE PATERSON: Yes. Actually, by way of -- of membership, there are a number of municipal conservation commissions, in particular, that

have joined as members of CLCC, contributing an annual contribution or contributing annual dues.

But Tom O'Dell is representative of the Connecticut Association of Conservation and Inland Wetland Commissioners, CACIWIW; that organization is the umbrella organization for the municipal commission, and Tom is on our steering committee and -- and actually has been on it for years, well before I came on board.

REP. ZIOBRON: Great; thank you.

Thank you, Mr. Chairman.

SENATOR MEYER: Thank you, Representative Ziobron.

Any other questions?

Thanks.

AMY BLAYMORE PATERSON: Thank you, so much.

SENATOR MEYER: Our next witness is Representative Srinivasan, and he will be followed by Lisa Bassani.

Afternoon Representative; nice to see you.

REP. SRINIVASAN: Nice to see you. Thank you, very much.

Honored Chair, Senator Meyer, Ranking Members, Senator Chapin, and members of the Environmental Committee, I want to thank you, all, for giving me this opportunity to be here in front of you this afternoon to speak about in support, strong support of a bill that you heard quite a few times over this morning, Senate Bill 70.

The citizens of Connecticut value our state parks and forests and want them to be protected in, perpetually. Millions have been spent to acquire land up for acquisition, but unfortunately, much of that land is not necessarily truly protected. We heard we did not know the exact number in terms of acreage, but they're working on that so that we are aware of the land that has been acquired and unfortunately not being truly protected.

For those who may not be aware, I come from Glastonbury, which is the 31st District. And just last year we went through this experience, we went through this ordeal where our state forest, the Meshomasic State Forest was being, could have been converted, a part of it, for the state police training grounds. Obviously, you can imagine the concern that was raised in Glastonbury and the adjacent towns, you know; for the state forest, and fortunately for us, we were able to convince and say, yes, we do need a training ground for our police -- there's no question about that, at all -- but Glastonbury was not the right location. The Meshomasic State Forest was not the right location.

So what this bill does is make sure that what happened to us not too long ago, but ultimately, fortunately had a happy ending, that other towns and other cities don't go through this again because of the fact that we have established through Senate Bill 70 what those requirements would be.

The bill classifies lands under the custody and control of the Department of Energy and Environmental Protection, and the Department of Agriculture as land of high conservation value unless the commissioners make a written determination to the contrary. Furthermore,

this bill requires DEEP and Department of Agriculture to place a conservation restriction on the deeds of lands of high conservation value.

These efforts go a long way to admitting the state land conveyance process -- we just heard about that not too long ago -- more transparent and emphasizes that it is a policy of the state to preserve the lands and resource values of these very important acquisitions that the state has made over time. It is my hope that we can all come together to protect Connecticut's open spaces and woodlands, so -- so as to preserve the natural beauty and rural character of towns throughout the state. Only through these initiatives can our state's rural areas obtain the true protection they need not only for today but for years to come in, perpetually.

Thank you for your consideration, and thank you for raising Senate Bill 70, and I hope that we will be able to work together to make something effective pass for the better for the citizens of Connecticut.

Thank you for giving me this opportunity today.

REP. GENTILE: Thank you, Representative Srinivasan.

Any questions?

Thank you.

REP. SRINIVASAN: Thank you.

REP. GENTILE: Lisa Bassani.

LISA BASSANI: Representative Gentile, Committee members, my name is Lisa Bassani, and I'm the Project Director for the Working Lands

SB70
SB69

Alliance. We are a statewide coalition, in Connecticut, dedicated to farmland preservation.

A number of our members, we include a number of members that are, have testified here today, including CLCC, Farm Bureau, Connecticut State Grange, many others, Connecticut Farmland Trust, American Farmland Trust, and others.

One of the things we've been working on over the past few years is the -- the protection of state-owned farmland. Last year, we had a huge success in this effort, with the permanent protection of a sale of farmland at Southbury Training School, and we want to commend this committee, the Legislature, and the Governor's Office for unanimous support we saw for that effort.

But what we learned is that there's much more to do in this effort. I'm here to testify on Senate Bill 70 and offer our strong support for the concepts laid out in this, in this bill. You know, as Karl Wagener and others have laid out, there is a need to lend stronger protections to our state-owned land, including our agricultural lands but also our state parks and forests and other lands.

And -- and the framework that this bill sets out ensures that these protections exist. I think one of the things we have learned is that many of our residents assume that there are legal protections in place, but in reality, there really aren't. And these going forward, you know, as the climate changes and other things happen, these are the lands that our, you know, our citizens will rely on for food and plant product production, recreation, scenic enjoyment, and these provide environmental, economic health benefits, and

2:01
2:02

all of these are a benefit to our state.

And so I commend the committee for raising this bill and -- and seeking to address some of the concerns raised by the CEQ report about our state lands.

Secondly, I'd like to just quickly testify on Senate Bill 69, AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT LANDS, VACANT PUBLIC LANDS PROGRAMS OF THE DEPARTMENT OF AGRICULTURE.

Just quickly, this bill just adds some technical modifications and clarifications, but it does clarify that the farmland restoration bill, that was referenced in the original statute, refers to a USD, USDANRCS conservation plan or a similar plan approved by the Commissioner of Agriculture. And this in our mind is an important detail, ensuring that our investments in these farmland restoration projects are done in accordance with a conservation plan that has considered the soil, water, and other resources of the plan.

So, again, we offer our support to both Senate Bill 70 and 69.

And I just want to thank you for the opportunity to testify.

REP. GENTILE: Thank you, Lisa.

Any questions?

Thank you.

Representative Dillon. Representative Dillon will be followed by Sandy Breslin.

REP. DILLON: Good afternoon -- I'm checking the

HB5079
HB5008
HB5010

Thank you for your consideration.

REP. GENTILE: Thank you, Representative Dillon.

Did you provide us with written testimony?

REP. DILLON: Yes.

REP. GENTILE: Okay.

REP. DILLON: It's my understanding that that was delivered to you this morning.

REP. GENTILE: Thank you.

Any questions?

Thank you.

REP. DILLON: Thank you.

REP. GENTILE: Sandy Breslin.

SANDY BRESLIN: Good afternoon, Representative Gentile, and members of the committee. My name is Sandy Breslin, and I'm the Director of Governmental Affairs for Audubon Connecticut; it's the state office of the National Audubon Society.

I can't thank you enough for the opportunity to appear before you this afternoon and speak in strong support of Senate Bill 70, which is seeking to improve protections for those lands that are under the custody of the Department of Energy and Environmental Protection and the Department of Agriculture.

This is a high-priority bill for us and we believe one of the most important issues that you'll be dealing with this year. Our state parks, our state forests, our wildlife

management areas, and our natural areas, preserves, and our protected farmland are basically our state's natural infrastructure. Like our highways, our railways, our road line, and transit lines, these lands provide us with a host of services, from clean water, safe, safe air to breathe, ample opportunity for outdoor education and recreation, which has been mentioned as a great economic generator as well.

From an Audubon perspective, we of course are very concerned about having a robust network of healthy habitats to support the diverse bird and wildlife species in our state. And, of course, our farmlands provide us with safe and affordable, local foods.

So it came as somewhat of a surprise to folks in the State of Connecticut, including those in the land conservation community to find that these lands are not as fully protected as we had thought they might be.

The threat to these lands is -- and how I see it -- is twofold: It's a lack of authority and a clear mechanism for legally protecting them; it is also, comes from a conveyance process that -- if you'll excuse my making the recommendation -- might be improved with some standards and -- and perhaps a clearer process.

Senate Bill 70 will address both of those threats. And I'm very, very happy to be here and speaking in support of that legislation. And I want to also echo my colleague, Amy Paterson, in thanking the Department of Energy and Environmental Protection, as well as the committee for working with us to get as far as we have so far.

I'm also, would like to say that Audubon is

strongly in favor of the Constitutional Amendment that was recommended by the Council on Environmental Quality. In their report, they recommend the New York or the Massachusetts model, but we're looking to research coming out from CLCC's interns to see if there are other options as well.

So, in closing, I would just say I really look forward to working with the Environment Committee, with the Department of Energy and Environmental Protection, with the Department of Agriculture and our colleagues in the farmland and land conservation community to move this bill forward.

And I have submitted testimony to you.

REP. GENTILE: Thank you, Sandy.

Any questions from our committee members?

Thank you.

SANDY BRESLIN: Uh-huh.

REP. GENTILE: Representative Dave Kiner.

And Dave will be followed by Margaret Miner.

REP. KINER: Thank you, Representative Gentile for having us today, and to members of the committee -- and we're done.

Representative Gentile -- and, for the record, my name is David Kiner, State Representative from the 59th District -- I am here today to support Senate Bill 70, which is AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY, ENVIRONMENTAL PROTECTION, AND THE DEPARTMENT OF AGRICULTURE. I've always been a supporter of

preserving open space.

I'm going to yield the remainder of my time to one of my constituents, Alan Baker, who has submitted written testimony, again, with the indulgence of the Chair.

Thank you.

ALAN BAKER: Good afternoon, Representative Gentile, and the rest of the committee, members of the committee.

My name is Alan Baker. I live in East Windsor, and thank you for the opportunity to speak to you today about S.B. 70. I am strongly in support of the passage of this bill in its present form.

Connecticut has been a leader in forest preservation. We should be proud of the people who came before us and had the dedication and foresight to work so hard to preserve our natural environment, and it's now up to us to be good stewards and ensure the protection of our state forests, parks, and open space in the future.

State land that has been set aside thus far serves many purposes, some that are not always apparent to the casual observer. They provide habitat for a myriad of animals, filter groundwater, provide watersheds for reservoirs, clean our air, support timber operations, support recreation for thousands of Connecticut residents, and much more.

Some land, like Hammonasset State Park is obviously beautiful and is visited by tens-of-thousands of people yearly. And some land, like the Scantic River State Park is not obviously important, but it sits quietly doing

its job as a part of a watershed, with little notice by most people. But both are equally important, and both need the same protection offered by this bill.

Many of these parks and open spaces are cherished by the citizens of Connecticut that live nearby them and visit them often. To wake up one day and find a park or open space that one lives next to sold to a developer would be a huge shock and disappointment to most people. It would really be a violation of the trust we have in government to be good stewards of the land that has been preserved for the benefit of all.

A healthy park system, in general, has many economic benefits to both the state and the business -- businesses large or small that depend on the outdoor lifestyle. Hunters, cyclists, kayakers, hikers, and so many more choose to spend their recreation dollars enjoying Connecticut's open spaces and in turn support local restaurants, outfitters, and other retail stores nearby recreation areas.

Larger enterprises, like REI, Eastern Mountain Sports, and Cabela's thrive in our state due to the large amount of people utilizing the amazing natural environment available to us, and they contribute taxes to this General Fund. So S.B. 70 makes good economic sense by protecting these treasured assets for the long run.

Thank you for your time and thank you for supporting this bill.

REP. GENTILE: Thank you, sir, for your patience.

Any questions?

Thank you.

Margaret Miner, followed by Gordon Gibson.

Is Margaret in the room? Oh.

MARGARET MINER: Good afternoon, Representative Gentile, and members of the commission, -- committee -- sorry.

I am Margaret Miner, with Rivers Alliance of Connecticut, and although our primary mission is protection of the state's waters, we have for many years -- I would say seven or eight years -- been involved in some of these land-conveyance issues, whether they began here in the Legislature or in the Administration somewhere. So I am here primarily to testify about Bill 70; I submitted written testimony.

I also submitted written testimony on 5081, which is the phosphorus bill, and I have some concerns about 5082, which is the design flow for sewage treatment plants, but I too, I'll be waiting for more technical information on that.

In my letter you'll see, you'll see -- I think we sent out two mails -- e-mails asking people if they would like to sign on to this support of Bill 70. And I was really surprised; I'm still getting answers, and people are tell -- there's a broad public interest in protecting these properties. The situation that's the present situation, what's been going on for a number of years is, involves a lot of extra work and often painfully divisive work, pitting sort of natural allies often against each other. I think that the DEP is often caught in the middle, and the -- the lack of protections and assurance with respect to lands in the programs is a -- a recurring problem; really to my memory, every session.

I also should mention that -- that I serve on the state's Natural Heritage and Open Space and Watershed Land Review Board, also for the reason -- I was appointed to that -- for the reason that these lands also protect waters. So as long as the temptation to just take a piece of land is there, it will be very hard for, in some cases, to say no, you can't do that or for a Legislator to say to a constituent, no, I can't do that. So we would like this -- we believe this bill will be a fair way to protect these lands.

Senator Chapin asked are we putting the cart before the horse, and I would say no. The 12th, 152 was not meant to put all of our state conservation lands in play; it was to -- to apply to, I think, state lands in general. And what we are asking for is a presumption that these lands that were found to be important to conservation, the presumption should be that they are unless one can identify a reason that there was a mistake in that original finding.

Finally, sometimes people make a distinction between land that was donated and land that was purchased. Honestly -- I did work for a land trust -- there are people who want their land or their farms conserved, and they cannot afford to give it away, but they will turn to the state or to the town or to a land trust.

REP. GENTILE: Margaret, could you please summarize?

MARGARET MINER: Would you like me to summarize in one word, the end? No, wait a minute.

I -- I just wanted to say that we also want to work; we wanted to accommodate whatever it is that Agriculture wants, basically. We, I -- I don't feel there's a difference there; we're

just not, maybe not sure exactly of the correct language that would satisfy them.

REP. GENTILE: Thank you, so much.

Any questions?

Representative Moukawsher.

REP. MOUKAWSHER: Thanks.

I -- I just had a general question. I -- I had to be at a Finance meeting, so maybe somebody asked this, but the underlying premise of this is that any land, either held by the DEP or Ag, or Department of Agriculture is of high conservation value. That's -- that's the basis of the bill; correct?

MARGARET MINER: If it is in -- (inaudible) exactly -- if it is one of the conservation programs, yes. It may be that they have a chance to opt out if there's a section of a piece or a piece that's not of, but if it's in the wildlife management, the state forest, the state parks, yes.

REP. MOUKAWSHER: Okay. Because I, the reason I -- and maybe somebody, there's a definition somewhere of "high conservation value." It appears that any land held by the DEP or Agriculture, any land at all is automatically considered high conservation value. And the commissioner provides a -- a determination that can be made by the commissioner that it is not of high conservation value. But is that defined anywhere or how did, how does anybody decide what that means?

MARGARET MINER: The -- first of all, with the Ag lands, that's a -- a separate category.

With the DEEP lands, the lands in the conservation program have already been found to be of high conservation value in the, in the negotiations and the bonding to acquire those lands, so are other sources, CIA, CIA funds. So there's a, what this bill sets up, I believe, is a presumption that those lands are lands of high conservation value. DEEP still has the time to work on other state lands, DOT lands, just if -- other state agency lands -- if there happens to be something of high conservation value. But the presumption is that land that was purchased and specifically with public money for conservation and public enjoyment and public recreation should be conserved and is of conservation value to the public.

REP. MOUKAWSHER: All right, so that, basically there's no definition then.

MARGARET MINER: No; there's a presumption.

REP. MOUKAWSHER: Okay. And -- and there, I mean, we had a, you know, a bit of a struggle over a piece of land that was part of a tract. There was, there were two pieces of land that were donated to the state -- or sold to the state, I should say -- and one of them was proposed to be conveyed to a developer, and it was a big, we had a big flap about it. And the actual land, itself, there was, you know, I -- I took away from it that that land was kind of a throw-in, that there was land along the river bank of the Connecticut River that was, that had some value. I mean I, I don't want to get into it again, but --

MARGARET MINER: Was it --

REP. MOUKAWSHER: -- there was --

MARGARET MINER: -- (inaudible) --

REP. MOUKAWSHER: Well, let me finish. I mean, it was bought by the state.

MARGARET MINER: Uh-huh.

REP. MOUKAWSHER: It was ultimately conveyed or a -- a conveyance bill permitted it to be conveyed to a private developer. There was, you know, some people say, well, there was a presumption it was of high conservation value; you're saying that now. Then, I don't recall that, you know, there was any presumption of any kind.

MARGARET MINER: Well, it was in --

REP. MOUKAWSHER: And (inaudible) -- well, let me finish.

MARGARET MINER: Okay.

REP. MOUKAWSHER: And -- and so we -- we followed through on that, and it turned out there wasn't land of a similar value that could be swapped, and that went away.

But so I -- I don't, you know, I mean, to say that because the Department of Environmental Protection has it and it's presumed to be, I don't, I don't necessarily agree with that, that that land was not of high conservation value.

MARGARET MINER: Well, are you -- can I talk?

REP. MOUKAWSHER: Yeah; I'm sorry. Go ahead.

MARGARET MINER: Okay. Are you talking about the Haddam Land Swap?

REP. MOUKAWSHER: Yeah.

MARGARET MINER: And the land that was up for conveyance was in the, I think the Clark Creek Wildlife Management Area, has an -- yes.

REP. MOUKAWSHER: No.

MARGARET MINER: Has an important --

REP. MOUKAWSHER: It wasn't.

MARGARET MINER: -- bird habitat properties, was not an add-in, according to the best of our research, included contacting the seller. So I think there was a lot of misleading talk that went around there, but that is -- I -- I hate to pick on that one issue, because as I say, this comes up several times each session, this kind of problem --

REP. MOUKAWSHER: Right.

MARGARET MINER: -- but in that case, it was pretty clear.

REP. MOUKAWSHER: Well, that -- see, my point is that I think any land that was, you know, acquired by the DEP that was sold to the DEP or the Department of Agriculture will be presumed by, say, advocates for open space or, you know -- and I -- I, you know, I -- I believe in their advocacy -- but they will believe that it is of high conservation value, period. And -- and in -- that land, in my opinion, in the opinion of a number of others, was not. Now --

MARGARET MINER: Well, but --

REP. MOUKAWSHER: So -- so I don't know what the definition is, but I -- I'd like to. I'd like to have some idea of what that phrase means,

because the -- for instance, if a commissioner was going to make a determination that a piece of land was not of high conservation value, I have a, my inkling is you would not agree with him, no matter what the land was. Is that true?

MARGARET MINER: Probably not. But I -- I would --

REP. MOUKAWSHER: Well, you --

MARGARET MINER: -- say --

REP. MOUKAWSHER: -- said there's --

MARGARET MINER: I would say --

REP. MOUKAWSHER: -- a presumption.

MARGARET MINER: -- that -- that the -- the -- when public money is spent and bonding money is spent to buy land for a state park or state woodlands for the public to enjoy and for and wildlife to flourish, there is a finding and a public commitment that that land is worth the money the public is spending on it to have as conservation land and for public enjoyment and in the public trust.

Now, you know, our best line conservation groups, our top line trusts, Nature Conservancy will from time to time find -- time find a portion of something that may think, oh, gosh, perhaps the investment wasn't quite on target here. But we believe that most of the time when the state and DEP have made a commitment and a finding to spend this kind of public money on a property, that the presumption should be they know what they're, they are buying something of conservation value.

The -- would we prefer some other definition?

If you have definitions to propose, we'd love to consider them. But, in effect, those pieces that have been bought with public money for conservation in the public trust for the public to enjoy, those better be high conservation value, otherwise somebody has been misleading the public.

REP. MOUKAWSHER: Okay. The reason I -- I mean I, you know, we -- we went through quite a debate, and obviously this is sort of a, you know, maybe a reflection of -- of that difference of opinion about that property.

So I -- I'm just saying in the future if there is, for instance, a, you know, a commissioner decides a piece of land is not of high conservation, why even have this in here? I mean, if you're presuming that any property is of high conservation value, why you giving the commissioner the opportunity to -- to change that designation and when, you know, apparently, you know, if it's you -- you would contest it?

MARGARET MINER: It's -- it's possible that we would not contest. I think it's -- it's fairly likely if the process works correctly that we would not contest a finding. It's not typically; it would not typically be a whole property. It might be a fragment of a property; let's say it's something that's across a fence line or across a railroad track, a fragment on the other side. There might be situations in which part of a property would be determined correctly to have limited conservation value. We just think that would be unusual, given the investment and review the state has already done with respect to these properties --

REP. MOUKAWSHER: Well.

MARGARET MINER: -- I mean.

And in the review board that I'm on, the -- the DEP goes through quite an extensive process, and there's an oversight review board, and CEQ also has a -- a review authority and responsibility. So this is a wide-spread public commitment when we acquire land for -- for the public for conservation.

REP. MOUKAWSHER: Okay. Then the other part of it, and I -- I don't want to belabor it, but there's a section where --

MARGARET MINER: That's all right; nobody else asked me a question.

REP. MOUKAWSHER: Oh, okay; good. There's another section where land of high conservation value conceivably could be exchanged or conveyed, and then there are all these conditions. You know, are we setting ourselves up for another battle royal like we had in the past? Is -- is that what --

MARGARET MINER: I hope not. I think that the, that's for a swap, and these criteria --

REP. MOUKAWSHER: Well, it's also conveyed, which would be a possible sale, I suppose.

MARGARET MINER: Yes. I'd -- I -- the question was asked earlier would a Constitutional Amendment provide better assurance. Yes, probably, and it's been recommended by some of our leaders.

But I thought it, our thought is let's see what the General Assembly, which has shown such admirable interest in this issue, let's see what can be done with the good will of the General Assembly, the good will of the

Administration to resolve -- resolve these conflicts over state conservation land in the normal process of doing business. So --

REP. MOUKAWSHER: Okay.

MARGARET MINER: -- I don't think this sets you up for anything worse than you've already been through, I hope.

REP. MOUKAWSHER: Right. Well --

MARGARET MINER: I can't, I can't quite imagine it.

REP. MOUKAWSHER: But I, you know, and I think that's the, and the intent is that, well we'll never have that debate again because, you know, you can't meet these standards, I mean, that all land will be of high conservation value. And my concern is, you know, that there won't be any flexibility with -- with lands that have become the property of the DEP or Agriculture. And that may and someday, you know, jump up and -- and be a problem.

MARGARET MINER: We -- we have been caught between people who say we haven't given the government enough flexibility and people who say we've given them too much in this proposed language. So I think we've struck a, for the time being, a -- a fair middle ground on that.

REP. MOUKAWSHER: All right.

Do you, like, just looking at the provisions of this, can you envision any situation where a property in the possession of DEP or Department of Agriculture would ever be conveyed or exchanged in the future? Can you, looking at it, you know, honestly, do you think there's --

MARGARET MINER: I could --

REP. MOUKAWSHER: -- a possibility?

MARGARET MINER: I -- I haven't done as much research on Agriculture, although in my town we did acquire three farms for conservation through the land trust, so I -- I can't speak to Agriculture.

As I said, what can I envision, imagine, sitting here is fragments of a property. But there are, as DEEP keeps telling us, hundreds of deeds out there, 255,000 acres, so every tract that we've looked at and studied should be conserved, and most of them are not. But there's a lot more research to be done. I'm not going to say that I could or could not imagine anything in the --

REP. MOUKAWSHER: Okay.

MARGARET MINER: -- distant future. It might turn up in -- in agency files.

REP. MOUKAWSHER: Thank you.

That was, that -- that was kind a too-broad hypothetical, so I appreciate you answering as best you could; it wasn't a good question.

MARGARET MINER: Okay.

REP. MOUKAWSHER: Thank you.

MARGARET MINER: Okay; thank you.

REP. GENTILE: Thank you.

Any further question?

Thank you, Margaret.

Gordon Gibson, followed by Donald Smith.

GORDON F. GIBSON: Good afternoon, Representative Gentile, Senator Meyer, Senator Chapin. I'm Gordon Gibson, Legislative Liaison from Connecticut State Grange, and I'm speaking this afternoon in support of Raised Bill 70, concerning land preservation.

I worked in the Land Acquisition Division of DEP for 19 years, so I am very familiar with the many situations concerning land exchanges addressed in Raised Bill 70. There have been many exchanges where a parcel of limited value for the state's programs and goals was exchanged for a parcel that contributed much more value to the state's program and goals.

Unfortunately, I am also familiar with parcels of significant value that were traded off for parcels of questionable value and of parcels of significant value that were saved only because someone in the DEP Land Acquisition Division just happened to know the value of a parcel that was about to be traded as surplus property.

Subsections (h) and (i) in Raised Bill 70 are very important to preserve parcels under the custody and control of agencies other than the DEEP and Agriculture, but they do not go far enough. The state owns many acres of prime farmland that is under the custody and control of agencies other than DEEP and Agriculture; a prime example is the land in Southbury that was turned over for preservation last year.

There are large tracts of land, at places such as UCONN and the former Mansfield Training School that should be preserved from development by the agency or institution that currently has custody and control.

The Department of Corrections used to operate a large farm in Enfield and Somers. The -- the custody and control of that property never changed agencies, but over the years much of that prime farmland has been permanently lost to agriculture by the construction of additional correction facilities.

Section (i) of Raised Bill 70 should be expanded or a new subsection added to mandate that a review, approval, and preservation process be completed before any development commences, to insure that there is no net loss of high, of any land of high conservation value.

I thank you for your consideration of my testimony.

REP. GENTILE: Thank you, Gordon.

Any questions?

SENATOR MEYER: Gordon, I -- I like the idealism of your statement that we should be including all state agencies in this.

GORDON F. GIBSON: Thank you. .

SENATOR MEYER: We -- we thought about that, but we -- we thought that this would not be palatable if we -- we went beyond, initially went beyond these first two agencies that have a, already have a commitment to open space and to conservation lands and that if we went, for example, and added the Department of Transportation or other agencies that are not conservation oriented in that sense, that we would probably doom this effort. So I want you to know that what you said we thought about but just felt that it was not possible to do it.

GORDON F. GIBSON: The Senate Bill 70 is the first step, and maybe we can take the next step in a few years.

REP. GENTILE: Thank you.

Anything further?

Representative Moukawsher.

REP. MOUKAWSHER: The gentleman was nice enough to say, asking the question that I asked again, and I -- I think I, it had to do with is there any possibility, you know, in the language that we write -- we have before us today -- that any land held by the DEP or Department of Agriculture could be conveyed or exchanged and can we envision that. And I think that was my question.

GORDON F. GIBSON: Well, I was referring to the question you asked about do they own any land that is not primarily for conservation purposes. And the answer as far as DEEP is concerned -- don't mind if I go back and say "DEP," because that was in --

REP. MOUKAWSHER: No, I don't.

GORDON F. GIBSON: -- my days.

REP. MOUKAWSHER: Yeah. Yeah.

GORDON F. GIBSON: Very definitely DEEP does own some land that was not purchased for conservation values. There are several tracts around the state where their air quality control people have small parcels of land where they have monitoring stations. Some of these are purposely in industrial zones, so they have equipment there to check how much pollution is

coming out of industrial plants. The only thing that's conserving, and a very important thing to conserve, is our air quality.

DEP also owns several parcels of land, a number of which I personally bought for them, that were for flood-control purposes. They were not primarily for conservation purposes. Yes, there's some conservation value to them, but they were bought because there comes a flood -- and it could be the end of this week, when we get the warm weather and all this snow melts -- those parcels of land are going to go underwater because they're behind a dam that's protecting something downstream. There's a lot of dam sites like that, that are not particularly conservation values.

There were also parcels where we wanted to buy something that was of conservation concern but it was part of a larger tract, and whoever was selling it said that it ain't, you got a choice, that I'm got going to split up, either you buy the whole thing or you buy nothing. So we occasionally did wind up buying something with a house on it and then had to go through all the proper procedures to dispose of the house, dispose of that portion of the real estate.

And I know of one situation, this happens to be in South Windsor, where we bought land for a flood-control project. We were trying to negotiate an easement with the property owner, where we're going to be putting water on the land, fairly close to a house where he lived, under high flood waters. No way would he do it; he refused to sell. We had to go through eminent domain.

The judge in that particular case granted him compensation for the house that was in excess,

significantly in excess of any of our appraisals or the owner's appraisal. We had no choice; we had to pay it. And then in the end, that property, the house, itself, was turned over to -- I couldn't tell you the name of the agency now -- but one of the agencies that provides housing for people who need living with --

REP. MOUKAWSHER: -- (inaudible).

GORDON F. GIBSON: -- a custodian in the house, and that's what it's used for today.

REP. MOUKAWSHER: And yeah, thanks; just had -- had a bit of a follow-up, but thank you for your explanation of that.

There's also in here -- and you, you'd referenced these sections, (h) and -- or let's see --

GORDON F. GIBSON: -- (h) and (i).

REP. MOUKAWSHER: Yeah. Well, actually (g), (h) is what I want to ask. It talks about any land of high conservation value held by the state -- so any agency -- shall be preserved for, et cetera. And then a deed for any land of high conservation value held by the state shall contain a conservation restriction.

Again, it, there's no definition of "high conservation value." Who, where is that decided or where is the definition of that?

GORDON F. GIBSON: That's the problem; what is conservation value? Anything could be preserved to conserve something, but it's also possible that DEP would buy some land adjacent to a state park, primarily for high recreation sources, a beach front. Certainly, yeah, we

want to conserve all the beach front.

REP. MOUKAWSHER: Well, wait. I'm -- I'm, take a, take DEP and -- and the Department of Agriculture out of it; any state agency that -- this is talking about any land owned by the state, not just DEP or Department of Agriculture. How do you determine if it's of high conservation value; who -- who decides that?

GORDON F. GIBSON: That is a somewhat subjective opinion as to --

REP. MOUKAWSHER: Yeah.

GORDON F. GIBSON: -- what is conservation.

REP. MOUKAWSHER: Right.

GORDON F. GIBSON: I might like to see a land, a parcel preserved for quiet activities, hiking or something, and somebody else would say, oh, no, that's a waste of good land that would, could be used to preserve and encourage the growth of some particular species of plant or animal, so we should keep the public out of there.

As an example of that, that I -- again, a personal example -- Hammonasset State Park, Hammonasset Beach, the, there's -- when we got about as much of that developed as could be developed -- there's a lot of title wetlands there -- and they're going to put that into a permanent, naturally preserved state, couple-of-hundred acres of it.

I made a suggestion -- and this is based on a situation that they have at the Cape Cod -- National Seashore -- National Seashore, where there's a wetlands with a boardwalk through it

and some signs telling you about it. And I'm thinking, okay, the average person goes down to the shore for a weekend or for a day; they don't understand why this land is preserved. I says why not take a couple acres, put a boardwalk through there, some signs and all. Oh, no, the preservation people served me my head on a platter, because I suggested that we allow the public to even look at this. So yes, it's a very subjective --

REP. MOUKAWSHER: Yeah.

GORDON F. GIBSON: -- situation.

REP. MOUKAWSHER: You know, I've seen a lot of inland wetlands, you know, applications, and -- and groups that are opposed to it, say a particular development. We have one in Groton that, you know, the fertile pools become a, an issue. I mean, it is somewhat, it is very subjective, and that's one of my concerns about this.

The other thing is Preston, for instance; right now land that was in the DEP, the, I think the Department of Public Works' possession -- excess state land -- a town can acquire it. This is a, you know, the old Norwich state property; I mean, it's a huge piece of property that joins the river. I mean if -- if we roll the clock back and this provision was passed, Preston would have never gotten that property. I mean, it -- I'm -- there are people who have said it has high conservation value. You know, I mean it -- you could make that -- that an issue.

In Groton we have a property, the Mystic Oral School; the DPW owns it. They actually gave away a -- a prime piece of it to DEP, which the town, nobody knew about it, because now it's --

it's in the, it's excess property and someone could buy it and develop it. They can't -- there's nothing -- that piece taken out of it pretty much makes it undevelopable, and it was done, you know, quietly. Now if this was, if this is enacted, then there's no flexibility at all to do anything with that property; it's just going to be a bunch of empty old buildings that are, you know, left to rot.

DPW owns a tremendous number of properties around the state, and, you know, this would prevent any kind of reuse of them, it seems to me. I mean, anybody could come up and say that property has high conservation value, and -- and they could make a, some issue out of it.

So I'm concerned about that definition and -- and I know there are a lot of properties in the state that, you know, would be a problem; people would argue about getting a restriction on them and them never been used again. So that's my concern.

And I -- I do appreciate your, you know, going over this with me.

GORDON F. GIBSON: Yes. And -- and the problem is what is valuable conservation to one person is not as valuable to the next. And it is, no matter how you look at it, it is subjective.

REP. GENTILE: Thank you.

Any further questions?

Thank you, sir.

GORDON F. GIBSON: Thank you.

REP. GENTILE: Donald Smith, followed by Alan Baker.

Welcome, Donald.

DONALD H. SMITH, JR.: Good afternoon, Madam Chair, Mr. Chairman, members of the committee. My name is Donald H. Smith, Jr.; I'm from Meriden, Connecticut.

I appear before you today to present testimony on Raised Bill 70, AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENT PROTECTION AND THE DEPARTMENT OF AGRICULTURE. I support this well-crafted bill and I recommend one amendment.

I retired in April 2008, after 16 years as the Director of the Department of Environmental Protection's Division of Forestry. During that tenure, I also held the statutory title and authorities of "State Forester." My experience, not only in that 16 years but also in my 30 years as a state employee, a forester, my experience has been that the citizens of this state commonly believe that the lands overseen by the Department of Energy and Environmental Protection and the Department of Agriculture will be retained in perpetuity and forever protected from development.

Since 1903, with the first acquisition of land for a state forest in Portland, that has also been the expectation of the many landowners who, when faced with a choice between selling their land for development, passing their land to their heirs, or conveying their land to the state, made the specific, reasoned choice to have their lands become part of the system of conservation lands administered by DEEP or Agriculture. I find that this bill honors not only their expectations but also their legacy.

This bill will enhance the protections afforded

to the network of forests, farms, and recreation lands that will contribute so much to the quality of life in Connecticut for our children and for generations to come.

I think it's particularly appropriate that both existing state-owned lands and future acquisitions be afforded the protection of a conservation easement. However, it's important that such conservation restrictions allow for professionally guided natural resource management and appropriate recreational development.

In my written testimony, which I believe you have before you, I do recommend specific wording for amendment of Section 1, Subsection (f). In the interest of saving time, I won't present the detailed wording; you'll find that in the written testimony. Suffice to say the intent of my proposed change to the wording of the bill is to ensure that if and when either the commissioner of DEP or the commissioner of Agriculture determine that any land under their custody or control is not land of high conservation value, that such a determination is based on science and is not merely a subjective determination.

My proposal would simply require that their determination be based on an examination of the subject land by appropriate natural resource management professionals, completed within the past five years.

I commend the members of this committee for addressing the crying need to enhance the protections afforded the network of forest, farm, and recreation lands that will be critical to the quality of life in Connecticut's future.

And I thank you for the opportunity to present testimony on the proposed bill, right on time.

REP. GENTILE: Well timed; thank you, sir.

Any questions?

Thank you for your patience.

DONALD H. SMITH, JR.: Thank you.

REP. GENTILE: Alan Baker has already testified, so we'll move to Tom Anderson, followed by Eric Hammerling.

TOM ANDERSON: Thank you, Senator Meyer, Representative Gentile, members of the committee. I'm Tom Anderson; I'm the Director of Communications for the Connecticut Audubon Society.

Connecticut Audubon Society is based in Fairfield. We were founded in 1898. We are Connecticut's independent Audubon Society. Today, the organization consists of 7 nature centers, 19 sanctuaries, and more than 10,000 members, friends, and supporters from all across the state.

We are strongly in support of -- of Senate Bill 70. And before I -- I go on, I just want to make sure that, you know, the gentleman, the Representative over here who was questioning so intently, I want to make sure everyone understands that this bill only applies to lands owned by the Department of Environmental Protection and the Department of Agriculture. DPW lands and all the other agencies that he was referring to are not affected by this at all.

Connecticut Audubon's goal is to use the

beauty, diversity, and visibility of our state's birds to connect more people with the natural world. Our core -- core value is to leave future generations a state that is in better shape than the one we inherited. With respect to S.B. 70, we believe its passage is crucial. It represents the transparency and honesty that -- that our members and your constituents expect; namely, when land is set aside for preservation through due process, Connecticut residents expect the acquisition to be in perpetuity, and if the acquired land must later be transferred, they expect the transfer to be done through a public process.

Secondly, the state has a goal of protecting 21 percent of the state's land by 2023. This bill, we believe, will help achieve that by eliminating uncertainty and by increasing confidence. Landowners will be confident that land they are selling for conservation purposes will not be used for something else. Without that confidence, fewer conservation-minded landowners will choose to deal with the state.

Elected officials, who must approve acquisitions, will no longer need to wonder if the land they are voting to acquire will someday be used for another purpose, and therefore they will have the confidence to continue to vote to acquire land in the future.

And most importantly, taxpayers will be assured that the tax dollars they want to see spent to conserve land will, indeed, be spent for that purpose, and therefore they will continue to support land conservation statewide. Without that confidence, in the long run, land -- land conservation in Connecticut is doomed.

I've submitted testimony; it's a little bit more extensive than that, but in -- in summary,

I want to reiterate that we're -- we're strongly in favor of this bill.

Thank you.

REP. GENTILE: Thank you, Tom.

Questions?

Thank you.

Eric. Eric will be followed by Marty Mador.

ERIC HAMMERLING: Good afternoon, Co-Chairs Meyer, Gentile, and members of Environment Committee. My name is Eric Hammerling, and I'm the Executive Director of the Connecticut Forest and Park Association.

CFPA is the first conservation organization established in Connecticut, in 1895, and our original charter included the goal of establishing state forests and parks. Over the last century, CFPA's board and members and staff have worked to protect iconic state treasures, such as Gillette Castle, Talcott Mountain, Peoples Forest, Sherwood Island, Rocky Neck, Sleeping Giant, and many more.

It was a surprise to me, personally, a few years ago, when I learned that when we talked about protect and state parks and forests, we would have to use air quotes, why I want to thank you for raising S.B. 70 and to testify in strong support of it today.

This year, Connecticut state parks are celebrating their 100-year anniversary, and as part of the State Park Centennial, it is fitting to discuss the protection in perpetuity of the conservation, recreation, and other unique values for which these state treasures .

were established for public enjoyment.

I want to recognize Jordan Giaconia, an intern from UCONN who's been working with us and has spent many hours reading deeds, reviewing land records at DEEP to see how many of the state parks and forests have something on their deed that will provide some level of protection. So far, his findings have confirmed that in most instances, nothing is there.

Public lands should not be so vulnerable to the whims of the dominant political party or to short-term parochial interests. These public lands do not belong to the town where they're located; they belong to us all. These are the people's lands and must be protected for the people. Your constituents assumed these lands were already protected, and I urge you to ensure they are.

New York and Massachusetts took the step of passing Constitutional Amendments to protect state-owned conservation lands, and this would be the best way to protect public lands for the people of the Constitution State. In the short term, however, S.B. 70 is important and deserves your support.

I do want to very quickly add, we talked a lot about what this bill does do, and there is some questions raised that I need to address and specifically talking about what this bill does not do. This bill does not lock up all DEEP and Department of Agriculture lands forever; in fact, it's built into the -- the legislation where the commissioners can make a determination that something is not of high conservation value.

In fact, Section (i) lays out a process by which a conveyance can occur, as long as

certain criteria are followed. And, lastly, there's a -- a very important provision which would help to encourage conveyance bills to come before this committee. You are the committee of cognizance for DEEP and the Department of Agriculture, and we think that would be an excellence change.

And I'll -- I'll stop at that and respond to any questions you might have.

REP. GENTILE: Thank you, Eric.

Questions?

Representative Ziobron.

REP. ZIOBRON: Thank you, Madam Chair.

And -- and good afternoon, Eric. It's really great to see you here advocating and doing what you do best.

My question is regarding the Constitutional Amendment. I'd like to know if this bill gets out of committee and is signed, ultimately, by the Governor, will there be a concerted effort by folks like you to have a Constitutional Amendment?

ERIC HAMMERLING: I -- I would say yes. My -- my board has already voted that that's something that we will pursue, and that is, as you know, a long process; it may take several years to -- to get to that point of a Constitutional Amendment being considered by this Body.

In the interim, S.B. 70 really puts in some very common-sense protections. And, as you know, there's nothing in this bill, if passed, that would keep things from being notwithstanding took away in the conveyance-



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February 19, 2014

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:

SB 00066. AN ACT CONCERNING OUTDOOR WOOD-BURNING FURNACES. The Connecticut Farm Bureau has been involved in the on-going debate over outdoor wood-burning furnaces for several years. It has always been our intention to find ways to adopt cleaner-burning technology advancements while preserving the right of CT residents to utilize wood as a plentiful and affordable renewable energy source. The EPA is in the process of developing federal regulations to address new residential installations of units: The process will likely move away from the voluntary standards of Phase II certification and replace it with mandatory standards that establish emission thresholds that manufactures must comply with. We understand that the certification process will focus on units less than 350,000 BTUs. CT Farm Bureau believes it is important to also allow larger units (above 350,000 BTUs) that meet the same standards so that farms can utilize clean-burning wood technology to heat greenhouses and other agricultural uses in order to lower energy costs. In addition the Connecticut Farm Bureau wants to make sure that residents who have invested thousands of dollars to install OWFs be allowed to continue to utilize them throughout a reasonable useful life of the unit. If there are demonstrated problems with earlier installations that warrant replacement before the end of the reasonable useful life, the state should provide funds to help owners upgrade their units to the new standards. SB 00066 appears to maintain the current setbacks and stack height requirements in the current CT law and bans the use of treated wood in the units. Whereas this bill as written seems acceptable, we are concerned about efforts to amend the bill to place further restrictions on OWFs.

SB 00069. AN ACT CONCERNING THE FARMLAND RESTORATION AND VACANT PUBLIC LANDS PROGRAMS OF THE DEPARTMENT OF AGRICULTURE. The Connecticut Farm Bureau supports SB00069 as it allows the Commissioner of Agriculture to reimburse farmers for the cost of farmland restoration plans including those that lease farmland (for at least 5 years) from the state or local municipalities. In addition, it expands the use of restoration funds to include nuisance wildlife fencing and additional incidental land clearing activities. We believe these are important enhancements to Farmland Restoration Program and urge their adoption.

SB 00070. AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE. The Connecticut Farm Bureau generally supports SB00070 as it makes it harder to convert land that is owned by the State of CT to non-agricultural uses. We are however concerned by the language that defines "high conservation value" and the potential conflict of using land that has been so designated between agricultural uses and other natural resource priorities. We would prefer to

Connecticut Farm Bureau Association - *The Voice of Connecticut Agriculture*



**WORKING
LANDS
ALLIANCE**

A Project of American Farmland Trust

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Jim Smith
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Testimony in support of SB 70 and SB 69
Environment Committee

Submitted by: Lisa Bassani, Project Director, Working Lands Alliance
February 19, 2014

Senator Meyer, Representative Gentile, and Committee members:

The Working Lands Alliance appreciates this opportunity to submit testimony in support of SB 70, An Act Concerning the Preservation of Lands Under the Control of Department of Energy and Environmental Protection and Department of Agriculture, and SB 69, An Act Concerning the Farmland Restoration and Vacant Public Lands Programs of the Department of Agriculture.

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. Over the past few years, our coalition has been working to achieve permanent protections of state-held agricultural lands, with the most significant of these farmland properties – Southbury Training School – protected last session with the unanimous support of our legislators and the Governor. We commend this Committee and the Governor for their support of that legislation.

Our coalition strongly supports the overall goals of SB 70, which will strengthen protections of our state-held lands of high conservation value, including our agricultural lands, parks, forests, and other areas. This bill classifies lands held by the Department of Agriculture and Department of Energy and Environmental Protection as high conservation value, unless determined by the respective Commissioners in writing to be otherwise, and requires the permanent protection of these high conservation value lands through a conservation restriction. In addition, this bill puts in place a clear and transparent process that must be followed if state lands of high conservation value are being considered for sale or transfer.

The framework set out through this bill ensures that there are protections in place for our state-held agricultural lands, forests, parks, and other natural areas. These are some of the lands that our citizens rely on for food and plant production, recreation, and scenic enjoyment; equally as importantly, these are lands that provide myriad environmental, economic and health benefits. Putting strong

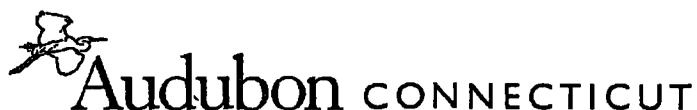
policies in place today ensures that the public continues to reap the rewards of the investment in these state lands well into the future.

While WLA supports the overall goals of this legislation, our coalition wishes to see minor modifications and clarifications in the bill. The first of these relates to references within the bill to the 'conservation values' of state land, which we would like to see more explicitly stated that such conservation values include their agricultural values. We ask this Committee to consider adjustments to the bill such that it recognizes the difference between the preservation of agricultural lands and lands held for open space and wildlife purposes, since the conservation pathways for each may differ in some ways. With these adjustments, we believe this bill would provide a clear path for the permanent preservation of both categories of state-held conservation land, which our coalition strongly supports.

With these modifications, we believe this bill will provide strong protections for our state-held conservation and agricultural lands, which are currently lacking in the kinds of legal protections that many of our residents assume exist (as detailed in a recently released report by the Council on Environmental Quality, "Preserved but Maybe Not"). This bill will also create a clear process when lands of high conservation value are proposed for transfer, which will serve to make the land conveyance process more transparent for state lands of high conservation value, including our agricultural lands. We commend this Committee for raising this bill in an effort to address the issues raised in the CEQ report, and believe that the permanent protections of these lands as provided for in this bill will benefit the public in numerous ways.

WLA also supports SB 69, which provides minor modifications and clarifications for the Farmland Restoration Program, a program created in 2011 to restore farmland acreage back into production. Our coalition supports the language in this bill clarifying that 'farmland restoration plan' as referenced within the original statute refers to a USDA-NRCS conservation plan or similar plan approved by the Commissioner of Agriculture. This is an important detail ensuring that our investments in farmland restoration efforts are done in accordance with a conservation plan that has considered the soil, water and other natural resources on the property. As such, we also support allowing some funds from the program to reimburse farmers in part for developing, implementing, and complying with these plans, as provided for in this bill. Finally, we would ask for one minor modification in section 2, clarifying the fact that fencing for wildlife refers to "crop damaging" wildlife so this clause is not more restrictive than intended.

On behalf of the Working Lands Alliance, I urge the Committee to act favorably on HB SB 70 and SB 69, with the modifications to SB 70 noted above.



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**Testimony of
Sandy Breslin, Director of Governmental Affairs**

**Before the Environment Committee
February 19, 2014**

**IN SUPPORT OF: R.B. 70 – AN ACT CONCERNING THE PRESERVATION
OF LANDS UNDER THE PROTECTION OF THE DEPARTMENT OF ENERGY
AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF
AGRICULTURE.**

Senator Meyer, Representative Gentile and honorable members of the Environment Committee, thank you for the opportunity to testify today in **strong support of R.B. 70**. *An Act Concerning the Preservation of Lands Under the Protection of the Department of Energy and Environmental Protection and the Department of Agriculture.*

Audubon Connecticut is the state office of the National Audubon Society with more than 10,000 members statewide. We work to protect birds, other wildlife and their habitats through science and conservation, education, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of nature education centers, 4,500 acres of protected wildlife sanctuary lands and local, volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.

Connecticut's Natural Assets

Clean air, clean water, scenic vistas, ample opportunities for nature-based education and outdoor recreation and a robust network of habitats that support Connecticut's rich diversity of birds and wildlife – these are some of the benefits provided by state conservation lands. State Parks, State Forests, Wildlife Management Areas, Natural Area Preserves and protected farmland constitute the natural infrastructure of our state. Eight state conservation properties are recognized by Audubon as Important Bird Areas and three of them providing bird habitat of global significance. These properties were acquired through careful consideration, long negotiation, sometimes through the generosity of landowners, always with their patience and usually with an investment of the peoples' dollars. Today, state conservation lands constitute an economic engine generating more the \$2 billion in economic activity and supporting 9,000 jobs statewide. State-protected farmland adds considerably to that economic and resource contribution.

A Question of Trust

For most Connecticut residents, it is a matter of trust that state conservation lands are protected in perpetuity. The experience of recent years, however, has revealed that these taxpayer investments lack necessary legal protections and are subject to a legislative conveyance process that can threaten or eliminate their natural resource

value. A sad result of these experiences is that the public's trust in the state's ability to serve as a faithful steward of its conservation lands has eroded. R.B. 70 puts the state on the road to restoring that trust.

Preserving Our Investment

For more than two years, Audubon Connecticut has been working with partners and with the Connecticut Department of Energy and Environmental Protection to investigate avenues to strengthen protections for state conservation lands. R.B. 70 will provide a framework for protecting these lands by:

1. Classifying lands under the custody and control of DEEP and DoAg as "land of high conservation value" unless the Commissioners make a written determination to the contrary;
2. Clarifying that it is State policy to preserve these lands and their resource values;
3. Requiring that DEEP and DoAg include a conservation restriction in the deed for lands of high conservation value; and
4. Providing for a more comprehensive and transparent state land conveyance process.

A Constitutional Amendment

Audubon Connecticut strongly endorses the recommendation made by the Connecticut Council on Environmental Quality in their report "Preserved, But Maybe Not" that the state adopt a constitutional amendment similar to those enacted by New York or Massachusetts, both which require a higher level review before state conservation lands can be conveyed and possibly converted to a non-conservation use. We look forward to working with members of the General Assembly to achieve this level of protection for Connecticut's conservation lands, understanding that this is an effort that may require years to achieve.

Taking Action Now

Though a constitutional amendment would provide the highest level of security for state conservation land, state conservation and agricultural lands deserve to be protected now. R.B. 70 provides that essential first step toward ensuring that these lands and the many natural assets they comprise are conserved and protected for future generations. Audubon Connecticut looks forward to working with the Environment Committee, DEEP, the Department of Agriculture and fellow conservation advocates to advance this legislation successfully.

Thank you again for your consideration of this important matter

Connecticut State Grange

TESTIMONY OF THE CONNECTICUT STATE GRANGE IN SUPPORT OF
RAISED BILL 70, AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE
CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
AND THE DEPARTMENT OF AGRICULTURE

FEBRUARY 19, 2014

I am Gordon Gibson of Vernon, Legislative Liaison for the Connecticut State Grange. I am speaking today in support of Raised Bill 70, An Act Concerning The Preservation of Lands Under The Control of the Department of Energy And Environmental Protection and the Department of Agriculture.

I worked in the Land Acquisition Division of the former Department of Environmental Protection for 19 years so I am very familiar with the many situations concerning land exchanges addressed in Raised Bill 70. There have been many exchanges where a parcel of limited value to the State's programs and goals was exchanged for a parcel that contributed much more value to the State's programs and goals. Unfortunately I am also familiar with parcels of significant value that were traded off for parcels of questionable value and of parcels of significant value that were saved only because someone in the DEP Land Acquisition Division happened to know the value of a parcel that was about to be traded as surplus property.

Subsections (h) and (i) in Raised Bill 70 are very important to preserve parcels under the custody and control of agencies other than the Department of Energy And Environmental Protection and the Department of Agriculture, but they do not go far enough. The State owns many acres of prime farmland that is under the custody and control of agencies other than the Department of Energy and Environmental Protection or the Department of Agriculture. A prime example of this is the land at Southbury Training School where the 2013 General Assembly approved the granting of a conservation easement to protect land formerly used as part of a farming operation at the school. There are large tracts of land at places such as the University of Connecticut and the former Mansfield Training School that should be preserved from development by the agency or institution that currently has custody and control. The Department of Corrections used to operate a large farm in Enfield and Somers. The custody and control of that property never changed agencies but over the years much of that prime farmland has been permanently lost to agriculture by the construction of additional correction facilities. Subsection (i) of Raised Bill 70 should be expanded or a new subsection added to mandate that a review, approval and preservation process be completed before any development commences to insure that there is no net loss of any land of high conservation value.

Thank you for your consideration of my testimony.

Gordon F. Gibson, Legislative Liaison
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Public Hearing – February 19, 2014
Environment Committee

Testimony Submitted by: Donald H. Smith, Jr., 213 Prospect Avenue, Meriden, CT 06451

Raised Bill 70

AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE.

Thank you for the opportunity to present testimony regarding Raised Bill No. 70.

I support this well-crafted bill and recommend one amendment.

I retired in April, 2008 after sixteen years as the Director of the Department of Environmental Protection's Division of Forestry. During that tenure, I also held the statutory title and authorities of State Forester.

My experience has been that the citizens of this state commonly believe that the lands overseen by the Department of Energy and Environmental Protection (DEEP) and the Department of Agriculture (DOA) will be retained in perpetuity and forever protected from development. Since 1903, with the first acquisition of land for a State Forest in Portland, that has also been the expectation of the many landowners who, when faced with a choice between selling their land for development, passing their land to their heirs, or conveying their land to the State, made the specific, reasoned choice to have their lands become part of the system of conservation lands administered by DEEP or DOA.

I find that this bill honors not only their expectations – but also their legacy. This bill will enhance the protections afforded to the network of forests, farms and recreation lands that will contribute so much to the quality of life in Connecticut for our children and generations to come.

I think it is particularly appropriate that both existing State-owned lands and future acquisitions be afforded the protection of a conservation easement. However, it is important that such conservation restrictions allow for professionally-guided natural resource management and appropriate recreational development.

I do recommend the amendment of Section 1, Subsection (f), as follows:

(f) For the purposes of this section, any land or interest in land that is under the custody or control of the Department of Energy and Environmental Protection or the Department of Agriculture shall be deemed to be a land of high conservation value except that the Commissioners of Energy and Environmental Protection and Agriculture, individually, may determine that any land or interest in land that is under the custody or control of such commissioner is not a land of high conservation value. Any such determination [shall be based upon an examination of the subject land completed by appropriate natural resource management professionals within the previous five (5) years.] shall be made in writing and shall state the reasons for such a determination.

I believe this additional wording is necessary to ensure that a determination that land is not of high conservation value will be science-based, rather than subjective.

Thank you for the opportunity to present testimony on this proposed bill.



Testimony in Support of SB 70

**Tom Andersen
Director of Communications
Connecticut Audubon Society
314 Unquowa Road
Fairfield, Ct 06824
www.Ctaudubon.org**

Senator Meyer, Representative Gentile, Members of the Committee... I am Tom Andersen, Director of Communications for the Connecticut Audubon Society. Connecticut Audubon was established in 1898, and is the original and still independent Audubon Society within the state. Today the organization consists of 7 nature centers, 19 sanctuaries, and more than 10,000 members, friends, and supporters from across the state.

Connecticut Audubon's goal is to use the beauty, diversity, and visibility of our state's birds to connect more people with the natural world. Our core value is to leave future generations a state that is in better shape than the one we inherited. With respect to SB 70, we believe its passage is crucial. It represents the transparency and honesty that our members and your constituents expect. Namely, when land is set aside for preservation through due process, Connecticut residents expect the acquisition to be in perpetuity, and if the acquired land must later be transferred, they expect the transfer to be done through a public process.

Second, the state has a goal of protecting 21 percent of the state's land by 2023. This bill will help achieve that by eliminating uncertainty and by increasing confidence.

Landowners will be confident that land they are selling for conservation purposes will not be used for something else; without that confidence, fewer conservation-minded landowners will chose to deal with the state.

Elected officials who must approve acquisitions will no longer need to wonder if the land they are voting to acquire will someday be used for another purpose, and therefore they will have the confidence to continue to vote to acquire land in the future.

And most importantly, taxpayers will be assured that the tax dollars they want to see spent to conserve land will indeed be spent for that purpose, and therefore they will continue to support land conservation statewide.

SB 70 would confer "high conservation value" status on all lands owned by the Department of Energy and Environmental Protection, and the Department of Agriculture, unless the respective commissioner issues written findings saying a specific parcel is not of high conservation value.

The bill says that state-owned lands of high conservation value shall be preserved forever, and that the state shall strengthen the protection by placing conservation easements or deed restrictions on these lands.

And it says that the DEEP and the Department of Agriculture shall not exchange lands except under extenuating circumstances, and then only if a number of conditions are met, including the approval of this committee.

As is well known, Connecticut's land conservation program faces other issues as well.

We don't really know how much land has been protected, and so therefore we don't know how many acres we need to protect to reach 21 percent. We don't know how much of that land is truly important for conservation, or what the conservation values of many specific tracts of land are.

Without knowing what the conservation values are, we can't know if they are being protected or improved.

And much of our protected land has been acquired and then ignored, with no attempt to plan for and manage its conservation values.

Connecticut Audubon has highlighted and examined most of these problems in our annual Connecticut State of the Birds report. This year's report will examine the need for better conservation planning and management, to make sure we have the widest array of healthy bird and wildlife habitats possible.

For now though, SB 70 is a good attempt at rectifying perhaps the most fundamental issue: namely that state-owned lands are not truly protected in perpetuity. We strongly urge the Environment Committee and the General Assembly to pass this bill.



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

Public Hearing Subject Matter	Position
RAISED S.B. 70: AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION (DEEP) AND THE DEPARTMENT OF AGRICULTURE (DOAG).	Support

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

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut (1895), and our original charter included the goal of establishing State Forests and Parks. Over the last century, CFPA's Board and Members have worked to protect iconic State treasures such as Gillette Castle, Talcott Mountain, Peoples Forest, Sherwood Island, Rocky Neck, Sleeping Giant, and many more.

Today, I am here to thank you for raising **S.B. 70** and to testify in strong support of it. This year, Connecticut's State Parks are celebrating their 100 year anniversary, and as part of the State Parks Centennial it is fitting to discuss the protection in perpetuity of the conservation, recreation, and other unique values for which these State treasures were established for public enjoyment. Though I'll focus my remarks on Parks, CFPA also supports the equally important goal in **S.B. 70** of protecting State-owned agricultural lands in perpetuity.

Two recent reports published on the State Parks by UConn (2011) and the Program Review and Investigations Committee (2014) demonstrate that Connecticut State Parks are enormously valuable to the State and should be better staffed and funded. At the same time, CEQ's report "Preserved But Maybe Not" makes it clear that the immense resource values showcased in our State Parks, Forests, and State-owned agricultural lands can be traded, sold, or given away too easily. Public lands should not be so vulnerable to the whims of the dominant political party or to short-term interests. These are the peoples' lands and must be protected for the people. Your constituents assumed these lands were already protected, and I urge you to ensure that they are.

New York and Massachusetts passed Constitutional Amendments to protect State-owned conservation lands, and this would be the best way to protect public lands for the people of the Constitution state. In the short-term, however, S.B. 70 is important to do the following:

- Classify lands under the custody and control of DEEP and DoAg as "high conservation value" unless the Commissioners make a written determination to the contrary;
- Clarify that it is the policy of the State to preserve these public lands and their resource values;
- Require DEEP and DoAg to place a conservation restriction on the deed for high conservation value lands;
- Make the state land conveyance process more transparent with a critical element being DEEP and DoAg properties in the Conveyance Bill having a public hearing before the Environment Committee.

Thank you for the opportunity to testify. I would be glad to respond to any questions you may have.

February 19, 2014

Madam Chair, Mr Chairman and members of the committee

My name is Alan Baker and I live in East Windsor. Thank you for the opportunity to speak to you today about SB70. I am strongly in support of the passage of this bill in it's present form.

Connecticut has been a leader in forest preservation. We should be proud of the people who came before us who had the dedication and foresight to work so hard to preserve our natural environment, and it's now up to us to be good stewards and ensure the protection of our state parks, forests and open space in the future

The State land that has been set aside thus far serves many purposes, some that are not always apparent to the casual observer. They provide habitat for a myriad of animals, filter groundwater, provide watersheds for reservoirs, clean our air, support timber operations, support recreation for thousands of Connecticut residents and much more. Some land, like Hammonasset State park is obviously beautiful and is visited by tens of thousands of people yearly, and some land like the Scantic River State Park is not obviously important, but sits quietly doing it's job as part of a watershed with little notice by most people. But both are equally important, and both need the same protection offered by this bill.

Many of these parks and open spaces are cherished by the citizens of Connecticut that live nearby them and visit them often. To wake up one day and find the park or open space that one lives next to sold to a developer would be a huge shock and disappointment to most people. It would really be a violation of the trust we have in government to be good stewards of the land that has been preserved for the benefit of all.

A healthy park system in general has many economic benefits to both the state and the businesses large or small that depend on the outdoor lifestyle. Hunters, cyclists, kayakers, hikers and so many more choose to spend their recreation dollars enjoying Connecticut's open spaces, and in turn support local restaurants, outfitters, and other retail stores nearby recreation areas. Larger enterprises like REI, Eastern Mountain Sports, and Cabela's thrive in our state due to the large amount of people utilizing the amazing natural environment, and they contribute taxes to the general fund. SB70 makes good economic sense by protecting these treasured assets for the long run.

Please join me in supporting this bill.

Thank you,

Alan Baker

RIVERS ALLIANCE OF CONNECTICUT
 7 West Street/ POB 1797/ Litchfield CT 06759
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M I W E R

13

TO: Sen. Ed Meyer and Rep. Linda Gentile, Chairmen, and Members of the Environment Committee
 RE: Public Hearing on Senate Bill 70, AAC The Preservation of Lands Under the Control of the
 Department of Energy and Environmental Protection and the Department of Agriculture
 DATE: February 19, 2014

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.

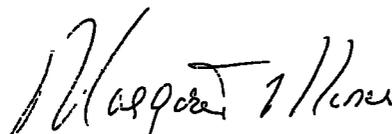
We and the undersigned write in strong support of Senate Bill 70. Rivers Alliance is one of several groups (including Audubon Connecticut, Connecticut Forest & Park Association, Connecticut Land Conservation Council, and Sierra Club Connecticut Chapter) that have been seeking effective protections for lands purchased by, or donated to, the state as open space for the enjoyment of the public and the preservation of natural resources. In the past 15 years, these public lands frequently have been the object of proposals to transfer title or and/or change use for purposes not compatible with conservation values. Occasionally, these efforts have been successful. More often, they have been turned aside, but at the expense of time and effort by public agencies, already stretched thin, and/or by members of the public, who understandably chafe at the need to fight for what is arguably already theirs.

Recent research has shown that most state-owned lands, especially those in the Recreational and Natural Heritage Trust Program, have no legal protection, nothing in the land records, to prevent conveyance to another owner or for another use, including private development. Two years ago, Public Act 12-152 AAC The State's Open Space Plan called on DEEP to develop a strategy for preserving lands of high conservation value in perpetuity. Since then, numerous legal and logistic concerns have impeded progress. **Senate Bill 70 makes explicit that the state has the right and the responsibility to protect, for the public, lands acquired and held for their high conservation value, including state forests and parks, wildlife management areas, and endangered habitats. Many of these properties contain or abut precious, high-quality waters.**

We thank you for raising this bill, and urge you to pass it. We would be pleased to assist in any way.

Margaret Miner, Rivers Alliance of Connecticut, Exec. Dir., & State Lands Working Group
 Amy Paterson, Connecticut Land Conservation Council, Exec. Dir., & State Lands Working Group
 Eric Hammerling, Connecticut Forest & Park Association, Exec. Dir. & State Lands Working Group
 Martin Mador, Sierra Club Connecticut Chapter, & State Lands Working Group
 Kristen Begor, Norwalk River Watershed Assoc., Pres: & Wilton Conservation Commissioner, Member
 Jill and Alton Blodgett, Lebanon Conservation and Agriculture Commission, Member
 Russell Brenneman, Connecticut League of Conservation Voters, Director

SEE NEXT PAGE FOR ADDITIONAL SIGNATORIES



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Deborah Moshier-Dunn & Michael Dunn, Save the River, Save the Hills
Russ and Krista Dirienzo, Roxbury
Eileen Fielding, Farmington River Watershed Association, Executive Director
Bruce Fletcher, Connecticut Federation of Lakes
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Herb Gram, Heritage, Open Space & Watershed Land Acquisition Review Board, Member
Robert Gregorski, Naugatuck River Watershed, Association
Diana Hiza, Canton
Bill Horne, Branford
Karen Huber, Southbury Land Trust, Executive Director
Dot Kelly, Darien
John R. Logan, New Haven Land Trust
Emily MacGibeny, Connecticut College, student
Virginia Mason, Central Naugatuck Valley Conservation District (ret.)
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David Roberts, Friends of Mianus River Park, President; Stamford
Lori Romick, Wepawaug River Watershed Alliance & Housatonic River Estuary Commission
Jean de Smet, Naubesatuck Watershed Council , President
James F. Smith, Preston
Joan Smith, Groton Open Space Association, President
Jack Stoecker, Mianus River Watershed Council
Town of South Windsor Conservation Commission & South Windsor Open Space Task Force: Jeff Folger, Louise Evans, Pat Botteron, Elizabeth Warren, Barbara Kelly, Carol Heffler, and Susan Larsen
Louise Washer, Norwalk River Watershed Association, Director
Donald Watson, Trumbull Conservation Commission, Member
Lynn Werner, Housatonic Valley Association, Executive Director
Evan J. Williams
Kevin Zak and Sondra Harmon, Naugatuck River Revival Group, Directors



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Testimony Supporting SB 70 AAC The Preservation Of Lands Under The Control Of The Department Of Energy And Environmental Protection And The Department Of Agriculture.

By Senator Toni Boucher

February 19, 2014

Chairman Meyer, Chairman Gentile, Ranking Member Chapin, Ranking Member Shaban, and other distinguished members of the Environment Committee

Thank you for the opportunity to submit testimony in support of SB 70 An Act Concerning The Preservation Of Lands Under The Control Of The Department Of Energy And Environmental Protection And The Department Of Agriculture.

This important bill will help to protect Connecticut's open space by permanently preserving state lands of high conservation value.

Whatever the importance of its individual parcels, Connecticut's open space as a whole is a precious and irreplaceable resource. As such, its value should not be subject to constant revision, and it should not be necessary to continually defend this land from being repurposed.

Over the years, we in Connecticut have become increasingly conscious of the vital role that the environment plays in our quality of life. Open space contributes to public health by supporting a wide variety of low impact recreational activities. It acts as a bellwether for observing changes in the environment, and offers numerous educational and scientific opportunities. Finally it preserves the ecological richness of Connecticut, its biodiversity, and the natural beauty which attracts would-be residents and creates a salutary environment in which to live and raise a family.

The state of Connecticut should recognize the permanent value of such a vital resource. SB 70 will allow Connecticut's open space program to realize its original intentions, removing any doubt about the state's commitment toward protecting our environment, and ensuring its preservation for future generations. I therefore hope that the members of the Environment Committee will vote to support this bill.

Thank you for your consideration.

CONNECTICUT
Land Conservation Council

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Litchfield Hills Greenprint

Alicia Sullivan, Co-Chair
Trust for Public Land

David Bingham
Salem Land Trust

Hunter Brawley
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*CT Association of Conservation
and Inland Wetland Commissions*

David Sutherland
The Nature Conservancy

Humphrey Tyler
Lyme Land Conservation Trust

STAFF

Amy B. Paterson, Esq.
Executive Director

**Testimony in Support of Raised S.B. 70
To the Environment Committee**

**Submitted by: Amy Blaymore Paterson, Esq., Executive Director
February 19, 2014**

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

Please accept this testimony on behalf of the Connecticut Land Conservation Council (CLCC) in strong support of Raised S.B. 70, An Act Concerning the Preservation of Lands Under the Control of the Department of Energy and Environmental Protection (DEEP) and the Department of Agriculture (DoAg), which provides protections for state lands valuable for conservation and agricultural purposes.

CLCC works with land trusts (now numbering over 137), other conservation and advocacy organizations, government entities and landowners to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state. To that end, working to ensure that our state's conservation lands are protected *in perpetuity* is at the heart of our mission and thus an annual policy priority for CLCC. We are therefore greatly appreciative of the Committee's leadership in addressing this critically important issue and thank you for this opportunity to provide our comments.

The issue: State Conservation Lands are Largely Unprotected

The State holds over 255,000 acres of State Parks, State Forests, Wildlife Management Areas and other open space valuable for conservation and agricultural purposes. These lands were conveyed and acquired with an expectation that they will be permanently preserved in trust for the benefit of the public – yet they are largely unprotected.

As detailed by the CT Council on Environmental Quality Report, "*Preserved but Maybe Not: The Impermanence of State Conservation Lands*", most of the deeds to state open space lands, including those acquired through the Recreation and Natural Heritage Trust Program (General Statutes Section 23-74 *et seq.*), do not include conservation restrictions (defined under General Statutes Section 47-42(a)) expressly providing for the dedication and protection of the land *in perpetuity*. The resulting vulnerability of these lands to conversion to non-conservation purposes is further exacerbated by a conveyance process that is severely lacking in public notice and an opportunity to be heard.



Raised Bill 70: A Major Step Forward in State Lands Protection

While a Constitutional Amendment would provide the strongest level of protection for our public lands, we recognize that such a step would require years of research and deliberation – an effort CLCC looks forward to supporting. In the interim, Raised Bill 70 would address many of the foregoing deficiencies and make an impact this year in our efforts to permanently protect state lands by: 1. Classifying lands under the custody and control of DEEP and DoAg as “land of high conservation value” unless the Commissioners make a written determination to the contrary; 2. Clarifying that it is the policy of the State to preserve these lands and their resource values; 3. Requiring DEEP and DoAg to include a conservation restriction in the deed for lands of high conservation value; and 4. Providing for a more comprehensive and transparent state land conveyance process.

State Conservation Lands are an Investment Worth Protecting

CLCC and our partners in a State Lands Working Group have been studying the issue of state lands protection for over two years. The research and information that we have collected not only confirms the need for appropriate legal protections for our state conservation lands but also underscores the critical importance of these lands to Connecticut’s culture and economy. Study after study provides mounting evidence that protected lands are wise investments that pay significant short and long-term dividends for local and state economies.

Raised Bill 70 will help to protect the millions in public and private investments that have already been made in acquiring the lands that protect our air and water, provide for critical habitat, enable us to grow our food, generate revenue through business and tourism, and provide the public with an opportunity to recreate and enjoy the landscapes that make Connecticut so special. Most importantly, however, passage of Raised Bill 70 will restore confidence that lands conveyed and acquired by the state for conservation purposes will be preserved in trust for the public’s benefit *in perpetuity*.

On behalf of the Connecticut Land Conservation Council Steering Committee and the members of Connecticut’s broad-based conservation community, thank you again for your leadership in support of land conservation and this legislation.



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**RANKING MEMBER
PUBLIC HEALTH COMMITTEE**

**MEMBER
EDUCATION COMMITTEE
FINANCE, REVENUE AND BONDING COMMITTEE**

Environmental Committee Public Hearing

Wednesday, February 19, 2014

Testimony in Support of,

**Raised S.B. 70, AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER
THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL
PROTECTION AND THE DEPARTMENT OF AGRICULTURE**

Honored Chairs, Ranking Members and Member of the Environmental Committee

I would like to take the opportunity to thank you for raising Senate Bill 70 and I offer the following testimony in favor of this proposal.

The citizens of Connecticut value our state parks and forests and want them to be protected in perpetuity. Millions have been spent to acquire land for conservation but unfortunately much of this land is not truly protected. Therefore, I strongly urge you to support Senate Bill 70.

This Bill classifies lands under the custody and control of the Dept. of Energy and Environmental Protection and the Dept. of Agriculture as "land of high conservation value" unless the commissioners make a written determination to the contrary. Furthermore, this Bill requires DEEP and DOAG to place a conservation restriction on the deeds of lands of high conservation value. This ensures that previously "protected" land will not later be used for alternative purposes. Indeed, these efforts go a long way towards making the state land conveyance process more transparent and emphasizes that it is a policy of the state to preserve these lands and their resource values.

It is my hope that we can come together to protect Connecticut's open spaces and woodlands so as to preserve the natural beauty and rural character of towns throughout the state. Only through these initiatives can our state's rural areas obtain the true protection they need for years to come.

Thank you for your consideration and please support SB 70.

Prasad Srinivasan, State Representative, 31st District