March 16, 2007

P. O. Box 71
Windsor, CT 06095

Co-Chairman and Members
Government Administrations and Elections Committee
Room 2200, Legislative Office Building
Hartford, CT 06106

Re: **H.B. 5249. An Act Requiring Environmental Impact Statements Prior To The Conveyance Of State Land To A Municipality.**

Dear Co-Chairs and Members:

I oppose H.B. 5249 because its purpose can be accomplished by simply adding the words "including the sale or option to sell or transfer of state land or any interest in state land by a state agency, department or institution, such agency, department or institution" to the Connecticut General Statutes ("C.G.S."), § 22a-1b.(c). Insertion of the words clarifies legislative intent and extends the scope of activities requiring preparation of environmental impact evaluations.

The proposed bill provides, yet, another bandaid applied to the Connecticut Environmental Policy Act ("CEPA"). The Department of Environmental Protection ("DEP") still has not developed regulations incorporating the 2002 statutory revisions to CEPA. The existing regulatory scheme developed by the DEP pursuant to the C.G.S., § 22a-1g already requires natural resource inventories in the preparation of environmental impact evaluations. The agency can be expected without question to upgrade further requirements for such inventories upon final development of its regulations.

Section 1(c)(1) of the bill states that "Nothing in this section limits applicability of sections 22a-1a to 22a-1i, inclusive, of the general statutes, with respect to the sale or transfer of state land or any interest in state land, except that if an environmental impact evaluation was prepared pursuant to sections 22a-1b and 22a-1c of the general statutes or an environmental statement was prepared for such state land or interest in state land pursuant to any other state or federal law or regulation, as specified in section 22a-1f of the general statutes, such state agency, department or institution shall be exempt from the notice and public comment requirements set forth in subsections (a) and (b) of this section." The suggested wording above eliminates the need for this subsection.

Further, Section 1(c)(2) excludes "[A]ny purchase and sale agreement entered into between the state and any prospective purchaser that was in effect prior to the effective date of this section or any subsequent sale or transfer made pursuant to any such purchase and sale agreement." This may be in conflict with Section 1(c)(4) concerning the sale of surplus land

because normally, the state requires the sale of its property to be surplus. The suggested wording above eliminates the need for Sections 1(c)(3) and (4).

Additionally, the statutes contain no definition for the term "Environmental Impact Statements" under CEPA. The proper terminology is "Environmental Impact Evaluations" as used throughout the C.G.S. Chapter 439.

Historically, the greater the verbiage, the greater the potential for loopholes.

Cordially,

Robert Fromer

Robert Fromer
Environmental Consultant