



Working Lands Alliance
A Project of American Farmland Trust

To: Environment Committee

Date: Mar 16, 2009

Testimony in regards to:

WLA SUPPORTS:

S.B. No. 1082 (RAISED) AN ACT CONCERNING THE PRESERVATION OF STATE-OWNED AGRICULTURAL LAND.

H.B. No. 6660 (RAISED) AN ACT AUTHORIZING BONDS OF THE STATE FOR VARIOUS STATE GRANT PROGRAMS AND CONCERNING THE FACE OF CONNECTICUT STEERING COMMITTEE.

S.B. No. 793 (RAISED) AN ACT CONCERNING STEAP GRANTS AND THE CONVERSION OF PRIME FARMLAND TO NONAGRICULTURAL USE.

Submitted by: Jiff Martin, Project Director, Working Lands Alliance

The following testimony is submitted on behalf of the Working Lands Alliance, a statewide coalition of over 600 individuals and 200 businesses and non-profits committed to increasing the state's commitment to farmland preservation.

1. Preservation of State-Held Agricultural Lands

SB 1082 will help the State of Connecticut move pro-actively to permanently protect more than 1300 acres of productive agricultural lands that are currently owned by the State and leased to farmers by the Department of Agriculture, the Department of Public Works, the Department of Developmental Services, and the Department of Corrections. We estimate there are 12 state-held farmland parcels located in the following towns: Cheshire, Lebanon, Middletown, Newtown, Niantic, Somers/Enfield, and Southbury. (see attached chart).

Although it would appear that state-held farmlands are already protected, in the past decade state-owned farmland parcels have been the subject of Special Acts which transfer ownership to non-state entities for non-agricultural use. (In recent years there have been 9 such transfers amounting to 165 acres of farmland converted to non-agricultural uses.)

SB 1082 calls on the newly established 12-member Farmland Preservation Advisory Board, which has broad representation of active farmers as well as Connecticut Farm Bureau, University of Connecticut, Connecticut Conference of Municipalities, and Working Lands Alliance. The Farmland Preservation Advisory Board, working with the Commissioner of Agriculture, will review the status of the 1300+ acres of state-held farmland and make recommendations on establishing a procedure to permanently conserve each parcel, including but not limited to the

identification of an appropriate conservation organization(s) to act as the recipient to the development rights transfer. The Farmland Preservation Advisory Board has been apprised of this proposal and has agreed formally, by motion at their December meeting, to support this approach to permanently preserving state-held agricultural lands.

WLA anticipates that the recommendations of the Farmland Preservation Advisory Board, as required in SB 1082, will provide the basis for new legislation in 2010 that will seek to carry out easement transfers on certain properties (or perform other approaches as recommended).

2. Face of Connecticut – funding

HB 6660 will move the State of Connecticut a step forward toward a comprehensive, well-planned roadmap for making crucial and imperative investments in our future that we must make today. HB 6660 will 1) renew bonding commitments for existing state programs in FY2010; and 2) introduce new bonding of \$20m to address funding gaps in historic preservation, community farms, and brownfields. WLA views this \$20m bonding commitment as a vital key to launching the recently created Community Farms Preservation Program (CGS 22-26nn) which currently lacks funding.

Farmland protection projects rely heavily on state bonding that matches federal funds and town funds. Starting in 2009, Federal match funding over the next five years is expected to increase to \$4m to \$8m annually, but the State of Connecticut will need funding in place to take advantage of this leverage opportunity. The financial challenges facing the state are similar to those facing farm families who are looking to sell the development rights on their farmland to the state. Right now there are 54 farm applications representing almost 6,000 acres of farmland that the state may be able to protect over the next two years!!

Technical correction to HB 6660:

WLA recommends eliminating the underlined text in Section 3 since this is a redundant funding commitment given the contents of Section 1 which formally authorize bonding increases of \$12.5 million for the state's Farmland Preservation Program over FY10-FY11 (the Governor's capital budget proposal recommends only \$5m which will be insufficient to maintain lump sum bonding mechanism after August 2010):

“Sec. 3. (Effective July 1, 2009) (a) For the purposes described in subsection (b) of this section, the State Bond Commission shall have the power, from time to time, to authorize the issuance of bonds of the state in one or more series and in principal amounts not exceeding in the aggregate fifty million five hundred thousand dollars {~~forty million five hundred thousand dollars~~}. ”

The proceeds of the sale of said bonds, to the extent of the amount stated in subsection (a) of this section, shall be used by the following agencies: (1) Ten million dollars by the Department of Agriculture for the purchase of development rights of agricultural land in accordance with chapter 422a of the general statutes; (2) seven million five hundred thousand dollars by the Department of Environmental Protection for the open space and watershed land

acquisition program established under section 7-131d of the general statutes; (3) seven million five hundred thousand dollars by the Department of Environmental Protection for the recreation and natural heritage trust program established under sections 23-73 to 23-79, inclusive, of the general statutes; (4) seven million five hundred thousand dollars by the Department of Economic and Community Development for brownfields remediation and redevelopment in accordance with title 32 of the general statutes; and (5) twenty million dollars which shall be deposited in the Face of Connecticut account to be expended by the Department of Environmental Protection as directed by the Face of Connecticut Steering Committee, established under section 22a-27s of the general statutes, as amended by this act, for the purpose of historic preservation, brownfields remediation and farmland and open space preservation.

3. STEAP grants and the Conversion of Farmland

SB 793 offers a firm approach to closing a loophole that allows recipients of STEAP grants (which are funded by state capitol bonds) to circumvent requirements of all state bonding commitments that will impact 25 acres or more of farmland.

In 1983 the CT General Assembly passed legislation regarding the State General Obligation Bond Procedures requiring “a statement from the Commissioner of Agriculture pursuant to section 22-6, for projects which would convert twenty-five or more acres of prime farmland to a nonagricultural use” (CGS 3-20(g)). In effect, this means that whenever the state uses capital funds for projects that impact 25 acres or more of farmland, before the project can proceed the Commissioner of Agriculture must provide a statement that the project promotes agriculture or agricultural land preservation or, if not, that there is no reasonable alternative site for the project.

In 2007, the CT Council on Environmental Quality reviewed Environmental Impact Evaluations for two STEAP funded projects in Cromwell and South Windsor that would convert over 100 acres of prime agricultural land, including active farms, to commercial or industrial uses (CT Council on Environmental Quality Memo, October 19, 2008). CEQ discovered a loophole in the STEAP program funding process whereby the State Bond Commission allocates one lump sum to DECD prior to grant selection, thereby circumventing 3-20(g). CEQ recommended legislation to amend the STEAP statute to require an agricultural review identical to the one for other capital projects.

WLA feels strongly that SB 793 successfully applies the policy embodied in CGS 3-20(g) – intended to strengthen the state’s policy on farmland preservation and limit the state’s subsidization of farmland loss – to the STEAP program.

State-owned farmland - as of Jan 2009
12 parcels (on 7 sites); 1369 acres

Agency	Facility	Town	Lessor	Acres	Notes
DoAg	Savin Farm	Lebanon	DoAG	100	
DoAg	Savin Farm	Lebanon	DoAG	250	
DoAg	Fairfield Hills Hospital	Newtown	DoAG	70	
DoAg	Fairfield Hills Hospital	Newtown	DoAG	87	
DDS	Southbury Training School	Southbury	DDS	575	
DDS	Southbury Training School	Southbury	DPW	50	
DOC	Cheshire Correctional Institution	Cheshire	DOC	46	
DOC	multiple Enfield-Somers Corr. F.	Somers/Enfield	DOC	60	
DOC	multiple Enfield-Somers Corr. F.	Somers/Enfield	DOC	33	
DOC	Gates Correctional Institution	Niantic	DOC	10	
		TOTAL		1281	
LOST! - previously state owned farmland					
Grantor	Facility	Town	Grantee	Acres	notes
State	Fairfield Hills Hospital	Newtown	Town	23	SA 06-10, Sect.3 - transfer for Fishing Club lease
State	Fairfield Hills Hospital	Newtown	Geckel Cons. Foundation	0.86	
State	Fairfield Hills Hospital	Newtown	Town	38	SA 08-8, Sect 21 - transfer for barn maintenance
State	Fairfield Hills Hospital	Newtown	CTDOT	5	SA 03-19, Sect 16 & PA 05-279, Sect.29 - transfer for commercial industrial park and open space
State	Fairfield Hills Hospital	Newtown	Town	100' strip	taking for road widening and wetland mitigation easement to Town of Newtown for brook buffer
State	Fairfield Hills Hospital	Newtown	Town	28	SA 07-11, Sect. 29 - transfer for town dog pound (and ambulance facility?)
State	Noank Lab	Groton	Groton	3	land building transfer to Shellfish Coop
State	Norwich State Hospital	Norwich	Town	15	nursery; transferred to Town of Preston Park & Rec
State	Connecticut Valley Hospital	Middletown	Town	53	nursery stock; majority transferred to Town of Middletown

