

South Central Connecticut Regional Water Authority
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Testimony to the Environment Committee

Raised Bill 5264, An Act Concerning Municipally Acquired Open Space

February 18, 2009

The South Central Connecticut Regional Water Authority is a non-profit, public corporation and political subdivision of the State. Within the 20 member towns of our water district, we own and operate a public water system, which includes 18 reservoirs, 4 surface water treatment plants and 7 ground water treatment plants. We serve over 427,000 water consumers approximately 53 million gallons of water per day and provide fire protection throughout our service area. The source of this water is a system of watershed and aquifer areas that cover about 120 square miles within 24 municipalities. Almost 27,000 acres of these watershed and aquifer areas are protected as open space as a result of the Authority's efforts and efforts with partners.

The Regional Water Authority supports what we believe to be the intent of Proposed Bill 5264, *An Act Concerning Municipally Acquired Open Space* –to provide long-term protection for municipally acquired open space land. Lines 1 – 19 of Proposed Bill 5264 are proposing a change to Section 47-42 of the General Statutes, “easements for public utility or railway purposes”, to require a permanent conservation easement in favor of the municipality. However, we wonder if this legislation is necessary because of requirements included in another section of the General Statutes.

The State's Charter Oak Open Space and Watershed Land Acquisition Program provides state bond grants to municipalities, nonprofit land conservation organizations and water companies to purchase land or permanent interests in land for open space or watershed protection. CGS Section 7-131d stipulates that any land or easement acquired through that program with state funds must include a conservation easement to provide that the property shall remain forever predominantly in its natural and open condition. Subsection (e) of Sec. 7-131d also allows for the conservation easement to be “in favor of the state acting through the Commissioner of Environmental Protection, or his designee, which may be a **municipality** or a land conservation organization”. In the case of land acquired for water supply protection, it allows for that conservation easement to be held by the “water company in conjunction with the state or a nonprofit entity to protect the water supply”. That legislation enables organizations such as land trusts, The Nature Conservancy and the South Central Connecticut Regional Water Authority, to hold the conservation easement; thus providing the same benefit of protecting the nature resource as if the municipality held the easement.

Subsection (e) of Section 7-131d also allows the Commissioner of Environmental Protection to make an exemption to the provision of public recreational access “when provisions for public access would be unreasonably detrimental to the wildlife or plant habitat or other natural features of the property” or “if access is inconsistent with the provision of pure drinking water to the public” for watershed lands. Therefore, we believe that lines 13-19 may not be necessary.

The Regional Water Authority takes its stewardship of land very seriously. Our Land Use Plan guides us in the management of our landholdings so that we successfully implement a multi-barrier approach to ensure high quality drinking water quality while protecting open space.

Land choice is an important decision confronting many towns across our 20-town region. What happens on land in terms of development can affect the quality of water supplies. Since 1980, the Regional Water Authority has invested \$17 million and partnered with the State of Connecticut, municipalities, and various environmental organizations to protect nearly 5,000 acres of public water supply watershed/aquifer land as open space in the following communities: Bethany, Branford, Cheshire, Durham, East Haven, Guilford, Haddam, Hamden, Killingworth, Madison, North Branford and Woodbridge.

The Regional Water Authority is committed to protect an additional estimated 3,000 acres of privately owned watershed land in our region over the next 10 years. Acquiring this land requires careful planning as well as adequate funding.

If we have misinterpreted Proposed Bill 5264 and the Committee still believes a change needs to be made to CGS section 47-42, we would encourage the committee to use language consistent with the Open Space and Watershed Land Acquisition Program the Department of Environmental Protection administers. We will be happy to work with the Committee to assure this consistency.

Member Towns: Ansonia, Beacon Falls, Bethany, Branford, Cheshire, Derby, East Haven, Guilford, Hamden, Killingworth, Madison, Milford, New Haven, North Branford, North Haven, Orange, Prospect, Seymour, West Haven and Woodbridge