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Martin Mador, Legislative Chair*

Environment Committee  
March 14, 2011

Testimony In Favor of  
HB 6386 AA Establishing the Department of Energy and Environmental Protection  
In Opposition to  
HB 5363 AA Transferring the Conservation Functions of the Department of Environmental Protection to the Department of Agriculture

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I am also a director of Rivers Alliance and of the Quinnipiac River Watershed Association. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

Connecticut desperately needs to establish a locus of energy policy planning. We have not had one for decades. Whatever energy policy we manage to suffer has been developed by an agglomeration of semi-connected entities. The Governor has proposed siting energy planning within an expanded and renamed Department of Environmental Protection. Sierra credits the Governor for recognizing the need, and proposing a solution. Transfer of energy responsibilities from OPM to the new department is welcomed, as is incorporation of the DPUC and its various areas of responsibility within the department. The new department will thus be well positioned to address the nexus between energy and various areas of environmental protection.

We are concerned about this proposal for several reasons:

- Connecticut's DEP is one of the lowest such funded agencies in the country. Under the proposed biennium budgets it receives but 0.4 percent of general fund expenditures. It will inherit resources from OPM and the DPUC, but we are concerned about adding such an important roster of tasks to the agency without providing resources to do the job adequately.
- It leaves us without a cabinet level Commissioner of Energy whose sole task is energy, and who would be a visible spokesperson within the executive for energy issues.
- It saddles the Commissioner of the new agency with a daunting roster of responsibilities.
- It leaves somewhat undefined the roles of the continuing roster of energy commissions, boards, funds, and so on.
- It does not address the division of responsibilities for green building standards and practices between the new department and the proposed Department of Construction Services.
- It strips away the independence of the CEQ, as explained below.

That said, it is necessary to note that, in our opinion, should we proceed with creation of the DEEP, Dan Esty is exactly the right candidate for the job. I have known him for a decade at Yale Forestry and Environmental Studies, and have the highest regard for his intelligence, capacity, values, and commitment.

Both HB 6386 and the Governor's budget propose merging the Council on Environmental Quality into the DEP. Sierra finds this, in a word, unacceptable.

The CEQ has existed in parallel with the DEP since its inception. It has provided invaluable commentary and observation on the DEP, other agencies, and the state's environment. CEQ has been able to do this due to a consistently strong board of commissioners and the extraordinary skill and devotion of Karl Wagener. It has been enabled to be so successful because of its independence, at a current cost of less than \$200,000.

Sierra is well aware of the Governor's intention to fulfill a campaign promise to reduce the number of funded agencies. This bill would eliminate the CEQ, thus furthering that goal by one. However, we advise that this would be harmful public policy. The CEQ requires its independence to fulfill its watchdog role. Eliminating the CEQ staff, replacing it with resources provided to the CEQ board by the DEEP at its discretion, would significantly compromise its independence. Given the efforts of the agency to struggle with tasks far beyond its level of resources, and given the very low staffing level of the agency, CEQs independence becomes even more important. The Connecticut DEP has traditionally been one of the lowest funded environment agencies in the country. This proposed budget does nothing to provide increased staffing levels, so the new DEEP, with its new energy portfolio, will continue to struggle with resources falling far short of its obligations.

Sierra is elated at the nomination of Dan Esty as the new Commissioner of DEEP. However, our support and respect for him does in no way diminish the need for a CEQ independent of oversight by the DEEP Commissioner.

The Sierra Club recommends most strongly that CEQ staff be retained, that the Council continue to have exclusive oversight over the CEQ, and that CEQ be housed at DEP for administrative purposes only.

**HB 5363** would transfer all responsibilities for parks, forests, public trees, the Appalachian National Scenic Trail, the Recreation and Natural Heritage Trust Program, greenways, bikeways, fisheries, the Marine Fisheries Commission, and endangered species, among others, from the DEP to the Dept. Of Agriculture, renamed Agriculture and Natural Resources.

There is merit to opening a discussion of the functions of DEP, especially the connection between permitting and enforcement and conservation of natural resources. Regulation and promotion (i.e. conservation) are very different tasks.

However, this bill breaks off a somewhat arbitrary part of DEP, those identified by subject areas found in 2 titles of the Connecticut General Statutes. The rationale to this division is not entirely clear.

It awards these functions to the Dept. Of Agriculture. While agriculture does rely on natural resources, it has a dedicated purpose one step removed from conservation.

Discussion of this proposal should continue, but it requires the participation of the Commissioner of DEP. As the nominee has not yet been confirmed by the legislature, a decision on this proposal is premature.

Sierra recommends tabling the idea, for now.