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**Testimony of David Sutherland – Director of Government Relations
Before the Environment Committee – March 14th, 2011**

**In Support of Bill 6386 –
AN ACT ESTABLISHING THE DEPARTMENT OF ENERGY AND
ENVIRONMENTAL PROTECTION**

***But in opposition to Sections, 33, 36, and 42, which would eliminate the
staffing for and independence of the Council on Environmental Quality***

On behalf of The Nature Conservancy, I would like to express our support for the provisions of Bill 6386 which would establish a new Department of Energy and Environmental Protection (DEEP). We are opposed to the provisions that would eliminate staffing for the Council on Environmental Quality (CEQ) and move its staff functions into the new DEEP.

As noted in our other testimony today opposing Bill 5363, we are concerned that the conservation functions of the existing DEP have too long been neglected, and that our State Forests, State Parks, and wildlife and fisheries programs have not received the funding and staffing levels they need. If a focus is not kept on these programs, this neglect could be exacerbated under this new proposed agency. So while we feel that it is important that the conservation side of the agency stay joined with the permitting and enforcement side, and do support the creation of this new agency, we urge the new administration to demonstrate a strong commitment to our natural habitats and the exemplary lands that the DEP owns.

The Council on Environmental Quality has been a crucial component of the success Connecticut has achieved on the environmental front in the past four decades. The Council is a nine-member board that, though housed in the DEP for administrative purposes, has a separate staff and budget and works independently of the DEP. Five members are appointed by the Governor; two members by the President Pro Tempore of the Senate and two by the Speaker of the House.

The Council was created in 1971 to: 1) investigate citizens' complaints and allegations of violations of environmental laws; 2) advise other state agencies on the environmental impacts of proposed construction projects; and 3) assess the condition of Connecticut's environment and report its findings annually to the Governor, and recommend actions to improve state environmental programs.

The Governor has proposed to have the council's staff duties assumed by the DEP. This is unworkable for two reasons. First of all, DEP is already severely understaffed; it has no staff capacity to assume these additional responsibilities. Either there will be no

savings from eliminating the council's staff, or its work will not be completed. **More importantly, a crucial function of the CEQ is to provide independent oversight and analysis regarding DEP's work; this clearly and by definition will not occur even if DEP staff had the capacity to assume some of the council's work.**

I'll give one of what could be many examples. Four years ago, the CEQ did an in-depth analysis of the inadequacies of DEP's enforcement against illegal encroachments on State Park and Forest land and other preserved land. The topic was first brought to the council's attention by citizens. The CEQ's subsequent report uncovered very important cases of significant violations of state land that went unimpeded and unpunished because of inadequacies in existing statutes, DEP practices, and DEP staffing levels. The report also gave practical, workable solutions for some of these factors. As one result of the report, critical legislation was passed that updated penalties for encroachments on preserved land.

For a variety of reasons, most state agencies are simply not going to publish a report pointing out their own inadequacies; as a result many inadequacies or poor practices never get addressed. In this particular case, CEQ, as it has in regards to many other areas of DEP and municipal commission work, examined these encroachment concerns in an objective, constructive manner, and developed sound, practical solutions. **Please delete sections 33, 36, and 42 from this bill, and keep the CEQ a separate, funded agency.**