

ENVIRONMENT COMMITTEE PUBLIC HEARING  
February 9, 2011

TESTIMONY OF  
SANDY BRESLIN, DIRECTOR OF GOVERNMENT AFFAIRS  
AUDUBON CONNECTICUT

**IN SUPPORT OF: S.B. No. 838 AN ACT CONCERNING WILDLIFE  
MANAGEMENT AND LANDS CLASSIFIED AS FARM LANDS**

On behalf of Audubon Connecticut, the state organization of the National Audubon Society, I want to thank the Environment Committee for raising S.B. 838 AAC Wildlife Management and Lands Classified as Farm Lands. Audubon Connecticut **strongly supports** the intent of this legislation, which is to ensure that farmers with land designated under Public Act 490 (PA 490) retain the flexibility to manage a portion of their property for wildlife without threatening the status of their land.

Since 1963, P.A. 490 has been one of the most important mechanisms for helping to conserve agricultural, forest, and open space lands in our state. The law offers landowners a reduced property tax rate on land devoted to farming, forestry or preserved in a natural state. The agricultural and forestry provisions were mandated in the 1963 law, but the open space provisions must be adopted town-by-town. The impetus for S.B. 838 stems from the experience of a landowner whose local assessor challenged the P.A. 490 agricultural classification of his property when his previously cultivated farmland was being managed for grassland birds under a delayed mowing schedule.

Along with more than 20 other landowners whose P.A. 490 classification was also being challenged, this landowner followed the appeal process through the municipal Board of Assessment Appeals to Superior Court. Ultimately, the landowner and municipal assessor settled their differences in favor of the landowner without a court proceeding, but the outcome for other landowners faced with similar challenges in other communities may not be so positive.

It is commonly understood that farms may routinely contain up to 10% of acreage in lands that are not suitable for active agricultural production for one reason or another, but that may provide other benefits either to the farm operation or to the environment in general. These lands are often ecologically sensitive areas such as wetlands, watercourses or areas with steep slopes. S.B. 838 will help to ensure that farmers have the flexibility to manage these lands for wildlife without risking their overall P.A. 490 designation.

By requiring that a professional wildlife management plan to be developed, S.B. 838 will ensure that communities are receiving both the agricultural and the wildlife conservation benefit for which the P.A. 490 tax reduction is offered. By supporting S.B. 838, however,

Audubon is not suggesting an expansion of current P.A. 490 agriculture classification solely to promote wildlife habitat over agriculture, nor do we support legislation that might encourage land owners to take their acreage out of active production. Farms can provide important habitat for wildlife, however, and conservation-minded farmers should not be penalized financially for doing so.

In addition, we ask the Committee to re-visit the requirement (line 21-23) that a state certified forester be the authorized agent to develop a wildlife management plan. A more appropriate authority might be a conservation biologist such as those certified by the Wildlife Conservation Society. A fuller examination of the appropriate credentials needed to develop a sound wildlife management plan and assess its implementation is in order before moving forward.

Public Act 490 is such a foundational piece of legislation that changes to it should not be undertaken lightly. Any such proposal must be well-thought out and its implications thoroughly examined. For this reason, Audubon looks forward to working with the Environment Committee and members of the farmland and open space communities to ensure that farmers have the flexibility intended by the original statute to manage a portion of their land for wildlife.

In the long term, in order to help meet the state's goals of preserving and enhancing habitat for wildlife, it may be necessary to establish a new category of P.A. 490 or P.A. 490-like tax status for wildlife habitat. Another alternative may be to make the open space provisions of the existing statute mandatory in all communities as it is for agricultural and forestland.

Audubon Connecticut *encourages* the Environment Committee to support this legislation and we thank you for your thoughtful consideration of this matter.

*Audubon Connecticut, the state organization of the National Audubon Society with more than 10,000 members statewide, works to protect birds, other wildlife and their habitats through education, science and conservation, and legislative advocacy for the benefit of people and the earth's biological diversity. Through our network of nature education centers, protected wildlife sanctuaries, and local, volunteer Chapters, we seek to connect people with nature and inspire the next generation of conservationists.*