



Senate

General Assembly

File No. 265

February Session, 2012

Substitute Senate Bill No. 347

Senate, April 4, 2012

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 23-8 of the 2012 supplement to the general statutes
2 is repealed and the following is substituted in lieu thereof (*Effective*
3 *from passage*):

4 (a) The Commissioner of Energy and Environmental Protection
5 shall have power, acting by himself or with local authorities, to
6 acquire, maintain and make available to the public open spaces for
7 recreation. Said commissioner may take, in the name of the state and
8 for the benefit of the public, by purchase, gift or devise, lands and
9 rights in land and personal estate for public open spaces, or take bonds
10 for the conveyance thereof, or may lease the same for a period not
11 exceeding five years, with an option to buy, and may preserve and
12 care for such public reservations, and, in his discretion and upon such
13 terms as he may approve, such other open spaces within this state as
14 may be entrusted, given or devised to the state by the United States or
15 by cities, towns, corporations or individuals for the purposes of public

16 recreation, or for the preservation of natural beauty or historical
17 association, provided said commissioner shall not take or contract to
18 take by purchase or lease any land or other property for an amount or
19 amounts beyond such sum or sums as have been appropriated or
20 contributed therefor. No provision of this section shall be construed to
21 set aside any terms or conditions under which gifts or bequests of land
22 have been accepted by the commissioner.

23 (b) Twenty-one per cent of the state's land area shall be held as open
24 space land. The goal of the state's open space acquisition program shall
25 be to acquire land such that ten per cent of the state's land area is held
26 by the state as open space land and not less than eleven per cent of the
27 state's land area is held by municipalities, water companies or
28 nonprofit land conservation organizations as open space land
29 consistent with the provisions of sections 7-131d to 7-131g, inclusive.
30 Such program shall not affect the ability of any water company to
31 reclassify or sell any land, or interest in land, which was not acquired,
32 in whole or in part, with funds made available under the program
33 established under sections 7-131d to 7-131g, inclusive. [The goal for
34 state open space acquisition shall be three thousand acres acquired in
35 1999, four thousand acres acquired in 2000, four thousand acres
36 acquired in 2001 and five thousand acres acquired in 2002, provided
37 such acquisition program shall continue until the overall state goal of
38 open space acquisition is achieved.] The commissioner, in consultation
39 with the Commissioner of Agriculture and the Council on
40 Environmental Quality established under section 22a-11,
41 municipalities, regional planning agencies and private nonprofit land
42 conservation organizations, shall prepare, and update [as necessary]
43 not less than once every five years, a comprehensive strategy for
44 achieving the state goal. [and shall set an appropriate additional goal
45 for increasing the amount of land held as open space by municipalities
46 or by private nonprofit land conservation organizations and shall
47 include in such strategy provisions for achieving such goal.] Such
48 strategy shall include, but not be limited to: [, recommendations
49 regarding:] (1) Timetables for acquisition of land by the state, (2) plans
50 for management of such land, (3) an assessment of resources to be used

51 for acquisition and management of such land, and (4) [acquisition and
52 maintenance of open space land by municipalities and by private
53 entities] the highest priorities for acquisition, including the wildlife
54 habitat and ecological resources identified to be in greatest need for
55 immediate preservation, and the general location of each high priority.
56 On or before January 1, 1998, and annually thereafter, the
57 commissioner shall submit a report to the joint standing committee of
58 the General Assembly having cognizance of matters relating to the
59 environment regarding the strategy and the progress being made
60 towards the goals. For the purpose of this subsection, "to acquire land"
61 includes, but is not limited to, the acquisition in fee simple of land and
62 the acquisition of easements for the conservation of land.

63 (c) To further the efforts to preserve open space in the state and to
64 help realize the goal established in subsection (b) of this section to have
65 at least twenty-one per cent of the state's land held by the state,
66 municipalities, land conservation organizations and water utilities as
67 open space, the Department of Energy and Environmental Protection
68 shall conduct an evaluation of lands of class A water companies, as
69 defined in section 16-1, to determine the resource value and potential
70 desirability of such lands for purchase for open space or public
71 outdoor recreation or natural resource conservation or preservation.
72 The water companies and land conservation organizations shall work
73 cooperatively with the department and provide maps and other
74 information to assist the Department of Energy and Environmental
75 Protection in the evaluation of these properties and said department
76 shall develop strategies for alternative methods of funding the
77 preservation of water company lands in perpetuity as open space.

78 (d) To further the efforts to preserve open space in the state and to
79 help realize the goals established in subsection (b) of this section, the
80 commissioner, in consultation with each state agency, shall identify the
81 lands owned by the state that are in the custody of each state agency
82 and that are valuable for conservation purposes. The commissioner
83 shall include in the comprehensive strategy prepared pursuant to
84 subsection (b) of this section a strategy for preserving such state

85 agency lands in perpetuity as open space. In developing such strategy,
 86 the commissioner shall consult with each state agency that has custody
 87 of such lands and shall consider the present and future needs of each
 88 such state agency.

89 (e) Not later than December 15, 2012, the commissioner shall submit
 90 a report, in accordance with section 11-4a, to the Governor and the
 91 joint standing committee of the General Assembly having cognizance
 92 of matters relating to the environment, that includes (1) an estimate of
 93 the acres of land preserved by the state, municipalities, water
 94 companies and nonprofit land conservation organizations that count
 95 toward the goals established in subsection (b) of this section, (2) an
 96 estimate of the cost of establishing a system for increasing the accuracy
 97 of such estimates by encouraging the voluntary submittal of
 98 information regarding new acquisitions by municipalities, water
 99 companies and nonprofit land conservation organizations, and (3) any
 100 recommendations for the establishment of such a system. Such
 101 recommendations shall consider the relative costs and benefits of
 102 having a state agency, a constituent unit of higher education or a
 103 nongovernmental organization host and operate such system.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	23-8

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Department of Energy and Environmental Protection	GF - Cost	100,000	100,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill, which requires the Department of Energy and Environmental Protection (DEEP) to perform various functions concerning the state's open space, would result in annual consulting costs of approximately \$100,000.

The consultant would assist DEEP in determining what state lands are valuable for conservation purposes and in preparing estimates regarding how much state land is currently preserved for open space. The Parcels for Protected Open Space Mapping (POSM)¹ system contains information that, in some cases, is approximately 10 years old.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

¹ Connecticut Environmental Conditions Online - www.cteco.uconn.edu

OLR Bill Analysis**sSB 347*****AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN.*****SUMMARY:**

This bill requires the Department of Energy and Environmental Protection (DEEP) commissioner to update the state's open space plan at least once every five years, instead of as necessary. It expands the entities with which the commissioner must consult when updating the plan to include the agriculture commissioner, municipalities, and regional planning agencies.

The bill requires the commissioner, in consultation with all state agencies, to identify state-owned land that should be conserved and develop a plan to preserve it forever as open space land.

The bill requires the commissioner to report by December 15, 2012 to the governor and Environment Committee. The report must include (1) an estimate of how much state land is preserved as open space and (2) recommendations and cost estimates for establishing a system to accurately track open space land.

EFFECTIVE DATE: Upon passage

OPEN SPACE PLAN

By law, 21% of the state's land area must be held as open space land. The state's goal is for the state to hold 10% and municipalities, water companies, or nonprofit land conservation organizations (e.g., land trusts) at least 11% of the state as open space land. The bill specifies that "to acquire land" includes acquiring (1) land in fee simple (i.e., full ownership) and (2) conservation easements.

Under current law, the DEEP commissioner must consult with the

Council on Environmental Quality (CEQ) and private nonprofit land conservation organizations to (1) prepare and update as necessary a plan to meet the state's open space goal and (2) set an additional open space goal for municipalities and conservation organizations. The bill instead requires the commissioner to consult with the agriculture commissioner, CEQ, conservation organizations, municipalities, and regional planning agencies to prepare and update the plan at least once every five years. It removes the requirement that the DEEP commissioner set an open space goal for municipalities and conservation organizations.

The bill requires the open space plan to include:

1. timetables for the state to acquire land;
2. plans for managing the land;
3. an assessment of resources to be used for acquiring and managing land; and
4. the highest priorities for land acquisition, including wildlife habitats and ecological resources in the greatest need of immediate preservation, and their general location.

Current law requires the plan to include recommendations on an acquisition timetable, management of acquired land, available resources, and the acquisition and maintenance of open space land by municipalities and private entities.

STATE-OWNED LAND HELD BY STATE AGENCIES

The bill requires the DEEP commissioner, in consultation with state agencies, to identify state-owned land that is held by state agencies and valuable for conservation purposes. The commissioner must include in the state's open space plan a strategy for preserving such land in perpetuity as open space. He must consider the present and future needs of each agency when developing the strategy.

TRACKING OPEN SPACE

The bill requires the commissioner, by December 15, 2012, to report to the governor and Environment Committee:

1. an estimate of how many acres of state land the state, municipalities, water companies, and nonprofit land conservation organizations have preserved as open space;
2. a cost estimate for establishing a system to more accurately account for open space land by encouraging municipalities, water companies, and nonprofit land conservation organizations to voluntarily submit information about new acquisitions; and
3. recommendations for establishing such a system that consider the costs and benefits of having a state agency, public college or university, or a nongovernmental organization host and operate it.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 28 Nay 0 (03/21/2012)