



General Assembly

February Session, 2012

**Raised Bill No. 347**

LCO No. 1892

\*01892\_\_\_\_\_ENV\*

Referred to Committee on Environment

Introduced by:  
(ENV)

**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2 is repealed and the following is substituted in lieu thereof (*Effective*  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 Council on Environmental Quality established under section  
40 22a-11, municipalities, regional planning agencies and private  
41 nonprofit land conservation organizations, shall prepare, and update  
42 [as necessary] not less than once every five years, a comprehensive  
43 strategy for achieving the state goal and shall set [an appropriate  
44 additional goal for increasing the amount of] a goal for land held as  
45 open space by municipalities, [or by] water companies and private  
46 nonprofit land conservation organizations. [and shall include in such  
47 strategy provisions for achieving such goal.] Such strategy shall  
48 include, but not be limited to: [ recommendations regarding:] (1)  
49 Timetables for acquisition of land by the state, (2) plans for  
50 management of such land, (3) an assessment of resources to be used for  
51 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

**Statement of Purpose:**

To revise the state's open space plan by increasing the frequency of revisions to such plan, identifying lands appropriate for preservation as open space that are held by state agencies and water companies, identifying lands of highest priority for conservation and making recommendations for the establishment of a system to accurately keep track of lands preserved as open space.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*