

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 12-152—sSB 347
Environment Committee
Appropriations Committee

AN ACT CONCERNING THE STATE'S OPEN SPACE PLAN

SUMMARY: This act requires the Department of Energy and Environmental Protection (DEEP) commissioner to update the state's open space plan by December 15, 2012 and at least once every five years, instead of as necessary. It expands the list of people and entities with whom the commissioner must consult when updating the plan to include the agriculture and public health commissioners, municipalities, and regional planning agencies.

The act expands the types of information that the commissioner must include in the state's open space plan to include, among other things, (1) an estimate of how much state land is preserved as open space and (2) potential methods, costs, and benefits of establishing a system to accurately track open space land.

The act requires the commissioner, by October 1, 2014, and 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.

EFFECTIVE DATE: October 1, 2012

OPEN SPACE PLAN

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

Under prior law, the DEEP commissioner had to 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 act instead requires the commissioner to consult with the agriculture and public health commissioners, CEQ, conservation organizations, municipalities, and regional planning agencies to prepare a plan by December 15, 2012 and update the plan at least once every five years thereafter. It removes the requirement that the DEEP commissioner set an open space goal for municipalities and conservation organizations.

In addition to existing law's requirements that the open space plan include (1) timetables for the state to acquire land, (2) plans for managing the land, and (3) an assessment of resources to be used for acquiring and managing land, the act also requires it to include:

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1. an estimate of how much land is preserved as open space;
2. an evaluation of the methods, costs, and benefits of establishing a system to accurately track open space land by encouraging municipalities, water companies, and nonprofit land conservation organizations to voluntarily submit information on new acquisitions, including the costs and benefits of having a state agency, public college or university, or nongovernmental organization host and operate the system; and
3. the highest priorities for land acquisition, including wildlife habitats and ecological resources in the greatest need of immediate preservation, and their general location.

The act removes a requirement that the plan include recommendations on the acquisition and maintenance of open space land by municipalities and private entities.

STATE-OWNED LAND HELD BY STATE AGENCIES

The act requires the DEEP commissioner to (1) establish a way for each state agency to identify state-owned land in its custody that is valuable for conservation purposes and (2) by October 1, 2014, identify such land. He must consult with the public health commissioner about any state-owned land that is water supply land.

The commissioner must include in the state's open space plan a strategy for preserving state-owned land of high conservation value in perpetuity as open space. When developing the strategy, he must consult with each state agency that holds such land and consider the agency's present and future needs.

OLR Tracking: JKL:LH:PF:ts