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3/25/13**

FOR THE COMMITTEE ON GOVERNMENT ADMINISTRATION & ELECTIONS  
TESTIMONY OF RIVERS ALLIANCE OF CONNECTICUT  
*Re Bill 6672, AAC The Conveyance of Certain Parcels*  
Public Hearing, March 25, 2013

Dear Chairmen Sen. Anthony Musto and Rep. Ed Jutila, and Members of the Committee:

*Rivers Alliance of Connecticut is the statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect and enhance Connecticut's waters by promoting sound water policies, uniting and strengthening the state's many river groups, and working with the public.*

Thank you for the opportunity to comment on the 2013 Conveyance Act.

**Section 6** is of particular interest to Rivers Alliance because of its focus on water supply reservoirs and the land protecting them. We strongly support this conservation effort. However, we have encountered objections by state officials to the state's holding conservation easements on state-owned lands. The proposed conveyance of an easement in Bill 6672 might illuminate or even eliminate these objections. Different officials seem to have somewhat varying views of the feasibility of state-held easements or other instruments to protect state conservation lands.

*Background:* The state-owned Connecticut Valley Hospital in Middletown is managed by the Department of Health, which proposes to grant easements to the Department of Energy and Environmental Protection (DEEP) to protect the reservoirs on the property and the woodlands that buffer them. These tracts are highly important for preserving drinking water, supporting a healthy ecology, and providing opportunities for recreation. DEEP, however, has in general expressed uncertainty as to what legal means could be used to preserve state-owned conservation properties in their natural condition in perpetuity (or even for a lesser span of time). Rivers Alliance is a member of the State Lands Work Group, which has explored a number of opportunities, including deed restrictions and formal dedications filed with the land records. We would be pleased to discuss this with you in more detail.

The Hospital reservoir tracts are particularly at risk because they do not have the normal protections that come with Class I and Class II source water lands. In 2000, in connection with challenges to

UConn's expansion, Attorney General Richard Blumenthal issued a formal opinion that UConn and other state-owned water suppliers are not water companies and therefore not subject to a suite of statutes that apply to most water suppliers. Most especially their source water watersheds are not classified as Class I or Class II. That means that they can be developed as intensely as if they were private, non-drinking-water lands. This risk is heightened in the recent draft of the state POCD, which deletes the policy of a minimum of two-acre zoning in source-water watersheds that are not owned by a water company.

It is very possible that a independent non-profit conservation organization such as Connecticut Forest & Park Association would agree to backstop the state by taking holding conservation easements if and when the state feels it cannot steward the land itself. We hope you will be active in continuing to seek a conservation solution for this land and water. We would be happy to help.

**General Recommendations.** The Conveyance Act looks tighter and clearer this year than in the past. Thank you. I have given present and previous members of the committee some recommendations for improvements, which I'll list briefly here.

- More notice, especially to local people and neighbors.
- Longer notice. It would be helpful to have at least a week to comment.
- A map of the area of the property.
- A copy of the application or some other documentation of who requested the conveyance for what purpose.
- More information on proposed use in all cases. For example, "For municipal purposes for a cemetery" (or sports stadium, playground, greenway, etc.)
- More information on existing use. For example, Wildlife Management Area.
- An affirmation that a conveyance, even if very small, does not open access to significant changes in a property's use either directly or indirectly, say, by increasing frontage. The prime case here is the tiny Conveyance Act swap in Madison that opened the Griswold Airport property (adjacent to Hammonasset Beach) to development. This was very costly to cure.

**Section 2** relates to Tolland. Enviro's have been criticized for not raising more objections to Tolland conveyances in the past. I am still not familiar with the Tolland issues. It's all up to you.

**Section 4** involves fairly large pieces of property and a conservation easement. We would like the chance to learn more about the easement (and the purpose of the transactions).

**Section 8** relates to the extremely important Southbury Training School, but does not seem to be part of the conveyance to Southbury Land Trust (HB 6542). I have not been able to reach my Representative, Art O'Neill, over the weekend to find out if he is OK with this.

**Section 10. Thank you.**

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