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Martin Mador, Legislative Chair

Environment Committee
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Testimony In Favor of
SB 70 AAC The Preservation Of Lands Under The Control Of The
Department Of Energy And Environmental Protection And The Department Of Agriculture

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Connecticut Chapter of the Sierra Club. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

Protection of open space lands owned by the state is a priority for the Sierra Club. Three years ago, we saw 17 acres on the Connecticut River swapped to a private developer without an adequate process informing us whether or not the swap was in the public interest. Public trust in state government to protect dedicated open space lands was damaged. Potential donors declared that they would not consider transferring land to the state because they could not trust that promises to keep the land as open space would be kept. Fortunately, that episode inspired us to start working towards effective protection for the quarter million acres of state held open space.

Now we have an opportunity to do just that. We enthusiastically endorse SB 70 as an important step in pursuing our goals of preserving open space lands. Our starting point is the land in the custody of DEEP and AG.

There are several prime requirements to institute the protection we now understand we need.

We need to ensure that the contracts and deeds transferring or selling land to the state as open space in the future are crystal clear about the intent. The language must be explicit so that the contracts clause of the federal constitution would make them unassailable.

We need to inventory lands already in state ownership, and identify those which must be preserved as open space. We refer to this as lands of "high conservation value". We must put protections, such as conservation easements, on these lands. Good faith protections are nice, but, until a state constitutional amendment limits the phrase "Notwithstanding any provision of the general statutes", we are at risk. The Council on Environmental Quality's recent report "*Preserved but Maybe Not: The Impermanence of State Conservation Lands*" speaks eloquently on the need for enforceable protections.

We need to ensure that the legislative process (the annual Conveyance Act) which would transfer these lands out of state ownership is sufficiently robust to, at least:

- ensure a legislative public hearing which provides that all interested citizens are adequately noticed and have an opportunity to testify
- provide all necessary information about the parcel to be transferred
- mandate a process, such as the DEEP 2008 Directive, which will determine the merits of the transfer and ensure beyond doubt that it is protective of the public interest

I want to emphasize that the Conveyance Act process must be upgraded if we are to reach our goals. This is a critical part of the solution. As the Environment Committee is the committee of cognizance over DEEP and AG, the hearing for transfer of lands in the custody of these agencies must be held in Environment.

Perhaps we will eventually have a state constitutional amendment protecting these lands. For now, though, we look to effective legislation starting with SB 70.

Sierra has been privileged to be able to work with our partners and collaborators on the challenging task of crafting effective and appropriate solutions which will protect these important lands. We are pleased the issue has received such strong public recognition and support. We salute the leadership and staff of DEEP who have worked with us.