



State of Connecticut
HOUSE OF REPRESENTATIVES
STATE CAPITOL
HARTFORD, CONNECTICUT 06106-1591

REPRESENTATIVE ELISSA T. WRIGHT
41ST ASSEMBLY DISTRICT

LEGISLATIVE OFFICE BUILDING
ROOM 5003
HARTFORD, CT 06106-1591

HOME: 860-536-1813
CAPITOL: 860-240-8585
TOLL FREE: 800-842-1902
FAX: 860-240-0206
E-MAIL: Elissa.Wright@cga.ct.gov

RANKING MEMBER
REGULATIONS REVIEW COMMITTEE

MEMBER
JUDICIARY COMMITTEE
FINANCE, REVENUE & BONDING COMMITTEE

TESTIMONY OF REPRESENTATIVE ELISSA WRIGHT
STATE REPRESENTATIVE, 41ST DISTRICT

In Support of Raised Bill No. 70, AN ACT CONCERNING THE PRESERVATION OF LANDS UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION AND THE DEPARTMENT OF AGRICULTURE.

Environment Committee Public Hearing
February 19, 2014

Senator Meyer, Representative Gentile, and members of the Environment Committee, thank you for the opportunity to provide testimony in support of Raised Bill No. 70, *An Act Concerning the Preservation of Lands Under the Control of the Department of Energy and Environmental Protection and the Department of Agriculture*.

This bill is an important step to help ensure that state park, forest, and other natural resource land, or interests in land, will remain dedicated to the public open space, conservation, and recreation purposes for which they were acquired and enjoy protected status into the indefinite future.

In addition to adopting the current proposed changes to section 23-8 of the general statutes, the legislature also should start the process for amending the state constitution to include a provision such as the Constitution of the State of New York provides at Article XIV, Section 4 thereofⁱ -- or that the Massachusetts Constitution provides at Article 97 of the Articles of Amendment theretoⁱⁱ -- namely that land and water resources entrusted to the care and custody of the state because of their natural and scenic beauty, historical, geological, or ecological significance shall not be taken or otherwise disposed of except by law enacted by the legislature. Ultimately, a constitutional amendment along these lines would ensure the

strongest long-term protection for these important public assets by requiring an affirmative act of the legislature, either by a supermajority of both chambers (as in Massachusetts) or majority action at two successive regular sessions (as in New York), before divestment can occur and the solemn dedication of such lands can be undone.

Meanwhile, safeguards in this bill, requiring a clear, standard, and transparent process with information available at the outset, would provide an important limitation on the state's ability to change, reduce, or divert uses of land and waters deemed "of high conservation value" to other inconsistent purposes.

At present, open spaces acquired by municipalities and nonprofit land conservation organizations with the assistance of state open space and watershed land acquisition grants enjoy protected status in perpetuity; if open space grant funds are used toward the purchase, a permanent conservation easement is required to be executed in favor of the state as a condition of the grant. General Statutes Section 7-131d (e). Similarly, Public Act 10-85, Section 2, *An Act Concerning Conservation and Preservation Restrictions Held By The State*, provides a measure of assurance that municipal park and open space lands acquired or purchased without the assistance of state open space grant funds will remain dedicated to their intended uses.

I support the recommendations of the Council on Environmental Quality in its special report "Preserved But Maybe Not: The Impermanence of State Conservation Lands." The public should have confidence that state open space and conservation lands, including attendant water areas, are preserved forever and will not be developed or used in a manner inconsistent with the important public purposes for which they were acquired whether by the generosity of citizens or the foresight of the legislature. By limiting the ability of the state to reduce or divert uses of such land, this bill affirms the dedication of open spaces is not a mere suggestion, but is sacrosanct and binding on future uses of the land.

In summary, with the increased transparency, enhanced scrutiny, and advanced level of specificity required by this bill before a change in the use or disposition of open space and conservation lands can occur (which should include all means of transfer or change of legal or physical control), the public can have increased confidence that state parks, forests, wildlife areas, and other open space parcels devoted and set aside for their use and enjoyment will be preserved and protected for such purposes forever.

Thank you for your consideration.

ⁱ Section 4 of Article XIV of the New York Constitution provides as follows: "The policy of the state shall be to conserve and protect its natural resources and scenic beauty and encourage the development and improvement of its agricultural lands for the production of food and other agricultural products. The legislature, in implementing this policy, shall include adequate provision for the abatement of air and water pollution and of excessive and unnecessary noise, the protection of agricultural lands, wetlands and shorelines, and the development and regulation of water resources. The legislature shall further provide for the acquisition of lands and waters, including improvements thereon and any interest therein, outside the forest preserve counties, and the dedication of properties so acquired or now owned, which because of their natural beauty, wilderness character, or geological, ecological or historical significance, shall be preserved and administered for the use and enjoyment of the people. Properties so dedicated

shall constitute the state nature and historical preserve and they shall not be taken or otherwise disposed of except by law enacted by two successive regular sessions of the legislature.” *(Added by vote of the people on November 4, 1969.)*

ii Article 97 of the Articles of Amendment to the Constitution of the Commonwealth of Massachusetts provides in pertinent part as follows: “The people shall have the right to clean air and water, freedom from excessive and unnecessary noise and the natural, scenic, historic, and esthetic qualities of their environment; and the protection of the people in their right to the conservation, development and utilization of the agricultural, mineral, forest, water, air and other natural resources is hereby declared to be a public purpose... Lands and easements taken or acquired for such purposes shall not be used for other purposes or otherwise disposed of except by laws enacted by a two thirds vote, taken by yeas and nays, of each branch of the general court.” *(Added by vote of the people on November 7, 1972. Note: These public lands include both state owned lands and municipal lands acquired for conservation or recreation purposes.)*