

CONNECTICUT Land Conservation Council

Testimony Regarding Raised Bill 6998
To the Government Administration and Elections Committee
Submitted by: Amy Blaymore Paterson, Esq., Executive Director
March 16, 2015

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Co-Chairs Cassano, Jutila, and Members of the Committee:

Please accept this testimony on behalf of the Connecticut Land Conservation Council (CLCC) regarding **Raised HB 6998, An Act Concerning the Conveyance of Certain Parcels of State Land.**

CLCC works with land trusts (now numbering over 137), other conservation and advocacy organizations, government entities and landowners to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state.

CLCC strongly contends that prior to the exchange, sale or other transfer of public lands pursuant to the Conveyance Act, the proposed transaction should be subject to a comprehensive review, with ample opportunity for public input. To that end, we respectfully submit the following comments with respect to the Conveyance Act process in general and Raised Bill 6998 in particular:

1. Lands under the custody and control of the Department of Energy and Environmental Protection (DEEP) or the Department of Agriculture should not be transferred pursuant to the Conveyance Act unless first heard in a public hearing before the Environment Committee. As the committee of cognizance over these agencies, the Environment Committee is in the best position to ask for information and receive input from the agencies, other stakeholders and the public with respect to the natural resources on the subject properties, including water, wildlife, prime and important soils, and other values, and how the proposed transfer may impact those values.
2. The Conveyance Act should provide a more detailed level of information, including, at minimum, maps of the properties in question, a description of the natural resources on the lands, and better specificity about the intended use of the property. Terms such as "economic development", "municipal purposes", "recreational purposes", and even "open space", need to be defined in order to effectively weigh the costs and benefits of the transfer to the land and for the public.
3. If the intended use of the property is for "open space" or other conservation or preservation purposes, the Conveyance Act should require that the deed of transfer contain an enforceable conservation restriction or that a conservation easement be granted to a third party.



4. The role of the State Properties Review Board in its evaluation of the proposed transfer should also be more thoroughly defined and its authority in connection with the review maximized.

With respect to HB6998, CLCC is particularly concerned with Sections 3, 8, 14 & 15:

Section 3 conveys 4+ acres (3 parcels) under the custody of DEEP to the town of Milford for "municipal purposes" for no consideration. While there is no description of the resources on these parcels, it is our understanding that this land is part of Silver Sands State Park. The proposed uses include "ensuring public access to open space and to the animal control shelter, to mitigate parking demand, to promote public health and safety by ensuring emergency access and to create coastal retreat areas to enhance storm resiliency." Without further elaboration and detail, we contend that there is not sufficient information to effectively evaluate the impacts that these uses will have on the park's natural resources and whether the transfer of these state park lands is in the best overall interests of the general public.

Section 8 conveys over 100 acres of the Centennial Watershed Forest to the town of Fairfield for no consideration. This proposal reportedly was made without the knowledge of DEEP, the Aquarion Water Company, which holds conservation easements on the land, or The Nature Conservancy, which shares land management responsibilities. While the intended use is for "open space purposes", the section does not provide any insight into what that means; this, coupled with the lack of notice and opportunity for input into the proposed conveyance by DEEP, the other stakeholders, as well as the public, is of tremendous concern – especially when the land in question is a significant piece of a State Forest.

Sections 14 (land in Brooklyn and Canterbury) and 15 (land in Plainfield and Killingly) are especially complicated -- factually and legally – proposals to enable a private party to extract sand and gravel and have access to transport the same over State lands. Section 14 provides for the conveyance of a license (a non-permanent interest) by the state in exchange for three parcels of land, but with a complicated reservation of rights in favor of the private landowner for water diversion and removal of materials. Section 15 provides for the conveyance by the state of a non-permanent interest (term easement) for monetary consideration. Without further information and clarification, including a precise description of the nature and extent of the proposed activities and their likely impacts on the water and other natural resources on and near the land, it is not possible to adequately evaluate the public benefits and risks associated with these proposals.

These transactions raise many questions, provide little by way of answers, and are cause for concern.

Thank you for your consideration and for this opportunity to provide our comments. I would be happy to answer any questions you may have.