

Testimony of George S. Logan, Director - Environmental Management & Government Relations, Aquarion Water Company of Connecticut regarding:

H.B. No. 6998 (RAISED) GOVERNMENT ADMINISTRATION AND ELECTIONS .
'AN ACT CONCERNING THE CONVEYANCE OF CERTAIN PARCELS OF STATE LAND'.

Sec. 8. of H.B. 6998 would direct the Commissioner of Energy and Environmental Protection to convey to the town of Fairfield four parcels of land located in the town of Fairfield. **[[[ARE ALL OF THE PARCELS WATERSHED LANDS? IF NOT, WE SHOULD IDENTIFY THE AFFECTED PARCELS.]]]**The first parcel of land has an area of approximately 5.31 acres and is identified as parcel 2A on Fairfield Tax Assessor's Map 65, located at 335 Beers Road. The second parcel has an area of 3.51 acres and is identified as parcel 18 on Fairfield Tax Assessor's Map 65, located at 5 Judges Hollow Road. The third parcel of land has an area of 60.65 acres and is identified as parcel 9B on Fairfield Tax Assessor's Map 67, located at 1220 Hoydens Hill Road. The fourth parcel of land has an area of 60.65 acres and is identified as parcel 2 on Fairfield Tax Assessor's Map 65, located at 415 Beers Road. The conveyance would be subject to the approval of the State Properties Review Board.

These parcels are watershed lands that serve as a source of drinking water for Aquarion Water Company of Connecticut's Hemlocks Reservoir. The land was originally held by Aquarion. The parcels were conveyed to the State pursuant to a Special Act on the condition that they be preserved in perpetuity in their natural and open condition for the protection of natural resources and public water supplies.

Specifically, Section 15 of Public Act 01-09 provided for the conveyance by Aquarion of these parcels explicitly "for the protection of open space" and subject to "restrictions or easements" preserving the land "in perpetuity in its natural and open condition for the protection of natural resources and public water supplies." While the property is available to the general public for recreational purposes, all activities must be restricted to protect the land for use in supplying "safe and adequate potable water" to Connecticut and its citizens.

The Connecticut Department of Public Health approved and issued a permit (#02-01) for the original land transactions. That permit states that DEP and The Nature Conservancy "shall not sell, lease, or assign any such land or conservation easement or restrictive covenant, or sell, lease, assign or change the use of such land or interest in land acquired herein without obtaining a permit" from DPH. Similarly, there are restrictions and retained rights in the deed.

The land is protected by a Conservation Land Committee, which is made up of the State, The Nature Conservancy and Aquarion. Neither the Special Act, the deed, nor the DPH permit contemplate the sale of the land, or its use for anything other than protection of its essential purpose, namely to protect Connecticut's vital water shed lands.

The parcels were, and still are, protected watershed lands. The land is currently used as open space with certain permitted recreational uses. However, those uses are limited in order to provide critical protection of the Hemlocks Reservoir, which is an essential water source to the Town and the Fairfield region.

The proposed transfer to the Town of Fairfield would not only encumber the Town with regard to the restrictions on the property, and therefore be of limited value, it would also hamper the Conservation Land Committee from effectively protecting this essential watershed land. It also would set a bad precedent that would thwart the objective of the original land sale.

Aquarion questions whether the Town or its representatives in the General Assembly are aware of the history of the subject parcels, their use as watershed lands, or the restrictions imposed on the use of those parcels.

Aquarion appreciates its positive relationship with the Town of Fairfield. However, it sees more burden than benefit associated with the proposed conveyance.

When the facts are known, Aquarion believes that all will agree that the proposed legislation is unnecessary and, indeed, could be counterproductive to the intended purpose of the original legislation and conveyance of the parcels. Therefore, Aquarion respectfully opposes passage of Sec. 8. of H.B. 6998.