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*Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association*

Public Hearing Subject Matter	Support/ Oppose
<b>COMMITTEE BILL 5686:</b> AN ACT CONCERNING THE APPROVAL OF LAND SWAPS.	Support with modification

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut in 1895. For 120 years, CFPA has offered testimony before the General Assembly on sustainable forestry, state parks and forests, trail recreation, natural resource protection, and land conservation issues.

I want to thank the Co-Chairs and Representative Willis for putting forward Committee Bill 5686, An Act Concerning the Approval of Land Swaps. As you know, this bill contains provisions from the Department of Energy and Environmental Protection (DEEP) 2008 Directive on Exchanges of Land which helps ensure that land exchanges initiated by DEEP follow certain guidelines. Land exchanges can be “good” or “bad,” but generally speaking, this Directive has worked well to guide DEEP’s actions and helps ensure both a transparent process and an opportunity for public input when exchanges are being considered.

In its current form, we understand why DEEP may consider this bill to be somewhat redundant of its existing guidelines. Indeed, we believe the important guiding principles in the DEEP Directive should be extended to include public land conveyances as well as land exchanges for DEEP lands and those under the custody and control of the Department of Agriculture (DoAg). Plainly stated, if the General Assembly were to follow the guidelines from the DEEP Directive when it considered exchanges or conveyances in the annual Conveyance Act, there would be far less controversy than exists today.

Following my testimony, I have included some suggested amendment language that we believe would support and strengthen the intent of this Committee Bill. These modifications would accomplish the following:

- Provide a clear process for input and review of all conveyances of DEEP and DoAg lands;
- Include a requirement for a public hearing before the Environment Committee as part of the Conveyance Act process; and
- Expanding the scope of review of the State Properties Review Board to ensure proper oversight.

Thank you for allowing this important bill to have a public hearing, and for the opportunity to testify! I would be glad to respond to any questions you may have.

## Suggested Amendments to Committee Bill 5686

Committee Bill No. 5686 AN ACT CONCERNING THE APPROVAL OF LAND SWAPS AND OTHER CONVEYANCES

Be it enacted by the Senate and House of Representatives in General Assembly convened:

### Section 1. (NEW) (Effective from passage)

(a) Notwithstanding any provision of the general statutes, prior to [entering] VOTING ON any agreement for the exchange OR THE CONVEYANCE of land or interest in land that is under the care, custody or control of the Commissioner of Energy and Environmental Protection or the Commissioner of Agriculture, the respective commissioner shall assure THE GENERAL ASSEMBLY that: (1) The exchange OR CONVEYANCE is not contrary to the terms or conditions under which the acquisition, gift, or bequest of such land or interest in land to be conveyed by the Department of Energy and Environmental Protection or the Department of Agriculture, as applicable, in such exchange was accepted; (2) the land or interest in land to be conveyed by the applicable department in such exchange OR CONVEYANCE was evaluated by the applicable department and determined not to be integral or significant to the resource management programs of the applicable department; (3) IN THE EVENT OF AN EXCHANGE, appraisals demonstrate that the fair market value of the land or interest in land to be received by the applicable department in such exchange is equal to or greater than the fair market value of the land or interest in land to be conveyed by the applicable department; (4) IN THE EVENT OF AN EXCHANGE, the land or interest in land to be received by the applicable department in such exchange provides substantially greater utility to the resource management programs of the applicable department than the land or interest in land to be conveyed by the applicable department in such exchange; (5) any proposed use of the land or interest in land to be conveyed by the applicable department in such exchange OR CONVEYANCE, if known at the time of the exchange OR CONVEYANCE, is consistent with the state plan of conservation and development AND THE STATE COMPREHENSIVE STRATEGY FOR OPEN SPACE (GREEN PLAN); and (6) unless the respective commissioner determines that it is in the best interests of the state to not require such encumbrance, the land or interest in land to be conveyed by the applicable department in such exchange OR CONVEYANCE shall be conveyed subject to: (A) A conservation or other easement or similar encumbrance in favor of the state ensuring that any restriction on such land or interest in land that was in effect immediately prior to the exchange OR CONVEYANCE remains in effect after the exchange, and (B) a reverter clause stipulating that the land or interest in land shall revert back to the state if the easement or similar encumbrance is violated or not upheld.

(b) Prior to undertaking the requirements of subsection (a) of this section, the Commissioner of Energy and Environmental Protection or the Commissioner of Agriculture, as applicable, shall post notice of the proposed exchange OR CONVEYANCE of land or interest in land on the Internet web site of his or her department AND IN THE ENVIRONMENTAL MONITOR. ~~[If the respective commissioner receives twenty five or more written requests from twenty five or more individuals for a public hearing on such proposed exchange, said commissioner shall hold a public hearing on such proposed exchange in the town in which such land or interest in land to be conveyed by the applicable department is located. In the event such land or interest in land is located in more than one town, the respective commissioner shall hold such public hearing in the town where the greater number of members of the public can be accommodated.]~~ BEFORE A FINAL VOTE BY THE GENERAL ASSEMBLY, THE JOINT STANDING COMMITTEE OF THE GENERAL ASSEMBLY HAVING COGNIZANCE OF MATTERS RELATING TO THE ENVIRONMENT SHALL PROVIDE A PUBLIC HEARING ON THE PROPOSED EXCHANGE OR CONVEYANCE OF LAND OR INTEREST IN LAND.

(c) THE STATE TREASURER SHALL NOT DELIVER THE DEED OF THE LAND PROPOSED FOR EXCHANGE OR CONVEYANCE UPON A FINDING BY THE STATE PROPERTIES REVIEW BOARD THAT IT HAS NOT RECEIVED SUFFICIENT INFORMATION TO EVALUATE THE PROPOSED EXCHANGE OR CONVEYANCE, INCLUDING, BUT NOT

LIMITED TO: (1) ANY OF THE INFORMATION REQUIRED UNDER SECTION 1; AND/OR (2) ANY OF THE INFORMATION REQUESTED AS PART OF THE CONNECTICUT GENERAL ASSEMBLY CONVEYANCE QUESTIONNAIRE INCLUDING: A LEGAL MAP OF THE PROPERTY; AN APPRAISAL OF THE VALUE OF THE PROPERTY; WHETHER THE PROPOSED CONVEYANCE IS BASED UPON PRIOR LEGISLATION; THE TAX ASSESSOR'S MAP, BLOCK AND LOT NUMBERS FOR THE PROPERTY; THE ACREAGE OF THE PROPERTY; AND THE COSTS, IF ANY, TO THE STATE IF THE PROPERTY WERE CONVEYED.