

CONNECTICUT Land Conservation Council

Testimony in Support of Raised SB 347

An Act Concerning the Percentage of State and Federal Funds that May be Used to Purchase Open Space under the Open Space and Watershed Land Acquisition Program

To the Environment Committee

Submitted by: **Amy Blaymore Paterson, Esq., Executive Director**
February 3, 2015

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On behalf of the Connecticut Land Conservation Council (CLCC), I am pleased to submit this testimony in strong support of **Raised SB 347: An Act Concerning the Percentage of State and Federal Funds that May be Used to Purchase Open Space under the Open Space and Watershed Land Acquisition Program**. Thank you for raising this important bill which will help to advance land conservation in Connecticut.

CLCC serves as the umbrella organization for the state's land conservation community, working with land trusts (now numbering 137+), other conservation and advocacy organizations, government entities and individuals 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. Advocating for maximum funding for land conservation is central to our mission and a top annual priority for CLCC and our members.

DEEP Open Space and Watershed Land Acquisition (OSWA) Grant Program

The OSWA program is authorized and defined by Connecticut General Statutes (C.G.S.) Section 7-131d, *et. seq.* and is funded through a combination of state bonding and funds from the Community Investment Act. The grants for land trusts, towns and water companies (hereafter referred to as "local conservation partners") typically cover 50% of the purchase price for a property. It is up to the local conservation partner to raise the balance of the funds needed to make the purchase.

The 70% Cap

In accordance with C.G.S. Section 7-131g, should an applicant for OSWA grant funds have the opportunity to combine such funds with a federal grant award, the total grant, i.e., the combined amount of federal and state funds, cannot exceed 70% of the total project cost under the OSWA. (The 70% cap) (Note that while "total project cost" is not defined under the statute, it has been interpreted to mean the property's fair market value.)

CLCC strongly supports the elimination of the 70% cap for the following reasons:

The 70% cap creates an unnecessary obstacle to completing conservation transactions

The 70% cap is arbitrary, not founded in any federal mandate, and creates an additional hardship on local conservation partners already faced with the difficult task of raising



sufficient funds to complete conservation projects. This problem is especially of concern in areas of the state where municipal and private funds are difficult to raise due to the lack of wealth within a community or ability of a town to include funding in its budget or bonding.

The impact on Connecticut land trusts, the majority of which are small, all-volunteer organizations, is particularly harsh, with conservation transaction expenses putting a significant strain on already limited operating budgets. In addition to the expenses associated with a typical real estate transaction (e.g., physical due diligence, title inspections and legal representation), and those associated with meeting grant requirements (including two appraisals and a survey), land trusts are also required to set aside funds for the perpetual stewardship and legal defense of title to the land in accordance with *Land Trust Standards and Practices* (the national ethical and legal operating standards for land trusts).

The 70% cap undermines the state's ability to leverage federal dollars

The 70% cap serves as a disincentive to grant applicants from pursuing all available grant opportunities, including matching dollars from federal programs such as the Agricultural Conservation Easement Program, the Forest Legacy Program, the Healthy Forests Reserve Program, the Land and Water Conservation Fund, and others. At a time when the state is seeking to maximize its ability to leverage private and federal dollars, it makes no sense to penalize an applicant that has successfully qualified for a match from a federal program and, as a result, risk losing the funding to another state.

Eliminating the 70% cap doesn't change the OSWA funding limits

C.G.S Section 7-131g(b) provides that the state may grant a maximum of 65% and, in the case of a distressed or targeted investment community, 75% of the land's fair market value. The elimination of the 70% cap will not change these allowable percentages nor impact DEEP's flexibility in evaluating the merits of an application and deciding upon an appropriate grant award under the OSWA Program.

The 70% cap undermines the state's efforts to meet its 21% Goal

C.G.S. 23-8(b) sets forth the goal of preserving 21% of state land, with 11% of the goal required to come from conservation of land by "others" (towns, land trusts and water companies). Fostering partnerships with towns and private conservation entities is therefore critical to the state's ability in meeting this goal. Yet, as reported by the CT Council on Environmental Quality in its 2013 and earlier Annual Reports, without a significant investment into land conservation programs, the state may never reach the 21% goal. In light of this challenge, why would the state impose a limitation on the ability of its local conservation partners to maximize *all* available sources of funding for land conservation projects?

For the foregoing reasons, the Connecticut Land Conservation Council respectfully urges the Environment Committee to support SB347.

Thank you for this opportunity to testify. We would be happy to answer any questions and provide further information on state land conservation efforts.