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Testimony In Support Of
S.B. No. 347 (Raised) 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.

Environment Committee
Submitted by: Linda Francois, Esq.
February 4, 2015

Senator Kennedy, Representative Albis, and Committee members:

As an attorney representing land owners, land trusts, and municipalities, and as a volunteer officer and director for the Bethany Land Trust, Inc., I would like to submit my testimony in support of S.B. No.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.

Currently C.G.S. 7-131g(c) limits state and federal dollars to 70% of project cost (the “70% Rule”). This penalizes Connecticut land protection entities when they seek federal grant funds to match state open space protection dollars. If federal dollars are brought in, the Department of Energy and Environmental Protection will, as a result of this limitation, reduce its approved state grant. This, at worst, makes completing the project impossible, and at best, makes it more difficult for the Connecticut municipality or land protection entity to complete the project and requires the expenditure of more local funds. At a time when state land protection funds are tight and municipal and non-profit budgets even tighter, and state land protection goals difficult to achieve, penalizing the use of federal land protection funds leveraging state dollars is not in the state’s best interests. The federal government is authorized to grant funds for these purposes. It is in Connecticut’s interest to utilize as many of these federal dollars as possible and not turn them away.

Municipalities and land protection entities already bear substantial expenses in their land protection transactions particularly in respect to these grants, such as multiple appraisals, surveys, attorney’s fees and other closing costs, as well as current stewardship fees and future liabilities for the ongoing and perpetual protection of the property. None of these costs are considered in the awarding of state or federal land protection grants.

I am myself aware of several projects which may not be completed because of the 70% Rule, and the federal dollars therefore will go to other states. This Bill would eliminate the penalty for the use of federal dollars in land protection.

I urge the adoption of S.B. No. 347.