



185 East Flat Hill Road
Southbury, CT 06488
Tel: 203-405-9115
www.audubon.org

March 3, 2016

Re: SB.229, An Act Concerning The Accuracy and Applicability Of Certain Environmental Impact Evaluations

To: The Honorable Ted Kennedy, Jr. , Senate Chairman; The Honorable James Albis, House Chairman; The Honorable Clark J. Chapin, Senate Ranking Member; The Honorable John T. Shaban, House Ranking Member; and all Environment Committee Members

Thank you for the opportunity to appear before you to discuss the aging of Environmental Impact Evaluations and the impacts this has on similar projects such as the improvements at Silver Sands State Park. My name is Patrick Comins and I am the Director of Bird Conservation at Audubon Connecticut.

Audubon Connecticut is the state program of the National Audubon Society representing six local Chapters and over 10,000 members across the state. Our mission is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity.

An Environment Impact Evaluation is essential before undertaking any action that may have significant impacts on habitat and wildlife, and like a federal Environmental Impact Statement must include a description and analysis of alternatives to a proposed action.

The current General Statute under the Connecticut Environmental Policy Act does not require the state's Department of Energy and Environmental Protection (DEEP) to recomplete an aging Environmental Impact Evaluation before settling on improvements of a project. We are supportive of Senator Slossberg's proposed legislation to re-conduct an Environmental Impact Evaluation when five or more years elapse between the completion of an Environmental Impact Evaluation and the start of the proposed state action, as long as DEEP receives a petition signed by 100 or more of the general public.

This is particularly important to us as it relates to our concerns of the pending improvement plans at Silver Sands State Park based on an Environmental Impact Evaluation created in 1993, which is currently more than 23 years old. Many things can change both at a specific site and with the conservation status of species in Connecticut over such a long timeframe. For example, Congress has mandated that states update their State Wildlife Action Plans every ten years and Connecticut's list of endangered, threatened and special concern species is re-evaluated every five years. An 20-year-old Environmental Impact Evaluation may have a vastly different set of state-listed or Greatest Conservation Need species at the time of evaluation than my exist at the time of implementation of a project. While five years may be too short of a timeframe to require reevaluation, to have an open ended period of applicability will allow certain projects to move forward with approvals that are no longer relevant at the time of implementation.

This issue is currently at the forefront of our concerns because of proposed construction at Silver Sands State Park. The Park, along with the Charles Island Natural Area Preserve and adjacent Walnut Beach, is identified by Audubon as one of 54 Important Bird Areas in Connecticut. The Important Bird Areas Program is a global effort, initiated by BirdLife International and implemented by the National Audubon Society in the United States, to identifying habitats that are critical to birds of conservation concern for breeding, migration, and in winter.

Charles Island supports one of the three largest heron and egret nesting colonies in the state and the Park provides critical foraging grounds for these state-listed wading birds. Additionally, the Park's coastal location and extensive marshes, grasslands and shrub/scrub habitats make the area important to a wide variety of birds in the migration, winter and nesting seasons. It represents one of the largest remaining extents of coastal shrub scrub habitat in the state and is a key nesting area for Brown Thrashers, a species of special concern in Connecticut. The Park also receives extensive usage by raptors in the winter and migration periods, including the state threatened Short-eared Owl and American Kestrel and the state endangered Long-eared Owl and Northern Harrier. The beach habitats represent historic and potential nesting habitat for the federally threatened Piping Plover and the offshore waters support a great variety and abundance of waterfowl in the non-nesting season.

Our environment is constantly changing across our state and it is imperative that we evaluate environmental impacts as they currently exist if we want to increase our mitigation measures and reduce impacts as best as we can.

We also wanted to make the Committee aware that we will be raising our concerns with the Appropriations Committee regarding the proposed reductions in the FY 2017 budget for the Department of Energy and Environmental Protection – an agency so critical to protecting our environmental and conservation programs.

I want to thank the Committee Leadership for your time and the opportunity to testify on this important issue.

Patrick M. Comins
Director of Bird Conservation
Direct Phone: 203-405-9115