

CONNECTICUT Land Conservation Council

Testimony Regarding:
Senate Joint Resolution No. 5
Senate Joint Resolution No. 4
Raised S.B. No. 81

Environment Committee
Submitted by Amy Blaymore Paterson, Executive Director
February 19, 2016

Co-Chairs Kennedy, Albis and Members of the Environment Committee:

Please accept this testimony on behalf of the Connecticut Land Conservation Council (CLCC), regarding the following:

- **Senate Joint Resolution No. 5**, *Resolution Proposing an Amendment to the State Constitution Concerning the Environment and Natural Resources of the State* (Support with modification)
- **Senate Joint Resolution No. 4**, *Resolution Memorializing the United States Congress to Permanently Preserve Plum Island as a National Wildlife Refuge* (Support)
- **Raised S.B. No. 81**, *AAC the Designation of Certain Areas of the Housatonic River as Wild and Scenic* (Support)

As the state's umbrella organization for the land conservation community, the Connecticut Land Conservation Council (CLCC) works with the state's land trusts (now numbering 137+), state conservation and advocacy organizations, government entities and landowners 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. Working to ensure that our state's conservation lands are protected *in perpetuity* is at the heart of our mission and an annual policy priority for CLCC. We are therefore greatly appreciative of the Committee's leadership in addressing this critically important issue and thank you for this opportunity to provide our comments.

S.J. No. 5, Resolution Proposing an Amendment to the State Constitution Concerning the Environment and Natural Resources of the State. CLCC supports this resolution with proposed modifications.

The State holds over 250,000 acres of State Parks, Forests, Wildlife Management Areas and other open spaces valuable for conservation, recreation and agricultural purposes. These lands were acquired with an expectation – on the part of the landowner conveying the land as well as on the part of the public -- that they would be preserved in trust for the benefit of Connecticut's citizens. Yet our public lands are largely unprotected; and year after year we find ourselves in a position of having to defend them.

As detailed in the Council on Environmental Quality's 2014 report, "*Preserved but Maybe Not: The Impermanence of State Conservation Lands*", most of the deeds to state open space lands do not include conservation restrictions (defined under Connecticut General Statutes Section 47-42(a)) expressly providing for the dedication and protection of the land *in perpetuity*. The resulting vulnerability of these public lands to conversion to non-conservation purposes is further exacerbated by a conveyance process that lacks a comprehensive system of review, provides limited, if any, opportunity for public comment,



and is structured so that all proposed conveyances – good and bad – are bundled in one bill and voted on together.

A Constitutional Amendment offers the strongest and most unified mechanism for ensuring the best protections of our public lands. Other states, including neighboring Massachusetts, New York and Vermont, have adopted this legal framework to protect their public lands; S.J. No.5 provides an opportunity for Connecticut to follow suit.

In concept, the amendment proposed by S.J. No. 5 seeks to address deficiencies in the state’s public land conveyance process by requiring a 2/3 vote of the General Assembly, a public hearing and a system of compensation. However, to further strengthen the intent of this bill and enhance its efficacy, we respectfully contend that important modifications of the language are needed, including:

- Broadening the scope of protection to include public recreation lands and state-held agricultural lands, in addition to conservation lands.
- Including a requirement of a local public hearing.
- Ensuring that public lands are not conveyed without compensation that equals or exceeds the value of the land being lost in the region where they are located (i.e., providing for a process of valuation in the event the lands are given away for no consideration).
- Requiring consideration of separate bills by the General Assembly when public lands are proposed for conveyance.
- Deleting the preamble language to ensure conformity in drafting with other articles of the Constitution.

A Constitutional Amendment will help to protect the millions in public and private investments that have already been made in acquiring the lands that protect our air and water, provide for critical habitat, enable us to grow our food, generate revenue through business and tourism, and provide the public with an opportunity to recreate and enjoy the landscapes that make Connecticut so special.

Most importantly, a Constitutional Amendment will help to restore the confidence of the public – including, especially, landowners who want to conserve their land -- that there is a system in place to ensure that land entrusted to the state for conservation, agriculture and recreation will be protected for those purposes to the greatest extent possible.

With the state not even close to being on track to meeting its goal of conserving 21% of our open space by 2023, the state can ill-afford allowing the land we *do* have, to be conveyed without the highest degree of scrutiny.

We welcome the opportunity to work with this Committee to improve the language of this bill.

S.J. No. 4, Resolution Memorializing the United States Congress to Permanently Preserve Plum Island as a National Wildlife Refuge. CLCC supports this resolution.

The Connecticut Land Conservation Council joins members of the conservation communities of both Connecticut and New York in supporting the preservation and protection of the federally-owned Plum Island.

Plum Island is an 840-acre island that is located off the coasts of New York and Connecticut in Long Island Sound at the confluence of two estuaries of national significance -- Long Island Sound and Peconic Bay. Since 1954, approximately 20% of the island has been used by the federal government for a research institute. The remaining 80% is undeveloped and ecologically significant, providing extensive habitat to a diversity of wildlife, including federally endangered and threatened bird species. Its importance as a wildlife sanctuary – albeit unofficial – is unquestionable.

In 2008, the U.S. Congress passed a law which requires the sale of Plum Island and the research institute to help with the funding of a new such facility in Kansas. This legislation started the process that may result in the sale of Plum Island to a private party for development.

The Connecticut Congressional delegation has been working with New York colleagues to repeal the 2008 law that mandated the public sale of Plum Island, with a goal of keeping the existing research facility open while conserving the significant natural resources on the Island.

If passed by the Connecticut General Assembly, the proposed resolution would send a strong, unified and formal endorsement of the efforts of our Congressional Delegation to protect the Island's diverse and unique ecological and cultural resources by urging the U.S. Congress to repeal laws it had previously passed requiring the sale of Plum Island.

R.B. No. 81, AAC the Designation of Certain Areas of the Housatonic River as Wild and Scenic. CLCC supports this bill.

The Connecticut Land Conservation Council joins the Housatonic Valley Association (HVA) and other conservation partners in support of the designation of the Northern portion of the Housatonic River as a Wild and Scenic River under the federal Wild and Scenic Program.

Nationally recognized for its outstanding natural, scenic and recreational values, the Northern portion of the Housatonic qualified for Wild and Scenic River designation in the 1970's. By fall of 2015, the seven towns that comprise the Housatonic River Commission (HRC) passed resolutions in support of seeking the designation for this stretch of the river.

A designation may occur through an act of either a state legislature or Congress. In the latter case, the provisions of the program are administered by the federal government, in cooperation with local and state agencies. In this case, with the approval of R.B. No. 81, the Governor would make the request to the Secretary of the Interior for designation and the provisions of the program would be administered by the Northwest Hills Council of Government, acting on behalf of the HRC, in cooperation with HVA, the National Park Service and the Connecticut Department of Energy and Environmental Protection.

The designation neither prohibits development nor gives the federal government control over private property. Local land use decisions within the designated stretch of the river continue to be subject to each town's respective land use regulations and process.

What the designation does provide is national acknowledgement of the river's unique and important characteristics and offers a formal platform for cooperative decision-making amongst stakeholders at the local, state and federal level to best protect the ecological, historic, cultural and recreational attributes of the river and region.