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

Public Hearing Subject Matter	Position
S.B. 81: AAC THE DESIGNATION OF CERTAIN AREAS OF THE HOUSATONIC RIVER AS A WILD & SCENIC RIVER	Support
H.B. 5150: AAC TREE WARDENS' NOTICES ON TREES AND SHRUBS PRIOR TO REMOVAL, TREE REMOVAL ALONG STATE HIGHWAYS AND CLEAN-UP BY PUBLIC UTILITY CORPORATIONS FOLLOWING CERTAIN TREE REMOVAL	Support with changes
S.J. 5: RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION CONCERNING THE ENVIRONMENT AND NATURAL RESOURCES OF THE STATE	Support with changes
S.J. 4: RESOLUTION MEMORIALIZING THE U.S. CONGRESS TO PERMANENTLY PRESERVE PLUM ISLAND AS A NATIONAL WILDLIFE REFUGE	Support

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

S.B. 81: CFPA supports the effort to designate a stretch of approximately 40 miles on the Housatonic River (between the Massachusetts border and Boardman Bridge in New Milford) as Wild & Scenic. To accomplish a designation, it is critical to have the support of the 7 towns that the Housatonic River flows through (this support has been provided by the towns), and it is important to have support from the State which this bill will codify. Having witnessed the benefits of Wild & Scenic River designation on the Upper Farmington River and on the Eightmile River, I think this designation would be extremely beneficial for the Housatonic River as well. Federal designation would bring resources from the National Park Service and foster shared management and long-term protection of the River between local, regional, state, and federal partners that is both empowering and effective.

H.B. 5150: I am confining my remarks to Sections 1 and 2 of HB 5150 because I believe that Sections 3 and 4 involve important concepts (DOT roadside forest clearing and debris removal by Electric Utilities) that are worthy of discussion as separate bills. CFPA supports the highly important purpose of posting trees and shrubs located in the municipal right-of-way slated for removal or pruning, and Sections 1 and 2 of HB 5150 help to clarify those existing requirements.

The municipal tree warden has care and control over these public trees and shrubs under the law, and the posting requirement is an essential mechanism to inform the public and give the public the right to request a public hearing on these public trees and shrubs if there are objections (there is no requirement for a public hearing if there is no objection, and there is no format for a public hearing that is mandated so the municipal tree warden has a lot of flexibility here). This bill was proposed to clarify posting requirements (towns like Fairfield already post every tree or shrub in the public right-of-way that is to be pruned or removed) and remove any ambiguousness in the current

statute that some interpret could allow third parties to remove or prune public trees or shrubs without posting those trees or shrubs for the public. At the same time, there is a common sense improvement proposed in HB 5150 that would allow municipal tree wardens to post a group of shrubs rather than each shrub individually as is currently required under the law.

S.J. 5: A Constitutional Amendment to better protect state lands is CFPA's #1 public policy priority because it is absolutely necessary to protect State Forests, Parks, Wildlife Management Areas, and agricultural lands against being sold, swapped, or given away by the Legislature without adequate public input or equivalent public benefit.

Legislative conveyances of public lands can have several damaging impacts:

1. Fragmentation and loss of state holdings that are ecologically valuable, important for healthful outdoor recreation, and necessary for viable farming;
2. Landowners are dissuaded from giving property to the state even if their donation contains a deed restriction;
3. It wastes state and private resources researching and fighting potential losses; and
4. It breaks faith with our predecessors who worked hard to preserve these lands, and with future generations who deserve such special places in an increasingly urbanized future.

A Constitutional Amendment is necessary to address this issue because every section of the Conveyance Bill begins with "Notwithstanding any provision of the general statutes ..." powerful language that allows the Conveyance Bill to ignore any other laws that the Legislature may have passed previously. A Constitutional Amendment cannot be ignored so easily and consistently.

We believe that public lands with agricultural, conservation, or recreational values:

- Should not be given away, sold, traded, or have their uses changed without a public hearing in the town or towns where the public lands are located;
- Should not be given away without compensation that equals or exceeds the values being lost in the region where they are being lost;
- Should have a higher standard than a simple majority vote (we recommend a 2/3 majority vote) to approve a conveyance of public lands; and
- Should only be considered in separate bills so that bad proposals are not bundled with benign ones

S.J. 5 states that to change use or give away public conservation land or easements (inadequate) would require a two-thirds vote of the General Assembly (good), a public hearing (inadequate), and that any funds realized by the state from the sale of public lands would be used to acquire land with an equivalent conservation value (inadequate).

S.J.5 is on the right path but should be strengthened in a few ways, namely:

- S.J. 5 should have a more narrow scope focused on the lands under the custody and control of the CT Department of Energy & Environmental Protection and the CT Department of Agriculture;
- S.J. 5 should be protective of lands that have agricultural, conservation, or recreational values (not just conservation value);

- S.J. 5 should include a requirement for a local public hearing (not just a public hearing);
- S.J. 5 shouldn't only recognize funds realized by a sale of public lands (often public lands are given away in the Conveyance Act without any compensation and SJ 5 as written would not account for the value of those lands being given away); and
- S.J. 5 should address the need to have separate bills considered by the General Assembly when public lands with agricultural, conservation, or recreational values are proposed for conveyance.

I thank you again for raising this important bill, and I hope you will move it forward with necessary refinements so that voters can consider it on the ballot this fall.

S.J. 4: It is rare to find a place like Plum Island that is 80% undeveloped in one of the most densely developed regions in the U.S. This 840-acre jewel in Long Island Sound nestled between New York and Connecticut should become a National Wildlife Refuge because of its importance to migratory birds, rare plants, wildlife habitats, and bountiful offshore aquatic resources. We support this Joint Resolution that encourages Congress to take action.

Thank you for the opportunity to testify, and I am glad to respond to any questions you may have.