

Testimony of David K. Leff, GAE Committee, March, 14 2016  
*S.J. 36, Resolution Proposing An Amendment to the Constitution of the State to Protect  
Certain Property Held or Controlled by the State for Conservation, Recreation, Open  
Space or Agricultural Purposes*

I am David Leff, and I make my home in Collinsville. I support a Constitutional Amendment to protect parks, forests and other state owned conservation, recreational and agricultural lands from being sold, traded or given away by legislative act. Thank you for bringing this excellent resolution to a public hearing.

After 40 years, I have gained, perhaps, a unique perspective on this issue having served in the field of natural resources conservation with both the legislative and executive branches of government, and as a volunteer with several conservation nonprofits. I spent over a decade-and-a-half as staff to this Committee through the Office of Legislative Research and over 10 years as deputy commissioner of what was then the Department of Environmental Protection. In that latter capacity I negotiated on behalf of the state the largest land conservation acquisition ever, some 15,000 acres now principally known as Centennial Watershed State Forest. I have served on the boards of directors of the Appalachian Mountain Club, Audubon Connecticut, the Connecticut Forest and Park Association and Great Mountain Forest.

The notorious Haddam land swap is just one of the most recent and more outrageous examples of how the General Assembly's yearly Conveyance Act and other special legislation can do damage to the public's trust. The people of Connecticut believe that our state owned conservation, recreation and agricultural lands are held in perpetuity for the benefit of all citizens now and in the future. Unfortunately, their faith is misplaced.

This problem existed well before I joined the staff of the General Assembly as a young lawyer in 1978 and continues to this day. Only last session, 100 acres of Centennial Watershed State Forest and four acres of Silver Sands State Park were on the block. They were saved only by the heroics of certain legislators and the hard work of conservation nonprofits. HB 5619, this year's Conveyance Act (also the subject of this hearing), would transfer over 66 acres of natural riverfront land held by DEEP for potential unspecified economic development use by the town. Without a constitutional amendment, such giveaways will continue until no state park and forest system is left.

Legislative conveyance of state conservation, recreation and agricultural lands has several pernicious impacts:

1. It causes fragmentation and loss of ecologically valuable state holdings important for healthful outdoor recreation, and necessary for viable farming;
2. It dissuades donors of land from giving property to the state because even if their donation contains a deed restriction, the neighboring land that augments its value may not be protected;
3. It wastes state and private resources involved in 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 beautiful and useful places in an increasingly urbanized future.

A Constitutional Amendment should not be adopted lightly. Those who share this concern with me should be relieved if they bear the following in mind:

1. There is no other way to restrict the legislature from selling, trading or giving these lands away;
2. The Connecticut Constitution has been amended 31 times since 1965; and
3. New York, Massachusetts and Maine all have provisions in their constitutions protecting such public lands.

While I strongly support amending the state constitution to protect these public lands and the resolution before you has some well crafted language, I believe it could be improved with the following elements:

1. that only lands held by the Department of Energy and Environmental Protection and the Department of Agriculture should be covered;
2. that there should be reasonable exceptions for small parcels (perhaps an acre or less) used for public purposes, minor boundary adjustments made by the state agency, and transfers that ensure continued permanent protection of such lands for existing agricultural, conservation or recreational purposes.
3. that the expense of appraisals and any other costs associated with determining value be borne by the potential future landholder, and that any appraisal be approved by the state agency currently holding the land; and
4. that the process should include a local *legislative* public hearing, not a state agency one, because the transfer at issue is by proposed act of the General Assembly, and that the expense of the public hearing should be borne by potential future landholder.

We are fortunate in Connecticut. We have a landscape worth protecting and worthy of the protections afforded by a constitutional amendment. “A countryside of undramatic but exceptional beauty,” Witold Rybczynski wrote of Connecticut in his biography of Hartford-born park-maker Fredrick Law Olmsted.

We hear a lot these days about our state’s infirmities—from taxes, to weather, to infrastructure. Let’s not sacrifice one of our great advantages. A key to Connecticut’s success as a place to live and do business is its landscape of natural diversity, cultural proximity and accessibility. To ensure that success in a future of more people and greater development, we need to expand our public open space lands, not contract them.

These lands that exist for our pleasure, wonder and economic benefit belong to all the people of Connecticut now and for all time. Only through a constitutional amendment can we guarantee the blessing of these places for our children, grandchildren and great grandchildren. In an increasingly urban and frenetic world, they will need these places to challenge their bodies and renew their spirits. The landscape of the future depends on us today. We cannot fail to protect it.