



Connecting people to the land since 1895

16 Meriden Road
Rockfall
Connecticut 06481-2961
Tele: 860-346-TREE
www.ctwoodlands.org

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

Public Hearing Subject Matter	Position
SJR 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.	Strongly Support
RAISED HB 5619: AN ACT CONVEYING CERTAIN PARCELS OF STATE LAND AND REQUIRING A STUDY OF CERTAIN STATE REAL PROPERTY.	Oppose Sections 8 & 5

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.

CFPA was founded, in part, to establish State Forests and Parks which didn't exist at the time – the first State Forest (Portland/Meshomasic SF) was established in 1903 and the first State Park was established in 1913 (Sherwood Island SP). Today, there is a State Park or Forest within a 15-minute drive of every resident of Connecticut, and these special places are essential to our quality of life.

It is frustrating that every year, pieces of State Parks, Forests, Wildlife Management Areas, and state-owned agricultural lands are put in jeopardy through “the Conveyance Act.” Last year, four sections of the Conveyance Act were controversial (fortunately these were eventually removed), and this year, we are concerned about two sections of Raised HB 5619 that should be removed.

Section 8 of HB 5619 would transfer ~68 acres of CT DEEP waterfront property on the Mystic River to the town of Groton for free. This land and accompanying buildings (formerly the Mystic Education Center/Oral School) has significant conservation values and is also prime real estate. We understand the interest of the town of Groton in owning valuable state land with no strings attached to develop for free, but where is the benefit to the public? These lands may be located in Groton, but they are owned by CT DEEP to provide benefit to the entire state.

Section 5 of HB 5619 requests a report that 1) evaluates state property that is both zoned for residential use and authorized to contain commercial structures, and 2) recommends the expedited transfer of such properties. We oppose this section because 1) it is unclear what properties this might make vulnerable to being given away, and 2) the language calling for the study appears to be strongly biased in favor of transferring these properties.

After witnessing and testifying on the annual Conveyance Act for several years, we are convinced that the only option that will better protect public lands with agricultural, conservation, and recreational values is a Constitutional Amendment as recommended in SJ 36.

SJ 36 would ensure that public lands with agricultural, conservation, open space, and recreational values would receive the following transparent treatment before they could be sold, transferred, or converted to another use:

- A public hearing would be held in the town or towns where the land is located;
- A separate bill would be required for each proposed land conveyance that meets the criteria (i.e., “State park or forest land, farm land or other real property held by the state in fee or in easement for conservation, recreational, open space or agricultural purposes”);
- A 2/3 vote of each chamber the General Assembly would be the standard; and
- Public lands proposed for a sale, transfer, or change of use would be offset by acquiring land of equivalent fair market value in the vicinity of where the lands would be lost.

As you may be aware, Legislative remedies to the Conveyance Act have been proposed over the past few years, but even if these remedies were in place, the construction of the Conveyance Act would override them. Specifically, the use of “Notwithstanding any provision of the general statutes ...” in every section of the Conveyance Act overrides any protective laws that the General Assembly might put on the books. Similarly, a joint House/Senate rules change that might be more protective of public lands would be helpful, until the rules were suspended at the end of the Legislative session when some of the worst mischief with late amendments to this bill can occur.

There are a few provisions of SJ 36 that should be clarified to ensure that the State would not bear the cost when a town, business, or individual is proposed as the recipient of public land:

- 1) Expenses associated with holding a public hearing should be borne by the proposed new landholder and not by the state agency currently holding the land in question;
- 2) Expenses associated with determining fair market value (e.g., conducting appraisals) should be borne by the proposed new landholder and not by the state agency currently holding the land in question; and
- 3) The ultimate approval of fair market value should be made by the state agency holding the land in question.

In addition, we suggest that there are minor administrative boundary adjustments that would not diminish the conservation, open space, recreation, or agricultural purposes of the land that should be exempted from the constitutional amendment.

It is worth thinking through how a Constitutional Amendment to better protect state lands (if it were already in place with our recommendations above being incorporated) would affect HB 5619, as proposed:

- Section 8 would be a separate bill which would have to get a 2/3rds vote in both chambers;
- The town of Groton would be responsible for costs associated with holding a local public hearing and determining the fair market value of the land; and
- Funding would be provided to CT DEEP to acquire public land in the vicinity of where it would be lost.

We believe that this process would be adequate to 1) ensure public benefit and greater transparency from these kinds of transfers, and 2) discourage conveyance proposals that waste time and resources for CT DEEP and for all of us. Thank you for the opportunity to testify, and I am glad to respond to any questions you may have.