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**Testimony by David Sutherland – Director of Government Relations
Before the Government Administration and Elections Committee
March 13th, 2016**

In support of Senate Resolution 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***

and in Opposition to Sections 5 and 8 of Bill 5619

***AN ACT CONVEYING CERTAIN PARCELS OF STATE LAND AND REQUIRING A
STUDY OF CERTAIN STATE REAL PROPERTY.***

On behalf of The Nature Conservancy, I would like to express our support of Senate Resolution 36, with changes specified on the next page, and express our appreciation to the committee for raising it. For the same reasons that we support this resolution, we oppose Sections 5 and 8 of Bill 5619.

With many state assets, such as buildings or specific stretches of roads; if the existing building or land is needed for another purpose, the public benefits they provide can usually be transferred within a few years to new buildings, roads, or bridges. In contrast, many of the benefits of conservation lands, such as wildlife habitat and protection of water supplies, can be best provided only after the land's forests and other natural resources have matured or been responsibly managed over many decades. These benefits, including many recreational features, cannot simply be transferred to another parcel of land. Some of the features of these lands are truly irreplaceable. Once they have been altered, they cannot be bought back or reconstructed.

In some cases, benefits or features of these lands may be replaceable, or there may be particularly compelling reasons to transfer a specific tract. So it should be stressed that this proposed amendment would not prevent the transfer or change in use of state-owned conservation lands. It would merely subject such transfers to a reasonable process that would ensure that the public has an opportunity to openly and deliberatively review the merits of any change in use of these critical public resources.

These lands are owned and often used by citizens from all over the state. The decision to transfer them should not be made in a rush, in the last few weeks or days of sometimes shortened and usually intensely busy legislative sessions, or as part of a large piece of legislation with many other proposals.

Connecticut would not be the only state with a Constitutional amendment to enhance protection of its conservation land. The State of New York has a Constitutional amendment
(over)

protecting much of its State-owned conservation lands, which can only be transferred after votes by two successive legislative sessions. The Massachusetts Constitution requires a 2/3 vote by its legislature to transfer state or municipal open space lands. We urge you to let citizens vote on this proposed amendment.

Section 5 of Bill 5619, this year's land conveyance bill, mandates a study of all state lands subject to a particular status of local zoning, and then requires that the study recommend the transfer of all such properties. The General Assembly would have to approve any such transfers. Nonetheless, it would be unusual and inappropriate for an entity ordering a study to mandate the recommendations of the study before it is even started.

In addition, we are concerned that there may be important State Park or Forest lands that happen to be subject to such zoning that would automatically be targeted for transfer without review of their ecological or recreation features. We strongly recommend the rejection of this section.

Section 8 of Bill 5619 mandates the transfer of 66 acres of DEEP land to the Town of Groton "for economic development, recreational and open space purposes." This is a good example of the types of proposals we maintain should be subject to the more deliberative process specified in the language we are recommending below for Senate Resolution 36.

This is a significant amount of open space land being proposed for permanent transfer of state-taxpayer-owned land, for very open-ended use, including private economic development. There will be for no compensation to such taxpayers, and no review of the land's benefits for wildlife or recreation. And yet, most state taxpayers could only have been aware of this proposal and this hearing at best five days ago. Please reject this section.

RECOMMENDED CHANGES TO SJR 36:

Sec. 19. 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, may not be sold, transferred to any person or other entity or converted to another use, except following a public hearing conducted by the [state agency having custody or control of] **ENTITY OR INDIVIDUAL TO WHOM** such property or easement **IS PROPOSED TO BE TRANSFERRED,** in the town or towns where such property or easement is located and by passage of a special act of the general assembly by a ye a vote of at least two-thirds of the membership of each house. Any such special act shall be limited in subject matter to provisions concerning such sale, transfer or conversion and shall contain an appropriation to the state agency having custody or control of such property or easement in an amount equal to the fair market value of the property or easement for the sole purpose of purchasing additional real property or an easement of similar value for conservation, recreational, open space or agricultural purposes and in as close proximity as feasible to the property or easement being sold, transferred or converted to another use. **THE FAIR MARKET VALUE OF SUCH LAND OR EASEMENT SHALL BE DETERMINED BY THE AGENCY HOLDING SUCH LAND OR EASEMENT AFTER A REVIEW OF AN APPRAISAL COMPLETED IN ACCORDANCE WITH THE UNIFORM APPRAISAL STANDARDS FOR FEDERAL LAND ACQUISITIONS ("YELLOW BOOK APPRAISAL"). ANY CLOSING AND OTHER COSTS ASSOCIATED WITH SUCH TRANSFER, INCLUDING THE COST OF A YELLOW BOOK APPRAISAL, SHALL BE BORNE BY THE ENTITY OR INDIVIDUAL TO WHOM SUCH PROPERTY OR EASEMENT IS PROPOSED TO BE TRANSFERRED.**