And Honorable Members of the Committee:

Rivers Alliance of Connecticut is a statewide, non-profit coalition of river organizations, individuals, and businesses formed to protect Connecticut’s waters by promoting sound water policies, uniting and strengthening the state’s many river groups, and providing education on water stewardship.

We strongly urge the Committee to support Resolution, S.J. No. 35. Its purpose is to establish appropriate consideration and transparency in the conveyance of ownership or an interest in public land or real property by the General Assembly, while at the same time making it easier for legislators to understand and focus on conveyances that are of particular importance to their constituents.

The resolution passed the CGA handily in 2016. But it stalled in 2017. What happened in the meantime? We have been told that, between 2016 and 2017, new questions occurred to legislators. But the questions we have heard appear to be the same as those posed in the past, questions that have been rehashed for many years with state agencies and legislative committees.

Certainly, it is true that the freedom to convey state property to one’s district is an important benefit in a job that does not have many benefits. Even if a legislator has doubts about the righteousness of a proposed conveyance of state property to a municipality or individual in his or her district (or a colleague’s district), it is difficult to say no to a practice that is so common and easy. Moreover, many conveyances are, in fact in the public interest.

The trouble is that the history of the conveyance act shows that it is often impossible to distinguish between a beneficial conveyance and one that violates the public interest. The purpose of Resolution 35 is to be sure that legislators and their constituents have all the information that they need to understand whether conveyance is truly in the public interest or not. Note, that the constitutional amendment proposed in this resolution does not apply to conveyances made by administrative agencies. The conveyances brought to you in the General Assembly for approval have for one reason or another not proceeded under the normal, somewhat more transparent process. This, in itself, is reason to be cautious.
The resolution codifies appropriate caution. It makes it *somewhat* more difficult to convey state public property into municipal or private ownership. But it does not make it unreasonably difficult. The process is similar to that used successfully in nearby states.

At Rivers Alliance, we have researched the annual conveyance acts for almost 10 years. The roster has included many benign items. But, typically, all the land transactions were difficult to understand due to often opaque language and the absence of maps or other obvious aids. As a result, sections of the act making minor, harmless conveyances were mixed in with important and controversial conveyances (also often difficult to understand) that raised serious questions about public trust responsibilities. Some of these problematic conveyances led to bitter political disputes.

Some of the most controversial conveyances have been very small (such as the publicly owned fraction of an acre that opened up the Griswold airport adjacent to Hammonasset State Park for private development). Some have presented as involving junk land of no public use (Haddam land swap). Especially troubling are conveyances whose consequences are not discovered until years later if ever.

**Here follows a recent example of a consequential conveyance in the 2016 conveyance act that many of you probably voted for. (I probably would have, too.) What does the language below do?**

**PA 16-1 May Special Session**

Sec. 8. (Effective from passage) (a) Notwithstanding any provision of the general statutes, the Commissioner of Transportation shall convey to the city of Waterbury a parcel of land consisting of approximately 2.87 acres located in the city of Waterbury in exchange for (1) a parcel of land totaling approximately .87 acres and two easements to drain, located in the city of Waterbury, and (2) the administrative costs incurred by the state in making such exchange. The exchange of said parcels of land shall be made simultaneously and each in consideration of the other and shall be subject to the approval of the State Properties Review Board. The parcel of land to be conveyed by the Commissioner of Transportation in said exchange is identified as "State of Connecticut, Formerly City of Waterbury, Certificate of Condemnation, Release Area=125,045 +/- S. F." on a map entitled "City of Waterbury, Map showing Land released to city of Waterbury by the State of Connecticut Department of Transportation, U.S. Route 8, Scale 1"=50', January 18, 2016, Thomas A. Harley, Chief Engineer, Bureau of Engineering and Construction." The drain easements to be conveyed by the city of Waterbury, are also identified on said map, as "City of Waterbury, Easement to Drain Acquired" The parcel of land to be conveyed by the city of Waterbury are identified on an uncertified map entitled "City of Waterbury, Map showing Land Acquired From City of Waterbury by the State of Connecticut Department of Transportation, U.S. Route 8, Scale 1"=50' January 18, 2016, Thomas A. Harley, Chief Engineer, Bureau of Engineering and Construction."
(b) The Commissioner of Transportation shall retain an easement for transportation purposes on the parcel of land to be conveyed by the Commissioner of Transportation, the area of which shall total approximately .52 acre.

(c) The State Properties Review Board shall complete its review of the exchange of said parcels of land not later than thirty days after it receives a proposed agreement from the Department of Transportation. The state land shall remain under the care and control of said department until a conveyance is made in accordance with the provisions of this section which deed or instrument shall include provisions to carry out the purposes of subsection (b) of this section. The State Treasurer shall execute and deliver any deed or instrument necessary for a conveyance of state land under this section. The Commissioner of Transportation shall have the sole responsibility for all other incidents of such conveyance.

It was well over a year later that Rivers Alliance learned that this language above enabled the continuation and expansion of a sewage ash pile alongside Route 8 and the Naugatuck River. We had received occasional complaints and questions about this waste pile off and on for several years. We knew its approximate location. But we missed the purpose and impact of this conveyance. We only came upon it by chance in 2017, while studying serious sewage spills from the Waterbury sewage treatment plant, as well as problems with the city’s sewage sludge gasification plant and the aforementioned ash pile. I surmise that few legislators knew what they were voting for when passing this section of the act.

If this conveyance had gone through the process stipulated in Resolution 35 for a Constitutional Amendment, legislators and the public would have had a chance to understand the problem that was being addressed. I believe that also would have prompted appropriate action to clean up and close the ash pile.

Resolution 35 may involve some inconvenience. But it will not block any defensible conveyance (or even some indefensible ones). It will make it much easier to understand if a vote is in the public interest or not.

Please support this much needed resolution. It has never been more important for states to protect public open space and water.

We would be pleased to answer any questions.

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