

Government Administration & Elections Committee

Public Hearing, May, 14, 2021

SB 1109

(These comments refer to SB 1109 and all conveyances coming before the GAE Committee.)

General Comments in regards to land conveyances.

Revised May 20, 2021

Dear Sen. Flexer, Rep. Fox, and members of the Committee,

As members of the Water Planning Council Advisory Group, we ask the committee to be sure that each proposed conveyance comes with the information necessary to assess the character and value of the property with respect to state policy goals, in particular water protection.

Relevant information includes current use, intended use; natural resource and wildlife features; whether the property has or could have adequate water and waste-water treatment capacity for its intended use; natural features, such as forested land; developed features, especially percent of impervious surface. This information is important not only to evaluating a property's importance to public environmental resources and public health, but also its importance with respect to economic development, municipal uses, or other government uses.

Linked to our specific concerns, we are very aware of the need for flourishing economic development. This is key to meeting all the state's goals. In considering a proposed conveyance, it is important to assess the economic and financial benefits to the public. Relevant information includes how much the state paid for the property, its current fair-market value, and any associated costs relating requirements, if any, for environmental cleanup, protective easements, access easements, or the like.

We writers of this testimony have also worked with our individual organizations on GAE conveyance acts for many years. We were heartened by passage of the Constitutional Amendment, which provides partial protection against imprudent conveyances of public conservation land and other public properties.

But the recent history (2018-2021) of the conveyance of control of 48 acres of DOT land to Cheshire sent a clear signal that much more care is needed. The land conveyed was entirely in a drinking water recharge area, was about ¼ wetlands, and was described by Audubon CT as "a wooded parcel." The land contained high quality groundwater that is the most important future source of water for drinking and for support of natural streams and rivers. Overall, the property is important for its high-quality potable water, woodlands, and wildlife habitat. It was conveyed for unspecified economic development.

This conveyance failed in the regular sessions of 2018 and 2019. But it passed during the Special Legislative Session in summer 2019, using the Emergency Certification Process and the consent calendar. It is Special Act 19-04.

Water Planning Council members and the members of the Council's work group on drinking-water lands expressed acute concern at this turn of events, and we tried to catch up with the conveyance to see if appropriate protections for natural resources could be added.

We made calls and sent emails to various of the involved agencies and staff members asking for information. But, hampered by pandemic restrictions, we were not successful.

In subsequent policy meetings, discussions led to suggestions to make the process more user-friendly and transparent. Among the suggestions was to add the following to the existing legislative land conveyance request questionnaire: information to expand the description of the parcel under review to include physical address, maps, and copies of relevant deeds so that concerned parties can easily locate a parcel; information on whether the parcel is in an aquifer or source water protection area; and what activity is planned for the parcel to assess possible future environmental pollution or harm.

As watershed land advocates and as residents of the state, we ask you to carefully review all requests for conveyance of land before you and look especially closely at protecting land that is critical to the state's drinking water supply. Forested land and natural fields are most important to protect headwaters, streams, and potable waters. But it is also a good idea to consider local and regional conditions relating to water supply and contaminated waters.

You are probably aware that, in some parts of the state, there is controversy over supply arrangements, as well as over sewer infrastructure. In evaluating a conveyance, we recommend looking at whether proposed changes will stress existing water supplies or will protect existing supplies. This type of analysis often also reveals other critical characteristics of the property. When these are understood, legislators can recommend measures that maximize the natural and economic value of the property while it is still in state stewardship. Towns or other beneficiaries of the conveyance will then be better able to use the property to maximum good effect.

Thank you for your consideration of our request.

Sincerely,

Margaret Miner and Karen Burnaska

Members, Water Planning Council Advisory Group