

CONNECTICUT Land Conservation Council

Date: December 16, 2014

To: Connecticut Council on Environmental Quality (CEQ)

From: Connecticut Land Conservation Council (CLCC) by Amy B. Paterson, its Executive Director

Re: Comments on CEQ 2015 Draft Recommendations for Legislation

I. Introduction

CLCC annually prepares a Conservation Agenda which outlines the conservation community's legislative and policy goals for the upcoming year. CLCC's 2015 Agenda is just about finalized; and to that end, we are pleased to see that most of CLCC's overarching goal areas for state legislative and policy priorities, including funding for clean water, open space and farmland acquisition, sufficient staffing for our state parks and protection of our native habitats from invasive species, are reflected in CEQ's 2015 Draft Recommendations for Legislation ("2015 Recommendations").

We note that missing from the 2015 Recommendations are proposals to implement some or all of the recommendations set forth in the CEQ Report, *Preserved But Maybe Not: The Impermanence of State Conservation Lands* (January 4, 2014). We do hope that CEQ will consider adding several of the report's recommended actions to improve protection of state lands to its 2015 Recommendations.

II. Comments

While we are supportive of all of the 2015 Recommendations, we are particularly interested in the following recommendations which are most germane to CLCC's work to increase the pace, quality, scale and permanency of land conservation in Connecticut while assuring the perpetual, high quality stewardship of conserved lands in the state. (Addressed in the order in which they were listed in the 2015 Recommendations):

1. **CEQ Recommendation: Maintain the capital budget for farmland preservation; preserve 2,000 acres each year.**

Comments: While the state has made advancements in farmland preservation, studies have shown that the pace of such preservation efforts will have to increase significantly in order to meet DoAg's goal of preserving 130,000 acres. To that end, CLCC fully supports CEQ's recommendation to maintain the capital budget for farmland preservation and to preserve 2,000 acres year.

We also request that CEQ encourage DoAg to increase the practice of placing conservation restrictions on agricultural lands in accordance with the authority provided by P.A. 14-169 (S.B. 70).

2. **CEQ Recommendation: Authorize sufficient capital funds (estimated to be \$20M) each year to enable the state and matching-grant recipients to acquire, in fee or easement, at least 8,000 acres of priority conservation lands annually.**

Comments: CLCC strongly supports this recommendation. Ensuring consistent and maximum funding for state land conservation programs (Open Space & Watershed Land Acquisition Program,

Recreation and Natural Heritage Trust Program) is an annual top priority for CLCC. As reported by CEQ in its 2013 and earlier Annual Reports, the state is not on track to meet its conservation goals of protecting 21% of its land. Without a significant investment into land conservation programs, the state may never reach its goal – allowing land valuable for conservation and recreation purposes to be lost forever to development or other uses inconsistent with those purposes.

We also request that CEQ add to this recommendation the addition of staff for DEEP's Land Acquisition and Management Department to enable the department to more effectively and efficiently implement the state's land conservation programs, including its work on inventorying state lands through the Public Use and Benefit Land Registry, authorized through P.A. 14-169.

3. **CEQ Recommendation: Appropriate sufficient funds to allow all state parks to open in 2015 with enough staff to manage the physical properties and the destructive behaviors of some visitors.**
4. **CEQ Recommendation: Appropriate sufficient funds to mount an effective defense against invasive species.**

Comments: CLCC supports both of these recommendations, which are consistent with our mission to assure the perpetual, high quality stewardship of conserved lands in the state. Successful conservation is as much about the long-term stewardship and management of the habitats and other conservation values of the land as it is about securing the legal protection of the land to begin with. Foregoing or postponing investments which are necessary to maintain our state parks and other public lands, as well to protect all of Connecticut's native habitats from invasive species, will only cost taxpayers more in the long term.

III. Additional Priorities for the Council's Consideration

CLCC also recommends that CEQ consider including the following additional recommendations in 2015 and would be happy to provide further information regarding the same upon finalization of our 2015 Conservation Agenda:

1. **CLCC Recommendation: Consistent with the CEQ's recommendations in its report *Preserved But Maybe Not*, pursue policy and legislative reforms to ensure that there is a process to fully inform the public and provide an opportunity for public input before state conservation, recreation and agricultural lands are exchanged, sold or otherwise conveyed.**

Comments: To build on the progress made last year with the enactment of P.A. 14-169, which affirmed the authority of the DEEP and DoAg Commissioners to permanently protect state-owned conservation, recreation and agricultural lands through the use of conservation restrictions, CLCC recommends pursuing several reforms to state policy and legislative reforms, including: (a) Require a public hearing before the Environment Committee when public lands are the subject of exchange or other conveyance (deleted from SB 70 last year); and (b) Expand the authority of the State Properties Review Board to include review of the land records and deed restrictions when evaluating a legislative conveyance. We also request that CEQ encourage DEEP to increase the practice of placing conservation restrictions on conservation and recreation lands in accordance with the authority provided by P.A. 14-169 (S.B. 70).

2. **CLCC Recommendation: Amend C.G.S Section 7-131g(c) to eliminate the 70% cap on federal/state matching grants for open space and agricultural land conservation projects.**

Comments: This statutory provision imposes a cap on the combination of federal and state grant funds at 70% of the “total cost” of the conservation project. (Note that it is not clear from a reading of the statute how “total cost” is being defined .) Already faced with the difficult task of raising sufficient funds to cover due diligence and other associated transactional costs, this cap places an increased financial burden on land trusts, towns and water companies by preventing them from maximizing the amount of funding available from government sources.

3. CLCC Recommendation: Pursue legislation requiring landowners transferring property subject to a conservation easement to provide notice to the holder of the easement no later than 30 days prior to closing.

Comments: When a land trust or government entity accepts a conservation easement, it takes on perpetual obligations to monitor the property and enforce the easement terms, which run with the title to the land. Yet, often times when title to the land changes hands, the new landowner may not be aware of the existence of or fully understand the nature and purpose of the terms of the easement, thus increasing the likelihood of violations. CLCC contends that a simple notice requirement on the part of the seller would go a long way in helping to address this problem and avoid the costly process of enforcement and remediation of violations.

We would be happy to discuss the foregoing comments and recommendations with you in further detail and look forward to sharing CLCC’s 2015 Conservation Agenda upon its completion. Thank you for this opportunity to provide our input on the 2015 Recommendations and for all you do to protect Connecticut’s natural resources and environment.