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Testimony in Support of Raised H.B. 5686 with Modification To the Environment Committee Submitted by: Amy Blaymore Paterson, Esq., Executive Director February 27, 2015

Co-Chairs Kennedy, Albis, and Members of the Environment Committee:

Please accept this testimony on behalf of the Connecticut Land Conservation Council (CLCC) regarding **Raised H.B. 5686, An Act Concerning the Approval of Land Swaps**, which seeks to provide a more transparent and comprehensive process for review of proposals to swap lands under the custody and control of the Department of Energy and Environmental Protection (DEEP) and the Department of Agriculture (DoAg), respectively. CLCC supports this bill with modification.

CLCC works with land trusts (now numbering over 137), other conservation and advocacy organizations, government entities and landowners 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.

The State holds over 255,000 acres of State Parks, State Forests, Wildlife Management Areas and other open space valuable for conservation, recreation and agricultural purposes (collectively referred to herein as “public lands”). These lands were conveyed and acquired with an expectation that they would be permanently preserved in trust for the benefit of the public; yet the majority of our public lands are legally unprotected and thus vulnerable to conversion to non-conservation purposes.

While DEEP has an internal process for evaluating the merits of proposed exchanges of agency land (2008 Directive on Land Exchanges), there is no analogous system of comprehensive review for exchanges or other conveyances of agency land proposed by the General Assembly under the Conveyance Act.

The enactment of P.A. 14-169 (SB 70) was a step forward in state land protection efforts – requiring the establishment of a Public Use and Benefit Lands Registry and confirming the authority of the DEEP and DoAg Commissioners to protect state lands through the use of conservation restrictions. However, with the elimination of a proposed public hearing requirement, that bill did not go far enough in addressing concerns with the conveyance process.



In concept, H.B. 5686 seeks to address deficiencies in the state's public land conveyance process by requiring a more substantive evaluation and expanded opportunity for public review of DEEP and DoAg lands proposed for exchange. However, to further strengthen the intent of this bill, we respectfully suggest modifications of the language to:

- Provide a process for input and review of all conveyances (not just swaps) of DEEP and DoAg lands as proposed by the General Assembly;
- Include a requirement for a public hearing before the Environment Committee as part of the Conveyance Act process; and
- Add a layer of oversight by expanding the scope of review of the State Properties Review Board

To that end, CLCC submits the attached proposed amendments to H.B. 5686 for the Committee's consideration. We would welcome the opportunity to provide further input as the language for this bill evolves.

On behalf of the Connecticut Land Conservation Council Steering Committee and the members of Connecticut's broad-based conservation community, I thank you for your leadership in support of land conservation and for this opportunity to submit these comments.

(Testimony continued on next page)

Committee Bill No. 5686 AN ACT CONCERNING THE APPROVAL OF LAND SWAPS AND OTHER CONVEYANCES

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (Effective from passage)

(a) Notwithstanding any provision of the general statutes, prior to ~~entering~~ VOTING ON any agreement for the exchange OR THE CONVEYANCE of land or interest in land that is under the care, custody or control of the Commissioner of Energy and Environmental Protection or the Commissioner of Agriculture, the respective commissioner shall assure THE GENERAL ASSEMBLY that: (1) The exchange OR CONVEYANCE is not contrary to the terms or conditions under which the acquisition, gift, or bequest of such land or interest in land to be conveyed by the Department of Energy and Environmental Protection or the Department of Agriculture, as applicable, in such exchange was accepted; (2) the land or interest in land to be conveyed by the applicable department in such exchange OR CONVEYANCE was evaluated by the applicable department and determined not to be integral or significant to the resource management programs of the applicable department; (3) IN THE EVENT OF AN EXCHANGE, appraisals demonstrate that the fair market value of the land or interest in land to be received by the applicable department in such exchange is equal to or greater than the fair market value of the land or interest in land to be conveyed by the applicable department; (4) IN THE EVENT OF AN EXCHANGE, the land or interest in land to be received by the applicable department in such exchange provides substantially greater utility to the resource management programs of the applicable department than the land or interest in land to be conveyed by the applicable department in such exchange; (5) any proposed use of the land or interest in land to be conveyed by the applicable department in such exchange OR CONVEYANCE, if known at the time of the exchange OR CONVEYANCE, is consistent with the state plan of conservation and development AND THE STATE COMPREHENSIVE STRATEGY FOR OPEN SPACE (GREEN PLAN); and (6) unless the respective commissioner determines that it is in the best interests of the state to not require such encumbrance, the land or interest in land to be conveyed by the applicable department in such exchange OR CONVEYANCE shall be conveyed subject to: (A) A conservation or other easement or similar encumbrance in favor of the state ensuring that any restriction on such land or interest in land that was in effect immediately prior to the exchange OR CONVEYANCE remains in effect after the exchange, and (B) a reverter clause stipulating that the land or interest in land shall revert back to the state if the easement or similar encumbrance is violated or not upheld.

(b) Prior to undertaking the requirements of subsection (a) of this section, the Commissioner of Energy and Environmental Protection or the Commissioner of Agriculture, as applicable, shall post notice of the proposed exchange OR CONVEYANCE of land or interest in land on the Internet web site of his or her department AND IN THE ENVIRONMENTAL MONITOR. ~~[If the respective commissioner receives twenty five or more written requests from twenty five or more individuals for a public hearing on such proposed exchange, said commissioner shall hold a public hearing on such proposed exchange in the town in which such land or interest in land to be conveyed by the applicable department is located. In the event such land or interest in land is located in more than one town, the respective commissioner shall hold such public hearing in the town where the greater number of members of the public can be accommodated.]~~

BEFORE A FINAL VOTE BY THE GENERAL ASSEMBLY, THE JOINT STANDING COMMITTEE OF THE GENERAL ASSEMBLY HAVING COGNIZANCE OF MATTERS RELATING TO TH ENVIRONMENT SHALL PROVIDE A PUBLIC HEARING ON THE PROPOSED EXCHANGE OR CONVEYANCE OF LAND OR INTEREST IN LAND.

(c) THE STATE TREASURER SHALL NOT DELIVER THE DEED OF THE LAND PROPOSED FOR EXCHANGE OR CONVEYANCE UPON A FINDING BY THE STATE PROPERTIES REVIEW BOARD THAT IT HAS NOT RECEIVED SUFFICIENT INFORMATION TO EVALUATE THE PROPOSED EXCHANGE OR CONVEYANCE, INCLUDING, BUT NOT LIMITED TO: (1) ANY OF THE INFORMATION REQUIRED UNDER SECTION 1; AND/OR (2) ANY OF THE INFORMATION REQUESTED AS PART OF THE CONNECTICUT GENERAL ASSEMBLY CONVEYANCE QUESTIONNAIRE INCLUDING: A LEGAL MAP OF THE PROPERTY; AN APPRAISAL OF THE VALUE OF THE PROPERTY; WHETHER THE PROPOSED CONVEYANCE IS BASED UPON PRIOR LEGISLATION; THE TAX ASSESSOR'S MAP, BLOCK AND LOT NUMBERS FOR THE PROPERTY; THE ACREAGE OF THE PROPERTY; AND THE COSTS, IF ANY, TO THE STATE IF THE PROPERTY WERE CONVEYED.