

CONNECTICUT
Land Conservation Council

Sent via email: peter.hearn@ct.gov

Date: April 13, 2018

To: CT Council on Environmental Quality

From: Connecticut Land Conservation Council by Amy Blaymore Paterson, its Executive Director

Re: Tilcon Study

On behalf of the Connecticut Land Conservation Council, please accept the following comments regarding the *Environmental Study Change in Use of New Britain Water Company Land/Proposed Quarry Expansion and Future Water Storage Reservoir*. ("Tilcon Study") This study was required by the legislature in 2016 as a precondition to the City of New Britain's proposal to allow the Tilcon mining company to undertake total rock excavation in approximately 70 acres of drinking-water reservoir land owned by the city, almost all of which is comprised of highly protected Class I and II watershed lands.

As the state's umbrella organization for the land conservation community, including its 137+/- land trusts, the Connecticut Land Conservation Council (CLCC) advocates for land conservation, stewardship and funding, and works to ensure the long-term strength and viability of the land conservation community in Connecticut. Consistent with our mission, ensuring the highest degree of protection for lands valuable for conservation purposes, including Class I and II watershed lands, is a priority for our organization.

On March 6, 2016, CLCC submitted testimony to the Public Health Committee in opposition to **Senate Bill 300, An Act Concerning New Britain Water Company Land**, citing our concerns that allowing the project would set a dangerous precedent for the protection of drinking water watershed lands. Still relevant today, our testimony is further underscored by the recently released draft of Connecticut's first State Water Plan, which lists as one of its top ten consensus-based policy priorities the protection of Class I and Class II lands.

Pursuant to state water policy and law, Class I and II lands are protected and preserved to safeguard the quality of our state's water resources. Accordingly, transactions involving Class I lands are severely restricted and those involving Class II lands are limited. The law furthermore provides that because these are lands located closest to water supply sources they require a state Department of Public Health permit to transfer or change their use. Such approval traditionally is only granted to small activities related to good management of the public's water resources.

The city of New Britain seeks to lease approximately 70 acres of the city's water department's Class I and II (and a small percentage of Class III) land in Plainville to Tilcon for rock mining. The mining, adjacent to an existing quarry, is expected to continue for up to 40 years. At the end of that term, the project proponents have proposed that the excavated area be transformed into a storage reservoir and that Tilcon would be required to grant minimum acreage areas of open space to the city of New Britain and the towns of Southington and Plainville.



Permitting the project to move forward will serve to undercut the strict protections on Class I and II lands currently accorded under state law, not only posing a risk of adverse impacts to highly valuable water supplies, but also setting a dangerous precedent for further erosion of such laws and for requests for similar activities from others in the future.

We respectfully contend that basing a development decision today on proposed outcomes over 40 years is not prudent planning, particularly when it significantly risks adverse impacts to lands statutorily protected for safeguarding the state's water resources.

In conclusion, in addition to scrutinizing the specific adverse impacts that the proposed project will have on the critical natural resources on the site and in the region, we urge the Council to strongly consider the precedent setting nature of allowing this project to move forward contrary to existing law and policy.

Thank-you for the opportunity to submit these comments. I would be happy to answer any questions you may have.