

2011 Conservation Agenda For Connecticut's Land and People

Connecting People to the Land. Conserving Connecticut.

Dear Friends of the Connecticut Forest & Park Association,

In last year's Conservation Agenda, we noted that "2009 ended as a year for rescission rather than a year for vision." Fortunately, by the end of the 2010 session some of the worst ideas of the 2009 budget season — e.g., the doubling of park admissions, camping, and hunting/fishing license fees — had been undone.

To eat the seed corn: Eating the corn which should be saved for seed to forestall starvation. A desperate measure which provides temporary relief but creates a disastrous situation in the long-term. *Online dictionary*

Indeed, there was more good news at the end of 2010 when Governor M. Jodi Rell convened the Bonding Commission and announced investments that brought the total for her Administration (2004 - 2010) to \$89 million to protect 11,396 acres of open space in 75 towns, and \$53 million to preserve 8,425 acres on 78 farms. With these critical investments, Connecticut is now 75% of the way toward meeting the state's goal of protecting 673,000 acres as open space, and more than 33% of the way toward meeting the state's goal of protecting 130,000 acres of farmland.

Several economic and social benefits flow from these wise investments:

- Municipalities save money by avoiding the high costs associated with new infrastructure and community services typically required for developed lands;
- Revenues and products are generated. For example, agriculture contributes \$3.5 billion to the state's economy and employs 20,000 people, and locally-grown Connecticut wood is processed into products including lumber, cabinets, furniture, and flooring, and contributes \$500 million to the State's annual economy as well as 3,600 jobs; and
- Protected lands often support recreational activities that enhance the health, well-being, and vitality of communities. These recreational assets frequently have the added benefit of raising the property values and curb appeal of surrounding neighborhoods.

A society grows great when old men plant trees whose shade they know they shall never sit in. - *Greek proverb*

Similar and often more dramatic benefits to communities also accrue from the almost 230,000 acres of state parks, forests, and wildlife management areas that we are fortunate to have in Connecticut. Not only do these protected state and private lands provide nearby areas for recreation (over 8 million people visited the parks this year) and help protect the quality of life we enjoy, but also these lands are the seed corn of Connecticut.

In 2011 when funding is scarce, the Malloy Administration and General Assembly will have to wrestle with this critical question, "Will Connecticut eat its seed corn to plug budget shortfalls, or will we continue to plant trees for our long-term success?" We hope our leaders take a cue from the Greek proverb and look to the future. And, we hope 2011 will be a year for vision.

If you have questions about this Agenda or would like to help us in its implementation, please contact CFPA's Executive Director Eric Hammerling at 860.236.2372 or chammerling@ctwoodlands.org.

Sincerely,



Eric Lukingbeal, Chair Legislative Committee



Eric Hammerling, Executive Director CFPA

2011 STATE PRIORITIES FOR CFPA

** This year we are focusing our Conservation Agenda on CFPA's top five State priorities to which our staff, volunteer, and contract lobbying resources will be dedicated. For a full list of programs that CFPA supports, please visit our website: www.ctwoodlands.org/advocacy or contact CFPA's Executive Director via 860/346-2372.

Restore Recreational Liability Protection to Municipalities: With passage of the Connecticut Land Use Recreation Act in 1971 (C.G.S. § 52-557f et seq.), the General Assembly recognized the importance of encouraging landowners to allow the public to enjoy their properties for recreation by protecting landowners from personal injury lawsuits. For 25 years after the passage of the Act, towns were considered to be qualified under the Act as landowners. However, since a 3-2 Supreme Court decision in *Conway v. Wilton* (1996) which overturned previous holdings of the court, municipalities (including entities such as the MDC, a "nonprofit municipal corporation") are no longer considered "landowners" for this purpose and therefore are not covered under the Statute. Fortunately, the statute still provides strong protection for private, corporate, and utility landowners who host recreational activities on their lands without charging a fee.

- ***Specific Request:*** CFPA seeks to preserve public access to municipal lands for recreation by restoring to towns the liability protection that is currently available to State and private landowners.

Keep Property Taxes Low for 10 Mill Forest Landowners: The 10 Mill Program is a 100-year forest conservation program established in 1913 that today protects 14,000 acres of forest located in 34 towns. Forest landowners willing to make this long-term commitment had their property taxes capped at a rate not to exceed 10 Mill when they enrolled. On the 50-year anniversary of participation in the program, the fully developable value of an individual's land and its standing timber is re-assessed. Although the local property tax rate remains at 10 Mill, the new value of the property and timber often results in an enormous increase in property taxes to levels that typically far exceed those being paid by forest landowners in the P.A. 490 [citation] program. In addition to paying significantly higher taxes, landowners remain subject to a large penalty if they decide to withdraw from 10 Mill or change the use of the property from forest.

- ***Specific Request:*** CFPA seeks to 1) cap the property tax rate for 10 mill landowners at the rate paid by forest landowners in the P.A. 490 program; and 2) give 10 mill forest landowners who have already put their land under conservation easements the ability to transition into the P.A. 490 program without incurring a penalty.

Create a Sustainable Forest Management Revolving Fund at CT DEP: This Revolving Fund would allow CT DEP to recoup a portion of the revenues from sustainable harvests on State Forest lands to enable the Department to reinvest those funds in forest management and/or planning. Today, only 1/3 of the State Forests have forest management plans, and a 2008 Yale Study reported that DEP Forestry could increase sustainable harvests on state lands by up to 300%. Greater forest management would have multiple benefits: it would increase revenues to the state; it would increase jobs for private state-certified Foresters and harvesters; it would increase the ability of DEP Forestry to manage State Forests for wood products, recreation, wildlife, and multiple ecosystem benefits; and lastly it would give DEP Forestry more eyes in the field for early detection of both invasive pests (Asian Longhorned Beetle and Emerald Ash Borer) and invasive plants.

- ***Specific Request:*** CFPA seeks to establish a Sustainable Forest Management Revolving Fund in the DEP budget and capitalize it with \$100,000 from either timber harvest revenues or fines/violations from illegal harvests on state property.

Protect Dedicated Funding for the Community Investment Act: Since 2005, the Community Investment Act has generated approximately \$19 million/year (from a \$30 recording fee on municipal land records) to support land conservation, affordable housing, historic preservation, and farmland preservation projects. In 2010, \$5 million was raided from the CIA

funds. CFPA has partnered with a strong coalition of conservation, housing, historic preservation, and farmland protection advocates committed to preserve this dedicated funding from additional raids.

- **Specific Request:** CFPA seeks to restore the original \$30 deed fee for the purposes set out in the original Public Act, 05-228. CFPA also supports the use of an additional \$10 for a dairy farmer income safety net as was enacted in 2009.

Maintain CT DEP Budget at Reasonable Levels: CFPA has partnered with a coalition of conservation organizations dedicated to protecting the CT DEP budget – both the Environmental Conservation and Environmental Quality programs. CFPA wishes to see the entire Department – which has already been reduced over the past few years through early retirement incentives and attrition to staff levels roughly equivalent to 20 years ago – protected from even deeper budget cuts. The responsibilities of the DEP have grown enormously over that time period, and further cuts given the critical task at hand would be reckless. CFPA’s top priorities within the Department have typically been the programs responsible for natural resource management, outdoor education, recreational trails, and enforcement activities on over 230,000 acres of State Parks, Forests, and Wildlife Management Areas critical to the public’s enjoyment of the outdoors, as well as for the programs responsible for supporting open space protection.

- **Specific Request:** CFPA seeks to increase support or at minimum hold the line for DEP’s Forestry, Park, Recreational Trail, No Child Left Inside, and Law Enforcement Programs.

2011 FEDERAL PRIORITIES FOR CFPA

Support New England Trail Appropriations: The New England Trail (NET) is the nation’s newest National Scenic Trail (designated in 2009) although it has been maintained by CFPA volunteers in Connecticut for 80 years. The NET’s route stretches approximately 220 miles from Connecticut’s Long Island Sound to the Massachusetts-New Hampshire border and travels through 39 communities in central Connecticut and western Massachusetts. The trail is managed jointly by CFPA (in CT), the Appalachian Mountain Club (in MA), and the National Park Service (NPS) which provides technical assistance and funding support. Although much of the trail is considered to be “protected” by its location on state and municipal lands, approximately 127 miles of the NET are currently routed through private lands and on roads around private parcels. CFPA is updating its landowner database and developing landowner outreach and education materials to facilitate a positive and informed relationship with landowners, land trusts, towns, conservation commissions, and others, who, it is hoped, will be inspired or incentivized to protect the Trail for the long-term.

- **Specific Request:** CFPA seeks the following for the entire 220 miles of the NET: \$400,000 in support from NPS Operations, \$30,000 in Challenge Cost Share funding, and \$1.6 million in support through the Land and Water Conservation Fund.

Maintain Local Flavor and Flexibility for Recreational Trails Program: Federal efforts to reduce government spending and combine programs may put the future of the Recreational Trails Program (RTP) in jeopardy. For years, funding for RTP has flowed from the U.S. Department of Transportation to the state for the CT Department of Environmental Protection to

SPECIAL THANKS TO CFPA’S LEGISLATIVE COMMITTEE:

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deliver grants to priority recreational trail projects. This has generally worked quite well, but it appears that RTP may be included in the Partnership for Sustainable Communities initiative developed jointly by the U.S. Department of Transportation, the Environmental Protection Agency, and the Department of Housing and Urban Development. The program does appear to be interested in supporting walkable communities and may have some benefits, but we are concerned that the program may not be flexible enough to support efforts on rural, unpaved trails that do not serve as commuter routes, or are not used as connectors between neighborhoods and shopping areas.

- **Specific Request:** CFPA seeks to ensure that the CT DEP's expertise in recreational trails will remain fully engaged in the federal project criteria development and selection process.

Enhance USDA Forest Conservation and Farmland Preservation Programs: The U.S. Department of Agriculture sponsors several important programs for Forest landowners and farmers interested in maintaining their lands as forests and farms. For example, earlier this year, the USDA Natural Resources Conservation Service (NRCS) Environmental Quality Incentives Program (EQIP) was paying up to 75% of the cost of developing a Forest Management Plan for non-industrial private landowners who used an NRCS-certified Technical Service Provider. The Forest Legacy program of the USDA Forest Service provides funding to maintain working forestland with conservation restrictions. Forest Legacy has conserved thousands of acres of forest in the state, notably the Great Mountain Forest Corporation in Norfolk and Canaan. Other significant conservation programs for which we hope larger allocations will be available for the state in the future include the Healthy Forest Reserve Program, Conservation Incentives Grants, the Farm and Ranch Lands Protection Program, and the Wildlife Habitat Incentives Program.

- **Specific Request:** CFPA seeks support for the aforementioned programs, and an expansion of the New England-New York Forestry Initiative, a partnership effort of USDA Forest Service and NRCS which provided \$5.9 million for pilot projects in Maine and New York supporting private landowners to improve forest health and productivity, wildlife habitat, and water quality.