



2016 CONSERVATION AGENDA FOR THE LAND & PEOPLE OF CONNECTICUT

2016 Policy Priorities

1. Support a Constitutional Amendment that protects State lands with conservation, recreation, and agricultural values from being sold, traded, or given away by the Legislature without appropriate public process and compensation.
2. Ensure that significant encroachments on State lands are made public (e.g., published in CEQ's Environmental Monitor similar to Administrative land transfers) if less than full restitution is recommended by the State.
3. Support authorizing legislation (a.k.a. "Project Green Space") that would enable municipalities to collect up to 1% of real estate conveyance fee on buyers to support local open space and farmland acquisition as well as park, forest, and trail management projects.
4. Maximize retention of healthy trees in the public right of way and ensure public notice requirements are followed.
5. Require Planning & Zoning Commissions to consult with Municipal Tree Wardens to ensure planting plans do not conflict with "Right Tree, Right Place" best practices.
6. Support "Greenway Tax Credit" that would provide a State income tax credit to private landowners who donate a permanent easement allowing recreational access for trails officially designated as State Greenways.

2016 Funding/Resource Priorities

1. Establish a new, secure source of funding for State Parks operations and maintenance.
2. Protect the integrity of the Community Investment Act (CIA) fund against raids and earmarks.
3. Support bonding for the State Recreational Trails Program, Open Space and Watershed Land Acquisition program, Farmland Preservation Program, and Recreation and Natural Heritage Trust Fund.
4. Support funding and positions at CT DEEP essential for managing and acquiring parks, forests, and open space lands.
5. Support key Federal programs (e.g., Forest Legacy; Land and Water Conservation Fund; No Child Left Inside Act; New England Trail funding through the National Park Service; the U.S. Department of Transportation/FHWA Recreational Trails Program and others) that further the conservation of forests, open space, and trails.

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CFPA's 2016 Conservation Agenda Priorities Analysis

1. Support a Constitutional Amendment that protects State lands with conservation, recreation, and agricultural values from being sold, traded, or given away by the Legislature without appropriate public process and compensation.

The Council on Environmental Quality describes the situation well in its 2014 report [Preserved But Maybe Not: The Impermanence of State Conservation Lands](#); State Parks, Forests, Wildlife Management Areas, and publicly owned agricultural lands are vulnerable to being given away by the Connecticut General Assembly.

Despite CEQ's report and growing public frustration with the insufficient protections for State lands, the initial 2015 Conveyance Act included four separate proposals to give away public lands. If not for public outcry and the active efforts of several heroic Legislators who fought to remove these proposals, the following public lands would have been lost:

- 4.7 acres of Silver Sands State Park to the City of Milford for municipal parking and other purposes;
- Over 100 acres of the Centennial Watershed Forest to the town of Fairfield despite existing conservation easement protections; and
- Sensitive habitats in the Quinebaug Wildlife Management Area would have been damaged by 2 private roads built for sand and gravel extraction.

A Constitutional Amendment is necessary to better protect State lands, and states such as Maine, Massachusetts, and New York already have constitutional protections in place. A Constitutional Amendment should include the following provisions: 1) require a vote by a supermajority (two-thirds) of each chamber, 2) require a local public hearing in the town(s) where public lands would be sold, traded, or given away; 3) require a separate bill for each proposed loss of public lands with agricultural, conservation, or recreational value; and 4) require compensation for the State to purchase replacement land with similar values in the same region.

“Process improvements” such as a Joint House/Senate Rules Change requiring that Conveyance bills have a hearing before the Environment Committee could be helpful intermediary steps (currently the only required public hearing is before the Government Administration and Elections Committee), but ultimately this would not be protective since Conveyance Acts are voted upon in the last few days of each session when House and Senate rules are waived.

2. Ensure that significant encroachments on State lands are made public (e.g., published in CEQ's Environmental Monitor similar to Administrative land transfers) if less than full restitution is recommended by the State.

Every year, encroachments occur on State lands ranging from acres of timber theft from a State Forest to minor boundary disputes. Most encroachments are readily resolved, but at times, there is significant damage done to State lands and there is no requirement for the State to inform the public of these resolutions, even if the State is agreeing to less than full restitution of lost resources and public lands are to be left degraded. A mechanism exists through the Environmental Monitor (published by the Council on Environmental Quality) to include information for the public on how these encroachments are being resolved. CFPA will work with CT DEEP and CEQ to suggest a reasonable balance between over-reporting minor encroachments, and under-reporting major ones. Legislation may be necessary.

CFPA's 2016 Conservation Agenda Priorities Analysis

3. Support authorizing legislation (a.k.a. “Project Green Space”) that would enable municipalities to collect up to 1% of real estate conveyance fee on buyers to support local open space acquisition as well as park, forest, and trail management projects.

CFPA supports the efforts of Audubon CT and partners to establish a local option to acquire, preserve, and protect current open space and parks in Connecticut cities and towns. The legislation would have three key components: the percentage of the assessment on the value of the home; an exclusion level to ensure equity among home buyers, and the range of projects funded. The legislation would apply to land stewardship of open space and parks, and to acquiring parcels of open space, parks, and farmland.

4. Maximize retention of healthy trees in the public right of way and ensure public notice requirements are followed.

One critical protection for street or roadside trees within the public right-of-way ("public trees") is that the municipal tree warden is required to post a notice on those trees that are proposed for pruning or removal, allowing neighbors and other community members to ask for a public meeting before pruning or removal takes place. A hearing allows questions to be asked and alternatives suggested that better protect the trees, and also provides a right of appeal from a tree warden decision. Although individual landowners whose property abuts the site of proposed utility tree work must be given notice by the utility and have a right to object to the tree warden and to appeal a decision, that notice does not inform neighbors and other community members who also have an interest in these public trees. CFPA supports legislation that would clarify this posting requirement to keep the public appropriately informed and able to participate in decisions about proposed pruning or removal of public trees in all Connecticut towns.

5. Require Planning & Zoning Commissions to consult with Municipal Tree Wardens to ensure planting plans do not conflict with “Right Tree, Right Place” best practices.

Over the past couple of decades, municipal tree wardens as well as utilities and others have rallied around the concept of “right tree, right place”; i.e., ensuring that the right species of tree to meet landowner, community, utility, and other goals is planted or replanted in the right location for maximum long-term benefits. Unfortunately, many towns and town commissions do not utilize the expertise of their tree wardens in reviewing planting plans for newly proposed housing and commercial developments. This level of review should help avoid future conflicts that would otherwise arise if the wrong species of trees were planted next to roads, beneath power lines, in transportation lines-of-sight, et cetera. We ask the General Assembly to support legislation that would require Planning and Zoning Commissions to consult with their municipal tree wardens when reviewing planting plans to ensure “right tree, right place” is considered.

6. Support “Greenway Tax Credit” that would provide a State income tax credit to private landowners who donate a permanent easement allowing recreational access for trails officially designated as State Greenways.

People want to live near trails and beautiful open spaces. According to a 2008 National Association of Home Builders study, “Trails consistently remain the #1 amenity sought by prospective homeowners.” The CT SCORP (State

Comprehensive Outdoor Recreation Plan) emphasizes that people desire trails more than all other types of recreational amenities. There is also a growing recognition of the economic, health, and quality of life benefits associated with having protected and well-managed forests, parks, and trails. We ask the General Assembly to support giving municipalities an option to provide a property tax credit or deduction for the donation of a conservation easement that would protect a trail corridor in perpetuity. The state has a process and a Greenways Council to designate “greenways” as a special category of trails. Greenways deserve special tax incentives to encourage landowners to protect these greenways in perpetuity.



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