



Draft 2016 Recommendations for Legislation

December 23, 2015

The Council on Environmental Quality (CEQ) publishes *Environmental Quality in Connecticut*, the state's annual report on the condition of our air, water, land and life. The Council also is required to recommend legislation "for remedying the deficiencies of existing programs and activities." (CGS Section 22a-12) From its review of statewide environmental indicators and its investigation of complaints, the Council has identified important needs and deficiencies, and recommends the following solutions.

1. Forest Land Conservation: An Urgent Need for New Tactics



What the Data Tell Us

- The pace of land conservation is inadequate to meet Connecticut's goals. A "business as usual" approach will leave DEEP short of its statutory goal by 60,000 acres.
- The average parcel of private forest land likely to be conserved is well under 50 acres.*
- DEEP acquires about seven (7) parcels each year; it cannot possibly acquire 1300 to 1500 parcels by the 2023 deadline unless the state adopts a dramatic change in tactics.
- Connecticut's forests are shrinking and becoming more fragmented (with less "core forest" acreage). Indicators of woodland wildlife, especially birds, show consistent declines.
- Some owners of conservation-worthy land would donate land or easements if the conveyance could be permanent, simple and inexpensive.
- Connecticut needs a wholly new process for accepting land and easements. Time is short for the forests, their owners and woodland wildlife.

Recommended Solutions

New Forest Land Conservation Tactic: Enact a pilot program to allow up to 49 landowners to permanently preserve their classified forest land by donating a permanent conservation easement to the state or other designated entity, using a simple template, in exchange for permanent P.A. 490 tax treatment (i.e., use value assessment, as implemented currently). This pilot is for a new conservation program to complement, not replace, existing state programs that target highest-priority lands for state acquisition.

Stronger Protections for Lands Already Preserved: Connecticut must not lose ground toward its goals, and potential donors and sellers must be assured of the permanence of preservation. The Council recommends an amendment to the state constitution that would define a public and deliberative process for evaluating any proposal to sell or otherwise convey land already preserved as a state park, forest, or wildlife management area.

Preserving Farmland: Maintain the current capital budget and allocate sufficient staff so that the Department of Agriculture preserves 2,000 acres per year.

2. Protect Streams and Historic Resources from Impacts of Earthmoving

From the draft summary of *Digging Connecticut*, a special CEQ report on stormwater, mining and other issues related to earthmoving (to be published in February 2016):

Connecticut's effort to reduce the pollution in stormwater that flows from construction and industrial sites probably has improved the quality of streams and rivers. Complaints to the Council have pointed out, however, that the state's efforts are incomplete, illogical or flawed.

Of all earthmoving activities in the state, the one with potentially the greatest impact on water, habitat and archaeological resources – the clearing and mining of land for the extraction of sand, gravel or rock – may avoid state regulation altogether.

Any would-be violator of state stormwater control laws can be fairly confident that he or she will not be caught or, if caught, will not face financial penalties.

The flawed regulatory structure that evolved over many years is not the one that would be designed today. The Council on Environmental Quality is preparing a special report aimed at building a more logical, efficient and effective approach to protecting Connecticut's environment – including historic and archaeological resources – from the effects of large earthmoving activities. These actions will clarify the permitting process to make it more effective and enforceable, enhance public access to information, improve requirements for mines and solar farms, and close the gaps by which parties avoid regulation or enforcement.

Recommended Solutions

Authorize DEEP to create a permit to guide mining operations.

Authorize DEEP to enforce stormwater management requirements through administrative actions as an alternative to lengthy and costly court cases.

Adopt meaningful protections for endangered species and historic resources as stand-alone statutes as an alternative to the current practice of imposing them only on registrants for stormwater permits and applicants for a few other permits.

Maintaining Connecticut's Foundation

Most of Connecticut's environmental progress is built upon a few basic programs such as the Clean Water Fund and the Recreation and Natural Heritage Trust Fund. When those programs are working, indicators of environmental quality in Connecticut show improvement.* Such capital programs are not listed among these recommendations because the two-year state capital budget adopted in 2015 contains sufficient authorizations for most of the basic programs.

*For More Information

Data for environmental indicators related to all recommendations can be found in *Environmental Quality in Connecticut* on the Council's website.

Details on the urgent need for new land conservation tactics, including data on parcel size and DEEP acquisition rates, can be found in a December 10, 2015 staff [memo](#) on the Council's website.

Details on deficiencies in the state's regulation of mining, stormwater and related resources, and the Council's recommendations to fix them, will be included in a forthcoming special report, *Digging Connecticut...While Protecting Its Waters and History: Recommendations for Reducing Impacts of Earthmoving*. The Council still is receiving and discussing input from interested parties.