

# **The Green Plan**

## **Guiding Land Acquisition and Protection in Connecticut**

### **2007-2012**



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# The Green Plan: Guiding Land Acquisition and Protection in Connecticut 2007-2012

## **BACKGROUND/OVERVIEW**

Historically, undeveloped open space was common in Connecticut and its preservation was not a public priority. As time passed, Connecticut, like the rest of the country, grew economically and its population increased. The development that had been concentrated in key areas, generally along waterways, spread out as roads were built and cars became the preferred mode of transportation. Suburban development replaced rural lands and today all of Connecticut is under increasing development pressure. Poorly controlled growth (also known as sprawl) has become a significant threat to open space as areas that used to be open, undeveloped or part of our agricultural heritage are being converted to other uses, primarily residential development. With careful planning, it is possible to have economic and population growth while protecting valuable open spaces. Connecticut's citizens have both an opportunity and responsibility to decide the future of the State's landscape by permanently protecting certain undeveloped areas as open space. This plan sets forth a strategy for approaching such significant decisions.

### Why Protect Open Space?

Although each protected parcel has its own unique value, open space as a whole provides a wealth of valuable "services" to Connecticut's citizens. While the full list of benefits is too extensive to include here, these services include options for outdoor play, activity, and environmental education. Forested areas are especially adept at removing carbon from the atmosphere, which helps to minimize global climate change, and floodplains, coastal waterfront and adjacent uplands provide opportunities to respond to the anticipated effects of climate change. Other valuable open space services are the provision and preservation of scenic beauty, contributions to local sustainable economy from wood, food and fiber production, and maintenance of the diversity of Connecticut's landscape. Open space also can provide a variety of specific ecological functions such as preserving biodiversity, habitat for rare species, streamflow and water supply protection, and flood control. Open space protection will play an expanding role in Connecticut's economic future as businesses increasingly consider quality of life in making decisions on where to locate and expand.

*"The Green Plan: Guiding Land Acquisition and Protection in Connecticut 2007-2012"* is an update of the original *Green Plan* (2001). The updated plan: 1) identifies the State's future open space goals; 2) summarizes land acquisition and protection efforts to date; 3) discusses threats and challenges to open space protection; 4) identifies priorities for acquisition and protection; 5) describes the programs and funding available; and 6) outlines the process. This document is a strategic plan for land acquisition and protection for the State of Connecticut through 2012. As such, it provides general guidance for program managers, is a tool for those who want to work with the State in preserving land, and offers a basic overview for the public of the State's land acquisition and protection program.

### The Vision

A diverse landscape of protected open space that offers outdoor recreation to Connecticut's citizens, protects water supplies, preserves natural communities and habitats for plants and animals, offers green spaces accessible to all residents, whether residing in urban, suburban or rural communities, and provides a working natural landscape for the harvest of farm and forest products.

## The Goal

To acquire or otherwise permanently protect land to meet the diverse needs expressed in Connecticut General Statutes (CGS) section 23-8(b) and in various plans regarding open space protection prepared by the State of Connecticut and our open space partners at a rate consistent with achieving the overall statutory goal of protecting 21% of Connecticut's land area by 2023.

In 1997, the general assembly set a goal of preserving 21 percent of the land area of Connecticut for open space for public recreation and natural resource conservation and preservation. With a total of 3,205,760 acres in Connecticut, 673,210 acres must be preserved to meet the goal. In addition to the overall goal, CGS section 23-8 sets targets for both the State and its land protection partners (municipalities, private non-profit land conservation organizations, and water utilities, whose Class I and II watershed lands count towards this goal). This statutory goal is:

- 10 percent (or 320,576 acres) be acquired and held by the State of Connecticut, and
- 11 percent (or 352,634 acres) be acquired and held by our partners.

At the time, it was recognized that the threat of loss of open space to development was substantial and that preservation activities had to be pursued while there was still appropriate land available for open space so a time line was set with an end date of 2023.

The authority, requirements and procedures for open space land acquisition is set forth in several sections of the Connecticut General Statutes (CGS). Open space acquisition by the State is governed by CGS sections 23-8 and 23-73 through 23-99 which places that authority with the DEP. State supported acquisition by municipalities, private non-profit land conservation organizations, and water utilities is governed by CGS sections 7-131d et. seq.

In addition to the statutory goals, the specific characteristics of individual parcels of protected land can contribute to the implementation of a variety of other State and local plans. The list of State plans that require land protection to achieve open space and/or environmental objects is lengthy, starting with the *Conservation and Development Policies Plan of Connecticut 2005–2010* (State C&D Plan) which contains six growth principles including:

- Conserve and restore the natural environment, cultural and historical resources, and traditional rural lands
- Protect and ensure the integrity of environmental assets critical to public health and safety.

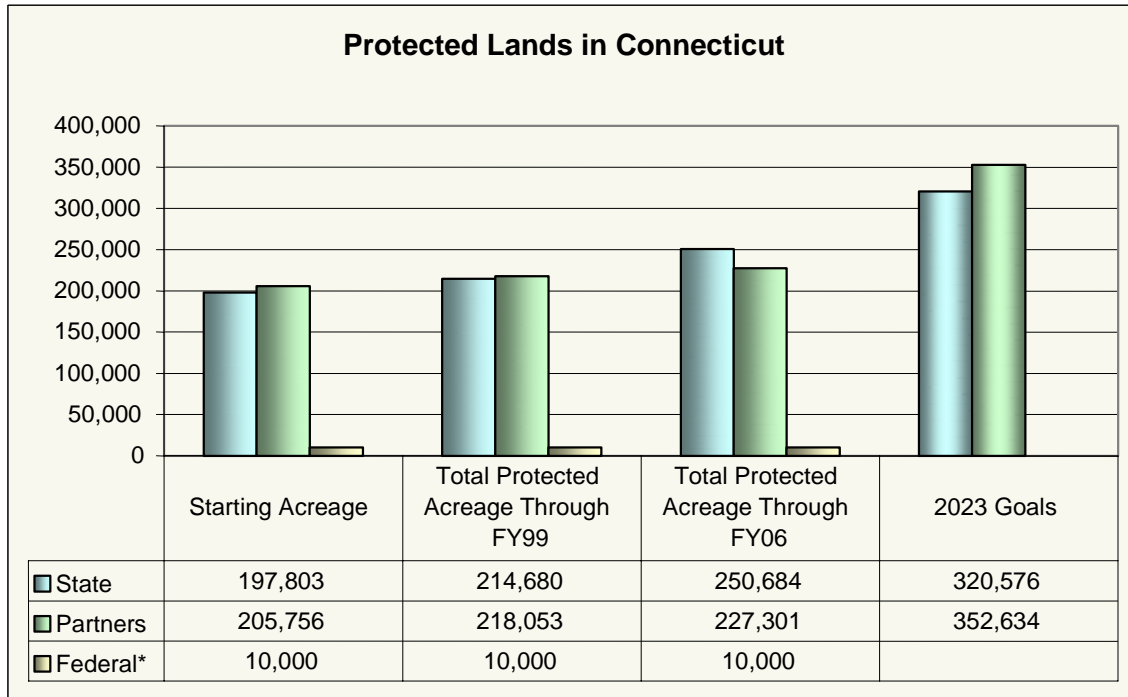
The DEP also has several plans that support the intent of increasing both outdoor public recreation and the preservation and conservation of natural resources. These plans require or would benefit from land protection for implementation; a list of these plans and a description of their relationship to land protection can be found in Appendix I. Land protection efforts are also an essential component to implementing local plans for open space preservation.

## Open Space Status

Fortunately, the State and its partners were not starting from square one. The State has been working since 1901 to acquire open space. Our partners have also been protecting land for a long time. As of January 1, 2007, the State has acquired a total of 251,001 acres for its system of parks, forests, and wildlife, fishery and natural resource management areas. This is 78 percent of the 320,576 acres of open space land targeted for State acquisition.

With 169 cities and towns, approximately 116 land conservation organizations, and 85 water companies serving 1,000 people or more, as well as numerous smaller ones, the State of Connecticut is fortunate to have a wealth of open space partners. Exact acreage of open space protected by DEP's partners has not yet been compiled. The statistics presented below include the estimate made in the original Green Plan updated only by the acreage that DEP assisted in protecting through the Open Space and Watershed Grant Program. It is assumed that our partners actually hold significantly more acreage than reported below.

To gain a better understanding of how much land is actually protected, the DEP is currently undertaking a research project to inventory all open space parcels in the State. Once this Protected Open Space Mapping (POSM) Project is complete, DEP will revisit this section of the plan and make changes as warranted. Until then, it is our best estimate that municipalities own  $\pm 74,971$  acres of land; nonprofit land conservation organizations own  $\pm 57,327$  acres; and water companies own  $\pm 97,500$  acres Class I and Class II lands. Together, open space acreage held by these partners is 229,798 acres, which is 65 percent of their statutory open space goal. There is no requirement that non-State partners report their land protection efforts and, as explained above, these numbers may underestimate the actual holdings of our partners.

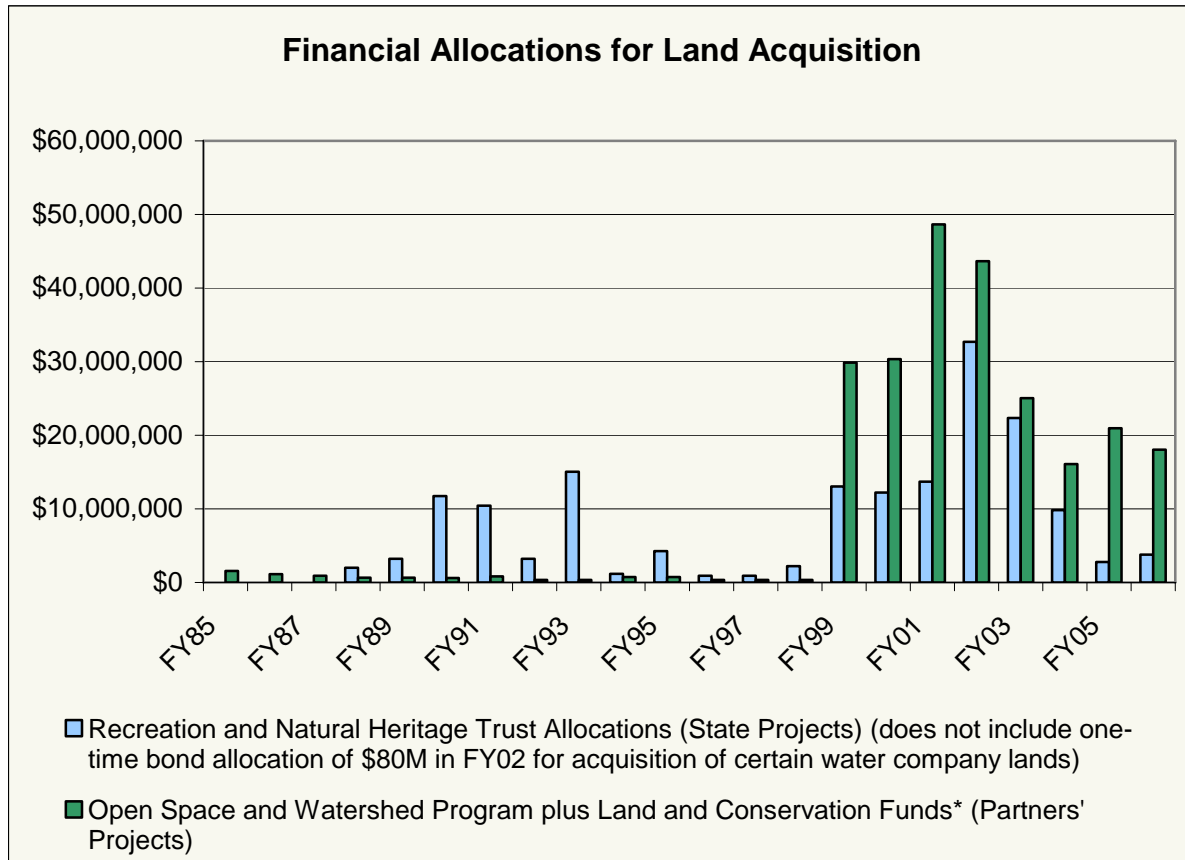


\* The acreage of Federal protected lands estimated here includes hiking trails, wildlife preserves, flood control projects and a national historic park. While these amenities are appreciated and enjoyed by the citizens of Connecticut, by statute the federally-held acreage does not count towards the land protection goal. A more accurate accounting of this acreage will be determined through the POSM project explained above.

Due to variations in funding and resources, land offerings and opportunities, and other factors, new land acquisition and protection does not occur at a steady pace. To achieve the statutory goal for open space acquisition, on average from the beginning of the program in 1999 until 2023, every five years the State needs to acquire 21,600 acres and to encourage our non-State partners to acquire nearly 25,000 acres. From FY00 through FY06, the State acquired 34,001 acres, including some Class I and Class II watershed lands that were at risk, thus permanently preserving their protected status. During that same period, our municipal partners protected approximately 17,600 acres through the Open Space and Watershed Lands Grant Program. To meet the goals set forth in statute and this report, the State of Connecticut must acquire nearly 70,000 additional acres by the end of 2023 and encourage the acquisition of approximately 125,000 additional acres by municipalities, private nonprofit land conservation organizations and water companies (the actual number of acres necessary to protect to meet the statutory requirement may be less than this number; however, this is our best estimate to date pending completion of the POSM project). This plan continues to set a strategic course to meet these acquisition goals.

### Challenges and Threats

There are several challenges to meeting the statutory goals. There also are threats to open space, even when it has been acquired. Perhaps the greatest challenge is posed by development and economic pressures which are pushing many landowners to convert their open lands to uses such as housing, commercial, office space or other uses incompatible with open space. This pressure places an urgency on all aspects of land protection, from securing funding, to surveying and appraising potential parcels, to the negotiating and closing of transactions to ensure that the long-term protection goals are met before desirable properties are converted to other uses. The challenge posed by development pressures is compounded by issues related to future funding and other resources for open space protection.



\* The lands protected through the Land and Conservation Funds program have not been separated into State and Partners' lands. They are listed here under Partners as the vast majority of this funding has been expended on local non-State protection efforts.

Securing continual funding to achieve the acreage goals by acquiring the most appropriate lands is also a challenge. Per acre costs for land protection (fee simple and easement acquisition) vary significantly based on a number of variables including: landowner's financial flexibility, location; character and size of parcel; current property values at the time of the sale/donation. Some property transfers can be accomplished with minimal per acre cost, while other are much more expensive. In general, per acre costs paid over recent years have ranged between \$4,500 and \$7,000. Using an average per acre cost of \$6,000 which is slightly more than the average of the range, and given the ±295,000 acres needed to meet the overall statutory goal (see above), the total funding needs would equate to \$420 million for the Recreation and Natural Heritage (State acquisition) Program and \$736.6 million for the Open Space and Watershed (partner's) Program between now and 2023 (both numbers are in 2006 dollars unadjusted for inflation/land price escalation). Again, acreage to be acquired under the Open Space and Watershed



Program will be re-evaluated upon completion of the POSM project which will provide us with significantly more accurate land protection statistics.

Another challenge is planning and providing for long term stewardship or management of protected lands. As part of this Green Plan update, the Department is adopting a new policy requiring funds be set aside for maintenance of protected lands acquired by DEP<sup>1</sup>, especially when the land is intended for habitat protection.

For our partners, amendments to CGS section 7-131e made in 2007, allow for using up to five percent of Open Space and Watershed Grant Program funds for administrative expenses of the program; however these funds are limited to pre-acquisition/protection expenses such as evaluation of grant proposal, appraisals and appraisal reviews and the preparation of legal and other documents. These funds cannot be used for staff salaries, nor for open space planning or management. There is currently no specific funding source identified that we can offer to our partners for open space planning, management and long-term stewardship.

In addition to the challenges described above, development pressures are threatening open space already acquired or otherwise protected. Increasingly there is pressure to convert certain existing protected open spaces to other uses. While initially pressure for conversion was primarily an urban issue, there have been recent efforts to convert other areas of open space to commercial use. The second significant threat is the prevalence of encroachments into protected open space. Recent legislation<sup>2</sup> defines open space encroachment and sets civil penalties for unauthorized encroachment on open space land or land held under a conservation easement. The penalties for encroachment are substantial; up to five times the cost of restoration. This new legislation provides a more effective tool for the Department in pursuing encroachment situations and is expected to become a deterrent to future encroachment.

#### Executive Order 15 Regarding Responsible Growth

On October 6, 2006, Governor M. Jodi Rell issued Executive Order 15 creating an Office of Responsible Growth “to coordinate state initiatives to control rampant, ill-conceived development that threatens Connecticut’s special character.” The Executive Order required that the “Green Plan” for Connecticut be updated “to better identify sensitive ecological areas and unique features, guide acquisition and preservation efforts, support local build-out maps and assessments, and make these and other maps accessible to state agencies, regional planning agencies, local communities and nongovernmental organizations through geographic information systems (GIS).”

This plan identifies sensitive ecological areas and unique features that merit protection. These are discussed in the section below on “Protection Considerations.” To guide acquisition and preservation efforts, the categories of acquisition and protection considerations will be weighted and the individual considerations will be ranked based on the needs expressed in this and other plans as discussed above as well as changes in the protected status of individual ecological types or uses. Examples of such changes include recent land acquisitions or other protection activities, and legislative changes that affect the status (e. g., provide additional protection) of specific ecological types or uses. The weighting and ranking will be reviewed annually and will be included in the Commissioner’s annual report to the legislature (see below).

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<sup>1</sup> In accordance with CGS section 23-79, an amount not to exceed 20 percent of the fair market value of a property to be protected can be set aside for long-term management; however, discussions with the State Treasurer’s Office have revealed that no more than 5 percent of such funds can be set aside for this purpose.

<sup>2</sup> PA 06-89, codified at CGS section 52-560a, (effective October 1, 2006).

A geographic information system (GIS), as mentioned in Executive Order 15, is a powerful tool to aid in identifying and visualizing existing and proposed conditions. It can be used in the planning process to determine where development would have the least adverse environmental impacts and most beneficial social impacts, and what areas should be preserved for their ecological and cultural values. The Department of Environmental Protection is currently active in supporting the use of GIS in several ways including participating in the Geospatial Information Systems (GIS) Council established by Public Act 05-03, and by providing data layers that are used to develop maps. In addition to continuing to participate in the GIS Council and providing new and updated data layers, the DEP will explore means to improve regional and local capacity for GIS utilization. An example of an on-going GIS effort is the multi-year Protected Open Space Mapping (POSM) project which is mapping, town-by-town, all existing protected open space. Finalizing the POSM project and making the data available to municipalities, land trusts and other non-governmental land preservation organizations and individuals will aid in future land protection efforts at all levels.

## ACQUISITION AND PROTECTION CONSIDERATIONS

### Important Conservation Areas

Three categories of land qualities should be considered when evaluating potential land protection projects. These are the ecological values of the property, the uses that the property can provide or protect, and the location of the site. Each of these is briefly discussed and an unranked list of protection considerations is provided below. These considerations will be used to prioritize the properties that come to the State's attention for potential protection. The existing list of properties approved for acquisition or protection will also be evaluated based on these priorities and properties and re-ranked as appropriate.

#### *Ecological Values*

The ecological values provided by an individual site are a major consideration for the Department when evaluating a proposal for land acquisition or protection. Properties containing sensitive ecological communities, outstanding or representational examples of ecological communities or certain water resources, as listed below, will receive higher scores during evaluation. These are the ecological communities most valuable for maintaining biological integrity and diversity in Connecticut. While some of these independently provide wildlife habitat for certain species, viable habitat for other species may include a complex of more than one of these ecological types. Also of particular interest is select farmland, particularly non-active farmland that can be managed for early successional habitat or blocks of farmland abutting existing protected open space property. Large blocks of unfragmented forest or forest blocks abutting existing protected unfragmented forestland are similarly desirable. The following lists are unranked.



Specific ecological communities (parcels containing, abutting or providing buffers to)

- Coastal communities
  - Beaches
  - Dunes
  - Bluffs or escarpments
  - Coastal plain ponds
  - Offshore islands
- Sand plain grasslands
- Pitch pine/scrub oak barrens

- Calcareous (limestone-based) uplands
- Calcareous (limestone-based) fens and associated wetlands
- Grassy glades and balds
- Traprock ridges and associated communities
- Atlantic white cedar swamps
- Bogs
- Riverine islands
- Colonial waterbird complexes
- High-yielding, stratified drift aquifers that contribute high quality water for base stream flow
- Reference sites for scientific monitoring
- Landscape sensitive to disturbance (e.g., steep slopes, erodible soils, shallow depth to bedrock, with sparse groundcover)

Water Resources (parcels containing, abutting or providing buffers to)

- Large rivers and associated riparian communities
- Free-flowing (undammed) streams and rivers
- Natural lake shoreline habitat
- Predominantly undeveloped coastal coves and embayments
- Upland buffers around high quality wetlands
- Tidal wetlands (includes saline, brackish and freshwater tidal wetlands)
- Relatively undeveloped coves or embayments on Long Island Sound or Connecticut's rivers
- Estuarine embayments with extraordinary aquatic habitat value (e.g., shellfish beds, areas of submerged aquatic vegetation)
- Vernal pools
- Headwater streams
- Surface springs, cold headwater springs and seeps
- Wild trout or cold water streams
- Significant diadromous fish runs

Long Island Sound coastal systems

- Outstanding examples of coastal systems, habitats or landscapes
- Typical or representative coastal ecological areas

*Use Needs*

In addition to protecting the ecological types listed above, the DEP will work to protect properties that can provide certain uses that benefit the public. These public uses, which on an individual basis may or may not include public access, are presented, but not ranked, here.



Wildlife habitat as identified by the above list of ecological types especially

- Habitat that supports one or more species of greatest conservation need as identified in the *Connecticut Wildlife Conservation Strategies*
- Habitat that supports, enhances or protects biodiversity

Riparian and littoral buffers (see list of water resource types above)

Floodplain protection

- As habitat
- To protect or improve water quality
- To preserve natural flood storage or function (to the 500 year flood level)

### Streamflow protection

- Properties that can have a notable augmentation of flow based on basin size or other factors
- Protection of groundwater recharge areas and headwater streams

### Protection of large areas of unfragmented forest

- Large parcels of unfragmented forest
- Key parcels whose protection would prevent fragmentation of a large protected forest tract

### Recreation

- Coastal or inland properties that provide water-based recreational opportunities including swimming, fishing, boating, hunting, or other water-access
- Coastal or inland properties that offer significant cultural heritage value
- Trail-based activities. These include:
  - Multi-use trail development (provision of new or enhancement of existing) as part of an existing or planned greenway, trail or linear park, particularly in areas of significant or unique geologic or biologic interest;
  - Elimination of gaps in individual trails or within the state's trail network;
  - Connectivity of trail systems; and
  - Trailhead facilities including sufficient parking, restroom facilities
- Recreational areas capable of providing wildlife observation-especially birding sites
- Sites that have historically been used for recreation with existing recreational and/or supporting infrastructure (e.g., swimming beach, hiking trails, established camping sites and/or established parking)
- Other recreational areas capable of providing opportunities for underserved recreational demands.

### *Location Concerns*

In addition to the ecological types and use priorities identified above, the relative location of a property to be acquired or protected is also important. Also, there are certain site-specific conditions that can enhance the value of a potential acquisition or protection opportunity.

- Parcels proximate to existing protected open space if capable of being used for: expansion of recreation opportunities, buffering for sensitive resources; and/or corridors for wildlife and/or seed dispersal
- Parcels providing protected corridors that link critical protected open space hubs
- Additions to existing DEP holdings that will create greenways or improved access to state parks, forests, or wildlife management areas
- Parcels proximate to urban areas or public transportation that will further environmental justice/environmental equity goals
- In-holdings within DEP properties if it will increase the efficiency of management by DEP and/or eliminate potential conflicts between user groups and in-holding owners
- Parcels under threat of development that meet one or more identified needs
- Lands containing significant archeological, cultural or historic resources
- Property adjacent to greenways or other transportation opportunities that may be of particular interest for its recreation and transportation values.

### General Evaluation Considerations

In addition to the land qualities discussed above, several general evaluation considerations are important in any land protection decision by the Department on where best to spend state land acquisition and protection dollars. These include:

- The size and functionality of a parcel under consideration
- Whether the property contains significant amounts of contaminants, widespread invasive species, or other impediments to providing or maintaining optimum ecological value
- The degree to which a property can accommodate multiple uses with minimal conflict and optimize the extent to which recreational demands can be met
- Whether the property can advance other DEP plans and protection efforts
- The threat of development to areas specifically identified as important for their ecological characteristics or use values, or both.

## **THE ACQUISITION AND PROTECTION PROCESS**

### Partners

The ambitious target for land acquisition and protection established by the legislature requires the cooperation of many partners including municipalities, private nonprofit land conservation organizations, water companies, the State of the Connecticut and interested private property owners.

The **Commissioner of Environmental Protection** is charged with developing the strategy for achieving the open space acquisition goal. The Commissioner is responsible for acquiring State lands for open space purposes and submits a report annually to the General Assembly's Environmental Committee regarding the strategy and progress being made toward achieving the State's open space land acquisition goals. The Commissioner also provides technical assistance and grants to facilitate the acquisition of open space lands by municipalities, private nonprofit land conservation organizations and water companies.

**The Natural Heritage, Open Space and Watershed Land Acquisition Review Board**, established by statute<sup>3</sup>, assists and advises the Commissioner. The Board provides comments on the selection criteria, policies and procedures, and on applications for funding. It also provides general guidance and reviews land protection strategies. The Board also plays a major role in promoting public participation in the acquisition program and submits an annual report on the acquisition program. The Board makes recommendations to the Commissioner on funding specific grant projects. Please see Appendix II for a description of the Board's make-up.

**Municipalities, private nonprofit land conservation organizations and water companies** are encouraged to cooperatively pursue the acquisition of land to meet the open space goal set forth in the statutes. The State seeks out and works with partners to help in acquisition of state-owned open space land. Land trusts in particular have been key allies in land protection efforts in Connecticut. They have not only directly acquired land and easements, but have also assisted the State in protecting properties. Municipalities, private nonprofit land conservation organizations, and water companies are eligible to receive funds through the Open Space and Watershed Land grant program for the acquisition of open space lands.

The **individual landowners** interested in protecting their land are perhaps the most critical partners in this effort. Often, these individuals have exhibited careful stewardship of their land and have demonstrated a concern for the Connecticut landscape or are otherwise interested in transferring their property for protection purposes. Without them, the Department would be unable to meet the land protection goals set by the legislature.

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<sup>3</sup> Connecticut General Statutes 7-131e, see Appendix II

## Methods

The land protection process can occur through donation or purchase in several ways including fee simple, easements for access, use and/or conservation, or acquisition of development rights. While there are other land protection methods available, including purchase options, the right of first refusal, and the transfer of development rights, these are less frequently used by the Department.

## Tools

The DEP has two programs available to assist in realizing the vision and achieving the goal: the Recreation and Natural Heritage Trust Program and the Open Space and Watershed Land Acquisition Grant Program

### *The Recreation and Natural Heritage Trust Program*

This program acquires lands to add to the State's system of parks, forests, and wildlife, fishery and natural resource management areas for the beneficial use and enjoyment of the public. The purpose of the program is to acquire land that represents the ecological diversity of Connecticut, including natural features such as rivers, mountains, coastal systems, and other natural areas, in order to ensure the preservation and conservation of such land for recreational, scientific, educational, cultural and aesthetic purposes.

An innovative, though rarely used, provision of the program allows partners, usually municipalities or private, nonprofit organizations, to assist the State in the purchase of properties. Where the DEP and an outside group identify mutual interest in the protection of a piece of land, but neither group can commit to the whole purchase price, cost sharing allows each party to leverage available funding to meet a common goal. The responsibility for managing properties acquired in this manner is negotiated between the Department and the partner/s involved in the transaction; however, the property is owned by the Department.

### *The Open Space and Watershed Land Acquisition Grant Program*

This program provides financial assistance to municipalities and nonprofit land conservation organizations to acquire land for open space and to water companies to acquire land to be classified as Class I or Class II water supply property. In accordance with CGS section 7-131d(b), grants under this program are for land purchases that meet one or more of the following criteria:

- (1) Protects land identified as being especially valuable for recreation, forestry, fishing, conservation of wildlife or natural resources;
- (2) Protects land which includes or contributes to a prime natural feature of the state's landscape, including, but not limited to, a shoreline, a river, its tributaries and watershed, an aquifer, mountainous territory, ridgelines, an inland or coastal wetland, a significant littoral or estuarine or aquatic site or other important geological feature;
- (3) Protects habitat for native plant or animal species listed as threatened or endangered or of special concern, as defined in section 26-304;
- (4) Protects a relatively undisturbed outstanding example of a native ecological community which is now uncommon;
- (5) Enhances and conserves water quality of the state's lakes, rivers and coastal water;
- (6) Preserves local agricultural heritage; or
- (7) In the case of grants to water companies, protects land which is eligible to be classified as Class I land or Class II land after acquisition.

Conditions that apply to these grants include:


- o The acquired land must be protected by a permanent conservation easement requiring that the property remain forever predominately in its natural and open condition;

- Any improvements or change to the property must support the purpose for which the land was acquired; and
- The easement includes a provision that the property be made available to the general public for recreational purposes<sup>4</sup>.

In all cases, the grant applicants must provide a substantial match for the grant funds requested. Maximum DEP contributions are set by statute and summarized here.

In addition to land acquisition or protection, distressed municipalities or targeted investment communities, as defined in CGS section 32-9p, have other opportunities under the Open Space And Watershed Land Acquisition Grant Program. Qualified municipalities can use grant monies for restoration or protection of natural features or habitats on open space already owned by the municipality. Such restoration can, include, but is not limited to, wetland, wildlife, or plant habitat restoration, restoration of other sites to a more natural condition, or replacement of vegetation. However, the DEP cannot commit more than twenty percent of the total amount of grants made in any fiscal year to these purposes.

**Required Matches**



The Connecticut General Statutes set forth the potential grant matches for land acquisition or protection. As of July 1, 2007, the DEP contributions for land acquisition, based on fair market value, are as follows:

Municipalities	Up to 65%
Nonprofit Land Conservation Organizations	Up to 65%
Water Companies	Up to 65%
Distressed Communities or Target Investment Communities	Up to 75%

Other tools used by our partners in land acquisition and protection include purchase options, the right-of-first-refusal and the regulatory authority of local land use agencies who can establish open space set asides and open space zoning districts.

Funding

The Recreation and Natural Heritage Trust Program is funded through State bonds. Funding for the Open Space and Watershed Land Acquisition Grant Program predominantly comes through a combination of State bonds and monies collected under the Community Investment Act (CIA).<sup>5</sup> Corporate and private donations for this program are also accepted. There are several additional sources of funding utilized by DEP’s land acquisition and protection efforts. These include: Land & Water Conservation Fund from the U.S. Department of the Interior, used for both state and municipal open space development and acquisition projects; the George Dudley Seymour Trust Fund, which provides approximately \$250,000 annually that is used to supplement the Recreation and Natural Heritage Trust Program; and the Forest Legacy Program from the U.S. Department of Agriculture Forest Service, used to purchase conservation

<sup>4</sup> CGS section 7-131d provides that an exception to the public access provision may be made at the discretion of the Commissioner of Environmental Protection when provision for public access would be unreasonably detrimental to the wildlife or plant habitat or other natural features of the property. Exceptions may also be made where development rights have been purchased for agricultural purposes or for land acquired for watershed protection which will be classified as Class I or Class II watershed land if access is inconsistent with farming or the provision of pure drinking water, respectively.

<sup>5</sup> The Community Investment Act (CIA) requires a \$30 fee for the recording of all documents on the municipal land records. This fee is distributed as follows: \$1 to the municipal clerk for management and related costs; \$3 to the municipality for local capital improvement projects fund; and the remaining \$26 is distributed among four state agencies for specific purposes. In addition to the DEP, these agencies are: the Department of Agriculture, the Connecticut Commission on Culture and Tourism, and the Housing Finance Authority. The DEP’s portion of this funding goes to the Open Space and Watershed Land Acquisition Grant Program.

easements. Finally, for the first time the Department anticipates receiving funding through the Highlands Conservation Act, which is administered by the US Fish and Wildlife Service.

### Process

The DEP purchases lands from willing landowners. In many cases, these owners contact the Department. In other instances, the DEP or conservation organizations initiate contact. Typically there are more properties offered for protection than there are financial resources and so the Department has to evaluate and rank the offerings. The process for selection is described in Appendix III. Currently there are multiple scoring sheets used in the evaluation and ranking process. Each scoring sheet was developed by experts in and tailored to the individual focus areas identified in the previous Green Plan (e.g., forest lands, ecological habitats, urban green spaces). This allows the individual programs to evaluate a potential protection site based on their specific responsibilities. The rating system will be reviewed and modified and streamlined as part of the implementation of this plan update.

Various tools, in addition to statutory criteria, are used for evaluating properties and their attributes. These tools include documented site characteristics including information regarding history, geology, soils, ecology, water quality and other environmental concerns and landownership supplemented by individual staff knowledge. Currently, some of this data is available in an in-house GIS toolkit, which aids in the evaluation of potential protection sites by providing the available data on a site-by-site basis in both visual and verbal formats. However, there is a substantial amount of information that has yet to be integrated into this system, which has resulted in a pressing need to improve the DEP's GIS capabilities.

To address this, the Department is working on several new projects. The first, as previously discussed, is a statewide map of all protected open-space, including holdings by municipalities, land trusts and water companies. The second is a new GIS project to provide additional data regarding ecosystems. The DEP is also exploring ways to support enhanced GIS capabilities by our land protection partners.

#### **An Example of an Innovative Land Protection Approach**

DEP has encouraged cooperating on projects with municipalities and nonprofit land organizations.

Most recently, DEP entered into an agreement with the Town of Oxford to preserve an approximate 45 acre parcel of land located adjacent to Southford Falls State Park in the Town of Oxford.

The Town of Oxford will contribute \$100,000 towards the \$500,000 purchase price for the property. In addition, the Town of Oxford will construct an entry road and parking lot for improved access to the park by the General Public.

#### A New Approach

DEP land acquisition and protection efforts have been primarily reactive, i.e., the Department has generally relied on landowners, land conservation groups and municipalities to identify land protection opportunities. As development pressures have continued, the importance of proactively identifying properties that provide exceptional value for habitat or public use is becoming critical. As part of the implementation of the Green Plan update, the Department will evaluate how best to develop a more proactive approach to land protection.

This new proactive approach would rely heavily on developing additional data and tools to support appropriate outreach to our land protection partners. The additional data and tools necessary to support this effort include the completion of the Protected Open Space Mapping Project, described above, continued support of enhanced GIS capabilities available to both DEP and our partners, and the inventorying and mapping of significant ecological areas. Improved outreach includes enhancing efforts to provide information on innovative land protection techniques to DEP's land acquisition and protection partners, and engaging the partners in both identifying potential acquisition or protection sites, and in initiating discussions with owners of high priority lands.



## AGRICULTURAL LAND AND OPEN SPACE

Agricultural lands are integral to the quality of Connecticut's landscape and essential to the character of many towns. Working farms, pasture, tilled acreage, and associated forest are critical complements to the open space protection efforts outlined in this plan. While the Department of Agriculture has the primary role in preserving farmland (see box), the DEP has a role in protecting certain agricultural lands, generally either through out-right acquisition or the purchase of conservation easements. For lands so protected, it is not uncommon for arrangements to be made so that the farmer can continue to work the land. In some instances, modification of existing farm practices can both provide important habitat and produce marketable crops. For example, altering the schedule for mowing hay fields can preserve grassland habitat during the bird nesting season and still provide a hay crop. Future efforts by DEP will include the development of lease language to encourage farmers to maintain portions of their properties in a manner that provides wildlife habitat.

The DEP recognizes that certain farm practices can enhance the quality of habitat and provide ecological protection. Farmers are encouraged to utilize farming methods that protect the environment and provide quality habitat wherever practical. Additional outreach by the DEP to provide farmers the information necessary to consider such farm practices would be beneficial. Despite having to exclude preserved agricultural land from the total open space tally, one focus of the grant programs discussed in this document is the preservation of local agricultural heritage for scenic and open space amenities. Protected agricultural land preserves a "sense of place" in our more rural towns and, in many ways, the State's open space and farmland preservation programs complement each other.

## GOING FORWARD

It will take time and adequate funding to meet the statutorily-required land acquisition and protection goals. The DEP is committed to a long-term effort to reach the goals identified in statute and to encourage and provide assistance to cities and towns, non-governmental organizations and other entities to succeed with acquiring and protecting open space that satisfies the various needs of Connecticut. Although there is overlap, these actions generally fall into five categories: operations, data and tools, criteria and standards, outreach, and project evaluation and update. What follows are the steps DEP will take.

### *Operations*

- Fill vacancies and reinvigorate the Review Board
- Implement other DEP plans as they relate to land protection, including moving forward aggressively with the Grassland Habitat Initiative



### Farmland for Food Production

Securing farmland land to maintain food production capability is done by the Connecticut Department of Agriculture (DOAG) through their Purchase of Development Rights Program. Because the primary purpose of the program is to maintain food production capability, eligible properties must be at least 30 acres in size.

Lands where the DOAG has acquired development rights remain in private ownership and these lands are not generally available to the public for use without further agreement from the individual farm owner. Without a specific public access/recreation or wildlife habitat component, these lands cannot counted towards the 21 percent open space goal.

However, these efforts fulfill an important role by protecting food and fiber producing land resources. In addition to providing fresh, locally grown foods, farmland can also offer important environmental benefits including providing wildlife habitat and flood control.

- Improve coordination with other State agencies, especially with the Department of Agriculture, the Connecticut Commission on Culture and Tourism, and the Housing Finance Authority which receive funding through the Community Investment Act, to integrate land protection actions, where practical, for maximum overall benefit
- Increase use of techniques other than fee simple purchase, such as purchase or transfer of development rights and acquisition of access, use or conservation easements
- Develop and implement a more proactive approach to land acquisition and protection. This would include engaging land trust, towns, and others in identifying potential acquisition or protection sites and approaching landowners. It would also include providing information on innovative land protection techniques to DEP's land acquisition and protection partners

#### *Data and Tools*

- Complete the Protected Open Space Mapping (POSM) project
- Inventory and map significant ecological areas and provide that information as GIS data layers available both internally and to our land protection partners
- Continue to provide data for GIS users and explore means to improve regional and local capacity for GIS utilization
- Develop lease language to manage agricultural land for habitat purposes

#### *Criteria and Standards*

- Assess the criteria used to review potential land acquisition and protection projects and amend these criteria as necessary to reflect this update of The Green Plan
- Develop a system to better weight the identified priorities to focus acquisition and protection activities

#### *Outreach*

- Enhance outreach to municipalities, land trusts and water companies regarding land protection. Specifically, the outreach should include the value of open space acquisition and land preservation and management techniques to enhance efforts to meet the State's goals
- Enhance outreach to private owners of priority lands to educate them about the opportunities for and benefits of permanently protecting their land from development
- Enhance and deliver outreach to the agricultural community on farming practices that protect the environment and provide wildlife habitat

#### *Project Evaluation and Update*

- Provide an annual statement of implementation priorities
- Review and update the Green Plan on a regular basis.

FOR MORE INFORMATION...

...about the Department of Environmental Protection's land acquisition and protection efforts,  
see web page: [www.ct.gov/dep/openspace](http://www.ct.gov/dep/openspace)  
or contact:

Land Acquisition and Management  
Department of Environmental protection  
79 Elm Street  
Hartford, CT 06106-5127  
Phone: 860-424-3016

...about the Department of Agriculture's Farmland Preservation program,  
see web page: [www.ct.gov/doag](http://www.ct.gov/doag)  
or contact:

Farmland Preservation Program  
Connecticut Department of Agriculture  
165 Capitol Avenue  
Hartford, CT 06106  
Phone: 860-713-2511

...about efforts of our non-State partners, contact:  
your municipal officials including conservation commissions, inland wetlands commissions,  
recreation departments and chief elected officials;  
your local land trust;  
your local watershed association, or  
your local water company.

APPENDIX I  
DEP PLANS RELATED TO OPEN SPACE

The DEP has a variety of plans, developed by a wide range of programs, that have some relationship to open space. They are identified and their relationship to open space is described below.

- The Connecticut Statewide Forest Resource Plan (CSFRP) is clearly linked to the Green Plan. Historically, a majority of the land acquisition and protection efforts undertaken by the State have affected forest lands. The CSFRP includes general recommendations on forest land protection and management. The protection of key forested parcels and improved management of all publicly owned parcels (State and municipal) will be consistent with both the CSFRP and the Green Plan update.
- The Connecticut Climate Change Action Plan (CCAP) includes recommended actions to reduce greenhouse gas emissions which cause global climate change, which, in turn, if left unchecked will alter the ecosystems in Connecticut and perhaps replace the environment that we currently enjoy with one more representative of areas significantly south of here. The preservation of forested lands will aid in the sequestration of carbon, which is a recommendation of this plan. Also, and the preservation and expansion of recreational trails may support travel choices and reduce vehicle miles traveled, another recommendation of the CCAP.
- The Connecticut Comprehensive Wildlife Conservation Strategies identifies species of greatest conservation need and their affiliated habitats as well as priority research needs and conservation actions necessary to address problems facing these species and habitats. Protection of lands containing the identified habitats will aid in ensuring long-term protection of these species.
- The Connecticut Recreational Trails Plan contains the DEP's policy for the development and use of statewide recreational trails and helps guide decisions made regarding grant awards for trail projects. Protection of lands upon which the trails lie or that can provide connections between trails, extensions of trails or support facilities (especially parking) will advance this plan.
- The Natural Hazard Mitigation Plan identifies long-term measures to reduce losses from future natural disasters. The protection of floodplain areas, including areas within the 500-year and the 100-year flood boundaries, as well as within stream channel encroachment lines, will help mitigate future flood damage. The protection of lands prone to coastal erosion will mitigate future erosion damage and provide opportunities to respond to the anticipated effects of climate change.
- The Statewide Comprehensive Outdoor Recreation Plan (SCORP) will guide state investments and resource allocations for meeting the outdoor recreational needs of Connecticut and it is a requirement for participation on the Federal Land and Water Conservation Fund program. Because the SCORP focus is on outdoor recreation, there is significant overlap between meeting its needs and meeting the statutory requirements for the Green Plan which includes public access/recreation as a significant component.
- The Coastal and Estuarine Land Conservation Program Plan (CELCP) is required to be eligible for federal Coastal and Estuarine Land Conservation Program competitive grant funds. Such funds can be used to acquire or otherwise protect priority coastal land conservation needs as identified in the plan. In general, the acquisition and protection of coastal lands is more costly than inland properties. These funds will provide a significant boost to the State's ability to protect environmentally sensitive coastal areas and properties that can provide public access to coastal waters. All priority acquisitions identified in the Draft CELCP are included, some in more general form, in the Green Plan update.

APPENDIX II  
NATURAL HERITAGE, OPEN SPACE AND WATERSHED LAND ACQUISITION  
REVIEW BOARD MAKE-UP\*

APPOINTEE	APPOINTED BY	LENGTH OF TERM
(2 total) Chair Bonding Subcommittee	By Statute	Standing appointment
(2 total) Ranking Member Bonding Subcommittee	By Statute	Standing appointment
Member Environment Committee	Speaker House of Representatives	Standing appointment
Member Planning & Development Committee	President Pro Tempore of Senate	Standing appointment
Secretary, Office of Policy and Management	By Statute	Standing appointment
Business Community Representative	Governor	3 year
Representative of Persons with Disabilities	Governor	3 year
Representative of Investor-owned Water Utility	Minority Leader of Senate	3 year
Representative of Municipal Water Utility	Minority Leader of House	3 year
Representative of Regional Water Authority	Minority Leader of Senate	3 year
Realtor or Attorney	Speaker of the House	3 year
Construction Industry or Land Development	President Pro Tempore of Senate	3 year
(2 total) Conservation of River Watershed Regional Interest Group	(1) Majority Leader of House (1) Majority Leader of Senate	3 year 3 year
(3 total) Nonprofit Environmental Protection or Natural Resources Conservation Organization	(1) Governor (1) Speaker of House (1) President Pro Tempore of Senate	3 year 3 year 3 year
Chief Elected Official of Town (less than 20,000 population)	Governor	3 year
Chief Elected Official of Town (greater than 20,000 population)	Governor	3 year

\* Review Board make-up is dictated by CGS section 7-131e

APPENDIX III  
STATE AND GRANT PROPERTY SELECTION PROCESS

The review procedure and decision process for the rating system consists of the following steps.

1. Identification. Submissions must include preliminary information and a map of the parcel.
2. Data distributed to DEP evaluation team. Information on each potential open space project is collected and distributed to the relevant DEP resource experts (forestry, wildlife, fisheries, botany, endangered species, geology, parks, boating, water resources, air resources, and landscape stewardship). The open space lands grant applications may receive additional review from the departments of agriculture or public health depending on whether agricultural or watershed land is involved.
3. Evaluation team ratings and comments. Resource experts evaluate the properties using criteria established for each of focus areas identified in the Green Plan (e.g., forest lands, ecological habitats, urban green spaces). Each resource expert may assign a numerical point rating based on critical factors or characteristics of a property.
4. Evaluation results compiled. A summary report is generated for each property. Based on the summary report, the Division of Land Acquisition and Management makes a recommendation to the DEP Commissioner regarding acquisition or protection of each property. Proposals received for consideration through the grant program are presented to the Natural Heritage, Open Space and Watershed Land Acquisition Review Board, which makes funding recommendations to the Commissioner.

Decisions to pursue acquisition or protection are based on the scores and comments received, as well as other considerations which in the past have included such things as: cost; fulfillment of resource need; geographic distribution; availability of partners to assist in protection; proximity to urban areas or areas with a deficiency of protected public open space; statewide interest relative to DEP programs; availability of a gift or bargain sale; stewardship needs and management constraints; proximity to other preserved open space; compatibility with the Conservation and Develop Policies Plan for Connecticut and other state environmental plans, policies, goals and objectives; compatibility with local and regional plans; identification by DEP as having multiple resource values under the Connecticut Resource Protection project; and fiscal benefits and burdens. Once this plan is finalized, this list will be reviewed and modified as warranted during the review of the selection criteria.

5. Properties selected for acquisition. Each property selected for acquisition or protection is assigned to a property agent. The DEP encourages and works cooperatively with private nonprofit land conservation organizations, municipalities, and water companies to promote land protection. In complex real estate negotiations, the Department may seek assistance from private nonprofit organizations such as the Nature Conservancy and the Trust for Public Land to help expedite the transaction.

Grant recipients are responsible for implementing approved grant projects. This includes negotiating price, survey, title search, preparation of documents, and recording of transfer documents.

6. Review by The Natural Heritage, Open Space and Watershed Land Acquisition Review Board. The Review Board reviews selection criteria, policies, and procedures and provides guidance and review of land protection strategies. Specific comments and recommendations are presented in an annual report. The Board also reviews and makes recommendations to the Commissioner on funding grant proposals.





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