

COMMISSIONER OF ENVIRONMENTAL PROTECTION

2009 ANNUAL REPORT

to the

ENVIRONMENT COMMITTEE

in compliance with

General Statutes of Connecticut
Section 23-8 (b) State Goal for Acquisition of Open Space

April 2010

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ENVIRONMENT COMMITTEE

per

GENERAL STATUTES OF CONNECTICUT, SECTION 23-8(b)

STATE GOAL FOR ACQUISITION OF OPEN SPACE

GOAL

Section 23-8(b) of the General Statutes of Connecticut states that, “The goal of the State’s Open Space Acquisition Program shall be to acquire land such that ten percent of the state’s land area is held by the state as open space land and not less than eleven percent of the state’s land area is held by municipalities, water companies or nonprofit land conservation organizations as open space land...”

The Commissioner of Environmental Protection is charged with the responsibility of developing a strategy for achieving the state’s goal in consultation with the Council on Environmental Quality and private nonprofit land holding organizations.

STATUS

It is important to preface DEP’s Annual Report to the Environment Committee with an acknowledgement regarding Open Space Acquisition Program limitations in the 2009 calendar year. DEP open space acquisition was severely impacted by the State’s budget deficit and fiscal constraints. No new allocations of Recreation and Natural Heritage Trust Program (RNHTP) bond funds were acquired during the year, and as a result all of the 2009 land acquisitions were either donated or utilized previously approved funding sources and/or Federal Grants. Similarly, the DEP was unable to offer a 2009 Open Space and Watershed Land Acquisition Grant Program as bond funding for that purpose was not made available.

Connecticut has a total landmass of 3,205,760 acres. Thus, ten percent of the state’s land area is 320,576 acres. To have 21 percent of the state’s land preserved as open space would require 673,210 acres to be held by the state, municipalities, private land conservation organizations, and water companies.

The State has acquired approximately 254,052 acres as open space land in its system of park, forest, wildlife, fishery, and natural resource management areas. Of this total, approximately

237,465 acres have been acquired in fee. Acquisition of less than fee interests are atypical, but include the purchase of conservation easements and restrictions. Two of the more noteworthy, less than fee purchases include the Kelda and Childs properties. These two acquisitions account for 9,025 acres in conservation easements and 6,273 acres in conservation restrictions. Thus, the Department of Environmental Protection (DEP) currently holds 79 percent of the 320,576 acres targeted for state open space acquisition.

It is estimated that nonprofit land conservation organizations own 58,939 acres in Connecticut. Municipalities in Connecticut are estimated to own 78,247 acres of land as open space. Class I and Class II water company lands in Connecticut currently total approximately 97,584 acres. Together, open space acreage held by these entities is 234,770 acres. Based on a target of 352,634 acres in total open space holdings for these entities, they currently hold 67 percent of their targeted open space goal.

The 254,052 acres of state open space represents eight percent of Connecticut's land area, and the 234,770 acres of open space held by municipalities, non-profits and water companies is seven percent. This results in a total of 488,822 acres held as open space or 15 percent of Connecticut's land area.

ACQUISITION NEEDS

To meet the goals set forth in the statute, the State of Connecticut must acquire an additional 66,524 acres of open space and encourage the acquisition of 117,864 acres by municipalities, private nonprofit land conservation organizations and water companies.

ACTION 2009

I. PLANNING:

A. Property Review: The DEP continues to review and evaluate properties eligible for purchase through the Recreation and Natural Heritage Trust Program (RNHTP) even though the State's budget deficit has resulted in a lack in funding for this program. During the past year, 55 properties were reviewed, 11 of which were approved for acquisition. The number of properties submitted for review as possible acquisitions decreased slightly from last year, when 63 properties were reviewed. The number of properties that were approved for acquisition also decreased from 42 in the previous year. The DEP currently has over 150 properties on hold that have been approved for acquisition, but lacks the necessary funding to move forward. Although the real estate market currently favors buyers of open space due to the continued stall in new construction, the lack of State funding has essentially curtailed the DEP's ability to take advantage of these opportunities.

B. Open Space Inventory: The Protected Open Space Mapping (POSM) project is designed to collect and catalogue all protected open space parcels in Connecticut. The pace of the project slowed in 2009 due to limited funding. The parcels identified in the mapping project consist of State, Federal, Municipal, and non-profit holdings, and were last updated in 1990. The POSM project will eventually result in the completion of a Geographic Information System (GIS) geodatabase encompassing all 169 Connecticut municipalities. At present, data from 148 municipalities has been mapped and catalogued, and open space data from 78 of those towns has been posted as a downloadable resource on the Department of Environmental Protections website for public use. The pace of effort towards completion of the project will be dependent on financial resources available.

C. N.U. Property Review: The Conservation List consists of Northeast Utilities properties that were identified by DEP as desirable for acquisition as open space, in conjunction with a Memorandum of Understanding (MOU) signed on April 12, 2000. The MOU will remain in effect for a period of ten years running from July 1, 2004 to June 30, 2014. This list was finalized on July 2, 2004 and is used to identify NU properties located adjacent to other prospective acquisitions that may create greenway opportunities.

D. Land & Water Conservation Fund: DEP continues to work on the three previously approved projects that are funded through the U.S. Department of the Interior, National Park Service. Those projects include a \$551,890, 2005 grant for the replacement of the Matthies Grove sanitary facility at Peoples State Forest in Barkhamstead, a 2006 grant for \$1,975,499 to construct a visitor center at Hammonasset State Park in Madison and a 2007 grant for \$1,000,000 to construct a Boardwalk at Silver Sands State Park in Milford. The sanitary facility at Peoples State Forest and the visitors' center at Hammonasset State Park are in their final stages of completion and DEP will soon be compiling documentation required for reimbursement on these two projects. During 2008, DEP applied for and received a grant in the amount of \$1,091,879 for the acquisition of the Sunrise Resort property, a 143 acre parcel in East Haddam. The property was purchased December 22, 2008 and in 2009, DEP prepared the documentation for reimbursement of the grant amount. All of the projects above address needs identified in the Statewide Comprehensive Outdoor Recreation Plan (SCORP).

E. CELCP: The Coastal and Estuarine Land Conservation Plan (CELCP) is a federal program established by Congress to protect coastal and estuarine areas that have significant conservation, recreation, ecological, historical or aesthetic values, especially those areas threatened by development. The Program provides state and local governments with matching funds to purchase significant coastal or estuarine lands, or conservation easements on such lands, if those governments have a plan approved by CELCP. DEP's Office of Long Island Sound Programs has recently completed a draft CELCP Plan that identifies key coastal land conservation needs within Connecticut. DEP's Land Acquisition and Management unit has compiled a list of coastal properties for potential acquisition based upon the needs identified in the CELCP Plan.

F. Green Plan: The first Connecticut Green Plan was prepared in July of 2001 to provide a five-year plan (Fiscal Years 2001-06) to work towards achieving the open space goal. Executive Order 15 Regarding Responsible Growth created an office of responsible growth and required that an update to the Green Plan be developed to identify sensitive ecological areas and unique features, to guide acquisition efforts from 2007 to 2012. A DEP internal work group completed the updated Green Plan in September 2007 entitled, “The Green Plan Guiding Land Acquisition and Protection in Connecticut 2007-2012.” It is available by request to the DEP or on the internet at http://www.ct.gov/dep/lib/dep/land_resources_and_planning/greenplandraftupdate.pdf. This plan summarizes land acquisition and protection efforts to date, identifies the State’s future open space goals, providing acquisition and protection considerations, challenges, threats and priorities. It has detailed information on all of DEP’s open space plans, the make-up of the Land Acquisition Review Board and the State and Grant Property Selection Process.

G. Encroachment Issues: The DEP established an Encroachment Enforcement Response Policy in an effort to preserve and protect lands held in public trust as protected open space. Public Act 06-89 was enacted to better protect publicly held open space by severely penalizing those who encroach upon it. Encroachment means to conduct an activity that damages or alters the land, vegetation, or other features, including erecting buildings or other structures; building roads, driveways, or trails; destroying or moving stone walls; cutting trees or other vegetation; removing boundary markers; installing lawns or utilities; or using, storing, or depositing vehicles, material, or debris. The act which became effective October 1, 2006, prohibits people, without the owner’s permission or other legal authorization, from encroaching or causing anyone to encroach on (1) open space land, or (2) any land in which the state, its political subdivision, or a nonprofit land conservation organization holds a conservation easement interest. LAM has documented all known encroachments. LAM hired a Licensed Land Surveyor in 2007 to help identify these known areas. Since employing a Licensed Land Surveyor, approximately one hundred fifty (150) encroachments have been surveyed and mapped. Encroachment letters have been sent to property owners to cease use of State Land. The DEP has resolved many of these surveyed encroached areas. Some examples of rectified encroachments include felled trees, sheds, fences, cleared property, driveways and walls. Some highlights of the year include two (2) felled tree areas in Haddam, a felled tree area in Housatonic State Forest, a felled tree area in Vernon, a felled tree area in Easton, removal of a tennis court from Meshomasic State Forest, removal of sheds, fencing and other structures.

II. ACHIEVING STATE GOAL:

A. State Acquisitions: During 2009, DEP acquired 119 acres of land in fee located in four municipalities at a total purchase price of \$270,000. Seventy of these acres were generously donated to the State of Connecticut. The remaining 49 acres were purchased through the Recreation and Natural Heritage Trust Program (RNHTP), which is the

DEP's primary vehicle for meeting the ten percent open space goal of acquiring lands for Connecticut's system of parks, forests, wildlife, fisheries, water access and natural resource management areas. A list of properties acquired through the RNHTP during calendar year 2009 is included in Appendix A.

B. Highlands Program: Provides funding for the acquisition of lands or interest in land (forest and farm) in the states of Connecticut, New York, New Jersey and Pennsylvania. During 2009, the DEP worked with the Fish and Wildlife Service in providing all of the necessary documentation to fulfill the grant requirements for the Highlands program for fiscal years 2007 and 2008. The Deluca property, which consists of 229 acres in the town of Cornwall and 79 acres in the town of Canaan, was the first project in Connecticut to receive funding through the Highlands Program, with \$500,000 appropriated towards this acquisition for FY07. For the fiscal year 2008, \$246,100 was appropriated to the Connecticut Highlands. The funding will be applied to the 80.75 acre Embree property in Sherman. For FY09 the Ethel Walker Phase II property in Simsbury was submitted to receive \$241,675 that was appropriated to Connecticut for funding. The Ethel Walker Phase II property consists of 427 acres of land in Simsbury. The property is one of the largest contiguous parcels of undeveloped land in the town.

C. Forest Legacy: Provides funds to protect private forestlands at risk of development through the purchase of conservation easements. Since 1996, Connecticut has received over \$5 million in federal funds to protect over 6,000 acres of forestland from development. During 2009, the DEP, with significant assistance from the Trust for Public Land, closed on the Skiff Mountain Forest Legacy project in the towns of Kent and Sharon. This project consisted of six landowners placing Forest Legacy conservation easements over a combined 705 acres of land.

D. Coastal and Estuarine Land Conservation Program: DEP responded to a funding opportunity issued by the U.S. National Oceanic and Atmospheric Administration through its national Coastal and Estuarine Land Conservation Program by nominating a 16-acre addition to DEP's Barn Island Wildlife Management Area in Stonington, referred to as the "*Connecticut's Barn Island Wildlife Management Area Expansion and Marsh Migration Refuge Project.*" DEP was notified in December 2009 that the proposal ranked 12th in a field of 57 proposals from across the nation. It is not yet known whether there is sufficient federal funding to award Connecticut DEP a 2010 NOAA grant that would support the acquisition of this remarkable waterfront property on Wequetequock Cove in Stonington. During this reporting period, DEP received three million dollars in federal CELCP funds to assist the Town of Guilford in its 2009 acquisition of 624 acres of coastal land near the tidal segment of the East River in Guilford. DEP's contribution of three million dollars toward the acquisition leveraged an additional 11.4 million dollars in municipal financing needed to complete the acquisition.

E. Long Island Sound Study Program: DEP applied to the U.S. Environmental Protection Agency's Long Island Sound Study Program for federal funding assistance to acquire 48 acres adjacent to the Barn Island Wildlife Management Area in Stonington.

In September 2008, DEP was awarded \$650,000, and the property was acquired by the DEP as an addition to Barn Island Wildlife Management Area in February 2009.

F. Coastal Wetland Conservation Grant Program: In 2008, DEP applied to the U.S. Fish and Wildlife Service's Coastal Wetland Conservation Grant Program for financial assistance to add 45 acres to the East River Marsh Wildlife Management Area in Guilford. In December 2008, DEP was notified that it was awarded \$261,250 to acquire this extraordinary coastal property that includes tidal wetlands, old field, coastal forest and shrubland habitat. DEP expects to acquire the property early in 2010, which has been pre-acquired by the Guilford Land Conservation Trust for transfer to Connecticut DEP.

III. ASSISTING MUNICIPALITIES AND NONPROFIT ORGANIZATIONS:

A. Grant Awards: The Open Space and Watershed Land Acquisition Grant Program (OSWA) leverages state, local and private funds to create a cooperative open space acquisition program. The program provides grants to municipalities and private nonprofit land conservation organizations for the acquisition of open space land and to water companies for the acquisition of Class I and Class II watershed land. The State of Connecticut receives a conservation and public access easement on property acquired, to ensure that the property is protected and available to residents of Connecticut as open space in perpetuity. Class I watershed land is sometimes exempt from the public access requirement for health and safety reasons. DEP is also willing to accept limited public access (at the discretion of the Commissioner) when a Conservation Easement is purchased on land where general public access would be disruptive of agricultural activity.


There was no competitive grant round during the 2009 calendar year. Seventeen (17) projects closed in 2009 (see Appendix B) preserving nearly 1,453 acres with almost \$5,800,000 provided to municipalities, land trusts and one water company. We continue to close previously awarded projects including thirty-two (32) grants awarded in 2008 totaling \$10,164,220 and protecting 2,440 acres of open space.

B. Community Investment Act: During the 2005 Legislative Session, an act was passed creating a mechanism to fund affordable housing development, farmland acquisitions, open space purchases, and historic preservation. The CIA fee structure was amended in 2009, increasing the fee from \$30 to \$40. Town clerks are required to collect the \$40 fee for each document recorded in the town's land records. The state receives \$36 of each recorded document fee and the town keeps \$4. The \$36 collected is distributed equally between the four program areas with one-quarter allocated to DEP's Open Space and Watershed Land Acquisition Grant Program. The Community Investment Act has funded forty-four (44) acquisitions since its inception, permanently protecting 2,571 acres of open space and seven (7) Community Gardens, at a cost of \$10,968,230.

AGENDA 2010

A. State Acquisition: As Bond Commission funds become available, the Department will continue to evaluate and acquire land through the Recreation and Natural Heritage Trust Program. There are numerous properties with an approximate value of \$100,000,000 that have been approved for acquisition but lack the necessary funding. This work will be guided by the policies and priorities established in the State's Green Plan.

B. Grants: A fifteenth round of grants was announced in early 2010 for the Open Space and Watershed Land Acquisition Grant Program. Eligible applicants include municipalities, private nonprofit land organizations and water companies. This grant round will be funded, in its entirety, by existing Community Investment Act funds. Applicants are encouraged to focus on priority areas established in the "Important Conservation Areas" section of the State's Green Plan.

C. Open Space Inventory: Data collection for the Protected Open Space Mapping Project (POSM) is at a standstill. No employment positions are available at this time to complete the project. Twenty towns must still be researched, and another thirty-five have only minimal information. The information that has been gathered thus far is posted on the DEP website and is publicly available. It can be found at The Connecticut Department of Environmental Protection's GIS Data download page at http://www.ct.gov/dep/cwp/view.asp?a=2698&q=322898&depNav_GID=1707&depNav .

D. Property Review: The Department will continue the on-going process of evaluating properties to potentially purchase. This process is carried out under the statutory authority of CGS 23-75, the Recreation and Natural Heritage Trust Program (RNHTP).

E. CELCP: The Department, in cooperation with the National Oceanic and Atmospheric Administration (NOAA), will continue to pursue Federal grant money for property acquisitions that meet the established guidelines of the Coastal and Estuarine Land Conservation Program (CELCP). In January 2010, NOAA announced its fiscal year 2011 competitive grant process for this coastal land conservation assistance program available to coastal states. In anticipation of this announcement, the Land Acquisition and Management Division, in cooperation with the Office of the Long Island Sound Program, issued a request for CELCP project nominations in November 2009 from coastal towns and local land conservation organizations to identify coastal area conservation acquisition opportunities pursuant to this recent announcement. DEP will nominate CELCP project proposals pursuant to responses to this request for project nominations and the availability of non-federal funds needed to meet federal grant match requirements.

F. Forest Legacy: For FY10 Tulmeadow Farms in Simsbury was awarded \$1,415,000 in funding. The Department will work towards the completion of this project, and will focus on preparing projects for submission for FY 2012 that will rank high on the national level.

G. Highlands Program: The Department has applied for FY 2010 funding to assist in the acquisition of one of three properties: the Naugatuck/Mad River Headwaters project area, the Scoville property, and the Ethel Walker Phase II property. The Naugatuck/Mad River Headwaters area consists of 37,359 acres located within the towns of Norfolk, Winchester, Torrington and Goshen. The headwaters have some of the highest conservation areas in the Highlands region. Funding could be used to assist in the acquisition of a number of parcels within this area. The Scoville property consists of 205 acres of vacant land in Salisbury, with a very high threat of development. This property maintains an extensive system of hiking and equestrian trails and several horse and pony clubs currently use the trails with the permission of the owner. Acquisition of this property may be able to provide the State of Connecticut with its first Equestrian State Park. The Ethel Walker Phase II property was resubmitted as it was uncertain where the FY09 money would be appropriated.

H. Encroachment Issues: The Department will continue to aggressively address all encroachments on State property. The process will continue to be carried out in accordance with the Encroachment Enforcement Response Policy.

I. Records Management: The Department is working on improving storage, organization and indexing of legal documents and maps pertaining to ownership of DEP properties. A complete inventory of the vault, including a comprehensive review of all maps, deeds and property records has been undertaken. A significant amount of progress was made during 2009, and the indexing will continue throughout 2010. An integrated index for the Recreation and Natural Heritage Trust Program files, Open Space and Watershed Grant Program files, Property Management files and all other grant program files will be created. This will improve coordination between the various programs and increase efficiency for record retrieval.

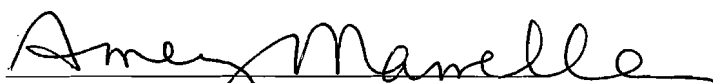
J. Urban Gardens: Due to a renewed focus on urban open space, \$298,925 from the Community Investment Act fund (CIA) was allocated to Urban Garden creation and renovation in 2007 and \$149,500 from the CIA fund was awarded in 2008. This program has funded the Bridgeport Community Gardens, the Thompsonville Community Garden in Enfield, the Brookville Seed for Wellness and Center Park Community Gardens in Hamden, the FRESH Community Garden in New London, the Rhodesville Garden in Putnam, the Fodor Farm Community Garden in South Norwalk and renovations to Pope Park West in Hartford. Community Gardens include education centers, greenhouses, ADA accessible walkways, children's gardens and raised beds to accommodate gardeners with disabilities and/or senior citizens. This program will continue in 2010 to foster preservation, rehabilitation and development of garden spaces and encourage outdoor passive recreation and gathering spaces for families and children.

CONCLUSION:

The Connecticut Department of Environmental Protection, working together with municipalities, water companies and private nonprofit land conservation organizations, has continued the State's progress toward meeting Connecticut's open space goals. Since July 1998, DEP on behalf of the State of Connecticut has acquired or has protected 43,823 acres and has provided grant funding for the acquisition of an additional 26,945 acres.

The Department of Environmental Protection with the support of the Governor and General Assembly will continue to build on this success.

Submitted by:

A handwritten signature in black ink, appearing to read "Amey Marrella", written over a horizontal line.

Amey W. Marrella, Commissioner
Department of Environmental Protection

APPENDIX A

**RECREATION AND NATURAL HERITAGE TRUST PROGRAM
ACQUISITIONS
JANUARY 1, 2009 THROUGH DECEMBER 31, 2009**

PROPERTY NAME	TOWN	FEE ACREAGE	PURCHASE PRICE	PURPOSE OF ACQUISITION
TNC / Crowley	Stonington	48.82	\$270,000	Addition to Barn Island WMA
Beran Estate	Warren	13.00	\$0	Addition to Wyantnock State Forest
CT River Gateway Commission	East Haddam	19.95	\$0	Addition to Gillette Castle State Park
CTW Builders & Developers	Haddam	36.85	\$0	Addition to Cockaponset State Forest
		118.62	\$270,000	

APPENDIX B

OPEN SPACE AND WATERSHED LAND ACQUISITION GRANTS COMPLETED

JANUARY 1, 2009 THROUGH DECEMBER 31, 2009

<u>SPONSOR</u>	<u>PROJECT</u>	<u>ACREAGE</u>	<u>GRANT AMOUNT</u>
Town of New Hartford	Phillips Farm, New Hartford	59.131	\$365,000.00
Town of Tolland	Schindler/Schmidt Property, Tolland	112.18	\$375,000.00
Town of Simsbury	Ethel Walker School, Simsbury	282.946	\$716,175.00
Litchfield Hills Audubon Society	Bramley Property, Litchfield	30.315	\$146,755.00
Town of Redding	Levine Property, Redding	40.001	\$500,000.00
Winchester Land Trust	Hurlbut Field, Winchester	36.861	\$354,250.00
The Nature Conservancy	Chamberlin Property, Woodstock, Eastford	95.53	\$250,000.00
Guilford Land Conservation Trust	Etzel Property II, Guilford	33.348	\$392,000.00
So. Gen. CT Reg. Water Authority	Crosby Property, Hamden	60.402	\$500,000.00
Town of Somers & No. CT L.T.	Trappe Property, Somers	138.67	\$275,000.00
City of Middletown	Daniels Farm, Middletown	24.23	\$94,250.00
Northern CT Land Trust	White Farm, Stafford	173.49	\$146,250.00
Town of Windsor Locks	Waterworks Brook Property, Windsor Locks	198.8	\$490,000.00
Town of Farmington	Lots 21 & 22 Plainville Avenue, Farmington	51.489	\$182,000.00
Town of Southington	Jurglewicz Property, Southington	28.0	\$500,000.00
Town of Woodbridge	Race Brook Tract Phase III, Woodbridge	52.594	\$451,298.00
Town of Glastonbury	Arbor Acres/Flat Brook Preserve, Glastonbury	35.0	\$61,250.00
	TOTALS	1,452.987	\$ 5,799,228.00