

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

2011 ANNUAL REPORT

to the

ENVIRONMENT COMMITTEE

in compliance with

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

May 2012

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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 Energy and 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 DEEP’s Annual Report to the Environment Committee that after a couple of years of curtailed funding, the Recreation and Natural Heritage Trust Program (RNHTP) received a \$6,250,000 allocation of bond funds in the fall of 2010. The majority of the acquisitions that received these funds closed in 2011. No additional funds were allocated in 2011. The Open Space and Watershed Land Acquisition Grant Program (OSWA) secured CIA and bond funding in the 2010 calendar year, for a fifteenth grant round, enabling 42 new grants to municipalities and non-profit land conservation organizations. During 2011, the DEEP worked on completing these grants.

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 254,674 acres as open space land in its system of park, forest, wildlife, fishery, and natural resource management areas. Of this total, approximately 238,086 acres have been acquired in fee. Acquisitions 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, which together account for 15,298 acres in conservation restrictions. The combined total of fee and less than fee interests which the Department of Energy and Environmental Protection (DEEP) currently holds is 79 percent of the 320,576 acres targeted for state open space acquisition.

It is estimated that nonprofit land conservation organizations own 61,009 acres in Connecticut. Municipalities in Connecticut are estimated to own 80,185 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 238,778 acres. Based on a target of 352,634 acres in total open space holdings for these entities, they currently hold 68 percent of their targeted open space goal.

The 254,674 acres of state open space represents eight percent of Connecticut's land area, and the 238,778 acres of open space held by municipalities, non-profits and water companies is seven percent. This accounts for a total of 493,452 acres held as open space or 15 percent of Connecticut's land area. Connecticut is now 73 percent of the way toward achieving its open space preservation goal.

ACQUISITION NEEDS

To meet the goals set forth in the statute, the State of Connecticut must acquire an additional 65,903 acres of open space and encourage the acquisition of 113,856 acres by municipalities, private nonprofit land conservation organizations and water companies.

ACTION 2011

I. PLANNING:

A. Property Review: The DEEP continued to review and evaluate properties eligible for purchase through the Recreation and Natural Heritage Trust Program (RNHTP). During the past year, 27 properties were reviewed. The number of properties submitted for review as possible acquisitions increased slightly from last year, when 22 properties were reviewed. The DEEP currently has over 200 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 limited amount of State funding has greatly slowed the DEEP'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 2011 due to limited funding and the retirement of the POSM Project Manager. 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, open space

data from 128 towns has been posted as a downloadable resource on the Department of Energy and 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 DEEP 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: In the summer of 2011 the last remaining approved project for funding through the U.S. Department of the Interior, National Park Service, was completed. The project was the completion of the 2007 grant for \$1,000,000 to construct a Boardwalk at Silver Sands State Park in Milford. Additionally, in 2011 the DEEP completed the updated Statewide Comprehensive Outdoor Recreation Plan (SCORP), a comprehensive planning document required to keep the State of Connecticut eligible for funding under the Land & Water Conservation Fund.

E. The Coastal and Estuarine Land Conservation Plan (CELCP): is a federal program administered by the National Oceanic and Atmospheric Administration (NOAA) 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. DEEP's Office of Long Island Sound Programs has recently completed a draft CELCP Plan that identifies key coastal land conservation needs within Connecticut. DEEP'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. Due to a lack of program funding, NOAA did not issue an RFP for CELCP coastal land acquisition funding assistance in 2011.

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 DEEP 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 DEEP 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 DEEP'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 DEEP 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 in 2007, approximately three hundred (300) encroachments have been surveyed and mapped. Encroachment letters have been sent to property owners to cease use of State Land. The DEEP 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 the removal of a horse corral and out building in Aldo Leopold WMA, a gazebo and porch in Haddam, a felled tree area in Haddam, removal of fencing, walls and other structures.

II. ACHIEVING STATE GOAL:

A. State Acquisitions: During 2011, DEEP acquired 558 acres of land in fee located in seven municipalities. The properties were purchased through a combination of funds, including the George Dudley Seymour Trust, the US Fish and Wildlife Service funds, several conservation partners, and the Recreation and Natural Heritage Trust Program (RNHTP), which is the DEEP'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. The largest acquisition was the 454 acre Mason property in Vernon which was added to the Belding Wildlife Management Area. A list of properties acquired through the RNHTP during calendar year 2011 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. The DEEP has been actively working in 2011 on completing the grant requirements for the FY09 and FY10 Highlands funds which are being applied towards the Ethel Walker Phase II property in Simsbury and the Girl Scout property in Norfolk. 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. The Girl Scout property consists of 317 acres of land and is the majority of Camp Iwatka.

C. Forest Legacy: Provides funds to protect private forestlands at risk of development through the purchase of conservation easements. During 2011 the DEEP

completed its FY10 Forest Legacy project, the Tulmeadow Woods in Simsbury. The property consists of a 73.59 acre tract of woodlands that abuts other protected lands owned by the Tuller family. This was the final phase to protect the 260-acre farm through a series of conservation easements. The Simsbury Land Trust and the Tuller families had already completed the placement of conservation easements on 187 acres of the farm in prior transactions. The Forest Legacy program provided a grant of \$1,415,000, representing 50% of the funds required to put this program in place. The matching \$1,415,000 was provided by a State of Connecticut Open Space and Watershed Grant payment of \$500,000, a Town of Simsbury grant payment of \$280,000, and a Simsbury Land Trust payment of \$635,000.

D. Long Island Sound Study Program: EPA, New York, and Connecticut formed the Long Island Sound Study (LISS) in 1985, a bi-state partnership consisting of federal and state agencies, user groups, concerned organizations, and individuals dedicated to restoring and protecting the Sound. The Program awarded Connecticut DEEP \$300,000 for fiscal year 2009, \$750,000 for fiscal year 2010 and \$675,000 for fiscal year 2011. All of fiscal year 2009 funds were spent in 2011 to fund several coastal area parcel appraisals and to acquire a 6-acre addition to Connecticut's Barn Island Wildlife Management Area (i.e., Matson addition) that was part of a larger Barn Island WMA property expansion project further described below. Part of fiscal year, 2010 funds have been committed to coastal area acquisitions currently in progress. Staff is evaluating the suitability of several properties for acquisition to be funded using the balance of these funds.

E. North American Wetlands Conservation Act Grant Program. In 2011, DEEP received \$75,000 through the highly competitive U.S. Fish and Wildlife Service's North American Wetlands Conservation Act Small Grant Program. These funds were applied to the 16-acre waterfront property acquisition on Wequetequock Cove in Stonington adjacent to the Barn Island Wildlife Management Area described in the 2010 annual report. This acquisition was part of a larger Barn Island WMA expansion project that also added 48 acres to the Barn Island WMA through a 2010 acquisition of an adjacent property held by the same owner reimbursing part of the CT Recreation and Natural Heritage Trust Fund's contribution towards the this earlier 48-acre acquisition.

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. DEEP 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.

The fifteenth competitive OSWA grant round was held during the 2010 calendar year and grants were awarded to forty-two (42) municipalities and nonprofit land conservation organizations, totaling \$10 million. This grant round will preserve more than 2,760 acres of open space in 35 cities and towns across Connecticut. Since 1998, this grant program has funded \$102,517,477 to support the purchase of 380+ properties, preserving 67,000 acres in 125 communities. Fifteen Urban Green & Community Garden grants totaling \$878,396 were also awarded to help refurbish community parks and gardens in targeted and/or distressed communities.

Twenty-three OSWA (23) projects closed in 2011 (see Appendix B) preserving 1,603 acres with \$7,560,342 provided to municipalities and land trusts.

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 DEEP's Open Space and Watershed Land Acquisition Grant Program. The Community Investment Act has funded eighty-eight (88) acquisitions since its inception, permanently protecting 2,707 acres of open space and fifteen (15) Community Gardens, at a cost of \$15,267,477.

AGENDA 2012

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: 42 Open Space and Watershed Land Acquisition Grants were awarded in 2010 and 10 previously awarded OSWA grants are at varying stages of completion. The grants are funded by the Community Investment Act and bond 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) has resumed at a slow pace through the use of temporary employment positions. Over 75% of the towns have been researched. Following data gathering, the information must be quality checked prior to being released for public use. Complete information for 128 towns is currently available and is posted on two websites. It can be found at The Connecticut Department of Energy and Environmental Protection's GIS Data download page at http://www.ct.gov/dep/cwp/view.asp?a=2698&q=322898&depNav_GID=1707&depNav= for

municipal and other Geographic Information System (GIS) users, or at <http://ctecoapp1.uconn.edu/advancedviewer/> as a newly launched interactive application for members of the general public. This year's goal is to research and quality check the remaining towns.

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

E. Forest Legacy: The Department will focus on preparing projects for submission for FY 2014 that will rank high on the national level.

F. Highlands Program: The Department has applied for FY 2012 funding to assist in the acquisition of properties within the Shepaug River Headwaters project area. The Shepaug River Headwaters area consists of 61,699 acres located within the towns of Cornwall, Goshen, Litchfield and Warren. During 2012, the DEEP will work on completing the FY10 grant and prepare a project area for submission for FY14, which is the final year of funding currently authorized through the Highlands Conservation Act of 2004.

G. 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.

H. Records Management: The Department continues to work on improving storage, organization and indexing of legal documents and maps pertaining to ownership of DEEP properties. A complete inventory of the vault, including a comprehensive review of all maps, deeds and property records has been undertaken. Continued progress was made during 2011, and the indexing will continue throughout 2012. 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.

I. Urban Greens and Community Gardens: Due to a renewed focus on urban greens and community gardens, municipalities, water companies and non-profit land conservation organizations have been eligible to receive grants to refurbish or renovate Urban Greens and Community Gardens, under the Open Space and Watershed Land Acquisition Grant Program. \$298,925 was awarded in 2007, \$149,500 was awarded in 2008 and \$339,463 was awarded in 2010. This program is funded by the Community Investment Act for community parks and gardens in targeted and/or distressed municipalities. This program has funded Community Gardens and urban green spaces in Bridgeport, Bristol, Enfield, Hamden, Hartford, New Haven, New London, Norwalk, Putnam, South Norwalk and Windham. Community Garden grants fund education centers, greenhouses, ADA accessible walkways and gardens with raised beds for children, disabled and senior citizens. This program will continue in 2012 to foster preservation, rehabilitation and development of garden spaces, and encourage outdoor passive recreation and gathering spaces for families and children.

J. EPA Long Island Sound Study (LISS) Program: The U.S. Environmental Protection Agency's (EPA) Long Island Sound Study Program provided an additional \$675,000 in federal fiscal year 2011 as part of a continuing 3 consecutive year commitment to assist the State of Connecticut acquire the best remaining land conservation opportunities in coastal Connecticut. Nine properties with exceptional conservation value have been identified as potential acquisition candidates, the owners of which have all been contacted to gauge their interest in a potential conservation sale. It is expected that all the remaining funds made available through EPA LISS Program will be expended in 2012-2013 to acquire one or more of these nine properties. Upon expending these funds, CT DEEP will solicit additional funding assistance from EPA LISS to continue to acquire the most significant remaining coastal area property still in unprotected private ownership and identify additional coastal land acquisition targets using a recently developed GIS computer model to identify these targets.

CONCLUSION:

The Connecticut Department of Energy and 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, the Department, on behalf of the State of Connecticut has acquired or has protected 43,887 acres and has provided grant funding for the acquisition of an additional 25,972 acres.

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

APPENDIX A

**RECREATION AND NATURAL HERITAGE TRUST PROGRAM
ACQUISITIONS
JANUARY 1, 2011 THROUGH DECEMBER 31, 2011**

PROPERTY NAME	TOWN	FEE ACREAGE	PURCHASE PRICE	PURPOSE OF ACQUISITION
Sablitz	Hamden	25.21	\$700,000	Addition to Naugatuck State Forest
Kibbe	Ellington	17.74	\$35,500	Addition to Shenipsit State Forest
Clarke	Ellington	11.04	\$22,000	Addition to Shenipsit State Forest
Corthouts/Homestead Investments	Windsor	15.74	\$110,000	Addition to Matianuck Sand Dunes State Park Natural Area Preserve
Valsecchi	Sharon	25.03	\$100,000	Addition to Housatonic State Forest
Beverly's Marina	Morris	2.82	\$1,990,000	Bantam Lake Water Access
Mason	Vernon	454.30	\$2,965,000	Addition to Belding Wildlife Management Area
Matson	Stonington	5.75	\$250,000	Addition to Barn Island Wildlife Management Area
		557.63	\$6,172,500	

APPENDIX B

OPEN SPACE AND WATERSHED LAND ACQUISITION
GRANTS COMPLETED
JANUARY 1, 2011 THROUGH DECEMBER 31, 2011

<u>SPONSOR</u>	<u>PROJECT</u>	<u>ACREAGE</u>	<u>GRANT AMOUNT</u>
Groton Open Space Assoc.	Sheep Farm, Groton	62.75	\$534,300.00
City of Middletown	Brock Farm, Middletown Easement	43.40	\$500,000.00
The Nature Conservancy, Inc.	Salem Valley Corp Forest Easement, Salem & E. Haddam	369.77	\$450,800.00
Northern CT Land Trust, Inc.	Lee Property, Ellington	29.72	\$29,742.00
Southbury Land Trust, Inc.	Daffodil Hill Farm, Southbury Easement	15.16	\$98,000.00
Granby Land Trust, Inc.	Crane Preserve, Granby	38.32	\$40,000.00
Kongscut Land Trust, Inc.	Bogdan Preserve, Glastonbury	5.44	\$240,000.00
Branford Land Trust, Inc.	Pieper Property, Branford	23.98	\$175,000.00
Town of New Fairfield	Keeler Property, New Fairfield	10.74	\$180,000.00
Town of Newtown	Ferris Farm, Newtown Easement	68.92	\$500,000.00
Town of Wethersfield	Wilkus Farm, Wethersfield	68.847	\$490,000.00
Madison Land Conserv. Trust, Inc.	Bauermeister Property, Madison	77.06	\$500,000.00
Steep Rock Association, Inc.	Bronson Sabbaday Acquisition, Washington	68.92	\$500,000.00
Town of Tolland	Luce Property, Tolland	89.22	\$270,000.00
Town of Canton	Carpenter Property, Canton	35.38	\$97,500.00
Town of Canton	Cannon Property, Canton	155.3	\$450,000.00
City of Danbury	West Side Nature Park, Danbury	188.72	\$650,000.00
Salem Land Trust	Wheaton Preserve, Salem	19.67	\$55,000.00
Town of Madison	Griswold Airport, Madison	20.6	\$500,000.00
Simsbury Land Trust, Inc.	Tulmeadow Farm Forest, Simsbury Easement	73.59	\$500,000.00
Town of Hebron	Kinney Road Open Space, Hebron	17.6	\$120,000.00
Town Oxford	VonWettberg Property, Oxford	66.21	\$500,000.00
Town of Glastonbury	Tiboni Property	54.34	\$180,000.00
	TOTALS	1,603.657	\$7,560,342.00