

DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION

2012 ANNUAL REPORT

to the

ENVIRONMENT COMMITTEE

in compliance with

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

2012 ANNUAL REPORT

to the

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 no funds have been allocated for the Recreation and Natural Heritage Trust Program (RNHTP) since a \$6,250,000 allocation of bond funds in the fall of 2010. The majority of the acquisitions that received the 2010 funds closed in 2011. The Open Space and Watershed Land Acquisition Grant Program (OSWA) secured CIA and bond funding in the 2012 calendar year, for a sixteenth grant round, enabling 37 new grants to municipalities, non-profit land conservation organizations, and water companies.

Connecticut has a total landmass of 3,205,760 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 goal for state-held open space is 320,576 acres or ten percent, and the goal for our partners is 352,634 acres or eleven percent of the land area of the state.

The State has acquired approximately 254,975 acres as open space land in its system of park, forest, wildlife, fishery, and natural resource management areas. Of this total, approximately 238,369 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. In 2012, the DEEP acquired a conservation easement over the Stout property in Bloomfield. Totaling 13.39 acres, the easement was acquired utilizing a grant made available from the Natural Resources Conservation Service, and is being managed for grassland bird habitat. The combined total of fee and less than fee interests which the Department of Energy and Environmental Protection (DEEP) currently holds is 80 percent of the 320,576 acres targeted for state open space acquisition.

It is estimated that nonprofit land conservation organizations own 61,446 acres in Connecticut. Municipalities in Connecticut are estimated to own 80,489 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 239,519 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 254,975 acres of state open space represents eight percent of Connecticut's land area, and the 239,519 acres of open space held by municipalities, non-profits and water companies is seven percent. This accounts for a total of 494,494 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 65,601 acres of open space and encourage the acquisition of 113,115 acres by municipalities, private nonprofit land conservation organizations and water companies.

ACTION 2012

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). 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. Limited funding in 2012 as well as the retirement in 2011 of the POSM Project Manager has slowed the pace of the project. 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. 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. The MOU gives the DEEP and towns the right of first refusal to acquire the parcels should Northeast Utilities put them up for sale. The MOU was initially for a 10 year period from July 1, 2004 through June 30, 2014. As a part of the State's Settlement of the NU-NSTAR merger, the NU MOU was extended through 2024.

D. Land & Water Conservation Fund: 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. In the summer of 2012 the U.S. Department of the Interior, National Park Service approved a grant to the DEEP for \$1,200,000 to cover facility upgrades at four State recreation sites. The total cost of the improvements is estimated to be \$2,400,000 for new sanitary facilities, septic systems, roadways, parking areas, and potable well projects at Salt Rock State Campgrounds in Sprague, Hopeville Pond State Park in Griswold, Chatfield Hollow State Park, Killingworth and Dinosaur State Park, Rocky Hill.

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. During 2012, staff worked on the acquisition of the Sciongay property in Westbrook and Clinton. The Sciongay property contains 145 acres including Chapman Pond, which drains into the Menusketuck River and ultimately the Long Island Sound.

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. During 2012, the DEEP worked closely with the Land Acquisition Review Board on preparing the next Green Plan for 2013-2018.

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. Since employing a Licensed Land Surveyor in 2007, over 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.

II. ACHIEVING STATE GOAL:

A. State Acquisitions: During 2012, DEEP acquired 301 acres of land in fee and conservation easements 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, the US Natural Resources Conservation Service, 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. A list of properties acquired through the RNHTP during calendar year 2012 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 2012 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. The DEEP has also been working on identifying projects within the Shepaug River Headwaters, which is the project area for FY12 funds.

C. Forest Legacy: Provides funds to protect private forestlands at risk of development through the purchase of conservation easements. Due to limited nationwide funding, no Forest Legacy projects for Connecticut made the cut for funding in 2012.

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. During 2013, staff will work on completing the acquisition of the Sciongay property in Clinton and Westbrook, as well as identifying potential properties for future 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 sixteenth competitive OSWA grant round was held during the 2012 calendar year and grants were awarded to thirty-seven (37) municipalities, nonprofit land conservation organizations, and water companies totaling almost \$9 million. One of these grants was for an Urban Green & Community Garden project. This grant round will preserve more than 2,688 acres of open space in 31 cities and towns across Connecticut. Since 1998, this grant program has funded \$108,930,836 to support the purchase of 416 properties, preserving 29,097 acres in 127 communities. Sixteen Urban Green & Community Garden grants totaling \$1,049,897 were also awarded to help refurbish community parks and gardens in targeted and/or distressed communities.

Eleven (11) OSWA projects closed in 2012 (see Appendix C) preserving 740.33 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 between the four program areas with a portion allocated to DEEP's Open Space and Watershed Land Acquisition Grant Program. The Community Investment Act has funded eighty-three (83) acquisitions since its inception, permanently protecting 4,447 acres of open space and fifteen (16) Community Gardens, at a cost of \$17,489,539.

AGENDA 2013

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: 37 Open Space and Watershed Land Acquisition Grants were awarded in 2012 and 20 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 continued 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 132 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. If funding becomes available for temporary positions, the goal for 2013 will be to 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 2015 that will rank high on the national level.

F. Highlands Program: The Department has applied for FY 2013 funding to assist in the acquisition of properties within the Candlewood/Macadonia project area. The Candlewood/Macdonia area consists of 100,768 acres located within all or parts of the towns of

Brookfield, Danbury, Kent, New Fairfield, New Milford, Sharon and Sherman. During 2013, the DEEP will work on completing any outstanding grants.

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 2012, and the indexing will continue throughout 2013. 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. \$389,437 was awarded in 2007, \$149,500 was awarded in 2008, \$339,459 was awarded in 2010 and \$171,500 was awarded in 2012. 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 2013 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: 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 44,188 acres and has provided grant funding for the acquisition of an additional 26,712 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, 2012 THROUGH DECEMBER 31, 2012**

PROPERTY NAME	TOWN	FEE ACREAGE	PURCHASE PRICE	PURPOSE OF ACQUISITION
Sottile	Simsbury	56.97	\$225,000	Addition to Simsbury WMA. Acquired with USFWS Pittman-Robertson Grant funds
Werner Estate	Canton	1.74	\$0	Addition to Massacoe State Forest. Full donation.
Stout	Bloomfield	13.39	\$243,750	NRCS Federal Grant. Grassland Reserve Program Conservation Easement
One Way Realty	Colchester	161.88	\$0	Grassland Bird Mitigation Parcel. Required as mitigation for Rentcheler Field development
Fornal	Chaplin	18.24	\$46,000	Addition to Diana's Pool Water Access. George Dudley Seymour Trust funds used for acquisition.
Bronzi	Glastonbury	48.14	\$100,000	Addition to Meshomasic State Forest
Elm Camp	East Haddam	0.92	\$0	Cook's Island portion of Sunrise Resort. Acquired after title issues cleared up.
Feldmann	Chester	39.84	\$0	Addition to Cockaponsett State Forest. Full donation.
TOTAL		341.12	\$614,750	

APPENDIX B

OPEN SPACE AND WATERSHED LAND ACQUISITION GRANTS AWARDED JANUARY 1, 2012 THROUGH DECEMBER 31, 2012

SPONSOR	PROJECT	ACREAGE	GRANT AMOUNT
Norfolk Land Trust	Girl Scout Property/Camp Iwatka	311.00	\$284,000.00
Kent Land Trust	Camp Francis	253.10	\$500,000.00
Groton Open Space Assoc.	Candlewood Ridge	91.04	\$256,750.00
Enfield	Scantic River Parcel	32.05	\$40,000.00
East Haddam	Pages Property	238.00	\$464,000.00
Cheshire	Puchalski Property	109.00	\$200,000.00
Guilford Land Conservation Trust	Westwoods Parcel	17.10	\$60,000.00
Hebron	Cardillo Open Space	48.70	\$165,000.00
Somers	YWCA Camp Aya-Po	173.45	\$450,000.00
Southbury Land Trust	Stillmeadow Farm (Easement)	12.00	\$81,500.00
Simsbury	Ethel Walker School Parcel C	41.80	\$500,000.00
Conn. Farmland Trust	Gunther Farm, Tolland & Vernon	21.30	\$350,000.00
So. Central Regional Water Auth.	Lorman Property, Killingworth	64.50	\$335,000.00
Naugatuck	Andrew Mountain Road Open Space	100.34	\$315,250.00
Simsbury Land Trust	Tanager Hill	92.49	\$500,000.00
Lyme Land Conservation Trust	Lord Property	100.25	\$315,250.00
East Haddam	Zeiller Property	98.22	\$232,500.00
Woodsmen Land Trust	Gurley Brook Preserve, East Lyme	170.00	\$500,000.00
Manchester	Case Mountain	33.90	\$205,000.00
Denison Pequotsepos Nature Center	Coogan Farm (Easement)	23.94	\$500,000.00
Branford	Kaczynski Property	21.98	\$137,500.00
Canton Land Conservation Trust	Bruster Proprety	4.84	\$35,500.00
Hampton	Cedar Swamp Road	50.80	\$101,500.00
Avalonia Land Conservancy	Babcock Road Parcel	74.01	\$142,500.00
The New Roxbury Land Trust	Manchester Property, Union	84.00	\$146,500.00
Manchester Land Conserv. Trust	Risley Apple Orchard	13.15	\$80,000.00
Old Lyme Land Trust	Elyandco Inc. Property	44.17	\$143,500.00
Cornwall Land Conserv. Trust	Cooley Farm	84.07	\$450,000.00
Wintonbury Land Conserv. Trust	Hawk Hill Farm	44.00	\$247,500.00
Southbury	365 Georges Hill Road	18.91	\$96,500.00
Clinton Land Conservation Trust	Dowd Parcel	16.69	\$58,500.00
Clinton	Weiss & Lovedale Parcels	38.49	\$160,000.00
Berlin	Chotkowski Family Property	71.10	\$500,000.00
Norwich	31 New London Turnpike	3.80	\$123,516.00
City of Norwich Public Utilities	88 Brainard Road	52.90	\$157,000.00
Watertown Land Trust	Schienda Property (Easement)	75.00	\$135,000.00
TOTALS		2,688.29	\$8,969,266.00

Urban Green and Community Garden
Bridgeport Housing Authority

77-127 Garden Street 171,500.00

APPENDIX C

OPEN SPACE AND WATERSHED LAND ACQUISITION GRANTS COMPLETED JANUARY 1, 2012 THROUGH DECEMBER 31, 2012

<u>SPONSOR</u>	<u>PROJECT</u>	<u>ACREAGE</u>	<u>GRANT AMOUNT</u>
Town of Berlin	Girl Scout Property	43.36	\$199,250.00
The Nature Conservancy, Inc.	Salem Valley Corp. Agricultural Easement, Salem	163.29	\$39,200.00
Wyndham Land Trust, Inc.	Robbins Property Five Mile River, Thompson	126.41	\$230,000.00
Lyme Land Conservation Trust	Talcott Property, Sterling Hill Road, Lyme	40.42	\$140,000.00
Town of Plymouth	Plymouth Reservoir	178.28	\$650,000.00
Goshen Land Trust	Anstett Farm, Goshen	76.13	\$270,000.00
Northern CT Land Trust, Inc.	Stevenson Property, Somers	30.31	\$76,000.00
Woodbury	Minortown Road	21.48	\$128,500.00
Meriden	Finch Avenue	2.43	\$24,278.00
Farmington	Lot 7, Collinsville Road	29.20	\$122,500.00
Middletown	Jablonski Property	29.02	\$165,750.00
	TOTALS	740.33	\$2,045,478.00