



COUNCIL ON ENVIRONMENTAL QUALITY

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January 4, 2014

The Honorable Dannel P. Malloy
Governor of Connecticut
State Capitol
Hartford, CT 06106

RE: Special Report: Preserved But Maybe Not – the Impermanence of State Conservation Lands

Dear Governor Malloy:

I am pleased to submit a brief report on an issue that state residents brought to the attention of this Council: many state parks, forests and wildlife management areas do not have the permanent protections people assume they have. The General Assembly and the Department of Energy and Environmental Protection have been asked to consider proposals during the past three years to transfer, exchange or re-purpose hundreds of acres of state conservation lands.

The good news is that most of those proposals were not completed. However, analysis of the individual cases reveals procedural deficiencies that routinely put state conservation lands in jeopardy of being “unpreserved.”

This special report, *Preserved But Maybe Not*, analyzes several recent proposals to swap or transfer state conservation lands and finds that three common threads run through them:

- The state land is viewed by those proposing its transfer as being unused, underutilized or vacant, as opposed to serving a specific conservation purpose.
- To the proponents, the door to an exchange appears to be wide open because the conservation lands are not in fact preserved in perpetuity in legally-binding ways.
- Complete and accurate knowledge needed to make a good decision arrives late in the decision-making process.

To bring order to the decision-making process and to protect the lands for conservation in perpetuity, the Council offers nine recommendations, several of which will require legislation to become effective.

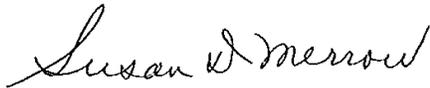
Adoption of these recommendations will do two things: First, it will get the essential scientific information to the front end of the decision-making process. Second, it will make sure that we preserve state parks, forests and other “preserved” lands in perpetuity.

Recommendations include creating a clear and uniform procedure to be used by the General Assembly and state agencies to generate essential natural resource information about any parcel under consideration for transfer, and placement of appropriate protections on existing state parks and forests and on the deeds of lands purchased in the future. Also recommended is a restriction on the release of conservation easements without public notice.

The report notes that state conservation lands in New York are protected by constitutional limitations on swaps and transfers, and the Council recommends that the General Assembly begin to consider a similar amendment to Connecticut’s constitution.

We hope that you find these recommendations useful. We anticipate submitting additional legislative recommendations to you later this month. As always, the Council and its staff are prepared to provide additional information or answer any questions you might have.

Respectfully,

A handwritten signature in cursive script that reads "Susan D. Merrow".

Susan D. Merrow
Chair

CC: Daniel C. Esty, Commissioner of Energy and Environmental Protection