



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Intergovernmental Policy and Planning Division

April 8, 2020

Members of the Continuing Legislative Committee on
State Planning and Development:

The Honorable Steve Cassano
The Honorable Cristin McCarthy Vahey
The Honorable Catherine Osten
The Honorable Roland Lemar
The Honorable Dan Champagne
The Honorable Jason Rojas
The Honorable Norm Needleman
The Honorable Doug McCrory
The Honorable Andre Baker
The Honorable Tami Zawistowski

Re: 2020 Report on the Implementation of the Conservation and Development Policies: The Plan for
Connecticut, 2013-2018

Dear Senators and Representatives:

Pursuant to Section 16a-32(c) of the Connecticut General Statutes (CGS), the Office of Policy and
Management (OPM) hereby submits its report on the implementation of the *Conservation and
Development Policies: The Plan for Connecticut* (State C&D Plan).

Please contact Dan Morley at (860) 418-6343 or Daniel.Morley@ct.gov if you have any questions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Martin L. Heft".

Martin L. Heft
Acting Undersecretary

2020 Report on the Implementation of the Conservation and Development Policies: The Plan for Connecticut (2013-2018)

Prepared for the Continuing Legislative Committee on State Planning and Development
by the Office of Policy and Management, in accordance with CGS Section 16a-32(c)

Conservation and Development Policies: The Plan for Connecticut (State C&D Plan) is an overarching statement of state policy in matters pertaining to land and water resource conservation and development. It is intended to guide the relevant actions of state agencies and, as such, can be a powerful tool for ensuring that agencies' decisions are consistent with state goals established through the legislative plan adoption process.

Background

The Office of Policy and Management (OPM) prepares revisions to the State C&D Plan on a recurring 5-year cycle, in accordance with CGS Section 16a-27 through Section 16a-29. OPM submits a draft of each five-year revision to the Continuing Legislative Committee on State Planning and Development (Continuing Committee), in order to facilitate the General Assembly's consideration of adoption, in accordance with CGS Section 16a-30.

Once adopted by the General Assembly, the State C&D Plan is then implemented by state agencies whenever they undertake certain actions. CGS Section 16a-31 outlines the types of actions for which state agencies must be in conformity with the policies of the State C&D Plan, and CGS Section 16a-35d outlines the Priority Funding Area implementation requirements associated with Plan's Locational Guide Map. The state's quasi-public agencies are not subject to these requirements.

CGS Section 16a-32(c) states that "The secretary shall report annually on or before February fifteenth to the committee progress on the implementation of the plan and the extent to which state actions are in conformity with the plan."

State C&D Plan Implementation Requirements

State statutes provide the following requirements for State C&D Plan implementation:

- CGS Section 16a-31(a) – Requires that state agency-sponsored activities and grants for the acquisition of real property, the development or improvement of real property, or the acquisition of public transportation equipment or facilities be consistent with the State C&D Plan whenever they involve the use of state or federal funds in excess of \$200,000.
- CGS Section 16a-31(b) – Requires that state agencies request and OPM provide an advisory statement commenting on the extent to which any of the actions specified in CGS Section 16a-31(a) conform to the plan.
- CGS Section 16a-31(c) – Requires that OPM submit an advisory statement to the State Bond Commission commenting on the extent to which certain bond agenda items are in conformity with the plan.

- CGS Section 16a-31(d) – Requires that the University of Connecticut request and OPM provide an advisory statement commenting on the extent to which the projects included in the third phase of UConn 2000 conform to the plan, and that the OPM secretary submit such advisory statement to the State Bond Commission prior to the approval of the master resolution or indenture for securities for the third phase of UConn 2000.
- CGS Section 16a-31(e) – Requires that state agencies submit a draft of any plan they prepare under state or federal law to OPM for review, and that OPM provide the preparer an advisory report commenting on the extent to which the proposed plan conforms to the State C&D Plan.
- CGS Section 16a-35d – Requires that no state agency provide funding for a “growth-related project” unless such project is located within the boundaries of a Priority Funding Area. However, a sponsoring agency may seek OPM’s approval for an exception through the process authorized under this section. Agencies must report annually on any grants that were provided through the exception process and the reasons therefor.

State C&D Plan Implementation Challenges

As previously reported to the Continuing Committee, OPM has been unable to produce meaningful annual reports describing the state’s progress in implementing the State C&D Plan, since it was last adopted by the General Assembly on June 5, 2013.

State agencies typically make their own determinations of their projects’ consistency with the State C&D Plan without seeking an advisory statement from OPM, even though the latter is required by CGS Section 16a-31(b). Without any direct input into an agency’s determination of consistency, it is not possible for OPM to accurately report on the extent to which agency actions are in conformity with the Plan.

In recent years, the Connecticut Chapter of the American Planning Association (CCAPA) and the Council on Environmental Quality (CEQ) have stated that the State C&D Plan is not being implemented uniformly by state agencies. To address their concern, legislation was proposed in both 2018 (SB 6, Sec. 24) and 2019 (SB 1009, Sec. 6), but neither of those bills passed. In the 2020 session, Section 15 of SB 470 similarly proposes to address what OPM considers to be a key factor underlying the concerns raised by CCAPA and CEQ by clarifying the circumstances under which state agencies must request an OPM advisory statement.

Section 15 of SB 470 would make it mandatory for state agencies to request, and for OPM to provide, an advisory statement for any actions that are subject to the early public scoping requirements of the Connecticut Environmental Policy Act (CEPA), as outlined in CGS Section 22a-1b. Such advisory statements will provide the information needed for OPM to fulfill its annual reporting requirement under CGS Section 16a-32(c), while also helping to ensure that any inter-agency concerns associated with state agency-sponsored actions are addressed prior to the CEPA public scoping process. Agencies would have the option, but no longer be required, to seek advisory statements from OPM for their more routine activities that typically do not trigger the environmental review requirements of CEPA.

The introduction of Priority Funding Area requirements (CGS Chapter 297a), which took effect upon adoption of the current State C&D Plan in 2013, effectively ended state agencies’ ability to use the Plan’s Locational Guide Map classifications in determining the consistency of their proposed actions. That change also ended OPM’s ability to reference such Map classifications when it reports on how the Plan has been implemented. With the current reliance on the Plan’s written policies, there is the need for a more comprehensive review process, coordinated by OPM, that results in formal advisory statements that agencies can publish in the CEQ’s Environmental Monitor.

Summary

If approved, Section 15 of SB 470 would provide the following benefits:

- Implement a transparent process for establishing State C&D Plan consistency by requiring agencies to obtain an OPM advisory statement prior to initiating the public scoping process under the Connecticut Environmental Policy Act (CEPA). Advisory statements would only be required for “actions which may significantly affect the environment”, as defined in CGS Section 22a-1c, and not for other routine agency actions;
- Implement a more comprehensive, coordinated, and uniform approach for determining the consistency of proposed state agency actions with State C&D Plan policies, by designating OPM as the central clearinghouse for such determinations;
- Establish an effective link between State C&D Plan and CEPA statutes that will provide the public with a better understanding of the desired outcomes of proposed state agency actions, so that the public can offer more informed comments on proposed actions, including reasonable alternatives.
- Create a public record of OPM advisory statements that can also be referenced in future annual reports to the Continuing Committee, in order to demonstrate the state’s progress in implementing the State C&D Plan.