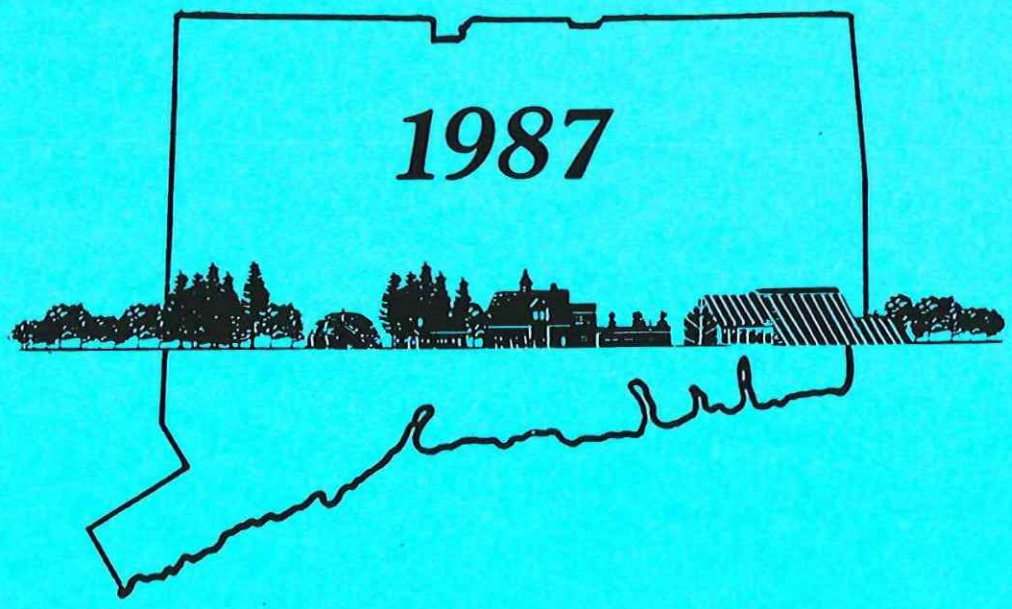
CONNECTICUT ENVIRONMENT REVIEW

The Annual Report of the Council on Environmental Quality



The Council On Environmental Quality

The duties and responsibilities of the Council on Environmental Quality are described in sections 22a-11 through 22a-13 of the Connecticut General Statutes. The Council is a nine-member, bi-partisan entity that functions independently of the Department of Environmental Protection (except for administrative functions). The Chairman and four other members are appointed by the Governor; two members are appointed by the President Pro Tempore of the Senate, and two by the Speaker of the House.

The Council's three primary functions include:

1) Preparation of an annual report on the status of Connecticut's environment, for submittal to the Governor,
2) Review of state agencies' construction projects, and
3) Investigation of citizens' complaints and allegations of violations of environmental laws.

In addition, under the Connecticut Environmental Policy Act and its attendant regulations, the Council on Environmental Quality reviews Environmental Impact Evaluations that state agencies develop for major projects; the Council must be consulted when disputes arise regarding any Environmental Impact Evaluation.

COUNCIL MEMBERS -- 1987

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Executive Director

STATE OF CONNECTICUT

COUNCIL ON ENVIRONMENTAL QUALITY

January 5, 1988

The Honorable William A. O'Neill
Governor of Connecticut
State Capitol
Hartford, CT 06106

Dear Governor O'Neill:

I am pleased to present the Annual Report of the Council on Environmental Quality for the year 1987.

Using a format established two years ago, the Council has summarized briefly the status of Connecticut's air, water, land, and wildlife in the seven-page Connecticut Environmental Quality Index.

The Council also examined two important issues in some detail: the Connecticut Environmental Policy Act (CEPA) and state lands management.

The CEPA statute was last amended in 1977, and the regulations have been in effect without amendment for almost ten years. In Section III, the Council recommends several amendments to both the statute and regulations which we believe will help state agencies make more effective use of the funds they spend to comply with CEPA.

Section IV offers recommendations to enhance the state's land acquisition program and upgrade its land management efforts. While some significant steps have been taken in recent years, the Council concludes that a stronger administrative and legislative commitment could lead to a public lands system that more fully complements the vitality and inherent state pride of Connecticut's citizens.

If you desire more information on any issue in this report, the Council stands ready to assist you. In closing, I would like to acknowledge the excellent work performed by the Council's Executive Director, Karl J. Wagener, and our capable interns, Anthony Irving and William Allen, in preparing information for the Council's deliberations throughout the year and in authoring this report.

Very truly yours,

Gregory A. Sharp

Gregory A. Sharp
Chairman

PHONE
STATE OFFICE BUILDING • HARTFORD, CONNECTICUT 06115

CONTENTS

PART I

EMERGING ISSUES

EMERGING ISSUES

"Emerging Issues" is a new section of the Connecticut Environment Review in which the Council on Environmental Quality highlights urgent concerns. The reader will encounter numerous issues and recommendations in other sections of this report, but Emerging Issues are those which inevitably will confront the State of Connecticut in the coming year. In this section the Council also notes some important occurrences of the past year and reviews progress toward previous CEQ recommendations.

ENVIRONMENT 2000

On September 3, Governor William A. O'Neill approved the Environment 2000 Plan, Connecticut's first comprehensive set of goals and strategies for protecting the environment. It is the product of many hours of thorough work by citizens and DEP staff.

Beginning next year, the CEQ's Annual Report will include a special section that measures the state's progress toward the goals of Environment 2000, as required by P.A. 87-142.

CONNECTICUT ENVIRONMENTAL POLICY ACT (CEPA)

November 1988 will mark the tenth anniversary of the effective date of the Connecticut Environmental Policy Act regulations. The law has been useful, but changes are needed to address problems not foreseen a decade ago. See Section III of this report for recommended changes.

LAND CONSERVATION

In October, officials and citizens from the six New England states convened to discuss "A Land Conservation Strategy for New England." Like Connecticut, the entire region is at a historically significant crossroads of land development and conservation. States and towns seem unable to protect adequate open space. Several New England states are preparing land acquisition efforts of unprecedented magnitude.

In its 1985 Annual Report, the Council recommended establishment of a dedicated Urban Parks, Recreation Lands, and Natural Heritage Trust Fund. The General Assembly established the Recreation and Natural Heritage Trust Fund, but without long-term funding. Recent regional planning efforts such as Fairfield 2000 have concluded that a long-term or dedicated fund is essential to successful land conservation in Connecticut. The critical need for open space funds extends to municipalities. As a source of revenue, several towns wish to collect a reasonable real estate transfer tax; to do so, state enabling legislation is required.

INLAND WETLANDS

The CEQ's 1986 Annual Report recommended several improvements to the state's inland wetlands program. The General Assembly made sweeping changes in 1987 to the Inland Wetlands and Watercourses Act, and appropriated funds for needed staff additions. As 1988 begins, three wetlands issues remain unresolved:

1. The only major CEQ recommendation not adopted by the General Assembly would enable municipal wetlands commissions to assess penalties from violators without having to go to court. Greater enforcement authority was the need most frequently identified by municipal commissions in the CEQ's 1986 survey.

2. The need for technical assistance from the DEP has never been greater among municipalities. The wetlands program has added staff, but the unavoidable backlog of accumulated cases and duties and the need to revise state and local regulations will delay some of the anticipated benefits of the 1987 legislation.

3. The CEQ foresees an increase in the use of wetlands creation by the Department of Transportation and private developers to offset wetlands impacts. Wetlands creation can serve useful purposes, but its limitations and proper role should be established firmly by the DEP and local commissions. The Council on Environmental Quality studied the role of wetlands creation in 1987 and issued a set of recommendations to the DEP. In its recommendations, the Council concluded that the DEP should implement a wetlands creation policy that encourages wetlands creation only where impacts to wetlands cannot be avoided, and that the emphasis should be on replacement of wetlands functions, rather than acreage.

GROUND WATER

The CEQ recommended a stronger state-municipal partnership for protecting ground water In 1985. Now that the DEP has identified aquifers of high and moderate yield, the burden is upon the state and municipalities to regulate certain land uses in critical areas.

Connecticut continues to lead the nation in the mapping of ground water resources and in regulating direct sources of contamination, but the DEP cannot regulate certain types of land use which by themselves can contaminate ground water. Legislation to expand state and local regulation of land use is required.

PESTICIDES

An estimated 3250 pounds of pesticides (active ingredients) are applied annually along state highways. Other state agencies use more, for a variety of purposes. Utilities apply an estimated 6,900 pounds a year to maintain rights-of-way.

The state has an opportunity to demonstrate leadership in reducing non-agricultural pesticide use by adopting goals and practices of Integrated Pest Management (IPM). IPM involves use of chemical pesticides, but emphasizes alternatives which reduce pesticide use. Also, the DEP will begin to regulate utility pesticide use more closely, pursuant to P.A. 87-298; again, leadership can be shown if the DEP emphasizes IPM techniques.

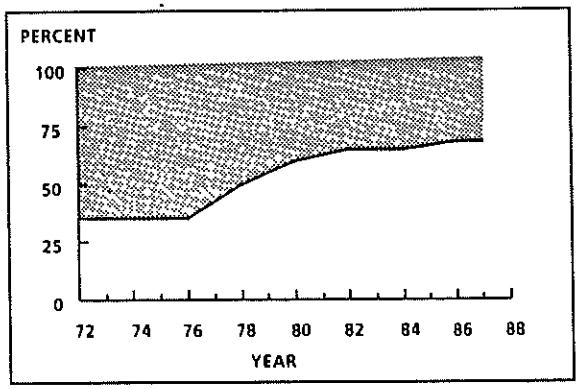
PART II

CONNECTICUT ENVIRONMENTAL QUALITY INDEX

RIVERS, STREAMS and LAKES

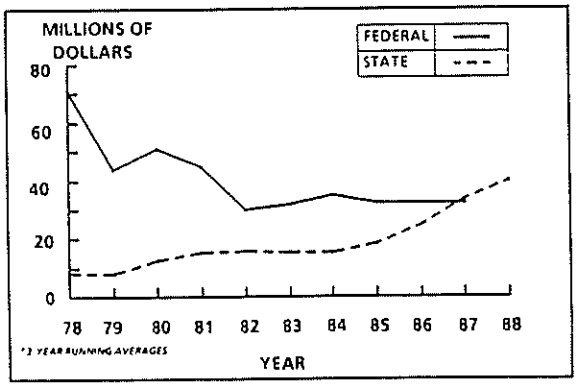
LONG TERM TRENDS

PERCENTAGE OF CT'S MAJOR RIVERS AND STREAMS CLASSIFIED AS FISHABLE AND SWIMMABLE



- Substantial state investments to upgrade sewage treatment plants and antiquated sewer systems are expected to yield improved water quality. Through the $40 million-per-year state Clean Water Fund, Connecticut is planning to restore 90% of its major surface waters to a classification of fishable and swimmable by the year 2000. Pending completion of current construction projects, Connecticut's major rivers and streams remain 5% below the regional average of 72% fishable and swimmable. As federal funds decline, fulfillment of Connecticut's water quality goals will require a sustained state and municipal commitment.

SEWAGE TREATMENT PLANT CONSTRUCTION FUNDS*



KEY ISSUES

- The majority of Connecticut's lakes of significant size suffer from eutrophication. Despite available, alternative weed control methods, chemical herbicides are used hundreds of times annually. Excessive weed growth is fueled by nutrients from nearby septic systems, fertilizer and construction runoff. Additional DEP staff and a $1 million lake management budget were funded in 1987; this program will include grants to towns and lake associations to study and manage weed growth. Funds for lake management projects will be released in 1988 upon adoption of regulations. The Council recommends that state lake management funds be made available for projects aimed at identifying and controlling sources of eutrophication and not for chemical herbicide applications.

- Regulation of water diversions plays an increasingly important role in safeguarding river water quality. The DEP must balance demands for water with the need to maintain adequate flows in our rivers. Despite a steady increase in diversion applications, a large number of water diversion actions continue without appropriate permits. The DEP has initiated a plan for staffing the program fully over three years, a plan which must be funded for the potential benefits of the program to be realized.

- A unique opportunity exists in eastern Connecticut to preserve a large watershed that is still relatively pristine: the Salmon River Watershed. The Salmon River and its tributaries provide outstanding recreation. Development of the watershed is accelerating; the manner in which the towns regulate development will determine the fate of the river. A multi-town river commission could be created to protect the tributary Blackledge River and provide a model for other rivers. The DEP should have adequate staff and funds to assist these towns in planning development and purchasing key parcels of land.

GROUND WATER

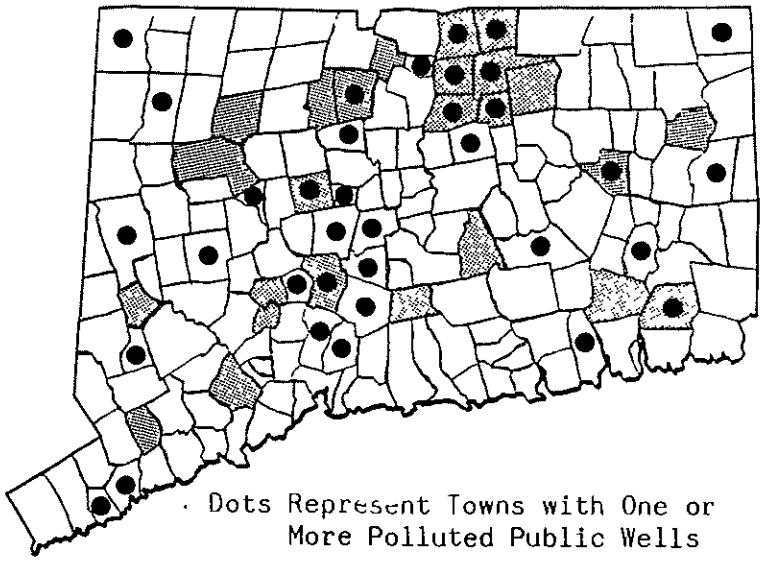
KEY ISSUES

- More than one million Connecticut residents rely on ground water for drinking water supplies. Growing demand for ground water coupled with the rising number of contaminated wells gives urgency to the need for a state-coordinated aquifer protection plan. Because high yield aquifers usually underlie several communities, their protection depends on state leadership, with land acquisition and local land-use regulation as potentially the most important components. High priority should be given to recommendations of the Task Force on Aquifer Management.

- Towns need to control certain types of ground water pollution that are not regulated by the state, even where there are no high-yield aquifers. To do so, many towns require information and technical assistance. Aiding municipalities to implement their own aquifer protection programs is among the most cost-effective means of protecting ground water statewide. The Housatonic Valley Association's Ground Water Action Project has illustrated the potential of private organizations in assisting municipalities. The General Assembly should fund a combination of increased technical assistance staff at the DEP and grants to state-sanctioned, private ground water protection efforts.

- Connecticut maintains a leadership role as the only state requiring provision of potable water to victims of well contamination. The General Assembly should address the DEP's recommendations designed to accelerate the potable water program, a process which has taken up to three years in some communities.

POLLUTED WELLS IN CONNECTICUT (THROUGH AUGUST, 1987)



Dots Represent Towns with One or More Polluted Public Wells

Shaded Towns Have Ten or More Polluted Private Wells

- Title III of the 1987 Superfund Amendment and Reauthorization Act (SARA) requires states to establish local emergency response commissions to inventory businesses and industries with threshold levels of hazardous chemicals. With adequate funding, this statewide data base could perform a complementary function as a foundation for state and federal aquifer protection programs which depend on comprehensive land-use information.

- Prevention is the key to ground water protection. Researchers at the Connecticut Agricultural Experiment Station have determined that no practical method exists for removing the soil fumigant ethylene dibromide (EDB), a widespread ground water pollutant, from contaminated sites. Current studies also demonstrate that EDB and industrial solvents persist in soils much longer than predicted.

LONG ISLAND SOUND

KEY ISSUES

- In 1987 scientists noted a marked decrease in dissolved oxygen levels, most notably in the deeper waters of western Long Island Sound. This poorly understood phenomenon underscores the need for fundamental data on the Sound's environment.

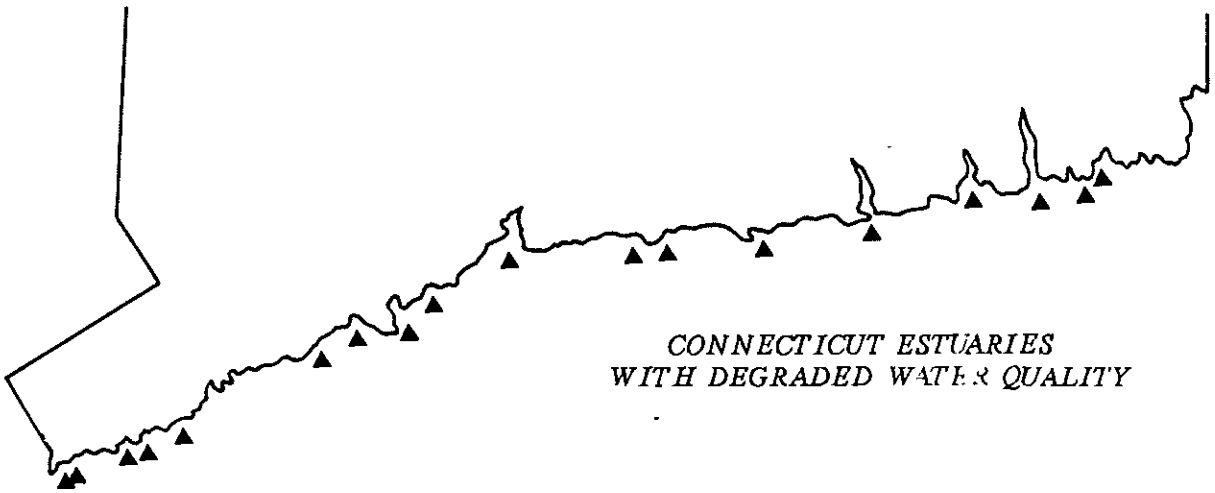
- Long Island Sound is now the focus of two research efforts established to obtain basic data on marine trends. In September, Governor William A. O'Neill announced a $775,000 program to outfit and operate a permanent research vessel, and to establish a research library. In addition, a comprehensive five-year EPA study is in its third year; it is expected to provide a basis for determining pollution reduction priorities, such as the implementation of tertiary treatment in sewage treatment plants.

- The final two coastal sewage treatment plants lacking secondary treatment processing are now being addressed. Raw sewage discharges will continue until combined storm and sanitary sewer systems are separated. Separation of the five highest-volume combined systems is expected to take from five to twenty years.

- A $1,300,000 oyster seeding program was initiated in 1987 to spur reclamation of Connecticut's formerly extensive shellfish beds. Sewage discharges cause 70-75% of the state's shellfish beds to be closed, with the remaining 25-30% closing intermittently, resulting in an estimated loss of $15,000,000 in annual shellfish harvests. Restoration will be incomplete until discharges of raw sewage, metals and nitrogen are reduced.

- With increasing numbers of boats on Long Island Sound, water quality near marinas will be further degraded unless pumping facilities are available and utilized. The DEP must be authorized by statute to establish and enforce marine no-discharge zones.

- The first allocation of the $200,000 Coastal Embayment Fund was awarded for the restoration of Alewife Cove, with the expectation that further funding will be made available by the General Assembly for other seriously polluted estuaries. In order to assess project effectiveness, funding for follow-up studies should be included for each restoration project.

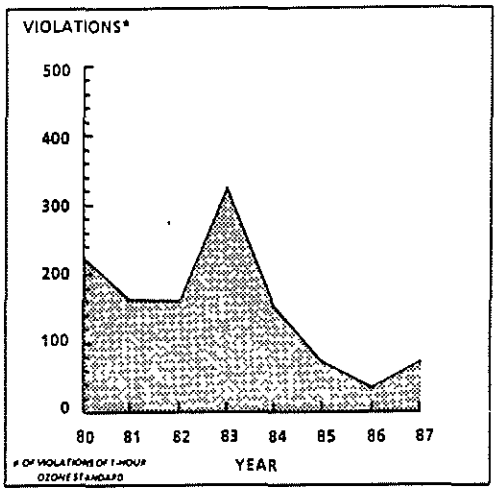


CONNECTICUT ESTUARIES WITH DEGRADED WATER QUALITY

AIR QUALITY

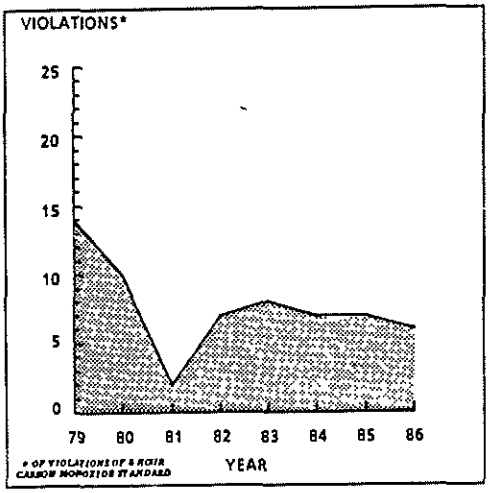
LONG TERM TRENDS

OZONE



- Ozone is produced when hydrocarbon emissions react with nitrogen oxides in the presence of sunlight. Ozone is injurious to human health and to vegetation. In 1987 Connecticut experienced an increase in ozone violations after hydrocarbon control programs and favorable weather conditions had reduced the number of violations for three successive years.

CARBON MONOXIDE



- Carbon Monoxide (CO) is the second pollutant which exceeds the federal air quality standard in Connecticut. Automobiles are the major source of CO.

KEY ISSUES

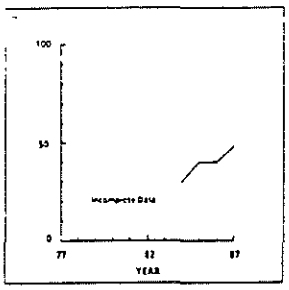
- Connecticut has the fifth highest ozone levels in the nation and will not meet the ozone standard by the federal deadline of December 31, 1987. Ozone is best reduced by controlling hydrocarbon emissions. Numerous industrial hydrocarbon-control programs and the automobile emissions inspection program have reduced the number of violations of the health-based ozone standard in Connecticut, but additional controls will be necessary. Evaporation of gasoline is the largest remaining source of hydrocarbons that can be readily controlled; reductions in the volatility of gasoline is the recommended next step for Connecticut. Although other states contribute to Connecticut's high ozone levels, Connecticut must prepare to implement additional ozone control technology comparable to neighboring states in order to reduce its contribution to the regional ozone problem.

- Connecticut's hazardous air pollutant control program, adopted in 1986, is beginning to yield cleaner air in some areas. Several notices of violation and enforcement orders were issued in 1987; as a result, certain industries were required to reduce emissions of chemical pollutants that were not regulated prior to 1986. Actual health-based ambient air quality standards have yet to be developed for the 850 hazardous air pollutants; the controversial dioxin standard is important as a precedent but illustrates how difficult, costly, and time-consuming the standard-setting process can be. The continued success of this program will require sustained financial commitment.

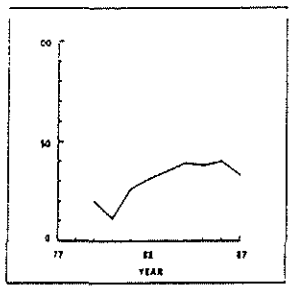
WILDLIFE

LONG TERM TRENDS

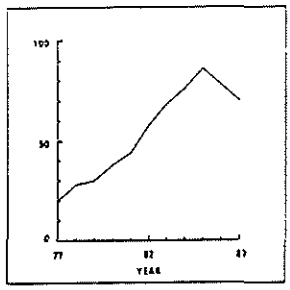
NESTING PIPING PLOVER



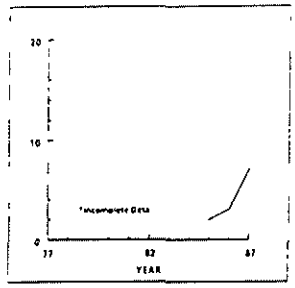
WINTERING BALD EAGLES



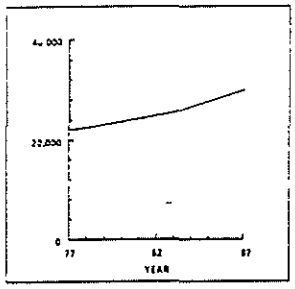
NESTING OSPREY



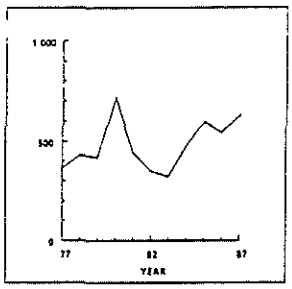
FISHER SITINGS



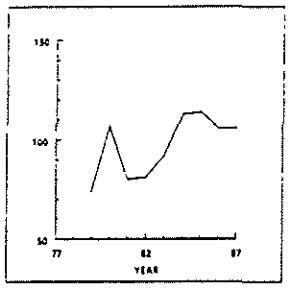
ESTIMATED WHITE-TAILED DEER



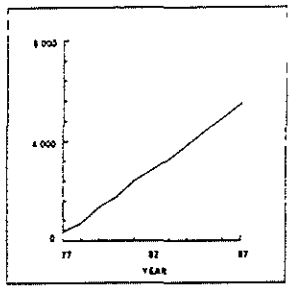
BEAVER PELTS TAGGED



RIVER OTTER PELTS TAGGED



ESTIMATED WILD TURKEY



KEY ISSUES

- Wildlife population trends suggest that both game and non-harvested species are benefiting from state and private expenditures. Fundamental data necessary to assess trends and manage habitat are not available for most of the 424 species listed in the DEP's 1987 checklist of vertebrate wildlife. The DEP could significantly enlarge its data base at minimal state expense by encouraging relevant university research.

- Lead poisoning of waterfowl has been documented at a popular trapshooting range near the mouth of the Housatonic River, a striking example of the long-term effects of lead shot accumulation in wetland environments. Connecticut has taken a leadership role in preventing the continued buildup of lead by prohibiting the use of lead shot by waterfowl hunters beginning in 1988.

- The 1987 appropriation of $140,500 for non-harvested wildlife was the largest to date, but is still small when compared to game management expenditures. Growing public participation in the DEP's non-harvested wildlife programs confirms opinion polls that show strong support for using tax revenues to fund wildlife conservation.

- The long-term view: In a 1921 report to Governor Everett Lake on the "Fish and Game Situation in Connecticut," the President of the State Board of Fisheries and Game noted that, "If the 27,000 sportsmen...had been sufficiently assiduous to kill even half as much game as the law allows they would probably have exterminated the last remnant of game in the state." In regard to Connecticut's inland fisheries, he said, "there is practically no good fresh water fishing left." Sixty-six years later, a modest game and fisheries management program has paid off for Connecticut.

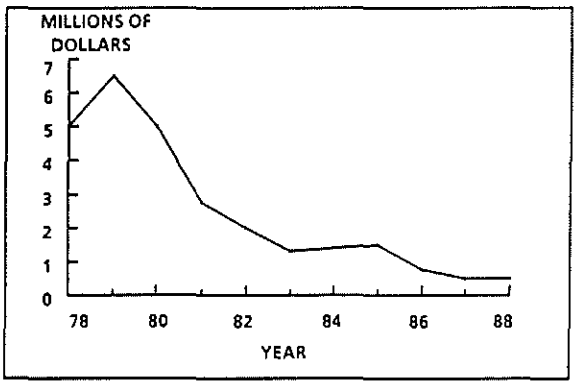
WOODLANDS, WETLANDS and WILDLANDS

KEY ISSUES

- Several water utilities hope to raise capital for new filtration plants -- or in some cases to benefit shareholders -- by selling thousands of acres. Statutes adopted in the 1970s aimed at controlling the sale and development of important watershed lands are inadequate. The rate at which lands are sold will depend in part on decisions of the Department of Public Utilities Control (regarding the extent to which shareholders may benefit from sales) and the Department of Health Services (regarding the need to maintain reservoirs for future water supply). The General Assembly should work to establish a permanent status for water utility lands that maximizes public benefits. The Task Force on Water Utility Lands is expected to submit recommendations for managing the disposition of all "surplus" lands. Acquisition of water company lands that are critical to the open space needs of municipalities and the state is one part of the solution that warrants immediate legislative priority.

- Connecticut has two opportunities to reclaim hundreds of acres of valuable tidal wetlands, which would help reverse the centuries-old trend of wetlands destruction. First, Connecticut's new Open Marsh Water Management practices will yield a less labor-intensive mosquito control method and also reduce the need for insecticide applications by restoring the tidal flow of severely altered marshes. It is a successful alternative to past ditch and drain mosquito management practices which led to marsh degradation, declines in waterfowl, invasion of new flora, and may have even exacerbated mosquito breeding problems in some places. Second, if conventional tide gates are replaced with self-regulating tide gates (which allow two-way tidal flow up to the flood stage), hundreds of acres of marshland may be restored to their former productivity. Connecticut should develop a strong program to promote and implement tide gate modernization.

FEDERAL ALLOCATIONS TO THE STATE OF CONNECTICUT FOR OPEN SPACE ACQUISITION AND PARK DEVELOPMENT



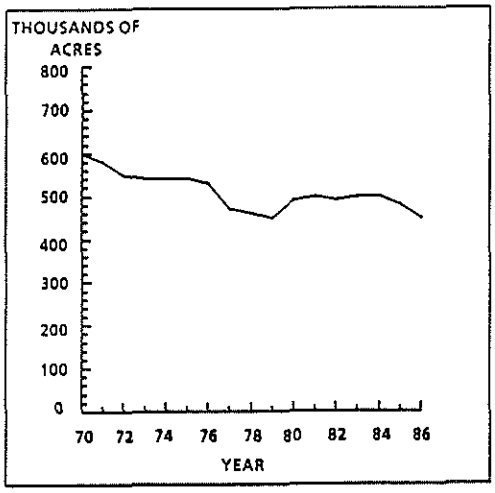
- The General Assembly's 1987 authorization of $5,000,000 for the Recreation and Natural Heritage Trust Fund was the largest state open space bond authorization in recent years, but falls short of all other New England States' efforts. Real estate prices continue to rise, demands upon land continue to increase, and federal funding for open space acquisition has been cut to almost nothing. The need to preserve land for a multitude of state purposes will necessitate an unprecedented and sustained financial commitment.

- The resurrection of the Natural Area Preserves Advisory Committee in 1982, after years of dormancy, has produced several visible successes. In 1987, Governor William A. O'Neill added two sand plains, an uncommon ecosystem, to the state's natural area preserves system. The natural areas program benefits from the participation of several private organizations, but is hampered by the lack of a unit or program within the DEP to manage natural areas. The DEP is developing a plan for a permanent natural areas program; funding and implementation of the plan should be a high priority of the DEP and the General Assembly (See Section IV of this report).

FARMLAND

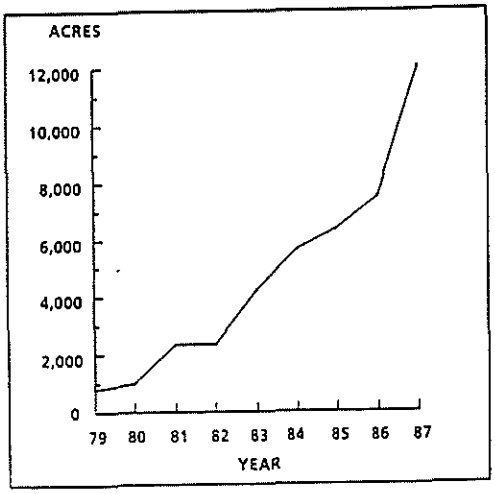
LONG TERM TRENDS

FARMLAND ACREAGE IN CT



- Dramatic progress was made in Connecticut's acquisition of farmland development rights, an important component of the state's plan to preserve the availability of locally-grown food, as well as the quality of its open space. A continued decline in total farmland acreage seems inevitable, but the state can preserve the most valuable lands where farmers are willing to sell development rights.

ACRES OF FARMLAND PRESERVED BY CT. DEPT. OF AGRICULTURE (CUMULATIVE)



KEY ISSUES

- With the passage of a $3,000,000 bond referendum, the Town of South Windsor has led the way for other towns to take advantage of 1986 legislation encouraging local acquisition of farmland development rights. The Department of Agriculture is able to assist towns in developing a farmland preservation plan; such assistance is a cost effective method for the state to further its goal of preserving important agricultural lands.

- Integrated Pest Management (IPM) programs at UConn and in other states have consistently demonstrated reductions in pesticide use of 34%, with greater reductions for specific crops and farms. IPM yields many benefits including improved crop quality, substantial reductions in money and time spent on pest control, and potential reductions in the pesticide burden on ground water. Because it may help lessen conflicts between farmers and nearby residential areas, IPM is particularly appropriate for Connecticut. IPM has matured to the point of being available for widespread application. Increased state funding for IPM is especially pressing due to impending cutbacks in federal support.

- Only a handful of farmers are directly affected by the battle over farmers' liability for ground water contamination, but many others see in it a basic question of fairness toward an occupation that already faces many pressures. Any legislative solution to the problem must be fair to the individual farmers, fair to the victims, fair to municipal and state taxpayers who may end up paying for replacement water supplies, and must not lead to general erosion of the strict liability principle on which many environmental laws are built.

PART III

CONNECTICUT ENVIRONMENTAL POLICY ACT: A TEN-YEAR ASSESSMENT

THE CONNECTICUT ENVIRONMENTAL POLICY ACT:

A TEN-YEAR ASSESSMENT

SUMMARY

The Connecticut Environmental Policy Act (CEPA) requires state agencies to examine the environmental impacts of proposed actions, and to seek methods for avoiding or minimizing those impacts. Before deciding to go forward with a proposed project, under the current law, an agency must complete an Environmental Impact Evaluation (EIE) or a Finding of No Significant Impact (FNSI). The sponsoring agency is to use the information in the EIE to determine whether the project furthers the state's goals, including the maintenance of "conditions under which man and nature can exist in productive harmony," and fulfillment of the "social, economic, and other requirements of present and future generations of Connecticut residents."

The Council on Environmental Quality is one of the agencies charged with reviewing Environmental Impact Evaluations. Having observed many potential flaws in CEPA and its implementation, the Council decided to examine the overall function and usefulness of CEPA. The Council offers eleven recommendations for improving CEPA, which was adopted in 1973 and last amended significantly in 1977. Two of the recommendations would alter the basic statute; the other nine require regulatory changes or administrative action.

SUMMARY OF FINDINGS

1. A review of the last 50 Environmental Impact Evaluations (EIEs) and Findings of No Significant Impact (FNSIs) issued by state agencies found inconsistent quality and, on average, general inadequacy. (This review was based on the EIEs that were circulated for public comment, not on the EIEs as they were revised and subsequently approved by the Office of Policy and Management (OPM), at which point they were assumed to be adequate).

No trend could be discerned in the quality of EIEs over six years. One reason might be that no formal mechanism exists for one agency to learn from the mistakes of other agencies.

2. Findings of No Significant Impact (FNSIs), which are completed instead of EIEs for projects where no major impacts are anticipated, tend to be much more variable in quality and, on average, more inadequate when compared with EIEs. The biggest problem with FNSIs is insufficient detail; it appears that the title often determines the content, rather than vice versa.

3. EIEs and FNSIs typically are best in describing impacts associated with regulated activities, such as wetlands disturbance, noise, water pollution, and air emissions. Activities and impacts which are not regulated -- impacts to wildlife, vegetation, health and safety -- tend to be assessed inadequately. One result is that regulated impacts are given primary consideration, often

to the exclusion of non-regulated impacts, in project location and design. Regulatory concerns are the major factors that shape each project, whereas CEPA's true intent is for top agency decision-makers to consider and weigh all relevant concerns.

4. CEPA regulations require any consultant who prepares an EIE to sign a disclosure statement confirming that he has no financial interest in the outcome of the project. Because the regulations do not require the statement to be circulated or submitted to OPM, overall compliance with this regulation, as written, cannot be measured.

5. CEPA regulations require an EIE to be completed before critical decisions are made on a project, but the single most important decision -- site selection -- is often made before the EIE is completed. Agencies are caught in a bind of not being able to complete an EIE without sufficient design information, yet not being able to have a project designed without knowing where it will be located.

6. CEPA regulations require involvement of state, federal, and local agencies and the public in "scoping," the process used to determine the range of impacts and alternatives that should be considered in an EIE. This requirement is not enforced, and scoping commonly is not done.

7. One of the purposes of CEPA is to make state agency decision-making visible for public inspection and comment. The Council finds some public participation provisions in the Act inadequate.

8. Encounters with the public over recent years have led the Council to conclude that CEPA is widely misunderstood by the public. Many (if not most) citizens believe EIEs are produced and/or approved by environmental agencies (DEP or CEQ), and that documentation of significant impact will result in the disapproval of a project. In reality, an environmental impact will stop a project only if the agency sponsoring the project deems the impact to outweigh the project's benefits, and chooses to cancel or redesign the project. (At a later date the impact could result in the DEP stopping the project if the impact happens to be subject to a DEP regulation or permit requirement, but that occurrence has no relation to CEPA). The fact that EIEs are approved by OPM only, and only with regard to document content, not severity of impacts, is not widely understood.

9. The state spends between $250,000 and $500,000 per year on EIEs and FNSIs, plus considerable staff time. The potential benefits of the resultant improvements in planning, conservation of natural resources, and protection of human health and safety are much larger, but the actual benefits cannot be estimated in cases where the EIE is inadequate or is completed too late to influence major decisions.

SUMMARY OF RECOMMENDATIONS

Improving the Quality of Decision-Making Under CEPA

1. (Major Amendment) Amend CEPA statute and regulations to adopt a two-stage CEPA process. Stage I would be an Environmental Assessment (EA) of alternative sites and/or overall project configuration conducted prior to project

siting. Stage II would be an EIE prepared for the project on the selected site. For a project with no potential for significant impact, OPM could determine that an EIE is unnecessary, and the EA would be circulated for public review and comment.

2. (Major Amendment) Amend the CEPA statute and regulations to require the sponsoring agency to submit a thorough Record of Decision to OPM, explaining how the information in the EIE was used in making the agency's decision. This recommendation is born of the recognition that agencies are not required to select the least damaging alternative, but are required to at least consider the environmental consequences. Without a Record of Decision, one cannot measure compliance with this requirement.

3. Amend the CEPA statute and regulations to require a scoping meeting prior to the preparation of an Environmental Assessment to determine the range of impacts and alternatives that must be addressed in the EA. Public scoping meetings should be encouraged but may be unnecessary in some cases; scoping meetings with review agencies are necessary in all cases.

4. The Council recommends that OPM, DEP, and CEQ develop a CEPA training program for appropriate state agency personnel and consultants. The program should cover the requirements of CEPA, how to select consultants to prepare EIEs and how to evaluate their performance, how to time EAs and EIEs for maximum usefulness, how to issue public notices and conduct hearings for constructive public participation, and other important points.

Improving the Quality of Environmental Impact Evaluations

5. Require the Office of Policy and Management to develop minimum qualifications for consultants who prepare Environmental Impact Evaluations for state agencies. Such qualifications should require consulting firms to have expertise in all relevant fields.

6. Amend CEPA regulations to require all preparers of an EIE to state their professional credentials in the EIE.

7. Amend CEPA regulations to require submittal to OPM of disclosure statements from consultants. Such statements, which state that the consultant has no financial interest in the outcome of the project, are required to be signed under current regulations, but there is no requirement that they be examined or submitted to OPM.

8. If the quality of EIEs does not improve significantly, there should be a special unit created within the DEP or another agency to prepare EIEs for all state agencies.

9. Amend the CEPA statute and regulations to eliminate the use of Findings of No Significant Impact. (For projects which truly have no potential for significant environmental impact, recommendation #1 provides for a different "short-track" procedure).

Other Recommendations

10. Amend the CEPA statute and regulations to require agencies to formally re-examine the adequacy of any EIE if the project has not been initiated within five years of completion of the EIE.

11. Amend the CEPA statute to increase from 10 to 30 the number of days that citizens have to request a public hearing on an EIE.

INTRODUCTION

The Connecticut Environmental Policy Act (CEPA) was adopted in 1973.* The 1969 National Environmental Policy Act, though different in several important ways, was Connecticut's inspiration and model. In 1978, following controversial statutory revisions, the Department of Environmental Protection adopted regulations to implement the section of CEPA that requires state agencies to complete Environmental Impact Evaluations before launching major projects.

Since enactment of the 1978 regulations, state agencies have written environmental evaluations for 176 projects. Forty-six of these documents were actual Environmental Impact Evaluations (EIEs). The remaining 130 were Findings of No Significant Impact (FNSIs), which are shorter documents issued for projects not expected to generate significant environmental problems.

The intent of the Act was to ensure that the state's own activities were consistent with its stated policy of working to "create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Connecticut residents." (C.G.S. Section 22a-1a(a)). Under the adopted scheme, each state agency is to review the probable environmental impacts of any major project or program before deciding to proceed with or modify the project. The Act acknowledges that environmental impacts are inevitable, but instructs the agencies to weigh the significant impacts against the benefits of the projects, and propose ways of mitigating the impacts, before making their final decisions.

The regulations state in considerable detail the types of information that must be included in each EIE or FNSI. The Office of Policy and Management (OPM) checks each document to see that it fulfills the requirements of the Act -- that is, to see if it contains all of the required information. After reviewing the comments of other agencies and the public, OPM frequently requests supplemental information from the sponsoring agency. When all of the information requirements have been fulfilled, OPM approves the document. Whether or not the project itself is pursued to completion is determined by the sponsoring agency, presumably using the EIE or FNSI as a guide or decision-making tool.

The approval process is the most frequently misunderstood aspect of CEPA. Many people believe that a project's environmental impacts are approved by OPM or other agencies; they are not. (Of course, there are impacts which require a DEP permit at a later stage, but such wetlands permits, discharge permits, etc., are independent of CEPA). Approval by OPM signifies only that

*As used in this report, CEPA refers to Part I of the Connecticut Environmental Policy Act, or Sections 22a-1 through 22a-1h of the Connecticut General Statutes. Part II of that law establishes the general duties of the Department of Environmental Protection, and is not considered here. To confuse matters, Sections 22a-14 through 22a-20 are known as the Connecticut Environmental Protection Act, and yield the same acronym, but are not considered in this report.

the information requirements have been fulfilled; the agency sponsoring the project is the agency that determines that the project's impacts are acceptable. The Office of Policy and Management must approve an EIE if it accurately states the project's environmental impacts, even if those impacts are deleterious and do not create conditions under which "man and nature can exist in productive harmony."

Involvement of the Council on Environmental Quality

The Council on Environmental Quality is one of three state agencies to which EIEs and FNSIs must be submitted for review and comment. When any party dissents as to the appropriateness of a Finding of No Significant Impact, OPM must consult with the Council before ruling on the need for a full Environmenal Impact Evaluation. For projects sponsored by the Department of Environmental Protection, the CEQ is the only environmental agency which comments on the FNSI or EIE. Approximately one of every four EIEs and FNSIs are for DEP projects.

In addition to its review duties, the Council gets involved in CEPA through its responsibility to receive and investigate citizen complaints, which frequently involve state-sponsored projects.

The Council observed the repetition of specific flaws and inadequacies in many Environmental Impact Evaluations over many months, and was frustrated that its critical comments on any EIE did not influence any later EIEs. In short, there was no perceptible trend toward improvement in document quality (discussed further under research results). In one notable case, a state agency issued what the Council thought was a model EIE, and the Council complimented the agency on its excellent adherence to CEPA. The next EIE issued by the same agency for a similar type of project was one of the worst the Council had reviewed; the difference was due presumably to the performance of the different consultants that had served the agency for the two projects.

At the outset, it was obvious that the quality of CEPA documents needed improvement. By itself, this problem would not require legislation, but the Council also suspected that flaws in the original legisiation were causing state agencies to spend considerable sums on EIEs, sometimes with little perceptible benefit. Therefore, the Council elected to investigate all of the problems of CEPA; its findings and recommendations are the subject of this report.

To facilitate its investigation, the Council divided CEPA-related problems into two categories: 1) Problems with the quality of EIEs and FNSIs, and 2) Problems associated with the way in which EIEs and FNSIs are used or not used in making decisions.

The potential financial benefits of improving CEPA are great. Each FNSI completed by a consultant costs the state between $15,000 and $25,000. Environmental Impact Evaluations can cost up to $50,000 for complicated projects. Impact statements for large highway projects can cost up to $200,000; these must fulfill federal as well as state requirements. Considerable time -- usually two to six moths, but considerably longer periods for very large projects -- is spent as well. Money and effort spent on substandard documents is wasted. On the other hand, a high-quality document that is given serious consideration by agency decision-makers can yield dividends many times larger than the cost of

the document. One example is an EIE completed for an industrial park where the consultant identified several acres of active, prime farmland and made recommendations for avoiding the farmland, and for preserving it with a permanent easement. The recommendation was adopted; preserving those acres through another means, such as purchase of development rights, would have cost the state much more. Similar benefits are not obtained in every case, however, and the Council on Environmental Quality is seeking ways to improve the return on the dollars being spent to implement the Connecticut Environmental Policy Act.

QUALITY OF DECISION-MAKING UNDER CEPA.

It is possible for an agency to comply with the procedural requirements of the Connecticut Environmental Policy Act without actually fulfilling the Act's intent. From time to time and project to project, agencies appear to vary the extent to which they use CEPA as a key planning tool, as the Act intended. According to the CEQ's analysis, EIEs and FNSIs for some projects were used primarily to justify decisions that had already been made. For other projects, the agencies used EIEs or FNSIs to describe what they wished to do and to screen for potential regulatory problems. In still other cases, the sponsoring agencies used CEPA as a planning tool which helped the agencies shape their projects to fit the environment.

Use of CEPA as a planning tool occurs where: 1) top agency officials are committed to environmentally-sensitive planning, 2) major potential regulatory problems threaten the project and therefore necessitate careful study and documentation of alternatives, or 3) the unpopularity of a proposed project causes an agency to complete a thorough EIE to support the agency's decision.

Compliance with paperwork requirements is easy to measure; fulfillment of a law's intent is not. Nonetheless, the Council was able, through interviews with agency staff and review of records, to identify common problems that interfere with fulfillment of the intent of CEPA.

Timing

All agencies have experienced the timing problem: Impacts cannot be assessed reliably until a certain amount of project planning and design work is completed. If that work is already completed, however, an EIE or FNSI can only document the key decisions -- such as project location -- that have already been made. Recommendations in such an EIE can only address modest modifications and mitigation measures, rather than form the framework for making the earliest decisions, which are often the most important. Advancing the timing of EIE preparation creates its own difficulties; agencies are expected to analyze potential impacts without information about the project's size, configuration, access, etc.

Recommendation: To help ensure that agency decision-makers are provided with environmental information early enough to be considered in the most important decisions -- including project location and design -- the Council on Environmental Quality recommends adoption of a Two-Stage CEPA Process.

Stage One: Environmental Assessment. Under current regulations, a state agency must undertake an Environmental Assessment (EA) to determine whether it should prepare an EIE or a FNSI for any project. This EA is a process, not a document, and is not reviewed outside the agency. The Council recommends that the CEPA regulations be amended to provide for a more formal Environmental Assessment that would provide basic environmental information to the decision-maker prior to selection of a site for the proposed project. The EA would include enough information -- presence and location of wetlands, quality of ground water, surrounding land uses, etc. -- to enable the agency to select a project site that best adheres to the environmental policy goals of the state. The Council recognizes that an agency may choose, for other reasons, to select a site other than the environmentally "best" one, but at the very least, information provided in the EA will make it possible to minimize impacts to the environment.

A useful EA would include, at a minimum, locations of possible sites, information about the existing environment, general information about the types of impacts that could be expected at eact site, evaluation of other types of alternatives for achieving the agency's goals, evaluation of the no-action alternative, and recommendations for site selection as well as for minimizing potential impacts through design choices on the selected site(s).

Stage Two: Environmental Impact Evaluation. The preparation of an EIE for the proposed project on the selected site would differ little from the EIEs produced under current regulations. An EIE at this stage would provide opportunities to assess impacts in more detail, as well as recommend mitigation measures. The EIE would build on information in the EA; specifically, the EA would provide much of the needed information about the existing environment, and the EIE would explain the selection of the project site with reference to the evaluation of alternatives in the EA.

The Council does not wish to see the proposed two-stage process result in delays for projects. If implemented properly, the amount of time spent need not be significantly longer than under present regulations which, importantly, already provide for an EA prior to the EIE or FNSI. The potential exists for actually speeding the planning and completion of some projects, as a formal two-stage process would identify environmental impacts early in the project before costly, irreversible decisions are made.

The cost for implementing a two-stage process is likely to be greater, but not significantly because an EIE will build on the information in the EA. The state derives many benefits, financial and otherwise, from good project planning, and these benefits are likely to outweigh any minor increases in costs.

There are rough models that suggest how the Two-Stage CEPA Process may work. One is the review process used for state agency review of state-funded industrial parks. When the Department of Economic Development proposes a park, it circulates a brief overview of the project and its location to all state agencies. The state agencies indicate whether the project, at the proposed location, is inimical to any of their planning goals. If DED gets the green light, then it proceeds to an EIE and another round of reviews by state agencies. The Department of Economic Development indicates that this two-stage review is useful; it helps the agency to avoid spending considerable planning time and money on an unacceptable project and/or site.

Another rough model is the process that was used by the Department of Transportation to select a site for a permanent truck weighing and inspection facility along I-95 in Fairfield County. Nine potential sites were screened for environmental problems; these sites were described in an EIE. Following public hearings, the DOT selected a site. Under a two-stage process, the multi-site EIE would be the EA, and the DOT would be required to complete an EIE for the selected site. This latter EIE, however, would be fairly slim, building on information in the EA.

As the siting decision is often the most important decision that determines the extent and nature of a project's environmental impacts, this recommendation is among the most important for improving CEPA. To facilitate the necessary amendments to the CEPA regulations, the Council recommends appropriate statutory amendments as well.

Scoping

Scoping is a procedure that is used to determine what issues need to be addressed in an Environmental Assessment or other type of impact statement. During scoping, the agency also seeks information to help determine what alternatives should be evaluated. Scoping can be done through public meetings or other means.

Existing CEPA regulations require the sponsoring agency to conduct an "early and open process for determing the scope of issues to be addressed," and also to "invite the participation of federal, state, and local agencies with special expertise or jurisdiction... and other interested or affected persons." In practice, local agencies and affected persons often do not have the opportunity to provide useful information until the EIE is printed and circulated, at which time agencies may be reluctant to evaluate wholly new alternatives or issues.

Recommendation -- The Council recommends amending the CEPA statute and regulations to encourage public scoping meetings for all projects, and to require at a minimum a pre-EA scoping meeting between the sponsoring agency and the reviewing agencies (DEP, CEQ, OPM, and others such as Agriculture, Historical Commission, etc., as appropriate.)

Scoping meetings need not delay a project in any way, and they will help to reduce delays that are typically caused when reviewing agencies criticize an agency's EIE for failing to cover certain impacts or alternatives. Reviewing agencies would be expected to outline the scope of relevant issues and alternatives at the time of scoping, and not raise new ones at a later stage.

Scoping would improve document quality by helping to ensure completeness. Perhaps more importantly, scoping would provide sponsoring and reviewing agencies with the opportunity to determine whether a project fits the "no alternatives" category, a category of projects that are site-dependent and thus (under the Council's proposed system) require no evaluation of alternatives (other than the "no-build" alternative).

Using the EIE in Decision-Making; The Record of Decision

The success of the Connecticut Environmental Policy Act hinges on a highly optimistic assumption: Once agency decision-makers have the necessary environmental impact information in front of them, they will use it in making their decisions. As noted before, the paperwork requirements of CEPA can be fulfilled without integrating the environmental information into an agency's project planning. Unlike true regulatory programs, which carry penalties in the form of permit denials for unsatisfactory applications, CEPA carries no penalties for failing to use an EIE in decision-making. CEPA was an attempt to legislate an "administrative attitude" rather than a regulatory program.

Regulations adopted in 1977 to implement CEPA attempted to close the "loophole" by forcing agencies to submit to OPM a formal Record of Decision indicating the agency's decision and "whether all practicable means to avoid or minimize environmental harm have been adopted, and if not, why they were not." This Record of Decision requirement has never filled an important role, in contrast to similar Records of Decision under the National Environmental Policy Act (NEPA). Under NEPA, federal agencies must develop a Record of Decision that will withstand lawsuits which may challenge an agency decision on grounds of being arbitrary or capricious.

The Record of Decision, implemented properly, is the only practicable means for ensuring that state agencies actually use the Environmental Impact Evaluation in decision-making.

Recommendation: The Council on Environmental Quality recommends that CEPA be amended to require agencies to submit a Record of Decision to OPM before beginning a project, and to make the Record subject to OPM approval. OPM should approve or disapprove each Record of Decision on the basis of whether the sponsoring agency has addressed all concerns raised in the EIE. Agencies should have the option of not adopting alternatives or mitigating measures recommended in the EIE, but should be required to state explicitly the reasons for overriding the environmental concerns. The Office of Policy and Management would determine whether each recommendation of the EIE was adopted and, if not adopted, whether the reasons are sound and not arbitrary.

Should Projects be Subject to Approval by Another Agency?

It is important to remember that OPM approves EIEs, not projects, and any project can proceed if the EIE adequately describes the environmental impacts. The sponsoring agency decides whether the benefits of the project outweigh environmental concerns.

One of the reasons the Council elected to evaluate CEPA is that during its evaluation of the state's inland wetlands program in 1986, Council staff looked at the role of the DEP in issuing wetlands permits for state highway projects. The DEP staff followed a DEP-DOT memorandum of understanding in which the two agencies agreed that highway location would be determined at the EIE stage, and the wetlands permit proceedings (often several years later) would involve only minor modifications of highway design. The flaw in that system is the absence of any formal DEP approval of the highway location

at the EIE stage. At the EIE stage, it is the sponsoring agency -- the DOT -- which considers the environmental information and makes its decision. The DOT may choose a highway corridor that the DEP later finds unacceptable, and the DOT may be forced to go through an entire new analysis of alternatives at the wetlands permit stage. The Council considered the idea of developing a location permit or siting permit for each state project based on the EIE, which would prevent major problems later at the permit stages. Someone other than the sponsoring agency, it was reasoned, should determine whether various competing interests or goals of the state have been balanced.

A hypothetical example helps to illustrate the need. If a state project could take either 20 acres of prime farmland or 20 acres of wetlands, and the project is definitely needed, it may be better to preserve the farmland at the expense of the wetlands. Someone could make such a determination, based on the functions and values of the specific lands in questions. However, because no permit is needed to destroy farmland (under 25 acres) and a permit to destroy wetlands is impossible to obtain if a feasible and prudent alternative exists, normal regulatory proceedings will always result in the project taking the farmland. There is little opportunity, under existing procedures, for anyone to make an overall balancing decision in favor of the farmland in a manner that carries legal weight.

The potential problems of empowering one state agency to override or reshape the projects and decisions of all other state agencies makes such a proposal impractical at this time. One means of improving current practices, however, would be for state agencies to apply for their DEP permits concurrently with the EIE development, when design changes and alternative choices can still be made. The DEP and DOT have publicly declared their intent to do just this, and the Council will watch for improved planning and permitting to result.

QUALITY OF IMPACT STATEMENTS

Council staff examined Environmental Impact Evaluations (EIEs) and Findings of No Significant Impact (FNSIs) issued by state agencies during the past six years. A three-point rating system (below) was applied to the 25 most recent EIEs and 25 most recent FNSIs. The Council's objective was to determine whether these documents included all of the necessary information regarding the environmental impacts of proposed actions.

Table I: EIE and FNSI Rating System

Rating	Explanation
0	Does not address CEPA requirements
1	Addresses but does not fulfill CEPA requirements
2	Minimally fulfills CEPA requirements
3	Completely fulfills CEPA requirements

The Council did not attempt to rate the severity of environmental impacts of the projects. Each document's rating was based on whether all of the information required by the CEPA regulations was in fact included in the document and, if it was, whether it was adequate.

Twenty-seven categories of information were rated in each EIE, 17 in each FNSI. Most categories cover environmental impacts -- air quality, noise, health and safety, etc. -- but other required factors were also rated, including clarity (as required by Section 22a-1a-7e of the regulations), timeliness (22a-1a-7b), and the existence of disclosure statements (22a-1a-2c).

The Office of Policy and Management frequently requires agencies to amend or add to the EIEs and FNSIs submitted. The Council, it is important to understand, rated the documents in the form in which they were submitted for public review and comment, prior to revision and approval. The final documents, as approved by OPM, were not rated. It is assumed that all approved documents were at least minimally adequate. The Council chose to rate the documents that were circulated for public review. The Council believes that those documents should be as complete as possible because, in reality, sponsoring agencies make critical decisions well before the document is finally amended and approved. Information that appears only in the final, amended EIE may in fact appear far too late for consideration by the decision-maker.

Results

Of the 50 EIEs and FNSIs rated, slightly more than one-third received a score of 2.0, the "passing" score. FNSIs fared significantly worse than EIEs, receiving an average score of 1.71 compared to the average EIE score of 1.87. The quality of FNSIs was more highly variable, with scores ranging all the way from 0.81 to 2.56.

The fact that the average EIE score is only slightly below the "passing" score of 2.0 supports the Council's belief that, when revised and finally approved by OPM, the average EIE probably meets minimum requirements. The same might not be true of FNSIs, however, and the Council suggests that the title of the document itself -- Finding of No Significant Impact -- may guide the preparers of many FNSIs into inadequate, superficial analyses of environmental impacts. (This point is discussed further on page III-17).

When these data were presented to the state agencies responsible for preparing EIEs, several agency respresentavies made a common point: Many of the low scores, especially for FNSIs, are the result of zeroes given to categories which had been left out of the documents deliberately on the basis of expert judgments that the categories were irrelevant to the projects under discussion. Conceding that this may be true in some cases, the Council staff re-calculated the scores to ignore the effect of zeroes. Average scores did increase, but not greatly, though scores of a few individual categories did increase to more than 2.0. This is discussed further under Scores by Category, p. III-13.

Table 2: EIE and FNSI Scoring Summary

	EIEs	FNSIs
Average Score	1.87	1.71
Median Score	1.86	1.72
Average of Staff-prepared Documents	1.91	1.71
Average of Consultant-prepared Documents	1.83	1.70
Percentage Scoring 2.00 or More	44%	28%

Trends

The 25 EIEs rated by the Council covered the period from September, 1981 to April, 1987. While fluctuations in scores occurred from year to year, no significant trends in EIE quality appeared over the six-year period.

(No attempt was made to analyze trends in the quality of FNSIs over time; because many more FNSIs than EIEs are issued each year, the 25 FNSIs covered a period of only two years, too brief to analyze trends.)

The Council had hoped to detect improvement over the years. One of the conclusions of a 1981 study of 55 case studies relating to the National Environmental Policy Act was that "Impact Assessment could be improved if the lessons that participants learn in one situation could be carried over to subsequent situations." Also, a 1986 review of state Environmental Policy Acts in the six New England states concluded that one of the four things that "tend to go wrong" is the fact that "it appears that whatever is learned from one impact assessment effort rarely carries over into the future planning or impact assessment efforts." (All quotes from "The Role of Impact Assessment in Environmental Decision Making in New England: A Ten-Year Retrospective," by Lisa A. Berzok in Environmental Impact Assessment Review, v. 6, #2, June 1986).

Scores by Category

A closer look at the scores received by EIEs and FNSIs reveal that, on average, some categories fared much better than others. It is evident that scores are significantly higher for categories which involve regulated activities and impacts, when compared to categories that do not involve regulated activities.

Table 3: Comparison of Average Scores, Regulated Categories vs. Non-regulated categories (Average of 25 EIEs)

Regulated Category	Scores	Non-regulated Category	Scores
Water Quality	2.12	Energy	2.00
Planning Adherence	2.12	Visual	1.92
Air Quality	2.04	Land Resources	1.60
Noise	2.00	Plant/Animal	1.56
Historic Resources	1.95	Health/Safety	1.36
		Toxics (on-site use)	0.88
AVERAGE	2.05	AVERAGE	1.55

The explanation for this dichotomy appears to be the obvious one: Agencies spend considerably more time and money analyzing potential impacts to air, water, wetlands, noise, and historic resources because failure to assess those impacts accurately could lead to regulatory problems at a later stage. Project planners know, for example, that they must make earnest efforts to avoid wetlands; failure to do so could result in failure to obtain permits at a later stage. If, on the other hand, an agency preparing an EIE performs an inaccurate or incomplete analysis of potential impacts to wildlife or scenic values, there is little risk that problems will arise at a later stage because virtually no regulatory decisions are based on wildlife or aesthetic impacts. Regulated aspects tend to drive the project, while non-regulated aspects are considered in only a vague way.

A second reason for the better scores in regulated categories is the opportunity to put regulated impacts into numerical form: gallons of effluent, tons of air pollutants, decibels of noise, acres of wetlands, etc. (Energy impacts can also be measured, which may explain their acceptable score despite being in the "non-regulated" category). In contrast, impacts to health and safety, wildlife, aesthetics, and land must be described, and there are no regulatory standards to measure the impacts. The analysis of regulated impacts is technical in nature and necessitates the involvement of engineers, and agencies frequently hire engineers to complete the technical sections of EIEs. Unfortunately, experts in health and safety, ecology, and other non-regulated areas are consulted less frequently.

Agencies tend to use EIEs as permit-screening documents, hoping that potential regulatory problems will be identified by the DEP and others at the EIE stage, before costly detailed planning is completed. If no serious permit-related problems are identified by reviewing agencies, the sponsoring agency sees an "all clear" sign and proceeds with more detailed planning, leaving non-regulated impacts on the fringe of decision-making.

Screening for potential regulatory problems is a useful function of EIEs and FNSIs, but not their intended function. CEPA provides decision-makers with a tool for considering the overall costs and benefits of a project and its alternatives, and for selecting alternatives which are consistent with the state's overall environmental policy. Ideally, all potential impacts are to be considered, but reality dictates that regulatory concerns be given greater consideration. There is a penalty -- the potential for eventual denial of permits -- if regulated impacts are reviewed superficially, but no similar penalty for doing a poor job in evaluating non-regulated concerns.

In-house Documents vs. Consultant-prepared Documents

The DEP and DOT frequently use in-house staff to prepare EIEs and FNSIs. On large projects, or at times when the number of proposed projects is too great for existing staff, these agencies hire consultants to prepare the documents. The Department of Economic Development's EIEs are always prepared by consultants, usually the engineering firm that does the project planning. Most of the other agencies work through the Department of Public Works which, funtioning as a service agency, hires consultants to prepare the EIEs.

The Council found no overall differences in the average scores of staff-prepared EIEs and consultant-prepared ones. The weaknesses appear to be similar: Individuals are expected to prepare sections in which they do not have expertise, in addition to sections in which they are expert, and regulatory concerns are given far greater attention than non-regulated ones. The first of the weaknesses is inferred from the uneven analysis of different categories. The authors' credentials are rarely stated in the EIE or FNSI.

Missing Disclosure Statements

CEPA regulations state that if an EIE or FNSI is contracted to an outside consultant, a disclosure statement must be executed specifying that the consultant has no financial interest in the outcome of the project for which the document is being prepared. Agencies using outside consultants have not required disclosure statements (until 1987, when Council staff brought this requirement to the attention of those agencies).

The reason for the regulation is obvious: If a consultant stands to gain financially from the project's completion, he may be tempted to underestimate the environmental impacts of the proposed project. The Department of Economic Development, to use the best example, takes a conscientious approach to the preparation of EIEs for industrial parks, but for any one project it utilizes a single engineering firm to do both the design work and the EIE. Since the design work is done after the EIE and is far more lucrative for the firm, there may be a tendency for the firm to portray the project in a favorable light, since a cancellation of the project on environmental grounds would eliminate the design contract. The Council found no evidence of deliberate understatement, but it did find that in one case where the engineering firm elected to sub-contract the EIE to an environmental consulting firm, the EIE was superior. In some cases where the engineering design firms did the whole EIE, expertise in certain areas was clearly lacking.

SPECIAL FOCUS: THE ASSESSMENT OF WILDLIFE IMPACTS

For at least ten years, review agencies have been pointing out a common error in Environmental Impact Evaluations regarding assessment of impacts to wildlife. The oft-repeated error is the assertion that wildlife displaced by a project will move to suitable habitat nearby. Federal and state environmental agencies, in comments submitted on numerous EIEs and FNSIs, have explained repeatedly that the surrounding undisturbed habitat cannot absorb animals that flee from the project areas, since the undisturbed areas already have the maximum number of animals they can carry (except in unusual circumstances). Nonetheless, the assertion that animals will pick up, move on, and settle elsewhere, with no overall loss to the species, continues to be repeated. The following are representative excerpts from recent EIEs and FNSIs:

1985 FNSI: "There will be a loss in wildlife habitat, consisting of field and edge type vegetation. Wildlife species which utilize this habitat are expected to shift to nearby farm fields and establish new ranges and territories." (CEQ Note: If the nearby fields could accommodate more wildlife, there would be more wildlife there already).

1987 FNSI: "It is anticipated that there will be some loss in wildlife habitat for small mammals, rabbits, and selected bird species. These species will shift to adjacent forested areas and establish new ranges and territories."

1987 EIE: "Once construction is started, the wildlife will flee to other areas of the site as well as to surrounding areas. At this time, some wildlife may perish, but most should settle into new surroundings."

The frequent repetition of one error illustrates two problems:

1) Agencies do not have a way to learn from the errors of other agencies, and
2) Some consultants who prepare EIEs clearly attempt to expand their work into fields in which they have insufficient or no expertise. A competent person trained in biology would not make the error discussed above. It appears that firms with engineering as their primary fields often do not bother to hire or sub-contract anyone with biological expertise.

Why is this one subject important? To begin with, many citizens assume that evaluation of wildlife impacts is a major component of any EIE. Also, some of the species affected are game (or perhaps non-game) species for which the State of Connecticut spends considerable funds to maintain in the state. It is the potential diminution or loss of a species in an area, not the welfare of the individual displaced animals, that should be of concern, but is not always addressed. If the true impacts are overlooked, the potential to mitigate those impacts by enhancing nearby habitat may be overlooked as well. The benefits of the project may well outweigh any impacts to wildlife, but the decision-maker should have accurate information; wrong information is worse than no information.

Elsewhere in this report are the Council's recommendations for improving the qualifications of consultants who prepare EIEs for state agencies.

The Department of Economic Development notes that utilizing one firm saves money, since the EIE authors must be familiar with the design, and some design work is actually necessary to do a good EIE. The Council notes, however, that the Department of Public Works always hires a consultant which is not the firm that does the design work; if it works for DPW projects, it could work for industrial parks.

Recommendation: The Council finds that the original intent of the disclosure statement requirement is sound, and recommends strict adherence to it. Furthermore, the Council recommends that CEPA regulations be amended to require submittal of all disclosure statements to OPM.

Motivation

Interviews with state agency representatives revealed that EIE and FNSI quality might improve if the authors had confidence in their use. Motivation of personnel preparing the EIE or FNSI is difficult if the perception of CEPA is that it does not produce meaningful results, or if critical decisions are known to have already been made. Poor document quality may be the result. In turn, poor document quality only reinforces an agency's decision not to use impact statements as an important part of the decision-making process. In essence, document preparers and decision-makers are enmeshed in a circle that reinforces and exacerbates poor document quality.

Responsibilities of Review Agencies

Unacceptable document quality is in part due to what reviewing agencies have historically accepted. Greater scrutiny of documents as well as increased input to the sponsoring agency must come from the reviewing agencies. CEQ has begun to evaluate all EIEs and FNSIs using the scoring system created for this study. In addition, the Council will provide comments and recommendations for all areas of every document lacking sufficient information.

Elimination of the FNSI

The overall lower quality of FNSIs suggest that sponsoring agencies do not probe as deeply into the potential impacts of an action knowing that a FNSI is to be prepared. With only 2 out of 16 categories receiving a passing grade, it is clear that cursory attention is given to potential impacts. The document's title, "Finding of No Significant Impact," appears to guide the document's content, and the findings of no impact are frequently accompanied by insufficient explanations.

The current FNSI designation leads to disputes between the sponsoring and reviewing agencies over what is "significant." The regulations provide for a process for proceeding with an EIE when the reviewing agencies (OPM, DEP, CEQ, SHPO) believe the impacts to be significant, but there is a great reluctance among agencies to complete an EIE once they have gone all the way down the FNSI track. Where reviewing agencies dispute the FNSI, the typical

outcome is one or more rounds of meetings and revisions until the FNSI is as voluminious as any EIE; at that point, the difference between an EIE and FNSI is viewed by the people involved as semantic only, and the expanded FNSI is approved with everyone's concurrence. It is the Council's opinion that the switch to an EIE should not be approached with such trepidation, since a FNSI, done properly, should be nearly as detailed as an EIE, with only a few categories missing. In reality, however, FNSIs are not adequately thorough, and thus the difference between FNSIs and EIEs seems greater than it should be.

Recommendation: The Council recommends the elimination of the FNSI. If, based upon the Environmental Assessment (EA) (see recommendation for two-stage process, p. III-7), OPM believes that there is no potential for significant environmental impact, the EA would be circulated for public review and comment. If reviewers concur with the sponsoring agency, OPM would issue a finding that an EIE is not required. An EIE would be prepared whenever the potential for significant environmental impact is found to exist.

Additional Recommendations for Improving CEPA Document Quality

In addition to the recommendations for requiring submission of financial disclosure statements from consultants and for eliminating Findings of No Significant Impact, the Council offers the following recommendations to improve document quality:

-- Require OPM to develop minimum standards for consultants who prepare EIEs. These minimum standards should require any consulting firm preparing EIEs to have on staff (or through sub-contracts) expertise in all relevant fields.

-- Amend CEPA to require all preparers of EIEs to state their professional credentials in the EIE itself. Similar requirments exist on the federal and municipal levels. It is anticipated that such a requirement will discourage consulting firms from assigning unqualified people to prepare EIEs.

-- If improvement in EIE quality does not become evident, the Council recommends the creation of a special unit within the DEP or other agency to prepare EIEs for all state agencies. It is anticipated that a professional team of five people could prepare EIEs of consistent high quality for less than the $200,000 to $400,000 the state currently spends on consultants annually.

RELATED ISSUES

Re-evaluation of Delayed Projects

Under the National Environmental Policy Act, federally-funded projects which are not initiated until several years after completion of the environmental impact statement cannot proceed until the validity of the old impact statement is examined and certified. In such cases, the sponsoring agency must determine whether the project, the environment, or other conditions have changed significantly since completion of the impact statement. If any factors have changed, a new or supplemental impact statement must be prepared. There is no parallel requirement under CEPA.

Recommendation: The Council on Environmental Quality recommends amending CEPA to require agencies to re-examine the adequacy of the EIE for any project for which construction has not been initiated within five years following completion of the EIE. If the project, the environment, or other relevant factors have changed significantly, the agency would be required to produce a supplemental EIE and perhaps a supplemental EA. The decision of the agency would be subject to approval by OPM, with advice from the DEP and CEQ.

HOW DOES CONNECTICUT COMPARE TO OTHER STATES?

Approximately half of the states have laws that require environmental impact statements in some form. Fifteen are, like Connecticut's, close copies of the National Environmental Policy Act. Many, in fact, copy the national law more closely than CEPA, in that they also require impact statements for state regulatory actions, not just for direct state agency actions. (In New York, the Department of Environmental Conservation had to complete an environmental impact statement for the proposed action of revising the regulations that govern environmental impact statements). In some states, the requirements for impact statements extend to municipal actions. Also, some states require their agencies to not only identify environmental impacts, but to select the least-damaging alternative.

According to speakers at a recent national conference on NEPA and its state counterparts, the problems identified in this report are universal. Uneven document quality is particularly widespread. The U.S. Environmental Protection Agency rates every Environmental Impact Statement (EIS) produced by federal agencies, using a three-point scale. The EPA found that 55% of the draft EIEs -- the version circulated for comment and review -- are inadequate. (Compare this figure to this report's finding that 56% of Connecticut draft EIEs are inadequate). Looking only at draft federal EIEs that were for projects without significant impacts, the EPA found a remarkable 88% to be inadequate. In comparison to federal agencies, Connecticut agencies may be said to be doing well, as the CEQ has found only 72% of Connecticut FNSIs to be inadequate at the draft stage.

Public Participation

Two problems found during the Council's evaluation of CEPA involve public hearing procedures and the nature of some public notices.

First, CEPA (Section 22a-1d) provides citizens with the opportunity to request a public hearing for any EIE. Such requests must come from 25 persons (or an association representing at least 25) within 10 days of publication of notice in the Connecticut Law Journal of the EIE's availability. The Council received comments from a citizens organization suggesting that ten days is insufficient time to learn of the EIE's availability, obtain it, read it, consider it, collect signatures, and forward those signatures to the sponsoring agency. The Council concurs, and recommends amending CEPA to give citizens thirty days to request a public hearing. This extension should not result in significant delays, as agencies often hold hearings on controversial projects anyhow and the comment period is already set at 45 days.

CASE STUDY

A Finding of No Significant Impact (FNSI) was completed for a proposed project on a parcel of state-owned land. With regard to "ecological balance," the FNSI stated:

"The entire area in its association with (the) brook and its tributaries comprises an important area for wildlife, particularly songbirds, small mammals, and possibly some predatory avifauna and waterfowl. Warm water fish species, as well as reptiles and amphibians associated with streams, inhabit the brook and its flood plain.

The proposed project will only effect (sic) wildlife habitat and habitat value within the area of proposed construction, assuming potential off-site impacts.....are controlled."

The project was never constructed (for reasons unrelated to ecological impacts). At a later date, the same parcel was considered for a different state project. Two municipalities opposed the project, and hired a consultant to prepare an environmental impact report. The consultant, an established firm that has performed other jobs for the state, was working only for the municipalities, with no direct involvement with the state. The consultant's report included the following statements:

"Significant impacts to critical and endangered habitats could occur from site development...Site is home to more than two dozen species of birds, including the yellow-bellied sapsucker and pine warbler, both rare and endangered species in Connecticut.....Habitat suitable for spadefoot toad, a state-endangerd species." Several other species were also mentioned, including a rare spider.

Upon investigation, the Council concluded that the first assessment understated somewhat the potential impacts, since it did not mention the qualities of the land that make it ecologically unique in Connecticut. The second assessment, while noting the area's uniqueness, greatly exaggerated potential impacts by listing so-called rare and endangered species which in fact are not rare or endangered, and/or not known to occur at the site.

Conclusion: Consultants might not be oblivious to the goals of the agencies which hire them; this may affect not only subjective analyses, but the presentation of "technical facts" as well.

Second, the Council reviewed some public notices, indicating the availability of EIEs, that appeared in area newspapers, as required by CEPA. The Council found that such notices are sometimes worded improperly. As an example, the public notice for one project stated that "The conclusion of the Environmental Impact Evaluation is that the project will not have an adverse impact on the environment." In reality, the EIE for the project identified adverse impacts to air quality, wetlands, prime agricultural soils, vegetation and wildlife, and energy consumption. The poorly-worded notice probably underscores a basic misunderstanding of the purpose of an EIE. An EIE is not supposed to prove the non-existence of impacts; an EIE is supposed to identify environmental impacts and potential means of minimizing those impacts, and to give decision-makers a basis for deciding whether the benefits of the project outweigh the adverse impacts. The sponsoring agency is required to solicit public comment on the question, comment it will not receive if the public is led to believe no impact exists.

Recommendation: The Council recommends that public notices be worded to simply identify the availability of EIEs for public comment. The Council also recommends that proper wording of public notices be covered at the CEPA training workshops recommended for agencies (see below).

CEPA Workshops for Agency Personnel

A federal expert on NEPA has noted that, "Environmental impact analysis is an acquired skill ... like learning to write, it is learned by doing and by being critiquedon one's product. In organizations with a limited number of environmental impact analysis personnel, with capability spread too thin, this represents a constant training challenge." Only two Connecticut state agencies have one or more full-time persons assigned to CEPA-related work as the major portion of their duties.

Recommendation: The Council recommends that OPM, DEP, and CEQ develop a training program for appropriate state agency personnel. This program should cover the requirements of CEPA, how to select consultants to prepare EIEs and how to evaluate their performance, how to time EAs and EIEs for maximum usefulness, how to issue public notices and conduct public hearings to maximize constructive public input, and other important points. The Council has found that agency staff are conscientious in their attempts to comply with CEPA but, as has been noted, many opportunities for improvement exist.

THE FUTURE OF ENVIRONMENTAL IMPACT ANALYSIS

CEPA was imposed on agencies with no tangible rewards for decision-makers, only mild, potential penalties for failing to file adequate paperwork. Fifteen years after its enactment, CEPA still relies on intangible factors for its success, including the commitment of high-level decision-makers. The few comprehensive analyses of NEPA and similar state laws that exist all point to numerous "human factors" -- psychological, sociological, and organizational -- that influence outcomes more than do any black-and-white legal procedures.

On the other hand, the technical side of environmental impact analysis has developed into a recognized professional discipline, with professional journals, associations, and procedures. Unlike the "early days" of the 1970s when much analysis was necessarily subjective, most types of environmental impacts can be assessed using recognized objective procedures. Scientific uncertainty still plagues many types of analyses, but the tools to produce excellent EIEs are readily available. Connecticut agencies need a way to keep pace with the field; regular training is one method.

As many experts point out, the true goal of NEPA and CEPA is not better paperwork, but better decisions. The meaningful incorporation of environmental impact data into agency decision-making will continue to depend on the environmental commitment of top agency decision-makers, especially commissioners. CEPA was an attempt to establish a procedure for implementing an organizational attitude; a few changes will correct deficiencies in the procedure, but the state must rely on the people involved for the proper attitude to be developed and maintained.

SECTION III

APPENDIX A

Included in this appendix are sample (blank) scoresheets that were used by the Council to evaluate EIEs and FNSIs, as well as summary sheets showing average scores received by each of the categories or factors that were rated by the Council as part of its 1987 study. In order, this appendix includes:

1. Sample EIE scoresheet
2. EIE Evaluation Parameters (explanation of scoresheet)
3. Average Scores, by category, of 25 EIEs
4. Sample FNSI scoresheet
5. FNSI Evaluation Parameters
6. Average Scores, by category, of 25 FNSIs

EIE SCORESHEET

PROJECT ..... DATE .....

REQUIREMENT	RATING
GENERAL	
1) Disclosure	yes no na
2) Timeliness	_____
3) Clarity	_____
DID THE EIE INCLUDE ...	
1) Summary	_____
2) Description	_____
3) Map	_____
4) Existing Environment	_____
5) Alternatives	_____
6) Approvals	_____
7) Direct Consequences	
a) Air	_____
b) Water	_____
c) Noise	_____
d) Land	_____
e) Historic	_____
f) Plant/Animal	_____
g) Toxics	_____
h) Visual	_____
i) Planning	_____
j) Energy	_____
k) Health/Safety	_____
8) Indirect Consequences	_____
9) Planning Adherance	_____
10) Adverse Effects	_____
11) Resource Losses	_____
12) Mitigation	_____
13) Energy Effects	_____
14) Costs/Benefits	_____
TOTAL	_____

SCORE (Total/#) _____

RATING SYSTEM

Rating	Explanation
0	Does not address CEPA requirements
1	Addresses, but does not fulfill CEPA requirements
2	Minimally fulfills CEPA requirements
3	Completely fulfills CEPA requirements

EIE EVALUATION PARAMETERS

GENERAL

1) Disclosure - Did the contractor who prepared the EIE submit a disclosure statement specifying no financial interest in the outcome of the action? (22a-1a-2c)

2) Timeliness - Was the EIE prepared enough in advance so that it could serve as an important contribution to the decision-making process? (22a-1a-7b)

3) Clarity - Was the EIE clear, concise, and to the point and written in plain language so that it could be understood by the general public? (22a-1a-7e)

DID THE EIE INCLUDE.....(22a-1a-7a)

1) Summary - A brief summary which adequately and accurately summarized the focus and conclusions of the evaluation?

2) Description - A description of the proposed action, a statement of its purpose and a need and justification for the action? Were assumptions concerning growth and population substantiated?

3) Map - A map of appropriate scale identifying location and boundaries of the proposed action?

4) Existing Environment - A description of the environment of the area which would be affected prior to commencement of the action including cultural, economic, recreational, and ecological characteristics and activities?

5) Alternatives - A description and analysis of the reasonable alternatives, particularly those which might enhance environmental quality or avoid all or some of the adverse environmental effects? Was an analysis made of taking no action?

6) Approvals - A list of necessary licenses, permits, certifications, or other approvals from relevant regulatory agencies?

7) Direct Consequences - The primary consequences for the environment during and subsequent to the action? A discussion of primary and secondary (#8) consequences incorporating individual and cumulative effects and impacts to the environment is laid out in section 22a-1a-3 including .....

   a) Air - impact on air quality.
   b) Water - impact on water quality: public water supply system or effects on groundwater, flooding, erosion, or sedimentation.
   c) Noise - Impact on ambient noise levels.
   d) Land - Effects on coastal or inland wetlands, also soils, prime agricultural land, and geological features.

e) Historic - Disruption or alteration of historic, archeological, cultural, or recreational buildings or sites.
f) Plant/Animal - Effects on natural communities and upon critical species and their habitats.
g) Toxics - Use of pesticides, toxic, or hazardous materials that would create extensive environmental impacts.
h) Visual - Substantial aesthetic or visual effects.
i) Planning - Inconsistency with state, municipal, or regional plans; displacement or addition of people; substantial increase in congestion.
j) Energy - A substantial increase in the type or rate of energy use.
k) Health/Safety - Creation of a hazard to human health or safety.

8) Indirect Consequences - The secondary consequences for the environment which result from changes in the pattern of land use, population density, and related effects on air and water or other natural resources?

9) Planning Adherance - The relationship of the proposed action to approved land use plans, policies and controls?

10) Adverse Effects - Unavoidable, adverse environmental effects if the proposed action were implemented?

11) Resource Losses - Any irretrievable and irreversible commitments of resources that would occur if the action were implemented? Resources means material devoted to the action as well as the cultural and natural resources.

12) Mitigation - Mitigation measures including limiting the degree or magnitude of the action, rectifying the impacted environment, reducing or eliminating the impact over time, replacing or providing substitute resources or environments?
13) Energy Effects - Effects on energy consumption and energy conservation?

14) Costs/Benefits - An analysis of the short-term and long-term economic, social, and environmental costs and benefits, and reasonable alternatives? Were non-quantifiable as well as quantitative benefits and costs evaluated?

EIE SCORESHEET

PROJECT ...CATEGORY.AVERAGES..... (AVERAGE OF 25 EIEs)

REQUIREMENT	RATING
GENERAL	
1) Disclosure	yes no na
2) Timeliness	1.96
3) Clarity	2.12
DID THE EIE INCLUDE ...	
1) Summary	2.08
2) Description	2.36
3) Map	2.16
4) Existing Environment	2.00
5) Alternatives	1.92
6) Approvals	1.80
7) Direct Consequences	
a) Air	2.04
b) Water	2.12
c) Noise	2.00
d) Land	1.60
e) Historic	1.95
f) Plant/Animal	1.56
g) Toxics	0.88
h) Visual	1.92
i) Planning	1.96
j) Energy	2.00
k) Health/Safety	1.36
8) Indirect Consequences	1.64
9) Planning Adherance	2.12
10) Adverse Effects	1.64
11) Resource Losses	1.72
12) Mitigation	1.92
13) Energy Effects	1.92
14) Costs/Benefits	2.00
TOTAL	XX

SCORE (Total/#) XX

RATING SYSTEM

Rating	Explanation
0	Does not address CEPA requirements
1	Addresses, but does not fulfill CEPA requirements
2	Minimally fulfills CEPA requirements
3	Completely fulfills CEPA requirements

FNSI SCORESHEET

PROJECT ..... DATE .....

REQUIREMENT	RATING
GENERAL	
1) Disclosure	yes no na
2) Timeliness	_____
3) Clarity	_____
DID THE FNSI INCLUDE ...	
1) Description	_____
2) Existing Environment	_____
3) Impacts	
a) Air	_____
b) Water	_____
c) Noise	_____
d) Land	_____
e) Historic	_____
f) Plant/Animal	_____
g) Toxics	_____
h) Visual	_____
i) Planning	_____
j) Energy	_____
k) Health/Safety	_____
4) Detail	_____
TOTAL	_____

Score (Total/#)_____

RATING SYSTEM

Rating	Explanation
0	Does not address CEPA requirements
1	Addresses, but does not fulfill CEPA requirements
2	Minimally fulfills CEPA requirements
3	Completely fulfills CEPA requirements

FNSI EVALUATION PARAMETERS

GENERAL

1) Disclosure - Did the contractor of the FNSI submit a disclosure statement specifying no financial interest in the outcome of the action? (22a-1a-7b)

2) Timeliness - Was the FNSI prepared enough in advance so that it could serve as an important contribution to the decision-making process? (22a-1a-7b)

3) Clarity - Was the FNSI clear, concise, to the point, and written in plain language so that it could be understood by the general public? (22a-1a-7e)

DID THE FNSI INCLUDE.... (22a-1a-10)

1) Description - A description of the proposed action?

2) Existing Environment - A description of the affected environment as it currently exists?

3) Impacts - Primary and secondary impacts on the environment? (22a-1a-3)

   a) Air - Impact on air quality.
   b) Water - Impact on water quality: public water supply system or effects on groundwater, flooding, erosion, or sedimentation.
   c) Noise - Impact on ambient noise levels.
   d) Land - Effects on coastal or inland wetlands, also soils, prime agricultural land, and geological features.
   e) Historic - Disruption or alteration of historic, archeological, cultural, or recreational buildings or sites.
   f) Plant/Animal - Effects on natural communitites and upon critical species and their habitats.
   g) Toxics - Use of pesticides, toxic or hazardous materials that would create extensive environmental impacts.
   h) Visual - Substantial aesthetic or visual effects.
   i) Planning - Inconsistency with state, municipal, or regional plans; displacement or addition of people; substantial increase in congestion.
   j) Energy - A substantial increase in the type or rate of energy use.
   k) Health/Safety - Creation of a hazard to human health or safety.

4) Detail - Reasonable detail to support a decision of no significant environmental impact?

FNSI SCORESHEET

PROJECT....CATEGORY AVERAGES..... (AVERAGE OF 25 FNSIs)

REQUIREMENT	RATING
1) Disclosure	yes no na
2) Timeliness	1.96
3) Clarity	1.96
DID THE FNSI INCLUDE...	
1) Proposal	2.24
2) Existing Environment	1.96
3) Impacts	
a) Air	1.95
b) Water	1.76
c) Noise	1.83
d) Land	1.64
e) Historic	1.92
f) Plant/Animal	1.32
g) Toxics	0.62
h) Visual	1.68
i) Planning	1.80
j) Energy	1.62
k) Health/Safety	1.52
4) Detail	1.68
TOTAL	XX

Score (Total/#) XX

RATING SYSTEM

Rating	Explanation
0	Does not address CEPA requirements
1	Addresses, but does not fulfill requirements
2	Minimally fulfills CEPA requirements
3	Completely fulfills CEPA requirements

PART IV

STATE LANDS MANAGEMENT ISSUES

STATE LAND MANAGEMENT ISSUES

Summary

Great changes are underway in Connecticut's landscape, as traditional semi-rural vistas give way to sprawling suburbs. Beyond aesthetic concerns, however, are the pressures and demands being placed on the state's public lands and land-based resources.

Early in 1987, the Council on Environmental Quality thought it important to determine whether the Department of Environmental Protection was adequately equipped with staff, funds, policies, and practices, to meet public demand. The Council concluded that the state's problems fall into two categories: problems that hinder land acquisition, and problems that interfere with management of state-owned lands. Though closely related, the problems are discussed separately in this report.

During 1987, the Council has observed several important changes, not the least of which is new DEP leadership. As a result of initiatives currently underway, the Council believes that the DEP, the General Assembly, and private conservation groups, working together, have the opportunity to create land acquisition and land management programs that will keep pace with public demand for years to come.

Among the Council's key findings are the following:

1. Trends and indicators point to increasing public demand for public outdoor recreation opportunities. Every study of Connecticut open space to date has projected a need to acquire significantly more lands, perhaps 100,000 acres or more.

2. The DEP is without a comprehensive land acquisition plan. Work toward a plan began in 1987.

3. Pressures on unique land resources warrant staff specialists within the DEP to coordinate public and private conservation efforts. Resources in need of special attention include:

-- River Corridors. Conservation of the state's unique rivers for their recreational, scenic, and natural resource value will require statewide coordination.

-- Natural Areas and Biological Diversity. The DEP has no management program for natural areas, nor a strategy for conserving the biological diversity of the state. Certain key components are in place, and the DEP initiated a study in 1987 that will lead to recommendations for a permanent natural areas program. Implementation of any recommendations will require staff and a modified organizational structure.

-- Trails. Many of the state's 500 miles of Blue-blazed hiking trails are threatened by development. Trail development and maintenance is coordin-

ated by private conservation groups and volunteers, but the state must act to protect trail corridors. Also, railroad abandonments offer the DEP many one-time-only opportunities to acquire long unbroken corridors; staff is needed to review and act on appropriate opportunities.

-- Heritage Parks. The DEP has begun work on planning a system of cultural or heritage parks. The chief problem is that the same person coordinating this project is the sole person in the parks unit who works on trails projects, special acquisition projects, long-term planning, and other projects.

4. Acquisition by the state of a parcel of land takes six to nine months (or longer) following the decision to acquire it. Effective planning is not possible without knowledge of how much money will be available for land acquisition in the following year.

5. The number of staff in the DEP's Land Acquisition and Management Unit has actually shrunk by 20% since the early 1970s. Individual real estate investment companies have more staff than the DEP inventorying and buying land throughout Connecticut.

6. Master plans for all of the DEP's major properties would aid DEP staff, state budget planners, and the public, hut plans exist for only a few. Master plans are underway for several parks, but with existing staff the job will require years to complete.

7. In the past, the Council has observed substantial delays in decision-making and action by the DEP, evidently due in part to an inability to manage and coordinate personnel effectively. Delays in decision-making are doubtless due also to the absence of comprehensive plans and the continuous need for staff to address day-to-day problems.

8. The DEP is not staffed adequately to meet current land management demands. Funding for long-term management has suffered when placed in competition with other, more immediate DEP needs such as hazardous waste management, water pollution inspection, and toxic air pollutant regulation.

SUMMARY OF RECOMMENDATIONS

All of the Council's recommendations are aimed at clearing away the obstacles that stand between the state and its established goals for public lands. All will cost money, but the Council believes that few other state expenditures will have such long-lasting beneficial impacts.

(An asterisk in front of a recommendation indicates that progress is underway).

*1. The DEP should develop a statewide land acquisition plan that identifies specific parcels. The plan must document the needs that each proposed acquisition is intended to meet.

*2. The DEP should coordinate the land acquisition priorities of its various units to develop department-wide goals and priorities.

*3. The DEP should implement programs to address the special outdoor resource problems confronting Connecticut, including conservation of

-- river corridors,
*-- natural areas and biological diversity,
-- trails, including abandoned railroad rights-of-way, and
*-- heritage or cultural parks.

*4. The DEP should develop master plans for all major state lands.

5. The DEP should institute tighter management controls to insure timely and informed decision making.

6. The General Assembly should establish a dedicated fund or a long-term bond authorization for acquisition of public lands. The fund should be large enough to allow state purchases totalling fifteen to thirty million dollars per year. This amount should be in addition to funds authorized for municipal land acquisition.

7. The General Assembly should appropriate funds for new land planning positions.

8. The General Assembly should fund several positions to administer the mechanics of land acquisition.

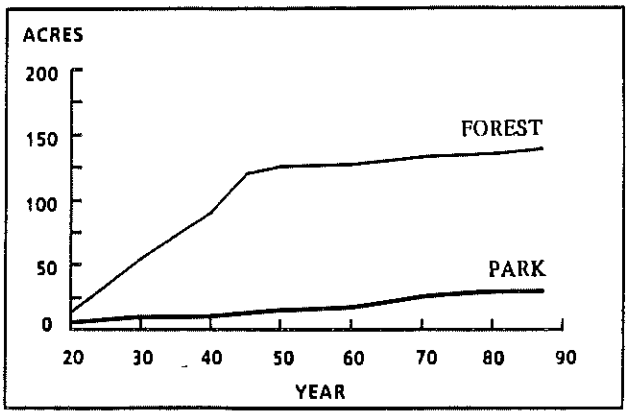
9. The General Assembly should fund a substantial number of new land management positions. These are essential for the state to address its land acquisition needs and land management needs simultaneously.

Trends and Estimates Affecting State Lands Management

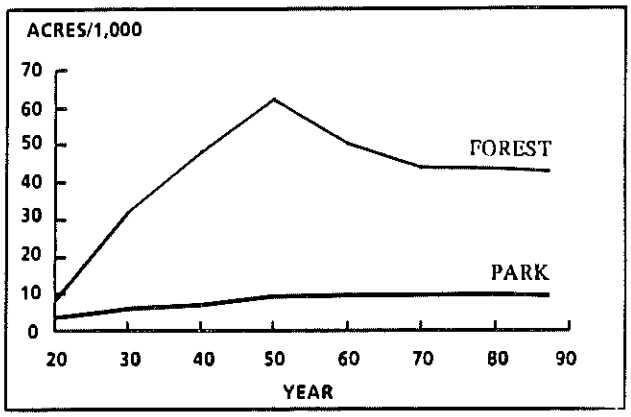
The Land

1. Acreage of Connecticut state forest land per capita has decreased 30 percent since 1950. Acreage of Connecticut state park land per capita has remained fairly constant since 1950, though the total acreage is much less than state forest land.

STATE FOREST AND PARK TRENDS:
THOUSANDS OF ACRES



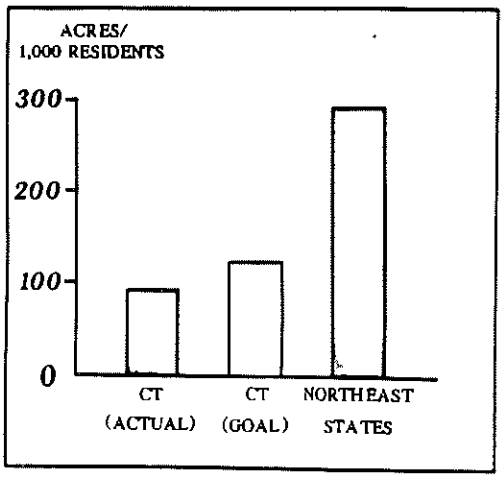
STATE FOREST AND PARK TRENDS:
ACRES / 1,000 RESIDENTS



2. Exact data for acreage of state wildlife management areas have not been summarized, but the acreage per capita has assuredly increased since 1950. Wildlife management areas are purchased largely with federal funds that originate from fees and taxes paid by hunters.

3. Considering all state recreation lands together with estimated acreages of municipal and nonprofit land trust lands, Connecticut appears to be well below the northeastern states' average of 294 acres per 1000 residents. Part of this disparity is due to the paucity of federal lands in Connecticut, as well as Connecticut's position as the fourth most densely populated state.

PUBLIC RECREATION LANDS
PER 1,000 RESIDENTS



4. Federal grants to Connecticut for open space acquisition and park development have declined by 80 percent since 1980.

5. Development is estimated to be affecting up to 19,000 acres annually in Connecticut.

6. The state is approximately 100,000 acres short of its goal of having roughly 300,000 acres, or ten percent of the state's area, in state ownership.

Use of the Land

7. As average per capita income increases, the gap between high-income and low-income families is increasing. According to the President's Commission on Americans Outdoors, there may be a growing demand for more private outdoor recreation resources among higher-income families, but a corresponding need for public recreation lands for less-affluent people. This contradicts the occasional charge of "elitism" that accompanies proposals to acquire more public open space.

8. Attendance at Connecticut state parks has been stable throughout the 1980s, but is more than double the numbers that visited state parks in the 1950s.

9. Complaints regarding state park facilities are reported to be increasing.

Background; Involvement of the CEQ

Twenty years ago, a state report called "The Green Land" warned of Connecticut becoming "another faceless, disorganized portion of Megalopolis." Since 1950, the acreage of state park and forest land per capita has declined (see p. IV-4, above). Federal Land and Water Conservation Funds fueled a brief surge in municipal open space acquisition and park development in the 1970s, but those funds have dwindled into insignificance (see p. II-6, above). The 1985 report of the Council on Environmental Quality listed several state reports that have recommended more land acquisition. Since then, a legislative task force concluded that the state should acquire another 100,000 acres in the next two decades. This goal was subsequently adopted by the DEP and private conservation groups. Early in 1987, the President's Commission on Americans Outdoors suprised many people by recommending a much stronger effort in this country to preserve land, with strong roles for the states.

A state goal for land acquisition having been adopted, the Council decided to look at the obstacles that stand between the state and its goal. Despite a record $5 million dollar bond authorization in 1987 for the state's new Recreation and Natural Heritage Trust Fund, the Council saw a need for stronger state action. The Council arrived at several recommendations for administrative and legislative action.

Acquisition is not the only land-related action that needs a boost. As a result of some citizen complaints and Council members' general observations of DEP land activities, the Council saw that the DEP was not equipped with adequate staff, funds, and established policies to properly manage all of its existing lands. The Council invited representatives of citizen groups, including sportsmen's organizations and land preservation groups, to speak to the Council about the problems they perceived. The Council concluded that many DEP land-related programs are without significant problems; in some areas, however, there are clear opportunities for improvement.

In conducting its review, the Council examined the relative roles of the DEP and General Assembly in maintaining the state's approach to land conservation. The General Assembly's attitude toward funding more acquisition is inextricably linked to the DEP's track record of maintaining and managing the lands under its jurisdiction. The DEP's ability to manage its lands properly, in turn, depends on how much money is available for staff and equipment, as well as on departmental goals and strategies that enable the department to use funds wisely. Inadequate appropriations strain the ability of the DEP to manage, leaving the General Assembly with little inclination to give the DEP funds to acquire even more land.

For Connecticut to have a first-class system of parks, forests, and other public lands, both ends of the land conservation issue must be approached simultaneously: The DEP's land management capabilities must be expanded at the same time that a coordinated, well-planned campaign is launched to acquire key parcels for public purposes.

The Council hopes that its recommendations can be used to help clear the obstacles to a successful state system of land acquisition and management, one which complements the economic vitality and inherent state pride of Connecticut. All of the recommendations require money. Even the substantial initiatives taken by the DEP in 1987 will require money for completion. The Council cannot envision any other type of state expenditure which could yield more long-lasting results.

The DEP's Role in Land Acquisition

For at least two decades, the DEP has been documenting the state's inadequacies in meeting public demand for outdoor recreation opportunities. Beaches are the most obvious scarcity -- with a supply shortage of 50,000 to 100,000 spots for people -- but the State Comprehensive Outdoor Recreation Plan (SCORP) notes several other immediate problem areas. The DEP, however, has not usually displayed an aggressive attitude in acquiring needed lands. Most land acquisition in recent years has occurred as a result of offers made to the state which happened to fulfill one or more program objectives, or as a result of acquisition projects specifically mandated by the legislature (e.g., West Rock Ridge State Park, Weir Farm). One-third or more of the DEP's land acquisition effort is devoted to flood control projects, some of which have no public open space benefits.

The DEP's passive approach to land acquisition is due in part to a lack of non-earmarked funding. There has been a general reluctance by the legislature to make substantial bond authorizations for general open space acquisition to be used at the DEP's discretion. As a result, the DEP cannot plan multi-year acquisition campaigns. Among the reasons expressed for this reluctance is legislators' concern about the lack of a clear, parcel-specific plan showing what land would be bought if the money were made available. The DEP's passive approach of buying land offered to it, where it meets identified needs, has been unsatisfactory to legislators who evidently believe the DEP should be able to identify the lands that allegedly are so desperately needed.

The Council on Environmental Quality has identified four elements which, if implemented, would serve to invigorate the DEP's crucial role in Connecticut's land conservation effort:

1. A Plan -- The DEP has not, until now, developed a map that shows exactly what lands it needs. (A rough attempt was made by the State Park and Forest Commission in 1965 to show approximate "acquisition areas" for projected park and forest expansion, but these were generally just expanded lines around existing state-owned areas). A clear Plan, based on carefully-documented recreation and conservation needs, will substantiate the financial requirements that are needed. The general needs are, in fact, documented and up-dated every few years in the aforementioned SCORP, but they have never been translated to real lands on a map.

One potential risk in targeting specific parcels for acquisition is the danger that the value of those lands might increase sharply, especially where

landowners are successful in obtaining local building approvals prior to actual acquisition by the state. The Council notes, however, that other states have identified probable acquisition areas, and Connecticut has done this successfully in the case of West Rock Ridge State Park, where the park boundaries were established years ago and acquisition is still ongoing. As when acquiring land for highways, there is simply no way to acquire all of the parcels needed for a large park without identifying them in advance.

The Council on Environmental Quality is extremely encouraged to see that DEP Commissioner Leslie Carothers, who took office only at mid-year, has already organized a two-stage planning effort. The first stage will yield a map showing all state lands. The second stage will be an acquisition map supported by a set of priority needs. All parties involved in land acquisition should recognize the historic importance of the forthcoming plan.

2. Improved Inter-Unit Coordination -- Comments from citizens have suggested that the DEP has been unable to speak with a "unified voice" on land acquisition goals and priorities. Each land management unit can evaluate a parcel in relation to its own needs, but no organizational structure exists to sort out units' competing needs or to integrate them into a coordinated plan. This is another area where, during the course of the Council's review of land management, the DEP has made large improvements. First, an inter-unit task force was established to set goals and priorities. Second, a position was established within the Commissioner's office to work on department-wide land acquisition and land-use policies.

3. An Aggressive Campaign -- If the DEP continues to wait for desirable parcels to become available only through offers to the state, the department's plan (#1, above) will probably never be completed. Once land is identified, the department needs to develop a proactive approach, contacting landowners to begin negotiations. In rare instances, the state may need to use eminent domain. To allow development in certain key areas would seriously damage major portions of an acquisition plan, and the state must be prepared to protect the general welfare by acquiring critical lands from landowners who would prefer to develop the land. The Council urges caution in all state uses of eminent domain, but recognizes that an acceptable network of public lands is as important to the health of the state as its highway system or utility network. Of what value is a state park with condominiums in the middle of it?

There may never be a need to actually use eminent domain. The important actions are to identify each parcel needed, to contact the landowner, and to make an offer on the land. The DEP appears willing to adopt this approach, but it cannot plan into the following year if it does not know how much money will be available.

4. Special Programs -- The sprawl of land development in Connecticut is creating pressures on many types of land-based resources simultaneously, including several special types which warrant DEP attention:

- River Corridors -- The Connecticut, Housatonic, Salmon, Shepaug, and Farmington Rivers, as well as others, have stretches of great scenic value and

recreational potential, many of which are jeopardized by inappropriate development. The DEP is not equipped to devote special attention to these unique lands. River corridor protection efforts to date have relied on the efforts of non-profit watershed councils and other conservation organizations, as well as the Connecticut River Gateway Commission and Connecticut River Assembly which attempt to ensure appropriate development with minimal state funding. In November, The Nature Conservancy announced a ten million dollar campaign to conserve ecologically valuable sites along the Connecticut River, but a large state role will be critical if more than isolated parcels are to be preserved.

Development need not be prohibited for the scenic and recreational values of a river corridor to be protected. The President's Commission on Americans Outdoors, in devoting an entire chapter in its final report to river protection needs, calls for private-public partnerships as well as more state involvement. However, the state must determine soon what lands are essential for public ownership, and what types of municipal land-use regulations are appropriate in the corridors. The Council commends the department's recent efforts to develop a municipal hand-book for river protection. The Council further recommends the establishment of a staff position to oversee and coordinate the state's role in river protection.

- Trail Corridors -- Much time, effort, and money have been spent by government agencies and non-profit groups to establish a permanent corridor for the Appalachian Trail segment in northwestern Connecticut. Much more travelled, however, are the five hundred miles of major hiking trails (the "Blue-blazed" or "Blue" Trails) in the state. While large sections of many trails traverse state parks and forests, many miles also cross private land, some of which is threatened by development. By a long and commendable tradition, volunteers maintain the trails, and even negotiate with landowners to establish new or replacement trail sections. But volunteers cannot acquire needed lands.

The Shenipsit Trail in Eastern Connecticut is a good example of the plight of many trails; as a hiker emerges from the Meshomasic State Forest, he or she walks through privately-owned woodlands that have obviously been surveyed for development. Further along, the hiker must use roads to get to the next trail section on protected (land-trust owned) lands. Volunteers have recently negotiated with land developers and private landowners to establish a new trail corridor; the trail will go through the middle of several housing developments. The state has lost forever the opportunity to develop a permanent scenic corridor, one that could have been established by linking the unconnected pieces of state-owned land.

Many miles of former railroad rights-of-way have been or will be officially abandoned. At the time of abandonment, the state has a one-time-only opportunity to acquire the corridors for recreational purposes. Former railroads are recognized universally for their unique trail potential. Some other states have aggressive campaigns to save the rails for trails, and citizen groups have been working in Connecticut to encourage the DEP to acquire abandoned rail corridors. The DEP is on record as being in favor

of preserving certain corridors -- as some railways have been preserved in the past -- but the abandonments could overwhelm the one staff person who currently works on these projects as a small portion of his job.

The Council recommends that a staff position be established within the DEP to coordinate statewide trail protection. The state should work to aid and complement the trail work of the Connecticut Forest and Park Association and other groups.

- Natural Areas and Biological Diversity -- The state has no formal program for protecting unique ecosystems or for preserving biological diversity. The DEP has many of the needed elements of such a program -- including the Natural Diversity Data Base where records of rare species are kept -- but no management unit within DEP is charged with maintaining biological diversity per se. Land purchased through the Recreation and Natural Heritage Trust Fund for the purpose of preserving a unique natural feature is necessarily assigned to the parks, forestry, or wildlife bureau for managment, yet the necessary management may not fit well with that bureau's overall management goals.

Through the Natural Area Preserves Act, Governor O'Neill has dedicated several parcels of state-owned lands as "Natural Area Preserves," which gives those lands the highest level of protection possible under state law. For recommendations regarding lands to dedicate, the Governor relies on the Natural Area Preserves Advisory Committee, which has no official status; it functions only with the assistance of individuals from several DEP units and conservation organizations. The Advisory Committee makes recommendations, but has no management responsibilities or capabilities itself. Furthermore, its recommendations are limited to land already owned by the state.

The DEP has begun to address this problem. In progress is a plan for a natural area program. It is anticipated that such a program would coordinate all aspects of natural area preservation (except for the actual acquisition services); in short, it would establish within the DEP an office or bureau having responsibility for working to ensure maintenance of the state's biological diversity.

The Council commends the DEP for working to establish a formal natural areas program, and recommends this approach for other special needs such as river protection and trail coordination.

- Heritage Parks -- Pioneered in Massachusetts and a few other states, heritage parks are typically small, urban attractions of historical significance. Restored mills, riverfront foundries, canal locks, and other uncommon features are among the types of cultural resources turned into heritage parks. Some such parks have great economic development potential by way of attracting tourists.

The DEP deserves credit for initiating successful legislation mandating a plan for a Connecticut heritage parks system. Planning work is underway. The key problem is that the sole staff person working on heritage parks is also the sole person who works on rails-to-trails proposals, special acquisition projects, long-term planning, citizen requests and complaints, and other duties.

The DEP's Role in Planning

The DEP's Office of Parks and Recreation functions without benefit of master plans for most of its parks. Although master plans aid park managers, state budget planners, and the public, plans have been completed for less than a dozen of the state's 90 parks. Plans are in progress for most of the state's 20 or so "major" parks. The plans take much time to complete, however, as they are based on assessments of public need and resources of the site. The DEP has less than the equivalent of two full-time persons working on master plans.

The DEP clearly needs a larger staff to plan the basic services and facilities of state parks, in addition to the need for special planning staff described in previous sections.

The DEP's Role in Managing State Lands

As the population expands and outdoor leisure activities grow in popularity, more people use state parks and forests. Although some state lands see relatively few visitors, facilities in others require continuous maintenance to keep pace with public use. As a park becomes more popular, outdated or undersized facilities must be improved. Pending improvement, maintenance demands grow.

Although no numbers are available, the DEP reports an increase in complaints regarding parks. Clearly, significantly more field staff are needed to maintain and manage existing parks.

Some management problems are caused by a shortage of certain types of parks -- beaches, for example. Other types are worsened by the lack of master park plans; when it becomes apparent that an expensive new facility of some type is needed in a park, the capital planning must be done by the same limited staff that draws the master plans. However, the new facility might not be tied into a master plan.

An additional type of problem -- one that has involved the Council on Environmental Quality several times in 1986 and 1987 -- is the public's inaccurate understanding of what are and are not allowable park management practices. The Council contends that clear master plans, developed with public involvement, would go far to help citizens know what to expect in the state parks in their own towns.

As one example, a group of citizens complained about the building of a skating rink and other improvements in a state park. The citizens believed that the park had been given to the state as a wildlife preserve. In truth, the deed specified only that the land be used "for park purposes," which would include a skating rink. If a master plan for the park existed, the citizens would know exactly what to expect. At the time of the plan's development, they could also contribute their personal knowledge of the park's wildlife resources which concerned them.

CASE STUDY

The Meshomasic State Forest includes land in five eastern Connecticut towns. Like many state-owned lands, it is highly fragmented, with numerous inholdings and irregular boundaries. Until recently, the state land was indiscernible from private woodlands within and surrounding it. Housing development is advancing rapidly as new roads are built toward the inholdings (which are surrounded on three sides by the state forest). Proposed development imminently threatens a popular Blue-blazed hiking trail as well as habitat for a very rare wildlife species that inhabits only one other area in the state, and general state forest multiple-use management goals.

Years ago, the state could have "rounded out" the state forest, eliminating inholdings and acquiring important adjacent lands for relatively little money. Now the job will cost millions of dollars.

Three problems are illustrated by this case. First, it shows the necessity of having a standing fund which the DEP could tap quietly and continuously to acquire needed lands when the opportunity to acquire them is still at hand. Second, it highlights the need for coordination of DEP's objectives: Protection of the trail corridor, rare species, recreation potential, or timber potential of the land, when considered singly, might not merit aggressive acquisition action by any one unit of the DEP, but considered together would surely place the land near the top of any list of priorities. Of course, the DEP may not even know when development is proposed -- or even completed -- within or next to state lands, which points to the third problem, the need for adequate field staff to monitor threats to parks and forests.

A second example is a proposal by a developer to tap ground water resources in a state forest. How does that proposal fit with the overall objectives of the state for fisheries, wildlife, timber, and recreation management? Without a plan one does not know. The same is true when, as occasionally they do, other state agencies propose to use DEP lands for other state purposes.

A more infamous example is the ill-fated timber harvest in Devil's Hopyard State Park. The General Statutes make no distinction between state parks and state forests with relation to management practices, and for many years the DEP has managed forested lands within parks similar to the way state forests are managed. Many citizens believe, incorrectly, that timber harvesting is not permitted in state parks. Many other citizens believe -- correctly, in the opinion of the Council -- that forested state parks should be managed differently than state forests, with parks managed for recreation, and forests for wood and wildlife. Following the Devil's Hopyard controversy, the DEP set out to develop a new policy regarding forest management in state parks. Nearly two years later, the policy is still in a draft stage.

The Council recommends that the DEP accelerate, overall, its determinations of how it is to manage each piece of land; this acceleration should complement the anticipated increase in land management staff.

Public Participation in DEP Planning and Management

State land planning and development must be done on a state-wide basis. Local sentiment -- favoring or opposing additional development of a park, for example -- must be considered but should not be the most important factor in planning a state park system. Nonetheless, the knowledge and concern of nearby residents should be solicited and considered by state lands planners. The Council has observed the keen interest that many citizens take in state parks near their homes. A person who frequents a particular park may know more than state personnel about the wildlife and other resources of the park. It would be valuable for the DEP to have the information that such concerned citizens could provide. The DEP should have little difficulty separating real concerns and useful information from generalized opposition to increased public access.

The Council recommends that the DEP establish a formal mechanism for soliciting public comment on all master plans and major projects proposed for parks. Public review would also be appropriate for major projects in state forests. The Council notes the DEP's efforts to involve the public in several large park projects, such as the Windsor Locks Canal and West Rock Ridge State Park, and recommends that such efforts be extended to all major planning and development projects on state lands.

The Role of the General Assembly in Land Acquisition and Management

The key role of the General Assembly is in providing adequate funding for both acquisition and management. It is interesting to explore some of the obstacles to adequate funding.

- Competition for Funds -- Like any other long-term program, land acquisition and management often lose out when in competition with highly visible, immediate pressures. Because land management units are within the DEP, they are perceived to be in competition for budget increases with such urgent problems as hazardous waste clean-up, toxic air pollution control, and water compliance. With the U.S. EPA mandating staff increases in those areas, the DEP cannot usually obtain the funds needed also for land management staff. Staffing needs in the DEP's land management units should be viewed independently of budget appropriations needed by the Department's pollution-related units.

- The Dedicated Fund -- The institutional and political obstacles to a state dedicated fund for land acquisition are many, but a simple fact cannot be controverted: Acquisition of a parcel of land by the state takes 6 to 9 months, from the decision to buy the land to the actual transaction. Even if all administrative procedures are pared to the absolute minimum, the process cannot be shortened to less than 4 to 6 months. The DEP cannot mount a sizable, credible campaign of negotiating with several landowners simultaneously unless it knows how many dollars will be available in the following fiscal year. Even the President's Commission on Americans Outdoors surprised everyone in 1987 by recommending a dedicated national fund for outdoor recreation needs. In 1985, the Council recommended creation of a dedicated state land acquisition fund; in 1987 it finds that the need is even greater.

A Model: Connecticut's Agricultural Land Preservation Program

Because the purpose of Connecticut's Agricultural Land Preservation (Purchase of Development Rights) Program is to help maintain agriculture as a viable economic enterprise in the state, the Council has not considered it as an open space program. Nonetheless, agricultural land does provide some open space benefits, including scenic value and, on some farms, certain forms of outdoor recreation. More importantly, the success of the state's farmland preservation program should inspire a parallel open space effort.

Connecticut has spent many millions of dollars to preserve productive agricultural land permanently. Initially, the program had administrative flaws and funding problems. Once the administration and the General Assembly decided to make a strong, long-term commitment to it, however, the program took off. Because of the Governor's strong support, and the willingness of the General Assembly to fund staff positions and authorize adequate bonding, the acreage preserved has shot from less than 3,000 acres in 1982 to more than 12,000 acres today.

A larger effort will be needed to meet the state's open space goals. The key lesson of the agricultural land preservation program is that once all of the critical parties commit themselves to a major, long-term effort, ambitious goals can be obtained.

PART V

1987 ACTIVITIES OF THE C.E.Q.

1987 ACTIVITIES OF THE COUNCIL ON ENVIRONMENTAL QUALITY

The Council maintained the course it charted in 1985: In-depth evaluations of selected state environmental problems, careful review of state agency construction projects, and active investigation of citizen complaints. Highlights of 1987 CEQ activity include the following:

- The Council worked closely with the General Assembly to implement the Council's 1986 recommendations for improving Connecticut's inland wetlands program. Council staff continues to work with the DEP in amending pertinent regulations.

- The expanding use of wetlands creation as a means of compensating for wetlands destroyed by construction was one wetlands issue not addressed in the 1986 CEQ Annual Report. In 1987, the Council researched the issue, gathering information and receiving testimony from state agencies, practitioners of wetlands creation, and other concerned parties. In December, the Council issued a recommendation to the Department of Environmental Protection, in which the Council recommended the adoption of a state policy regarding wetlands creation. The recommendation contained several key points for inclusion in the policy, including a greater emphasis on analysis of wetlands functions, in contrast to federal policies that require acre-for-acre replacement of wetlands.

- The Council designed and implemented a scoring system to evaluate the adequacy of all Environmental Impact Evaluations (EIEs) and Findings of No Significant Impact (FNSIs) submitted for state agency construction projects. Using a three-point rating system based on requirements of the Connecticut Environmental Policy Act, the Council assigns a score to every category of an EIE or FNSI; the Council submits comments and recommendations to the sponsoring agency regarding any category that is found to be inadequate. By using this new, systematic review process, the Council hopes to be of assistance to agencies in improving the overall quality of EIEs and FNSIs. See Section III of this report for more details.

- The Council reviewed approximately 20 Environmental Impact Evaluations and Findings of No Significant Impact issued by state agencies. CEQ comments led to several significant changes.

- More than 30 citizens complaints were received that required action by the Council. (This does not include simple referrals to other agencies, requests for information, and other "one-shot" phone calls, all of which are countless and uncounted). The Council was able to help obtain appropriate action from relevant agencies.

In conducting its work, the CEQ attempts to work with other agencies, citizens and citizen organizations, and other interested parties. The Council looks forward to working with Governor William O'Neill, the General Assembly, the Department of Environmental Protection, other state and local agencies, citizen groups and individual citizens toward implementation of this report.

CEQ Members

Gregory A. Sharp, Chairman. Resident of Northford. Partner in the law firm of Sharp and Berger. Formerly employed by the Connecticut Department of Environmental Protection. Vice-chairman, Conservation and Environmental Quality Section of Connecticut Bar Association. Member, Department of Health Services' Scientific Advisory Panel. Member, DEP Environment 2000 Advisory Committee. Secretary, Injured and Orphaned Wildlife, Inc. Formerly on board of directors, Connecticut Audubon Society, and Connecticut Fund for the Environment. Former member, Governor's Pesticides Task Force. Former member, Solid Waste Management Advisory Council.

Dana S. Hanson. Resident of Newington. Executive Director, Capitol Region Council of Governments, 1968 to present. Former manager of Regional Affairs Department, Greater Hartford Chamber of Commerce. Former executive director, Cambridge (Massachusetts) Civic Association. Former member, Bolton School Board.

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Nancy Kriz. (Term expired, 1987.) Resident of Thompson. President, Connecticut Association of Conservation and Inland Wetlands Commissions. Former member (1970-1986) and chairman (1980-1986), Thompson Conservation and Inland Wetlands Commission. Former chairman, Household Hazardous Wastes Task Force of Northeast Connecticut. Member, DEP Household Hazardous Wastes Advisory Committee. Member DEP Environment 2000 Advisory Committee. Author of numerous articles in environmental publications and area newspapers. Registered medical technologist.

John D. Pagini. Resident of Coventry. Director of Community Development and Planning, Town of Enfield. Former Senior Land Use Analyst, Robinson & Cole. Former Environmental Planner, Town of Glastonbury. Former member (1979-1981) and chairman (1980-1981), Coventry Planning and Zoning Commission and Inland Wetlands Agency. Recipient, Professional Conservationist Award, Connecticut Association of Soil and Water Conservation Districts (1980). Member, American Planning Association. Member, American Institute of Certified Planners.

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Barbara Uchino. Resident of Woodbridge. Formerly on board of directors of Connecticut Fund for the Environment. Treasurer, West Rock Ridge Park Association. Formerly on board of directors, Connecticut Chapter of Sierra Club, also chair of New Haven group and political action committee. Former publicity chair, League of Women Voters of Amity. Feature writer, Woodbridge-Bethany Bulletin, Milford Citizen.

Mary Waiton. Resident of Griswold. Organizer of Save Our State Committee, involved in major environmental issues of eastern Connecticut. Recipient, U.S. Environmental Protection Agency Region I Environmental Award, citizen activist category. Delegate to Southeastern Connecticut Regional Planning Agency (15 years); former chairman of its program committee and member of reference committee. Represents Town of Griswold on Southeastern Connecticut Regional Resource Recovery Authority.

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ACKNOWLEDGEMENTS

Most of the research for the Connecticut Environmental Policy Act section, as well as much of the writing, was done by Anthony Irving, an intern and graduate student from Yale University, School of Forestry and Environmental Studies. The Connecticut Environmental Quality Index was put together largely by William Allen, an intern and recent graduate of the College of the Atlantic. The typing was done (without benefit of a word processor) by Wanda R. Ashe, CEQ staff member. Invaluable assistance was given graciously by Eileen Ramakrishnan of the DEP's Air Compliance Unit, who produced the graphs for this report. Caryn Alleva of the DEP's Information and Education Unit also provided some graphics assistance. The CEQ offers its sincere thanks to all DEP staff members who provided information for this report. Many citizens and environmental leaders also provided much useful information.