

COMMISSIONER OF ENVIRONMENTAL PROTECTION

2006 ANNUAL REPORT

to the

ENVIRONMENT COMMITTEE

in compliance with

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

April 2007

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to the

ENVIRONMENT COMMITTEE

per

GENERAL STATUTES OF CONNECTICUT, SECTION 23-8(b)

STATE GOAL FOR ACQUISITION OF OPEN SPACE

GOAL

Section 23-8(b) of the General Statutes of Connecticut states that, "The goal of the State's Open Space Acquisition Program shall be to acquire land such that ten percent of the state's land area is held by the state as open space land and not less than eleven percent of the state's land area is held by municipalities, water companies or nonprofit land conservation organizations as open space land..."

The Commissioner of Environmental Protection is charged with the responsibility of developing a strategy for achieving the state's goal in consultation with the Council on Environmental Quality and private nonprofit land holding organizations.

STATUS

Connecticut has a total landmass of 3,205,760 acres. Thus, ten percent of the state's land area is 320,576 acres. To have 21 percent of the state's land preserved as open space would require 673,210 acres to be held by the state, municipalities, private land conservation organizations, and water companies.

The State has acquired approximately 251,001 acres as open space land in its system of park, forest, wildlife, fishery, and natural resource management areas. Of this total, approximately 235,190 acres have been acquired in fee. Acquisition of less than fee interests are atypical, but include the purchase of conservation easements and restrictions. Two of the more noteworthy, less than fee purchases include the Kelda and Childs properties. These two acquisitions account for 9,025 acres in conservation easements and 6,273 acres in conservation restrictions. Thus, the Department of Environmental Protection (DEP) currently holds 78 percent of the 320,576 acres targeted for state open space acquisition.

It is estimated that nonprofit land conservation organizations own 57,327 acres in Connecticut. Municipalities in Connecticut are estimated to own 74,971 acres of land as open space. Class I

and Class II water company lands in Connecticut currently total approximately 97,500 acres. Together, open space acreage held by these entities is 229,798 acres. Based on a target of 352,630 acres in total open space holdings for these entities, they currently hold 65 percent of their targeted open space goal.

The 251,001 acres of state open space represents eight percent of Connecticut's land area, and the 229,798 acres of open space held by municipalities, non-profits and water companies is seven percent. This results in a total of 480,798 acres held as open space or 15 percent of Connecticut's land area.

ACQUISITION NEEDS

To meet the goals set forth in the statute, the State of Connecticut must acquire an additional 69,576 acres of open space and encourage the acquisition of 122,835 acres by municipalities, private nonprofit land conservation organizations and water companies.

ACTION 2006

I. PLANNING:

A. Property Review. The DEP continues to review and evaluate properties eligible for purchase through the Recreation and Natural Heritage Trust Program (RNHTP). During the past year, 95 properties were reviewed, 33 of which were approved for acquisition. The number of properties submitted for review as possible acquisitions increased dramatically from last year when 52 properties were reviewed and 23 were approved for acquisition. The increase in number of applications received, along with the decline in housing starts is evidence that the real estate market is slowing.

B. Open Space Inventory. The DEP continues to make progress on the Protected Open Space Mapping (POSM) project designed to collect and catalogue all protected open space parcels in Connecticut. These parcels consist of State, Federal, Municipal, and Non-profit holdings, and were last updated in 1990. This project will result in the completion of a Geographic Information System (GIS) geodatabase encompassing all 169 Connecticut municipalities. Additionally, completion of this project will provide DEP with an accurate measure of where we are in meeting the open space goal. At present, data from 77 municipalities has been mapped and catalogued. Once completed, the GIS database will provide an accurate measurement of the State's open space lands and will more accurately assess the State's progress in meeting Connecticut's goal of preserving 21 percent of its total acreage as open space by 2023.

C. N.U. Property Review. The Conservation List consists of Northeast Utilities properties, that were identified by DEP as desirable for acquisition as open space, in conjunction with a Memorandum of Understanding (MOU) signed on April 12, 2000,

will remain in effect for a period of ten years running from July 1, 2004 to June 30, 2014. The "Conservation List" identified those parcel considered desirable for acquisition as open space. This list was finalized on July 2, 2004 and is used to identify NU properties located adjacent to other prospective acquisitions that may create greenway opportunities.

D. SCORP. DEP finalized Connecticut's State Comprehensive Outdoor Recreation Plan (SCORP). This Plan serves two purposes. First, it was submitted to the National Park Service (NPS) to meet requirements for funding under the Federal Land and Water Conservation Fund Program. This Program provided DEP with \$428,517 in FY 2006 that may be used for open space preservation or the establishment of facilities for public recreational use. Second, the Plan assesses the status of Connecticut's outdoor recreational resources. The Plan will serve as a building block in Connecticut's overall strategy for open space acquisition and the development of outdoor recreational facilities.

E. CELCP. Connecticut's Coastal and Estuarine Land Conservation Plan (CELCP) is a federal grant program established by Congress to better protect coastal and estuarine areas that have significant conservation, recreation, ecological, historical or aesthetic values, especially those areas threatened by conversion from their natural or recreational status to other uses. DEP's Office of Long Island Sound Programs (OLISP) has identified what comprises "key coastal land conservation needs within Connecticut." DEP's Land Acquisition and Management Division (LAM) working with OLISP compiled a list of several potential property acquisitions, which coincide, with the list of priority areas. In November of 2006, DEP responded to a Notice of Federal Funding Opportunity issued by the National Oceanic and Atmospheric Administration. DEP nominated a 1,000-acre coastal forest acquisition conservation project with the Town of Old Saybrook. In addition to protecting a large block of unfragmented coastal forest believed to be part of an important bird migration corridor, the forest contains highly productive inland wetlands, vernal pools, state listed species habitat and a rare white cedar swamp. DEP expects to be notified in the Spring of 2007 if its coastal land acquisition proposal was selected for possible funding through CELCP's, fiscal year 2008 appropriations process.

F. GREEN PLAN: The first Connecticut Green Plan was prepared in July of 2001 to provide a five-year plan (Fiscal Years 2001-06) to work towards achieving the open space goal. A DEP internal work group has been commissioned with the task of updating the Green Plan on or before June, 2007.

G. ENCROACHMENT ISSUES: The DEP is in the process of establishing an Encroachment Enforcement Response Policy in an effort to preserve and protect lands held in public trust as protected open space. Public Act 06-89 was enacted to better protect publicly held open space by severely penalizing those who encroach upon it. Encroachment means to conduct an activity that damages or alters the land, vegetation, or other features, including erecting buildings or other structures; building roads, driveways, or trails; destroying or moving stone walls; cutting trees or other vegetation; removing boundary markers; installing lawns or utilities; or using, storing, or depositing

vehicles, material, or debris. The act which became effective October 1, 2006, prohibits people, without the owner's permission or other legal authorization, from encroaching or causing anyone to encroach on (1) open space land, or (2) any land in which the state, its political subdivision, or a nonprofit land conservation organization holds a conservation easement interest.

II. ACHIEVING STATE GOAL:

A. State Acquisitions. During 2006, DEP acquired 317 acres of land located in eight municipalities at a total purchase price of \$3,741,340. Purchases were made through the Recreation and Natural Heritage Trust Program (RNHTP), which is the DEP's primary vehicle for meeting the ten percent open space goal of acquiring lands for Connecticut's system of parks, forests, wildlife, fisheries, water access and natural resource management areas. A list of properties acquired through the RNHTP during calendar year 2006 is included in Appendix A.

B Highlands Program. Provides funding for the acquisition of lands or interest in land (forest and farm) in the states of Connecticut, New York, New Jersey and Pennsylvania. Since the Highlands Conservation Act was enacted in November of 2004, no funds have been appropriated either for land conservation projects or Forest Stewardship activities. During 2006, DEP submitted the Litchfield Farms, Inc. Property for funding. The property is located in the Towns of Litchfield and Torrington and contains a total of 670 acres, of which 220 acres are pasture and 450 acres are forested. A request for \$2,500,000 was made, but did not receive approval.

D. Forest Legacy: Provides funds to protect private forestlands at risk of development through the purchase of conservation easements. Since 1996, Connecticut has received over \$5 million in federal funds to protect over 6,000 acres of forestland from development. During 2006, \$2.4 million was requested for the Skiff Mountain project in Kent and Sharon to protect 907 acres owned by seven adjoining landowners. Only \$1.2 million was appropriated for the project, resulting in an additional request of \$1.2 million for fiscal year 2007 funding to complete the project.

III. ASSISTING MUNICIPALITIES AND NONPROFIT ORGANIZATIONS:

A. Grant Awards. During 2006, \$6,935,098. was awarded to 28 projects through the Open Space and Watershed Land Acquisition Grant Program (OSWA) for the acquisition of approximately 1,944 acres of permanently protected open space land. Of the total \$6,935,098, \$3 million dollars in funding was derived from the Community Investment Act Fund. The grant program leverages state, local and private funds to create a cooperative open space acquisition program. The OSWA Grant Program provides grant funds to municipalities and private nonprofit land conservation organizations for the acquisition of open space land and to water companies to acquire

land classified as Class I and Class II watershed land. The State of Connecticut receives a conservation and public access easement on property acquired to ensure that the property is protected and available to residents of Connecticut as open space in perpetuity. Class I watershed land is sometimes exempt from the public access requirement for health and safety reasons. Property acquisitions funded through the OSWA Grant Program during calendar year 2006 are listed in Appendix B. Additionally, properties closed through the OSWA Grant Program during calendar year 2006 are listed in Appendix C.

B. Community Investment Act. During the 2005 Legislative Session, an act was passed which creates a mechanism to fund affordable housing development, farmland acquisitions, open space purchases, and historic preservation. It requires town clerks to collect an additional \$30 fee for each document they record in the town's land records. The state receives \$26 of each recorded document fee and the town keeps \$4. Of the monies collected, the DEP will receive 25 percent for municipal open space grants. At the end of 2006, DEP had collected approximately \$6 million dollars in funding. A total of \$3 million dollars in funding was added to the twelfth round of the Open Space and Watershed Land Acquisition Grant Program.

AGENDA 2007

A. State Acquisition. As Bond Commission funds become available, DEP, LAM Division will continue to evaluate and acquire land through the Recreation and Natural Heritage Trust Program. Currently, there are 35 properties with a value of approximately \$12,000,000 in advanced stages of closing. In addition, there are numerous properties with an approximate value of \$60,000,000 that have been approved for acquisition but lack the necessary funding.

B. Grants. If additional Bond Funds are approved for the Open Space and Watershed Land Acquisition Grant Program, a "thirteenth round" of grants will be announced in 2007. Eligible applicants include municipalities, private nonprofit land organizations and water companies. If there is a grant round, Community Investment Act funds will be used to supplement bond funds.

C. Open Space Inventory. The DEP will continue the process of collecting the data necessary to complete the Protected Open Space Mapping Project (POSM). LAM has requested the establishment of two durational property agent positions who will be assigned the task of collection and cataloging data.

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

E. CELCP. The DEP, in cooperation with the National Oceanic and Atmospheric Administration (NOAA), will pursue Federal matching grant money for property acquisitions that meet the established guidelines for CELCP. It is expected that NOAA will conduct a competitive grant process open to coastal states with approved CELCP Plans in FY2008. DEP's LAM Division and Office of Long Island Sound Programs (OLISP) will monitor the federal F/Y 2008 CELCP budget process to determine if the 1,000 acres coastal forest acquisition opportunities in Old Saybrook is awarded funding. DEP expects to nominate another CELCP project in November 2007 pursuant to NOAA's issuance of a notice of Federal Funding opportunity for federal F/Y 2009. LAM will work closely with OLISP, The Nature Conservancy, and the local land trusts, to negotiate purchase contracts with the property owners, contingent upon the DEP's success in obtaining matching federal grants under this program.

F. Forest Legacy : The DEP has applied for FY 2007 funding in the amount of \$1.2 million for the Skiff Mountain Project, Phase II, located in the Towns of Kent and Sharon.

G. Highlands Program: The DEP has applied for FY 2007 funding to assist in the acquisition of the Litchfield Farms Property. The property is located in the Towns of Litchfield and Torrington and consists of 753 acres of land. Preservation of this property would provide ridgeline and scenic vista protection for both the Towns of Litchfield and Torrington.

H. Encroachment Issues: LAM has documented all known encroachments. There are hundreds of encroachments that need to be addressed by DEP survey and property management staff. LAM has a draft Encroachment Policy in place and will hire a licensed surveyor and crew shortly to aggressively work on resolving all outstanding encroachments.

I. Records Management: LAM is working on improving storage, organization and indexing of legal documents and maps pertaining to ownership of DEP properties. A complete inventory of the vault, including a comprehensive review of all maps, deeds and property records will be undertaken. An intergraded index for the Recreation and Natural Heritage Trust Program files, Open Space and Watershed Grant Program files, Property Management files and all other grant program files will be created. This will improve coordination between the various programs and increase efficiency for record retrieval.

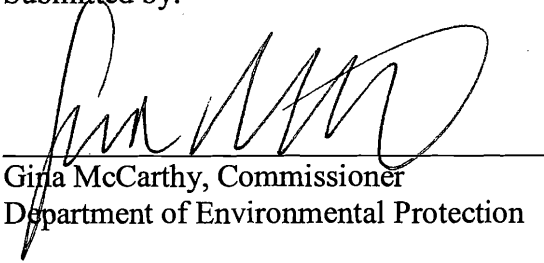
J. Urban Gardens: As a renewed focus on urban open space, approximately \$800,000 in funds from the Community Investment Act will be offered as a one-time Urban Gardens Funding option during the next funding round. Eligible projects would include preservation, rehabilitation and development of garden spaces to encourage outdoor passive recreation and gathering spaces for families and children.

CONCLUSION:

The Connecticut Department of Environmental Protection, working together with municipalities, water companies and private nonprofit land conservation organizations, has continued the State's progress toward meeting Connecticut's open space goals. Since July 1998, DEP on behalf of the State of Connecticut has acquired or has protected 40,802 acres and has provided grant funding for the acquisition of an additional 21,973 acres.

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

Submitted by:



Gina McCarthy, Commissioner
Department of Environmental Protection

APPENDIX A

**RECREATION AND NATURAL HERITAGE TRUST PROGRAM
ACQUISITIONS COMPLETED
JANUARY 1, 2006 THROUGH DECEMBER 31, 2006**

PROPERTY NAME	LOCATION	FEE ACREAGE	PURCHASE PRICE	PURPOSE OF ACQUISITION
Camelot Cruises	Haddam	4.00	\$1,860,000	Connecticut River waterfront property. GDSTrust:\$225,000/L&WCF: \$780,000.
Northup	Bozrah	17.76	\$100,000	Addition to Bear Hill Wildlife Management Area.
Heldmann	Union	79.74	\$350,000	Addition to Nipmuck State Forest.
Cenacle	Middletown	0.33	\$0	Addition to Wadsworth Falls State Park.
East Hampton Vol. Firemen's Asso.	East Hampton	8.00	\$320,000	Addition to Salmon River State Forest. 1,000 feet of frontage on Salmon River
Andreycak & Danick	Stafford	57.19	\$83,340	Addition to Shenipsit State Forest. Donation of 2/3 interest, purchase of 1/3 interest.
Krol	Stafford	18.99	\$172,000	Addition to Shenipsit State Forest.
Ladyko	Oxford	20.84	\$390,000	Addition to Naugatuck State Forest.
Vecchiolla	Ellington	63.82	\$322,500	Addition to Shenipsit State Forest.
Harris	Stafford	45.94	\$143,500	Addition to Shenipsit State Forest.
Total		316.62	\$3,741,340	

APPENDIX B

OPEN SPACE AND WATERSHED LAND ACQUISITION GRANTS AWARDED - FALL 2006

SPONSORS	PROJECT	TOWN	PROPERTY VALUE	ACREAGE	GRANT AMOUNT
Town of Branford	Queach Property	Branford	\$1,000,000.00	150	\$450,000.00
Town of Simsbury & TPL	Ethel Walker School	Simsbury	\$4,300,000.00	210	\$450,000.00
The Nature Conservancy	Lefebvre Property	East Haddam	\$586,000.00	117.6	\$263,700.00
City of Middletown	Guida Farm Exp.	Middletown	\$70,000.00	13	\$45,500.00
Town of East Windsor	Trombley/Tschummi	East Windsor	\$600,000.00	40.7	\$390,000.00
City of Middletown	Daniels Farm	Middletown	\$145,000.00	22.6	\$94,250.00
Town of Tolland & TPL	King Property	Tolland	\$750,000.00	172	\$337,500.00
Salem Land Trust	Litsky Parcel	Salem	\$380,000.00	100	\$171,000.00
Trust for Public Lands	Shepherd Farm Park	Woodbridge	\$501,500.00	35.8	\$225,675.00
McLean Foundation	Weed Hill Property	Granby	\$700,000.00	191.2	\$315,000.00
Town of East Haddam	Shugrue Property	East Haddam	\$860,000.00	280.5	\$387,000.00
Watertown Land Trust	Osuch Project	Watertown	\$575,000.00	42.16	\$258,750.00
The Salisbury Association	Blum/Keiter Property	Salisbury	\$1,200,000.00	51.719	\$450,000.00
City of Norwich	Anderson Property	Norwich	\$200,000.00	33.66	\$130,000.00
Southbury Land Trust	Ludorf Farm	Southbury	\$1,100,000.00	46.4	\$450,000.00
Wyndham Land Trust	Loos Property	Pomfret	\$285,000.00	44.7	\$128,250.00
Town of Tolland	Palmer Property	Tolland	\$561,000.00	70	\$252,450.00
Weaninoge Heritage, Inc.	Hunt Hill Farm Pres.	New Milford	\$925,000.00	40.7	\$416,250.00
Connecticut Farmland Trust	Bomba Farm	Seymour	\$912,000.00	57	\$410,400.00
Town of East Lyme	Quarry Property	East Lyme	\$1,025,000.00	54	\$450,000.00
Town of East Hampton	Walters Property	East Hampton	\$378,250.00	35.92	\$170,212.50
City of Meriden	789 Hanover Road	Meriden	\$73,150.00	11.3	\$47,548.00
The Nature Conservancy	Weidenhamer Property	Canaan	\$145,000.00	10	\$65,250.00
Town of Bethel	Chestnut Hill	Bethel	\$310,000.00	16.2	\$139,500.00
Hamden Land Trust	Vignola Farm	Hamden	\$399,500.00	10.95	\$179,775.00
City of Meriden	0 Chamberlain Hyw	Meriden	\$20,000.00	2.2	\$13,000.00
Simsbury Land Trust	Masters School	Simsbury	\$403,750.00	75	\$181,687.50
Winchester Land Trust	Majewski Property	Winsted	\$96,000.00	8.7	\$62,400.00
TOTALS			\$ 18,501,150.00	1944.009	\$ 6,935,098.00

APPENDIX C

OPEN SPACE AND WATERSHED LAND ACQUISITION GRANTS COMPLETED JANUARY 1, 2006 THROUGH DECEMBER 31, 2006

SPONSOR	PROJECT	ACREAGE	GRANT
Town of Cheshire	Bolder Knoll Farm	88.66	\$450,000.00
The Nature Conservancy (Salem)	Warner Property	232.10	\$287,544.00
The Nature Conservancy (Salem)	Zemko Property	64.23	\$108,000.00
The Nature Conservancy (N. Stonington)	Appleton Property	79.29	\$125,000.00
Town of Hamden	Open Space Phase I	175.35	\$682,539.00
Town of Hamden	Open Space Phase II	405.00	\$104,000.00
City of West Haven	100 Plainfield Avenue	22.53	\$321,100.00
City of West Haven	285 Platt Avenue	13.68	\$125,000.00
Town of Tolland	Shafran Property	65.53	\$117,162.00
Norfolk Land Trust	Norfolk Greenway/Railbed	19.15	\$34,125.00
Town of Lyme & The Nature Conservancy	Jewett Property	431.00	\$450,000.00
Town of Old Saybrook	Fairbanks Farm Preserve	51.12	\$180,000.00
Town of Manchester	Case Mountain	26.00	\$60,840.00
Town of Willington	Talmadge Property	28.00	\$73,125.00
Town of New Hartford	Goula Property	102.00	\$450,000.00
Town of New Hartford	Jones Mountain	172.00	\$450,000.00
Town of New Milford	Reservoir #4	170.19	\$450,000.00
City of Shelton	29 Hilltop Drive	7.00	\$8,308.00
Essex Land Conservation Trust	Jean's Island	7.70	\$15,300.00
Kongscut Land Trust	Civitillo Property	9.08	\$9,900.00
Canton Land Conservation Trust	Sweeton Pasture	39.46	\$85,747.00
Town of Glastonbury	Marchand Property	59.39	\$163,800.00
Town of Glastonbury	Cavanaugh Property	56.00	\$213,750.00
		2324.45	\$4,965,240.00