



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Intergovernmental Policy and Planning Division

February 15, 2022

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

The Honorable Steve Cassano
The Honorable Cristin McCarthy Vahey
The Honorable Catherine Osten
The Honorable Roland Lemar
The Honorable Tony Hwang
The Honorable Jason Rojas
The Honorable Norm Needleman
The Honorable Doug McCrory
The Honorable Christine Goupil
The Honorable Joseph H. Zullo

Re: 2022 Report on State C&D Plan Implementation

Dear Senators and Representatives:

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

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

Sincerely,

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

Martin L. Heft
Undersecretary

2022 Report on the Implementation of the Conservation and Development Policies: The Plan for Connecticut (2013-2018)

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

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

Background

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

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

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

State C&D Plan Implementation Requirements

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

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

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

State C&D Plan Implementation Challenges

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

In 2018, the Connecticut Chapter of the American Planning Association (CCAPA) testified before the Continuing Committee, regarding possible improvements to the Plan’s implementation. OPM responded as directed by the Continuing Committee and stands by its recommendations (see attached).

Legislation to address Plan implementation concerns was proposed in 2018 (SB 6, Sec. 24), 2019 (SB 1009, Sec. 6), 2020 (SB 470, Sec. 15), and 2021 (SB 870, Sec. 4). However, none of those bills passed.

State agencies make their own determination of a project’s consistency with the State C&D Plan and only rarely seek input from OPM, even though CGS Section 16a-31(b) requires that they request an advisory statement.

OPM believes that it should be mandatory for state agencies to request, and for OPM to provide, an advisory statement, but only when a proposed action is of a scale that would be subject to the early public scoping requirements of the Connecticut Environmental Policy Act (CEPA), as outlined in CGS Section 22a-1b.

Such advisory statements would provide the information needed by OPM to fulfill its annual reporting requirement under CGS Section 16a-32(c), while also helping to ensure that any inter-agency concerns associated with state agency-sponsored actions are addressed prior to the CEPA public scoping process. Agencies would have the option, but no longer be required, to seek advisory statements from OPM for their more routine activities that typically do not trigger the environmental review requirements of CEPA.

However, OPM is not aware of any efforts to reintroduce legislation similar to the prior years’ bills for consideration in the 2022 legislative session. OPM will participate in related discussions with the Commission on Connecticut’s Development and Future, as well as the Continuing Committee, in the coming months to address the role of the State C&D Plan and its implementation.



STATE OF CONNECTICUT

OFFICE OF POLICY AND MANAGEMENT

Comprehensive Planning and Intergovernmental Policy Division

April 26, 2018

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

The Honorable Steve Cassano
The Honorable George Logan
The Honorable Roland Lemar
The Honorable Catherine Osten
The Honorable Cristin McCarthy-Vahey
The Honorable Jason Rojas
The Honorable Chris Soto

Re: Public Comments Submitted on Behalf of the Connecticut Chapter of the American
Planning Association (CCAPA) Concerning Implementation of the State Plan of
Conservation and Development

Dear Senators and Representatives:

The Continuing Legislative Committee on State Planning and Development (Continuing Committee) held a public hearing on the revised Draft *Conservation and Development Policies: The Plan for Connecticut, 2018-2023* (Draft C&D Plan) on April 23, 2018.

The Continuing Committee received several public comments and specifically requested that the Office of Policy and Management (OPM) address CCAPA's comment regarding potential improvements to the manner in which the State C&D Plan is implemented.

OPM is obligated under CGS Section 16a-32(c) to report annually to the Continuing Committee on progress made in implementing the State C&D Plan. OPM's most recent report was submitted on April 6, 2018, and it summarizes the challenges faced by OPM in trying to make the report more informative and meaningful to members of the General Assembly and the public.

OPM's report to the Continuing Committee cites Section 24 of Senate Bill No. 6 as a potential remedy for improving the annual reporting process, and also identifies some other related issues for future legislative consideration. The language contained in Senate Bill No. 6 would ensure that state agencies receive an advisory statement from OPM concerning the consistency of a proposed action

with the State C&D Plan prior to initiating the formal Public Scoping process associated with the Connecticut Environmental Policy Act (CEPA).

Such advisory statements would provide multiple opportunities throughout any given year for the public to be aware of, and to comment on, how the State C&D Plan is being implemented. OPM believes this would not only satisfy CCAPA's general concern, but also effectively address the Council on Environmental Quality's (CEQ) earlier public comment concerning inconsistent implementation of the State C&D Plan among state agencies.

In summary, OPM does not believe that CCAPA's comment warrants any further revision to the text of the draft 2018-2023 State C&D Plan, since implementation issues can be addressed either legislatively (e.g., Sec. 24 of SB 6) or administratively through executive powers. If the Continuing Committee would like to direct OPM to further collaborate with CCAPA or anyone else on this matter, we would be happy to be part of a process that can help us to prepare a more informative and meaningful annual report.

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

Sincerely,

A handwritten signature in blue ink, appearing to read "David A. Kalafa", with a long horizontal flourish extending to the right.

David A. Kalafa
Undersecretary

Attachment: Report prepared by OPM, pursuant to CGS Sec. 16a-32(c), dated April 6, 2018