

CONNECTICUT Land Conservation Council

August 16, 2019

Sent via email: 20BY20@ct.gov

Commissioner Katie Dykes
Connecticut Department of Energy & Environmental Protection
79 Elm Street
Hartford, CT 06106

Re: Comments on DEEP 20 x '20 Initiative

Dear Commissioner Dykes,

On behalf of the Connecticut Land Conservation Council, I am pleased to submit comments on 20 x '20: *20 Goals Aimed at Increasing Predictability, Efficiency, and Transparency of DEEP's Regulatory Processes to Meet in 2020*.

As the state's umbrella organization for the land conservation community, including its 137+/- land trusts, the Connecticut Land Conservation Council (CLCC) advocates for land conservation, stewardship and funding, and works to ensure the long-term strength and viability of the land conservation community in Connecticut. Critical to our mission is the close working relationship that CLCC has with the staff at DEEP -- seeking opportunities whenever possible to assist the state in achieving its open space goals. We are particularly interested in implementing ideas to increase the efficiency and efficacy of the Open Space and Watershed Land Acquisition (OSWA) and Urban Green and Community Garden (UG/CG) grant programs, as well as in the advancement of other mechanisms to accelerate the pace, quality and permanency of protected land across the state.

Consistent with the scope of CLCC's mission and the specific interests of the land conservation community, we offer the following comments on the 20 x '20 strategic goals for your consideration:

Overall Comments

1. Increases in Efficiency in the Permitting Process. Proposals to streamline the permitting process need to be evaluated first and foremost by whether the changes would compromise environmental protections and the opportunity for public participation. For example:

- **Goal 1:** Making permit timeframes more transparent is a laudable goal provided the process does not compromise the DEEP staff's ability to thoroughly evaluate the permits and the impacts of the regulated activity on the environment.



- **Goal 3:** The process for reducing the number of legacy permits pending should err on the side of rejection of those permits and provide the permit seeker with an opportunity to reapply pursuant to an updated process.
- **Goal 6:** The process for fast tracking “same-to-same” renewal time needs to ensure that the opportunity for public participation is not short-changed. Intervening changes in either permitting requirements, compliance, and/or environmental conditions also need to be carefully monitored as part of the process to ensure that the fast-tracked process is truly limited to “same-to-same” renewals.
- **Goals 7 and 8:** The devil is in the details with respect to the respective proposals to change individual permits to general permits and eliminate some permits and move to “permit by rule”. More information is needed as to which permitted activities will be covered by these proposed changes. Overarching concerns with the proposals include the potential for impeding permit holder accountability and hampering the public’s ability to get detailed information with respect to the permitted activity.

2. Need for Metrics. We agree that precise metrics are critical to gauging whether the changes to the permitting process are achieving their respective goals and to measuring and assessing any associated impacts on the environment.

3. Enforcement is Key. The agency has been hampered for years by a reduction in funding and staff. In order to assure that proposals to streamline permitting processes enhance or at least do not adversely impact the condition of the regulated environment, DEEP must have the support it needs to rebuild and retain adequate enforcement staff and other positions necessary to fulfil its responsibilities. This support is essential to meeting the critical need for comprehensive agency – wide attrition planning. **(Goal 11)**

4. Increasing Efficiency of Grant Administration (Goal 10): CLCC is especially excited to see this goal, particularly as it relates to opportunities to improve the efficacy and efficiency of the OSWA and the UG/CG grant programs and otherwise work with DEEP staff to strengthen land conservation throughout the state.

Based upon our experience with the OSWA and UG/CG programs, our suggestions are as follows:

- **Outsource elements of the grant program:** One of the more time consuming elements of the OSWA application process – and oft-cited as a cause of delay in announcing the awards -- is the appraisal review. Pursuant to C.G.S. Section 7-131e, DEEP may use “up to five per cent of the grant funds for administrative expenses including, but not limited to: (1) Contractors to assist the Department of Energy and Environmental Protection in the review and evaluation of grant proposals and baseline data collection for conservation easements; (2) appraisals or appraisal reviews; and (3) preparation of legal and other documents.” We were pleased to learn that DEEP is now contracting with private appraisers to assist with the OSWA application review process. In accordance

with this statutory authority, CLCC recommends the agency explore additional opportunities to shift elements of the grant administration process to the private sector. **(See Recommended Goal 17)**

- **Streamline the Attorney General’s review process:** The OSWA grant agreement, conservation easement and other program documents are template documents used for all OSWA transactions. Currently, the AG’s office reviews and approves these templates for each transaction, often causing additional delays in the process, and then also reviews the final signed contracts “as to form.” CLCC suggests that the requirement that the AG review these template documents or final contracts for each OSWA project be limited only to those situations where the grant proposal requires significant substantive changes to the template. In the alternative, pursuant to CGS 7-131e, DEEP may look to outside counsel to prepare and review the legal documents.
- **Allow matching funds and reimbursements from the date of the grant award rather than the date of the contract:** UG/CG program participants (“project sponsors”) are unable to count matching dollars or seek reimbursement of funds expended after the date of the award letter but prior to the date of the contract (which may be months later). For some communities, this technicality has meant either expending funds without reimbursement or losing the opportunity to accept match funds. Changing this policy will improve the efficiency and predictability of the UG/CG process, make budgeting and program planning easier for project sponsors and, consequently, incentivize increased participation in the program.
- **Create an on-line application process:** See Comment 5 regarding Goal 13

5. Enhance Data Transparency (Goal 13), E-Governance Integration (Goal 14), and other technical upgrades:

Consistent with most other land conservation funding programs – both public and private – the application process for state grants should be brought on-line, with a system to allow applicants to see the status of their application, identify missing information, and otherwise track the progress of the review process. This change would enhance efficiency for both the applicant and DEEP staff.

CLCC Recommendations for additional Goals

Goal 17: Utilize Public-Private Partnerships to Enhance Program Efficiencies

As alluded to above in comments related to Goal 10, we recommend that the agency seek opportunities to contract with nonprofits or other third parties to further DEEP priority programs and administration. The administrative costs saved by the agency in working with private contractors for certain functions (i.e. no health care, overhead, retirement, and other expenses), would bring increased efficiencies and allow DEEP to allocate additional resources to the grant programs.

There are Connecticut models from other programs: The CT Department of Agriculture currently contracts with the Connecticut Farmland Trust and the Weantinoge Heritage Land Trust to undertake work in connection with farmland preservation programs, maintaining FarmLink, and other programs. In addition, DEEP contracts with Rivers Alliance to administer a grant program funded by federal pass-through dollars from the Clean Water Act. These public-private partnership models may be extended to elements of DEEP's OSWA program to make it more efficient and possibly enable the program to return to two grant rounds per year.

Goal 18: Improve Reporting of Obligated Funds

Coordination between DEEP, OPM, OFA and other state agencies on the reporting of grant funds, including especially those from the Community Investment Act, would help to provide a more accurate understanding of how the funds are committed to a variety of real estate projects, preservation contracts, grants, and ongoing investments. This information would bring much needed transparency and clarity to legislators seeking to access funds that are actually committed to projects yet appear to be “surplus” and available for transfer to the General Fund for other purposes.

Goal 19: Prioritize the Completion of the Public Use and Benefit Land Registry

Building more specifically on Goals 13 and 14, we recommend that DEEP prioritize the completion of the Public Use and Benefit Land Registry – a publicly accessible geographic information map system and database developed pursuant to C.G.S Section 23-8(e). To date, the agency has had insufficient resources to dedicate to this statutorily mandated land registry project which is intended to help drive land conservation efforts across the state. We recommend hiring a GIS staff person (or contracting with a private entity to fill-in gaps), to coordinate with municipalities, Councils of Governments, and land trusts to upload the registry and establish a uniform Cadastral parcel database which stores information about public and private land ownership.

Thank you again for this opportunity to provide these initial comments regarding the 20 x '20 initiative. We look forward to continued conversations and participation in the process moving forward.

Sincerely,



Amy Blaymore Paterson, Executive Director