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## Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

| Public Hearing Subject Matter  | Position                          |
|--|-----------------------------------|
| Raised H.B. 5258: AAC A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB. | Support (with suggested language) |

The Connecticut Forest & Park Association (CFPA) is the first conservation organization established in Connecticut in 1895. For over 120 years, CFPA has offered testimony before the General Assembly on various sustainable forestry, State Park and Forest, trail recreation, and land conservation issues.

I am testifying today to express CFPA's support of Raised H.S. 5258, "An Act Concerning a Property Owner's Liability for the Expenses of Removing a Fallen Tree or Limb," with a suggested language improvement.

CFPA has opposed this bill when it was raised over the past few years due to prior concerns that this bill could result in the premature removal of healthy trees in communities, and that it could add unnecessary liability to land specifically acquired and protected for its natural resource values (for example, fee land or easements owned by water companies or land trusts, or land enrolled in the Public Act 490 program). The authors of this bill deserve a lot of credit for working with CFPA and others to exempt conservation lands and unavoidable situations like Acts of God, to utilize CT licensed arborists in determining tree health, and to focus on the primary reason for this legislation which is to help settle disputes between neighboring private landowners over trees and/or branches that fall between their properties.

We hope the authors of this bill are amenable to a "friendly amendment" that would slightly broaden the exemption of land in the Public Act 490 program to include lands protected as "open space" and as "farm land". Open space as defined under Public Act 490 often includes significant forested areas that are integral to the conservation value of the property. Similarly, there are often important forested areas that are utilized as a buffer between farmland and neighboring properties and these forested areas should fall outside the scope of this bill.

We recommend the language be changed on lines 53 and 54 of the bill (the last two lines) in order to exempt all three classifications of Public Act 490 lands:

(4) forest, farm, or open space land as described in section 12-107d-107a - f of the general statutes.

**With these subtle but important changes, we support this bill.**

Thank you for the opportunity to testify, and I am glad to respond to any questions you may have.