

---

## **OLR Bill Analysis**

### **sSB 117**

#### ***AN ACT CONCERNING TREE REMOVAL ON PROPERTIES UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.***

#### **SUMMARY**

This bill establishes standards and processes that the Department of Energy and Environmental Protection (DEEP) must follow before removing or pruning certain trees in state parks and campgrounds.

Specifically, the bill requires the DEEP commissioner to consult with a licensed arborist who is not employed by or under contract with DEEP before authorizing the removal or pruning of (1) five or more trees per acre or (2) a tree that (a) an arborist estimates to be at least 75 years old, (b) is a species of concern, or (c) is a threatened or endangered species.

If the arborist determines that an identified tree is not an immediate public hazard, the DEEP commissioner must notify the public about the proposed work and hold a public hearing if anyone objects to it. If the tree is an immediate public hazard, DEEP may move forward with the work after consulting with the arborist, and must make public record of each tree removed and the arborist's determination after considering specified factors.

Lastly, the bill requires the DEEP commissioner to have replacement trees planted in the park or campground after a tree removal. The planting must be (1) with comparable trees as those removed (i.e., the same or similar species that will yield similar calipers, canopy, and aesthetic characteristics) and (2) in the area of the park or campground where the removal occurred.

EFFECTIVE DATE: Upon passage

#### **PUBLIC NOTICE AND HEARING**

Under the bill, if the arborist DEEP consults with determines that an identified tree does not present an immediate public hazard, the DEEP commissioner must, at least 10 days before the proposed work, post on each identified tree a notice of DEEP's intention to remove or prune it. If anyone objects to the work, they may petition the commissioner for a public hearing. They must do this in writing on a form the commissioner develops.

If the commissioner receives a petition for a hearing, she must suspend the tree work and hold a public hearing in accordance with the Uniform Administrative Procedure Act. She must (1) give all known interested people at least 10 days' notice of the hearing date and time and (2) post a notice of the hearing on each identified tree.

Within 10 days after the hearing, the bill requires the commissioner to give known interested people her decision about the tree removal or pruning.

### **ARBORIST CONSIDERATIONS**

When determining if a tree is an immediate public hazard, the bill requires the arborist to consider the following factors:

1. the tree's proximity to the public's use of the park or campground, and if physical changes to their use could reasonably change the determination of the tree being an immediate public hazard;
2. the feasibility of pruning or pesticide application instead of removal; and
3. the tree's age and history to determine if it has social or scenic value.

### **PUBLIC HAZARD TREE REMOVAL AND RECORDS**

Under the bill, if the arborist determines an identified tree is an immediate public hazard, the DEEP commissioner must consult the arborist to determine if immediate removal is needed. If so, she may have the tree removed.

The bill requires the commissioner to record the (1) date and location of each public hazard tree that is removed and (2) arborist's determination after considering the above factors. She must post this record within three days of the tree removal on DEEP's website.

**COMMITTEE ACTION**

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/22/2022)