
OLR Bill Analysis

sSB 117 (File 347, as amended by Senate "A")*

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

SUMMARY

This bill sets standards and processes that the Department of Energy and Environmental Protection (DEEP) must follow before removing five or more trees per acre from state parks and campgrounds. Specifically, it requires the DEEP commissioner to consult with a licensed arborist who is not employed by DEEP before authorizing their removal.

If the arborist determines that an identified tree is not an immediate public hazard, the DEEP commissioner must notify the public about the proposed tree removal 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.

Additionally, the bill requires the DEEP commissioner to use existing resources to plant replacement trees in the park or campground after a tree removal. The planting must be (1) with trees comparable to 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 trees were removed. DEEP must do the planting in consultation with a state park or forestry advocacy group or organization.

*Senate Amendment "A" replaces the original bill with similar provisions. In doing so, it (1) limits the circumstances in which DEEP must consult with an arborist by removing the underlying bill's requirement that it do so for trees that are at least 75 years old or of certain species, (2) requires DEEP to replace trees using existing

resources and in consultation with certain advocates, and (3) removes references to tree pruning.

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 it. If anyone objects to the removal, 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 removal 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.

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 after the tree removal on DEEP's website.

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 31 Nay 0 (03/22/2022)

Appropriations Committee

Joint Favorable

Yea 48 Nay 0 (04/18/2022)