



Senate

General Assembly

File No. 347

February Session, 2022

Substitute Senate Bill No. 117

Senate, April 6, 2022

The Committee on Environment reported through SEN. COHEN of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

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

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective from passage*) (a) For purposes of this
2 section, "arborist" has the same meaning as provided in section 23-61a
3 of the general statutes.

4 (b) For any tree located in any state park or campground, prior to
5 authorizing the removal or pruning of five or more of such trees per acre
6 or the removal or pruning of any tree that is estimated by an arborist
7 consulted pursuant to this subsection to be seventy-five years or older,
8 a species of special concern or a threatened or endangered species, the
9 Commissioner of Energy and Environmental Protection shall consult
10 with an arborist who is not otherwise employed by or under contract
11 with the Department of Energy and Environmental Protection to
12 determine any such tree that is identified for removal or pruning. Unless
13 the condition of such tree constitutes an immediate public hazard, as

14 determined by such arborist in accordance with subsection (c) of this
15 section, the commissioner shall, not less than ten days prior to the
16 scheduled removal or pruning of any such tree, post on each tree a
17 notice indicating the department's intention to remove or prune any
18 such tree. If any person, firm or corporation objects to such removal or
19 pruning, such person, firm or corporation may make petition to the
20 commissioner, in writing, on a form prescribed by the commissioner.
21 The commissioner shall suspend the scheduled removal or pruning of
22 any such tree and hold a public hearing, in accordance with the
23 provisions of chapter 54 of the general statutes, at a noticed time and
24 place after giving not less than ten days' notice of such public hearing to
25 all persons known by the commissioner to be interested in such petition
26 and after posting notice of such public hearing on any such tree. Not
27 later than ten days following any such public hearing, the commissioner
28 shall provide notice of the commissioner's decision concerning the
29 removal or pruning of any such tree to any person known by the
30 commissioner to be interested in such petition.

31 (c) In the event that any such tree constitutes an immediate public
32 hazard, as determined by the arborist described in subsection (b) of this
33 section, the commissioner shall consult with such arborist to determine
34 if such tree requires immediate removal. Prior to removing any such
35 tree, in determining whether any such tree constitutes an immediate
36 public hazard, such arborist shall consider the following: (1) The
37 proximity of such tree to the public's utilization of the state park or
38 campground and whether physical changes to the public's utilization of
39 such state park or campground could reasonably change the status of a
40 determination of such tree constituting an immediate public hazard; (2)
41 the feasibility of pruning or pesticide application in lieu of the removal
42 of any such tree; and (3) the age and history of any such tree to
43 determine if there is any social or scenic value to such tree.

44 (d) After considering the factors set forth in subdivisions (1) to (3),
45 inclusive, of subsection (c) of this section, such arborist may determine
46 that any tree constitutes an immediate public hazard and such
47 commissioner may provide for the immediate removal of any such tree.

48 The commissioner shall record the date and location of any such tree
 49 that is removed as a result of the decision that such tree constituted an
 50 immediate public hazard. Such record shall also indicate any specific
 51 determination made by such arborist in considering the factors
 52 described in subsection (c) of this section. The commissioner shall cause
 53 such record to be posted on the Internet web site of the Department of
 54 Energy and Environmental Protection not later than three days after the
 55 removal of any such tree.

56 (e) The Commissioner of Energy and Environmental Protection shall
 57 provide for the planting of trees in such state park or campground to
 58 replace any tree removed in accordance with the provisions of this
 59 section. Any such planting shall be performed in a manner that will
 60 yield the establishment of comparable trees in the area of such state park
 61 or campground to any tree removed in accordance with the provisions
 62 of this section. For purposes of this subsection, "comparable trees"
 63 means trees that are of the same or a similar species as any tree removed
 64 in accordance with the provisions of this section and that will yield
 65 comparable calipers, canopy and aesthetic characteristics as any such
 66 tree removed in accordance with the provisions of this section.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section

ENV *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 23 \$	FY 24 \$
Department of Energy and Environmental Protection	GF - Cost	Potential Significant	Potential Significant

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill establishes requirements 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 DEEP to consult with an independent licensed arborist before authorizing the removal or pruning of trees under certain conditions. If the arborist determines that a tree is an immediate public hazard, DEEP may perform the tree removal or trimming, under the bill's provisions. Lastly, the bill requires DEEP to plant replacement trees in the park or campground after tree removal.

The bill could result in significant costs to DEEP to the extent a high number of trees are identified for removal or pruning. It is estimated that the agency may need to hire seven maintainers, at a cost of \$432,156 in FY 23 and \$417,755 in FY 24, including fringe benefits, to replant trees, depending on the actual number required based on the arborist determination. It could also cost DEEP over \$1 million annually for the cost of purchasing replacement trees, depending on the actual number required.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to the number of dead or dying trees identified for replacement or pruning.

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)