



General Assembly

February Session, 2022

Raised Bill No. 117

LCO No. 1191



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

**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) The Commissioner of Energy and Environmental Protection shall
5 appoint an arborist for each state park and campground under the
6 Department of Energy and Environmental Protection's custody and
7 control. Not later than January thirty-first of each calendar year, the
8 commissioner shall publish a list that identifies the appointed arborist
9 for each state park and campground in the state and post such list on
10 the Internet web site of the Department of Energy and Environmental
11 Protection.

12 (c) Notwithstanding the provisions of section 23-4 of the general
13 statutes, prior to authorizing the removal or pruning of any tree, shrub
14 or group of shrubs located in any such state park or campground, the

15 commissioner shall consult with the arborist identified for such state
16 park or campground, pursuant to subsection (b) of this section, to
17 determine the trees or shrubs that are identified for removal or pruning.
18 Unless the condition of such tree, shrub or group of shrubs constitutes
19 an immediate public hazard, as determined by such arborist in
20 accordance with subsection (d) of this section, the commissioner shall,
21 not less than ten days prior to the scheduled removal or pruning of any
22 such tree, shrub or group of shrubs, post on each tree, shrub or group of
23 shrubs, as applicable, a notice indicating the department's intention to
24 remove or prune any such tree, shrub or group of shrubs. If any person,
25 firm or corporation objects to such removal or pruning, such person,
26 firm or corporation may make petition to the commissioner, in writing,
27 on a form prescribed by the commissioner. The commissioner shall
28 suspend the scheduled removal or pruning of any such tree, shrub or
29 group of shrubs and hold a public hearing, in accordance with the
30 provisions of chapter 54 of the general statutes, at a noticed time and
31 place after giving not less than ten days' notice of such public hearing to
32 all persons known by the commissioner to be interested in such petition
33 and after posting notice of such public hearing on any such tree, shrub
34 or group of shrubs. Not later than ten days following any such public
35 hearing, the commissioner shall provide notice of the commissioner's
36 decision concerning the removal or pruning of any such tree, shrub or
37 group of shrubs to any person known by the commissioner to be
38 interested in such petition.

39 (d) In the event that any such tree, shrub or group of shrubs
40 constitutes an immediate public hazard, as determined by the arborist,
41 the commissioner shall consult with the arborist identified for such state
42 park or campground, pursuant to subsection (b) of this section, to
43 determine if such tree, shrub or group of shrubs requires immediate
44 removal. Prior to removing any such tree, shrub or group of shrubs, in
45 determining whether any such tree, shrub or group of shrubs constitutes
46 an immediate public hazard, the arborist shall consider the following:
47 (1) The proximity of such tree, shrub or group of shrubs to the public's
48 utilization of the state park or campground and whether physical

49 changes to the public's utilization of such state park or campground
50 could reasonably change the status of a determination of such tree,
51 shrub or group of shrubs constituting an immediate public hazard; (2)
52 the feasibility of pruning or pesticide application in lieu of the removal
53 of any such tree, shrub or group of shrubs; and (3) the age and history
54 of any such tree, shrub or group of shrubs to determine if there is any
55 social or scenic value to such tree, shrub or group of shrubs.

56 (e) After considering the factors set forth in subdivisions (1) to (3),
57 inclusive, of subsection (d) of this section, such arborist may determine
58 that any tree, shrub or group of shrubs constitutes an immediate public
59 hazard and such commissioner may provide for the immediate removal
60 of any such tree, shrub or group of shrubs. The commissioner shall
61 record the date and location of any such tree, shrub or group of shrubs
62 that are removed as a result of the decision that such tree, shrub or group
63 of shrubs constituted an immediate public hazard. Such record shall
64 also indicate any specific determination made by the arborist in
65 considering the factors described in subsection (d) of this section. The
66 commissioner shall cause such record to be posted on the Internet web
67 site of the Department of Energy and Environmental Protection not later
68 than three days after the removal of any such tree, shrub or group of
69 shrubs.

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

Statement of Purpose:

To improve transparency and establish standards for the removal of trees and shrubs that constitute an immediate public hazard at state parks and campgrounds.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]