



General Assembly

Substitute Bill No. 117

February Session, 2022



**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.*

APP *Joint Favorable*