



General Assembly

Amendment

February Session, 2022

LCO No. 5017



Offered by:

SEN. COHEN, 12th Dist.
SEN. MINER, 30th Dist.
REP. GRESKO, 121st Dist.
REP. HARDING, 107th Dist.

To: Subst. Senate Bill No. 117

File No. 347

Cal. No. 245

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

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

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

6 (b) For any tree located in any state park or campground, prior to
7 authorizing the removal of five or more of such trees per acre, the
8 Commissioner of Energy and Environmental Protection shall consult
9 with an arborist who is not otherwise employed by the Department of
10 Energy and Environmental Protection to determine any such tree that is
11 identified for removal. Unless the condition of such tree constitutes an

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

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

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

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

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