



General Assembly

January Session, 2023

Raised Bill No. 896

LCO No. 2948



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) For any tree located in any state park or campground, prior to
5 authorizing the removal of five or more of such trees per acre, the
6 Commissioner of Energy and Environmental Protection shall consult
7 with an arborist who is not otherwise employed by the Department of
8 Energy and Environmental Protection to have such arborist make
9 determinations concerning any such tree that is identified by the
10 Department of Energy and Environmental Protection for removal.
11 Unless the condition of such tree constitutes an immediate public
12 hazard, as determined by such arborist, in accordance with subsection
13 (c) of this section, the commissioner shall, not less than ten days prior to
14 the scheduled removal of any such tree, post on each tree a notice

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

Statement of Purpose:

To improve transparency and establish standards for the removal of trees 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.]