



General Assembly

February Session, 2024

Raised Bill No. 289

LCO No. 2282



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING THE AUTHORITY OF THE DEPARTMENTS OF ENERGY AND ENVIRONMENTAL PROTECTION AND TRANSPORTATION OVER VEGETATION MANAGEMENT.

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

1 Section 1. (NEW) (*Effective July 1, 2024*) (a) There is established the
2 Beneficial Arbor Retention Commission that shall exercise care, custody
3 and control of all trees, shrubs and vegetation in the state parks and
4 campgrounds of this state. Such commission shall be located within the
5 Department of Energy and Environmental Protection, for
6 administrative purposes only.

7 (b) Such commission shall consist of the following members: (1) One
8 appointed by the Commissioner of Energy and Environmental
9 Protection; (2) two appointed by the Governor, one of whom shall be a
10 representative of the Connecticut Agricultural Experiment Station and
11 one of whom shall be a resident and representative of an environmental
12 justice community, as defined in section 22a-20a of the general statutes;
13 (3) two appointed by the speaker of the House of Representatives, one
14 of whom shall have expertise in tree management, maintenance and the

15 removal of diseased or dead trees and one of whom shall have expertise
16 in landscape architecture; (4) two appointed by the president pro
17 tempore of the Senate, one of whom shall be a licensed arborist and one
18 of whom shall be a representative of a nonprofit organization with the
19 primary mission of supporting the state's state parks and the
20 preservation and retention of the state's tree canopy; (5) one appointed
21 by the majority leader of the House of Representatives who shall have
22 expertise in carbon sink methods; (6) one appointed by the majority
23 leader of the Senate who shall be a patron of the state parks; (7) one
24 appointed by the minority leader of the House of Representatives who
25 shall have expertise in premises liability; and (8) one appointed by the
26 minority leader of the Senate who shall have expertise in the tree laws
27 of this state.

28 (c) (1) Each member shall serve a term that is coterminous with that
29 of the appointing authority for such member. Any vacancy on the
30 commission shall be filled by the appointing authority. No member shall
31 receive any compensation for the performance of such member's duties
32 on the commission. Six members of the commission shall constitute a
33 quorum for the purpose of conducting any business of the commission.
34 Members of the commission shall designate one member to serve as the
35 chairperson of the commission who shall have the authority to call for a
36 meeting of the commission. The commission shall meet not less than
37 once per calendar quarter.

38 (2) Not later than January 1, 2025, the commission shall establish an
39 Internet web site that the Department of Energy and Environmental
40 Protection shall host on its Internet web site.

41 (d) (1) For purposes of this subsection, "arborist" has the same
42 meaning as provided in section 23-61a of the general statutes.

43 (2) The Beneficial Arbor Retention Commission shall appoint an
44 arborist for each state park and campground in the state. Not later than
45 January thirty-first of each calendar year, the commission shall publish
46 a list that identifies the appointed arborist for each state park and

47 campground in the state and post such list on the Internet web site of
48 the commission.

49 (3) Notwithstanding the provisions of section 23-4 of the general
50 statutes, on and after October 1, 2024, prior to authorizing the removal
51 or pruning of any tree, shrub or group of shrubs located in any such
52 state park or campground, the commission shall consult with the
53 arborist identified for such state park or campground, pursuant to
54 subdivision (2) of this subsection, to determine the trees or shrubs that
55 are identified for removal or pruning. Unless the condition of such tree,
56 shrub or group of shrubs constitutes an immediate public hazard, as
57 determined by such arborist in accordance with subdivision (4) of this
58 subsection, the commission shall, not less than ten days prior to the
59 scheduled removal or pruning of any such tree, shrub or group of
60 shrubs, post on each tree, shrub or group of shrubs, as applicable, a
61 notice indicating the commission's intention to remove or prune any
62 such tree, shrub or group of shrubs. If any person, firm or corporation
63 objects to such removal or pruning, such person, firm or corporation
64 may make petition to the commission, in writing, on a form prescribed
65 by the commission. The commission shall suspend the scheduled
66 removal or pruning of any such tree, shrub or group of shrubs and hold
67 a public hearing, in accordance with the provisions of chapter 54 of the
68 general statutes, at a noticed time and place after giving not less than
69 ten days' notice of such public hearing to all persons known by the
70 commission to be interested in such petition and after posting notice of
71 such public hearing on any such tree, shrub or group of shrubs. Not later
72 than ten days following any such public hearing, the commission shall
73 provide notice of the commission's decision concerning the removal or
74 pruning of any such tree, shrub or group of shrubs to any person known
75 by the commission to be interested in such petition.

76 (4) In the event that any such tree, shrub or group of shrubs
77 constitutes an immediate public hazard, as determined by the arborist,
78 the commission shall consult with the arborist identified for such state
79 park or campground, pursuant to subdivision (2) of this subsection to
80 determine if such tree, shrub or group of shrubs requires immediate

81 removal. Prior to removing any such tree, shrub or group of shrubs, in
82 determining whether any such tree, shrub or group of shrubs constitutes
83 an immediate public hazard, the arborist shall consider the following:
84 (A) The proximity of such tree, shrub or group of shrubs to the public's
85 utilization of the state park or campground and whether physical
86 changes to the public's utilization of such state park or campground
87 could reasonably change the status of a determination of such tree,
88 shrub or group of shrubs constituting an immediate public hazard; (B)
89 the feasibility of pruning or pesticide application in lieu of the removal
90 of any such tree, shrub or group of shrubs; and (C) the age and history
91 of any such tree, shrub or group of shrubs to determine if there is any
92 social or scenic value to such tree, shrub or group of shrubs.

93 (5) After considering the factors set forth in subparagraphs (A) to (C),
94 inclusive, of subdivision (4) of this subsection, such arborist may
95 determine that any tree, shrub or group of shrubs constitutes an
96 immediate public hazard and the commission may provide for the
97 immediate removal of any such tree, shrub or group of shrubs. The
98 commission shall record the date and location of any such tree, shrub or
99 group of shrubs that are removed as a result of the decision that such
100 tree, shrub or group of shrubs constituted an immediate public hazard.
101 Such record shall also indicate any specific determination made by the
102 arborist in considering the factors described in subdivision (4) of this
103 subsection. The commission shall cause such record to be posted on the
104 Internet web site of the commission not later than three days after the
105 removal of any such tree, shrub or group of shrubs.

106 (e) Not later than December 1, 2025, and each year thereafter, the
107 Beneficial Arbor Retention Commission shall submit a report, in
108 accordance with section 11-4a of the general statutes, to the joint
109 standing committee of the General Assembly having cognizance of
110 matters relating to the environment on state park and campground tree
111 and shrub retention and hazardous tree mitigation efforts undertaken
112 by the commission pursuant to this section and any associated funding
113 needs for the commission.

114 Sec. 2. Section 23-4c of the general statutes is repealed and the
115 following is substituted in lieu thereof (*Effective October 1, 2024*):

116 [(a) Not later than August 1, 2022, the Commissioner of Energy and
117 Environmental Protection shall develop, finalize and publish on the
118 Department of Energy and Environmental Protection's Internet web site
119 a hazardous tree mitigation policy that shall apply to the designation,
120 removal and mitigation of trees located in state parks and campgrounds
121 that are determined to be hazardous by the Department of Energy and
122 Environmental Protection. Such policy shall include criteria for the
123 designation of a tree as hazardous by the department and the scope of
124 applicability for procedures for such designation, removal and
125 mitigation, including, but not limited to, (1) department consultation of
126 a licensed arborist prior to the designation and removal or mitigation of
127 any such hazardous tree; (2) advance notification to the public of the
128 department's hazardous tree removal activities, including, but not
129 limited to, signage and publication of information on the Department of
130 Energy and Environmental Protection's Internet web site; and (3)
131 consideration of replanting and other relevant improvements to offset
132 the aesthetic or ecological value provided by any hazardous tree that is
133 removed. Such policy shall also include provisions for: (A) The
134 maintenance of public safety, (B) ecological and natural resource
135 protection, (C) practices for transparency and public engagement in the
136 process of such designation, removal and mitigation, (D) effective
137 stewardship of department resources, (E) public access to outdoor
138 recreation, (F) fire suppression or protection efforts, (G) state park
139 maintenance and repairs, (H) decorative pruning, (I) trail maintenance,
140 (J) post-storm impact mitigation or clean-up, and (K) removal of
141 invasive species. For the purposes of this section, "arborist" has the same
142 meaning as provided in section 23-61a.]

143 [(b)] (a) The Department of Energy and Environmental Protection, in
144 conjunction with the Beneficial Arbor Retention Commission,
145 established pursuant to section 1 of this act, shall implement a tree
146 replanting demonstration project at Housatonic Meadows State Park, in
147 consultation with state park or forest advocacy groups or organizations.

148 [(c)] (b) Not later than December 1, [2022] 2024, the Commissioner of
149 Energy and Environmental Protection shall submit a report, in
150 accordance with section 11-4a, to the joint standing committee of the
151 General Assembly having cognizance of matters relating to the
152 environment on [state park and campground tree replanting strategies
153 for removed hazardous trees] the project established pursuant to
154 subsection (a) of this section and any associated funding needs.

155 Sec. 3. (NEW) (*Effective July 1, 2024*) (a) Not later than thirty days prior
156 to the operation or utilization of any land clearing or grinding
157 machinery or equipment for the purpose of conducting tree and
158 vegetation management or removal in connection with any
159 maintenance or construction project, as described in subsection (a) of
160 section 13b-31h of the general statutes, the owner, lessor or operator of
161 such machinery or equipment shall obtain a Certificate of Limited
162 Effects for Arbor Non-Retainment from the Commissioner of Energy
163 and Environmental Protection. The commissioner may prescribe the
164 form and manner of submission for any such application for such
165 certificate.

166 (b) In determining whether to issue a certificate pursuant to
167 subsection (a) of this section, the commissioner shall consider: (1)
168 Whether the use of such machinery or equipment is consistent with the
169 state's greenhouse gas emissions goals, as set forth in section 22a-200a
170 of the general statutes, (2) the effects of any particulate matter
171 attributable to the operation or utilization of such machinery or
172 equipment, including, but not limited to, any disproportionate effects
173 on residents of environmental justice communities, as defined in section
174 22a-20a of the general statutes, and (3) the likelihood of the spread of
175 any invasive plant species from the use of such machinery or equipment
176 to manage, remove, move, clear, disrupt, grind or dispose of such trees
177 or vegetation given the likelihood of the reuse of such machinery or
178 equipment in any similar future maintenance or construction projects,
179 as described in subsection (a) of section 13b-31h of the general statutes.

180 (c) In issuing a certificate pursuant to subsection (a) of this section,

181 the commissioner may prescribe or require certain conditions,
182 including, but not limited to, hourly limits on the operation or
183 utilization of such machinery or equipment, the use of alternate
184 machinery or equipment that produces lower levels of greenhouse gas
185 emissions or particulate matter and the implementation of best practices
186 for the removal and disposal of invasive plant species from such
187 machinery or equipment. The commissioner may require the inspection
188 of the proposed site for any such maintenance or construction project by
189 a licensed arborist for the purpose of undertaking the responsibilities
190 described in this section.

191 (d) Notwithstanding the provisions of subsection (c) of this section,
192 no such certificate issued pursuant to this section shall: (1) Authorize
193 the operation or utilization of such machinery or equipment during
194 hours other than daylight hours, or (2) be issued prior to the submission
195 of the guidelines required by subsection (a) of section 13b-31h of the
196 general statutes by both the maintenance and engineering divisions of
197 the Department of Transportation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2024</i>	New section
Sec. 2	<i>October 1, 2024</i>	23-4c
Sec. 3	<i>July 1, 2024</i>	New section

ENV *Joint Favorable*