



July 1, 2022

CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION

HAZARD TREE MITIGATION PROCESS

NOTICE OF DRAFT POLICY ISSUANCE, PUBLIC MEETING AND REQUEST FOR WRITTEN COMMENTS

The Connecticut Department of Energy and Environmental Protection (DEEP) initiated a public process on February 24, 2022 to seek input on the development of a Hazard Tree Mitigation Policy (Policy). A public meeting was held on March 15, 2022 and written comments received on the topics, approach, and schedule for adoption of the Policy.

Subsequently, the General Assembly passed Public Act 22-143, *An Act Concerning Revisions of Certain Environment Related Statutes* (the Act), Section 17 of which requires the Department of Energy and Environmental Protection (DEEP) to establish a hazardous tree mitigation policy that shall apply to the designation, removal and mitigation of trees located in state parks and campgrounds. The Act requires the Policy to provide for the provisions for: “(A) [t]he maintenance of public safety, (B) ecological and natural resource protection, (C) practices for transparency and public engagement in the process of [hazard tree management], (D) effective stewardship of department resources, (E) public access to outdoor recreation, (F) fire suppression or protection efforts, (g) state park maintenance and repairs, (H) decorative pruning, (I) trail maintenance, (J) post-storm mitigation or clean-up, and (K) removal of invasive species.”

The Act requires the policy to include criteria for the designation of a tree as hazardous. In addition, the Act charges DEEP with determining the scope of applicability, ie. the degree to which the following practices will apply to DEEP’s hazard tree management:

1. Department consultation of licensed arborists prior to the designation and removal or mitigation of a hazard tree;
2. Advance public notification of DEEP’s hazard tree removal activities, including signage and web posting; and
3. Consideration of replanting and other relevant improvements to offset the aesthetic or ecological value provided by any hazard tree removed.

While the General Assembly directed DEEP to consider these additional provisions and practices in the development of the Policy, no additional resources were appropriated or authorized for DEEP to implement these practices pursuant to the Policy. As such, DEEP has developed a [draft Policy](#) that enables DEEP to meet the requirements of the Act within available resources. It is important to note that some of the fiscal impact of some of practices proposed in the draft Policy, such as consideration of mitigation measures that may be recommended by an arborist, are unknown and will benefit from further study and experience, which could be incorporated into further adjustments to the Policy in the future.

However, in the absence of any additional resources provided to implement this Policy DEEP has erred on the side of maintaining flexibility to implement the Policy in such a way that are achievable within current budgets.

By way of this Notice, DEEP is providing for public review and comment a Draft Policy. DEEP will provide a review of the DRAFT hazard tree mitigation policy and seek oral comments at a virtual public meeting on July 11, 2022 at 6:00 PM – interested parties can [register for the public meeting here](#). The draft policy can be reviewed [here](#). In addition, DEEP is inviting written public comments on this policy through July 17, 2022. A recording of the virtual public meeting will be posted on the DEEP website following the meeting. Written comments can be submitted to [DEEP.Hazardtrees@ct.gov](mailto:DEEP.Hazardtrees@ct.gov).

The Draft policy addresses criteria in the Act in following ways:

1. **Arborists:** The Policy establishes a method for identifying "Heritage Trees" which are trees of most ecological and aesthetic significance. DEEP will consult licensed arborists for recommendations on the classification of Heritage Trees as hazardous, and consider such arborists' recommended mitigation measures for Heritage Trees deemed to be hazardous. The public will have opportunities through the notification procedures to comment on the designation of Heritage Trees.
2. **Public Notification:** The Policy provides for notification to the public in a manner that would allow the public to be aware of any planned hazard tree mitigation projects and create a channel for the public to share any concerns they may have. As a result, DEEP will be providing a minimum of 14 days of advance notice of hazard tree mitigation activity by posting projects on its website, posting signage on-site notifying the public about the project, and marking each individual hazard tree. Each Heritage Tree will be identified with its own sign attached to the tree
3. **Replanting:** For many hazard tree projects in wooded areas, new trees will either naturally reseed or the remaining trees will expand their canopy through natural silvicultural processes. However, in some cases, it may be advisable to replant trees in order to reestablish benefits provided by to the ecosystem, culture or aesthetics of the park or campground. In these cases, DEEP will consider replanting. DEEP does not currently have a funding source identified for this work. Seedling or sapling trees often need specialized care, watering, protection from animals, etc., after being planted. DEEP has had great historic success with tree planting in parks when local non-profits were willing to support the planting and care of new trees.

In accordance with the Act, DEEP will continue to review this draft Policy and all comments and feedback through the lens of public safety.

#### ADA PUBLICATION STATEMENT

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END OF PUBLIC NOTICE