



STATE OF CONNECTICUT
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To: deep.hazardtrees@ct.gov

The Council on Environmental Quality provides the following comments in response to the Department of Energy and Environmental Protection's (DEEP) request for comments on its DRAFT Hazard Tree Mitigation Policy (Policy):

1.0 Purpose

Section 17 of Public Act 22-143 states, in part, that "such policy shall also include provisions for: (A) The maintenance of public safety, (B) ecological and natural resource protection, (C) practices for transparency and public engagement in the process of such designation, removal and mitigation, (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 impact mitigation or clean-up, and (K) removal of invasive species."

As written, the Draft Policy would not apply to (F) fire suppression or protection efforts, (H) decorative pruning, (I) trail maintenance, (J) post-storm impact mitigation or clean-up, and (K) removal of invasive species. It is questionable if the Draft Policy is consistent with the Public Act if it is excluding the applicability of certain actions rather than including "provisions for" the actions noted above. It is also questionable why the non-emergency removal of trees for forest fire suppression, prevention, or protection efforts; trail maintenance, cutting and clearing; infrastructure maintenance tasks; removal of invasive species; trees located on or near the boundaries of the DEEP lands; forestry management; and wildlife and fisheries management activities should be excluded and especially the Signage and Notification provisions, identified in Section 8 of the Draft Policy.

2.0 Definitions and 5. Heritage Tree Designation

The Draft Policy states that licensed arborists shall only be consulted when determining whether a "Heritage Tree" should be identified as a Hazard Tree (not an Extreme Hazard), and if so, how such hazard may be cost effectively mitigated. While the Public Act provides for DEEP to establish the "scope of applicability" with regards to "department consultation with a licensed arborist", it seems unnecessarily restrictive and is dependent on the designation of "Heritage Trees" by DEEP. Moreover, the definition of "Heritage Tree" in the Draft Policy is somewhat ambiguous in that it is defined as "a tree recognized by DEEP for its unique size, age, historic or cultural significance, or aesthetic or ecological value".

Consequently, if DEEP does not designate a tree as a "Heritage Tree", based on non-specific criteria, no consultation with a licensed arborist would be required. It would be appropriate for DEEP to consider expanding the role of licensed arborists to provide greater input on the designation of hazardous trees and possible mitigation strategies.

While the Draft Policy contains a definition for “Extreme Hazard”, the wording may create some confusion in determining the significance of the hazard. An extreme hazard is defined as “an existing condition that poses imminent harm to people or property and must be addressed immediately.” DEEP should consider defining “imminent harm” or “imminent threat” and include within that Draft Policy guidance on how imminent harm or an imminent threat to people and property can be mitigated by specific counter-measures, such as fencing, signage, road closures, removal of campsite equipment, and parking lot and trail closures, where a threat might exist. These temporary mitigation measures can change the hazard potential rating of a threat, thereby allowing DEEP staff more time to address the potential hazard in a more deliberative fashion.

3.0 Roles and Responsibilities

The Draft Policy states that “the DEEP Bureau of Central Services (BCS) will manage the implementation of this Policy”; “collection, recording and storage of required data”; and that “training for applicable DEEP personnel will also be coordinated through BCS with the support and assistance of personnel from the Bureau of Outdoor Recreation [Resources] (BOR) and Bureau of Natural Resources”. This is inconsistent with Table 3.1 Roles and Responsibilities that identifies the “DEEP Facility Supervisor” as being accountable for the implementation of the Policy at their facility. Since facility supervisors are part of the State Parks and Public Outreach Division within the BOR, the BOR should be identified as the Bureau responsible for the implementation of the Policy. In addition, Section 7 of the Draft Policy states that “State Park District Supervisors will be responsible for approving all hazard tree mitigation projects occurring in any park or campground for which they have oversight.” It is unclear whether “DEEP Facility Supervisor” and “State Park District Supervisors” are the same. If not, it would be appropriate to include State Park District Supervisors and their role in Table 3.1 – Roles and Responsibilities.

4. Training

The requirement that the training be completed before DEEP personnel perform hazard tree inspections is well reasoned. It would be appropriate to include training on measures to reduce/eliminate potential hazards, such as pruning, trimming, bracing, treating cavities or other methods of improving tree conditions, that would not necessitate the entire removal of a tree. In addition, a requirement for continued education/training after an appropriate timeframe would help to ensure that DEEP staff are informed regarding newer/better methods for determining hazard trees and strategies for mitigating potential hazards.

6. Inspections

The Draft Policy states that “the first type of inspection is an individual inspection. This inspection is more thorough and is intended to occur in areas with high and moderate priority Targets”. It would be more appropriate to rephrase the sentence to *is intended to occur in moderate to high hazard potential target areas* so as not to suggest that there are “high and moderate priority targets”. It would also be appropriate to add the word “areas” when discussing targets, so that it would apply to “target areas”, where appropriate.

7. Internal review

The Draft Policy states that DEEP “will provide internal notifications of all planned tree mitigation projects that are subject to this Hazard Tree Mitigation Policy to allow professional disciplines within DEEP the opportunity to advise and comment on proposed, upcoming Hazard tree mitigation projects”. This is well reasoned and appropriate. However, consistent with the comments in Section 1.0 above, there could be instances where an important environmental resource, such as a fishery or critical habitat or state-listed species, could be impacted by the removal of trees in locations/uses that are proposed to be excluded from the Draft Policy, such as along trails, roads, in areas with invasive species, or near property boundaries. In addition, DEEP staff should assess the ecosystem services that might be lost or impacted as a result of the mitigation measures and provide recommendations for replanting with other plant materials/species. Such consultation could provide important information on measures to mitigate any potential adverse impacts to important environmental resources, such as riparian corridors, when addressing the mitigation of hazardous trees.

8.0 Signage and Notification

The Draft Policy states that “external notifications will be provided through DEEP’s website and physical signage posted at the proposed site.” As was noted in the public comments submitted to DEEP prior to drafting the Draft Policy, it would be appropriate to notify the chief elected official, tree warden, and/or town manager in the host municipality where the proposed work would be undertaken, and such language should be included in the Policy. It would also be appropriate to restrict access to certain hazard areas and/or remove items, such as picnic tables, from hazard areas, as discussed above.

10.0 Replanting

The Draft policy states that “DEEP does not currently have funding or staff resources to support tree replanting” and that “DEEP will consider replanting through non-profit or volunteer support.” This language suggests that unless a non-profit or volunteer coordinates with DEEP to replant and nurture trees at state parks and campgrounds to replace hazardous trees that are removed, no effort will be undertaken by DEEP to do so. This approach is possibly inconsistent with Section 17 (c) of Public Act 22-143, which requires DEEP to report to the Legislature on the “state park and campground tree replanting strategies for removed hazardous trees and any associated funding needs.” Consequently, DEEP should establish a replanting plan, subject to available funding, for priority areas, with or without external volunteer assistance, to ensure that Connecticut’s state parks and campgrounds remain desirable locations for outdoor recreation.

As noted in previous comments submitted by the Council, non-emergency state actions that affect the state’s forests and parklands could be “actions which may significantly affect the environment”, as described in the Connecticut Environmental Policy Act (CEPA) ([CGS Sec. 22a-1c](#)) and its regulations, and would therefore need to comply with CEPA’s provisions. CEPA allows for state agencies to establish thresholds for environmental reviews. The Council looks forward to working with DEEP and the Office of Policy and Management to create an agency-specific Environmental Classification Document (ECD), which could define what types of actions require public notice and review under CEPA.

Thank you for considering these comments.

Sincerely



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