



AUGUST 9, 2022 CONNECTICUT DEPARTMENT OF ENERGY & ENVIRONMENTAL PROTECTION HAZARD TREE MITIGATION PROCESS NOTICE OF HAZARD TREE MITIGATION POLICY ISSUANCE

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 were 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: “(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, i.e., 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.

DEEP issued a draft hazard tree mitigation policy on July 2, 2022 for public review and sought oral comments at a virtual public meeting on July 11, 2022 at 6:00 PM. Written comments were also accepted from July 2, 2022 through July 17, 2022. A recording of the virtual public meeting and written comments submitted during the public comment period can be found on the [DEEP website](#).

DEEP is appreciative of the numerous written and oral comments submitted on the Draft Policy. All public comments were carefully reviewed and considered, resulting in a number of revisions to the Draft Policy. DEEP was not able to address all comments received; however, care was taken to address the most prevalent issues raised and to enable the agency to meet the requirements in the Act within available resources.

Some notable revisions that resulted from public comments:

1. DEEP received numerous comments suggesting an individual who is credentialed with a Tree Risk Assessment Qualification from the International Society of Arboriculture (ISA TRAQ Credential) should perform tree risk assessments in lieu of a Connecticut licensed arborist. While the Act requires that the Policy provide a consultation role for Connecticut licensed arborists, a revision was made to also include a consultation role for individuals with an ISA TRAQ Credential.
2. In response to comments received concerning training requirements, DEEP will be encouraging and supporting staff participation in the Tree Wardens' Association of Connecticut Tree Warden School.
3. The Policy was revised to include identified heritage tree criteria.
4. To better facilitate public comments, the Policy was revised to clarify that the public is always able to provide input and comments concerning heritage trees to DEEP.HazardTrees.ct.gov.

DEEP is grateful for the strong public engagement on this policy and encourages friends' groups, local organizations and individual park users to continue to engage with the agency on individual projects in response to the robust notification protocols included in this policy. DEEP would like to thank everyone who submitted public oral and written comments and who helped contribute to this important policy.

By way of this Notice, DEEP is issuing the final Hazard Tree Mitigation Policy, which can be found on the [DEEP website here](#).

In addition to the considerations above, the Policy addresses criteria in the Act in the 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 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.

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 Policy that enables DEEP to meet the requirements of the Act within available resources. Some fiscal impacts of some of the practices proposed in the 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 future adjustments to the Policy in the future.

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END OF PUBLIC NOTICE