



General Assembly

January Session, 2023

Raised Bill No. 6610

LCO No. 3488



Referred to Committee on ENVIRONMENT

Introduced by:
(ENV)

AN ACT CONCERNING "NO NET LOSS" OF STATE FORESTLANDS.

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

1 Section 1. (NEW) (*Effective October 1, 2023*) (a) For the purposes of this
2 section:

3 (1) "Division" means the Division of Forestry and Parks in the
4 Department of Energy and Environmental Protection; and

5 (2) "State entity" means any department, agency or office of the state
6 government, including, but not limited to, any university or college of
7 the state and any authority created by the state.

8 (b) Each state entity, on or before July 1, 2024, and annually thereafter,
9 shall develop and submit to the division a plan for compensatory
10 reforestation for all areas of not less than one-half acre in size that are
11 owned or maintained by such state entity and that are scheduled for
12 deforestation. The compensatory reforestation plan required pursuant
13 to this section shall establish a goal of "no net loss" of existing forested
14 areas based upon a reasonable and practical tree replacement factor
15 developed in accordance with this section. Such plan shall be subject to

16 approval by the division after review and comment by the Community
17 Forestry Advisory Council established pursuant to this section. No
18 project that would deforest land of not less than one-half acre in size that
19 is owned or maintained by such state entity may be commenced without
20 approval of such state entity's compensatory reforestation plan by the
21 division.

22 (c) (1) Any compensatory reforestation plan developed pursuant to
23 this section shall provide that, if tree planting adjacent to the deforested
24 area is not feasible, tree planting shall be conducted first, within the
25 municipality in which the deforestation occurred and within five miles
26 of the site of deforestation, or secondly off-site in accordance with the
27 provisions of this section.

28 (2) Any compensatory reforestation plan developed pursuant to this
29 section shall include appropriate and approved methods for the
30 planting, protection, care and management of trees and other related
31 natural resources.

32 (3) The Department of Energy and Environmental Protection, with
33 the advice and assistance of the Community Forestry Advisory Council,
34 established pursuant to this section and the division, shall adopt
35 regulations, in accordance with the provisions of chapter 54 of the
36 general statutes, to develop a list of guideline elements for state entities
37 that shall be required in any compensatory reforestation plan, including,
38 but not limited to: (A) If the division determines that it is not feasible to
39 conduct the required tree-planting efforts on-site, then the tree planting
40 shall be conducted first on state property within the municipality in
41 which the deforestation occurred or, secondly, on municipal property
42 within the municipality in which the deforestation occurred. For this
43 purpose, "municipal property" includes parks, streets, schools,
44 municipal facilities and open space and recreational areas; (B) if the
45 division determines that it is not feasible to conduct such tree-planting
46 efforts on-site or within such municipality, then the tree planting shall
47 be conducted within five miles of the site of the deforestation. For this
48 purpose, sites "within five miles of the site of deforestation" includes

49 property owned or maintained by the state or any other municipality;
50 (C) if the division determines that it is not practicable to conduct the
51 tree-planting efforts on-site, within the municipality or within five miles
52 of the site of deforestation, then the tree planting shall be conducted off-
53 site by such state entity. For this purpose, "off-site" property includes
54 property owned or maintained by a state entity, other than the one
55 developing and implementing the compensatory reforestation plan, if
56 the state entity that is to receive the benefits of the off-site tree-planting
57 efforts agrees to such planting; (D) for any such planting, the state entity
58 shall use native species when practicable; (E) the shape or configuration
59 of the reforested area may be substantially similar to the shape or
60 configuration of the deforested area; (F) the replacement of trees shall
61 be determined by the tree replacement factor developed pursuant to this
62 section and shall be based upon accepted forestry research and practices
63 that show the average tree density within urban areas to be two hundred
64 four trees per acre of tree cover; (G) in using the tree replacement factor
65 (TRF) for sites that are deforested, the following number of stems shall
66 be calculated for seeding, caliper and whip/container trees:

67 TRF = 204 (2" - 2 1/2") caliper trees per acre

68 = 408 whip/container (4' - 6') trees per acre

69 = 1210 tree seedlings per acre;

70 (H) the seedlings used for such replanting shall be planted from six to
71 ten feet apart, or at a distance mutually agreed to by the division and
72 the state entity and such seedlings shall be those that are the most
73 suitable for the site; and (I) the species of caliper nursery-grown trees
74 measured at two and one-half inches and whips at one and one-half
75 inches shall be planted based upon the approved planting plan and
76 subject to the standards established by the American Association of
77 Nurserymen. Diversity in species composition shall be required to
78 reduce the risk of widespread loss of trees to single insect and disease
79 infestation and, therefore, similar species shall not exceed thirty per cent
80 of the total planting.

81 (4) The state entity shall enter into a memorandum of agreement with
82 the division that guarantees the division's reimbursement for actual
83 labor hours attributable to the review and implementation of the state
84 entity's compensatory reforestation plan pursuant to this section. If the
85 reforestation required by this section cannot be accomplished on the site
86 of the project by the state entity, the division and the state entity may
87 mutually agree within such memorandum of agreement that the state
88 entity responsible for the deforestation shall pay an amount equal to the
89 value of the number of trees required, as determined by the tree
90 replacement factor and in accordance with an approved compensatory
91 reforestation plan. Such payment shall be credited to the fiscal resources
92 of the division and expended for reforestation by the division with the
93 advice of the Community Forestry Advisory Council established
94 pursuant to this section. Any such memorandum of agreement shall be
95 part of the state entity's compensatory reforestation plan.

96 (d) The requirements of this section shall not apply to activities that
97 are deemed by the division to constitute standard forestry, wildlife
98 management, arboricultural practices or management of existing utility
99 transmission corridor easements.

100 (e) (1) Whenever a state entity owns or maintains land on which an
101 area of not less than one acre in size is scheduled for deforestation, not
102 less than one hundred eighty days prior to the deforestation of such
103 area, the state entity shall hold not less than one public forum on such
104 deforestation and compensatory reforestation plan within the
105 municipality in which the deforestation is scheduled, or, if the area
106 scheduled for deforestation spans more than one municipality, such
107 public forum shall be held in any one of the municipalities in which
108 deforestation is scheduled. The public shall be permitted to present oral
109 and written comments to the state entity during a comment period of
110 sixty days commencing from the date of the public forum. Not later than
111 sixty days after such comment period ends, the state entity shall provide
112 written responses to the comments received. Notice of any such public
113 forums and attendant comment periods shall be shared with the Council
114 on Environmental Quality for publication in the Environmental

115 Monitor.

116 (2) Whenever a public process is already required by any other state
117 or federal law, rule or regulation for a project that includes forested land
118 scheduled for deforestation, the state entity shall not be required to
119 conduct a separate public forum described in subdivision (1) of this
120 subsection, to comply with the provisions of this section, provided the
121 public forum requirements established in subdivision (1) of this
122 subsection are met at the public forum or hearing conducted pursuant
123 to any other state or federal law, rule or regulation.

124 (3) Each state entity shall clearly advise the public in the agenda for
125 any public forum held pursuant to this subsection that a reforestation
126 plan will be presented at such forum. Copies of the state entity's written
127 responses to the public comments shall be provided by the state entity
128 to the division at the close of the comment period.

129 (f) There is established within the division the Connecticut
130 Community Forestry Program that shall have the following purposes:
131 (1) To assist municipalities and shade tree commissions in establishing
132 and maintaining community forestry programs and in encouraging
133 persons to engage in appropriate and approved practices with respect
134 to tree management and care, (2) to advise municipalities and shade tree
135 commissions in the development and coordination of policies, programs
136 and activities for the promotion of community forestry, (3) to provide
137 grants to municipalities and shade tree commissions applying for
138 assistance in the development and implementation of community
139 forestry plans, to the extent funds are appropriated or otherwise made
140 available for such plans, (4) to educate citizens on the importance of
141 trees and forests and the role of trees and forests in the maintenance of
142 a clean and healthy environment, (5) to provide technical assistance,
143 planning and analysis for projects related to community forestry, (6) to
144 provide training assistance to municipalities and shade tree
145 commissions regarding community forestry issues such as tree diseases,
146 insect programs and tree planting and maintenance, and (7) to provide
147 volunteer opportunities for citizens and organizations interested in

148 community forestry activities. For purposes of this subsection,
149 "municipalities" includes, but is not limited to, any political subdivision
150 of the state and any regional council of government.

151 (g) (1) There is established within the division a Community Forestry
152 Advisory Council, that shall consist of twenty members, appointed by
153 the State Forester, all of whom shall be citizens with expertise or interest
154 in trees, forestry or tree or forest management, maintenance or care.
155 Each of the members appointed shall serve for a term of three years and
156 until a successor is appointed and qualified, provided, of the members
157 first appointed, seven shall serve terms of one year and seven shall serve
158 terms of two years. All vacancies, except those created through the
159 expiration of term, shall be filled for the unexpired term only, and in the
160 same manner as the original appointment. Each member shall be eligible
161 for reappointment, but may be removed by the Commissioner of Energy
162 and Environmental Protection or the State Forester for cause.

163 (2) A majority of the membership of the council shall constitute a
164 quorum for the transaction of council business. Action may be taken and
165 motions and resolutions adopted by the council at any meeting thereof
166 by the affirmative vote of a majority of the full membership of the
167 council.

168 (3) Members of the council shall serve without compensation but may
169 be reimbursed for expenses necessarily incurred in the discharge of their
170 official duties.

171 (4) The State Forester shall appoint a chairperson and vice-
172 chairperson of the council and the council may elect such other officers
173 as may be necessary.

174 (5) The council shall advise the State Forester and the division on
175 issues concerning community forestry and assist with such other
176 functions as may be authorized by the State Forester, the division or the
177 Commissioner of Energy and Environmental Protection.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2023	New section

Statement of Purpose:

To hold state agencies accountable for any loss of state forestlands caused by their functions and operations through replanting plans and compensation.

[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.]