

# Environment Committee JOINT FAVORABLE REPORT

**Bill No.:** SB-289

AN ACT CONCERNING THE AUTHORITY OF THE DEPARTMENTS OF  
ENERGY AND ENVIRONMENTAL PROTECTION AND TRANSPORTATION

**Title:** OVER VEGETATION MANAGEMENT.

**Vote Date:** 3/20/2024

**Vote Action:** Joint Favorable

**PH Date:** 3/15/2024

**File No.:**

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## **SPONSORS OF BILL:**

Environment Committee  
Rep. Geraldo C. Reyes, 75th Dist.

## **REASONS FOR BILL:**

The orderly management of plant life in the state parks and along its highways is essential for ensuring the safety and usability of them. It is also of importance that the environmental impact of removing them is minimized to help address climate change and protect our wildlife. This bill seeks to add certain safety measures to ensure that any action taken by the DoT or DEEP with regards to removing vegetation considers all the impacts of doing so.

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

**Katie S. Dykes, Commissioner, CT Department of Energy & Environmental Protection**

DEEP opposes this bill because it eradicates DEEP's new hazard tree policy which the Legislature directed them to create in 2022. They believe it creates an expensive and time-consuming process by establishing an 11-person commission and an appointed arborist overseeing the removals of each tree, shrub, or group of shrubs in each of DEEP's 142 state parks and 14 campgrounds. In their opinion this impacts DEEP's ability to protect employee and public safety and establishes a broad and onerous requirement for DEEP to review all vegetation management used by the Department of Transportation and its contractors. DEEP also opposes section 3 because it establishes a broad requirement that Department of Transportation employees and contractors obtain a Certificate of Limited Effects for Arbor Non-Retainment for each piece of equipment or machinery used in vegetation management for maintenance and construction projects pursuant to CGS Section 13b-31h.

**Garrett T. Eucalitto, Commissioner, Connecticut Department of Transportation**

DOT oppose section 3 of this bill because it requires that the owner, lessor, or operator of machinery or equipment for the purpose of conduction vegetation management in conjunction with any maintenance or construction project shall obtain a Certificate of Limited Effects for Arbor Non-Retainment from the Department of Energy and Environmental Protection. They believe that because such certificate must be obtained at least 30 days prior to any land clearing or grinding, it will cause significant delays in quickly addressing compromised trees and could result in serious injury or death to motorists.

Section 3 (b)(1) requires DEEP, in evaluating whether a certificate should be granted, to determine if the use of such machinery is "consistent with the state's greenhouse gas emissions goals." DOT state they currently have no mechanism or ability to calculate greenhouse gas emissions from specific activities that may be part of a project, or the use of specific pieces of equipment. Permit applications submitted to DEEP typically require the applicant to provide detailed information and such application processes take several months before a determination is made.

Section 3(b)(2) further requires DEEP to analyze if there are disproportionate effects on Environmental Justice Communities from particulate matter attributable to the operation of such machinery. They believe restricting DOT's ability to conduct necessary maintenance activities in an EJ community will only serve to delay removal of potential safety hazards present in those communities.

DOT believe Section 3(b)(3) is not necessary. For construction projects, DOT includes special provisions in contracts when required for invasive species removal, which includes requirements for a contractor to follow to prevent the spread of invasive species.

Sect 3(d)(1) limits the time of day within which DOT can perform construction or maintenance work. DOT state they schedule operations during times that are expected to have the least impact on motoring public. They believe that putting hourly limits on the time of operation of the equipment needed to achieve this would greatly limit our ability to meet these requirements and only prolong negative impacts for the road users.

**NATURE AND SOURCES OF SUPPORT:**

**Nathan Frohling, Director of External Affairs, The Nature Conservancy**

The Conservancy supports sections 1 and 2 which establishes a Beneficial Arbor Retention Commission that would address tree management in state parks and campgrounds. They support section 3 in evaluating noise and emissions from equipment used by the DOT for vegetation management along roads and highways. The group believe successful vegetation management ensures that forests are conserved, restored, and made more resilient to climate change while embracing our water resources.

**Robert LaFrance, Director of Policy, Audubon Connecticut**

The Audubon Society expresses concerns for DEEP's staffing levels, which they believe to be especially low for the Branch of Environment Conservation. They also believe that soliciting public input on the removal of trees is important in building social trust.

**Juliet Cain, Regional Tree Group Member, Darien Pollinator Pathway**

The testifier supports the bill's overall purpose in relation to addressing tree management in state parks, but believes the creates an unnecessarily complex administrative solution, requiring mostly external expert volunteers, for a problem that could likely be addressed through improved internal guidelines and processes within DEEP.

**Diane Hoffman**

The testifier expressed support for the bill, noting their desire for a tree replanting demonstration project at the Housatonic Meadows State Park. They believe that trees which pose a danger to the public should be cordoned off, but not removed.

**NATURE AND SOURCES OF OPPOSITION:**

None expressed.

**Reported by: Judy Ganswindt**

**Date: April 3<sup>rd</sup>, 2024**