

CONNECTICUT Land Conservation Council

Testimony on Senate Bill Nos. 117 and 119
Environment Committee
Submitted by Amy Blaymore Paterson, Executive Director
February 25, 2022

Co-Chairs Cohen and Gresko, Vice-Chairs Slap and Palm, Ranking Members Miner and Harding, and members of the Environment Committee:

Thank you for this opportunity to present testimony in support of **Senate Bill No. 117, An Act Concerning Tree Removal On Properties Under the Control of the Department of Energy and Environmental Protection (SB 117)**, and **Senate Bill No. 119, An Act Concerning Climate Resiliency Funds and Projects (SB 119)**.

The Connecticut Land Conservation Council (CLCC) is the state's umbrella organization for the land conservation community. We advocate for land conservation, stewardship and funding, and work to ensure the long-term strength and viability of land conservation in Connecticut. As a coalition organization, CLCC works with Connecticut's robust land trust community (~130 -- the third most in the country), as well as DEEP, municipalities, and other entities committed to land conservation and addressing climate change at every level. CLCC was a member of the Governor's Council on Climate Change (GC3) Forests Sub-Group and a member of the Policy on Resilient Forests for Connecticut's Future (PRFCT Forest) Working Group.

The GC3 Phase 1 Report: Near-Term Actions (January 2021) (GC3 Report) as well as *Governor's Executive Order No. 21-3 (December 2021)* recognize that our state's forestlands, natural areas, and working lands are among our strongest defenses against the impacts of climate change. The benefits of these natural climate solutions to public health, the economy, and environment include protecting biodiversity, reducing the risks and impacts of flooding, filtering pollutants from the air, and absorbing and storing carbon. Forests and trees work both ways in mitigating climate change impacts — absorbing greenhouse gas emissions and also preventing the release of significant levels of carbon emissions that would be caused by deforestation and conversion of open lands to active development. It is essential that these benefits are considered at every level of planning and management of our state's natural resources.

CLCC supports SB 117 which would improve transparency and establish standards for the removal of trees and shrubs that constitute an immediate public hazard on public lands under the control of the CT Department of Energy and Environmental Protection.

On February 7, CLCC submitted comments to the CT Council on Environmental Quality regarding its January 26 agenda item, "DEEP's Policy on Tree Removal and Public Involvement" in the context of the removal of trees at Housatonic Meadows State Park. SB 117 would help to address several of CLCC's concerns and recommendations as presented to CEQ, including:

- (1) **Public Notice and an Opportunity to be Heard:** State Parks, Forests, Wildlife Management Areas, and other conservation lands owned by the State are public trust resources: these lands were acquired with an expectation that they would be preserved and stewarded in trust for the benefit of Connecticut's



citizens. As such, the public should be notified and given the opportunity to comment to the greatest extent possible prior to hazard tree-removal and other related work on public lands. A public engagement process in advance of the project would allow for input by local stakeholders and independent professionals who are often the most familiar with the resources to be impacted.

- (2) **Evaluation and Determination of “Hazardous Trees” and Environmental Impacts:** In response to compelling testimony submitted by licensed arborists challenging the validity of DEEP’s hazard designation of most of the trees that were cut at Housatonic Meadows, we contend that the hazard tree assessment process should be interdisciplinary, made by or under the direct guidance of a licensed arborist and other professionals with relevant expertise. It should also include an evaluation of options to mitigate potential hazards and preserve the trees.

The requirements proposed by SB 117 would be a step in the right direction towards helping to restore the public’s confidence in DEEP that there is a system in place to ensure that land entrusted to the state for conservation and recreation will be protected for those purposes to the greatest extent possible. They also emphasize the need for critical investments in the agency’s budget and staffing to ensure DEEP has the capacity to implement these new requirements. Finally, they underscore the timeliness of adopting a more comprehensive program of compensatory reforestation and mitigation for utility and state agency actions. We would be happy to work with the committee and DEEP to further these recommendations.

CLCC supports SB 119 which would allow monies held in municipal Climate Change and Coastal Resiliency Reserve Funds (Climate Reserve Fund) to be invested in trust funds administered, held, or invested by the State Treasurer. Enacted in 2019, Connecticut General Statutes Sec. 7-159d provides municipalities with the authority to create a Climate Reserve Fund to pay for municipal property losses, capital projects, and studies related to mitigating hazards and vulnerabilities of climate change including, but not limited to, land acquisition. Included in this enabling legislation is the authority to establish investment strategies for the funds.

The importance of the Climate Reserve Fund is emphasized by the recommendations set forth in the GC3 Report, including identifying and generating revenue sources to pay for resilience projects and programs. (Recommendation 56, page 51) By allowing the Office of the Treasury to manage Climate Reserve Fund investments, Sections 1 and 2 of SB 119 provide municipalities with another investment option to maximize the value of the monies it has transferred into the fund.

At a time when municipal, state, and federal resilience dollars are expected to increase, Section 3 underscores the importance of ensuring this revenue is leveraged to the greatest extent possible. To implement the requirements set forth in Section 3, it is necessary that DEEP has the capacity – fully supported with money, staff, and other resources – to administer new and existing federal programs and maximize the benefits of these funds. Likewise, to ensure that municipalities are best positioned to take advantage of existing and new opportunities for investment, we ask the committee to continue to explore new options that would allow communities to generate revenue to deposit in the Reserve Fund to use as match dollars for climate resilience and other local environmental projects.

Thank you for this opportunity to provide our comments, and for all you do. I’m happy to answer any questions you may have.