

STATE VEGETATION MANAGEMENT TASK FORCE

MEETING #4 – FACILITATOR’S SUMMARY

June 5, 2012, 10:00 AM – 12:45 PM

Beardsley Zoo, Bridgeport, CT

Members Present: Kim Barbieri, Timothy Bockus, Teri Brown, Mark Goetz, David Goodson, Jim Govoni, Eric Hammerling, Mary Hogue, John Jasinski, Leslie Kane, Kevin Kelly, JoAnn Messina, John Mitchell, Karl Reichle, Bruce Villwock, Jeffrey Ward. Alternate: Ken Bullard. **Members Absent:** Jane Harris, John Parry.

Connecticut Department of Energy and Environment (DEEP) Participants/Ex Officio Members: Chris Donnelly.

Observers: none. **Facilitator:** Bill Logue

Welcome, Introductions and Administrative Issues. The agenda and handouts were reviewed¹. Task Force Chair Eric Hammerling welcomed new member Teri Brown from AT&T who introduced herself. Mr. Hammerling highlighted that the group was in its fourth meeting of nine and the path traveled to date working from the Two Storm Panel Report, through identification of topics and formation of working groups.

I. Tree Laws of Connecticut. Chris Donnelly of DEEP reviewed the trees laws applicable to the work of the Task Force. The presentation materials, available online and recommended for review of what was covered, cite the laws and highlights particular passages of interest. He noted that some laws direct DEEP, or other agencies, to develop regulations to address an issue, e.g., invasive insects, regulation of arborists. Topics covered included:

- Words and phrases – forestry is included within the definition of agriculture and farming.
- Scope of municipal powers.
- Department of Transportation – removal of trees along state highways.
- Public service companies –
 - Requirement of maintenance plans be submitted to PURA by utilities.
 - Rights of adjoining properties owners – Mr. Donnelly noted that some proposed changes to this statute (§16-23) were raised in HB 450 in the last session but were not passed. However they may be re-raised in the future.
- Tree warden statutes – this statute was last revised in 1929.
 - During discussion several members noted that the authority of tree wardens to prune is for public safety. Members described different approaches for posting

¹ Most documents from the meeting are generally available at:
<http://www.ct.gov/dep/cwp/view.asp?a=2697&q=503040>

for tree removals and that there are no penalties if a tree warden does not follow the statutory requirements.

- Northeast Utilities has shifted from door-to-door surveys for owner permission for enhanced pruning to 1st class mailings giving a 15 day notice to landowners about planned activities with an opportunity meet with the utility if questions/concerns arise. The complaint rate has been low since this was implemented approximately one and a half years ago. The utility companies noted the inconsistency in that tree wardens have authority over trees but there is limited accountability for tree wardens and the utilities are accountable in the new legislation but don't have the authority. The Regulatory, Legislation and Funding Working Group will review these issues.
- Mr. Donnelly noted that the penalty for improper removal of trees was generally the cordwood or timber value which tends to be low.

II. Working Groups. The Task Force decided to hold sequential working group meetings in lieu of a full meeting on June 18. All Working Groups will meet at CFPA n June 18th with the following proposed schedule: Public Education (9:00 – 11:00 a.m.); Regulation, Legislation and Funding (11:15 a.m. – 1:15 p.m.); and Technical Standards (1:30 p.m. – 3:30 p.m.). Bill Logue described the process for working groups to arrive at draft recommendations with rationales to present to the full Task Force for discussion and consideration. He also suggested that the working groups track items considered but not recommended. He committed to sending out a template for recommendations. The working groups may bring additional experts into their discussions. Each working group then gave a quick report out of the status.

The **Public Education Working Group** has identified the audiences and a number of issues such as how to address a private tree causing a public hazard and mechanisms for addressing this. DEEP lawyers will be invited to help delineate the issues. During discussions a number of issues/suggestions were listed or discussed including: notice methods, powers, compliance/enforcement, roles of private insurance, incentives, proactive measures, liability, trespass, etc. Suggestions were made about looking western states and how they deal with fire protection, incentives, etc. The Regulatory Working Group is also examining this issue because it is faced by both DOT and tree wardens.

The **Regulation, Legislation and Funding Working Group** has identified a number of issues to work on first. They are: road clearing, tree warden certification, appealing/overriding tree trimming decisions, funding, private trees endangering the public right-of-way and utilities, and tree inventories/potential liability. Concerning trimming decisions, there has been an increased level of cooperation on work by utilities and municipalities, e.g., in some circumstances the utilities will trim/cut and chip brush and the municipality will take responsibility for large wood.

The **Technical Standards Working Group** is beginning its work and will develop a desired end state for the roadside forest and develop recommendations of pruning relative to wires and highways and consider Right Tree/Right Place.

Several approaches to work were suggested including assessing the roadside forest as a whole then discussing responsibility for managing it. This is being done in New Hampshire. The group generally agreed that a category one storm is what should be considered the management goal because damage from a higher level storm will be severe such that vegetation management alone would not appreciably protect roads and utility lines from damage or obstruction.

III. Other Business. PURA will be reviewing the “storm docket” which may be the largest docket PURA has ever opened, and hopes to make draft recommendations on utility response and communications by July 17th. After that, PURA will be working on the November 1 deadline pursuant to Public Act 12-148 (Senate Bill 23) for roadside cutting practices unless something in S.B. 23 is changed in the special session coming up on June 12th.