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Sullivan Independence Hall
725 Old Post Road
Fairfield, Connecticut 06824

March 2, 2021

Connecticut General Assembly
Energy and Technology Committee
Legislative Office Building, Room 3900
Hartford, CT 06106

**Re: Testimony in OPPOSITION to Raised
Bill 950 (LCO No. 3970)**

Dear Senator Needleman, Representative Arconti, Senator Winfield, Representative Allie-Brennan, Senator Formica, Representative Ferraro, and all members of the Energy and Technology Committee:

The Fairfield Forestry Committee (“FFC”), for reasons stated herein, adamantly OPPOSES the proposed changes to Connecticut General Statutes Sec. 16-234 now being considered in Raised Bill 950 (the “Proposed Bill”).

Our interest in this matter is pursuant to our mission and responsibility to promote stewardship of Fairfield’s Town-owned trees and otherwise assist the Tree Warden with implementation of our Town’s Community Forest Management Plan.

Changes of the type set forth in the Proposed Bill were previously attempted by the Electric Distribution Companies (EDC) serving Connecticut and rejected by the State Public Utility Regulatory Commission (PURA) in January of this year after a full and comprehensive Public Hearing process in PURA docket 18-12-25 (“PURA review of electric companies’ and electric distribution companies’ plans for maintenance of transmission and distribution overhead and underground lines”).

The FFC, along with other agencies, organizations, and individuals from throughout the state dedicated to protecting and otherwise managing forest resources, testified before PURA in this matter. Among other things, we expressed our concerns regarding the potential adverse effects of the EDC’s “Targeted Risk Management” (TRM) tree trimming practices on the Community Forest and the potential conflicts between this program and the authorities and responsibilities of the Tree Warden. A copy of our testimony is attached for your convenience.

We believe that PURA's final decision to modify the Utility's TRM program under the existing Sec. 16-234 was wise and proper and provides reasonable safeguards for protecting the Community Forest and maintaining the long-established authorities of the Tree Warden according to the intent of the statute and the needs and interests of the affected community. Accordingly, we believe the existing Statute should not be amended.

In addition, we submit that the Proposed Bill is inconsistent with General Statute Sec. 23-59 concerning "Powers and duties of tree wardens." This section gives to each tree warden (required by statute to be appointed in each town) the authority and responsibility for "care and control of all trees and shrubs in whole or in part" within his or her town of appointment. We maintain that it is inappropriate and contrary to this section to grant to the EDCs, as the Proposed Bill would do, certain powers historically reserved for the tree wardens, thereby enabling the EDCs to take immediate action on trees without first obtaining the tree warden's consent or consultation, and possibly resulting in environmental disturbances left for the town and tree warden to correct or otherwise address.

We also are concerned that the Proposed Bill seems like a "back-door" attempt to circumvent the state's regulatory process through which a decision has been made that the EDCs find is not in their own best interests. While PURA's process provided for substantial public review and comment, the EDC's ongoing legislative approach has provided little notice and much less opportunity for public discussion. In fact, the FFC, Fairfield Tree Warden, and other stakeholder groups only learned of the Proposed Bill on Monday of this week.

We assert that the Proposed Bill is overly broad and unnecessarily diminishes long-standing rights of communities and their residents to exercise reasonable control over their trees and properties. Under the Proposed Bill, the existence of a single branch within eight feet of a power line would arguably give to the EDC the discretion to remove the entire tree without notice to, consultation with, or consent of either the property owner or the Tree Warden, regardless of how far away the tree itself is from the line, regardless of whether the tree is on private property, and regardless of whether the risk (if any) to the line is minimal.

Among their many benefits, trees remove carbon dioxide and impurities from the air and replace them with oxygen; provide nutrients to the soil; filter water recharging our aquifers; reduce stormwater runoff and soil erosion; contribute to biodiversity, provide cooling shade; make our towns and cities better and safer to live; and increase property values. In fact, the list of environmental, cultural, and economic benefits of trees goes on. Now, in response to climate change, the protection and nurturing of trees is even more vital.

Our past experience has clearly shown that the EDCs, wholly owned subsidiaries of separate parent conglomerates without the close community ties enjoyed by our residents, have applied excessively aggressive vegetative management practices. Those practices, we contend, have resulted in unnecessary removal of trees and thereby have diminished the viability of the Community Forest, the aesthetic and economic value of private property, and the overall quality of life.

In conclusion, the FFC maintains that the existing vegetative management system provides the proper level of balance and oversight for achieving goals of electric system reliability and environmental protection. We strongly believe that the Proposed Bill would alter that balance to the benefit of the EDCs and to the detriment to the communities and residents of our state. The EDCs should not be given the degree of control that they now seek.

It is essential that we all, residents and governmental officials alike, act as responsible stewards of the Community Forest to ensure that the natural, cultural, social, and economic values of trees are sustained for the benefit of future generations.

Thank you for your consideration of our comments. If you have any questions or require any additional information, please contact us at the address and phone number below.

Respectfully submitted,

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Enclosure

cc:

Ms. Brenda Kupchick, First Selectwoman

Sen. Tony Hwang, 28th District

Rep. Jennifer Leeper, 132nd District

Rep. Cristin McCarthy Vahey, 133rd District

Rep. Laura Devlin, 134th District

Mr. Jeff Minder, Tree Warden