

# Connecticut Forest Practices Advisory Board

June 20, 2018

**Members Attending:** Christopher Martin, Patrick Comins, Thomas Degnan, Bruce Spaman, Joan Nichols, Ian Branson, Dr. Mark Ashton

**Absent:** Ben Oko, Joseph Theroux, Peter Nieman

**Guests:** Brennen Sheehan, Larry Rousseau, Dick Raymond, Eric Hammerling, Doug Emmerthal, Darcy Winther, Sara Ganzer - Notes

Circulated Material:

- February 28, 2018 Meeting Notes
  - 2018 Legislative Summary- Forestry Related Bills – dated 6/18/2018
  - DEEP Municipal Inland Wetlands Agency Model Regulations Proposed Revision to Definition of Clear Cut.
1. Review and Approve 2/28/2018 Meeting Minutes: Joan Nichols issued a motion to approve, Ian Branson - Seconded the motion. Patrick Comins had corrections to section 5; other items in part D- two changes. Joan issued a motion to accept the edits and changes, Ian seconded the motion. Approved unanimously.
  2. 2018 Legislative Review Update: Chris Martin provided a summary of 2018 Legislation outcomes (Handout).

Eric Hammerling led discussion on passage of [SJ35](#) 'RESOLUTION PROPOSING AN AMENDMENT TO THE STATE CONSTITUTION TO PROTECT REAL PROPERTY HELD OR CONTROLLED BY THE STATE' Discussion regarding wording on the November 2018 Ballot. How the question will be clearly phrased as so not to cause confusion. Eric mentions a "protect public lands collation" is being formed to get the word out. Eric discusses advertising costs and strategies and that there will be additional ballot items. Joan offers space for an article in an upcoming Connecticut Farm Bureau newsletter. Circulation 3000 – 4000 members. FPAB members discuss lobbying and other restrictions for 501C3's.

Chris Martin led discussion on [SB102](#) AN ACT CONCERNING MINOR REVISIONS TO ENVIRONMENTAL PROTECTION AND AGRICULTURE-RELATED STATUTES which included an amendment to clarify FPAB appointment authority. SB102 did not get final vote as closing days of the session many DEEP Bill s were held up and time ran out.

Joan highlights that the original SB102 did not contain clarifying language for FPAB appointment, hence the call for an amendment was made. Eric added many of DEEP's energy legislative initiatives did receive full consideration.

Chris Martin expressed appreciation of FPAB members being actively involved in the legislative process.

Chris Martin led discussion on [SB424](#) AN ACT DESIGNATING CERTAIN PARCELS OF LAND IN GRISWOLD FOR INCLUSION IN PACHAUG STATE FOREST. Would require DAS upon acquisition, to immediately transfer land proposed for State Police Shooting Range to DEEP for inclusion into Pachuag State Forest. Did get a final vote.

Doug Emmerthal led discussion on [HB5454](#) AN ACT CONCERNING NINETY-DAY PERMIT TURNAROUND TIMES FOR THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION. This proposal was adopted removing the ninety day turnaround deadline from application to issuance of forest practitioner license with or without examination. Staff spent considerable time adjusting internal processes in an attempt to comply with the 2017 law's original intent.

Joan Nichols led discussion on [HB5534 AN ACT CONCERNING THE CLASSIFICATION OF FARM LAND](#). This bill requires tax assessors to approve applications to classify as farm land any land that meets the farm land criteria under the PA 490 program. Joan stated there were no implications for PA490 classified forest land.

Chris Martin led discussion on [Public Act 18-7 AN ACT CONCERNING THE PASSPORT TO THE PARKS](#) reporting that all Bureau of Natural Resource Divisions were receiving funding from this now non-lapsing Public Act and that Forestry was using these funds to support non-eligible federal match work for clerical seasonal staff. Funding also supports the Counsel of Environmental Quality

The new core forest screen tool ([ArcGIS Web Application](#)) was discussed with the intention to guide solar array development away from important forested habitats. The Core Forest mapping tool does not prohibit such development but rather alerts developers that a proposed solar array within a core forest will likely need additional environmental review. Also such projects are not eligible for a DEEP Commissioner letter stating no material effect to core forest per Public Act 17-218.

A certified forester may be required to document the type of core forest potentially impacted through a forest inventory that can then be matched with Greatest Conservation Need habitat types noted within Connecticut's Wildlife Action Plan.

3. Proposed Municipal Forest Practice Regulations. Town of Stafford and Willington have proposed Forest Practice Regulations per CGS 23-65k. DEEP Forestry reviewed both draft regulations and determined them to be inconsistent with DEEP's Forest Practices Act. Doug is following up with both towns to help bring proposed regulations in line with the intent of the FPA.

Much concern was expressed by FPAB members as to what landowners and forest practitioners can do during this interim period. Doug offered to follow-up with DEEP legal counsel.

4. Enforcement Actions: Doug provided an overview of current and recently concluded FPA enforcement actions. Much discussion ensued regarding how penalties are set and what they can be used for, legal time frames and considerations for settlement negotiations. Some members expressed recent settlement financial penalties were too low and did not provide sufficient disincentive to re-violate the FPA.

Chris and Doug listed the following factors when determine financial penalties: environmental impact, severity of violation, number of days, licensed or no license, proper BMP implementation, ability to pay, and the defendants response to the charges. Chris emphasized the Agency seeks the best outcome given the severity of the violation.

5. Revising the definition of clear-cutting. Discussion led by Darcy Winther, DEEP Land and Water Resources Division.

CT's Inland Watercourse Act provides guidance for local municipalities for Inland Wetland Commissions through the 2006 model ordinance. This model ordinance is under review for updates which includes consideration for updating the clear-cut definition.

Much discussion ensued regarding associated definitions of forestland, regulated activities, upland review area, and setbacks. Should the definition include a spatial component? Mark Ashton explained the silvicultural differences between clear-cutting, clear-felling, patch cuts, regeneration cutting and the social stigmas associated with these terms.

Mark stated "Clear felling" is a better term more commonly practiced in Connecticut for forest purposes. Clear-felling allows re-sprouting, no site treatment, and no soil scarification. Most agreed the average lay person on a wetland commission is not aware of these differences.

The Board discussed additional options including the use of clear-cutting only for tree cutting associated with land-use conversion and revising the guidance without changing the definition. Most members did not see this as a concern for forest practices although some towns have prevented clear cutting in the upland review area.

Additional discussion regarding wording changes such as "Timber to Trees" "Fells" instead of "Removals" and consideration of residual tree and size.

Darcy appreciated all the input and feedback and offered to follow-up with FPAB.

6. Division of Forestry Staffing & DEEP Budget update. Chris provided a Forestry Division staffing update including approval to fill three vacant forester positions and the hiring of a new Fire Control Officer for western Connecticut. The three new hiring approvals are Forest Practices Act Forester, State Lands Forester, and Central Connecticut Service Forester.

Chris stated the Agency's budget although reduced has financial ability to refill some positions due to large retirement numbers. OPM approval is required.

7. Other Items. Joan reported TIMPRO is scheduling a mechanical harvest workshop and the CT Farm Bureau recently hired Bryan Hurlburt as its new Executive Director replacing Henry Talmage who has moved out of state

Meeting adjourned 12:02