

Forest Practices Advisory Board
September 15, 2010

Attendees as members: Chris Martin
Ian Branson
Mark Ashton (left at 10:30)

Attendees: DEP Staff: Jennifer Hockla, Judd White, And Doug Emmerthal
Guests: Eric Hammerling
Recorder: Sheila Hoefle

No quorum present.

Welcome to all, introductions. Draft minutes from May meeting cannot be voted on because there is not a quorum present.

Temporary Forest Practices Task Force update

Chris Martin reported the taskforce was put together at the request of Rep. Hurlburt. A constituent had trouble getting a timber harvest accomplished in the Town of Willington and wrote to Rep. Hurlburt. Rep. Hurlburt requested Commissioner Marrella to review the Forest Practices Act. Deputy Commissioner Frechette asked Chris M to head the Task Force. The individual who contacted Rep. Hurlburt believes the town where property is located is overly aggressive regulating activities that weren't within their legal authority to do so. His town is one of the 20 listed in the law as being able to regulate forest practices. The Temporary Task Force met for the 2nd time last week. FPA staff worked on review of current effectiveness of the Forest Practices Act, number of complaints received regarding forest practices, total number of harvests reported to DEP & type of complaints received and nature of complaints. The compilation does show consistently that the number of complaints based on number of harvests ranges between 3-5% (complaints with merit that were investigated and were problems in the woods), does not show the number of certified individuals vs. non-certified individuals. It is felt that the majority of complaints are problems with non-certified individuals or individuals who are not certified at the correct level. Next step for the Temporary Task Force; 2 more meetings, one to continue discussion of conceptual framework of additional regulations, and a final meeting including a review of activities to date and what to report out.

Emerald Ash Borer (EAB) Update

EAB has shown up in Saugerties, NY which is just west of the Hudson River. Connecticut has between now and June 2011 to come up with a response plan since this risk of a Connecticut EAB infestation is now highly elevated. Information is beginning to pour in. Several Division of Forestry staff attended a meeting September 14th to establish with APHIS, DEP, CAES (regulatory auth), UCONN, a plan. The meeting netted the formation of four committees; Regulations, Outreach, Detection and Community Impact. We are going to try to gather data to determine where the ash is in Connecticut and identify the highest risk areas. Some traps have been placed in areas that might not be the best. Committees should be reporting back mid- November. After that time we should expect to see a staged rollout of information (how to identify EAB & quarantine information). We need to know what to tell truck drivers, loggers, landowners, municipalities, etc. Jeff Ward did a quick estimate of roadside ash trees. He estimates 20,000 ash trees in excess of 11" dbh in Connecticut. Municipalities will need to budget for tree takedowns. We need to do more forward thinking, the protocol for EAB is not like ALB. EAB is not an eradication effort. We will need to slow the spread of EAB so people can adapt (budget). EAB

can travel easily partly because of the movement of firewood. Some states have shut the door to movement of firewood in. Once a tree becomes infested it will need to be taken down in 2 to 3 years before it becomes a hazard tree. EAB is not difficult to identify, but may be difficult to see, because of its size. Identification needs to be done close up, infestation starts at the top of the tree. Northwestern CT has some substantial stands of white ash that are in decline because of ash yellows, which could attract EAB. This is of great relevance to the urban forestry community.

Incident Command System that has been used on fires will be incorporated here to keep efforts organized. Eradication was attempted in the upper mid-west. Bio-control research ongoing, which is why it is important to try to slow the spread. Fortunately in Connecticut ash trees were not used as a common street tree. Forty percent of street trees in Connecticut are maples. There is a need to coordinate amongst the different entities to avoid duplication of effort and find gaps. Chris is going to talk to webmaster to determine if DEP can set up a depository where people can provide information about their activities. Durham fair will have info presented through Master Gardner from CAES, CFPA will be there too. The more organizations showing concern the better. Chris will try to spearhead an effort for a MOU for joint enforcement activities.

ALB Updates:

Boston, tens of thousands of trees have been inspected and inspectors haven't found anything else. It does take a dozen or so beetles to make an infestation. EAB is aggressive in its movement, ALB is not aggressive. Worcester infestation continues to spread north.

Voluntary Notification of Timber Harvest form

Notification of Timber Harvest Forms have been forwarded to DEP Forestry. It appears consulting foresters are sending them in. Courtesy copies are supplied to DEP as opposed to formal copies, since late spring. At some point in time we need to get feedback from users and receivers about the form. Continue to keep everyone posted on the usage of the form.

Certification Program Update

Meeting attendees were given a copy of an article regarding the temporary injunction of a Pomfret man. Forestry Division received a complaint in mid-May from the Bethel Inland Wetlands Agent about poor best management practices (BMP) and requested professional guidance and assistance to the town to evaluate timber harvest for BMPs and whether they had been implemented or not. Once on site staff determined that the issues rose above BMPs and it was a commercial forest practice. The property was slated for a subdivision but all permits had expired. An investigation was initiated. This one case alone required about 355 staff hours. The time involved from initial complaint, addressing the complaint, investigating, writing referral to Attorney General's Office, and time spent with the Attorney General's office addressing drafting testimony. A unique thing was that this wasn't one case. It emigrated from Bethel to Pomfret to Putnam, three cases were developed into one referral to the Attorney General's Office. A lot of help was obtained from the certified community including tips and information that without their assistance would have been difficult to prepare a solid case. The amount of evidence is overwhelming. Five counts have been filed in Attorney General's Office, contracting and engaging in Bethel and Pomfret, contracting Putnam, one environmental count, one inland water resources. The municipality spent money sending a soil scientist to inspect the damage to wetlands. The damage was so extensive that the soil scientist could no longer determine difference between wetlands and upland soil. If he were found guilty, the maximum penalty could be \$25,000 (\$5,000 per count).

DEP Forestry had a denial of certification where the applicant appealed the denial and went to a hearing through the DEP Adjudications Office. The individual applied to take the exam and passed the exam. On the morning of the exam he brought to our attention that the individual had a felony associated with a timber harvest. Staff reviewed his application again, he answered no to the questions regarding convictions associated with felony with forest practice or cease & desist order. Based on those facts Staff requested Encon Police to do a state police background check. Based on his felony conviction, conducting a timber harvest for which a cease and desist order was issued, lying on his application, Staff then made the recommendation to the Forestry Director, Natural Resources Bureau Chief that his certification be denied. The denial of certification from beginning to end took 250 man hours, 36 work days. As a result of this denial, another individual who was certified was involved, will require revocation of certification for the other involved individual.

CEU Opportunity Update

The Annual Connecticut Forest Forum and upcoming EAB informational workshops are some of the CEU opportunities available to CT forest practitioners. To view a list of pre approved opportunities go to: [DEP: CEU Courses](#)

Other Topics

Chris Martin asked if the FPAB, is going to provide a formal request to the Commissioner with recommendation for updating the FPA regulations. This topic should be on the next agenda due to lack of attendance at this meeting. The FPAB has a few outstanding issues that should also be on that agenda: the requirement of a certified check or money order, any updates to the CEU requirements.

Next Meeting

The Temporary Task Force meets last week of September and expects to report out shortly after that. Their report will come to the FPAB and then to the go to Commissioner Marrella. The FPAB needs to convene prior to the end of the year to make review the report the Temporary Task Force develops.

Next meeting scheduled for Wednesday, December 8th at 9am at CFPA.