

## Forest Practices Advisory Board

January 22, 2015

Members Present: Joseph Theroux, Patrick Comins, Joan Nichols, Ian Branson, Dr. Mark Ashton, Chris Martin

Guests: Eric Hammerling

DEEP Staff: Jennifer Hockla, Sheila Hoefle (recorder), Doug Emmerthal

Members absent: Michael Bartlett, Bruce Spaman, Thomas Degnan, Jr.

Meeting called to order at 9:11 am.

Review/approve minutes of the October 2, 2015 FPAB meeting. Joan made a motion to approve the minutes as written, Patrick seconded. Unanimous vote to approve.

### 2015 Legislative Session – Firewood Infraction

Based on recommendations from the FPAB, CT DEEP Forestry worked closely with the Connecticut Agricultural Experiment Station (CAES), Kirby Stafford in particular to develop an infraction schedule. Note the flexibility of the fines (\$85 - \$200). There is an infraction/fee panel that sets the rates for fines. Differentiation based on whether it is for sale or for no consideration (personal use). This is the start of a bill, no number assigned yet. Patrick asked if \$200 enough of a deterrent for a commercial operation? Chris responded that he is hesitant to fine people for moving firewood. CAES is responsive in getting people permits to move firewood into Connecticut, typically within 24 hours. Instate transporters need to identify where they are coming from and going to, there is a Self Issued Certificate for Transport of Firewood that is available on the DEEP Forestry webpage. Joan stated that there is already a shortage of firewood in CT, chances of firewood leaving the state is not good. TIMPRO has reached out to members asking them to plan accordingly. Joan believes and many Board members agreed that it may be the weekend warriors that may not be informed about the quarantine.

Bordering states may come up with similar statutes regarding the movement of firewood. Chris stated that Rhode Island is not going to pursue a statewide quarantine at this time he went on to say that a quarantine is a double edged sword for a state that does not have EAB. They will have an easier time to keep EAB out, but the vendors who have CT customers will feel the impact. Joan believes the majority of the wood cut and split and sold in RI is sourced in CT. Jen stated that firewood retailers are making adjustments to the way they conduct their business, especially if they have purchased state timber sales. Eric asked where money from the fines will go. Chris responded that the fines will go to the General Fund.

Enforcement of infractions is limited to those that have been delegated by the AG Station. Chris talked to Kirby at (CAES) regarding delegating more broadly if the legislation passes; to include DEEP Solid Waste Inspectors, Environmental Conservation Officers, State Parks Staff, Division of Forestry Staff. Beyond DEEP, it

would it be good to have State Police involved but that will take time and we would need to determine if CAES wants to give permission to the State Police.

2015 Legislative Summary – see handout.

CRM would like FPAB committee thoughts on these.

[SB142](#) – Summary: *To place responsibility with public service companies to remove tree stumps of trees removed in the course of vegetation management.* Dr. Ashton asked what is the logic behind the bill is. Eric responded that this issue is subject of a disagreement with roadside vegetative management issues and it was folks in New Haven and Hamden who felt most strongly about stump removal after work was done.

[SB143](#) – Summary: *To improve air quality by banning the use of noncompliant outdoor wood-burning furnaces (OWF) during certain times of the year.* This bill may be an issue because anyone who is serious about using an OWF would like to use it for domestic hot water as well as heating. Doug mentioned he thought this would have come out with the “[Good Deals for Good Neighbors](#)” grant buy-out program. Joan stated that comments she heard about the grant program were negative, the criteria to be eligible was too strict. The CT Farm Bureau would look for an agricultural exception because hot water is used to flush milking systems at dairy farms and many farmers use OWFs for hot water. Not as much as a green industry but will be for the dairy farmers.

[SB242](#) - Summary: *To provide municipalities with full PILOT funding.* Towns with more open space or state forest land do not receive as much PILOT funding. Patrick mentioned that urban towns could be the same because they don't have as much as a tax base because of tax exempt land. Chris noted that the Division of Forestry has put effort in the last few years to have state forests enrolled in PA490 Forest Land. If the Bill goes anywhere DEEP would have a more fevered approach about getting properties enrolled in PA490 Forest Land because there would be full assessment. Some towns will give the State the 490 rate although we haven't applied.

[HB5701](#) – Summary: *To develop a plan to detect terrestrial invasive species.* Eric noted that this recommendation makes sense but questioned if there is funding to back it.

[HB5710](#) – Summary: *To authorize the Department of Energy and Environmental Protection, in addition to the Attorney General, to seek enforcement of laws concerning encroaching on state-owned open space.* Chris stated that this Bill may be a result of the Canaan Mountain clear cut. B&E Energy clearcut part of the Canaan Wilderness Natural Preserve Area (2.5 ac) without authorization to do so. The Berkshire Litchfield Environmental Council (BLEC) was upset because the Commissioner of DEEP entered into a consent agreement with B&E Energy. BLEC wanted B&E Energy to replant with area with 20” oaks. DEEP wants to control invasive plants and regenerate the oak, the environmental impact to the area is minimal. BLEC would like to clarify the

Commissioners authority on entering into Consent Agreements. Eric knows about issue with B&E and BLEC as well. BLEC viewed the area as pristine old growth wilderness; however a certified forester would probably disagree. BLEC was disappointed that the Commissioner decided not to use his authority to have BLEC pay fines as well. Joan noted that this issue is on the January 28, 2015 agenda for Council on Environmental Quality.

[HB5721](#) – Summary: *To provides incentives for certain landowners to increase carbon sequestration.* The Board discussed this bill briefly but was unsure of its goal.

[HB5786](#) & [HB5788](#) – HB5786 Summary: *To permit businesses to remediate first-time regulatory violations without the imposition of a civil penalty if such remediation is done in a timely manner.* HB5788 Summary: *To permit the suspension of administrative penalties imposed on certain business entities.* As this may pertain to the Forest Practices Act, Division of Forestry staff completes all of the work and receives confirmation of the offence, the individual would be noted as a violator after the first offense, need to have a second offense to go after a civil penalty. Jennifer stated as the individual who does the investigative work, it takes more than 30 days, it takes months to complete an investigation. To expend that amount of effort to know that nothing is going to come out of it is very disappointing. Chris noted that if someone makes an honest mistake the Division will typically give them an opportunity to correct the violation before pursuing any penalties. Eric noted that it sounds like the Division of Forestry already uses discretion, why take that away and make it legislation. Chris noted that it is hard to tell the difference between the two bills, they are almost identical. One requires remediation and one requires suspension.

[HB5948](#) – Summary: *To convert a waste product to a potential source of state revenue.* This Bill is very similar to Storm Wise. Doug thinks the language in the Bill is the key, ... department shall set a limit... (see sheet). Eric believes that it is walking a fine line when talking about trees as state revenue. He would like to see how surplus wood would be defined. Doug shared that it is more costly for DOT to remove the wood than it is to chip it up and blow the woodchips into the woods. It would be a good idea to remove the firewood that is left roadside because it can be a hazard. The Board discussed many aspects of firewood collection and sale, and where the revenues of DOT firewood sales would go.

General Law on occupational licenses – The CT Legislature reconvening and issuing words of warning that because of the budget deficit they may look at increasing occupational license fees. A report is available [“Occupational License Fee Changes Over the Last 10 Years \(2003-2013\)”](#) that details fee changes. Forest Practices Act staff have concerns if fees are increased how that may impact the compliance with the FPA. Staff view it as an increased financial burden that may not be sustained by the industry. Chris noted that currently Connecticut Foresters License fees are not out of line with other states. Loggers (Supervising Forest Product Harvesters and Forest Product Harvesters) are higher when compared to other states fees. Chris wanted to the Board to be aware of the potential fee increases. Doug noted that one enforcement action costs more than all fees collected in one year. Jen has been concerned for over 6 months now, she thought enforcement actions would slow down but they have increased. In Dec in one day she found four violations. Ian mentioned

that timber prices up and asked if that may be why there are increased violations of the Forest Practices Act. Joan urged to Board to consider the entire cost to logging community, not only the fees but also CEU costs, time and money. Eric made the recommendation that the Board be ahead of the issue, he will draft a letter from the board and circulate for review so if the issue comes up the Board will be prepared. Chris stated that it may be problematic if the Board drafted the letter, because of the political appointments and suggested that it would be better if the letter were from the businesses represented on the Board.

Joan noted that if you are in business and the cost of production goes up there are no other choices but to pass those costs along to the consumer by raising the price of firewood or trying to get more money from the mills for logs.

Other things to monitor; a Bill to change the definition of Agriculture, this could be a bad idea for a lot of reasons and forestry currently falls within that definition. The Bill was prompted by a landowner in Woodstock who is part of the PBR program. The landowner wanted to host a "Farm to Table" event; that type of event is not permitted in their easement because it does not fall under the definition of Agriculture. Joan noted that the CT Farm Bureau is not aware of this Bill, but she does not feel that they would support it. Ian noted that this could potentially impact land trusts.

Joan noted that Doug Dubitsky is on the Environment Committee and introduced legislations regarding PA490, having to do with the way municipal assessors administer PA490.

Patrick said that RCPP for Long Island Sound Watershed could bring additional resources for habitat work in Connecticut. Doug stated that the Long Island Sound Watershed received over \$10 million. Two hundred to Four hundred thousand dollars went straight to the Thames and the Last Green Valley.

Chris informed the Board that federal funding for CT forest legacy project Whip-or-will Woods is anticipated but official notification has not been made yet.

Doug attended the State Technical Committee meeting for NRCS, 17% of total budget went into forestry, which has gone up over the years. The rates that are set for Technical Service Providers are based on regional costs not state costs so that may result in lower rates for Connecticut Technical Service Providers. He struggles with that at times because some plans are up to his personal professional standards. He finds that many landowners don't want to spend any money for plans. Doug stated that Connecticut has tapped into it for 50 plans for between 5000-7000 ac per year. There is more room for more plans to be done.

#### Northern Long-Eared Bat Update

Chris presented on the proposed listing of the northern long-eared bat under the Endangered Species Act due to the spread of the white-nose syndrome. NAASF, NEFWA & Midwest equivalents have sent letters to the US Fish and Wildlife Service, Division of Policy and Directive Management requesting that the northern long-eared bat not be listed as endangered, but threatened. SAF and other NGOs have also sent in letters. The 4-D rule could impact the species in a negative way. It is expected that the listing will be announced in April 2015.

Stateland timber harvests could be impacted if the bat is listed as endangered because of the limitations that may be imposed on timber harvests. Private consulting forester with no federal assistance would not have any issues, other than to be conscious of their forest management activities and not harm any bats. This is the first time we have a forest dwelling species that could impact forestry activities in CT. Forestry has worked extensively with DEEP Wildlife on this issue. In CT and other states at the wildlife biologist level, endangered is the only listing that makes sense due to the loss of numbers. We need to remember that white nose syndrome is the issue, not forestry. Mark suggested that someone knowledgeable about bats should present a course in CT. Chris noted that the irony is not much is known about bat biology because the populations were healthy and stable but there is lot of research taking place now.

Replace FPAB Member – Stephanie Lebanowski – Chris circulated an updated membership roster. Currently there is one vacancy, appointed by the House Minority Leader. Chris asked Board members if they have someone who would add value and perspective to the Board, please send their contact information to Chris. Patrick to send contact information for one person to Chris.

Notification of status agreement with ME –Maine laws have changed for their Forest Practices Act and forester licensing. Maine no longer has a reciprocity agreement with Connecticut for Forester Certification/Licensing. We are open to looking at reciprocity agreements with other states, we need to have similar certification requirements.

Good news/bad news with Division staff levels – Chris noted that the State Lands Management Supervisor and Forest Protection Supervisor retired in 2014 and 2013 respectively. The Forest Protection Supervisor position has been refilled by Helene Hochholzer. Helene was the former Forest Planner. Will Hochholzer accepted the State Lands Management Supervisor position in November. We are moving forward with refilling the Forest Planner position despite hiring freeze, critical seasonal staff are also being sought. The Forest Stewardship Program has a new seasonal, Hannah Kyer, she is needed to complete reporting requirements. State Lands Management has hired a seasonal GIS specialist, Joseph French. The Forest Planner position is considered a single point of failure. We now have a gap for providing core essential services, federal dollars are impacted, and working with partners is impacted. A re-write of the Forest Action Plan is required in 2015. Helene has agreed to do both jobs for a period of time, but that can't be sustained for much longer. The Forest Planner is on the priority refill list that went to OPM from the Agency. After Will Hochholzer accepted the State Lands Management supervisor position that created a vacancy in the State Lands Program. Rob rocks retired, resulting in no service forester in central CT. Doug, Larry Rousseau and Sherwood Raymond are doing their best to cover that area. Judd retired years ago, leaving the FPA program with one staff person. We are seeing some fall out from that. The Division is not doing well with staff numbers and essential core functions. The state budget deficit is not looking good for recovery for a few years. The Division currently has 17 permanent staff members, about half are eligible to retire. Joan asked if any of the work that is not getting done can be done through PSAs. Chris said that some of the work could be farmed out to consultants but we would need to work with the union to accomplish that. Chris went on to say that the work that was accomplished while the durational staff members were working was fantastic and he would love to have the opportunity to hire more durational employees but that the union won't bend on the use of durational employees. There will likely be less timber sales offered by the Division as a result of the staffing shortage at this time.

PA490 training going to live webinar – The annual PA490 Training will be presented by live webinar this year. We will have the ability to archive the webinar and make it available. We can archive these and make available for people to view at a later date. We will need to determine how to administer the test at the end of the training with the archived webinar. Doug stated that he sees this as a movement in the right direction. It will make presenting this training easier for us and easier for people to participate. Joan reminded the Board that there is a recorded PA490 webinar on the Farm Bureau website. The Farm Bureau submitted a grant

application for an Agricultural Viability Grant to print more PA490 guides. Ronnie Olson is retiring from the Connecticut Department of Agriculture effective February 1, 2015. Ronnie did the Agricultural Viability Grants, Right to Farm issues and PA490. Rick McSuga will take his place.

PA490 recommended values is slated to be ready for October 1, 2015. Chris ran preliminary calculations on the five year update. There could be a substantial increase because of stumpage and growth. Several components that go into the calculations. Forest Inventory and Analysis changed since 2010. Previously it was based on growth inventory for 10 years which resulted in almost a 15 year jump in growth but the figure could be substantially larger. Taxes could almost double for landowners. When the final number comes out there will be a lot of background with it. Joan believes we are going to have to be clear with landowners to try to make sure they understand that the assessors didn't double the tax bill the State of CT did.

Agriculture...forestry...wetlands protection in CT brochure update –document handed out. The document is not being widely circulated yet. There is one proposed language change. This re-write takes out federal rules and makes the brochure easier to read. Doug has asked for 1000 copies to distribute to municipalities and everyone in the timber industry. The Board suggested that the brochure should also be distributed to CACIWIC. The FPA Study Guide is being revised. This brochure will be a part of the Study Guide Packet when it is complete.

Enforcement updates – While doing routine inspections in December Jennifer and Doug identified four violators. A complaint was made in November and it took almost one month to respond to it. Jennifer is working on three referrals now. Some of the violators were individuals who had issues before and were denied certification or chose not to renew their certification. Lately there has been an increase in number of complaints. Of particular concern are people who are certified or were previously certified creating inland wetland issues in the towns that they are working. The concern is the impacting the industry overall. Some towns are better with working with forestry activities permitted as of right. If uncertified people continue to have violations it may make it more difficult to get necessary permits from municipalities. DEEP has put a lot of effort into educating certified practitioners, inland wetland agents and commissions, which effort could unravel due to a few individuals. Doug stated that he and Darcy Winther have discussed hosting a Level 3 Inland Wetlands Training for Commissions on active logging jobs. Hoping to do something this fall 2016. Joan mentioned that the CT Timber Producers and Brennan Sheehan along with Hull Forest Products is sponsoring a training on geo-textile use. Doug cautioned Joan and asked her to try to make sure that Inland Wetland Commissions understand that geo-textiles are an option and not a requirement, and that it is best to follow the Best Management Practices Guide.

Joan informed the Board that the CT Farm Bureau is hosting a Workers Comp 101 Program on Tuesday. CEUs will be avail.

Plant Science Day at Lockwood farm –Board of Control for the CT Agricultural Experiment Station is working with Steve Strong, timber framer to build a 120'x40' pavilion. They hope to have the structure up by August, all wood will be white pine sourced in Connecticut. They want a legacy and to be able to tell a story about the Connecticut forest product industry and Connecticut Grown Program

Dr. Ashton stated that Yale has a timber frame project going on also. They are using a portable sawmill and horse logging to construct an auditorium in conjunction with the timber framers guild. Yale will be offering a series of workshops along with this, Dr. Ashton to send out information to Board members. Most of the lumber will be harvested from Yale property the remainder will be purchased from Hull Forest Products. We-Lik-It Horse Logging will be used.

Chris told the Board that the Division of Forestry held the annual staff meeting at Winding Trails in Farmington, CT. Winding Trails has a new timber frame structure that was built under the CT Grown Program by Hinman Lumber.

Patrick gave an update on the Foresters for the Birds Project. The project has completed a bunch of assessments for private land owners. They are now thinking about hosting foresters workshop rather than a landowner workshop and will have a planning meeting in early March to discuss how to hit targets for this year with workshops for landowners and foresters.

Future meeting dates June 25, 2015 & September 24, 2015. Location TBD.

Motion to adjourn Ian, Joan seconded, unanimous vote to adjourn.

Respectfully Submitted,

Sheila Hoefle