

## Connecticut Forest Practices Advisory Board Per CGS 23-65g

October 4, 2017

Members attending: Christopher Martin, Ben Oko, M.D. (calling in), Joan Nichols, Patrick M. Comins, Thomas J. Degnan, Jr., Ian Branson (calling in)

Guests: Douglas Emmerthal (DEEP- Forestry), Eric Hammerling (Executive Director, CFPA) Larry Rousseau (Western Connecticut Service Forester), Bill Hyatt (Bureau Chief, Natural Resources), Sarah McQuade (DEEP-Forestry, Recorder)

Absent: Bruce Spaman, Dr. Mark Ashton, Joseph Theroux

Circulated material:

Given out by Joan:

- Economic Impacts of Connecticut's Agricultural Industry circa 2015 *UCONN*  
[http://www.extension.uconn.edu/index\\_317\\_977834309.pdf](http://www.extension.uconn.edu/index_317_977834309.pdf)

Given out by Chris:

- [State Forester Priorities for The Farm Bill](#), *National Association of State Foresters*
- [Recommendations for the 2018 Farm Bill](#), *Forests in the Farm Bill Coalition, July 2017*
- [NASF FY 2018 Appropriations Recommendations](#), *National Association of State Foresters*
- [2018 Forest Practice Act Legislative Proposal Summary](#)

Chris thanks everyone for calling in and coming to the second meeting of the year.

1. Review/Approval of minutes from March 2, 2017.
  - a. Minutes reviewed by Chris. Tom makes motion to approve, seconded by Joan, unanimous.
  - b. Patrick asks for update on Oak Wilt. Chris says it has not yet been found in CT and that NY state is taking many steps to prevent it from entering CT. They talk about a grant proposal for monitoring oak wilt and educational outreach to be submitted to the USDA Forest Service 2018 competitive grant RFP this October. We should find out in spring if it was awarded. Patrick and Chris talk about physiology of oak wilt. Patrick brings up the combined threat of oak wilt and gypsy moths, and the vulnerability of trees on road corridors. Chris brings up the DOT's method of removing trees from roadways. Chris and Tom talk about where and how gypsy moths are affecting trees. Doug points out that there is a research paper that provides photographic data on gypsy moth damage as it pertains to managing affected trees. The paper was written during the last gypsy moth outbreak in the 1980's. Patrick brings up the effect gypsy moth damage will have on birds, mentioning how it will change landscapes and affect endangered bird species. Chris says that we are moderately dry right now, and vulnerable to a drought, which could further prevent the trees from recovering from gypsy moth damage.
  - c. Chris asks for more discussion on previous minutes. Group re-votes to approve, unanimous.

2. 2018 Forest Practice Act Legislative Proposals

- a. **Section 1.** *Makes technical revisions clarifying the Governor's and Legislative appointment authorities for the Forest Practices Advisory Board.* Chris says there are two wetland commissioners on the board when there should only be one. It is hoped this legislative proposal will refill the current forest products industry representative vacancy ensuring the legislative intent of a balanced and broadly qualified forest practices advisory board. Patrick asks what sort of person is ideal for the forest products industry position. Chris says that a consulting forester is not ideal because their primary service is to land owners, not to sawmills which buy timber. Tom clarifies that there is not a quick fix to their current problem, but that the legislature proposed in the 2018 FPA would fix it.
- b. **Section 2.**
  - i. *60-Day Grace Period for forest practitioners who fail to renew by the expiration date of their current certification.* This grace period should be allowed for forest practitioners which have no other compliance issues. Alabama, Maine, New Hampshire, North and South Carolina offer it. Doug clarified that upon expiration, a forester practitioner is not licensed and cannot work. They must send a late fee (which has not yet been decided upon) within those 60 days to renew their license without needing to re-take the exam. Putting someone who is otherwise compliant through the examination process again is an administrative burden due to dwindling staff at DEEP Forestry. Doug mentions that a letter is sent to forester practitioners when their license is expired, and they can reapply within those 60 days. It has not been decided what the fee for this grace-period will be. Chris suggests \$100 –an amount that will incentivize timely renewals but not break the bank.
  - ii. *Authorizes acceptance of another state or professional organization forest practitioner license or certification obtained through examination as substitute for Connecticut's certified forest practitioner exam. Requires the Agency to affirm the candidate's knowledge and understanding by attestation of Connecticut's forest practices laws and regulations.* If a forest practitioner is licensed and in good standing in another state, they should be allowed to practice in Connecticut. The Agency would need to affirm the forest practitioner knows about Connecticut's forest practice laws and that they are in good standing with the credentialing state. This legislation would eliminate the unnecessary step for proven proficient foresters to undergo the examination process. Joan asks if there is any recognition for foresters who have a degree from an accredited university. Tom confirms that Massachusetts does have a program for recognizing these people. Doug mentions that Maine does, too, but the resulting program is too complex for us to consider. It's not just possession of a degree from an accredited forestry program but also depth of experience and even apprenticeship.
- c. **Section 3.**
  - i. *Deletes "biennially" education requirement while retaining the current four year educational requirement for forest practitioner certification renewal.* The DEEP

Forestry division does not have the staff to track each forest practitioners CEUs biennially. In lieu of annual reports, we should require an unofficial statement of how many CEUs they've attained in the last 12 months as a cumulative toward their 4 year goal. We are not backing off of continuing education, and it should be noted that continuing education has been a significant positive force in Connecticut forestry. The issue is that the DEEP is acting as book-keepers for forest practitioners, and it ends up being an unnecessary administrative burden. This legislative proposal seeks to externalize administrative oversight of CEUs back to the practitioners until they are ready for recertification. Everyone agrees this is a good idea. It is suggested that annual reports should have a statement of how many CEU's they completed for that year, and by the time they are ready to renew their license they should have the certificate of attendance for each CEU over the past 4 years. Ian asks if there is an official form for webinars. It seems that webinars are becoming a popular way for forest practitioners to attain CEUs and there is currently no formal way to report webinar participation. This is especially problematic for archived webinars where there is not live feedback from administrators to decide whether or not the group actually gained anything from the exercise. Peter Smallidge (Senior Extension Associate at the Department of Natural Resources at Cornell University) was not willing or unable to find a solution to this. There is a new form for CEU tracking and it can and should be used by forest practitioners currently. In the future it may become an official piece of the renewal application. It is currently only an informal, helpful reminder and tracking mechanism. Joan offers to put an article about this form on the next [Connecticut Professional Timber Producers association](#) newsletter.

- ii. Deletes submitting annual professional education evidence and replaces with annual attestation for each of the three forest practitioner certification levels. Professional education evidence would be required to be submitted with the forest practitioner certification renewal application, once every four years.*
- d. Motion to vote made by Tom, seconded by Joan. The FPAB unanimously approved the DEEP'S three abovementioned proposed changes to the Forest Practices Act. To avoid this proposal from being dropped during the legislative session it would be a good idea to find a legislator to champion the bill.
- e. *SIMS-* Applications for forest practitioner certification and renewal will go to the central processing unit where they will be entered into a computer system. The application information will only come to DEEP Forestry when the application has been fully completed. It will not be known by Forestry that an application was submitted if there is a flaw in it or is incomplete in any way. Central processing deals with it and will be unforgiving. SIMS will allow for automatic services, like receipts for application submissions. It will enable DEEP Forestry to download the info to create a directory that will be updated once a month. SIMS will be up and working by mid-October. SIMS will automatically send out reminders of renewal to practitioners which is helpful to DEEP Forestry staff. Forest practitioners should apply early because the system is not perfect yet, and bugs could cause a delayed process.

3. 2018 Farm Bill

- a. The Farm Bill is on track to be reauthorized in 2018 and will include important conservation provisions that help state forestry agencies carry out their missions to conserve, protect, and enhance America's trees and forests. By enhancing support for America's trees and forests, this critical piece of legislation can provide a unique opportunity to support rural America's economic backbone and improve the quality of life of our nation's communities.*- Taken from "State Forester Priorities for The Farm Bill" by the National Association of State Foresters. The Farm Bill will impact forestry in Connecticut. The National Association of Foresters has influence through the Federal Cooperative Forestry Act that requires the USDA Forest Service to work with state foresters to create budgets. The previous Farm Bill was partial to private woodland owners. This paper is meant to provide background information and spur questions and deeper conversation in D.C.

4. USDA Forest Service State and Private Forestry Budget Update

- a. NASF FY 2018 Appropriations Recommendations* quotes recommended funding for several forest issues. Most showed a decline from 2016 to 2017. Forest stewardship (which provides some service forester salary), and Forest health (which goes to the Connecticut Agricultural Experiment Station) are down. Connecticut gets a portion of this dollar amount based on a number of different performance measures. NASF is looking to change the forest health core formula; the last time it was changed was in the 1980's. It is noted that Forest Stewardship is seeing a 3 million dollar loss in the proposed bill. Patrick suggests that the National Audubon Society might be following the Farm Bill. Ben is not representing them but is a board member and interested in forest programs by Audubon. CFPA board should engage him on the Farm Bill's impact on forest stewardship. A list of organizations impacted by the Farm Bill already exists. SEE: [Forests in the Farm Bill Coalition | Farm Bill Recommendations](#). Chris mentions that DEEP is supportive of its staff engaging at the regional and national level, including travel to ensure Connecticut's needs are heard. Forest Legacy funding comes from Land and Water conservation fund which receives approximately 400 million dollars in royalties from offshore energy and mineral extraction.

5. DoF Staffing and DEEP Budget Update

- a. About half of DEEP Forestry staff are eligible for retirement, putting the Division in a very vulnerable position, especially considering the fact that the state does not have a budget yet. That being said, we do have the funds to operate at last year's levels, only because of retirements that have been left vacant. It is an ongoing reduction in our capacity to get work done. Staffing is down 30% since 2010 and is expected to grow to 40% by next spring. Recent division hits include Inland Fisheries, which had to merge with Marine Fisheries due to lack of available staff, and Wildlife.*

6. FPA Enforcement Actions

- a. There were three issues covered by the Forest Practices Act. One involving an unlicensed operator who harvested more than 170, 000 board feet, another involving a certified practitioner with some egregious BMP's issues and the third remains to be investigated but appears to easily reach the volume threshold qualifying it as an unlicensed operator conducting commercial forest practices.*

## 7. Other Items

- a. Bill assures the Board that he is advocating for position refills, and taking every opportunity to compete Forestry related positions with other positions.
- b. Joan gives an update on the Connecticut Professional Timber Producers association. They lost a board member to a fatal logging accident a few months ago. He was a young board member and practitioner.
- c. Joan gives an update on “Log-a-Load”, which has raised \$28,000 for Connecticut Children’s Medical Center over the past 10 years. They were invited to CCCM in Hartford to look at where the money goes
- d. Joan mentions that the Connecticut Professional Timber Producers association continues to run as many CEU programs as possible, and has asked the Connecticut Association of Assessing Officers to put PA490 on the agenda for the spring ’18 Assessor School week at UConn. She hopes that DEEP Forestry can provide some personnel to that effort if they put PA490 on the agenda. Chris and Joan discuss the issues they’ve had with Assessor’s offices in the past, and see no easy way to mitigate those issues in the future, besides getting PA490 on the agenda for Assessor school.
- e. Chris brings up restrictions on solar array placement in prime agricultural land and core forests. These restrictions state that one cannot materially affect a core forest with a solar array. Last year, Connecticut lost 2,000 acres of forest to solar arrays. DEEP Forestry currently uses UConn’s CLEAR fragmentation analysis, which categorizes fragmented forest parcels into small, medium, and large. Disturbing 250 acres of core forest is the lowest threshold for many species. Current policy prohibits impacting medium and large core forests which are at least 250 acres. DEEP is currently trying to figure out how to improve implementation of this new law. It is noted that these restrictions do not apply to wind powered generators.
- f. The biomass industry is discussed as it relates to the state’s effort to phase down biomass in favor of solar and wind. The group agrees that this effort could negatively affect them as foresters. The Plainfield biomass plant will not be affected by the new energy standards until the 20 year purchaser protection agreement expires. Bill points out that the [Biomass Power Association](#) published a short study focused on the environmental benefits of biomass as opposed to other options, and that that would be something of interest to the board. SEE:  
<http://www.usabiomass.org/docs/Final%20BPA%20Khanna%20Dwivedi%20Biomass%20Carbon%20Study%20May%202017.pdf>

Chris thanks everyone for attending. The next meeting date has not been established yet, but will likely fall in January or February of 2018. Patrick requests as much advanced notice as possible.

Meeting closes at 11:13 AM on October 4<sup>th</sup>, 2017.

## **Proposal Summary:**

**Section 1.** Makes technical revisions clarifying the Governor's and Legislative appointment authorities for the Forest Practices Advisory Board.

### **Section 2.**

- Adds a 60 day grace period for forest practitioners who fail to renew by the expiration date of their current certification.
- Authorizes acceptance of another state or professional organization forest practitioner license or certification obtained through examination as substitute for Connecticut's certified forest practitioner exam. Requires the Agency to affirm the candidate's good standing with the qualifying state or organization and a candidate knowledge and understanding attestation of Connecticut's forest practices laws and regulations.

### **Section 3.**

- Deletes "biennially" educational requirements while retaining the current four year educational requirements for forest practitioner certification renewal.
- Deletes submitting annual professional education evidence and replaces with annual attestation for each of the three forest practitioner certification levels. Professional education evidence would be required with the practitioner certification renewal application, once every four years.

## **REASON**

- **Section 1:** The Forest Practices Advisory Board (FPAB) was established by section 23-26h in 1991 and is charged with periodically reviewing applicable regulations concerning forest practices and certification of forest practitioners. The FPAB also periodically reviews programs and policies of the Department regarding forests, forest health, and the technical proficiency of forest practitioners. FPAB members are appointed for a four year term and serve until their successor is appointed. FPAB appointments are very specific to the appointing authority as well as the background, representation, and professional experience of the Board members themselves. This ensures a well-balanced advisory body to the Department. Currently, CGS 23-65g(b) states: "Vacancies on the board shall be filled in the same manner as the original appointments." and that members shall be appointed for a term of four years. Appointments are made by the Governor and General Assembly leadership. As considerable time has passed since the original appointments were made and the appointing authorities are currently not explicitly stated in statute, some confusion has ensued. Since 1991, the Agency has forwarded FPAB recommended vacancy refills to the appointing authority based upon membership criteria and the original appointment. This process was recently questioned and a recent vacancy refill resulted in membership criteria duplication, continued absence of a board member meeting essential criteria, and confusion as to who the appointing authority is. This proposal reestablishes these authorities as they always have existed by explicitly stating the membership criteria that the Governor and General Assembly leadership have, based upon the original FPAB appointments.
- **Section 2:**  
This proposal would create a 60 day grace period whereby forest practitioners who failed to submit a complete application for renewal on or before the expiration date of their forest practitioner certification may submit such completed application and achieve forest practitioner certification without also having to submit to examination. Late applications would be subject to a late fee. Currently, forest practitioners that fail to renew in a timely basis must

also submit to the certification examination. This places an unnecessary burden on the Department as the practitioner has already proven their ability by a previous examination. In addition, the practitioner might wait up to six months before the next available examination is offered. Non-compliance with the certification requirement in the meantime could cause an additional enforcement burden on the Department. At least six states that have Forester licensing have similar provisions (Alabama, Maine, New Hampshire, North Carolina, South Carolina and California). Late fee penalties ranged from \$3.25 per month up to 100% of the original cost of the application and registration fees.

This proposal authorizes the Commissioner to grant forest practitioner certification pursuant to section 23-65h without examination to persons possessing either a license or certification from another state or professional organization such as the Society of American Foresters (SAF). The purpose is to grant certification to persons who already have proven their ability and knowledge through a credible credentialing process. By recognizing credentialed practitioners the Department would be relieved maintaining reciprocity agreements with other entities and the responsibility of examining persons who have already proven themselves in a similar venue. This would result in DEEP staff time savings and allow the private sector a quicker transition into a forestry position. The existing statute only provides that the Commissioner may certify without examination any person who is certified in another state under a law which provides substantially similar qualifications for certification and which grants similar privileges of certification without examination to residents of Connecticut. When this statute was created, many states did not have professional forest practitioner licensure and SAF had not yet developed its Certified Forester program. Georgia, Maine, South Carolina, and Vermont currently accept the SAF CF exam as a substitute for their state administered forester licensure exams.

Due diligence including written confirmation of good standing from the certifying/licensing state or organization and attestation of knowledge and understanding of Connecticut's forest practices laws and regulations would be required prior to Connecticut forest practitioner certification issuance.

- **Section 3:**

This revision simplifies the requirement forest practitioners obtain and report required continuing education credits (CEUs). The proposal seeks to remove the biennial schedule of CEU obtainment while keeping the current total number of CEU's the same for a four year certification. Tracking biennial forest practitioner educational achievements places an unnecessary burden on the forest practitioner and DEEP. Biennial educational requirements also penalizes forest practitioners that take classes offering more continuing education units than required during a single biennial period. For example, a Supervising Forest Products Harvest must submit 4 continuing education credits (ceu's) each biennial period for a total of 8 ceu's over the 4- year certification period. A forest practitioner taking the full Game of Logging training, approved for 12 ceu's, would still be required to participate in an educational workshop in the second biennial period despite having exceeded the four year requirement. Removing the biennial education requirement will reduce DEEP's administrative burden tracking forest practitioner ceu attainment for both biennial periods to just one four year certification period. This proposal needs to be paired with the changes to 23-65i below.

This Section also seeks to simplify the CEU evidentiary reporting requirement from annual to once upon recertification application with attestation provided on required annual activity

reports. Annual educational record keeping for forest practitioners is an excessive administrative burden and subjects the Department to a continuous stream of requests by practitioners who seek an accounting of their attained ceu's. This proposal shifts ceu record keeping responsibility to the practitioner. RCSA 23-65h-1(c) requires the forest practitioner provide a ceu attainment record upon applying for recertification. Upon suggested statutory revision the Forestry Division will pursue regulatory change to RCSA 23-65h-1(c) requiring evidence of sufficient ceu attainment.