

Forest Practices Advisory Board
February 23, 2011

Attendees as members: Stephanie Lebanowski, Steve Broderick, Tom Trowbridge, Ian Branson, Joe Theroux, Mike Bartlett, Adam Whelchel

Attendees as guests: Mark Kisinkas, Eric Hammerling

DEP Staff: Jennifer Hockla, Judd White, Doug Emmerthal, Sheila Hoefle (recorder)

Meeting called to order at 9:05 am, followed by introductions. Hockla informed Board that Chris Martin is unable to attend due to commitments to the Legislature and other responsibilities associated with the newly appointed DEP Commissioner.

Meeting minutes of the 12/8/10 meeting. Minutes approved with one change, list of attendees as members should include Ian Branson. Labanowski asked that the call to order and adjourn time be added. Branson motioned to approve minutes as amended, Labanowski second, unanimous vote.

Task Force update: Chris R Martin sent his apologies to the group that the final report to commissioner has not been completed yet. There have been no meetings recently due to holidays, and then CT Grown came up and had to be addressed. He has also been tied up with proposed legislation working with DEP legal counsel and the Commissioner is drafting testimony on several bills potentially affecting forestry. He hopes to have another meeting of the task force in late spring/early summer, but with budget and the new Commissioner he may be redirected again. The Commissioner's Office is aware of the report.

Legislative updates:

- SB 832: An Act Concerning the Protection of Wetlands and Watercourses. DEP is concerned about the language that appears in the bill. The language that is currently in the bill could affect "permitted as of right" for jurisdictional rulings and how that would play out for forestry. Hammerling stated, the issue has come up the last two times the bill has been put forward and the intention was not to impact as of right forestry and agricultural uses. White stated that "permitted as of right" is not self executing permit, he stated that local wetland agency's are supposed to give the jurisdictional ruling and are obligated to review and understand what the proposal is. The applicant should be responded to in 65 days; if an answer is not received then it should be turned over to DEP. Labanowski questioned if there is a request for the board to be active on the bill, or if there is an action that is being looked for.
- SB 838: An Act Concerning Wildlife Management and Lands Classified as Farm Lands. The intent is to modify farm land 490 to include land that is managed for wildlife specifically –490 tax classification is administered by the Department of Agriculture for farm land. There are questions as to whether there will be a requirement to have a forester to write the plan and assist in implementing and have certified practitioners do the actual work because it would be considered vegetative manipulation and will meet the volume threshold for the Forest Practices Act. There are questions about who would certify the land, a wildlife biologist or a forester. There is also potential concern on the town's part because of the chance of lost revenue and the verification that the land is being managed. Emmerthal wants to know what the Board thinks about 490 wildlife. Broderick pointed out that the purpose of 490 is to keep people from being forced to sell because they can't keep up with taxes, and he believes that more landowners will

be interested in wildlife than in timber. Emmerthal asked for a Board members only show of hands for support of the concept of this bill, 7 yes.

- HB6263: An Act Concerning the Transition from the Ten Mill Program. DEP is working toward an educational process to inform towns exactly what the Bill would mean and how it would affect them. There is perception that towns are concerned about losing revenues. DEP is focusing on an educational process for town assessors, the cost of community services and impacts on their tax bases. Hammerling stated that a similar Bill was tried last year and there are about 14,000 acres of forest under 10 mill in 35 towns held by 75 landowners. Under the 10 mill program participants were able to have their taxes frozen at 10 mill of the original value of the property. At the 50 year anniversary (100 year commitment) the property would be reassessed at the best and highest use. This bill would allow landowners to come out of 10 mill and into 490 with no penalty under the condition of permanent easement. Otherwise annual property taxes would not exceed taxes due on similar 490 forestland. The full 100 year commitment would still be required and if declassified beforehand, full 10Mill penalties would still apply. There are still some towns as viewing penalties as potential revenue. Kent & Cornwall have concerns because large properties up for being reassessed in the short term. In Cornwall a few 10 mill landowners have pulled out of program because they wanted to hand property down to the next generation and have paid \$250,000 fine to get out of the 10 mill program. Opponents that provided comment on the bill were the Town of Cornwall and Connecticut Conference of Municipalities (CCM). There should be hearing on that bill, tentatively scheduled for March 4. If anyone is interested in submitting testimony please contact Hammerling or Broderick. Last fall DEP Forestry held a program for assessors and landowners regarding the 10 mill program. DEP Forestry to provide a list of towns that have reported to us.
- SB830-An Act Prohibiting the Use of Certain Outdoor Wood-Burning Furnaces. DEP is planning to propose better regulations; they believe the language of the proposed bill is contradictory. An example of the contradictory terms is that farms are exempt from the ban but they are still subject to the matter of location and proximity to other houses. The Air Bureau will be taking the lead on the rewording of the proposed regulation. Martin wanted to make sure the Board was aware of the proposed bill.

Department of Environmental Protection Updates:

DEP is slated to merge with Dept of Public Utility Control (DPUC) and become Department of Energy and Environmental Protection (DEEP). The Division of Forestry has added an environmental intern in the Urban Forestry Program and is slated to add two more in the State Lands Program. They are being funded by the Regional Greenhouse Gas Initiative. All three positions have only received funding commitment for a two year duration. The two state lands positions are expected to pay for themselves within 12 months by providing funding to the general fund through timber sales.

Hammerling asked if DEP is aware of HB6157. An Act Establishing a Timber Harvest Revolving Fund – The fund would be capped at \$100,000 annually, revenues generated after that would be deposited to the general fund. There is a suggestion that the initial funds could be loaned to the state for a period of years at 0% interest. Broderick clarified that the purpose of that bill speaks to the overall problem of growing lack of management on CT State Forests. At present there is no longer a single state lands forester in New London or Windham Counties. Is there is a role for this Board somewhere in this issue; there are many impacts to regulated community. Broderick volunteered to put a letter together that frames the issue and see if the Board can use that as a basis for discussion to changes in policy and practices.

Emerald Ash Borer-Training grants have become available. DEP staff plan to go to NY for training in March. Purple monitoring traps are set to be put out late March/April through the May. Tom Worthley has obtained approval for seasonal students to set the traps. There was a meeting last week with DEP Forestry, Agricultural Experiment Station United States Department of Agriculture Animal Plant Health Inspection Service (APHIS) as well as United States Department of Agriculture Forest Service that focused on the key messages developed on public outreach that will start soon. There is also a MOU that was developed by DEP that addresses the potential of quarantines establishment. The MOU defines roles of divisions within DEP EnCon, Parks, Forestry, Waste Management and Pesticides. The MOU identifies the key roles for those 5 as well as coordinating efforts. Hockla explained the statutes provides the CT Agricultural Experiment Station (CAES) the enforcement authority and gives CAES the ability to deputize DEP to help with quarantine efforts because they don't have the personnel to do the job themselves. Traps will be set along main travel corridors. DOT will provide sites and access to install traps along highways. On March 5 at the TIMPRO's workshop there will be instructions for loggers and foresters on how to work in a quarantine area. During the 1st week of March DEP Forestry and the Agricultural Experiment Station are having an incident training where skills from forest fire fighting ICS/NIMS will be practiced.

CT Grown:

White hopes that a meeting will take place with Acting DEP Commissioner Esty, the Department of Agriculture Commissioner and the representative from Agriculture's Marketing Bureau - Ron Olson to discuss the broad picture. DEP Forestry will be meeting with groups affected by MOU.

Proposed amendments to 23-65h-1:

Continuing Education Units-

Note: At the last meeting Tom Trowbridge delivered a proposal from TIMPRO to change certain requirements contained within Section 23-65h-1, the certification regulations. The following is discussion on that proposal.

Continuing Education Units-

There was a request from Board Members to provide a comparison of CEUs required in other states to those required in CT. White explained that he had to combine SFPH and FPH (loggers) for purpose of the comparison. Foresters were looked at separately. White compared 10 states; license periods in all states were not the same. CT does not require CEU's in particular categories and some states do to satisfy minimum requirements. CT's requirements are not bound by categories or mandatory trainings like some other states. The average number of hours per year to maintain license: 9.27 hours for a forester, logger average 5.45. CT requires 6 hrs per year for loggers, 9 hrs per year for foresters. Labanowski questioned what triggered this whole conversation. White explained that there are concerns on the part of certified individuals because they feel that it is very costly for them to maintain their license due to the required CEUs. Practitioners wanted DEP to take into consideration the length of time a certification has been held and that once an individual has achieved a certain number of credits and they might not require as many classes to be able to maintain their skill level. Branson indicated that many practitioners have to take classes repetitively to satisfy requirement. Emmerthal stated that a number of people have come to DEP with the same concern. Emmerthal asked to speak to the TIMPRO Board and asked TIMRPO to poll their members and come up with a proposal. In other states there does seem to be a common theme in category requirements similar to those used by the Society of American Foresters. Some had some core courses that you had to take and very few if any had no restrictions like CT. DEP does not regularly sponsor any classes but approves a wide range of courses offered by other entities. One of the reasons that DEP doesn't

sponsor is because we can't charge money for a program and use those same funds to pay a speaker or other expenses. Labanowski questioned if the word biennial needs to be replaced or removed? Emmerthal stated that at the moment DEP is choosing just not to enforce the requirement because it penalizes those who wish to take a course that bears enough CEU's to satisfy more than the biennial requirement. For us to continue to remind practitioners that CEU's are due every 2 years and then revoke licenses because they are not current on CEU's is an administrative burden with little overall benefit. Broderick stated there is a notion for some in the certified community that because they've been in the business for years that they know everything there is to know or that they would need less education. This is something that he does not agree with.. Tom Trowbridge stated that the real issue for some certified individuals is the education component not being offered from the state. Most certified practitioners will tell you that those classes offered by the state were some of the best. Labanowski stated that she felt like it is not so much of an issue of the required amount of CEU's but rather the volume and variety of courses being offered. Theroux noted that other states allow for CEU's after reading publications. Emmerthal stated that CT offers CEUs for webinars. Welch commented that if there were better quality offerings practitioners likely wouldn't gripe so much about the requirement. A suggestion was made to form a Training Committee that could help guide the availability of CEUs. Broderick suggested making this an item on the next meeting and invite the CT SAF president and Mary Tyrrell to come up with a better collaborative effort.

Labanowski stated that she does not endorse the changes. Broderick asked if the Board is being asked to vote on the recommendations at this meeting. The answer was yes.

Annual fee increase:

In 2009 all fees were doubled, Forestry did not have any control over that. The current regulations state that the fee shall increase 3% every year in July. Vote by show of hands to abolish annual fee increase: 3 in favor; 1 opposed; 3 abstentions.

Deleting certified check:

Several board members indicated that the issue is upsetting because they can use a personal check to pay for other licenses issued by DEP. Most practitioners leave their house at 5 or 6 AM to go to the work and need to take significant time off to go to the bank and it is an inconvenience. When asked the license and revenue unit within DEP stated that it didn't matter to them whether it was a certified check or not. The original premise of requiring a certified check or money order was to prevent the running around to collect the fees when a check bounced. Emmerthal indicated that if the check bounces the application is not sufficient the application could not be accepted. Combined with the requirement that checks be submitted 60 days before the license will expire, Emmerthal wanted the board members to clearly understand that such a change could result in some practitioners experiencing a lapse in license if a check bounces where the application was submitted within 60 days of license expiration. Vote by show of hands: support of deleting the requirement of certified check or money order 6; opposed 1.

Relevant vote by show of hands:

(3) Each applicant for renewal of Forester certification shall participate in a biennial program of professional education equivalent to six (6) CEU's. ADD: Upon completion of eight (8)

consecutive years of Forester certification, participation in a biennial program of professional education shall be reduced to a professional education equivalent to four (4) CEU's. Vote by show of hands: 0 in favor; 5 opposed; 2 abstentions.

(4) Each applicant for renewal of Supervising Forest Products Harvester certification shall participate in a biennial program of professional education equivalent to four (4) CEU's. ADD: Completion of eight (8) consecutive years of Supervising Forest Products Harvester certification, participation in a biennial program of professional education shall be reduced to a professional education equivalent to three (3) CEU's. Vote by show of hands: 0 in favor; 5 opposed; 2 abstentions.

(5) Each applicant for renewal of Forest Products Harvester certification shall participate in a biennial program of professional education equivalent to (3) CEU's. ADD: Upon completion of eight (8) consecutive years of Forest Products Harvester Certification, participation in a biennial program of professional education shall be reduced to a professional education shall be reduced to a professional education equivalent to two (2) CEU's. Vote by show of hands: 0 in favor; 5 opposed; 2 abstentions.

(6) ADD: Certified Forest Practitioners who have been certified since the enactment of the Regulations of Certified Forest Practitioners shall be eligible for the reduction in the required number of CEUs. Vote by show of hands: 0 in favor; 5 opposed; 2 abstentions.

Next meeting scheduled for May 18, 2011 at 9am at CFPA in the upstairs meeting room.

Broderick-motion to adjourn, Labanowski - seconded.

Meeting adjourned at 12:10 pm.

Respectfully Submitted,
Sheila Hoefle