

Forest Practices Advisory Board

February 27, 2014

Members present: Stephanie Labanowski, Mike Bartlett, Ian Branson, Christopher Martin, Joan Nichols (left at 9:52)

Guests: Judy Wilson, Tom Worthley, Patrick Comins, Eric Hammerling, Thomas Degnan, Jr.

Members absent: Dr. Mark Ashton, Joseph Theroux, Bruce Spaman, Dr. Adam Welchel

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

Meeting called to order at 9:10am by Chris Martin.

Chris thanked Tom D. and Patrick for attending the meeting. They are both proposing to be appointed to the Forest Practices Advisory Board (FPAB), Tom Degnan to replace Steven Broderick who recently retired from CFPA and Patrick Comins to replace Adam Welchel who due to other The Nature Conservancy (TNC) commitments can no longer serve on the FPAB. In the past the Board has shown too much patience with members that have not been actively involved, we are going to seek replacements for inactive members. We are also going to be more engaged with appointing authorities. Joan to resubmit the letter seeking reappointment to the Forest Practices Advisory Board to the Governor's Office.

Meeting Minutes to approve: May 30, 2012 - Joan motion to approve, seconded by Stephanie, unanimous.

April 24, 2013 – Joan motion to approve, seconded by Stephanie, unanimous.

September 4, 2013 - Joan motion to approve, seconded by Stephanie, unanimous.

Note: Meeting minutes cannot be approved because a quorum was not present at the meeting. Minutes will appear on the next agenda for vote.

Municipal regulations of Forest Practices – The Department of Energy and Environmental Protection has been respectful of home rule and slow to react to municipalities that overstep the boundaries of the FPA. The Town of Killingworth is going to receive a certified letter requesting that they rescind their zoning regulations regarding timber cutting. Stafford is in potential violation of the Forest Practices Act (FPA). Stafford is listed as a grandfathered town in FPA law, however, they never came forward to State of CT to receive approval for their planning and zoning regulations that apply to timber harvesting regulations. Regulations cannot be through planning and zoning rather they need to reside with the municipal inland wetlands agency. Of grandfathered towns, Kent is the only one that has approval for inland wetland auth regulations governing timber harvesting regulations. If a town is listed as a

grandfathered town it doesn't mean that they have received approval from DEEP to enforce additional regulations. Stafford will be addressed by FPA staff. First Selectman Richard Schuck and Rick Zulick, Director of Public Works, have not responded to Jennifer Hockla's multiple requests for a meeting. The Division of Forestry will be moving forward with a letter to the town through agency legal counsel. As we become aware of issues, we now have support to pursue them. Contact will first be made on an informal basis which was successful with East Hampton, but not with Stafford and Killingworth. Willington was addressed two years ago; they withdrew their regulations and required applications. Jen worked the inland wetlands agent in Willington. In Middlebury, there was an application to manage four tracts of land, two of the tracts have a wetland crossing. A municipal ruling required a permit and the permit fee would be based on the acres of disturbed area. The municipality determined that the area of disturbed acreage was entire tract of property, not the actual area surrounding the crossing. We have provided information to the practitioner and it looks like we can work through this with the town changing their application. DEEP Inland Wetlands was very helpful. This issue seems to be more of an Inland Wetland regulation than FPA regulation. DEEP Inland Wetlands provided guidance to the applicant on how to approach the town because the town may have misunderstood their ability to charge fees. It was good that the certified forest practitioner came forward for assistance. Warren CT has applications processed through Inland Wetlands as timber harvesting permit and then given to Planning & Zoning. Jennifer to look into the process in Warren, CT.

The message needs to be spread to certified practitioners that they still need to approach the town for appropriate permits. The Division of Forestry has sponsored Inland Wetland Regulation trainings for inland wetland commissioners on forestry issues. The most successful events were at sites where a field visit could be accomplished. The trainings provide an opportunity to introduce DEEP staff so that the towns know whom to call if there are questions or issues. A new video is available on the DEEP website on IWR training by DEEP, that included Division of Forestry staff speaking about timber harvesting. We hope to do training within the next two years. A concern about holding the training is the lack of staff in forestry and inland water resources. More outreach needs to be done to municipalities wetlands non-compliance training. CFPA, CT Farm Bureau and Timpro previously sent notification to municipalities regarding the purpose and example of the timber harvesting form along contact information. Timpro proposes to do another notification to towns. This will encourage supportive cooperation with municipalities' questions about forest practices and again provide contact information.

Has the Timber Harvest Notification Form been helpful? Mike stated that it has been generally well received. There is an issue in Woodstock and Thompson, one person on the commission in one town and an Inland Wetland Agent in the other town. This individual has made changes to the form. The form should be updated to include a signature. The updated form should be sent along with letter to each town with BMP guides. Members of the Board feel that it adds credibility if the notification comes from DEEP. TIMPRO website, tab for the notification form. Going to make it into an editable form. Joan to contact Sheila for assistance if needed. The committee membership in towns are constantly

changing. Agents are there for a longer term and they should be the ones that receive the majority of the training. Eric states that CFPA would be happy to help distributing the notification form and letter again. He believes that the state should be involved because it lends more authority to the form. Jennifer stated that there was a misinterpretation of a lawsuit against the town of Pomfret a number of years ago and now some loggers think they can do whatever they please. The suit had nothing to do with the responsibility of a logger to get a jurisdictional ruling or if a permit is required. The suit was over the municipality adding requirements to a permit or jurisdictional ruling that exceeded its authority to do so. It would be good to hold a training that addresses the kinds of problematic issues including logging myths. Joan stated that Timpro put on that workshop before at Hinman Mill and there were 110- attendees. Mike mentioned that at times conservation restrictions or easements that call for no harvesting on portions of property and that many times practitioners don't know where to go to find that information. It would be good if that issue could be incorporated into the training as well. Tom stated that at the Clear Center at UCONN Extension, there is a Land Use Academy and target audience is the commissioner of municipal Inland Wetland Commissions. Items covered include rules and responsibilities of Inland Wetland Commissions. Tom also suggested asking to be put on the annual CACIWC program in November. Tom will work on that.

FPA Workshop Updates –

March 29, 2014 TIMPRO will hold their annual meeting. Brennan Shehan put together program and will submit agenda to Jen for CEU assignment. Forest product companies are going to talk about what they do and what they are looking for (procurement). This is an opportunity to display businesses, get practitioners introduced to companies, and show practitioners how to work with the companies.

March 27, 2014 - DEEP Forestry & wildlife workshop ½ day presentation on NE Cottontail rabbit habitat and amendment to regulations concerning fees and forms of payment, implications to forest practitioners. Presentation will be held at Sessions Woods WMA in Burlington. Mailings should go out within the next week or so. Program mailed out to Supervising Forest Products Harvesters and foresters.

Presentation by Judy – Developing Strategies To Minimize the Impact of Bats and Rabbits On Certified Practitioners. (see attached presentation).

Concerns Associated with Trends in Declining Numbers of Certified Practitioners - Since 1996, when the licensing program began Doug has been keeping track of the number of licenses. Since 1998 we expected a major hit and it didn't happen. We did see a decline in 2011 when DEEP Forester Judd White retired. About 70% of Judd's time was spent on field enforcement. Trend lines indicate that Forest Product Harvester (FPH) level of certifications may be declining. The FPH license does not allow for a lot of work. We encourage people to apply for Supervising Forest Product Harvester (SPFH). Overall trend is down, fewest number of practitioners since we began the program. If the line wasn't a downward trend for years there would be no concern but it has been decreasing for several years. We have heard from people in the field that loggers think that since there is no one from the FPA program doing field

inspections they don't need to be licensed. Licensing has gone a long way with municipal staff and they are comfortable with it and it is not fair to those that are licensed for unlicensed workers to be in the woods. It is apparent that we may be developing a problem. The DOF can't do anything about replacing Judd. Chris pointed this out to the bureau chief and deputy commissioner. The DOF is not the only division who is looking for enforcement staff, pesticides are too. We are starting to see the results of not having staffing levels where they need to be. Doug stated that he is trying to educate the practitioners and have made their best effort in stepping up enforcement activities. We will make educational efforts and we will talk to certified practitioners to be sure they understand the benefits of staying certified. Other FPAB members it would be a good idea if Timpro can expanded on the message as well. There are forest products ramifications with practitioners choosing not to maintain their certification. It could leave a landowner and/or company that no longer has subcontractor to do the work in the field. Environmental considerations could include an individual being in a rush to get a job done or work being done in suboptimal conditions. In general there are less loggers certified today, people are getting out of the business. Those certified at the forester level are more constant. The penalties are \$5,000 per day per incident for an uncertified practitioner working on a commercial forest products harvest. There was one case in the past that the potential fine was \$165,000 per person, two individuals involved. Final settlement \$40,000, \$25,000 for the other. The fines were set because the loggers did not have certification to perform the work and they made incredibly bad environmental damage.

New England Cottontail Recovery Initiative presentation by Judy Wilson, DEEP Biologist.

Stormwise Initiative Progress presented by Tom Worthley, UCONN Extension Forester

Next meeting scheduled for June 26, 2014 at 9am at CFPA in Middlefield, CT.

Meeting adjourned at 12:25.

Respectfully Submitted,

Sheila Hoefle