

# Connecticut Forest Practices Advisory Board

February 28, 2018

**Members Attending:** Christopher Martin, Patrick Comins, Thomas Degnan, Bruce Spaman, Joan Nichols, Ian Branson (phone), Ben Oko (phone)

**Absent:** Dr. Mark Ashton, Joseph Theroux, Peter Nieman

**Guests:** Brennen Sheehan, Larry Rousseau, Dick Raymond, Eric Hammerling, Tim Ellingson (recorder)

Circulated Material:

- October 2017 FPAB draft meeting minutes
- Testimony submitted by Commissioner Robert Klee from February 23, 2018 Public Hearing
- Copy of Raised Bill No. 102

Chris thanks all those present and on the conference call for attending.

1. Review / Approval of minutes from October 4, 2017 meeting.
  - a. Minutes reviewed by Chris. Tom motions to approve, seconded by Patrick, unanimous.
2. Chris discusses FPA Legislative Proposal and what's included referencing the copy of Raised Bill No. 102
  - a. **Section 2** paragraph 23 5/8- FPA proposed change...Gender neutrality and individual annual CEU Tracking, 60 day grace period for expiring practitioners to have certification re-established
  - b. **Section 3**...CEU reporting eliminating bi-annual requirement and moving to 4 year
    - i. Joan asks about 2017 Legislative proposal regarding FPAB appointments and stated her testimony requested to be re-introduced.
    - ii. Brennen echoes the same stating it is disappointing the Agency did not put forth FPAB appointment clarification within the 2018 FPA legislative proposal.
  - c. **Section 7**...Solar array placement on Forest and Farm land
    - i. Acreage jumped from 100-2000 acres past year
    - ii. New law added to application which requests proof installment wouldn't effect core forest, soil and/or farm (Candlewood Mountain first to challenge new law)
    - iii. "Core Forest" term is not well defined, as are "Material affect" & "Permanent affect". Patrick points out Spatial Habitat project focus' on wildlife info to help measure "core forest." We have tools available that can help make better decisions on where to put arrays. Forest landscape context is important when considering "Core Forest". Joan points out Dairy Farmers are very concerned with the loss of land.
    - iv. Joan asks if people might lose 490 tax break if land is used for solar array (no ruling on this yet). Tom asks if multi use is an option (i.e. raised solar panels and grazing land underneath). Can brown sites be used as potential sites?
    - v. Chris discusses potential for certified foresters through forest inventory to determine type of forestland habitat as identified in CT's Wildlife Action Plan

and assist with mapping the types of forests proposed for conversion to solar array.

3. Forestry Division Staffing & Budget Update by Chris

- a. Four positions have been approved to be filled by DEEP Commissioner → Western District Fire Control Officer, Forest Practices Act Forester, State Lands Management Forester and a Central Connecticut Private & Municipal Lands Forester. Awaiting further OPM approvals to move forward.
  - i. To-date only western Connecticut Fire Control Officer has received approval from OPM. Interviews have been conducted.

4. FPA Enforcement Actions

- a. Continuing with ongoing investigations
- b. Uncertified operator in NW Connecticut solicited, contracted, and harvested over 165,000 board feet of timber. Same individual previously took and failed the supervisor forest products harvester exam.
- c. Certified forest practitioner in SE Connecticut failed to implement numerous BMPs leading to significant water quality and erosion/fill in a wetland concerns. Also failed to accurately disclose information to local inland wetland commission on application for jurisdictional ruling. Joan asks what consequences are?...Chris reported yet to be determine but possible loss of forest practitioner certification, very restrictive reporting and oversight, and financial penalty. It's possible the Army Corps of Engineers might get involved as well.
- d. Eric asked if landowner cuts their own, does DEEP Forestry get involved?
  - i. Chris responds only if it is for commercial purposes (25,000 mbf or 50 cords). Even if it is cut on private land & not sold
- e. Chris discusses town of Stafford's request for DEEP's review of their P&Z timber harvesting regulations. DEEP has responded informing Stafford that although they are one of 20 towns authorized to regulate forest practices this can only be done through local inland wetland regulations per CGS 23-65k. The Division of Forestry has offered to assist Stafford revise their forest practice regulations as DEEP Commissioner approval is required for the regulations to become effective.
  - i. Joan discusses how Chaplin is rescinding their P & Z timber harvest regulations and is refunding P & Z application fees. Tom questions the refund process mentioned by Joan and what happens to the money. Chris explains the fees usually include town and state payments however permits for forest practices do not require payment to DEEP (see attached memo). The \$60 CT DEEP land-use fee is only collected for activities that fall under the following chapters of Connecticut's General Statute.; CHAPTER 124 – ZONING, CHAPTER 126 - MUNICIPAL PLANNING COMMISSIONS, CHAPTER 440 - WETLANDS AND WATERCOURSES, and CHAPTER 444, COASTAL MANAGEMENT. The Forest Practices Act is found in Chapter 451a therefore CT DEEP's fee is not applicable
  - ii. Brennen mentions Willington is drafting timber harvest regulations as well that may cause obtaining a permit to harvest timber more difficult. Chris reiterates

similar to Stafford, Willington is also one of twenty towns authorized to regulate timber harvests, any new regulations would require DEEP Commissioner approval.

#### 5. Other Items

- a. Patrick → the CT Audubon will be doing a salvage cut due to gypsy moth damage and invasive plant species. Clearing the wood is determined to be best for safety and benefits the forest regeneration and habitat. Chris commends Audubon society for being proactive and educating the public.
- b. Chris gives gypsy moth update. 85-90% of southeastern CT hit last year. Anticipating less impact in 2018 as maimaiga fungus was activated from normal damp spring soil conditions.
  - i. Southern Pine Beetle present but staying at low populations.
  - ii. Emerald Ash Borer continues to spread eastward, recently discovered in Orange County, VT.
  - iii. Oak Wilt- None reported in CT. Closest is in NY.
  - iv. Spotted Lantern Fly- PA infestation is spreading, none found in CT yet. They are mainly an orchard concern but uncertainty remains about impacts to hardwood trees.
  - v. Asian longhorn beetles still present in NY & MA although no quarantine expansion. To-date, no ALB reported in CT
  - vi. Winter Moth in Stonington and Eastern CT area. Defoliate like gypsy moth, but earlier in the year,
- c. Joan brings up four talking points - 1) discusses her upcoming trip to DC to attend the American Logger Council to meet with representatives in Congress. Requests anyone to submit possible talking points to her via e-mail. 2) Her and Eric Hanson are running the Envirothon program and want to make sure that Forestry is represented to the kids. 3) TIMPRO has requested CEU approval for upcoming workshop that includes a tour of forest regeneration efforts at Jim Gillespie's tree farm & the Hotchkiss School biomass facility. 4) Requests DEEP Forestry's assistance at the 2018 CT Assessor School at UCONN covering PA 490 forest land classification.
- d. Patrick asks if there are any updates with the Recovering America's Wildlife Act. The Act could provide \$12 million to Connecticut alone. Is there a possibility these funds helping to pay for forestry staffing? Chris mentions the Administration's proposed USDA Forest Service budget for State & Private Forestry programs is pretty bleak including Forest Stewardship, Forest Legacy program and Urban & Community Forestry programs.
- e. Chris discusses over half of USDA Forest Service's budget is dedicated to wildfire response. It's a possibility large scale wildfire fighting could be funded by FEMA.
- f. Chris showcases the "About My Woods" app. Shows how it provides woodland owners information about their woods and the goal is to inform the average landowner the options they have.