

Forest Practices Advisory Board

June 26, 2014

Members present: Stephanie Labanowski (via conference call), Joan Nichols(arrived at 9:30), Mike Bartlett, Ian Branson (via conference call), Christopher Martin, Thomas Degnan, Jr.,

Guests: Doug Emmerthal, Jennifer Hockla, Eric Hammerling,

Members absent: Mark Ashton, Bruce Spaman, Joseph Theroux

Recorder: Sheila Hoefle

Meeting called to order: 9:13am by Chris Martin. Chris notified those on the telephone that there was another document that was emailed to them this morning. There is also a legislative summary that was handed out at the meeting that will be scanned and emailed to participants after the meeting. Introductions around the table and over the phone.

Outcomes of the 2014 Legislative Session Including PA 14-33 (see attached)

SB70 – There is concern from the public that the Department of Energy & Environmental Protection lands are not secured in perpetuity for the designated purpose despite deed restrictions. Conveyance bills have been proposed that seek to transfer lands to municipalities for alternative use. Some feel that it is hard for the public to accept this as legitimate business. This Bill requires a registry be set up by the land acquisition group to better define the purpose of the acquired property. The Bill is less than the Connecticut Forest & Park Association had hoped for but more than they expected. The public will benefit from the land registry. It will take time to get the registry populated with information. By January 1, 2015 there will be 4 parks on the registry and it is planned to add another 10 each quarter.

HB 5057 Connecticut Assessors had experienced growing frustration because many PA490 properties did not have current or enough information in the file to confirm that they should remain in the program. This Bill requires a qualified forester's report accompany the 490 application submitted by new property owners who obtain title of previously classified PA490 forestland by way of listed excepted transfers in Sec 12-504c. The forester's report can be no older than 10 years which matches the inventory requirement within RCSA 12-107d(d)(4) that states data collected and analyzed by a qualified forester must be "*not more than ten (10) years previous to the date the report is issued to the owner*". This Bill will introduce consulting foresters to landowners and hopefully will set up a lasting relationship for forests to be managed for landowner objectives. PA490 committee for the CT Assessors wants to have the PA490 program consistently applied statewide. Assessors can request a qualified foresters report anytime if there is sufficient reason to believe a change of use has taken place. Many

assessors in fact are utilizing readily available internet satellite imagery to verify PA490 forestland is indeed still forested. Joan added another clarification from the Bill, the 10-year conveyance tax period or “recapture” tax assigned in Sec 12-504a does not restart with excepted transfers listed in 12-504c with the exception of foreclosures. Applications to the Assessor for PA490 Lands (Farm & Forest) are in the process of being updated. The Forestland Application (M-39) Form is in the final stages of approval at this time. The term “Prescribed by the Assessor” has been removed from the form to help ensure statewide consistent use and reinforce the form cannot be changed without approval from the Commissioner of Energy and Environmental Protection Approved forms will be posted online pending final approval. The Connecticut Farm Bureau in association with the Connecticut Assessors Association, DEEP Division of Forestry and the Department of Agriculture are in the process of updating the PA490 Guide, the Farm Bureau has applied for a grant to pay for the cost of printing. The current publication is available online at http://www.cfba.org/images/resources/complete_490guide_cfba.pdf.

Assessors are invited to the annual PA490 training sponsored by the DEEP Division of Forestry. UCONN also runs an Assessor School on an annual basis, the Division of Forestry should make an effort to present at the Assessor School to reach more Assessors and Town Clerks regarding the PA490 program.

The creation and maintenance of a young forest could become an issue with assessors and the PA490 program. As long as the minimum stems per acre is maintained (RCSA 12-107d-3(a)3(A)) then the PA490 Forest Land Classification should not be in jeopardy. This most recent concern has arisen as more landowners take proactive steps to conserve dwindling New England cottontail rabbit populations dependent on forests younger than 15-years old.

HB5139 – DEEP noted that there was an obvious conflict of preserving farm and forestland and encouraging the new installation of solar panels. Solar panels have a place, but not on prime forestland or farmland.

HB5220 – Bill was vetoed by the Governor. The Office of Consumer Council has been pushed this type of bill in the past. An issue with the Bill was the concern for disproportional impact to large property owners. The Governor’s Office has requested advice from the Connecticut Forest & Park Association regarding potential language for this type of Bill. Connecticut Forest & Park Association will provide assistance as requested.

HB5330 – Bill was defeated but will likely be reintroduced in an upcoming session.

HB5340 – releases liability for landowners that allow others to tap maple trees for no consideration.

A Bill was introduced that included an increase in timber harvest revolving fund. At a point late in the Session the portion of the Bill that included increase the fund was removed.

HB5408 – On June 25 PURA sent out a press release stating that they have come to a final decision but that the decision is not published yet. The Decision gives DEEP more of a role in vegetative management practices by utilities. It is important to fit the trimming to the landscape and also take into consideration tree physiology.

Planning for 2015 legislative session includes adding infraction schedule to PA13-33. Discussion about how to prepare the first draft of the infraction schedule. Chris Martin to work on the infraction schedule and keep in touch with the Board.

Review and approval of previous meeting minutes:

May 30, 2014 and February 27, 2014 – motion to approve Ian Branson with one spelling correction, seconded by Mike Bartlett, unanimous approval.

April 24, 2013 and September 4, 2013 – motion to approve Mike Bartlett as written, seconded by Stephanie Labanowski, unanimous approval.

Forest Practices Advisory Board Updates - membership update – Adam Welchel resigned, Patrick Comins will be appointed soon, hopefully by September.

Eric and Chris shared that they want to see a tax incentive program set up. The program would offer a tax incentive to landowners who have a forest management plan in place. They have broached the subject with Invasive Species Council. Joan thought this was a great idea. She stated that it could help with job growth to the private sector by working on management plans. Chris noted that the Yale study data published soon. The study helps to paint a picture of the private landowners with demographics and it can be used in conjunction with this.

Staffing changes in the Division of Forestry (DoF) – Forest Protection Supervisor retired last July. Interviews have been conducted and the plan is to have someone start by Labor Day. State Lands Management supervisor has been identified as #1 priority on Environmental Conservation side of agency. Office of Policy and Management approval has been delayed due to end of fiscal year reconciliations and possible funding issue concerns. Rob Rocks, service forester, notified the Department of his impending retirement, exact date to be set. The DoF has not yet secured a plan to address this vacancy. Options are to move staff around to help cover, offer a temporary opportunity, or spread western and eastern service foresters to cover. Employee retirements will be the story of the DoF for the next 15 years. One-half of the DoF is eligible to retire. If an internal candidate is chosen to fill the position, it provides the current staff more/different opportunity. Currently direction from the Administration is DoF can refill vacancies created by promotions and lateral transfers. Demographically the Department of Energy and Environmental Protection is unbalanced due to the influx of hiring in the 1970's & 1980's. Joan asked if there have been less state land timber sales going out to bid because of the lack of the State Lands Supervisor position. Chris responded that there have not been significant changes to the number of timber sales on state lands, but did mention that Jim was still working in the woods until he retired. There may be one or two fewer sales per year after Jim's retirement. Other changes in the administration of timber sales, if the sale is under \$100K the agency does not need to go to the Attorney General's Office for signature

Municipal Regulations – The DoF received a letter from Chairman of Killingworth Planning & Zoning stating that they have rescinded their timber harvest zoning regulations TIMPRO and DEEP are going to sponsor training for Inland Wetland Agents. Jen will work with Joan on planning training. Stafford has not responded to Jennifer’s outreach. Chris stated that the DoF is behind schedule with keeping up with towns that create their own permit/fee system for timber harvesting. Chris requested that certified practitioners and/or the Board keep DoF informed when towns have questionable practices and we will address it.

Updates to Annual Forester Report – draft copy handed out. The goal is to simplify and streamline the annual report into one report that foresters provide to DoF including their Forest Practices Act annual report information and PA490 foresters report. Discussion took place regarding the fields on the PA490 portion of the Forester’s Report, another draft to be circulated with changes.

Forest Practices Act (FPA) Program Updates/Enforcement Updates – The Attorney General’s Office is currently monitoring a few settlements. There are several actions that DoF staff continue to monitor activity on. There are 3 enforcement actions that DoF staff members are working on. All 3 were previously certified practitioners who did not renew their certification. Two of the 3 look like they are along the lines of violating the FPA, one has cease and desist from inland wetland and harvest of unauthorized timber, in addition to violating the FPA. Joan stated that Brennan Sheahan doing a workshop for Certified Practitioners on importance of maintaining certification.

It appears that a higher percentage of annual reports have been sent in for 2013-2014.

Eric congratulated Joan for being awarded the Women Inspiring Conservation Award. Mike won a NELA Award for Outstanding Resources Manager (will be in next issue of northern logger).

Next meeting scheduled for October 2, 2014 at CFPA.

Mike made a motion to adjourn at 11:45am, seconded Tom. Unanimous.

Respectfully Submitted,

Sheila Hoefle