

Approved Meeting Notes
Forest Practices Act Temporary Task Force
August 12, 2010
2PM – 4PM
USDA, Natural Resources Conservation Service
344 Merrow Road, (RT 195) Suite A, Tolland, CT

Members:

Chris Martin, Chair & State Forestry Director
David Trykowski, forest products industry (sawmill)
Eric Hammerling, Connecticut Forest and Park Association
Joan Nichols, Forest Practice Advisory Board
Gerald Bellows, TIMPRO
James Poole, III, Connecticut Tree Farm
Ed McGuire, DEP Forestry Field Forester
David Askew, Municipal wetlands agent
Carol Youell, Connecticut water utility
Karl Wagner, Connecticut Council on Environmental Quality
John O'Donnell, Consulting Forester also member of the CT Chapter of Society of American Foresters
Robert Askins, Connecticut College with expertise in Biology/Ecology
David Schroeder, Private Connecticut forest landowner who is also a member of Eastern Connecticut Forest Landowners Association (ECFLA)

Guests, observers, public:

Michelle Concannon, DEP Legislative Affairs Legal Intern,
Melisa Chan, DEP Office of Legal Council
John Larkin, JC Larkin Company, LLC
Doug Emmerthal, DEP FPA Program Manager
Shelia Hoefle, DEP Forestry Secretary

A) Introductions

Chris Martin thanked all for attending recognizing that the date and time was not convenient for all and that several participants had adjusted personal and work schedules to be in attendance. Chris made note that all Forest Practices Act Temporary Task Force meetings are public meetings and therefore open to anyone. Each member of the task force was specifically been invited by the Forest Practices Act Advisory Board (FPAB) to represent a particular vested interest in the successful implementation of the Forest Practices Act (FPA).

Introductions of task force members present and brief description of their experience with FPA:

- David Trykoski – works at Perma-Treat (sawmill). David worked with David Leff drafting the original FPA.
- Dave Schroeder – Vice President of the Eastern Connecticut (CT) Forest Landowner Association and chair of a land trust committee he is associated with. Dave has a plant pathology background, he is retired from UCONN.
- Eric Hammerling – Executive Director of the Connecticut Forest and Park Association (CFPA). Eric was heavily involved with the timber harvest notification form and sits on the FPAB.
- Joan Nichols – Currently sits on the FPAB, is a Certified Connecticut Forester who has been practicing forestry for 27 years. Owns Nichols Forestry with husband Scott. She has been involved with this legislation in one capacity or another for almost 25 years. Joan is also a property owner of 81 acres. Joan also works as a Government Relationship Specialist for the Connecticut Farm Bureau.
- Gerald Bellows is here representing the Connecticut Timber Producers Association and also owns a small logging company in eastern CT. His findings with the FPA are that the Act is more confusing than clear and is interpreted differently in different towns.
- Robert Askins is a Biology Professor at Connecticut College. He has completed a copious amount of research on forest ecology, forest birds, and forest fragmentation. He has worked with the Forestry Division of the CT Department of Environmental Protection as a researcher partner and an informal consultant.
- Jim Poole, represents the CT Tree Farm. He notes that his experience with FPA has been less than favorable. He believes that he is probably the catalyst who got this thing moving by contacting his Legislator. He wants the FPA fixed, either implement it as it is or repeal the portion of the act that has not yet been implemented and allow Connecticut towns to do what they want to do in regard to regulating timber harvests
- Melissa Chan - DEP Legal Council.
- Ed McGuire, field forester for DEP Managing Nipmuck, Shenipsit and Nye Holman State Forests. Ed works in woods doing silviculture practice on private land minimal.
- Sheila Hoefle – CT DEP Forestry Division, Secretary.
- John Larkin- CFPA, John works on CFPA's legislative efforts at the Capital. He has had both positive and negative experiences in working with the FPA.
- Karl Wagener, Council on Environmental Quality. The Council on Environmental Quality publishes an annual report on the state's environment.
- David Askew Director of North Central Conservation District. David works as a municipal contract agent with the town of Somers, as well as a few other towns. His experience with FPA has been positive as a wetland agent. The Certification program has raised the bar for people working in the woods.
- Carol Youell, CT Certified Forester. Carol works for a water utility (MDC) and practices watershed forestry. Her program at the MDC manages 30,000 ac in Massachusetts & CT. She has been involved with the issues the Forest Practices Act is concerned with since the early 1980's. Carol previously worked as an RC & D forester from UCONN Extension. In 1985 she was a co-author of a report on towns that were regulating forest practices. She had worked for CFPA for five years had experience there. Carol's experience with certification program has been positive; she feels it has improved level of forestry in CT. AT MDC they have not experienced problems with the towns that they have had forest practices in. If an agent from a town has a question they will bring the individual agent to the woods to look at what they are doing and answer any questions before the problem escalates.

- John O'Donnell – has lived in CT for 8 years. He has worked for sawmill and for the past 4 years he has worked with Connwood. He has experienced frustration with FPA, specifically with the cost and time put in to it for permits. John believes that current regulations encumber so much productivity of the private wood lot owners that some land owners would rather just walk away then spend the time and money to do any forest operations.
- Michele Kincannon representing Robert LaFrance from the DEP Legislative Office who couldn't make it.

B) Review purpose the task force

This task force is charged with reviewing the effectiveness of [CGS 23-65 J\(a\)](#). Section J(a) will be the only portion of the act that will be reviewed.

Sec. 23-65j. Forest practices. Regulations. Fees. (a) The Commissioner of Environmental Protection may adopt regulations, in accordance with the provisions of chapter 54, governing the conduct of forest practices including, but not limited to, the harvest of commercial forest products and other such matters as the commissioner deems necessary to carry out the provisions of sections 23-65f to 23-65o, inclusive. Notice of intent to adopt such regulations shall be sent by certified mail, return receipt requested, to the chief elected official of each municipality concurrent with publication in the Connecticut Law Journal. Such regulations shall provide for a comprehensive state-wide system of laws and forest practices regulations which will achieve the following purposes and policies: (1) Afford protection to and improvement of air and water quality; (2) afford protection to forests from fire, insects, disease and other damaging agents; (3) afford protection to and promote the recovery of threatened and endangered species regulated pursuant to chapter 495; (4) encourage the harvesting of forest products in ways which result in no net loss of site productivity and which respect aesthetic values; (5) assure that forest practices are conducted in a safe manner; (6) provide a continuing supply of forest products from a healthy, vigorous forest resource; (7) promote the sound, professionally guided, long-term management of forested lands and forest resources, considering both the goals of ownership held by the forest owner and the public interest; (8) encourage the retention of healthy forest vegetation whenever possible as forested lands are converted to nonforest uses or developed for recreational, residential or industrial purposes; (9) provide the Commissioner of Environmental Protection with essential data on pressures and influences on forest resources, state-wide and on the rate of loss of forested lands. Prior to adopting such regulations, the commissioner shall prepare a report assessing the costs to the regulated entities, the benefits to the state and the environmental impacts of adopting such regulations. Such regulations may include, but not be limited to: (A) Minimum standards for forest practices; (B) establishment of a process by which harvests of commercial forest products from lands other than state- owned lands managed by the department shall be authorized; and (C) necessary administrative provisions.

Chris intends that this process will be transparent. All written correspondence, minutes and attachments will be posted on the DEP FPA Task Force website. This will allow members and the public to share information and report what is going on with the process.

C) Review task force ground rules

Chris Martin hopes that the Task Force can approach this fresh and objectively. He hopes to set the past aside and move forward in a productive manner. Everyone agreed to participate and not dominate the discussion. Everyone should feel comfortable sharing their opinions, even if it is different than the rest of the group. The sharing process will add depth and meaning to the process. Susan Frechette DEP Deputy Commissioner asked Chris Martin to chair or lead this effort, if you have suggestions on meeting improvements please route them through Chris and he will track suggestions and make changes when possible. Chris will make the agenda available prior to meeting and try to have a conference phone available for each meeting for those that can't make it to the meeting site. He doesn't foresee a long drawn out process; he hopes to have the task force meetings wrapped by the end of September or the beginning of October with the Task Force's final recommendations to Commissioner by the end of October. Meeting minutes will be made available to task force members prior to the next meeting for review for accuracy.

Chris would like to run the meetings informally.

D) Discussion on methods of reaching agreement

The task agreed to utilize the “Gradients of Agreement” to reach consensus for decision making

E) Brief history and purpose of the Forest Practices Act

The task force reviewed the history and purpose of the FPA including a 1991 study that will help to that recommended forest practitioners be certified and forest practices regulations be adopted.

Documents reviewed included 1) *Forest Practices Acts –an overview in time and place...Connecticut - historical review* by John E. Hibbard and 2) Results of 2007 Ad Hoc Committee on Forest Practice Regulations

F) Review initial proposal to implement RCSA 23 -65j - 1

Results of the February 3, 2000 hearing officer’s report were discussed whereby there was overwhelming opposition to additional regulations as purposed. In the 2000 process there was a lack of transparency and lack of input from stakeholders. Joan Nichols provided the OLR report, copies made and distributed.

Additional discussion ensued:

Timber Harvest Notification Form, a recommendation of the 2007 Ad Hoc Committee. Chris Martin indicated that the form is strictly voluntary. The Forest Practices Advisory Board formed a subcommittee that developed the form. When the form was completed it was widely distributed however it is felt that some individuals who would utilize the form did not receive it. The form was approved by the Forest Practices Advisory Board at their [September 17, 2009 meeting](#).

There were questions regarding the time allowed by statute for towns to adopt forest practice regulations provide in 23-65 k (a) & (b).

In March of 2001 a Forestry Advisory Committee at the Farm Bureau performed a review of FPA. A report was completed and shared with DEP. The report gathered information from a survey that was sent to 169 municipalities. The Farm Bureau felt the results were redundant with what had previously been seen. The report was very lengthy and the work to gather information and compile the report time consuming.

Best Management Practices: The Division of Forestry reviews the BMP Guide every five years. The last review was done in 2007 and a new BMP guide was printed. When practitioners purchase the study guide a BMP guide is included, so it is safe to assume that most certified practitioners have reviewed the BMP guide. The Division plans to review the BMP guide again in 2012.

The Office of Research and the General Assembly performed a review FPA in 2006 which provided up-to-date information.

G) Review of the Forest Practice Act effectiveness template

Review of the FPA Effectiveness Template. It is important to have an effectiveness review to provide a practices recommendation that is well founded. Forest Practices Act staff is currently going through the file drawers of forestry practice complaints, to attempt to paint a picture of the FPA on the ground based on issues that have been reported to DEP. Some of the information being gathered is: the type of complaint; general location; trespass; water quality issue; harvesting without certification; misinformed

owner; misinformed Inland Wetland Agent. The complaints are being broken down into three time periods 1997 & 1998, 1999-2003 and 2004 -2008. A suggestion was made to look at where the complaints were coming from by town also, to try to determine if the majority of complaints are coming from a few towns. Chris would like to have a discussion on this at the next meeting.

H) Next Steps

Next meeting time and dates were discussed. It was agreed that the email doodle survey was an effective way of scheduling the next meeting. Doug distributed a copy of the Connecticut Tree Law book to anyone who wanted a copy.

Meeting adjourned at 4:07pm.