

Approved Meeting Minutes
Forest Practices Act Temporary Task Force
September 9, 2010
2PM – 4PM
East Hartford Public Library
840 Main Street, East Hartford, CT

Members:

Chris Martin, Chair & State Forestry Director
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:

Melisa Chan, DEP Office of Legal Council
John Larkin, JC Larkin Company, LLC
Doug Emmerthal, DEP FPA Program Manager

A) Introductions, Mission Review

Chris Martin thanked all for attending and being flexible with the last minute location change to the East Hartford Public Library from the Connecticut Farm Bureau Association (CFBA) office in Windsor as originally planned. Notice of the location change occurred late on the 8th upon learning that the wake services for a fallen Connecticut State Trooper were being held nearby CFBA creating near impassable traffic during the afternoon of the 9th.

Introductions ensued with each member present stating their name, affiliation, and a predicted date (and time) of Connecticut's Fall 2010 peak foliage. Chris Martin, State Forestry Director was very appreciative of the expert input. He receives calls daily from the media asking when "it" will happen. Dates provided will be inputted into the Connecticut peak fall foliage algorithm and should tighten up the predator model considerably. Latest date provided was October 18th, the earliest September 8th (note the date of this meeting), with most other predictions centered on the second and third week of October.

The group then sought clarification of its role and purpose. Some members were unclear whether the entire Forest Practice Act was on the table for review, or sections 23-65j and k, or if specific portion of the FPA statute was being analyzed. Chris Martin noted Commissioner Amey Marrella's response to Representative Hurlburt's request for the task force and quoted;

"The Forest Practices Act (FPA) includes two significant provisions: 1) 23-65h forest practitioner certification which became effective July 1, 1992, and 2) 23-65j the option to adopt forest practice regulations. With forest practitioner certification in place for almost 18 years the Department is in good position to assess FPA effectiveness and seek stakeholder input on the necessity for additional forest practice regulations.

After considerable discussion with some frustration vented towards DEP for not reining in "rogue" towns who are perceived to over regulate forest landowners and DEP certified forest practitioners the task force warmly accepted its task and got on with the meeting's agenda.

The task force requested clarification of 23-65k whereby some municipalities retain the right to regulate forest practices. The following questions were posed, answers are in bold type.

1- In the current absence of forest practices regulations, what is the timeline for municipalities to have their regulations approved by the DEP?

Per 23-65k(d) Towns can submit forest practice regs at any time regardless of DEP regulation adoption. When (if) DEP adopts FPA regs per 23-65j(a) towns with previously approved regs will need to seek new approvals within 12 months. Local regulations become invalid after 12 months otherwise.

Is it from the time of the enactment of the CFP Act? **This has no bearing on when towns can adopt their own regulations.**

...or from the time of enactment of statewide forest practices regulations? **If previously approved by DEP local regulations will need to be reviewed and approved again if & when DEP adopts statewide forest practice regulations.**

2- If state forest practices regulations are not enacted then where does this leave municipalities that want to enact their own forest practices regulations? **They can adopt regulations with approval of DEP**

Are they then free to enact whatever regs. they want provided the practice is implemented by a Certified Forest Practitioner? **Forest practice regulations would have to be reviewed and approved by the DEP to confirm consistency with the intent FPA per 23-65k(d)**

And if so, then does the Certification itself address on the ground practices **No Certification just confirms and confers competency to engage in commercial forest practice as defined in 23-65f.**

3- Is Kent submitting required annual reports per Section 23-65k(g)? **Yes. August 13, 2009 – 2 registrations approved, 0 denied, 185 total acres July 22, 2010 – 1 registration, 0 denied, 41 total acres**

B) Review and approval of August 12, 2010 meeting minutes

Two corrections were noted on the draft minutes. 1) Robert Askins who arrived slightly after the start of the August 12th meeting missed opportunity to sign-in and therefore was not listed as a participant and 2) David Schroeder is not currently employed but rather retired from his post at UCONN. Corrections were noted and the minutes accepted.

C) FPA Effectiveness data review

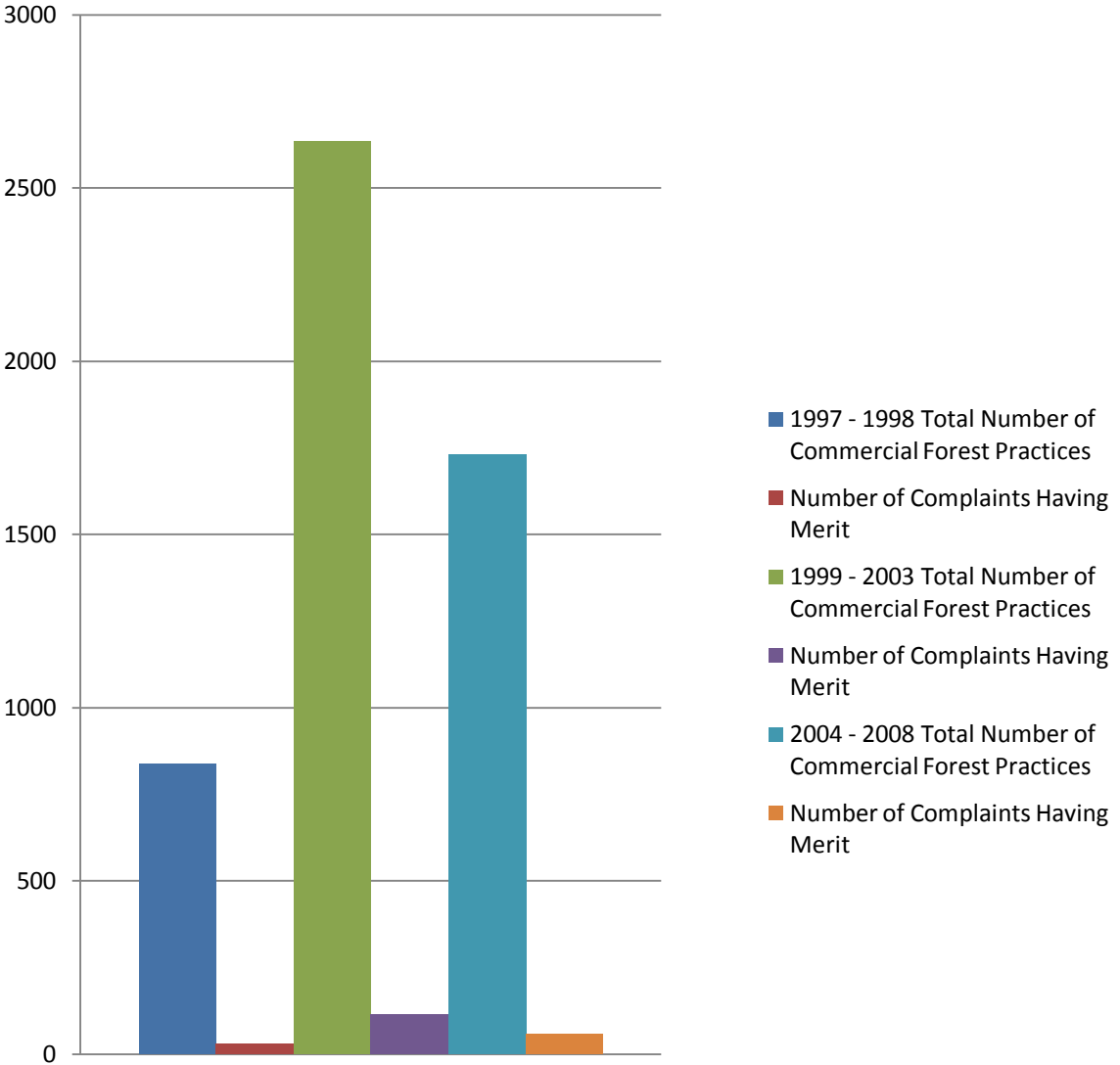
Chris Martin and Doug Emmerthal explained data presented in three spread sheets for three Forest Practice Act compliant reporting periods; 1997 – 2003

Summary of Complaints having merit:

Types and Numbers of Complaints having Merit

Reporting Period	Total Number of Commercial Forest Practices	Conducting Commercial Forest Practice w/o proper Forest Practitioner Certification		Criminal Theft or trespass		Water Quality BMPs		Conduct		Contract Disputes		Total	
		Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent	
1997 - 1998	840	15	2%	0	0%	7	1%	5	1%	1	0%	28	3%
1999 - 2003	2365	83	4%	13	2%	10	1%	4	0%	2	0%	112	5%
2004 - 2008	1730	35	2%	12	1%	4	0%	35	2%	2	0%	88	5%

Total Number of Commercial Harvests vs. Total Number of Complaints with Merit



D) Open discussion & brainstorming concepts of additional forest practice regulations

Several concepts were discussed and noted on a powerpoint projector. These concepts were saved and will be readdressed and expanded upon at the next meeting.

E) Next Steps

Next meeting time and dates were discussed. It was agreed that the email doodle survey continues to be an effective way of scheduling.

Meeting adjourned shortly after 4:00pm.