

Forest Practices Advisory Board

February 27, 2020

Present: Tom Degnan, Bruce Spaman, Chris Martin, Patrick Comins, Ian Branson, Mark Ashton

Absent, Peter Nieman, Joe Theroux, Ben Oko, Joan Nichols

Guests: Eric Hammerling (CFPA), Doug Emmerthal (DEEP Forestry), Nick Zito (DEEP Forestry), Brennan Sheahan

Circulated Material: Minutes from the October 2019 meeting

Meeting called to order at 9:07 am

1. Approve minutes from October 31, 2020 FPAB meeting. Tom made a motion to accept the minutes as written, Ian seconded. Motion passed unanimously.
2. 2020 Legislative Session Update
DEEP submitted a comprehensive technical update package that included allowing non-federal wildfire resources from other regional compacts to assist Connecticut with wildfire suppression, acknowledging non-other state forest practitioner certification programs that require examination, offer existing practitioners a grace period to renew their certification without reexamination, and clarification of FPAB Legislative appointment authority. The Forestry portion of the package was removed because of increased state liability concerns regarding out of state wildfire response by CT DEEP Temporary Emergency workers. Eric shared that CFPA has met with members of the Environment Committee and requested that the 2019 Forestry portion of the DEEP Technical Updates be moved forward. The updates with the exception of language addressing wildland firefighters hopefully will be appended to another bill.

The current legislative session is a short session. There is a Bill that addresses limbs falling onto an adjoining property. Currently there are exemptions in place for large land holding Non-Governmental Organizations, properties with easements, PA490 designated land, Water Company, state and municipal lands. The bill is targeted at residential neighborhoods.

3. Governor's Council on Climate Change (GC3) – Working and Natural Lands Working Group Update on Sept 3, 2019 Governor Lamont issued Executive Order No 3, re-establishing and expanding the membership and responsibilities of the Governor's Council on Climate Change (GC3). A Working and Natural Lands working group has been established. The working group has begun to evaluate the role of nature based solutions in climate change mitigation and adaptation and how to best incorporate the economic, social, and environmental co-benefits of these solutions into Connecticut's climate change planning strategies. The Council on Climate Change follows the committee set up of the US Climate Alliance. Meeting minutes and agendas for all working groups can be found here: <https://portal.ct.gov/DEEP/Climate-Change/GC3/Subcommittee-and-working-groups>. Members of the Working Group include Eric Hammerling-CFPA(Chair), Chris Martin-DEEP Forestry, Patrick Comins-CT Audubon Society, Amy Paterson-CT Land Conservation Council, Lisa Hayden-NE Forestry Foundation, Tim Abbott-Housatonic Valley Association, Mark Ashton-Yale, Ed Faison-Highstead Foundation, Charlie Liegus-Supreme Forest Products, Bob Fahey-University of Connecticut, Herb Vergo – Keney Park Sustainability Project, David Gumbart – The Nature

Conservancy, Jaimeson Sinclair-DEEP Air Bureau, Dr. Thomas Easley-Yale.

4. Proposed Municipal Forest Practice Regulations Update – Willington proposed regulations will go to public hearing in March. Members discussed the 20 CT municipalities that can regulate forest practices. DEEP staff will check on Woodbury and Glastonbury. Doug asked board members to please pass along information about municipalities that are not following the Forest Practices Act for follow up.
5. FPA Enforcement Actions -
 1. As a result of the Commissioner’s new “20 by 20 initiative”, in an effort to be more transparent, DEEP’s formal enforcement actions, including Consent Orders, Unilateral Orders, Cease and Desist Orders etc. are being made available at the Enforcement Case Summaries Webpage ([Enforcement Case Summaries](#)). We are currently working to get copies of the following Consent orders up for viewing on that webpage
 2. On January 15, 2020, the Department of Energy and Environmental Protection Commissioner Katherine Dykes signed an agreed upon Consent Order with Guy Pelletier for engaging in Commercial Forest Practices without certification, violating Sec. 23-65h of the Forest practices Act. As a result of his violation, Mr. Pelletier paid a fine of \$2,000.00.
 3. On December 19, 2019, the Department of Energy and Environmental Protection Commissioner Katherine Dykes signed an agreed upon Consent Order with Scott Person. Focusing on two sites in Lebanon and one in Ashford inspected by DEEP Foresters, the Department **alleges** failure to provide accurate information on applications for Commercial Forest Practices submitted to municipal Inland Wetlands and Watercourses Commissions, violating Sec. 23-65j-1(c)(5), the conduct of forest practitioner regulations. As a result of his violations, Mr. Person shall pay a fine of \$10,000.00 and surrender his license. He has since regained this license through completion of some basic wetlands/watercourse training and retaking taking the exam
 - a. Mr. Person will be required to submit notifications to DEEP for several years and is required for one year to have any forms submitted to municipalities field verified as accurate:
 4. On December 19, 2019, the Department of Energy and Environmental Protection Commissioner Katherine Dykes signed an agreed upon Consent Order with Brian Riendeau, Karl Riendeau, and Riendeau and Sons Logging, LLC . Focusing on two sites in Lebanon and one in Stafford inspected by DEEP Foresters, the Department alleges failure to meet best management practices for water quality while harvesting forest products and failure to provide accurate information on applications for commercial forest practices submitted to municipal Inland Wetlands and Watercourses Commissions violating Sections 23-65j-1(c)(5) and 23-65j-1(c)(7), the conduct of forest practitioner regulations.
 - a. As a result of their violations the Respondents shall pay a fine of \$50,000.00. A portion of the fines will be placed in the Departments SEP account and will be directed at activities such as industry training and research.
 - b. Riendeau’s will be required to submit notifications to DEEP for several years and is required for one year to have any forms submitted to municipalities verified as accurate and that operations will abide by the 2012 BMP manual

5. It should be noted for both Person and Riendeau's cases that the pattern of non-compliance was an important factor taken into consideration when determining the gravity of the enforcement action taken.

It is also important to keep in mind that this order, like all of the Departments orders, does not cover any violation(s) DEEP is unaware of.

6. Other items –

The Directory of Certified Forest Practitioners is now updated daily.

<https://portal.ct.gov/DEEP/Forestry/Forest-Practitioner-Certification/Forest-Practitioner-Certification>)

The Economic Impact Grant is winding down, Doug expects a draft at the end of February. This will illustrate the economic conditions of forest products in Connecticut. Work continues on becoming a vendor for the State of Michigan on the NO Markets No Management LSR grant that provides core funding to the Utilization and Marketing program.

CFPA has a Landscape Restoration Scale grant to develop a Master Woodlands Owner Program that will mimic the Master Gardener Program for woodland owners. Lindsay Suhr and Beth Bernard are leading that effort.

PA490 training for foresters and assessors has been scheduled for June 17 from 1-5 pm at CFPA.

Chris M and Andrea Urbano (DEEP Service Forester) will be presenting on June 3 at the CT Assessing Association School at UConn. They will cover PA490 information. PA490 re-evaluation will take place this fall.

Tom made a motion to adjourn at 10:43am, Bruce seconded. Vote unanimous to adjourn. Chris to send out an email regarding next meeting date.

**FOREST PRACTICES ADVISORY BOARD MEETING
CONNECTICUT FOREST and PARK ASSOCIATION**

Thursday February 27, 2020

9:00 AM – 12:00 Noon

Downstairs Meeting Room

16 Meriden Rd, Rockfall, CT 06481

(860) 346-2372

Dear Connecticut Forest Practices Advisory Board Members,

The first of three 2020 FPAB meetings has been scheduled for Thursday February 27, 2020 at CFPA's downstairs meeting room. Draft meeting minutes from the October 31, 2019 FPAB meeting may be found @: [DEEP: Forest Practices Advisory Board](#).

Thank you for your continued service on the FPAB. We looking forward to seeing everyone in February.

Draft Meeting Agenda

1. Vote to Approve minutes from October 31, 2019 FPAB meeting
2. 2020 Legislative Session Update
3. [Governor's Council on Climate Change](#) (GC3) - Working and Natural Lands Working Group Update
4. Proposed Municipal Forest Practice Regulations Update
5. FPA Enforcement Actions
6. Other items