

Forest Practices Advisory Board

February 27, 2023

Members: Chris Martin, Brennan Sheahan, Patrick Comins, Bruce Spaman, Ian Branson, Joan Nichols

Guests: Jeff Ward, Nick Zito (CT DEEP), Sheila Hoefle (CT DEEP, recorder), Andy Fisk (CT DEEP, left meeting at 9:20 am), Rachael Gaudio (CT DEEP), Alison Rau (CT DEEP),

Absent: Dr Mark Ashton, Barbara Kelly

Chris opened the meeting at 9:03am welcoming all to the meeting. Board members and guests introduced themselves. Andy Fisk, DEEP Bureau of Natural Resources – Bureau Chief thanked Board members for their time and commitment.

Review and approve October 31, 2022, minutes. Chris made a motion to approve minutes as written, Bruce seconded. Unanimous to approve.

FPAB Vacancies – Christina Smith, Groundwork Bridgeport, is unable to fill a vacancy. Colleen Murphy-Dunning expressed interest in joining the board. Jeff Ward to pursue as a member filling criterion: Environmental Organization that is concerned primarily with forests; the spot vacated by Tom Degnan. Recommendations for appointments can be made to the appointing authority but they have the option to not selected the recommended appointee. Chris asked if members have other suggestions, they forward the name to him.

2023 legislative proposals – Board members and guests reviewed [DEEP Legislative Proposals](#) and other Forestry Related Bills, see page 4.

Forest Practices Act Regulation Update – The Office of the Attorney General has approved the proposed updates to DEEP Regulations. Proposed regulatory changes as defined in PA 22-143; 60-day extension period with proposed \$100 fee; Removal of biennial requirement for CEU's; Exam exempt for all levels of certification if certified by the Society of American Foresters or in another state with substantially similar requirements.

[DoAg Climate Smart Ag & Forestry Grants](#) - CT DoAg through PA 22-118 was allocated \$7 million to support these grants. David Beers, DEEP Service Forester, is on the team that is reviewing and scoring both agriculture and forestry applications. Primary applicants have been farmers.

Enforcement Actions / Forest Practitioner Exams – DEEP Staff in several divisions are working on an enforcement action along the Connecticut River. The homeowner removed trees on the bank which potentially destabilized the railroad tracks. A cease-and-desist order has been issued to halt all activity. Continued discussions with the Office of the Attorney General regarding penalties and acceptable remedies. Trial date is scheduled for September 11, 2024.

Staff have received repeated inquiries from individuals who have failed a forest practitioner exam requesting specific information about questions that were answered incorrectly. The March 8 forest

practitioner exam has been postponed to March 15. Several students at Yale who have applied for the Forester exam will take the exam in October rather than March due to schedule conflicts.

Municipal FPA Regulations – See page 19 for details for each of the 19 involved municipalities. Nick continues to perform a state-wide audit of municipal regulations. Issues continue between Practitioners and the Town of Lebanon IWA regarding cutting trees adjacent to perennial streams. Joan shared that she has assisted a Supervising Forest Products Harvester with completing the required forms for Lebanon.

Nick is in talks with NIC CT about getting a Best Management Practices app like the AMP app in Vermont. Costs will be covered by the No Markets, No Management Grant and SEP funds.

Division of Forestry Staffing – DEEP Forestry welcomed Danny Thomas as the new central Connecticut Service Forester. After Doug's retirement Andrea Urbano, previous central Connecticut Service Forester, was selected as the supervisor for the Private and Municipal Lands Program. The Forest Practices Act Program was changed to a direct report to Chris Martin. The Division of Forestry is looking to hire additional staff utilizing IRA funding.

Additional Items of Interest –

Brennan requested that the maps that are part of invitations to bid for sales of forest products from state lands are sent as a standalone document to be utilized in the Avenza Map app.

Joan shared that TIMPRO raised over \$7,000 for Log-A-Load to benefit CT Children's Medical Center (CCMC). To date over \$50,000 has been raised for CCMC. Special thanks to Stanley Burr who sold a load of grade logs for about \$3,000 and donated it to the Log-A-Load program. Scott Rogers has been the primary planner for the upcoming April Timpro meeting at Deer Lake.

Patrick shared that RAWA didn't pass in the last legislative session and there are hopes that with bipartisan support in the House that it will pass this year.

Next FPAB meeting will be scheduled in May 2023. Meeting adjourned at 10:54 am.

2023 Legislative Summary

Forestry Related Bills – As of February 15, 2023

HOUSE Proposals

AN ACT PROHIBITING THE USE OF NONORGANIC PESTICIDES ON STATE OWNED PROPERTIES AND ON SCHOOL GROUNDS.

Information on Underlying Bill: [HB05071 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/9/2023 Referred to Joint Committee on ENV

Sponsors: Rep. Michel, D. 146

Committees: Environment Committee

That the general statutes be amended to prohibit the application of nonorganic pesticides on state owned properties and on school grounds except for emergency applications.

Statement of Purpose:

To require the use of organic pesticides on state owned properties and school grounds.

No Action since 1/9/2023

AN ACT CONCERNING THE PROCESS FOR OBJECTING TO ACTIONS TAKEN BY UTILITY COMPANIES PURSUANT TO A VEGETATION MANAGEMENT PLAN.

Information on Underlying Bill: [HB05108 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/9/2023 Referred to Joint Committee on ET

Sponsors: Rep. Marra, T. 141

Committees: Energy and Technology Committee

That section 16-234 of the general statutes be amended to give property owners additional time to file objections to a utility company's vegetation management plan involving trees on private property and to streamline the objection process.

Statement of Purpose: To give property owners enhanced time to object to a utility company's vegetation management plan.

1/19/2023 (ET) Reserved for Subject Matter Public Hearing

AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

Information on Underlying Bill: [HB05241 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/12/2023 Referred to Joint Committee on JUD

Sponsors: Rep. Turco, G. 027

Committees: Judiciary Committee

That the general statutes be amended to impose liability on the owner of real property for the expenses of removing a tree or limb from a tree located on such real property that falls on adjoining private real property, provided an arborist, as defined in section 23-61a of the general statutes, inspected the tree or tree limb and documented that such tree or tree limb was dead, hazardous or likely to fall on an adjoining private property's land.

Statement of Purpose:

To impose liability on certain owners of real property for the expenses of removing a tree or limb that falls on an adjoining owner's private real property.

1/12/2023

Referred to Joint Committee on Judiciary

AN ACT CONCERNING PAYMENTS TO VOLUNTEER FIRE COMPANIES FOR RESPONDING TO CALLS IN STATE PARKS.

Information on Underlying Bill: [HB05493 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/17/2023 Referred to Joint Committee on PS

Sponsors: Rep. Rochelle, K. 104 ; Sen. Osten, C. S19

Committees: Public Safety and Security Committee

That section 7-323v of the general statutes be amended to require that each volunteer fire company receive five hundred dollars from the State Fire Administrator for each call to which it responds in a state park, and make additional changes to the program that provides such payments for volunteer fire companies responding to calls on limited access highways and certain other locations.

Statement of Purpose:

To provide payments to volunteer fire companies for responding to calls in state parks.

SEE SB 934

AN ACT CONCERNING CERTAIN SOLAR PHOTOVOLTAIC FACILITIES LOCATED ON PRIME FARMLAND, FARMLAND OF STATE-WIDE IMPORTANCE OR CORE FOREST LANDS.

Information on Underlying Bill: [HB05608 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on ENV

Sponsors: Rep. Dubitsky, D. 047 ; Rep. Fishbein, C. 090

Committees: Environment Committee

That the general statutes be amended to require any applicant who sites a solar photovoltaic facility on prime farmland, farmland of state-wide importance or core forest land to furnish a bond for all costs associated with the decommissioning of such facility.

Statement of Purpose:

To enable the restoration of farmlands that host certain solar projects to production agricultural condition.

2/9/2023

Public Hearing 02/15

DEEP not submitting testimony

AN ACT REQUIRING THE USE OF ORGANIC SYSTEMS FOR PESTICIDE MANAGEMENT ON STATE AND MUNICIPAL LANDS.

Information on Underlying Bill: [HB05611 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on ENV

Sponsors: Rep. Dathan, L. 142 ; Rep. Hughes, A. 135

Committees: Environment Committee

That the general statutes be amended to require the use of organic systems for pesticide management on state and municipal lands, including a prohibition on the use of neonicotinoids on lawns, ornamental landscapes and agricultural seeds unless an emergency condition exists.

Statement of Purpose:

To protect human health as well as pollinators and birds from poisoning from certain pesticides.

1/18/2023

Referred to Joint Committee on Environment

DEEP Pesticides taking lead on testimony

AN ACT CONCERNING THE PROTECTION OF OLD-GROWTH AND MATURE FORESTS IN THE STATE.

Information on Underlying Bill: [HB05592 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on ENV

Sponsors: Rep. Osborne, M. 016

Committees: Environment Committee

That the general statutes be amended to: (1) Add mature and old-growth forests as priority areas for acquisition by the Natural Area Preserves System and to expressly bring the definition, identification, and management of mature and old-growth forests under the purview of the Natural Heritage, Open Space and Watershed Land Acquisition Review Board, (2) require that by February 15, 2024, such board shall submit a report to the General Assembly detailing the board's plan to define, identify, and complete an inventory of old-growth and mature forests, and to analyze any threats to mature and old-growth forests in the state, and (3) require that annually thereafter the board shall submit a written report to the General Assembly on or before February 15, 2024, detailing the board's efforts and progress on such plan and including recommendations for the development of policies for conservation strategies for the management and the maximization of protection of mature and old-growth forests and associated rare natural resources.

Statement of Purpose:

To identify, plan for, and manage and protect, old-growth and mature forests, and to provide a mechanism for ongoing reporting to and informing the General Assembly on the status of old-growth forests in the state.

1/18/2023

Referred to Joint Committee on Environment

DEEP draft testimony expressing concerns drafted, under review by LAM. OGFN and Proforestation interests seeking to combine with SB 6610 No Net Forest Loss

AN ACT INCREASING THE PENALTY FOR THE UNAUTHORIZED USE OF ALL-TERRAIN VEHICLES ON STATE LAND.

Information on Underlying Bill: [HB05610 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on ENV

Sponsors: Rep. Doucette, J. 013

Committees: Environment Committee

That the general statutes be amended to increase the penalty for the unauthorized use of all-terrain vehicles on state land.

Statement of Purpose:

To deter the unauthorized use of all-terrain vehicles on state land.

1/18/2023

Referred to Joint Committee on Environment

AN ACT CONCERNING VEGETATION MANAGEMENT BY UTILITIES.

Information on Underlying Bill: [HB05636 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on ET

Sponsors: Rep. D'Agostino, M. 091 ; Rep. Leeper, J. 132 ; Rep. McCarthy Vahey, C. 133

Committees: Energy and Technology Committee

That section 16-234 of the general statutes be amended to: (1) Codify the Public Utilities Regulatory Authority's orders in Docket No. 18-12-25 and apply them to all electric distribution companies; (2) require utilities to obtain a permit from the Division of Forestry of the Department of Energy and Environmental Protection before pruning or removing a tree or

shrub located in a public right-of-way, except in emergencies; (3) require that a licensed arborist agree with any determination that a tree or part of a tree is dead, extensively decayed or structurally weak, except when such tree or part of a tree is fallen, split, uprooted, in contact with a live wire or has visible signs of burning; (4) require utilities to provide stump removal and replacement planting services for trees removed from private property; and (5) establish fines for utilities that do not comply with such provisions.

Statement of Purpose:

To (1) codify the Public Utilities Regulatory Authority's orders in Docket No. 18-12-25, (2) require utilities to get a permit from the Department of Energy and Environmental Protection before tree trimming in public rights-of-way, (3) require an arborist to agree with utility determinations that a tree is hazardous, (4) require utilities to provide stump removal and replacement planting services, and (5) establish fines for violations.

1/18/2023

Referred to Joint Committee on Energy and Technology

DEEP testimony drafted; **supportive** of certain elements of this Bill, **not supportive** of others

AN ACT CONCERNING OWNERSHIP OF ANCIENT PRIVATE ROADS.

Information on Underlying Bill: [HB05836 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on JUD

Sponsors: Rep. O'Dea, T. 125

Committees: Judiciary Committee

That chapter 821 of the general statutes be amended to establish the mechanism for determining ownership of an ancient private road.

Statement of Purpose:

To establish a mechanism for determining property ownership of an ancient private road.

1/18/2023

Referred to Joint Committee on Judiciary

AN ACT CONCERNING "NO NET LOSS" OF STATE FORESTLANDS.

Information on Underlying Bill: [HB06610 \(Chrome users: right click open in new tab\)](#)

Last Action: 2/7/2023 Referred to Joint Committee on ENV

Sponsors: *Environment Committee*

Committees: *Environment Committee*

Statement of Purpose:

To hold state agencies accountable for any loss of state forestlands caused by their functions and operations through replanting plans and compensation.

2/9/2023

Public Hearing 02/15

DEEP Testimony drafted with several concerns and suggestions. Not posted as of 2/15. Many OGFN and Proforestaion interests seeking to combine w/ HB 55

SENATE Proposals

AN ACT CONCERNING TREE REMOVAL IN STATE PARKS AND CAMPGROUNDS.

Information on Underlying Bill: [SB00069 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/12/2023 Referred to Joint Committee on ENV

Sponsors: Sen. Harding, S. S30

Committees: Environment Committee

That the general statutes be amended to require the Department of Energy and Environmental Protection to develop a hazardous tree removal policy for state parks and campgrounds that includes an arborist review of each tree to be removed and a mandatory public hearing if the number of trees to be removed exceeds one, except in the event of a declaration of an emergency by the Governor.

Statement of Purpose:

To require an arborist review and public hearing regarding tree removal in state parks and campgrounds.

1/12/2023

Referred to Joint Committee on Environment

AN ACT ESTABLISHING A MUNICIPAL GRANT PROGRAM FOR THE REMOVAL OF DEAD, DYING AND HAZARDOUS TREES.

Information on Underlying Bill: [SB00099 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/12/2023 Referred to Joint Committee on ENV

Sponsors: Sen. Cohen, C. S12

Committees: Environment Committee

That the general statutes be amended to create a grant program through the Department of Energy and Environmental Protection to assist municipalities with the removal of dead, dying and hazardous trees.

Statement of Purpose:

To establish a municipal grant program to assist towns with the removal of dead, dying and hazardous trees.

SEE SB1003

AN ACT CONCERNING THE REPLANTING OF TREES IN PUBLIC AREAS CLEARED BY UTILITY COMPANIES.

Information on Underlying Bill: [SB00122 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/13/2023 Referred to Joint Committee on ENV

Sponsors: Sen. Anwar, S. S03

Committees: Environment Committee

That the general statutes be amended to require utility companies to collaborate with municipalities to provide funding for planting **trees** that are equivalent to those that such companies remove in public areas pursuant to a vegetation management plan.

Statement of Purpose:

To require utility companies to create and administer a fund that distributes money to municipalities for **tree** planting projects in public areas.

1/25/2023

Public Hearing 01/30

DEEP Submitted testimony **in support**

AN ACT CONCERNING THE CALCULATION OF STATE FOREST LAND

IN CERTAIN MUNICIPALITIES FOR PURPOSES OF GRANTS IN LIEU OF TAXES PAYMENTS.

Information on Underlying Bill: [SB00507 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on PD

Sponsors: Sen. Somers, H. S18

Committees: Planning and Development Committee

That the general statutes be amended to calculate the value of **state forest** land, for purposes of grants in lieu of taxes payments by the state to municipalities, as real property subject to the provisions of section 12-64 of the general statutes for any municipality in which over fifty per cent of the land within such municipality's boundaries is **state forest**.

Statement of Purpose:

To calculate the value of **state forest** land, for purposes of grants in lieu of taxes payments by the state to municipalities, as real property for any municipality in which over fifty per cent of the land within such municipality's boundaries is **state forest**.

2/6/2023

Change of Reference, House to Committee on Finance, Revenue and Bonding

AN ACT AUTHORIZING THE CREATION OF ALL-TERRAIN VEHICLE TRAILS ON STATE-OWNED PROPERTY.

Information on Underlying Bill: [SB00670 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on ENV

Sponsors: Sen. Sampson, R. S16

Committees: Environment Committee

That the general statutes be amended to authorize the creation of all-terrain vehicle trails on state-owned property.

Statement of Purpose:

To create all-terrain vehicle trails on state-owned property.

1/18/2023

Referred to Joint Committee on Environment

AN ACT AUTHORIZING BONDS OF THE STATE FOR CONSTRUCTION OF A WATER TOWER IN GRISWOLD.

Information on Underlying Bill: [SB00699 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/18/2023 Referred to Joint Committee on FIN

Sponsors: Sen. Somers, H. 518

Committees: Finance, Revenue and Bonding Committee

To provide funding for construction of a water tower in Griswold to be used by area towns and for firefighting in the Pachaug State Forest

1/18/2023

Referred to Joint Committee on Environment

AN ACT CONCERNING TREE REMOVAL ON PROPERTIES UNDER THE CONTROL OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.

Information on Underlying Bill: [SB00896 \(Chrome users: right click open in new tab\)](#)

Last Action: 1/25/2023 Public Hearing 0130

Sponsors: Environment Committee

Committees: Environment Committee

Statement of Purpose: To improve transparency and establish standards for the removal of trees that constitute an immediate public hazard at state parks and campgrounds.

1/25/2023

Public Hearing 01/30

DEEP Submitted testimony **opposing**

AN ACT REQUIRING PAYMENTS TO VOLUNTEER FIRE COMPANIES THAT RESPOND TO CALLS IN STATE PARKS AND STATE FORESTS.

Information on Underlying Bill: [SB00934 \(Chrome users: right click open in new tab\)](#)

Last Action: 2/10/2023 Public Hearing 0214

Sponsors: *Public Safety and Security Committee; Rep. Rochelle, K. 104*

Committees: *Public Safety and Security Committee*

Statement of Purpose: To require payments from the State Fire Administrator to volunteer fire companies that respond to calls on the property of state parks or state forests.

2/10/2023

Public Hearing 02/14

DEEP Testimony **neutral** alerting of existing fire warden reimbursement program. Testimony not posted as of 2/15

AN ACT PROMOTING ENERGY AFFORDABILITY, ENERGY EFFICIENCY AND GREEN CITIES.

Information on Underlying Bill: [SB00979 \(Chrome users: right click open in new tab\)](#)

Last Action: *2/9/2023 Referred to Joint Committee on ENV*

Sponsors: **REQUEST OF THE GOVERNOR PURSUANT TO JOINT RULE 9**

Committees: *Environment Committee*

Statement of Purpose:

To implement the Governor's budget recommendations

Sec. 7. Section 23-8 of the general statutes is amended by adding subsection (f) as follows (Effective October 1, 2023): (NEW) (f) In order to ensure the benefits of open space and tree cover are enjoyed equitably by residents of the state, it shall be the goal of the state to increase the percentage of urban areas covered by tree canopy, not later than January 1, 2024, to a level of five per cent of the total area of such urban areas. For purposes of this subsection, "urban areas" means the total area of environmental justice communities, as defined in section 22a-20a, in the state

BNR Testimony likely to be incorporated into larger encompassing DEEP testimony. Possible date error. Jan 1, 2024 should be Jan 1, 2040.

AN ACT ESTABLISHING A MUNICIPAL TREE REMOVAL GRANT PROGRAM.

Information on Underlying Bill: [SB01003 \(Chrome users: right click open in new tab\)](#)

Last Action: *2/10/2023 Public Hearing 0215*

Sponsors: *Planning and Development Committee*

Committees: *Planning and Development Committee*

Statement of Purpose: To establish a municipal tree removal grant program administered by the Commissioner of Energy and Environmental Protection

Municipal FPA Regs Tracker

| Town | Status | Issue/Regulation | Notified | Certified Mailing | Response | Intent | Progress | Notes | Action Item |
|--------------|---------------|---|----------------|-------------------|----------|------------|---------------|--|--|
| Bristol | Non-Compliant | Zoning | yes | n/a | yes | Revising | In progress | Estimated completion May 2023 | Check in June 2023 |
| Canaan | Non-Compliant | Zoning - Housatonic River Commission - only forester in inner | No | | | | | Alison agrees with changes- to be notified by certified mail | Draft letter specifying forest practitioner, not just forester |
| Chaplin | Non-Compliant | Zoning - Logging Road Bond | Yes | 1.3.2023 | | | | Spoke to Doug Dubitsky who disagrees with our opinion | Seeking Legal Counsel |
| Deep River | Non-Compliant | Zoning - permits required | yes | 10.18.22 | Yes | Rescinding | | Spoke to Tanner Steeves, IWA Chair and explained | Check back in June 2023 |
| East Granby | Non-Compliant | Zoning | yes | n/a | yes | Rescinding | in progress | | Check back in July 2023 |
| East Haddam | Non-Compliant | Zoning | not officially | | | | | | For CM and DW approval - 1/9/23 |
| Glastonbury | Non-Compliant | Zoning -Special Permit Req. in CR and Section listed for forestry with no text-remove | Yes | 1.3.2023 | | | | | Intend to revise |
| Hampton | Non-Compliant | Zoning 8.6: S&E Plan - Timber Harvest | Yes - 10.18.22 | 1.3.2023 | | | | | Awaiting Response |
| Harwinton | Non-Compliant | Zoning | Yes | 11.29.22 | Yes | Rescinding | In progress | | Check back in February 2023 |
| Lisbon | Non-Compliant | Zoning and Wetlands | Yes | 10.18.22 | Yes | Adopting | In Progress | | Draft to be review in March |
| Lyme | Non-Compliant | Zoning Permit required in industrial | Yes | 1.3.2023 | yes | Rescinding | | | Awaiting Response |
| Middlefield | Non-Compliant | Zoning | not officially | | | | | Spoke to ZEO on 1.4.23, will remove | Removing |
| Naugatuck | Non-Compliant | Charter, Zoning, Wetlands | yes | Yes | Yes | Rescinding | In progress | | Check back in February 2023 |
| Newtown | Non-Compliant | Zoning - site plan approval for | Yes | 1.3.2023 | | | | Spoke to David Corcoran on 1.5.23 - will change | Check Back in April 2023 |
| Tolland | Non-Compliant | Zoning - site plan approval for | Yes | 10.27.22 | No | | | Left VM for ZEO on 12/19/22, again on 1/3/2023, spoke to | Check back in February 2023 |
| Pomfret | Non-Compliant | Zoning permit for forestry or forest | Yes | 1.3.2023 | | | | | Awaiting Response |
| Wallingford | Non-Compliant | Zoning permit for forestry or forest | Yes | 1.3.2023 | | | | | Check back - currently revising zoning regs anyways |
| Watertown | Non-Compliant | Site Plan Review required | not officially | | | | | Spoke to ZEO on 1.4.23, will remove | Check Back in March 2023 |
| Wethersfield | Non-Compliant | Zoning permit for forestry or forest | Yes | 1.3.2023 | | | | Left VM for ZEO on 12/16/22, spoke with town planner on | Check Back in March 2023 |
| Woodbury | Non-Compliant | Zoning permit for forestry or forest | Yes | 10.27.22 | Yes | Deciding | in progress - | Spoke to town planner on 12/16/22 - TDB - revision date | Check back in February 2023 |