

Forest Practices Advisory Board
February 25, 2021

Attendees: Chris Martin, Tom Degnan, Brennan Sheahan, Bruce Spaman, Patrick Comins, Ian Branson, Joan Nichols, Dr. Mark Ashton, Doug Emmerthal (guest, DEEP Forestry), Nicholas Zito (guest, DEEP Forestry), Kyra Byrne (guest, student), Alison Rau (guest, DEEP Legal), Eric Hammerling (guest, CFPA), Sheila Hoefle (recorder, DEEP Forestry)

Chris thanked all members and guests for participating in the virtual meeting. Chris introduced Alison Rau, DEEP Legal, and asked Kyra Burne to introduce herself. Ms. Burne is a student fulfilling a course requirement by attending a public meeting.

1. Vote to Approve minutes from June 18, 2020 and October 29, 2020 FPAB meetings – Patrick made a motion to accept the minutes as written for the June 18 meeting. Tom seconded the motion, motion passed unanimously. Patrick made a motion to accept the minutes as written for the October 29 meeting. Tom seconded the motion, motion passed unanimously. It was noted that many Board members continue to serve on the Board after their expiration date. Chris to seek guidance from DEEP Legislative Liaison how best to proceed securing reappointments for FPAB members.

2. FPAB Vacancies: The Board currently has two vacancies; a member of the general public and a representative from an inland wetlands agency. the Chair shared with the group and the FPAB members contributed to a list of potential municipal inland wetland agents that the Chair will follow-up with to identify an individual who has interest filling the inland wetland agent vacancy on the FPAB. All this while there is a recognition of a need and concerted effort to diversify the make-up of the FPAB.

Brennan Sheahan has been appointed to the Board by Jason Rojas, House Majority Leader, as a representative from the Forest Products Industry.

3. CT Forest Acton Plan Update – The [Connecticut Forest Action Plan](#) was approved regionally by USDA Forest Service and is now with the Forest Service in Washington DC for final approval. Dan Peracchio, Forest Planner, has been assigned creating ESRI Story Maps for the Division of Forestry on a quarterly basis. The first Story Map will be based on the Forest Action Plan, future Maps will be more topical and will require involvement from additional Forestry staff members.

4. GC3 Update – The Forest Sub-Group report was submitted on November 6. Eight of the 61 recommendations were included in the DEEP near-term action report for 2021-2022. The primary recommendation that was sited is adopting a statewide [“No-Net-Loss of Forest” Policy](#). Chris and Eric have requested that the Commissioner create a group of individuals to highlight and formulate additional recommendations to the legislature on the proposed policy. This group should include individuals who may perceive that the policy may not be compatible with their business model.

Thank you to Mark Ashton, Patrick Comins, Eric Hammerling and Chris Martin for their dedicated work on the report. Yankee SAF was also instrumental in ensuring DEEP managers understand the science behind the recommendations.

5. Legislative Session Update, including local wood procurement.

Chris shared the [DEEP Legislative Proposals](#). Board members discussed the following proposed/raised bills including [HB 5283 AN ACT ELIMINATING CERTAIN FEES AND TAXES](#). – To eliminate any fee or tax that raises less than one hundred thousand dollars in revenue annually for the state. Bill could impact the Forest Practices Act fees collected. The Division of Forestry does not receive any of the fees collected (exam or application). Eric expressed concern that the bill may result in increased fees for programs that currently collect less than \$100,000 annually to raise the amount collected.

[SB731](#) – SEN. KISSEL, 7th DIST. 'AN ACT CONCERNING THE MEMBERSHIP OF THE FOREST PRACTICES ADVISORY BOARD', to revise the membership of the Forest Practices Advisory Board. REF. ENVIRONMENT. Brennan noted that the bill was sponsored by Sen Kissel following a request from Timpro. It would be recommended that if a bill is adopted they follow what was brought forward by DEEP in 2019.

[HB6498](#) – AN ACT CONCERNING THE SITING OF CERTAIN SOLAR FACILITIES ON FARMLANDS AND CORE FORESTS. To provide for increased review of proposals to site solar facilities on certain farmlands and land that is core forest. Eric shared that this bill was referred to the Environment Committee. This bill would directly impact farmland and core forests.

6. Enforcement Actions –

Respondents are in compliance and all payments have been made. One more year of oversight will occur.

One current uncertified individual who was found working last year will take the forest practitioner exam in March.

Staff have received information from municipalities about practitioners who are working around receiving a jurisdictional ruling.

Willington has received the approved forest practices regulations. The regulations will be voted on next month. Forestry staff should receive draft regulations from Haddam in March for review/comment.

7. Exams – Forest product harvester and supervising forest product harvesters continue to have exams administered online. Foresters take the first three sections of the exam online and complete the 4th section in person. There are 20 people signed up for the March 10 exam. Certified practitioners have trended down over the last few years.

	2020	2019	2018	2017
Forester	122	151	139	140
SFPH	220	264	288	287
FPH	33	35	39	45
Total:	375	450	466	472

8. Division of Forestry Staffing – Three division staff have announced that will they retire this year (2-April, 1-June). Chris noted that state agencies are currently under soft hiring freeze, refills are possible just need a very strong justification.

Massacoe Timber Clean-Up has been completed. The operator moved a forwarder on site and was able to pick and remove all material from the site in a week. No issues or concerns were received during the operation. We are waiting for John Noack to submit the final invoice for re-imbusement to close out the sale

9. Other business –

Patrick shared that CT Audubon added a 35 acre inholding to the sanctuary in Montville. CT Audubon purchased a 15 acre inholding in Sherman increasing the total property to 850 acres. They also acquired 8 acres along the Lieutenant River in Old Lyme that were previously unprotected

Joan noted that the Farm Bureau has 2020 PA490 Guides available. A PA490 webinar will be scheduled at the end of March. Registration is free for Farm Bureau Members. Participants will receive a 2020 Guide.

Yankee SAF and Timpro in conjunction with Mike Ferrucci and Eric Hansen led a woodlot tour for legislators. Frank Cervo also participated. Eight legislators were interested and four were able to participate.

Next meeting later this spring.

2021 Legislative Summary
Forestry Div. Related Bills – As of March 5, 2021

HOUSE BILLS

Proposed **HB-5036** REP. LANOUE, 45th DIST.; SEN. SOMERS, 18th DIST. 'AN ACT AUTHORIZING ALL-TERRAIN VEHICLE TRAILS ON STATE PROPERTY', to authorize all-terrain vehicle trails on state property. REF. ENVIRONMENT

1/11/2021	Referred to Joint Committee on Environment
-----------	--

Proposed **HB-5037** REP. MICHEL, 146th DIST. 'AN ACT REQUIRING ENVIRONMENTAL ENFORCEMENT', to enhance penalties under environmental protection statutes. REF. ENVIRONMENT

1/11/2021	Referred to Joint Committee on Environment
-----------	--

Proposed **HB-5059** REP. DEVLIN, 134th DIST. 'AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR TREE LIMB', to impose liability on an owner of private real property for the expenses of removing a tree or tree limb located on such real property that falls on adjoining private real property. REF. JUDICIARY **SEE HB-5598**

Proposed **HB-5261** REP. TURCO, 27th DIST. 'AN ACT CONCERNING PUBLIC NOTICE OF THE APPLICATION OF PESTICIDES', to require transparency in the type of chemicals used when pesticides are applied and to enhance notification of such application to the public. REF. ENVIRONMENT

1/22/2021	Referred to Joint Committee on Environment
-----------	--

Proposed [HB-5283](#) REP. O'DEA, 125th DIST. 'AN ACT ELIMINATING CERTAIN FEES AND TAXES', to eliminate any fee or tax that raises less than one hundred thousand dollars in revenue annually for the state. REF. FINANCE, REVENUE AND BONDING

1/22/2021 Referred to Joint Committee on Finance, Revenue and Bonding

Proposed [HB-5356](#) REP. TURCO, 27th DIST. 'AN ACT CONCERNING A REAL PROPERTY OWNER'S RESPONSIBILITY FOR EXPENSES INCURRED WHEN TREES OR TREE LIMBS FALL ON AN ADJOINING OWNER'S REAL PROPERTY', to impose liability on the owner of real property for the expenses of removing a tree or limb that falls on an adjoining owner's private real property. REF. JUDICIARY

1/22/2021 Referred to Joint Committee on Judiciary

Proposed [HB-5524](#) REP. CHAFEE, 33rd DIST. 'AN ACT ESTABLISHING A STATE-WIDE LAND TRUST', to help conserve land. REF. ENVIRONMENT

1/26/2021 Referred to Joint Committee on Environment

Proposed [HB-5530](#) REP. HAMPTON, 16th DIST. 'AN ACT CONCERNING THE ROLE OF STATE FORESTS IN MITIGATING CLIMATE CHANGE. To evaluate the role of state forests and old growth forests in achieving the state's climate goals. REF. ENVIRONMENT COMMITTEE

1/26/2021 Referred to Joint Committee on Environment

[HB-5598 \(RAISED\)](#) JUDICIARY. 'AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB', 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. REF. JUDICIARY 2/3 DRAFT TESTIMONY PREPARED opposing, may not be submitted. State property exemption unclear. James Albis to check with DOT re testimony

1/26/2021 Referred to Joint Committee on Judiciary

2/25/2021 **Public Hearing 03/03**

Proposed [HB-5936](#) REP. DEVLIN, 134th DIST.; REP. TURCO, 27th DIST. 'AN ACT CONCERNING DAMAGES INCURRED BY A PROPERTY OWNER DUE TO FALLING TREES OR TREE LIMBS FROM NEIGHBORING PROPERTY THAT IS OWNED BY THE STATE', to ensure the state assumes liability for damages caused by state-owned trees that have fallen on private property and to eliminate the out-of-pocket removal costs by owners of private property to remove such state-owned trees. REF. JUDICIARY **PERTAINS TO CTDOT BUT BILL LANGUAGE IS NOT SPECIFIC ENOUGH**

1/28/2021

Referred to Joint Committee on Judiciary

Raised [HB-6498](#) Env Comm - AN ACT CONCERNING THE SITING OF CERTAIN SOLAR FACILITIES ON FARMLANDS AND CORE FORESTS. To provide for increased review of proposals to site solar facilities on certain farmlands and land that is core forest. Reduces core forest determination from two to one megawatts

2/24/2021

Referred to Joint Committee on Environment

Raised. [C G A \(ct.gov\)](#) [HB6501](#) **AN ACT CONCERNING THE STREAMLINING OF CERTAIN PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.** to make minor and technical revisions to various programmatic statutes of the Department of Energy and Environmental Protection in an effort to streamline aspects of such programs.

Date	Action Taken
2/26/2021	Public Hearing 03/03
2/24/2021	Referred to Joint Committee on Environment

[HB-6577](#) (RAISED) GOVERNMENT ADMINISTRATION AND ELECTIONS. 'AN ACT CONCERNING THE STATE PROPERTIES REVIEW BOARD', to expand the purview of the State Properties Review Board to include licensing agreements, the purchasing of agricultural development rights and contracts entered into by other state agencies and quasi-public agencies and to move the board to within the Legislative Department. REF. GOVERNMENT ADMINISTRATION AND ELECTIONS

SENATE BILLS

Proposed [SB-47](#) SEN. ANWAR, 3rd DIST. 'AN ACT CONCERNING FLASHING LIGHTS FOR ENVIRONMENTAL EMERGENCY RESPONSE VEHICLES', to include members of an emergency response unit of the Department of Energy and Environmental Protection providing environmental emergency services among those authorized to display flashing lights. REF. TRANSPORTATION. DEEP TO FINALIZE DRAFT TESTIMONY

1/8/2021

Referred to Joint Committee on Transportation

Proposed [SB-65](#) SEN. HASKELL, 26th DIST.; REP. STEINBERG, 136th DIST. 'AN ACT AUTHORIZING MUNICIPALITIES TO REGULATE PESTICIDE APPLICATIONS', to allow towns to more stringently regulate pesticide use. REF. ENVIRONMENT

1/12/2021

Referred to Joint Committee on Environment

Proposed [SB-67](#) SEN. KASSER, 36th DIST. 'AN ACT CONCERNING PESTICIDE REGULATION', to eliminate the use of toxic pesticides that affect the environment and human health. REF. ENVIRONMENT

1/22/2021

Referred to Joint Committee on Environment

Proposed [SB-162](#) SEN. OSTEN, 19th DIST.; REP. CONLEY, 40th DIST.; REP. RILEY, 46th DIST. 'AN ACT CONCERNING MANAGEMENT OF RESERVATION LANDS AND TRIBAL SERVICES', to require that (1) a retaining wall be built on the Schaghticoke reservation, (2) a community well, septic system and access road be built on the Paucatuck Eastern Pequot reservation, (3) the Commissioner of Energy and Environmental Protection, with the advice of the Indian Affairs Council, develop a care and management plan for reservation lands, and (4) any changes to reservation lands proposed by the Department of Energy and Environmental Protection be reviewed by the appropriate tribal council. REF. APPROPRIATIONS

1/22/2021

Referred to Joint Committee on Appropriations

Proposed [SB-259](#) SEN. NEEDLEMAN, 33rd DIST. 'AN ACT CONCERNING ANNUAL VEGETATION MAINTENANCE PLANS', to require electric distribution companies to submit an annual vegetation

maintenance plan to the Public Utilities Regulatory Authority for approval. REF. ENERGY AND TECHNOLOGY

1/22/2021

Referred to Joint Committee on Energy and Technology

Proposed [SB-279](#) SEN. SOMERS, 18th DIST. 'AN ACT CONCERNING ALL-TERRAIN VEHICLE TRAILS IN STATE FORESTS', To provide for the safe use of all-terrain vehicles in state forests.

1/25/2021

Referred to Joint Committee on Environment

Proposed [SB-370](#) SEN. SAMPSON, 16th DIST. 'AN ACT AUTHORIZING THE CREATION OF ALL-TERRAIN VEHICLE TRAILS ON STATE-OWNED PROPERTY', to create all-terrain vehicle trails on state-owned property. REF. ENVIRONMENT

1/26/2021

Referred to Joint Committee on Environment

Proposed [SB-398](#) SEN. OSTEN, 19th DIST. 'AN ACT CONCERNING DEAD AND DYING TREES ON MUNICIPAL ROADS AND PUBLIC LANDS', to address the issue of dead and dying trees on municipal roads and public lands. REF. APPROPRIATIONS to establish a five-year 2 municipal grant program to address dying trees along municipal roads 3 and on public lands.

1/27/2021

Referred to Joint Committee on Appropriations

Proposed [SB-731](#) SEN. KISSEL, 7th DIST. 'AN ACT CONCERNING THE MEMBERSHIP OF THE FOREST PRACTICES ADVISORY BOARD', to revise the membership of the Forest Practices Advisory Board. REF. ENVIRONMENT

1/29/2021

Referred to Joint Committee on Environment

NOTE: There are several other Bill not listed pretraining to green building standards, energy efficiency & sustainability. Opportunity exists for partners and stakeholder to submit testimony on CT Grown or regional grown sustainable forest products as natural climate solution alternative building products.

As called for in the GC3 and 2020 FAP reports.