

Forest Practices Advisory Board
December 8, 2010

Attendees as members: Chris C. Martin, Michael Bartlett, Steve Broderick, Tom Trowbridge, Ian Branson, Stephanie Labanowski, Adam Whelchel

Attendees: DEP Staff: Jennifer Hockla, Judd White, and Doug Emmerthal
Guests: Jim Poole, Mark Kasinskas, Jeff Durst, Jack Berlanda

Meeting called to order at 9:05 am.

Welcome to all, introductions. Draft minutes from May and September were voted on and accepted with one abstention.

J. Hockla turned meeting over to C. Martin to discuss the FPA Temporary Task Force.

C. Martin stated the draft report from the Task Force is not available as hoped for.

C. Martin stated the Task Force focus has changed over time and the group is concerned with possible conflicts between DEP FPA regulation and municipal authority to Regulate agriculture.

C. Martin recommended retaining J. Nichols on task Force even though she is no longer a member of the FPAB. Nichols is the Task Force member representing the FPAB.

T. Trowbridge and M. Bartlett both are strongly in favor of retaining J. Nichols as she is eminently qualified.

S. Broderick moved and M. Bartlett seconded to retain J. Nichols. Motion carried with one abstention.

S. Labanowski asked if J. Nichols would continue to represent the FPAB as an "active, past member" or would the Board need to appoint a current member to the Task Force.

M. Bartlett offered to represent FPAB if J. Nichols cannot continue her role.

The Board is in favor of M. Bartlett filling the role if J. Nichols does not continue on the Task Force.

C. Martin reiterated the need for the Task Force to complete their assignment.

C. Martin stated the Task Force is an active and interested group and has made suggestions as to maintaining a database for complaints to the FPA staff.

S. Labanowski asked if tapping maple trees falls under the jurisdiction of the FPA.

S. Broderick explained Maple Syrup industry as identified by statute as Agriculture under the auspices of the Department of Agriculture.

J. Hockla explained permit process for tapping on State Forest land in response to questions from the Board.

C. Martin noted the Task Force decided by consensus rather than Roberts' Rules as "consensus" elicits more discussion of the issues.

C. Martin and D. Emmerthal noted that the task force discussed whether forest practices were governed by P&Z since it's an agricultural practice. There seems to be some confusion as whether a commercial forest practice is subject to P&Z and the forest practices act or just the FPA. Clarification is being sought.

C. Martin emphasized the Task Force is concerned with questions of DEP Commissioner Authorities and the apparent intervening authority of the Commissioner of Agriculture.

C. Martin stated without harvesting regulations the Commissioner can review municipal regulations based on the nine state stated purposes to promulgate regulation in Sec. 23-65j(a). If municipal regulations comply with the 23-65j(a) the municipal regulations would be legal.

I. Branson asked for and received clarification on municipal regulations from C. Martin.

Jim Poole (guest) stated the 20 named towns in the FPA identified as eligible to regulate forest harvesting should submit their regulations for review.

C. Martin stated that if DEP implements harvesting regulations the towns would have 12 months to submit their own regulations for review.

C. Martin discussed the difference between the certification regulations and harvesting regulations with the group.

C. Martin pointed out that Kent is the only town with full approvals of their harvesting regulations and Kent is in full compliance with reporting requirements.

A discussion of the complaint review data took place and Emmerthal requested input on future data collected.

Jim Poole (guest & task force member) stated the task force felt the complaint data showed the certification program is working.

Jeff Durst (guest) asked if most complaints are against only a few individuals.

D. Emmerthal responded most complaints are against uncertified people and that the counting was conducted in a manner to avoid counting multiple complaints levied against one particular operation.

T. Trowbridge is concerned about time to investigate complaints without merit.

D. Emmerthal stated complaints without merit are much greater in number than complaints with merit.

C. Martin asked the FPAB for input into complaint compilation.

S. Broderick clarified direction of the Task Force as changing from DEP having harvesting regulations to addressing certification success and municipal authority.

C. Martin confirmed Broderick's perception.

C. Martin noted the DEP Legal Staff needs to research some of the questions asked by the Task Force.

S. Labanowski is concerned about local Regulations as opposed to State enforcement of regulations as an unfunded mandate for Towns.

C. Martin spoke to unintended consequences of Statewide Regulations including cost and specific prescriptive inhibitions to the Forest Industry.

C. Martin announced he is meeting with Commissioner Marrella to discuss Task Force activity to date on 12/10/10.

C. Martin stated at least one more Task Force meeting will be required to produce a final report to the Commissioner.

C. Martin stated the FPAB may or may not endorse the Task Force final report.

C. Martin stated he is not sure of the time frame for the "Final Report".

Jim Poole point out the urgency for completion by 1/4/11 for the Legislature to act on pending legislation.

Emerald Ash Borer

C. Martin brought the group up to date on EAB activities and announced APHIS is developing a PowerPoint addressing Regulatory Issues for training purposes.

C. Martin described Asian Long Horned Beetle (ALB) quarantine criteria as an example of insect quarantine occurrences.

D. Emmerthal pointed out ALB Response Quarentine is a quarantine aimed at control and eradication and the EAB response is designed to only slow the spread of EAB.

C. Martin stated Federal Assistance for EAB detection is plentiful but once EAB is discovered in an area Federal Assistance immediately stops.

C. Martin noted ALB has continuous funding for eradication as the insect can be controlled.

Jim Poole stated municipal budget developments underway at this time therefore notice of impending expenses due to EAB should be sent to Towns.

J Hockla stated EAB Committees are trying to get the message out soon.

Jim Poole again emphasized importance to Towns of early EAB information.

D. Emmerthal pointed out that USFS Forest Inventory and Analysis information is helping target areas to search for or trap EAB.

C. Martin mentioned a silvicultural message regarding EAB is being prepared for landowners.

C. Martin pointed out that one Consultant Forester is writing to landowners concerning EAB.

J Hockla updated the group concerning the Certification Program mentioning +/-550 certified individuals in all classes, the number of people applying for certification exams is down from previous years.

J Hockla reported that several enforcement actions are being dealt with in coordination with the Attorney General's Office.

M Bartlett asked about CT Grown Efforts.

C. Martin announced that Division of Forestry (DOF) is working with the Department of Agriculture regarding CT Grown Forest Products labeling.

C. Martin reported a two-page Memorandum of Understanding between DOF and DOAG has been developed and will be signed soon and program will be in place by 1/1/2011.

C. Martin and D. Emmerthal discussed applicability at CT Grown and evolution of standards.

M. Kasinskas (guest) asked if and how Consultant Foresters could get on board with CT Grown.

D. Emmerthal responded that all Certified Practitioners would become part of the process.

D. Emmerthal asked a general question as to how the CT Forest Industry wants CT Grown promoted or marketed.

D. Emmerthal is considering grants to help with marketing CT Grown including firewood that may help with insect control.

S. Broderick reported UCONN Grad Student Charlotte Rand is organizing a thesis dealing with people buying "locally grown" and may have information the Forest Industry could use.

M. Kasinskas inquired if media kits would be available to Consultant Foresters to help landowners make decisions re: forest management.

S. Labanowski responded that she is aware that DOAG has media information available.

T. Trowbridge reported that he and Joan Nichols had conducted a review of parts of Certification Regulations per the May 2010 meeting. Trowbridge briefly mentioned highlights of the review and submitted written recommendations and comments including fees, certification requirements and CEU requirements to the board for their consideration.

S. Labanowski commented payment by certified check requirement is a best management practice for government as chasing bounced checks, etc is too expensive.

T. Trowbridge asked the Board to review his submission to consider for future comments.

S. Labanowsky asked what action would happen if the Board voted up or down on Trowbridge/Nichols proposals.

D. Emmerthal described possible avenues of regulatory changes as a response to S. Labanowski.

S. Broderick moved to table the Trowbridge/Nichols proposal and place it on the agenda for the next Board meeting. Motion seconded by S. Labanowski and vote to approve the motion was unanimous.

S. Broderick reported that E. Hammerling of CFPA has a Legislative proposal to help landowners through the 10 Mill Tax transition situation.

S. Broderick explained the sudden skyrocket in property values and taxes upon expiration of the 10 mil classification at the 50 year point.

C. Martin explained there are about 130 parcels of land at risk in the 10 mil tax program and that these landowners had made a long term commitment to conservation and now face extraordinary increase in property taxes.

J. Hockla discussed the document indentifying FPAB members and their appointment authorities.

I. Branson questioned appointment procedures.

D. Emmerthal responded to I. Branson question and will assure members they have contact information for their appointing authorities.

C. Martin emphasized the importance of the FPAB and membership to the FPAB.

J. Hockla designated 2/23/2011 as the next meeting date at CFPA.

C. Martin reported the Commissioner of DEP is funding three Forestry Intern positions with the Regional Greenhouse Initiative (RGGI) funding, and that this was a significant recognition of the importance of forests to pollution controls by the RGGI Board.

S. Labanowski moved and Broderick seconded motion to adjourn. Motion carried, meeting adjourned. Meeting adjourned at 12:07 pm.

Respectfully Submitted,

Judd White