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Testimony of Eric Hammerling, Executive Director, Connecticut Forest & Park Association

Public Hearing Subject Matter	Position
<b>Raised H.B. 6501:</b> AAC THE STREAMLINING OF CERTAIN PROGRAMS OF THE DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION.	Support sections 6-7, Amendment language also proposed at end
<b>Raised H.B. 6496:</b> AAC CERTAIN SOIL-RELATED INITIATIVES.	Support Sections 2-5 on soil health

The Connecticut Forest & Park Association (CFPA) is the first nonprofit conservation organization established in Connecticut in 1895. For over 125 years, CFPA has offered testimony before the General Assembly on various State Park and Forest, trail recreation, sustainable forestry, and land conservation issues.

I am testifying today to express CFPA's support and make some suggestions on two raised bills on today's agenda: HBs 6501, 6496.

**HB 6496: AAC Certain Soil-Related Initiatives**

CFPA serves on the Working Lands Alliance and has been active on the Governor's Council on Climate Change Forests Subgroup. Improving soil health is one of the most significant things that Connecticut can do related to climate mitigation, and we support the insertion of "soil health" as proposed in Sections 2-5 of HB 6496 as a modest but common sense addition. We do not have a position on Sections 1 or 6 of HB 6496.

**HB 6501: AAC the Streamlining of Certain Programs of the DEEP**

CFPA was an original supporter of the Connecticut Forest Practices Act which became law in 1991, and CFPA has also actively served on the Forest Practices Advisory Board ever since. The Forest Practices Act is critical to ensure Connecticut has properly credentialed professionals and high standards for practicing forestry. CFPA and the Forest Practices Advisory Board have discussed and strongly support sections 6 and 7 of HB 6501 which are not controversial and would enable Connecticut to be better prepared to rapidly respond and call upon northeastern states in the event of a forest fire.

In addition, the Forest Practices Act has for several years supported legislation (also uncontroversial) which would both streamline and improve the oversight and implementation of this law by the Department of Energy & Environmental Protection's Forestry Division. **Proposed bill language to add a friendly amendment to HB 6501 is attached on the following pages.**

Thank you for the opportunity to testify on these bills, and I'm glad to respond to any questions you may have.

**Suggested language to amend to HB 6501 previously endorsed by the Forest Practices Advisory Board**

**Sec. 23-65g. Forest Practices Advisory Board. Membership. Powers and duties.** (a) There is established a Forest Practices Advisory Board consisting of the State Forester or his designee, and nine public members [~~six of whom shall be appointed one each by the president pro tempore of the Senate, the majority leader of the Senate, the minority leader of the Senate, the speaker of the House of Representatives, the majority leader of the House of Representatives, the minority leader of the House of Representatives and three of whom shall be appointed by the Governor. The members appointed shall include a professional forester in private practice, a representative of the forest products industry, an officer of an environmental organization headquartered within the state which is concerned primarily with forests, a professor of forestry or natural resources from a college or university within the state, an owner of not less than ten nor more than two hundred fifty acres of forest land, a representative of an environmental organization not primarily concerned with forests and a member of an inland wetlands agency.~~] appointed as follows: (1) three appointed by the Governor, one of whom shall be an officer of an environmental organization headquartered within the state which is concerned primarily with forests, one of whom shall be a representative of an environmental organization not primarily concerned with forests, and one of whom shall be a member of an inland wetlands agency; (2) one appointed by the speaker of the House of Representatives who shall be an owner of not less than ten nor more than two hundred fifty acres of forest land; (3) one appointed by president pro tempore of the Senate, who shall be a professional forester in private practice; (4) one appointed by the majority leader of the House of Representatives, who shall be a representative of the forest products industry; (5) one appointed by the majority leader of the Senate who shall be a professor of forestry or natural resources from a college or university within the state; (6) one appointed by the minority leader of the House of Representatives who shall be a member of the public; and (7) one appointed by the minority leader of the Senate who shall be a member of the public.

(b) The appointed members of the initial board shall be appointed so that the terms of two members shall expire on December 31, 1993, the terms of two members shall expire on December 31, 1994, the terms of two members shall expire on December 31, 1995, and the term of one member shall expire on December 31, 1996. Thereafter, each member shall be appointed for a term of four years. [~~Vacancies on the board shall be filled in the same manner as the original appointments.~~] Each member of the board shall serve until his successor is appointed.

(c) The State Forester or his designee shall serve as chairman of the board. The board shall meet at least three times, annually, at such time and place as shall be designated by the chairman, or upon the written request of a majority of the members of the board. A majority of the members shall constitute a quorum for the transaction of business. The principal office of the board shall be the State Forester's office.

(d) Members of the board shall be entitled to reimbursement for travel expenses incurred in the performance of their duties.

(e) The Forest Practices Advisory Board shall have the following powers and duties:

(1) To periodically review applicable regulations concerning forest practices or the certification of forest practitioners and to issue recommendations to the Commissioner of Energy and Environmental Protection for changes to such regulations;

(2) To periodically review the programs and policies of the department regarding forests, forest health and forest practices and to issue recommendations to the commissioner for changes to such programs and policies; and

(3) To provide advice and guidance to the commissioner regarding the certification of technically proficient forest practitioners and the revocation or suspension of such certification.

**Sec. 23-65h. Forest practitioner certification. Classifications and requirements. Regulations.**

(a) On or after July 1, 1992, no person shall advertise, solicit, contract or engage in commercial forest practices within this state at any time without a certificate issued in accordance with the provisions of this section, appropriate to the forest practices advertised, solicited, contracted or engaged in, except as provided in subsections (b) and (c) of this section.

(b) There shall be three classifications for commercial forest practitioners: Forester, supervising forest products harvester and forest products harvester. Forester certification shall be required for commercial forest practitioners who supervise or engage in the planning and design of forest practices, including but not limited to, commercial forest product harvest operations, or act as a property owner's agent in the sale of commercial forest products. A certified forester may also execute contracts or agreements, written or verbal, for the purchase of commercial forest products, act in the buyers behalf in the supervision of commercial forest product harvest operations and engage in the execution of commercial forest product harvest operations. Supervising forest products harvester certification shall be required for commercial forest practitioners who execute contracts or agreements, written or verbal, for the purchase of commercial forest products or who act in the buyer's behalf in the supervision of commercial forest product harvest operations. A certified supervising forest products harvester may also engage in the execution of commercial forest product harvest operations. Forest products harvester certification shall be required for commercial forest practitioners who engage in the execution of commercial forest product harvest operations, provided no such certification shall be required for persons engaging in the execution of commercial forest practices under the direct, on-site supervision of a certified forest product harvester. No forest product harvester certified under this section shall engage in the on-site supervision of more than two noncertified persons executing commercial forest practices.

(c) An application for the certification as a forest practitioner shall be made to the Commissioner of Energy and Environmental Protection and shall contain such information regarding the applicant's qualifications and proposed operations and other relevant matters as the commissioner deems necessary.

(1) The commissioner shall require the applicant for forester certification to demonstrate, upon examination, that ~~he~~ [the applicant](#) possesses adequate knowledge concerning the proper application of forest management techniques, the ecological and environmental consequences of harvesting activity and mitigating measures to be employed to minimize possible adverse impacts on environmental conditions within the harvest area.

(2) The commissioner shall require the applicant for supervising forest products harvester certification to demonstrate, upon examination, that ~~he~~ [the applicant](#) possesses adequate knowledge concerning techniques and procedures normally employed in the conduct and supervision of a harvest operation, the safe and environmentally responsible operation of harvesting equipment, and mitigating measures to be employed to minimize possible adverse impacts of harvesting activity on environmental conditions within the harvest area.

(3) The commissioner shall require the applicant for forest products harvester certification to demonstrate, upon examination, that ~~he~~ [the applicant](#) possesses adequate knowledge concerning techniques and procedures normally employed in the conduct of a harvest operation and the safe and environmentally responsible operation of harvesting equipment, except that an applicant who demonstrates to the satisfaction of the commissioner that ~~he~~ [the applicant](#) has engaged in commercial forest practices at least once per year for the ten years immediately preceding October 1, 1991, shall be exempt from such examination requirement.

(4)(A) If the commissioner finds that the applicant is competent with respect to the required qualifications, including those provided in section 23-65o, ~~he~~ [the commissioner](#) shall certify the applicant to perform such forest practices as appropriate to the requested certification. The certification shall be valid for a period not to exceed five years and may be renewed by the commissioner with or without further examination. The commissioner may establish regulations for forest practitioner certification so that one-fifth of the certificates expire each year. The commissioner may certify a forest practitioner for less than five years and prorate the registration fee accordingly to implement the regulations established pursuant to this subsection.

[\(B\) Notwithstanding the provisions of subparagraph \(A\) of this subdivision, the commissioner may grant a sixty-day extension for any forest practitioner who failed to submit a complete application for renewal prior to the expiration date of such forest practitioner's certification. Such forest practitioner shall submit a complete application for renewal within such sixty-day extension period. Any renewed certification issued by the commissioner pursuant to this subparagraph shall not require reexamination by such forest practitioner prior to such issuance but shall require the submission of an additional fee, as determined by the commissioner.](#)

(5) If the commissioner finds that the applicant is not competent with respect to the requirements for the requested certification, the commissioner shall refuse to issue the applicant a certificate. The commissioner shall inform the applicant of the refusal in writing, giving the reasons for such refusal. Any person aggrieved by such refusal may, within thirty days from date of issuance of such denial, request a hearing before the commissioner, which hearing shall be conducted in accordance with chapter 54.

(6) The commissioner may certify without examination any person who is certified: ~~in~~ (A) In another state under a law which provides substantially similar qualifications for certification [and which grants similar privileges of certification without examination to residents of this state certified under the provisions of this section] or (B) through examination by the Society of American Foresters, or a similar organization, that provides substantially similar qualifications for certification provided such person can demonstrate knowledge of the forestry laws of this state to the commissioner's satisfaction.

(7) The commissioner may, by regulation, adopted in accordance with the provisions of chapter 54, prescribe fees for applicants to defray the cost of administering examinations and carrying out the provisions of this chapter. A state or municipal employee who engages in activities for which certification is required by this section solely as part of his employment shall be exempt from payment of a fee. Any certificate issued to a state or municipal employee for which a fee has not been paid shall be void upon termination of such government employment.

(8) The commissioner may require the display of a decal or other evidence, indicating that a commercial forest practitioner has met the requirements of sections 23-65f to 23-65o, inclusive, in a prominent place on any licensed motor vehicle used in the practitioner's operations. A fee may be charged to the certified practitioner to cover the cost of the decal or other evidence.

(9) The commissioner shall require all forest practitioners certified under sections 23-65f to 23-65o, inclusive, to participate [biennially] in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University or the Connecticut cooperative extension system, or participation in another program approved by the department. Professional education shall take place during the recertification cycle and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o.

**Sec. 23-65i. Forest practice activities. Reports.** (a) Each certified forester, except any state employee who engages in activities regulated by sections 23-65f to 23-65o, inclusive, solely as part of his employment, shall submit an annual report to the Commissioner of Energy and Environmental Protection on or before June first of each year in a form prescribed by the commissioner. Such report shall include, but not be limited to, the following information:

- (1) The number of forest management plans completed and acres covered by said plans;
- (2) The number and type of timber stand improvements completed and acres so improved;
- (3) The number of acres planted in reforestation, afforestation and in Christmas tree plantations;
- (4) The number of commercial forest product sales, the total number of acres harvested in such sales, the type and total volumes of products generated by such sales and total annual expenditure for the purchase of such sales;
- (5) ~~Evidence~~ Attestation of ~~biennial~~ participation in a relevant program of professional education to improve or maintain professional forestry skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of

Connecticut, Yale University or the Connecticut cooperative extension system, or participation in another program approved by the department, [provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o](#); and

(6) Other information which the commissioner deems necessary.

(b) Each certified supervising forest products harvester shall be required to submit an annual report to the Commissioner of Energy and Environmental Protection on or before June first of each year in a form prescribed by the commissioner. Such report shall include, but not be limited to, the following information:

(1) The number of commercial forest product sales harvested, and the type and total volumes of products generated by such sales;

(2) [~~Evidence~~] [Attestation](#) of [~~biennial~~] participation in a relevant program of professional education to improve or maintain forest products harvesting skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, the University of Connecticut, Yale University, the Connecticut cooperative extension system or is otherwise approved by the department, [provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o](#); and

(3) Other information which the commissioner deems necessary.

(c) All certified forest products harvesters shall be required to submit to the Commissioner of Energy and Environmental Protection, on or before June first of each year, annual reports in a form prescribed by the commissioner. Such reports shall include, but not be limited to, the following information

(1) [~~Evidence~~] [Attestation](#) of [~~biennial~~] participation in a relevant program of professional education to improve or maintain forest products harvesting skills that is sponsored by the Department of Energy and Environmental Protection, the New England Society of American Foresters, The University of Connecticut, Yale University, the Connecticut cooperative extension system or is otherwise approved by the department, [provided proof of such participation shall be furnished to the commissioner upon request and be in accordance with the prescribed schedule set forth within regulations adopted in accordance with Sections 23-65f to 23-65o](#); and ...