

Legislative History for Connecticut Act

HB 5498 (PA 228) 1998

House 917-918, 1405-1406,
4398-4405 (12)

Senate 2620, 2702-2705 (5)

Environment 352-353, 355-356, 359-363,
371-376, 393-395, 396-401, 418-420,
425-427, 432-434, 448-453, 488-491, 589,
599, 657-674, 677-689, 903-904, 905, (over)

EDU. - 907, 915, 916-918, 919, 924-926, 974,
1008-1009, 1013-1016, 1021, 1023, 1028,
1029-1031, 1059-1060 (103)

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CONNECTICUT
GEN. ASSEMBLY
HOUSE

PROCEEDINGS
1998

VOL. 41

PART 3

678-1059

gmh

House of Representatives

Wednesday, April 8, 1998

referred to the Appropriations Committee.

SPEAKER RITTER:

So ordered.

Clerk, please call 231.

CLERK:

On page 12, Calendar 231, Substitute for House
Bill Number 5296, AN ACT CONCERNING WATER RESOURCE
PROGRAMS OF THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.
Favorable Report of the Committee on Environment.

SPEAKER RITTER:

Representative Stillman.

REP. STILLMAN: (38TH)

Thank you, Mr. Speaker. I move that that be
referred to the Public Health Committee.

SPEAKER RITTER:

So ordered.

Clerk, please call Calendar 232.

CLERK:

On page 12, Calendar 232, Substitute for House
Bill Number 5498, AN ACT CONCERNING REGULATION OF
FOREST PRACTICES. Favorable Report of the Committee on
Environment.

SPEAKER RITTER:

Representative Stillman.

REP. STILLMAN: (38TH)

gmh

House of Representatives

Wednesday, April 8, 1998

Thank you, Mr. Speaker. I move that that be referred to the Planning and Development Committee.

SPEAKER RITTER:

So ordered.

Clerk, please call 233.

CLERK:

On page 12, Calendar 233, Substitute for House Bill Number 5459, AN ACT CONCERNING DISCLOSURE OF CERTAIN INFORMATION BY THE DEPARTMENT OF SOCIAL SERVICES. Favorable Report of the Committee on Human Services.

SPEAKER RITTER:

Representative Stillman.

REP. STILLMAN: (38TH)

Thank you, Mr. Speaker. I move that that be referred to the Labor Committee.

SPEAKER RITTER:

So ordered.

Clerk, please call 234.

CLERK:

On page 12, Calendar 234, Substitute for House Bill Number 5335, AN ACT CONCERNING NUCLEAR SAFETY EMERGENCY PREPAREDNESS. Favorable Report of the Committee on Environment.

SPEAKER RITTER:

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1060-1415

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House of Representatives

April 17, 1998

written expression of agreement between the Majority Leader and the Minority Leader is in the possession of the Clerk.

SPEAKER GERAGOSIAN:

the Chair recognizes Representative Fleischmann of the 18th District.

REPRESENTATIVE FLEISCHMANN: (18th)

Mr. Speaker, I would move the following bills
under House Rule 20(e): to the Committee on
Appropriations H.B. No. 5430, Committee on
Appropriations H.B. No. 5657, Committee on Judiciary
H.B. No. 5281, the Committee on Judiciary H.B. No.
5660, Committee on Commerce H.B. No. 5048, Committee on
Appropriations H.B. No. 5483, Appropriations H.B. No.
5745, Committee on Labor and Public Employees H.B. No.
5116, Committee on Judiciary H.B. No. 5398, Committee
on Government Administration and Elections H.B. No.
5517, Committee on Environment H.B. No. 5466, Committee
on Finance, Revenue and Bonding H.B. No. 5233,
Committee on Appropriations H.B. No. 5402, Committee on
Insurance and Real Estate H.B. No. 5522, Committee on
Insurance and Real Estate H.B. No. 5577, Committee on
Planning and Development H.B. No. 5296, Committee on
Judiciary H.B. No. 5498, Committee on Public Health
H.B. No. 5459, Committee on Judiciary H.B. No. 5495,

rlf

House of Representatives

April 17, 1998

Committee on Appropriations H.B. No. 5054, Committee on
Judiciary H.B. No. 5724, Committee on Planning and
Development H.B. No. 5535, Committee on Judiciary H.B.
No. 5709, Committee on Appropriations H.B. No. 5404,
Committee on Appropriations H.B. No. 5437, Committee on
Government Administration and Elections H.B. No. 5332,
Committee on Planning and Development H.B. No. 5679,
Committee on Public Safety H.B. No. 5635, Committee on
Planning and Development H.B. No. 5747, Committee on
Government Administration and Elections H.B. No. 5614,
Committee on Judiciary H.B. No. 5597, Committee on
Government Administration and Elections H.B. No. 5593,
Committee on Planning and Development H.B. No. 5551.

SPEAKER GERAGOSIAN:

Hearing no objection, so ordered.

THE CLERK:

Mr. Speaker, there's no further business on the Clerk's desk.

SPEAKER GERAGOSIAN:

Representative Fleischmann of the 18th District.

REPRESENTATIVE FLEISCHMANN: (18th)

Mr. Speaker, there being no further business on the Clerk's desk, I move that we adjourn subject to the Call of the Chair.

SPEAKER GERAGOSIAN:

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CONNECTICUT
GEN. ASSEMBLY
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1998

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PART 13

4290-4581

gmh

House of Representatives

Monday, May 4, 1998

Thank you, sir. At this time, if I could make a motion that this bill be passed temporarily.

DEPUTY SPEAKER HYSLOP:

Seeing no objection, the item is passed temporarily.

Clerk, please call Calendar 232.

CLERK:

On page 23, Calendar 232, Substitute for House Bill Number 5498, AN ACT CONCERNING REGULATION OF FOREST PRACTICES. Favorable Report of the Committee on Judiciary.

DEPUTY SPEAKER HYSLOP:

Representative Stratton. Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Mr. Speaker. I move acceptance of the Joint Committee's Favorable Report and passage of the bill.

DEPUTY SPEAKER HYSLOP:

The question is on acceptance and passage. Will you remark?

REP. STRATTON: (17TH)

Yes, Mr. Speaker. The Clerk has an amendment, LCO 4933. If he would call and I be allowed to summarize.

DEPUTY SPEAKER HYSLOP:

Clerk, please call LCO 4933, designated House "A"

gmh

House of Representatives

Monday, May 4, 1998

and the Representative has asked leave to summarize.

CLERK:

LCO Number 4933, House "A" offered by
Representatives Stratton and Roraback.

DEPUTY SPEAKER HYSLOP:

Representative Stratton.

REP. STRATTON: (17TH)

Thank you, Mr. Speaker. Before I summarize this amendment, I really would like to extend my real appreciation and commendation to Representative Roraback who has done the lion share of the work on this along with Julia Wasserman who certainly had a great deal of interest in it too.

The amendment before us is a strike everything amendment in order to try to help establish forest practices that are uniform across the State while being cognizant and sensitive to the interest and actions of many municipalities in the State that to date have actually taken the initiative to try to regulate these practices within their municipalities.

The amendment embraces those municipalities and gives them an opportunity to assure that their regulations are in conformance with statewide standards that we assume the Department of Environmental Protection will have in place within a year.

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It also allows the possibility that there are other municipalities who are operating and controlling these practices in a way consistent with the standards in the bill and they may present evidence to the DEP that they are so and be also embraced under these standards.

Any such municipality which continues to regulate forest practices shall do so by adopting regulations that are consistent with state standards and within that practice an applicant may ask for a certified forester to review any application and that review would pertain to any applications that are denied.

The applicant would pay a reasonable fee for such review. In situations where two towns or the activity spans the borders of two towns, if both towns did not regulate, the state would take precedence in those situations.

The amendment also exempts activities pursuant to a total change in use of land that have been approved by the planning and zoning and the Inland/Wetlands Commission and I would urge adoption of the amendment.
DEPUTY SPEAKER HYSLOP:

The question is on adoption of House "A". Will you remark on House "A"? Will you remark on House "A"? If not, I will try your minds.

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All those in favor, signify by saying aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER HYSLOP:

Those opposed, no. The ayes have it. House "A" is adopted.

Will you remark further on the bill, as amended?

Will you remark further on the bill, as amended?

Representative Roraback.

REP. RORABACK: (64TH)

Thank you, Mr. Speaker. Through you, a question to the proponent of the bill, as amended.

DEPUTY SPEAKER HYSLOP:

Proceed.

REP. RORABACK: (64TH)

For purposes of legislative intent, Mr. Speaker, looking at lines 58 through 67. Representative Stratton, the bill imposes some training requirements on local inland/wetlands agencies. Through you, Mr. Speaker. Are these training requirements intended to apply to those municipalities which do not regulate forest practices?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Stratton.

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REP. STRATTON: (17TH)

Through you, Mr. Speaker. No, they are not. They pertain only to those municipalities which are continuing their regulation of forest practices.

DEPUTY SPEAKER HYSLOP:

Representative Roraback.

REP. RORABACK: (64TH)

One further question, if I may, Mr. Speaker, through you. In lines 68 through 100, Mr. Speaker, through you, these lines prescribe certain rules which are going to apply to municipalities which regulate forest practices. Through you, Mr. Speaker, to Representative Stratton. Will these rules apply uniformly to towns which are both named in section A of the bill and those towns which get in by virtue of section B?

Through you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Representative Stratton.

REP. STRATTON: (17TH)

Through you, Mr. Speaker. The requirements pertain to both sets of towns.

Thank you.

DEPUTY SPEAKER HYSLOP:

Representative Roraback.

gmh

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REP. RORABACK: (64TH)

Thank you, Mr. Speaker. I urge the Chamber's support.

Thank you.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended? Representative Prelli.

REP. PRELLI: (63RD)

Thank you, Mr. Speaker. Mr. Speaker, for the eight years I've been here, I've been opposed to the forest practices act and I actually think that the best way to handle this would be to just delete the forest practice act and allow the State to run it.

In fact, I have an amendment to do that. In fact, I have two different amendments to do it. But I'm not going to call those amendments today because I think what has happened is we've got a compromise. I don't agree totally with the compromise. I don't think it's the right step. I still think it's a problem. I think foresters are still going to have a problem not knowing which towns have local regulations. Which towns that just have to go to the State on.

I still don't think we're addressing the problem of out-of-state foresters coming in and basically manning our country side with no control over them.

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It's happening up my way.

I still think we have a problem and the good foresters are obeying the law, going through all the steps and then not getting a job because it's costing more and the out-of-state foresters are getting them. We are only hurting our own business.

I still think the way to do this is to repeal the act. But as I said, I am not going to call the amendment and in the long run I'm going to plan on supporting the bill because I think it's better than existing law.

But I still think it's something that we have to look at in the future because I think all we're doing is making the existing statutes more confusing.

Thank you, Mr. Speaker.

DEPUTY SPEAKER HYSLOP:

Will you remark further on the bill, as amended?
Will you remark further on the bill, as amended? If not, staff and guests, come to the Well. Members, take your seat. The machine will will be opened.

CLERK:

The House of Representatives is voting by roll call. Members to the Chamber. The House is voting by roll call. Members to the Chamber, please.

DEPUTY SPEAKER HYSLOP:

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Monday, May 4, 1998

Have all the members voted? If all the members have voted, please check the machine to make sure your vote is properly recorded. The machine will be locked.

The Clerk will take the tally.

The Clerk will announce the tally.

CLERK:

House Bill Number 5498, as amended by House Amendment Schedule "A"

Total Number Voting	146
Necessary for Passage	74
Those Voting Yea	146
Those Voting Nay	0
Those absent and not voting	5

DEPUTY SPEAKER HYSLOP:

The bill, as amended passes.

Clerk, please call Calendar 471.

CLERK:

On page 13, Calendar 471, Substitute for Senate Bill Number 520, AN ACT CONCERNING INTER VIVOS TRUSTS.

The Senate has adopted Senate Amendment Schedule "A". It's a favorable report of the committee on Judiciary.

DEPUTY SPEAKER HYSLOP:

Representative Lawlor.

REP. LAWLOR: (99TH)

Thank you, Mr. Speaker. I move acceptance of the

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CONNECTICUT
GEN. ASSEMBLY
SENATE

PROCEEDINGS
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PART 9

2607-2824

pat

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Senate

May 5, 1998

I move suspension to take up Calendar 480.

THE CHAIR:

Motion is for suspension of the rules. Without objection, so ordered.

SEN. JEPSEN:

It should be marked PT. At this time I would move suspension to take up the next four items on this page, 481, 482, 483 and 484.

THE CHAIR:

Motion is for suspension of the rules. Without objection, so ordered.

SEN. JEPSEN:

The first of these items, Substitute for HB5498 I move to the Consent Calendar.

THE CHAIR:

Motion is to refer to the Consent Calendar.
Without objection, so ordered.

SEN. JEPSEN:

The last three Calendars, 482, 483 and 484 should be marked Go.

Page 7, 132 is PT.

146, PT.

197, PT.

203, PT.

210 is Go. I'm sorry, it's PT. 210 is PT.

pat

Senate

May 5, 1998

SEN. FONFARA:

Thank you, Madam President. If there's no objection, I would move this bill be placed on the Consent Calendar.

THE CHAIR:

Motion is to refer this item to the Consent Calendar. Without objection, so ordered.

THE CLERK:

Madam President, I believe that that completes those items previously marked Go.

THE CHAIR:

At this time, Mr. Clerk, would you announce a roll call vote on the Consent Calendar and call those items, please.

THE CLERK:

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate on the Consent Calendar. Will all Senators please return to the Chamber.

Madam President, the first Consent Calendar begins on Calendar Page 3. Calendar 411, HB5281.

Calendar Page 4, Calendar 443, Substitute for HB5296.

pat

Senate

May 5, 1998

Calendar 445, Substitute for HB5662.

Calendar Page 5, Calendar 468, HB5023.

Calendar Page 6, Calendar 481, Substitute for
HB5498.

Calendar 483, Substitute for HB5747. HB5745

Calendar Page 9, Calendar 347, Substitute for
SB539.

Calendar Page 10, Calendar 140, SB200.

Calendar 172, Substitute for SB325.

Calendar 191, SB429.

Calendar Page 11, Calendar 267, SB305.

Calendar 281, Substitute for SB600.

Calendar 282, Substitute for SB601.

Calendar 314, Substitute for SB329.

Calendar Page 12, Calendar 383, HB5740.

Calendar 485, SR29.

Calendar 486, SR30.

Calendar Page 13, Calendar 487, SR32.

Calendar Page 14, Calendar 151, HB5278.

Madam President, that completes the first Consent
Calendar.

THE CHAIR:

Thank you, Mr. Clerk. Would you once again
announce a roll call vote. Senator Bozek.

SEN. BOZEK:

pat

Senate

May 5, 1998

Madam President, through you, on Page 10, did the Clerk call Calendar 118. Or what was the disposition on 118.

THE CHAIR:

That is in a Committee of Conference, Sir.

SEN. BOZEK:

All right. Thank you very much, Madam President.

THE CHAIR:

You're welcome. Mr. Clerk would you once again announce a roll call vote on the Consent Calendar. The machine will be opened.

THE CLERK:

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

An immediate roll call has been ordered in the Senate. Will all Senators please return to the Chamber.

THE CHAIR:

Have all members voted? If all members have voted, the machine will be locked. The Clerk please take a tally.

THE CLERK:

Motion is on adoption of Consent Calendar No. 1.

Total number voting, 36; necessary for adoption,

pat

Senate

May 5, 1998

19; those voting "yea", 36; those voting "nay", 0.

Those absent and not voting, 0.

THE CHAIR:

The Consent Calendar is adopted.

Senator Jepsen.

SEN. JEPSEN:

Thank you, Madam President. I move immediate transmittal of all items acted upon today to the House, requiring further action to the House of Representatives.

THE CHAIR:

Without objection, so ordered. At this time we have discovered another need for a Committee on Conference for Calendar 436, HB5418 An Act Concerning the Official Weighing Areas. Those appointed to the Committee will be Senator Ciotto, Senator Peters and Senator Scarpetti. If those members would please meet and report back as soon as possible, it would be appreciated.

SEN. CIOTTO:

Madam President.

THE CHAIR:

Senator Ciotto.

SEN. CIOTTO:

For a point of personal privilege, Madam

JOINT
STANDING
COMMITTEE
HEARINGS

ENVIRONMENT
PART 2
335-694

1998

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nal ENVIRONMENT COMMITTEE February 27, 1998

SEN. DAILY: (mike not on). (Inaudible). Edward Hinman followed by Bruce Sherman. (Inaudible). You'll notice the public (inaudible) are subject to change (inaudible). (Inaudible). Our next speaker is Edward Hinman followed by Bruce Sherman. Bruce Sherman?

EDWARD HINMAN: Good morning. My name is Edward Hinman. I'm a wetlands commissioner in the Town of Norfolk, and I am opposed to bill 5498, which would...oh, I'd like to support it. I'd like to have the state regulate the Forest Practices Act in the state of Connecticut. I think it's important that the volunteer commissioners who run the wetlands commission should not be asked to take on more responsibilities at this time. Norfolk is a heavily forested town. We have a lot of logging, and I don't think that we can do justice to regulating practices without more resources. If DEP wants to regulate forest practices in the state of Connecticut, they should get the resources to do it properly, and not ask volunteer commissioners to do it for them. That's about it. Thank you for your time.

SEN. DAILY: Thank you, Mr. Hinman. Are there any questions? (mike not on). (Inaudible). (laughter).

REP. RORABACK: Forgive me, Madam Chair, but Mr. Hinman... (laughter)...5498...the bill that's before us, 5498, actually would provide that the state would be the exclusive regulatory body for forest practices, so...

EDWARD HINMAN: Yeah.

REP. RORABACK: So, when you say that you're testifying...it seems that your testimony...

EDWARD HINMAN: I'm testifying for that, and against having the wetlands commissions regulate it, which is the other bill being considered, 5545. Thank HB 5534 you.

REP. RORABACK: Okay, fair enough. I just wanted a point of clarification for our record. I want our

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nal ENVIRONMENT COMMITTEE February 27, 1998

SEN. DAILY: (mike not on). (Inaudible). Edward Hinman followed by Bruce Sherman. (Inaudible). You'll notice the public (inaudible) are subject to change (inaudible). (Inaudible). Our next speaker is Edward Hinman followed by Bruce Sherman. Bruce Sherman?

EDWARD HINMAN: Good morning. My name is Edward Hinman. I'm a wetlands commissioner in the Town of Norfolk, and I am opposed to bill 5498, which would...oh, I'd like to support it. I'd like to have the state regulate the Forest Practices Act in the state of Connecticut. I think it's important that the volunteer commissioners who run the wetlands commission should not be asked to take on more responsibilities at this time. Norfolk is a heavily forested town. We have a lot of logging, and I don't think that we can do justice to regulating practices without more resources. If DEP wants to regulate forest practices in the state of Connecticut, they should get the resources to do it properly, and not ask volunteer commissioners to do it for them. That's about it. Thank you for your time.

SEN. DAILY: Thank you, Mr. Hinman. Are there any questions? (mike not on). (Inaudible). (laughter).

REP. RORABACK: Forgive me, Madam Chair, but Mr. Hinman... (laughter)...5498...the bill that's before us, 5498, actually would provide that the state would be the exclusive regulatory body for forest practices, so...

EDWARD HINMAN: Yeah.

REP. RORABACK: So, when you say that you're testifying...it seems that your testimony...

EDWARD HINMAN: I'm testifying for that, and against having the wetlands commissions regulate it, which is the other bill being considered, 5545. Thank HB 5534 you.

REP. RORABACK: Okay, fair enough. I just wanted a point of clarification for our record. I want our

record to be clear, and I want your position to be clear, so thank you, Madam Chair.

SEN. DAILY: (mike not on). (Inaudible) two bills 5545 and oppose 5498.

EDWARD HINMAN: I support 5498, and oppose 5545. HB5534

REP. RORABACK: Madam Chair, 5545 is not on the agenda to be heard today. That's a bill we'll be hearing next week. Thank you.

EDWARD HINMAN: Thank you.

SEN. DAILY: (mike not on). (Inaudible). Thank you very much. Our next speaker is Bruce Sherman, followed by Representative Wasserman.

BRUCE SHERMAN: Good morning Chairman Daily, members of the committee. My name is Dr. Bruce Sherman, and I'm Director of the Bureau of Regulation and Inspection for the Department of Agriculture, and I am also serving as State Veterinarian. On my left is Officer Tom Simon, and he is the Supervisor of the State Animal Control Division.

I'm here today to offer testimony on raised HB5495, AN ACT CONCERNING THE IMPORTATION AND SALE OF DOGS AND CATS. This is an initiative of the Department of Agriculture and we urge that the committee give it its...give it favorable consideration. Before I get into the testimony on each proposed section in this bill, I'd like to say at the outset that, as is in the case in most proposed legislation, some of the proposals here do not reach far enough for certain interests, and in some cases reach too far for certain interests, and what we've attempted to do in this bill is to take a balanced approach that will, hopefully, satisfy some of the concerns that we have for puppies and kittens that are sold in this state.

I think you all have written testimony. I'm going to paraphrase the written testimony, and maybe at some points offer a little editorial comment on them.

SEN. DAILY: (mike not on). No. Are there any questions of Mr. Sherman? I think (inaudible).

BRUCE SHERMAN: Thank you.

SEN. DAILY: Representative Wasserman is next, followed by Representative Bernhard.

REP. WASSERMAN: Good morning Senator and committee members. My name is Julia Wasserman. I represent Newtown and Bethel, the 106th district. I'm here to testify about bill 5498, AN ACT CONCERNING REGULATION OF FOREST PRACTICES BY THE STATE. I would like to call your attention to a letter that you have in your mass of papers, from our First Selectman Herbert Rosenthal, and he cannot be here, so he asked me to hand in this testimony, which I believe is in your possession.

I would like to keep my comments brief. I know that you have a lot of people lined up to speak. As former member for 10 years, and chairman of our conservation commission and wetlands commission, you may...maybe I can answer some questions instead, but let me briefly state that I am very opposed to this bill. This is, in my opinion, a bad bill. It removes from the municipalities, the authority to regulate forest practices.

First of all, most towns are indeed doing a good job. In the initial years, when the statute was passed, and the regulations and ordinances in the towns, there were some problems. Regulations were onerous indeed, as I well know, but the bad side of this bill, is that in the field, when you have forest practices in violation, and many times this is unfortunately the case, then corrective measures have to be taken immediately, to be effective. The local people all have the opportunity to do that very quickly, but DEP would not have that opportunity. I'm not talking a matter of hours, I'm talking about a matter of days.

If you don't correct the violations as quickly as possible, then you will have permanent damage, and that is serious, especially in the...on large scale forest practices. The...another issue, is that

even for DEP to give the permits takes a lot of time. Much longer than the municipalities would. But, more important, the timber industry, including the loggers, they would like minimum regulations, understandably. But, I think that is taken care of by DEP, which has to approve all the regulations.

The second point is that the timber industry wants uniformity. I think that's very important, but again, they get that through the DEP approval of the regulations, and the reason uniformity may be desirable, but not always possible, is because the different topographies in this state. You have...in conclusion, you have the hills and you have the flatlands and they have to be regulated differently.

SEN. DAILY: (mike not on). (Inaudible). Thank you for your testimony, we really appreciate it.

REP. WASSERMAN: Thank you.

SEN. DAILY: (mike not on). (Inaudible). Representative Ken Bernhard, followed by Representative Cardin.

REP. BERNHARD: Good morning, Madam Chairman. Good morning committee members. My name is Kenneth Bernhard, and I'm here today to speak on bill 5495, AN ACT CONCERNING THE IMPORTATION AND SALE OF DOGS AND CATS.

Good morning Madam Chairman, good morning committee members. My name is Kenneth Bernhard, and I am here to speak today on bill number 5495, AN ACT CONCERNING THE IMPORTATION AND SALE OF DOGS AND CATS.

Ladies and Gentlemen, if this bill is the beginning, and not the end, of a legislative effort to control and eventually eliminate the ugly trade of producing and selling dogs, that starts with puppy factories, is promoted by indifferent and sometimes scurrilous tradesman, and ends in consumer fraud and heartbreak, then I urge you to pass it. If however, this bill is the culmination and is the final product of that effort, then I

eager to hear the testimony of every single person who comes here. Representative Bernhard has been given the time to give testimony. He has used up his time. The next speaker is Commissioner Leff of the DEP. Good morning, Commissioner.

DAVID LEFF: Good morning, Senator Daily, and gentlemen of the committee...ladies and gentlemen of the committee. It's good to be here, back with the Environment Committee. For the record, my name is David Leff. I'm an Assistant Commissioner with the Department of Environmental Protection, with jurisdiction over the environmental conservation programs of the agency.

I'm here to testify today on RB5498, AN ACT CONCERNING REGULATION OF FOREST PRACTICES BY THE STATE. I think, clearly, this bill...the existence of this bill demonstrates that there is a problem with the existing law, and that is that it provides for regulation by the state and by the municipalities simultaneously. This could lead to conflicting requirements on foresters, conflicting protections for the environment, additional fees, and bureaucratic red tape. I think, clearly, something needs to be done in order to avoid this duplication of effort.

The Department recognizes there's really two ways to approach this issue. One is, as in this bill, to have the DEP solely regulate forest practices. Another is to allow municipalities, in accordance with the model in our wetlands statutes, to regulate as well.

We do not support this bill because we feel that the legislature has clearly in the past, demonstrated an interest in having municipalities do some of this work. We would favor the bill that will be before you shortly, 5524, which would set up a system whereby municipalities, should they demonstrate the capability of doing so, would be allowed to regulate, through their wetlands commissions, the forest practices issues here.

The way the commissions would do so, they would have to submit their regulations to the department.

They would basically have to be compatible with the department's regulations. They would have to have a certain minimal amount of training for that commission, and they would also have to exercise their authority judiciously, or the department could revoke that authority.

That bill does not require municipalities to engage in forest practices regulations, it merely authorizes them to do so. It has some administrative efficiencies, in that a municipality, dealing with a forest practices situation that was also a wetlands situation, would basically be a one-stop shopping for the...for the approval. They wouldn't have to go to the town for regulation of municipal wetlands and for...to the state for regulation of the forest practices.

That being said, should the General Assembly decide that it wants the department to have sole jurisdiction, we would certainly see no reason why we cannot carry out that authority. We just feel that municipalities ought to be given the option of regulating, should they want to. I don't think 169 municipalities would take up that option. A few do so now, and they basically, in the by and large, do so well. We think that they should be continuing to get that opportunity.

SEN. DAILY: (mike not on). Thank you very much (inaudible).

DAVID LEFF: Thank you.

SEN. DAILY: Are their questions from the committee (inaudible)?

REP. RORABACK: Thank you, Madam Chair. Thank you, Commissioner Leff. This is an issue, I know that you've given a lot of thought to, that I've tried to give some thought to, and I guess, one question I have, is given the wide diversity of opinion on the subject, if the legislature does nothing this year in this regard, as I read the existing statutes, they provide that when the DEP...the DEP is simultaneously undertaking a regulation promulgation process. If you promulgate regs.,

under the existing statute, the municipalities will be preempted unless their regs. are approved by the department. Do I have that right?

DAVID LEFF: That is correct, and that would continue under the...5524. The issue, though, is while they will be able to have a separate set of regs. that will be in conformance with the department's regs., they nevertheless will be able to exercise their regulatory authority, as will the Department, simultaneously.

What we want to avoid is a situation where someone comes in for a permit, and they also have to get a municipal permit for the same exact thing. We just want to eliminate the duplication of effort. We think failure to act would be the worst thing. I would imagine that everyone speaking on this bill would like the legislature to act one way or the other, to solve this problem. I don't think anyone is in favor of having people go to two places for basically the same thing.

REP. RORABACK: What I've heard, Commissioner, is that most people have confidence in the expertise of local wetlands commissions, to know about the wetlands laws, and to administer the wetlands laws. Where the concern comes is, no one...many people have a concern that the wetlands commissions are not educated in forest practices, nor is it reasonable to expect that they would become educated in forest practices, to the same extent that your division of forestry possesses that expertise.

So, if we give municipalities the option to take over regulating the forest practices side of it, how do you think we safeguard against people that don't have the knowledge applying the regulations in an arbitrary way?

DAVID LEFF: Well...

REP. RORABACK: (Indiscernible) responsible manner, for that matter.

DAVID LEFF: First of all, let me say that I have a

great deal of faith in volunteer commissioners. I think, while it's uneven to some extent, I think our existing wetlands commissions, for the most part, do an excellent job with volunteers. Wetlands law and wetlands issues having to do with soil types and the like, are fairly complex. Very often wetlands commissions will get higher outside experts, or require an applicant to have an outside expert. That same kind of situation could prevail in the forestry area.

Under our scenario, we would require that wetlands commissioners take a certain amount of course time with the Department, learning about the Forest Practices Act, and a modification to the bill that will be before you. We would also like the authority, should we find that the issues are not being dealt with in a manner that the regulations require, if a town is abusing its authority, that we could require if they are to continue to exercise that authority, that they either hire on a contract basis, or have on staff, a forester to review those plans.

But, I think initially, just as in with the wetlands law, it may take a little time to get up to speed, but I think ultimately volunteer commissioners could do the job.

REP. RORABACK: And, one final question, Madam Chair. If...for those towns which chose not to get into the business of regulating forest practices, is it your expectation that the state would thereby assume both the forest practices piece and the wetlands piece, with respect to the particular applications coming from that town?

DAVID LEFF: Just forest practices. We would leave the wetlands law to be administered, as it is right now, by the wetlands commissions. We do not intend to assume that jurisdiction.

REP. RORABACK: Thank you, Madam Chair.

SEN. DAILY: (mike not on). Thank you, Commissioner. (Inaudible).

DAVID LEFF: Thank you.

SEN. FLEMING: Commissioner.

DAVID LEFF: Good morning, Senator.

SEN. FLEMING: Good morning. SB131, on funding for the...sorry, SB131, on the...on the fire control in our...on our state properties. Could you...you didn't comment to that in your testimony, and if you did, I missed it, and I wondered if the Department had a position on that, or...because you know, we had some discussions several weeks back, on trying to communicate with some of the local officials. Some of us, I know Representative Roraback has heard from up in the Northwest corner, about concerns about forest fires this summer. Does the Department have a position on the bill?

DAVID LEFF: You're right, I did not comment on it, but I will give you the benefit of where we are with this. Naturally, no agency would ever want to refuse additional resources. There's always, you know...things are always tight, and there's always things you can do with additional people that maybe you can't do otherwise. But we feel that we can cover the public safety element here, with regard to forest fires without these additional two positions.

We're trying to do the program in a way that's a lot more efficient. We're also drawing staff from some other areas to cover it for this year while we re-evaluate the entire program. I think, for example one efficiency would be to have training for local forest fire fighters, to be not just every single department, or every single town, but to be done on a regional basis, offered more than one night.

As you know, a lot of volunteer companies...people have other obligations, and if they only come one night to their town, and they miss it, they miss it. If we do it on a regional basis, and it's several times, I think it actually will be better for training. We do not intend to retreat at all on training, on the caching of equipment around the

Posting signs letting consumers know their rights...very good idea, but we can tell you from experience that requiring signs on individual cages is not. This actually typically leads to unsanitary conditions and can create more trouble than the signs are worth.

Finally, we feel compelled to bring to the committee's attention, that the mandate of a license specifically inform porters as most likely unconstitutional, to the degree you're interested, we've cited authority in our written testimony, but the bottom line, Madam Chair, is that singling these people out is problematic. There are better ways of regulating these people. The simplest would be to establish an effective threshold for the number of dogs sold, and then apply the license requirement to anybody that meets that threshold, whether they're in state or out of state.

We support a level playing field, and we believe that anyone providing dogs or cats to the public for a fee, at what would constitute a commercial level, should be regulated equally. My comments here reflect our opinion that this isn't a perfect bill, but I'll reiterate that PIJAC would endorse it as is, rather than go back to the drawing board.

It does address the issues which motivated it's introduction, and we feel, on balance, that it's a good compromise measure. We thank the committee for indulging our concerns, and I would note, respectfully, contrary to Representative Bernhard's comment, that there is no illness which will not manifest itself within the 15 day time period that's already included in the state's warranty statute. Thank you, Madam Chair.

SEN. DAILY: mike not on). Thank you very much. Are there questions of Mr. Maddox? Thank you for (inaudible). (inaudible) Norma O'Leary, followed by Karen Stevens.

NORMA O'LEARY: Good Afternoon Senator Daily, and members of the Environment Committee. My name is Norma O'Leary. I'm President of the Connecticut Farm Bureau. I am testifying today on behalf of

our 4,500 farm member families in strong support of HB5498, AN ACT CONCERNING REGULATION OF FOREST PRACTICES BY THE STATE.

In 1991, the Connecticut Forest Practices Act, Public Act 91-335, passed the General Assembly. In 1996, the first phase of the law was implemented by DEP, certifying the forest practitioners, that's the loggers and foresters, in the state. In 1997, the second phase of the law, the regulations regarding the Forest Practices began to emerge from DEP. HB5498 would deem the forestry division of DEP as the agent overseeing the forest regulations once they are adopted. Another bill, HB5524, has been raised in your Committee, but is not being heard today, would allow municipalities to have the option to oversee the regulations.

Connecticut Farm Bureau is opposed to that option. The Forest Industries Advisory Committee, within the Farm Bureau, supports one agency overseeing the regulations. This would allow for a consistent state-wide forest management standard. It is also important to remember that towns would not be entirely out of the loop. The town's Wetland Commissions would still retain authority for work done in wetland areas. Although implementation of the Forest Practices Regulations would require landowners to obtain the appropriate permits for work done in wetland areas, each activity has its own objectives.

Forest activities outside wetland areas have no need for Wetland Commission jurisdiction.

Forestry is vital to the overall economy of Connecticut. Connecticut's forestry processing and manufacturing firms contribute \$414 million dollars to the state's economy and employ around 3,600 people. Towns do not have the expertise to review and evaluate the highly technical nature of forest management and practices implementation required under the proposed regulations. We believe that the DEP, Division of Forestry is far better equipped technically to administer the regulations.

While this bill does not deal with the specifics of the Forest Practices Regulations, HB5498 deals with how the regulations should be implemented.

Connecticut Farm Bureau urges your support for DEP - Forestry Division administering the regulations as stated in HB5498. Furthermore, we urge your opposition to municipal oversight as stated in HB5524. Thank you for your time and consideration.

SEN. DAILY: Thank you very much, Norma. Are there questions of Ms. O'Leary? Representative Roraback.

REP. RORABACK: Thank you, Madam Chair. Thank you, Norma, for your testimony. As you read 5498, you understand that if the state took over the forest practices piece, and the activity was going to be conducted in a wetland, that the local inland wetlands commission would still have a crack at overseeing the wetlands activity.

NORMA O'LEARY: Yes.

REP. RORABACK: So, in that circumstance, the industry would have to go both, before the local wetlands commission, and to the state...going to the state for the forest practices and the wetlands commission.

NORMA O'LEARY: I understand that. Just for that one piece.

REP. RORABACK: But...so, even if 5498 were to pass, we still run the risk, when those activities are being taken...taking place in wetlands, of having a dual regulatory structure.

NORMA O'LEARY: I have some foresters, themselves...yes, I understand.

REP. RORABACK: I'm not looking to put you on the spot, I'm just trying to set up what the terms of the issue are.

NORMA O'LEARY: Okay. Yes, I understand.

REP. RORABACK: Okay. Thank you, Madam Chair.

SEN. DAILY: (mike not on). You're very welcome. Any other questions? Thank you, (inaudible). (Inaudible) we have Karen Stevens followed by (inaudible).

KAREN STEVENS: Good morning, Madam Chairman, members of the Environmental Committee.

The Connecticut Farm Bureau Forest Industry Advisory Committee, comprised of members who represent a broad spectrum of the forest industry - consulting foresters, industrial foresters, supervising forest practitioners and forest landowners, unanimously voted to support the legislation here before us today, HB5498, empowering the State Department of Environmental Protection, Forestry Division, to govern forest practices within the State.

The committee's extensive experience conducting forest practices throughout the 169 towns of this state, was the criteria used in making this determination. The following were some of the issues expressed.

Inconsistencies from town to town. Regulations vary in degree of difficulty from no regulation to regulation that compares to a major subdivision.

Multiple permits within a given town are often required.

Fees and requirements associated with an application often times are costly and excessive.

Members of various town boards are most often volunteers with little or no expertise regarding forestry.

Volunteers representing town boards have a high turnover rate.

Approval time in some cases can take months. This often encourages a harvest to take place in less than optimum ground and weather conditions, jeopardizing the environment, safety and economic viability of this endeavor.

The frustration and inconvenience with the process expressed by the forest landowner. The landowner who has chosen not to develop or convert his forest land, but has hired a professional forest practitioner to carry out his or her objectives.

Working with the State DEP, Forestry division, and its trained staff of field foresters would be a much more desirable alternative. Passage of this proposed bill will alleviate confusion and hardship by establishing uniformity throughout the State. This in turn will help in keeping our forest land sustainable and the forest industry viable in the State of Connecticut. Thank you.

Thank you.

SEN. DAILY: Thank you very much. Are there questions?
Representative Roraback.

REP. RORABACK: Thank you, Madam Chair, and thank you Karen for coming all the way from Cornwall this morning. We could have carpoled, if I had...but...

SEN. DAILY: (mike not on). (Inaudible).

REP. RORABACK: We could have had a public hearing. That would have been...it's a nice day. Did you...you may have heard my question to Norma O'Leary about if this bill passes, we're not...we wouldn't be denying the local inland wetland commissions of their jurisdiction over the wetlands, so it's...you would still, in those cases, where you're going to be harvesting timber in a wetland, you'd still be at the mercy of the local inland wetlands commission, and you took that into consideration when your group unanimously endorsed this approach?

KAREN STEVENS: Yes. Yes, we have, but in keeping with the many varieties of regulations that there are there, it seemed to be a much more better alternative.

REP. RORABACK: Okay. Thank you, Madam Chair.

SEN. DAILY: Thank you.

KAREN STEVENS: Thank you.

SEN. DAILY: (mike not on). Representative Cardin?
Representative Cardin followed by Dorita
(inaudible).

REP. CARDIN: Thank you, Chairwoman Daily, and
colleagues on the Environment Committee. I don't
want to take a lot of your time this morning, but I
came to speak on SB412. I have some concerns
regarding this legislation. I heard that it was
supposed to be included in last year's language of
Public Act 97-255. At that time I was not in favor
of this bill, and only see this proposal to muddy
the waters further.

I recently had the opportunity to go for a ride
with Rich Daniotti, State President of the NWCO
Association, and saw first-hand the job that he and
others perform. Simply put, it really opened my
eyes. To see first-hand what his job is like, and
what the legislation that we enacted last year
affects him in the job that he performs.

I must ask you to proceed on this proposal, to do
so with extreme caution. This bill will only out
more mandates on the small business owner, and I'm
sure we do not want to be seen as making it more
difficult for the small businesses to survive in
this wonderful state.

Again, I just wanted to be brief, and if there are
questions, and they're technical, Rich is here to
answer them.

SEN. DAILY: (mike not on). Thank you very much,
Representative Cardin (inaudible). Thank you.

REP. CARDIN: Thank you.

SEN. DAILY: Dorita Urrata, followed by Marshall Smith.

DORITA URRATA: Good afternoon. I'm Dorita Urrata.

SEN. DAILY: (mike not on). (Inaudible).

there's also federal dollars that are available, but people are not there to apply for them.

SEN. DAILY: (mike not on). Well, there's more (inaudible) in addition to covering the current (inaudible) we're worried about the future acquisitions.

ROBERT MCKEON: Primarily, yes.

SEN. DAILY: (mike not on). (Inaudible). Are there other questions? Representative Roy.

REP. ROY: Thank you, Madam Chair. You were going to talk about, or mention, the lack of daytime volunteers. You want to elaborate on that?

ROBERT MCKEON: In the past, when the DEP had trained crews, they would...came out and supported us. Yes, you go back 20 years...the '70s and the '80s where volunteers were more (indiscernible), there was a workable...but now, in your '90s, unfortunately we do not have that luxury. The sad part about is a lot of communities where people work within their community. The businesses will not allow the people to come out and help take care of an emergency.

REP. ROY: Thank you. It is definitely a problem. 20 years ago when I was a volunteer in Milford, I worked nights, and I was the only volunteer in my department who was available during the daytime, and it got awfully lonely out there on occasion, and it is something that we've got to address. Thank you.

ROBERT MCKEON: And just going along with that, also, of not getting the equipment. The little things, the brooms, the rakes, and pump cans. That has not been replaced for the last several years.

SEN. DAILY: (mike not on). Thank you very much (inaudible). Next up we have Jeffrey Durst, followed by John Hibbard.

JEFFREY DURST: Good afternoon. My name is Jeffrey Durst, and I'm testifying on HB5498, AN ACT

CONCERNING REGULATION OF FOREST PRACTICES BY THE STATE. This legislation has significant impact, whether I view it from the aspect of my business involvement as General Manager of Hull Forests Products, or as a private landowner assisting in management of my family's 60 acre woodlot in Woodstock.

Regardless of which hat I'm wearing, I urge you to support HB5498. This bill provides not only for uniform forestry regulations statewide, but also uniform interpretation of the regulations. Uniformity is a key issue. From the earliest discussions of a Forest Practices Act, those in the industry supported the concept. The goal of developing uniformity, statewide, was at the very foundation of that support. This bill represents progress to that end.

The alternatives to HB5498, are State developed regulations implemented and administered by the towns, or towns developing their own regulations. Both of these options create scenarios of 169 different interpretations and/or regulations to deal with. Having served on planning commissions and appeals boards, I appreciate the good faith efforts and sacrifices these local volunteers make. However, I also understand the learning curve necessary to become a participating member on these voluntary boards, and the turnover in these positions.

Both of these factors make it extremely difficult for towns to consistently have well qualified individuals making critical decisions on the matter of proper forest management. Towns can inadvertently or by design, create such a barrier in terms of application fees, bonds, and time that landowners will opt to do nothing rather than wrestle with all these issues. Hull Forest Products foresters have worked with landowners in situations like this, most recently in the town of Chaplin.

Passage of this bill represents significant progress for all parties involved in the regulation of forest practices.

The state would be in control of administering the regulations. Towns are relieved not only of the financial burden of administration, but also the burden of trying to keep pace with forest management and providing interested, educated personnel to administer this program. Towns would still have the opportunity to review applications via wetland regulations.

Industry benefits with uniform regulations, statewide. Finally, and most importantly, HB5498 benefits the landowner, by insuring review of their application by certified forestry professionals, who fully understand the multitude of forest management objectives that exist. Landowners will not face the risk of their objectives being inadvertently or intentionally denied by local volunteers with minimal training. Additionally, landowners who own property in more than one town will not face the inefficiency which is created if each town has control of forest practices.

This bill represents a unique situation where all parties involved can receive substantial benefits by its' passage. In that light, I strongly support this bill and encourage the Environmental Committee to do the same.

Thank you.

SEN. DAILY: (mike not on). Thank you (inaudible). Are there questions for Mr. Durst? Thank you, again (inaudible). Our next speaker is John Hibbard, followed by Carol Youell.

JOHN HIBBARD: Senator Daily, members of the committee, I'm John Hibbard, Executive Director of the Connecticut Forest and Park Association, testifying of three bills before the committee today. The first being, SB131, CONCERNING FIRE CONTROL OFFICER.

People in the fire service have indicated the need to have these positions filled. My testimony recites some of the statutory obligations of DEP in the area of forest fire control, which extends beyond land owned by the state. It does cover the

1.8 million acres of forest land owned by some 100,000 individual owners. So, that we feel very strongly that these positions need to be filled in the manner that there is someone who has a prime responsibility as Forest Fire Control Office.

Again, I'd like to support HB5500, AN ACT CONCERNING THE LICENSING OF ARBORISTS. You've heard previous testimony about Connecticut's long history in licensing of arborists, and I am well aware of some of the frustration that the arborist community is faced, when enforcement has been left to the Department of Consumer Protection. DEP is regulating the pesticide part of the arborists license, and they might as well regulate both sides. This would be a much more efficient manner. I would support the theory that the Tree Protection Examining Board should continue its responsibility for revocation of the arborists license.

In addition, I wish to go on record in support of HB5498, CONCERNING THE REGULATION OF FOREST PRACTICES. I do wish to point out, however, that there are a few towns in the state which specifically were given statutory authority to regulate forest practices. Those are the eight Connecticut River gateway towns. That authority was confirmed on them in 1973, and the two towns on the Niantic River. There would have to be some mechanism put in to place to make the DEP's forest practice regs. compatible with what has to be done in those towns. But those are the only two towns...the only two areas where specific statutory authority was given to municipalities to regulate forest practices.

The situation regarding forest practices in wetlands has been thoroughly discussed. That is a subject that needs to be dealt with, however it should not be dealt with in this manner. The whole question of forest practices in wetlands is different than the forest practices in general. If the committee has any questions, I would be happy to answer them.

SEN. DAILY: (mike not on). (Inaudible).
Representative Mushinsky.

REP. MUSHINSKY: Thank you. John, the Department of Environmental Protection was here earlier, and they said that they have a bill coming, 5524, which would give an option to either regulate forest practices in a manner consistent with the Department's statewide regs., or to rely upon the DEP to regulate forest practices. And they think that's a reasonable balance.

JOHN HIBBARD: Well, the option question was initially included in the section that 5498 would repeal. I think the problem of dual applications would still exist, and the chief problem would be the individual interpretation of the regulations by the different municipalities. The following speaker has been involved in this activity for about 20 years, as I have, and it's not the regulations themselves that DEP might promulgate and the towns might adopt, it's how those regulations are going to be adopted, or administered, that poses the problem.

REP. MUSHINSKY: Alright, so you have a bigger problem with the dual permit, than you do with conflicting regs.

JOHN HIBBARD: Well, you have...the wetlands...you're speaking of wetlands in general or forestry in relation to wetlands?

REP. MUSHINSKY: No, forest practices. Is your main problem the dual permit, or is your main problem inconsistency?

JOHN HIBBARD: Well, I think the main problem is with a dual permit system for forest practices, and the lack of uniformity if these practices are administered at the municipal level.

REP. MUSHINSKY: Because...the reason I'm asking is their next proposal, 5524, solves one of your problems, but not the other.

JOHN HIBBARD: On paper it solves it.

REP. MUSHINSKY: Yeah, on paper it solves one of your problems.

JOHN HIBBARD: Well, I...you know, I think some of us...

REP. MUSHINSKY: This one will have a hearing too, so you can come back and think about it.

JOHN HIBBARD: Yeah, we'll...I don't know whether that's on next weeks venue or not.

REP. MUSHINSKY: Okay, thank you. Thanks, Madam Chair.

SEN. FLEMING: Thank you, John. Carol Youell, followed by...did you have another question?

REP. MUSHINSKY: (mike not on). (Inaudible).

SEN. FLEMING: Around here, it's very hard to tell who's in charge at any given moment. Thomas Worthley is next. Carol?

CAROL YUELL: Good afternoon. I am Carol Youell, Director of Education and Natural Resources Programs at the Connecticut Forest and Park Association in Middlefield. I am also a certified forester under Section 23-65h of the Connecticut General Statutes.

I favor the approach advocated by bill number 5498, making the state the exclusive regulatory authority for forest practices in Connecticut. I have been actively involved with the issue of timber harvesting and forestry regulations dating back to 1981, when I began work for the University of Connecticut Cooperative Extension System as an Extension and RC&D forester, RC&D standing for the Resource Conservation & Development projects. I have spent a great deal of time, particularly on the issue of municipal regulation of timber harvesting and forestry activities.

In 1985 I completed an in-depth study entitled, "RC&D Study of Municipal Regulation of Timber Harvesting in Connecticut." The study was initiated as the result of the proliferation of numerous and varied forestry-related regulations at the municipal level. At the time "local regulation of timber harvesting activities was, or is, one of the most critical, complex, and controversial

issues facing Connecticut forestry."

These regulations and ordinances at the time, differed in their provisions, soundness, administration, and enforcement. Many were conflicting, and some were written without professional forestry input...factors which led oftentimes to an impractical, confusing and expensive situation for foresters, loggers, landowners, and the forest products industry. It was feared at the time, that if this pattern continued it would discourage forest management activities on private lands.

As part of the study, a statewide survey of all Connecticut municipalities was undertaken to gather some information on local harvesting controls. 81% of Connecticut's municipalities responded, that is 137 out of 169, and the results revealed that at the time, 24 towns had regulations or ordinances addressing forestry activities.

The majority of those had never been applied or had only been applied a few times. Another 12 towns at the time, indicated that they had considered formulating regulations, but had abandoned the idea due to questions of need, enforcement capability, legal jurisdiction, and lack of technical assistance. Thirty-one percent, or almost a third of the municipalities, indicated that they needed technical assistance in dealing with forest land use issues, and 58% of the total, said they would be receptive to this assistance in forestry education assistance.

All of the reg. and the ordinances existing at the time, 1984 - 1985, were collected and analyzed for a number of factors. In my handout testimony, I included actually, the charts. The tables from the study, which gives the results. Looking at how the practices were regulated, principal intent, the number of times they were applied, the major requirements of each regulation. As you can probably see, the tables clearly show the variability which existed among the municipalities. They varied from town to town in their purpose, excuse me...

SEN. FLEMING: (mike not on). (Inaudible).

CAROL YOUELL: Excuse me. Basically, I think, as a result of my study, and my experience, that further proliferation of municipal forestry regulations at the municipal level, is not desirable for Connecticut, and especially in terms of future management and protection of the forest resource base, which is really the keystone of the Forest Practices Act. And, thank you for the opportunity.

SEN. FLEMING: Any questions? Representative Roraback.

REP. RORABACK: Thank you, Mr. Chairman. And thank you for your testimony, Carol. It would be great if you could update this study in the next week or so (laughter). It is...this is extraordinary...extraordinarily valuable information, and it's exactly the kind of information that this committee needs to make a reason...determination of how best to handle the issue, so I'm very grateful for the work that you've done, and for your insight. Thank you, Mr. Chairman.

CAROL YOUELL: Thank you.

SEN. FLEMING: (mike not on). Thomas Worthley (inaudible).

THOMAS WORTHLEY: Good afternoon, and thank you to the Environment Committee for giving me this opportunity to just speak. My name is Tom Worthley, and many people know me as being employed by the University of Connecticut, Cooperative Extension, but I want to make it clear that I, in no way, represent the University or Cooperative Extension in my remarks.

I, along with my family, am the proud owner of a small piece of forest land in Haddam, Connecticut. And I'm here to offer my support as a landowner, to bill number 5498, which will...proposes to make the state DEP Forestry Division the sole regulatory authority for forest practices in the state of Connecticut.

When it comes time again for my little patch of

forest land to be utilized in some commercial way, I will feel much more confident knowing that a state certified forester has the regulatory authority over that operation on my property, and not a volunteer from the inland wetlands commission.

Certified foresters in the state of Connecticut have to demonstrate a wide range of knowledge over very complex dynamics that go on within the forest land, and have to demonstrate that knowledge through a certification process, which involves an examination, along with some educational background. Many foresters have studied four or six years to get the proper educational background, to understand the dynamics that go along within the forest land, and the results that may occur from activities from within the forest land, and have demonstrated that knowledge through partaking in an examination in the state of Connecticut.

I find it hard to accept that there might be a local authority volunteer who would get a few hours of training, who would be able to oversee the...the plans or the activities in the forest land that have been designed by a certified forester.

And, in my experience as a landowner, not only as a landowner, but as a professional, in my contact with the staff of the DEP Forestry Division, I have found these individuals to be...oh, how shall we say it...very professional. Very concerned. Very dedicated. Very knowledgeable. Much more so than I would expect a volunteer from the inland wetlands commission in my town to be. And I guess that's all I had to say. Thank you very much for the opportunity.

SEN. FLEMING: Thank you. Are there questions from members? Thank you very much, Thomas. Richard Carly? Reading your handwriting correctly? Followed by Bruce Pauley.

RICHARD CARTY: Thank you for the opportunity to address your committee concerning this all important legislation, HB5495. I first want to make sure that all the committee members have received our

Suffield, has receipts for medical bills for Casey's ear problems, amounting to \$3,677.24, including her senior citizen's discount.

Casey had had a difficult puppy hood and traveled many thousands of miles before reaching four months old, and has suffered many days of pain as an adult dog. My Mother has provided a loving and expensive home. William and Lisa Black in Kansas, Kenneth Jossierand in Missouri, and Ron Swol in Enfield, and other like them, have made their money on the back of this poor Irish Setter and many other dogs like Casey.

Strengthen HR5495 to ban the sale of dogs and cats in pet stores in Connecticut. Thank you.

SEN. DAILY: Thanks very, very much. (mike not on). (Inaudible). Are there questions of Ms. Carroll. Thank you, again.

JANE CARROLL: Okay, thank you.

SEN. DAILY: Our next speaker is Rex Myers, followed by Arnold Baer.

REX MYERS: Good afternoon. My name is Rex Myers. First and foremost, I'm a certified forester. Secondly, I am the Secretary Treasurer of the Connecticut Chapter of the Society of American Foresters. I was asked to present the Connecticut Chapter's statement, and if I can move fast enough, I'll get past it and make my own statement. (laughter).

The Society of American Foresters is a national scientific and educational organization, representing the forestry profession in Connecticut and the United States. It's the largest professional society for foresters in the world, with more than 18,000 members world-wide. Over 135 members live and work in Connecticut.

The mission of the Society of American Foresters is to advance the science, education, technology and practice of forestry, to enhance the competency of its members, to establish professional excellence,

that the animal is healthy, or if not, could make a case to send them back.

SEN. DAILY: (mike not on). I'm addressing the problem (inaudible) bothered by the fact that our veterinarian would accept them (inaudible).

ARNOLD BAER: Well, when you're say our veterinarians, you don't mean the state veterinarian, you mean veterinarians...private practice veterinarians, licensed in the state?

SEN. DAILY: Yes.

ARNOLD BAER: I think we have a veterinarian here, Dr. Broderick, that could probably answer that more fully, when he comes up, but, like I said. Some of them...they're hired by these stores for the purpose of curing these puppies, when they can. So, once it's cured, you're able to sign off on it.

SEN. DAILY: (mike not on). Thank you (inaudible).

ARNOLD BAER: Thank you, Senator Daily.

SEN. DAILY: Bill Ethier, followed by Steven Primus.

BILL ETHIER: Thank you, Senator Daily, members of the committee. My name is Bill Ethier...

SEN. DAILY: (mike not on). (Inaudible).

BILL ETHIER: That's quite alright. Thank you again, Senator Daily, members of the committee. My name is Bill Ethier. I'm the Executive Director and General Counsel of the Home Builders Association of Connecticut. We have 850 member firms in the state that employ about 44,000 people.

We're here in support of RB5498, giving the exclusive authority over forest practices to the state DEP. Principally because we believe it's going to be much easier to obtain reasonable regulations, and implementation of forest practice regulations from the DEP, than from each and every one of our municipalities in the state.

And I emphasize implementation. I draw a parallel to the inland wetlands and water courses act that has been on the books now for some 25 plus years. Under that act, the DEP publishes model regulations, and the local municipalities are supposed to follow those. Municipal wetland regulations are approved by the DEP, but as anyone that's been in this business for some time knows, there is a vast difference in how those regulations are implemented by the various inland wetland commissions. We don't want to see the same variability, if you will, repeated under the forest practices regs.

As has been mentioned, there's another bill that's not before you today, 5524. That would accomplish diametrically opposed result, in giving municipalities authority over forest practices, but what nobody has testified on about that bill yet today, and I've submitted written testimony that goes in to a little bit of this, is that 5524 would also greatly expand authority over forest practices.

It essentially expands it from the traditional... what we think is lumbering and timbering, to essentially, the cutting of a tree on any continuous are of forest land of one acre or more. And we urge you strongly to take a look at the wording of that bill, and reject that. The question has arisen before, I think, to one of the earlier speakers, about the confidence if inland wetlands agencies to implement these types of regulations, and I have to answer it this way.

Every fiber of my experience as a (indiscernible) and environmental attorney for the past 15 years, tells me that the municipal regulation of forest practices would amount to a huge no-growth measure. It would probably end up dwarfing the problems that we have had and the tremendous amount of litigation that we have had over the inland wetlands and water courses act. And we urge you not to go down that road.

Make no mistake, we have serious concerns about the DEP's proposed regulations, but we believe we can

work these out, and come to some mutual understanding among all the different players. So, in summary, Madam Chairman, we urge you to vote for 5598. Dave Leff, I remind you, testified that the agency can handle that authority, and we urge you to vote against 5524. I'd be happy to take any questions.

HB 5498

SEN. DAILY: Thank you, Mr. Ethier. Are there any questions? Thank you, again.

BILL ETHIER: Thank you.

SEN. DAILY: Steven Primus, followed by Michael Ferrucci.

STEVEN PRIMUS: Steve Primus, from Statewide Pets in Orange, Connecticut. I do have a prepared statement, but so many other things were brought up that I'd like to address them instead. Let it be said that we were established in 1972. I was 16 years at that time, and I've been in the business all of that time. It's our family-run trade.

HB 5495

I give qualified support to the bill, mostly because I'm doing all of these things anyway. There is definitely a paper trail. The American Kennel Club is not perfect, but they do list where the dog was born, and each dog...each time the dog was transferred, a supplemental form is issued, so when I sell the dog, it oft times has at least one or two supplemental forms through whatever kennels I get the dog from, and then from me, and then if my customer sells it to someone else, another supplemental form is needed.

I agree with the kennel certification in the bill, and I don't think that that's enough. I think kennels should have all of the same rules that pet shops are under. I think dog pounds should be under all the same rules that pet shops are under. I've groomed many dogs from the East Haven and New Haven dog pounds, that if I had sold those dogs, I'd be arrested for cruelty to animals. They were ridden with fleas and mites. They had Lasa Apsos with...it took me hours to groom the dog down to the skin, where lesions were open. So, I think dog

MICHAEL FERRUCCI: Thank you, Senator Daily, and members of the committee. My name is Mike Ferrucci, and I'm a professional forester residing in North Branford. I speak today in favor of RB5498, that would give sole authority to regulate forestry, to the DEP, which I believe to be sound and proper, for several reasons which I'll outline. I've handed in written testimony, which I'm going to depart from quite a bit, to deal with some issues that have been raised in the last several hours.

First of all, I run a forestry consulting business that provides forest management advice and services to several hundred land owners on more than 70,000 acres of forest land, here in Connecticut. I have 17 years experience working as a professional forester here, and frequently speak on the subject of forestry regulations, including DEP-sponsored workshops. I'm a lecturer in forest management at the Yale School of Forestry and Environmental Studies, and for most of my career, I've actively managed forest lands in Connecticut, and I've frequently worked with, or been regulated by municipal officials, both on the regulatory side, and in managing municipally owned lands.

In my experience working in many, many towns throughout Connecticut, individual towns have not done well at all regulating forestry. Generally, local regulations focus on cosmetic or short term concerns, and do little to insure the long-term health of a forest. Frankly, often local commissions are snowed by operators interested in one-time timber mining, not in long-term management.

The competing bill that Commissioner Leff spoke in favor of would put non-foresters, such as zoning or wetlands enforcement officers, in charge of regulating forestry. I could go on for hours with horror stories of my experiences, and the experiences of my forestry staff, with municipal regulations, both on the zoning and the wetlands side, but instead I'd like to focus in on the skills that are required to do the job of managing a forest, or to do a good job of regulating forest management.

Forestry takes knowledge, skill, experience, and requires its practitioners to have intuition and a degree of humility. Here in Connecticut there's no cookbook or manual for practicing or recognizing high quality forestry. I've had the benefit of an incredible background and education in forestry, and I still learn things every single day.

If my, and the land management decisions of other foresters and professionals are to be effectively reviewed by regulators, who are really sincerely trying to protect the public interest and forests and wetlands, these regulators must have considerable scientific knowledge about the subject. There just are no towns in the state which have access to this level of expertise.

The only group in the state qualified to do the job is the Division of Forestry within the DEP. This organization is staffed with many dedicated, knowledgeable, experienced professional foresters. The group is capable of protecting our forests by using evolving forest practices regs. in a fair and open minded fashion.

Regarding your colleague, Senator...Representative Wasserman's contention that the towns should do this, Representative Wasserman is a friend and a client, but I have to disagree with her on this. Her experience in Newton really illustrates the exception, it illustrates the rule.

SEN. DAILY: (mike not on). Thanks very much (inaudible). Are there any questions (inaudible)?

REP. RORABACK: Thank you, Madam Chair. I'm glad that Mr. Ferrucci is a...that Representative Wasserman is a friend and a client of Mr. Ferrucci's. Maybe you could spend some time with her, because I think her perception of the issue...I think that she cares deeply about where this committee will head, and where this bill will ultimately end up, and if you had an opportunity to do that it would be appreciated by this Representative.

MICHAEL FERRUCCI: I plan to speak to Representative Wasserman, and to point out that they have a great

fortune in that particular town, of having an enforcement agent with an incredible background. That type of individual is not available to most towns.

REP. RORABACK: Thank you, Madam Chair.

SEN. DAILY: (mike not on). (Inaudible). Any other questions? Our next speaker is Eleanore Lorton, followed by Collette Griffin. Eleanore is no longer here (inaudible). Collette Griffin, followed by (inaudible).

COLLETTE GRIFFIN: Good afternoon, honorable committee members, Senator Daily. I'm Attorney Collette Griffin. I come to this committee wearing a number of different hats. That of an attorney at the law form of (indiscernible) and Griffin, where I'm a partner, as well as the president for the last 10 years, of New Leash on Life, an animal rescue organization dedicated to rescuing homeless and abandoned animals, many of whom are, in fact, products of pet stores. HB 5495

Firstly, as an attorney, I'd like to say that with regard to the complaints made by consumers, I receive many phone calls every single year from people who have purchased puppies and/or kittens from pet stores, and are faced with astronomical bills for health care problems that developed soon after they purchased the puppy.

As I think anyone would agree, once you take in one of these fine creatures into your home, you certainly don't want to think of returning the puppy back to a future unknown to yourself, which would be not knowing where it would go once it's returned to the store. And therefore, keeping the puppy appear to be the only viable option. Unfortunately, although complaints can be made, once the contract period is up, or the two weeks a consumer is given, there's really no other remedy than that consumer either going and paying astronomical vet bills, or letting a condition just go on.

So, that it's really a fallacy for the pet store

the state of Connecticut, or do you want us to leave that in this current bill the way it is or what would you recommend for licensing of breeders in this state?

DR. BRODERICK: Well, I think...I think, again, you know, having the state have some control over quality, is always a good thing. So, there means that you have licensed breeders, I think good breeders are never going to object to that. They're proud to have someone come into their facility and check them out because they're producing a quality puppy. So, I think wherever you can, if the state can license and inspect people's facilities, I absolutely think that's a good idea. Yes.

SEN. DAILY: Thank you very much. Are there any other questions? Thank you, again.

DR. BRODERICK: You're very welcome, thanks.

SEN. DAILY: (mike not on). (Inaudible) Henry Gundlach, followed by Terry Ignace.

HENRY GUNDLACH: Hi. Senator Daily, and the committee. My name is Henry Gundlach. I have a small saw mill and logging operation in the Northwest corner. I've been at it since 1973, and I'm here to support bill number 5498. I think the DEP foresters are better equipped and have a better understanding of the forest industries than the wetlands people. I think it's an awful lot to ask volunteers to learn about the forest industry and administer the regulations.

And, I've got an example that Representative Roraback asked earlier, a couple of people, about the double permitting process, and I've got one example where in the past I've worked on one particular landowner's land, that was in three towns. That could be pretty complicated. Some towns...some jobs don't have any wetlands. So, then you could just get your DEP from that. This particular place had land in the town of Norfolk, Winchester and Goshen, and the only wetlands would have been in Goshen, so if I had a DEP permit for

the long job, I would only need a wetlands permit from the town of Goshen. The other way, I don't know how many permits. Would I need two from each town? And, these things do happen, so. That's basically all I've got.

SEN. DAILY: Thank you very much. Does your testimony include opposition to the other bill that's written?

HENRY GUNDLACH: Yes.

SEN. DAILY: Thank you very much. Are there any questions? Representative Prelli.

REP. PRELLI: Good morning...or good afternoon. I guess my question, and it came to a lot, and we had a discussion on this bill. Do you notice any, I want to call them fly-by-night or out-of-state companies coming into the state to do business, and not going after the permit? Have you seen that as a problem in the area?

HENRY GUNDLACH: Yeah, I think, right from 1991, the DEP pushed this whole Forest Practices Act on the industry, with the theory that they would be the team. They would take care of the policing. And if the wetlands boards are...now they're trying...you know, they're pushing it off onto the local communities. Whose going to...I mean if there are indeed a few people that are going to work without the permits, who's going to police this? I don't know. I don't think it's a huge problem, no.

REP. PRELLI: Have you notice that certain towns are worse in the wetlands enforcement than others, or is it fairly general across the scope?

HENRY GUNDLACH: I'm a very localized...I only work right in the Northwest corner. I'm a one ridge hillbilly. (laughter). I don't...I probably only work in four or five towns.

REP. PRELLI: I appreciate that, seeing you're from my town...one of my towns. Also, coming from a forestry background, both my grandparents and my

wife's grandparents are. That was one of the concerns I had when the 1991 bill was passed, and I know that around our way, the zoning laws are quite different, so I just wondered if you were running into that problem. Thank you.

SEN. DAILY: (mike not on). Thank you (inaudible). The next speaker is Terry Ignace, followed by Joan Nichols.

TERRY IGNACE: Madam Chairperson, and representatives. My name is Terry Ignace. I'm from Colbrook, Connecticut. I'm a licensed supervisor in forest products harvester. I've taken today off to come here and hopefully, maybe my voice will count.

I'm definitely in favor of bill number 5498, and definitely opposed to 5524. I'm under the understanding that this Forest Products Act has to be self-paying or self-sustaining, and I don't know how a town could possibly have any worse from one to a dozen forest harvests and set a rate on this permit, whereas with the state, the foresters are full time, and I think they're going to have trouble keeping up with the amount of logging jobs statewide. So, I hope you people making the laws take a good hard look at how this is going to balance out for everybody. I thank you.

SEN. DAILY: (mike not on). (Inaudible). The next speaker is Joan Nichols, followed by Dale Horn.

JOAN NICHOLS: Good afternoon. Thank you. Madam Chairman, and members of the committee.

My name is Joan Nichols. I m a Certified Forester for Nichols Forestry and Logging, LLC. of Lebanon, CT. I am here, today to speak in favor of HB5498, AN ACT CONCERNING REGULATION OF FOREST PRACTICES BY THE STATE.

I have seen many changes take place in the fifteen years I have been practicing forestry in the state of Connecticut. Our forest land has become more fragmented. A vast majority of our forest land has succumbed to the pressures of suburban development. Forest practices have come under close scrutiny by

a public that is increasingly concerned about... "what is going on in my backyard". These changes have forced many municipalities in the state to regulate forest practices. The end result is why we are all here today.

Municipal agencies, although well intentioned and dedicated, very simply do not have the expertise to regulate forest practices. The science and practice of forestry does not vary from town to town, nor should the level of regulation. Forest practices regulation belongs exclusively in the hands of the State of Connecticut, DEP, Division of Forestry. The Division of Forestry has the ability to provide the professional staffing necessary to regulate forest practices with statewide consistency and uniformity.

The licensed loggers and foresters working in our industry deserve to have their forest practices regulated, and approved, by a staff of professionals equally as educated, competent and knowledgeable as they are. Private landowners who are committed to the long-term management of their forest land need assurance that the forest practices outlined in their management plans can be implemented now, and into the 21st century. This level of confidence can only be achieved if the state of Connecticut commits to HB5498.

I would also like to go on record as strongly opposing HB5424 for the above reasons. And I thank you for your time. HB5524

SEN. DAILY: Thank you very much. Are there any questions (inaudible). Thank you.

JOAN NICHOLS: Thank you.

SEN. DAILY: (mike not on). (Inaudible). Dale Horn, followed by (inaudible).

DALE HORN: Good afternoon, Madam Chairman and members of the committee. My name is Dale Horn. I'm a partner in Wayne Horn Logging and Forestry, LLC, in Goshen, Connecticut. I am a licensed supervising forest products harvester in the state of

Connecticut. I'm also on the board of Directors of the Northeastern Loggers Association out of Old Forge, New York. I've been a member of the Forest Practices Advisory Board since 1991, and am a former member of the Goshen Inland Wetlands Commission.

I support RB5498, to make the state the exclusive regulatory authority for the forest practices. I am not in favor of local town inland wetlands commissions regulating forest practices, because first of all, it places too much of a burden on the towns. Many towns already have vacant seats on their boards, without adding the regulation of the forest practices.

Also, the inland wetlands do not have the knowledge or expertise to regulate our industry, like our state DEP foresters do. There is a large turnover of volunteers on these boards, which makes for many inconsistencies. So, again, I support RB5498, and thank you for your time and consideration in this matter.

SEN. DAILY: (mike not on). (Inaudible).

REP. ROY: Thank you, Madam Chairman. I've heard a lot of testimony today, wanting the single state organization that would control the forests, but we also have the local inland wetlands, as Representative Roraback has pointed out, and that would be a double permit. How would the two reconcile? The state would come in, there are certainly forest lands or forests that are in wetlands, how could we reconcile the two? The inland wetlands would have to have some say, since it is a local wetlands, the state would come in because it's regulating the forest. How do we reconcile those two?

DALE HORN: Well, I don't think anybody has been able to figure out a way. (laughter).

REP. ROY: Good, I've joined a good group. (laughter).

DALE HORN: And, to do that, it is a...sort of a double permitting issue in certain...where you're going to

have wetlands and the regular forest practices regulation, but right now, it's the best alternative we see, from what we have to work with.

REP. ROY: Okay, thank you.

SEN. DAILY: (mike not on). (Inaudible).

REP. RORABACK: Thank you, Madam Chair. By my reckoning, Mrs. Horn is the last person here today to testify on the Forest Practices Act...oh, one more? Oh, I...forgive me. Nevertheless, I will say many people have been working, Madam Chair, for many months at coming up with a responsible approach to this very vexing problem, and those people have been given the advice that they should think long and hard about the issue, and that they should take the opportunity to come before this committee after thinking long and hard about the issue, and make their presentation, and I know that a lot of people have given up, not only today ...taking today off from work, but taking a lot of other days off from work to meet together, to be a constructive part of the process, and I just wanted to take a minute publicly to thank and acknowledge not only Dale, but everyone here today who is, I think, participating in our democratic process in a responsible and meaningful way. Thank you, Madam Chair.

SEN. DAILY: (mike not on). (Inaudible).

REP. ROY: (mike not on). (Inaudible).

SEN. DAILY: (mike not on). (Inaudible). Bill Hubbard, followed by (inaudible).

AUDIENCE: (mike not on). Madam Chair, could you (inaudible).

SEN. DAILY: (mike not on). (Inaudible).

AUDIENCE: His testimony has been submitted.

SEN. DAILY: (mike not on). (Inaudible). Patricia Noll? Patricia followed by Carla Lamoureux.

of insurance, I have nothing to show them, that I am licensed as of 1998.

SEN. DAILY: (mike not on). (Inaudible).

RICHARD DANIOTTI: Well, there were questions on the training. I believe that I haven't privy to...I've had conversations with the Assistant Commissioner. I haven't been privy as to what...why the licenses have been held up. So, I'm guessing there's been review by the humane groups as to whether or not we supply that as we're training, and, you know, I don't fault the humane groups for wanting to see more control over this program, as we do, but it has to be structured in such a way that we can serve our customers.

SEN. DAILY: (mike not on). (Inaudible).

RICHARD DANIOTTI: No. Okay.

SEN. DAILY: (mike not on). (Inaudible).

RICHARD DANIOTTI: Yeah, I don't know. You know, I don't know. I haven't been privy to any information, so...they're reviewing them, that's what I've gotten.

SEN. DAILY: Okay. Any other questions? Thank you very much.

RICHARD DANIOTTI: Okay:

SEN. DAILY: (mike not on). (Inaudible). The next speaker is Tom Trowbridge, followed by Kathy West.

TOM TROWBRIDGE: Thank you Senator, and members of the Environment Committee. I'm here today, I'm a member of the...I reside in Brooklyn. I'm member of the Forest Practices Advisory Board, and I'm a certified forester. I support bill 5498, and I oppose bill number 5524.

Our company works regularly, every year, in over six counties of Connecticut, and we run in to a lot of problems, you know, 25 years ago there wasn't much in the way of permits and regulations, and now

there's just all kinds of them, and I think in supporting the bill 5498, it would sure make it a lot easier for us to go about our work.

There was one question that was raised earlier to Dale Horn, and that was regarding the regulations with the...how to coincide the...or make it easier for the regulations to be simplified, as far as the state is concerned, and the regulations with the town. We've worked in three of the other New England states, and we do quite a bit in Massachusetts and Rhode Island, (indiscernible) because we're right up in that corner.

And, up in those states, the state forester covers all the wetlands issues that arise through the forestry practice. It's not left up to the individuals in the town. The town is given notification that there will be a logging operation going on, and that the state forester will be overseeing each job.

I realize things are a little different here in Connecticut, and we may not get to that point, but that business of multiple regulations for the same activity gets to be quite a strain on us, and I guess of we end up with it, than we'll have to put up with it, but I would like to see that if someone is going to be governing us, it's...I'd like to see that wetlands person, you know...they should be licensed just as we are. They should have knowledge as we do. They should go to...take whatever classes or courses, so that they can tell us what to do. They can at least be a supervisor harvester, something of that nature. That's it. Thanks.

SEN. DAILY: (mike not on). Thank you very much, Mr. Trowbridge. Are there questions? (Inaudible).

REP. PRELLI: Mr. Trowbridge, I was out for awhile talking to some of the other foresters who were here, and we were talking about that same issue. They didn't seem to have a problem with...if you were crossing a stream, or basically putting a road through a marsh area, that local wetlands would have some authority over that, even though the rest

of the permit was with the state. Would you see that as a viable option for us?

TOM TROWBRIDGE: Yes. Yes, I would. I will point out that I've had both extremes, because perhaps of the lack of knowledge of activities in the wetlands, I've had a town delay a permit for up to three months. Well, one was Labor Day, when they normally meet, they wouldn't meet then, so it had to go to the next month, and the next month they didn't have a forum, so they didn't meet, and meanwhile I lost three months of which was our ordinarily dry season, in order for is to meet, so it kind of creates hard feelings, but I think that when it comes to if a permit is required to cross a stream, and something of that nature, it's fine. I can see the town wanting to have regulatory authority over that.

REP. PRELLI: And it's really easy to go out in January and February (indiscernible). At least in our corner of (indiscernible).

TOM TROWBRIDGE: Yeah, normally, this kind of year, it's been kind of wet, but we normally look forward to cold weather.

SEN. DAILY: Isn't it contained in our existing statutes, though, that municipalities, inland wetlands would have right of permit over a stream crossing?

TOM TROWBRIDGE: Yes.

SEN. DAILY: We don't need a change to do that ...whatever activity, whether it's a foresting activity, or logging activity, a building activity.

TOM TROWBRIDGE: No. No. That's correct.

SEN. DAILY: That applies.

REP. PRELLI: But where the problem comes into...if they're happens to be wetland on any of the property that you're going into, they automatically (indiscernible).

SEN. DAILY: (mike not on). (Inaudible). The next speaker is Kathy West, followed by Joy Glassman. Kathy? Joy Glassman, followed by Heidi Sorensen. (Inaudible).

HEIDI SORENSEN: Hi, my name is Heidi Sorensen. I know that Joy left, so, thank you for the privilege of speaking and addressing the bill 5495 concerning the sale of pups and cats in pet shops.

I live in Bethany, Connecticut. I am a member of several volunteer groups and I've spent thousands of hours over the last five years working in area shelters. I'm very familiar with lot of the stories. I've been a member of animal groups for quite awhile now, and I'm here today to present a story of a Milford family, as a matter of fact. And, I'm going to do it very quickly.

Bottom line, it illustrates all the problems we're talking about. This family got a diagnosis from their 23 year old daughter, on December 10th, of multiple sclerosis. They went to the pet shop that day to make themselves feel better. They impulsively purchased an animal, with no education. What they purchased, they were told, was a (indiscernible). It was supposed to be a mix between an Affin Pinscher and a Boston Terrier. That's written on the receipt that we have.

It was not supposed to grow more than 10 to 12 pounds. After it grew to 20 pounds, they called number...they actually had a USDA number on the paperwork they had been given, with the name of the breeder in Oklahoma. It had been to a broker in Missouri, too. So they call this breeder, and the woman knows nothing about the dog. She says absolutely she has not bred a black dog, but she wonders after awhile, if a little old lady in the area that sometimes uses her USDA number, might have been the one to breed the dog.

They then tried to get the broker, (indiscernible), in Missouri, the puppy mill state, to deal with it. (Indiscernible) was very nice on the phone, said they'd try and see what was going on, but you know how those old women are in the back woods. This is

000657

copy out
EDMOND TOWN HALL
45 MAIN STREET
NEWTOWN, CONNECTICUT 06470
TEL. (203) 270-4201
FAX (203) 270-4205



HERBERT C. ROSENTHAL
FIRST SELECTMAN

TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

February 26, 1998

Hon. Julia B. Wasserman
State Representative 106th District
Legislative Office Building, Room 106
300 Capitol Avenue
Hartford, Connecticut 06106

Re: Raised Bill No. 5498
An act concerning the Regulation of Forest Practices by the State

Dear Representative Wasserman:

The Town of Newtown is vehemently opposed to this bill which will repeal Section 23-65K of the general statutes. We believe that those towns which have enacted regulations with regard to forest practices should be able to maintain that authority.

I have consulted with Donald Lawrenson, Chairman of the Newtown Conservation Commission, who has informed me that Newtown's local ordinance (ord. 62) regulating forest practices, enacted in 1983, has worked well. The thrust of our local ordinance is to regulate commercial logging within the town and it has accomplished that purpose with little controversy. It has not been considered onerous by loggers.

Mr. Lawrenson and I believe that Newtown's ability to regulate this area should not be prevented by action of the Legislature. My personal view is that this will be a step backward which will result in less regulation of commercial logging to the detriment of the Town of Newtown and all other communities which have enacted their own forest practices regulations to protect the local environment and quality of life.

Sincerely,

Herbert C. Rosenthal
First Selectman

February 26, 1998

South Norfolk Lumber Co.

To whom it may concern,

South Norfolk Lumber Co. supports raised bill no. 5498 for the following reasons.

1. The D.E.P. foresters have a better knowledge and understanding at the forest industry than local wetlands people do.
2. Permitting should be done by the D.E.P. in a more timely fashion than waiting for local wetlands meetings.
3. I think it's a lot to ask volunteer wetlands people to get training in the forest practice regulations and evaluate each proposed timber harvest.
4. The industry sometimes has to act swiftly to changing weather conditions and also market conditions that foresters would be more likely to understand.
5. If the D.E.P. does the permitting there's a better chance at uniform rules for the entire state instead at 169 different interpretations.

Sincerely,

Henry H. Gundlach

230 Hartford Road • Salem, CT 06420
Tel / Fax 1-860/859-3539 or 1-800/206-WOOD



FOR SUBMISSION AT PUBLIC HEARING OF PROPOSAL
REGULATIONS PERTAINING TO THE
CONDUCT OF FOREST PRACTICES
IN THE STATE OF CONNECTICUT

DEPARTMENT OF ENVIRONMENTAL PROTECTION

26 FEBRUARY 1998
CHARLES E. ZEMKO
(OWNER, OPERATOR)
230 HARTFORD ROAD
SALEM CT 06420-3804

TO WHOM IT CONCERNS;

I, CHARLES E. ZEMKO, AM PRESENT OWNER AND OPERATOR OF A LUMBER AND FORESTRY OPERATION THAT WAS GIVEN FROM FATHER TO SON SINCE THE BEGINING OPERATION IN THE U.S.A. BY MY GRANDFATHER IN 1911. THIS COMPANY IS A SMALL SOLE PROPRIETER BUSINESS THAT MY SON AND I HAVE BEEN STRUGGELING WITH SINCE MY FATHER FELT I WAS READY TO CONTROL THE BUSINESS IN 1993. I AM A **CERTIFIED FOREST PRACTITIONER #SFPH000295** AS WELL AS A LARGE FOREST OWNER IN SALEM CONNECTICUT. I WOULD LIKE TO FIRST GIVE THANKS TO REPRESENTATIVE LINDA ORANGE FOR ALERTING ME OF THIS PUBLIC HEARING. BECAUSE I AM REQUIRED FOR PROPER OPERATION OF BUSINESS I AM NOT ABLE TO BE AT THIS PUBLIC HEARING. MANY QUESTIONS AND OBSERVATIONS HAVE BEEN THOUGHT UP BY MYSELF AND OTHER INTERESTED PERSONS AND I HOPE THE COMMITTEE MEMBERS HAVE THE TIME AND DESIRE TO READ THIS COMMUNIQUE ON THE PROPOSALS BEING DUSCUSSED AT THIS PUBLIC HEARING. I WOULD THANK YOU IN ADVANCE FOR YOUR CONCERN AND INSIGHT YOU SHOULD BE PUTTING FORTH IN THIS LEGISLATION PROPOSAL.

THIS PROPOSED LEGISLATION RAISED SOME GENERAL QUESTIONS AND DIFFERENT CRITICAL OBSERVATION THAT KEPT OCCURING WHILE READING THE PROPOSALS FOREWARDED TO ME FROM THE FARM BUREAU. THESE QUESTIONS AND STATEMENTS FOLLOW NOW:

1. MANY OF THE PROPOSED REGULATION WILL BE UNENFORCEABLE WITHOUT SOME SORT OF "D.E.P. POLICE" TO INSPECT EVERY KNOWN OPERATION REGULARY. HOW MUCH WILL SUCH A FORCE COST THE CONNECTICUT TAXPAYER?
2. THE LARGE FOREST LAND OWNER DOES THE POPULATION OF THE LOCATION MUCH GOOD BECAUSE OF WHAT THE FOREST DOES TO THE ENVIRONMENT. IT SEEMS TO ME THAT OWNING LARGER TRACTS OF LAND IN CONNECTICUT IS BECOMING A LIABILITY INSTEAD OF SOME SORT OF DREAM OF LAND OWNERSHIP.
3. I DO UNDERSTAND THAT SOME UNSCRUPULOUS OR DISHONEST FOREST HARVEST OPERATIONS EXIST NOW AND I ALSO BELIEVE THE OWNERS OF THE VIOLATED FOREST LAND CAN GET JUSTICE SERVED IF THEY REPORT THE VIOLATION TO THIER LOCAL AUTHORITY. WHAT IN THESE PROPOSALS CREATE ANYTHING DIFFERENT THEN WHAT NOW EXIST.

4. HAS ANY COST ANALYSIS BEEN PROVIDED SHOWING HOW MUCH IT WOULD COST AN OPERATION FOR LEGAL AND ENGINEERING EXPENSE SO A PROPER REGISTRATION FORM ASKING PERMISSION FROM THE D.E.P. COMMISSIONER COULD BE, NOT INCLUDING THE NON REFUNDABLE FEE?
5. IF A BUSINESS DID FILE A PROPER FORM WITH ALL THE NECESSARY INFORMATION AND THE D.E.P. COMMISSIONER DID NOT APPROVE THE REQUEST, BECAUSE OF THE D.E.P. COMMISSIONERS OWN CONFLICT OF INTEREST, WHERE WOULD THE BUSINESS FIND APPEAL AVENUES?
6. WHEN A LARGE FOREST IS SELECTIVELY CUT ON DEMAND, AND BECAUSE OF DEMAND FOR PARTICULAR SPECIES THE FOREST IS ONLY OCCASIONALLY HARVESTED WITHIN CERTAIN STANDS OF TIMBER, WOULD THESE REGULATIONS ALLOW THAT OPERATION EXISTANCE? I DO JUST THAT TYPE OPERATION OF MY FOREST TODAY. ONE OR TWO OF THE FORESTS I OCCASIONALLY HARVEST HAVE BEEN IN OPERATION SINCE MY GRANDFATHERS TIME OR ABOUT SEVENTY FIVE YEARS.
7. LARGER FORESTY COMPANIES PROBABLY EMPLOY LEGAL AND ENGINEERING SERVICES SO THE COST FOR REGISTRATION WOULD MEAN LITTLE OR NOTHING TO THEM. WHAT HAPPENS TO A SMALL OPERATOR LIKE MYSELF THAT ALREADY TOOK A HUGE CHANCE IN BUYING THE STANDING TIMBER AND HOPING THE QUALITY OF THE FOREST PRODUCT WOULD PAY FOR THE VENTURE, WHEN THE REGISTRATION WAS NOT COMPLETELY FILLED OUT AND THEREFORE DENIED BY THE D.E.P. COMMISSIONER?
8. HOW MUCH LOCAL CONTROL WILL BE TAKEN AWAY FROM TOWNS.
9. HOW MANY ADDITIONAL PERSONELL WILL BE NEEDED BY THE D.E.P. TO INSPECT, HUNT DOWN, AND FOLLOW THRU WITH LEGAL ACTION FOR ANY VIOLATION OF THESE PROPOSALS?
10. WHY ARE THESE PROPOSALS BECOMING NECESSARY, IS IT TO GET BIGGER GOVERNMENT?

MY OPERATION IS SMALL, MOST OF THE TIME MY SON AND I CUT AND HARVEST ALL THE TREES, AND WE ALSO OPERATE OUR SAWMILL, DRY KILN, FINISH MILL, AND OTHER PROCESSING OF THE FOREST PRODUCT INCLUDING SELLING AND DELIVERY. THIS IS A LARGE UNDERTAKING AND AT TIMES NOT VERY REWARDING OR FUN TO DO. I DO NOT UNDERSTAND WHAT THE D.E.P. IS TRYING TO DO TO THE STATE BUT IT APPEARS THAT CREATING OBSTACLES FOR THE HARD WORKING SMALL ENTREPRENEURS AND GIVING MORE REASONS FOR BUSINESS TO CONTINUE IT'S EXODUS FROM THIS STATE ARE SOME OF THE ACCOMPLISHMENTS THAT WILL BE OBTAINED IF THE PROPOSALS ARE ALLOWED TO GO ANY FURTHER THEN THIS COMMITTEE. WHILE READING THRU THE PROPOSALS THESE THOUGHTS KEPT COMING ABOUT IN MY MIND.

PART(B) APPLICABILITY IT LOOKS LIKE CERTAIN RIGHTS THAT FOREST OWNERS NOW HAVE ARE BEING TAKEN FROM THEM WITHOUT JUST COMPENSATION, CAN THAT BE POSSIBLE?

PART(C) BEST MANAGEMENT PRACTICES FOR ALL FOREST PRACTICES

#1 COVER STRIPS : (A) I, II, III, IV DO THESE PROPOSALS TAKE LOCAL CONTROL FROM ZONNING OR CONSERVATION COMMISSIONS?

(B) WHAT OR WHY?

(C) WILL ALL THE SITES IN CONNECTICUT BE POLICED EVERY DAY? THIS IS ALSO A CONCERN OF SECTION: (D), (E), #4 (B), (C), #5 (A), (B), (C), (D), ALL SECTIONS OF (D), (E), #13 (A - D), #14, #15.

#1(E) THIS WOULD NOT ALLOW USE BY A VEHICLE BUT LOGS COULD BE CABLED UP OR DOWN THE SLOPES AT TIMES MAKING MORE DAMAGE ON THE GROUND THEN IF A VEHICLE WERE OPERATED ON THE SLOPE. EVERY SLOPE SHOULD BE LEFT TO THE WISE JUDGEMENT OF THE OPERATOR TO USE THE LEAST DAMAGEING APPROACH.

(H) WHAT STOPS EVERYONE FROM DECLARING THAT THEIR FOREST MAY BE SUBDIVIDED AFTER DEFORESTATION YET NEVER DO THAT.

#2 EROSION

(A) THIS IS NOW A LOCAL CONTROL MATTER

(B) AS I STATED EARLIER SOME OF MY OPERATIONS HAVE BEEN GOING ON FOR MANY YEARS AS DEMAND DICTATED. COULD THIS PROPOSAL ELIMINATE THIS PRACTICE. LOCAL REGULATION AND NATURAL WILD GROWTH WOULD CAUSE REGENERATION ITSELF.

#3 (A, B) NO BENEFIT WOULD RESULT FROM AN OPERATION ABUSING EQUIPMENT OVER HAUL ROADS OR SKIDDING LOGS THRU MUD.

(C, D) HOW WILL A SLOPE BE MEASURED? BY EYE. ALSO OVER REGULATION SEEMS TO CAUSE NONCOMPLIANCE.

(E) THIS IS SOMETHING THAT SHOULD BE CONTROLLED IN THE BEGINING OF THE OPERATION AND NOT SOMETHING THAT CAN BE CONTROLLED AFTER A BIG RAINSTORM OR SPRING MORNING MUD.

(F) THE OPERATOR SHOULD ALWAYS CHOOSE TO TO USE WHAT ALREADY EXIST RATHET THEN GAMBEL WITH A NEW PATH.

#4 WETLANDS AND WATERCOURSES

(A) WHEN A LANDING SITE IS PICKED IT IS NOT USUALLY PUT IN A WET PLACE AND HAS EVERY ACRE OF CONNECTICUD BEEN DEFINED ACCURATLY ON A SOILS MAP?

(B, C, D, E, F, G, H, I) ARE ATTEMPTING TO INSTRUCT A SUCCESSFUL PRACTIONER TO DO THINGS CORRECTLY AND SHOULD NOT HAVE TO BE STATED AT ALL.

#6 TREE MARKING

(A) BESIDE ADDING MORE COST TO OPERATIONS AT WHAT POINT IN TIME DO THE TREES TO BE HARVESTED NEED TO BE MARKED? DO THEY GET MARKED BEFORE OR AFTER THE SAW CUTS THEM DOWN?

(B) COULD NOT EVERY FOREST LAND BE DESTINED NOT TO BE CONTINUED AND HOW WOULD THIS BE POLICED?

#7 SUSPENSION OF FOREST PRACTICE

THIS SHOULD BE OF NO CONCERN TO ANYONE AS LONG AS THE FOREST CONTINUES TO EXIST.

#8 COMPLETION OF FOREST PRACTICE

THIS SHOULD ALL HAPPEN NATURALLY IN A FEW SPRING OR SUMMER WEEKS.

ALL OF PART(D) REQUIRMENTS FOR COMMERCIAL FOREST PRACTICE

THIS ONLY INSTRUCTS AN OPERATOR OF A FOREST HOW TO SUCCESSFULLY OPERATE A FOREST.

(E) EMERGENCY FOREST PRACTICE

WHAT CONSTITUTES A DISASTER?

(F) REGISTRATION OF A HARVEST OF COMMERCIAL FOREST PRACTICE

(1) (A, B) PREDICTING ALL NECESSARY PATHWAYS NEEDED FOR HARVEST WOULD BE EXTREMELY DIFFICULT AND NOT VERY EXACT BECAUSE OF THE EVER CHANGING CONDITIONS.

(3) FEE

THIS IS ANOTHER REASON TO DIP INTO THE HONEST HARD WORKING MANS POCKET AND CAUSE A FURTHER INCREASE IN THE COST OF DOING BUSINESS IN CONNECTICUT.

(4) REGISTRATION FORM

(A - Q) FRAUD, COHERSION, CORUPTION, FAVORTISM, ETC.

I FEEL THAT THESE PROPOSALS ATTEMPT TO FIX SOMETHING THAT DOES NOT NEED INTERVENTION AND SHOULD BE ELIMINATED BY COMMITTEE NOW.

RESPECTFULLY SUBMITTED,



CHARLES E. ZEMKO
S F P H 0 0 0 2 9 5

**TESTIMONY AS PRESENTED AT THE PUBLIC HEARING HELD FRIDAY,
FEBRUARY 27, 1998, 11:00 A.M., H.B. NO. 5498 (RAISED) AN ACT
CONCERNING REGULATION OF FOREST PRACTICES BY THE STATE**

To Honorable Members of the Environment Committee:

The Connecticut Farm Bureau Forest Industry Advisory Committee (FIAC) comprised of members who represent a broad spectrum of the forest industry; consulting foresters, industrial foresters, supervising forest practioners and forest landowners, unanimously voted to support the legislation here before us today, empowering the State Department of Environmental Protection, Forestry Division to govern forest practices within the State of Connecticut.

The committee's experience conducting forest practices throughout the 169 towns of this state was the criteria used in making this determination. The following were some of the issues expressed:

- 1.) Inconsistencies from town to town. Regulations vary in degree of difficulty from no regulation to regulation that compares to a major subdivision.
- 2.) Multiply permits within a given town are often required.
- 3.) Fees and requirements associated with an application often times are costly and excessive.
- 4.) Members of various town boards are most often volunteers with little or no expertise regarding forestry.
- 5.) Volunteers representing town boards have a high turnover rate.
- 6.) Approval time in some cases can take months. This often encourages a harvest to take place in less than optimum ground and weather conditions, jeopardizing the environment (erosion & sediment control), safety and economic viability of the endeavor.
- 7.) The frustration and inconvenience with the process expressed by the forest landowner. The landowner who has chosen not to develop or convert his forestland, but has hired a professional forest practioner to carry out his or her objectives.

Working with the State DEP, Forestry division, and it's trained staff of field foresters would be a much more desirable alternative. Passage of this proposed bill will alleviate confusion and hardship by establishing uniformity throughout the State. This in turn will help in keeping our forestland sustainable and the forest industry viable in the State of Connecticut.

Respectfully submitted,

Karen Stevens

Karen Stevens
Chairman



NICHOLS FORESTRY AND LOGGING, LLC.

151 EXETER ROAD - LEBANON, CT. 06249 PH. & FAX: (860-642-4292)

Chairman and members of the committee:

My name is Joan Nichols, Certified Forester for Nichols Forestry and Logging, LLC. of Lebanon, CT. I am here, today to speak *in favor of* House Bill 5498...An Act Concerning Regulation of Forest Practices by the State.

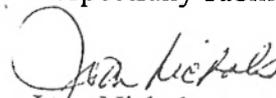
I have seen many changes take place in the fifteen years I have been practicing forestry in the state of Connecticut. Our forestland has become more fragmented. A vast majority of our forestland has succumbed to the pressures of suburban development. Forest practices have come under close scrutiny by a public that is increasingly concerned about..."what is going on in my backyard". These changes have forced many municipalities in the state to regulate forest practices. The end result is why we are all here today.

Municipal agencies, although well intentioned and dedicated, very simply do not have the expertise to regulate forest practices. The science and practice of forestry does not vary from town to town, nor should the level of regulation. Forest practices regulation belongs *exclusively* in the hands of the State of Connecticut, DEP, Division of Forestry. The Division of Forestry has the ability to provide the professional staffing necessary to regulate forest practices with statewide consistency and uniformity.

The licensed loggers and foresters working in our industry deserve to have their forest practices regulated, and approved, by a staff of professionals equally as educated, competent and knowledgeable as they are. Private landowners who are committed to the long-term management of their forestland need assurance that the forest practices outlined in their management plans can be implemented now, and into the 21st century. This level of confidence can only be achieved if the state of Connecticut commits to House Bill 5498.

I thank you for your time.

Respectfully submitted,


 Joan Nichols
 Certified Forester


 CERTIFIED
 FORESTER
SALES • SERVICE • LOGS



**Hull
Forest
Products, Inc.**

101 Hampton Road
Pomfret Center, CT 06259
860-974-0127
FAX 860-974-2963

February 25, 1998

Re: HB 5498 – An Act Concerning Regulation of Forest Practices by the State

To The Honorable Senators and Representatives of the Environment Committee,

I am presenting testimony on behalf of Hull Forests Products and personally as an active participant in forest management on 60 acres of family owned land in Woodstock. This legislation has significant impact whether I view it from the aspect of my business involvement, or as a private landowner in Connecticut. Regardless of which hat I'm wearing, I urge you to support HB-5498.

HB-5498 gives the State exclusive regulatory authority for forest practices. This provides not only for uniform regulations statewide but also uniform interpretation of the regulations. Uniformity is a key issue. From the earliest discussions of a Forest Practices Act, those in the industry supported the concept. The goal of developing uniformity, statewide, was at the very foundation of that support. This bill represents progress to that end.

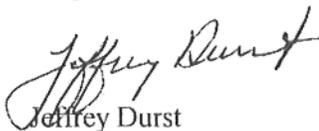
The alternatives to HB-5498 are State developed regulations implemented by the towns, or towns developing their own regulations. Both of these options create scenarios of 169 different interpretations and/or regulations to deal with. Having served on planning commissions and appeals boards, I appreciate the good faith efforts and sacrifices these local volunteers make. However, I also understand the learning curve necessary to become a participative member on these voluntary boards, and the turnover in these positions. Both of these factors make it extremely difficult for towns to consistently have well qualified individuals making critical decisions on the matter of proper forest management. Their decisions can have a drastic effect on the economics of a harvest, and therefore ultimately on the landowners interest in practicing sound forest management. Towns can create such a barrier in terms of application fees, bonds, and time that landowners will opt to do nothing rather than wrestle with all the issues. Hull Forest Products foresters have worked with landowners in situations like this, most recently in the town of Chaplin.

Passage of this bill represents significant progress for all parties involved in the regulation of forest practices; State, towns, industry, and the private landowner. The

State would be in control of administering the regulations. Forestry professionals can be the consistent base to help us all meet our ultimate goal of insuring healthy, vigorous, productive forests for future generations. Towns are relieved not only of the financial burden of administration, but also the burden of trying to keep pace with forest management and providing interested, educated personnel to administer this program. Towns would still have the opportunity to review applications via wetland regulations. Industry benefits with uniform regulations, statewide, which are administered by a group of State personnel who fully understand forest management principles. This format allows the most highly trained and certified parties, on behalf of the applicant and the administering body, to work together. Finally, and most importantly, HB-5498 benefits the landowner by insuring review of their application by certified forestry professionals, who fully understand the multitude of forest management objectives which exist. Landowners will not face the risk of their objectives being inadvertently denied by local volunteers with minimal training. Additionally, landowners that own property in more than one town will not face the inefficiency that is created if each town has control of forest practices.

This bill, HB-5498, represents a unique situation where all parties involved can receive substantial benefits by its' passage. In that light, I strongly support this bill and encourage the Environmental Committee to do the same.

Respectfully,



Jeffrey Durst
General Manager
Hull Forest Products



156 Millport Avenue
New Canaan, CT 06840
(203) 966-0869 FAX (203) 966-6796

Members of the Environment Committee,

My name is Bruce Pauley and I am an Arborist, CT License 1735. I have been licensed by the state of Connecticut since March of 1975. That is just about twenty-three years. I still remember how proud I was to have passed the exam on my first try. It was common then to take the test at least twice before passing, sometimes more. It was then, as it is today, a difficult exam. It is difficult for good reason; trees are living things, not just landscape decoration. What is done to trees in the name of "tree surgery" can be detrimental to their health as well as potentially hazardous to home owners and their homes. It is this examination process that was begun in the early twenties that serves to protect the people of Connecticut from un-knowledgeable practitioners. Having been in the business of caring for trees for the past twenty-three years, I have seen first hand what can happen to trees when these people start cutting. Fortunately, the CT Arborist License exists to protect Connecticut's citizens from arboricultural mal-practice. Un-fortunately, it has become increasingly easier for unlicensed people to maintain an illegitimate business in Connecticut. Not only does this do a disservice to the homeowner; it puts an unfair strain on legitimate Arborists. While I absolutely believe in the concept of fair competition, I believe we should all play by the same rules. When anyone with a chain saw can call him/her self an Arborist, it makes the educated, licensed Arborist look bad. By this, I mean that their actions, poor judgement, and illegal methods can leave the impression that "all tree men" are unreliable, uneducated, and sometimes, unscrupulous. Nothing could be further than the truth.

Last year, I had the honor and responsibility of being President of The Connecticut Tree Protective Association. As you may already know, this fine organization was founded in order to provide education to Connecticut's tree workers. It has been in existence since the advent of the Arborist Law and has helped many Arborists in the state including myself. I am currently the chairman of the education

"We Create Environments For Life. . .
. . . By Enhancing The Beauty And Value Of Nature"

committee where we have in place a biannual Arboriculture course designed to help aspiring Arborists pass the exam. My close association with the instructors and students has done much for my faith in the healthy future of Connecticut's trees. To allow unlicensed practitioners the freedom of unfair competition with these good people is an insult to the American way. I am very excited at the prospect of the Arborist Law moving into the domain of the Department of Environmental Protection where it truly belongs. The DEP already controls the pesticide portion of our license; it is correct that they should also monitor the cultural aspect of the law. I wish that this license also controlled tree removals! If it did, there would be less Larch trees removed in the winter months as "dead pines". It would serve to protect homeowners from making wrong and potentially expensive choices, when an educated, licensed Arborist could point out alternate choices.

In closing, I would like to speak a bit on the behalf of trees and the environment. As humans, we have the ability to control our future through common sense and good laws. When faced with a dangerous situation we can choose to walk away. We can protect ourselves with the law. Trees are the oldest living things on the earth, also the largest. They cannot run for their lives when faced with danger. Trees have survived as they are today by adaptation. They have survived flood, fire, and draught. Indeed, they have survived an ice age and continental shifts. They cannot survive people if we do not enforce laws that protect them from us. Connecticut's Arborist License law is a model for the rest of the country. Such laws in most states are just now in their infancy. The International Society of Arboriculture has invoked a program to produce "Certified Arborists" to provide good tree people with a credential that is respected throughout the world. They modeled this program on Connecticut's Arborist Exam. I find that exceedingly gratifying. It furthers my pride in my chosen profession as well as my pride in Connecticut.



CONNECTICUT FOREST and PARK ASSOCIATION
 Middlefield, 16 Meriden Road, Rockfall, CT 06481-2961
 Telephone (860) 346-2372; FAX (860) 347-7463

TESTIMONY OF CAROL E. YUELL, DIRECTOR OF EDUCATION & NATURAL
 RESOURCE PROGRAMS, CONNECTICUT FOREST & PARK ASSOCIATION,
 AT THE PUBLIC HEARING OF THE ENVIRONMENT COMMITTEE
 February 27, 1998

**H.B. 5498 (Raised) AN ACT CONCERNING REGULATION OF FOREST PRACTICES
 BY THE STATE.**

I am Carol Youell, Director of Education and Natural Resource Programs at the Connecticut Forest and Park Association in Middlefield. I am also a certified "Forester" under section 23-65h of the Connecticut General Statutes.

I have been actively involved with the issue of timber harvesting and forestry regulations dating back to 1981 when I began work for the University of Connecticut Cooperative Extension System as Extension/Resource Conservation & Development (RC&D) Forester. I have spent a great deal of time, particularly on the issue of **municipal** regulation of timber harvesting and forestry activities.

In 1985 I completed an in-depth study entitled, "*RC&D Study of Municipal Regulation of Timber Harvesting in Connecticut.*" The study was initiated as a result of the proliferation of numerous and varied forestry-related regulations at the municipal level. At the time "local regulation of timber harvesting activities (was) one of the most critical, complex, and controversial issues facing Connecticut forestry." These regulations and ordinances differed in their provisions, soundness, administration, and enforcement. Many were conflicting, and some were written without professional forestry input; factors which often led to an impractical, confusing and expensive situation for foresters, loggers, landowners, and the forest products industry. It was feared that if this pattern continued it would discourage forest management activities on private lands.

As part of the study, a statewide survey of all Connecticut municipalities was undertaken to gather information on local forest land use policies and timber harvesting controls. Eighty-one percent of Connecticut's municipalities responded (137 out of 169 towns). The results revealed that 24 towns had regulations or ordinances addressing forestry activities on private land. The majority of those had never been applied or had been applied only a few times. Another 12 towns indicated they had considered formulating regulations but had abandoned the idea due to questions of "need," enforcement capability, legal jurisdiction, and lack of technical assistance. Several other towns indicated that they were presently formulating or enacting forestry-related regulations.

Thirty-one percent of the municipalities (42) indicated that they needed technical

assistance in dealing with forest land use issues, and 58 percent said they would be receptive to forestry assistance and education.

All of the regulations and ordinances existing at the time were collected and analyzed for a number of factors including: the "regulating body," the "principal intent of the regulations," "number of times applied," and the regulations' "major requirements." The tables which summarized these factors clearly showed the variability which existed among the municipalities. The regulations varied from town to town in their purpose (intent), requirements, administration, and enforcement. Such variability among regulations, and uncertainty in their interpretation and enforcement undoubtedly contributed to the confusion and frustration that existed and still exists today on the part of woods workers and town officials alike.

The study stated that: "Regulations have come about because municipalities want some control over harvesting or simply want to know 'what's going on in the woods,' but often times lack the professional expertise to regulate forestry activities effectively. Many town officials indicated they 'wanted to do the right thing' in dealing with timber harvesting, and readily acknowledged the need for technical assistance. Some form of state guidance or leadership appears necessary . . ."

In the years since this study, the problems associated with municipal regulation of timber harvesting have not gone away and remain a burden for landowners, foresters, loggers, and the forest products industry which does not operate according to municipal boundaries.

Based on the study I undertook in the mid-1980's and my experience with this issue in the years since, I believe that further proliferation of municipal forestry regulations is not a good idea and that investing the power in the state to be the exclusive regulatory authority for forest practices might be the appropriate solution to the problem. In my opinion this will lead to increased uniformity, consistency and professional oversight in the application, administration, and enforcement of the Forest Practices Act. It will also, I believe, provide for better long-term monitoring and management the forest resource as a whole.

In conclusion, I favor the approach advocated in Raised bill # 5498 making the state the exclusive regulatory authority for forest practices in Connecticut.

TABLE 2
 (TAKEN FROM: "SUMMARY OF MUNICIPAL FORESTRY REGULATIONS IN CONNECTICUT
 RC&D STUDY OF MUNICIPAL REGULATION OF TIMBER HARVESTING IN CT" (1985))

Towns with Existing Forestry-Related Regulations (1985)	Date Adopted or Revised	REGULATING BODY						PRINCIPAL INTENT OF REGULATIONS										Approximate # Times Regulations Applied (As of 1984)		
		Zoning	Planning & Zoning	Conservation	Inland Wetlands	Chief Elected Official	Erosion and Sedimentation Control	Water Quality & Wetlands Protection	Aesthetics Protection/Conservation	Noise Control	Town Roads Protection	Cutting Practices Control	Public Health, Safety, Welfare, Property Values	Protection						
Townwide Regulations																				
Ansonia	1976				X															1
Brookfield	1980	X					X													1
Chaplin	1980	X																		0
Colebrook	1983																			0
Coventry	1979																			0
*East Haddam	1977																			Unknown
Glastonbury	1973	X																		10
*Haddam	1983																			Unknown
*Kent	1983																			7
Newtown	1984																			1
Redding	1983																			0
*Sharon	1980																			Unknown
Stafford	1978																			5
Warren	1982																			3
Washington	1983																			8-10
Willington	1981	X																		1
CT River Gateway Zone																				
Chester	1979																			Unknown
Deep River	1979																			0
East Haddam	1977																			Unknown
Essex	1979																			Unknown
Haddam	1983																			Unknown
Lyme	1977																			(a few)+
Old Lyme	1974																			Unknown
Old Saybrook	1975	X																		1

Key:
 * = These towns have both townwide forestry regulations and regulations specific to a special zone or district in town.
 + = Unknown, but applied.
 ° = New Milford does not regulate per se (see summary sheet).

TABLE 3. SUMMARY
 MAJOR REQUIREMENTS OF MUNICIPAL FORESTRY REGULATIONS IN CONNECTICUT (TOWNWIDE REGULATIONS)

	1	Brook-	Cole-	East	Glaston-	Haddam	Kent	New-	Redding	Sharon	Staff-	Wash-	Will-
	Ansonia	field	Chaplin	Coventry	Haddam	Kent	Kent	town	Redding	Sharon	ford	ington	ington
No permit required - notification only													
Permit (or "special exception") required for timber harvesting:													
- regardless of harvest volume (i.e., if "commercial" operation)	X		X	X		X	X	X	X	X	X	X	X
- if greater than a certain amount removed per year		X											
- if cutting trees on a priority greater than ___ acres													
Name of property Owner (O) or Logger (L) or Forester (F) required	3	OL	OL	OL	0	OL	OL	0	0	0	OL	OL	OL
Listing or notification of abutting property owners required	X	X		X		X	X	X	X	X	X	X	X
Starting and completion date of harvest required	X	X	X	X	X	X	X	X	X	X	X	X	X
Map of harvest area and/or property required	(X)	X	X	X	X	X	X	X	(X)	X	X	X	X
"Site plan" or "lot plan" required	X	X	X	X	X	X	X	X	X	X	X	X	X
Description of proposed operation required	(X)	X	X	X	X	X	X	(X)	X	X	X	X	X
Detailed cutting management plan required													
Erosion and sediment control plan required or maybe required													
Acres of harvest required													
Volume of harvest required													
Must follow published guidelines:													
- "Logging & Water Quality in CT" (208 Committee)													
- "Timber Harvesting Guidelines" (NO.D.A.)													
- "Woodlands of the Northeast, Erosion & Sediment Control Guides"													
- "CT Erosion & Sediment Control Handbook"													
Standards set for roads, buffer strips, erosion control, etc.			X	X		X	X						
Environmental assessment of impacts required		X	X	X		X	X		(X)				
DEP or other professional forester must develop, review or approve plan													
DIP or other professional forester must mark areas													
Dates or hours specified limiting logging operations													
Fire with time - harvesting permit application (F _____)													
System of application within ___ days (if known)	25/50	25	25	35	50	15/25	25	5/50	25/50	15	5	5/50	X
Public hearing required or may be required	65+	30	30	X	X	30/60	65+	30/60	65+	30		65	
Performance bond required or may be required	X	X	X	X	X	X	X	X	X	X	X	X	X
Compliance checked by:													
- Professional forester													
- Other town enforcement officer	X	X	X	X	X	X	X	X	X	X	X	X	X
Notification given to DIP upon granting harvesting permit													
Other permits required or may be required from town													

Key:
 1 = Timber harvesting is regulated via Inland Wetlands and Water Courses regulations in these towns.
 2 = East Haddam has similar regulations pertaining to the CT River Gateway Conservation Zone.
 3 = Owner and applicant
 4 = Sharon has similar requirements pertaining to the Housatonic River Corridor.
 (X) = May be required

THIS TABLE IS INTENDED TO SERVE ONLY AS A GUIDE. INDIVIDUALS CONTEMPLATING A TIMBER HARVEST IN ANY OF THESE MUNICIPALITIES SHOULD CONTACT THE TOWN DIRECTLY, AND IN ADVANCE OF THE PROPOSED OPERATION TO FIND OUT THE APPROPRIATE REQUIREMENTS FOR THE PARTICULAR OPERATION.

000671

TABLE 4
SUMMARY
HAJIR REQUIREMENTS OF MUNICIPAL FORESTRY REGULATIONS IN CONNECTICUT

	CT RIVER GATEWAY ZONE* (only)			HOUSATONIC RIVER CORRIDOR (only)			"OTHER"		
	Deep River	East Haddam	Essex	Haddam	Lyme	Old Lyme	Saybrook	Westport	Windsor
No permit required									
Permit for "special exception" required for timber harvesting:									
- regardless of harvest volume (i.e. if "commercial" operation)	X	X	X	X	X	X	X	X	X
- if greater than a certain amount removed per year				1	1				
- if cutting trees on property greater than ___ acres									
Name of property owner (D) or logger (L) or forester (F) required	X	X	X	X	X	X			
Listing or notification of abutting property owners required									
Starting and completion dates of harvest required	X	X	X	X	X	X			
Map of harvest area and/or property required									
"Site plan" or "plot plan" required									
Detailed cutting/management plan required	X	X	X	(X)	X	X			
Erosion & Sediment Control Plan required or may be required	X	X	X	X	X	X			
Percentage of harvest required									
Volume of harvest required									
Must follow published guidelines									
- "Logging and Water Quality in CT" (208 Committee)									
- "Timber Harvesting Guidelines" (MOOPAC)									
- "Woodlands of the Northeast, Erosion & Sediment Control Guides"									
- "CT Erosion & Sediment Control Handbook"									
Standards set for roads, buffer strips, erosion control, etc.	X	X	X	X	X	X			
Environmental assessment of impacts required									
DEP or other professional forester must develop, review or approve plan	X	X	X	X	X	X			
DEP or other professional forester must mark trees									
Dates or hours specified limiting logging operations									
Fee with timber harvesting permit application (\$___)									
Review of application within ___ days (if known)									
Public hearing required or maybe required									
Performance bond required or may be required									
Compliance checked by:									
- Professional forester									
- Other town enforcement officer									
Notification given to DEP upon granting harvesting permit									
Other permits required or may be required from town									

Key:
 1 = Commercial timber cutting is prohibited in the Gateway Conservation Zone of these towns.
 2 = Kent and Sharon's "bonfire" regulations would apply in the Housatonic River Corridor (see Table 3).
 3 = Pertains only to non-commercial fuelwood operations on town-owned forest land.
 4 = Pertains only to the Watershed Zone in Sharon.
 5 = Town Tree Mark.
 (X) = May be required.
 *The summary of requirements for the Connecticut River Gateway Zone only address commercial cutting operations. For non-commercial cutting operations, see individual town summaries in Appendix B.

THERE IS NO TESTIMONY ON PAGES 675-676.



TESTIMONY OF THE
CONNECTICUT CONFERENCE OF MUNICIPALITIES
TO THE
ENVIRONMENT COMMITTEE

Friday, February 27, 1998

CCM opposes H.B. 5498 "AAC Regulation of Forest Practices by the State."

This bill would take away from municipalities the authority to regulate forest practices in their communities.

Municipalities have broad responsibilities for land use and environmental enforcement in their communities, for example, regulation of land use and inland wet lands.

This bill is another in a continuing string of efforts by people in the private sector to pursue "one stop shopping" at the state level and bypass municipal regulation and enforcement.

CCM urges you to take no action on this bill.

Heather Bohlman
324 Taylor Brook Road
Winsted, CT 06098
CT Licensed Forester and Arborist

When the need arose for the Connecticut Forest Practices Act to be created, no one questioned where to turn. The obvious choice was the DEP, an established division within our state with the background to coordinate this undertaking. Shouldn't the next logical step be to give the DEP the authority to regulate it? Why involve another governmental body and ask them to attempt to translate and interpret these regulations without the knowledge and experience required in the field of Forestry.

I am in favor of the DEP regulating the Connecticut Forest Practices Act. After all, isn't it the DEP who has developed these regulations? Who better than them to enforce it.

THE CONNECTICUT WATER WORKS
ASSOCIATION INC.

Legislative Committee

Testimony to Environment Committee
Regarding: Raised H.B. No. 5498 An Act Concerning
Regulation Of Forest Practices By the State.

February 27, 1998

The Connecticut Water Works Association, Inc. (CWWA) is an association of water supply utilities serving more than 500,00 customers or a population of approximately 2 ½ million people located throughout Connecticut. Membership in the Association is open to all Connecticut water utilities: investor-owned, municipal and regional authorities. There are currently 18 publicly-owned and 17 investor-owned water utilities in the Association.

As purveyors of public drinking water, members of the Association have an obligation to provide sufficient quantities of high quality water at a reasonable cost to consumers of the community served. As such an association, CWWA and its members are keenly interested in meaningful and effective regulation of water supply utilities

CWWA supports Raised Bill 5498 An Act Concerning Regulation of Forest Practices By The State for the reason that the most appropriate manner to regulate forest practice is at a state level. It is important that forest practices not be addressed in a piecemeal fashion by each municipality. Accordingly, the CWWA opposes Raised Bill 5524 An Act Concerning Municipal Regulation of Forest Practices.



**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



Public Hearing --February 27, 1998
Environment Committee

Testimony Submitted by Commissioner Arthur J. Rocque, Jr.
Department of Environmental Protection

**Raised Bill #5498,
An Act Concerning Regulation of Forest Practices by the State**

The Department of Environmental Protection does not endorse House Bill #5498. This bill, which seeks to eliminate any option for municipalities to regulate forest practices within their jurisdictions, would prevent municipal coordination of the regulation of forest practices and inland wetlands activities thus eliminating potential administrative efficiencies.

Section 23-65j of the general statutes permits the Commissioner of DEP to adopt regulations governing forest practices, while section 23-65k allows municipalities to do the same. Such dual authority may subject landowners and forest practitioners to duplicate regulations, fee structures, administrative formats, enforcement authorities, and permit review periods.

During the development of statewide regulations to govern the conduct of forest practices, this conflict came to DEP's attention. The Department believes this situation is intolerable. Duplicate regulations would create confusion for landowners and the forest products industry, as would differing administrative formats. Interpretations of regulations by different enforcement authorities could create confusing and costly "catch-22" situations where local and state requirements might conflict. Satisfying two fee structures would dramatically increase costs while two permit review periods would cause excessive delays.

House Bill # 5498 proposes to correct the conflict by eliminating any municipal role in the regulation of forest practices. The Department believes this is counter to the original intent of the law.

While passage of this bill would eliminate the possibility of dual regulation of forest practices, it would also

DEP Testimony - February 27, 1998
HB 5498 - Page 2

have the effect of preventing landowners and forest practitioners from benefiting from the potential efficiencies of local administration of both forest practices regulations and inland wetlands regulations. Certainly landowners and forest practitioners would benefit from "one stop shopping" -being able to deal with one regulatory authority for wetlands and forest practices, rather than with the State for forest practices and the local municipality for inland wetlands.

The Department is aware that House Bill #5524, "An Act Concerning Municipal Regulation of Forest Practices", has recently been presented to the Environment Committee for consideration. That bill provides municipalities with the option to either regulate forest practices in a manner consistent with the Department's statewide regulations or to rely upon the DEP to regulate forest practices within that municipality as a part of DEP's statewide regulatory program. The Department believes that this approach strikes a reasonable balance between the interests of municipalities and the need for coordinated and consistent statewide regulation. Thus, DEP endorses the provisions of House Bill #5524 and will present more detailed testimony during the public hearing for that bill. That testimony will include suggestions for minor improvements to the proposal.

In summary, the Department believes that House Bill #5524, which has yet to come to public hearing, properly resolves the current conflict in the law and is an appropriate compromise. However, should the legislature decide to approve House Bill #5498, and thereby repeal municipal authority to regulate forest practices, the Department sees no problem in implementing the legislation.

February 25, 1998

To The Honorable Senators and Representatives of the Environment Committee:

Re: HB 5498

I would like to express my support for HB 5498. Having CT DEP Division of Forestry be the exclusive party to regulate forestry practices in the State of CT. would ensure that parties having expertise in the field of forestry would pass judgment on applications and practices.

I have been employed as a professional forester for Hull Forest Products, in Pomfret, CT for twenty years.

The problems that have been encountered at the local level are as follows:

Local regulating agencies often meet only once a month and rarely is application acted upon at the first meeting. This creates a lengthy time delay of 30 days to 60 days to in some cases a year of delay prior to approval.

The cost to comply with local regulations in some cases has discouraged landowners from pursuing forest management. In 1993, a forester for Hull Forest Products, Inc. was asked by a private landowner for forestry advise for a 15 acre parcel in the Town of Chaplin. The forester advised a improvement thinning that called for the removal 80 cords of standing firewood. The market value of the firewood to be harvested was \$560.00. The Town of Chaplin requires a harvesting permit from the Board of Selectmen, with a \$200.00 fee, and a wetland permit from the Inland Wetland Agency, with a fee of \$60.00. The Town has always required a \$1000.00 cash bond for entering on to a town road even if this is via an existing driveway. A cash bond of \$2000.00 for activity in or adjacent to a wetland has been required as well. The time to attend the meeting of the two boards, site walks and preparation of applications has been a minimum of six hours to as much as twenty two hours. When the landowner was told that the cost to obtain the town permits would exceed the value of the products to be harvested they chose not to pursue forest management on their property. This is just one example of the problems with local regulation of forest practices.

I had a case in the Town of Columbia in 1996, where the landowner had forest management recommendations made by a DEP Service Forester. I was asked by the landowner to implement the recommendations. The timber was marked to be harvested and application was made to the Inland Wetland Agency for activity in a forested wetland area. One of the members of the Inland Wetland Agency had concerns over whether or not I was following the advise of the DEP Service Forester. A solution would have been to have the DEP Service Forester review the site and provide comments to the agency. Obviously this is not a very efficient use of the Service Foresters time. In this case the

rest of the agencies members did not have concerns over my ability to follow the Service Foresters recommendations.

There is a serious lack of knowledge and expertise on the part of most town agencies and the enforcement officers they have chosen to regulate forestry.

The problem with having local boards or agencies passing judgment on forestry practices is that they lack expertise in the field and practice of forestry. There are often lengthy time delays which can create hardships for landowners as well as those of us whom try to make a living in this field. There is no consistency as to what is expected from town to town. In some cases local politics has come into play with respect as to how a application is viewed. I believe that most boards and agencies mean well with their actions and regulations, but do not understand the economic realities and therefore the negative impact that their actions have had on forest management and protection. I firmly believe that what we have in place today with towns regulating forest practices is a disincentive to private landowners to pursue long term forest management. I believe it would be in the best interest of the people, the forest, the economy, the forest products industry and environment of the State of CT, if regulation of forest practices was handled exclusively by CT DEP Forestry staff.

If you should have any questions please contact me at 860-974-2083.

Sincerely,

Michael J. Bartlett, CF#21
Forest Resources Manager
1306 Rt 198
Woodstock, CT 06281



CONNECTICUT CHAPTER SOCIETY OF AMERICAN FORESTERS

Representing the Forestry Profession in the State of Connecticut

February 24, 1998

To The Honorable Senators and Representatives of the Environment Committee:

The Society of American Foresters is the national scientific and educational organization representing the forestry profession in Connecticut and the United States. It is the largest professional society for foresters in the world with more than 18,000 members world wide. Over 135 members live and work in Connecticut.

The mission of the Society of American Foresters is to advance the science, education, technology, and practice of forestry; to enhance the competency of its members; to establish professional excellence; and to use the knowledge, skills, and conservation ethic of the profession to ensure the continued health and use of forest ecosystems and the present and future availability of forest resources to benefit society.

The Connecticut Chapter of the Society of American Foresters offers strong support for the Forest Practices Act (Sec. 23-65f through Sec. 23-65o) and most portions of subsequent proposed Forest Practice Regulations (Sec. 23-65j-1 and Sec. 23-65j-2). The chapter is preparing a position statement on the full range of issues raised by the conduct of forestry and its regulation. Our full position statement includes today's main issue, the proper government level for the exercise of regulatory authority over forestry.

Regarding Raised Bill No. 5498 - "An Act Concerning Regulation of Forest Practices by the State", it is the position of the Connecticut Chapter of the Society of American Foresters that the State of Connecticut, acting through its Department of Environmental Protection, Division of Forestry, should be the exclusive regulatory authority for forest practices. The DEP has a large and highly qualified staff of experienced professional foresters. These foresters are qualified to regulate forestry by virtue of their education and experience, including experience gained during the management of thousands of acres of state lands.

In many towns, municipal regulation of wetlands has already become a significant expense and a growing disincentive to the practice of good forest management. If these same commissions can now regulate forestry on all sites, without greater expertise, they are almost certain to produce a negative economic impact that goes well beyond that which is necessary to protect our forests for the future.

Connecticut's forest resources should be professionally managed to ensure the protection of an economic base and a natural resource which provides a multitude of benefits to the State's population, including improved water and air quality, wildlife habitat, recreation and forest



CONNECTICUT CHAPTER SOCIETY OF AMERICAN FORESTERS

Representing the Forestry Profession in the State of Connecticut

products. Raised Bill No. 5498, when combined with the implementation of the regulations of the forest practices act, will help ensure proper forest management throughout our state.

Sincerely,

A handwritten signature in cursive script, appearing to read "Thomas J. Degnan, Jr." with a flourish at the end.

Thomas J. Degnan, Jr.

Vice-Chair, Connecticut Chapter of the Society of American Foresters



HOME BUILDERS ASSOCIATION OF CONNECTICUT, INC.
 818 FARMINGTON AVENUE, WEST HARTFORD, CONNECTICUT 06119
 860/232-1905 • Fax 860/232-3102
<http://www.constructioncorner.com/hbac>

February 27, 1998

To: Senator Eileen M. Daily, Co-Chair
 Representative Jessie G. Stratton, Co-Chair
 Members of the Environment Committee

From: William H. Ethier, Executive Vice President & General Counsel

Re: Raised Bill No. 5498, AAC Regulation of Forest Practices By The State
Raised Bill No. 5524, AAC Municipal Regulation of Forest Practices

The HBA of Connecticut is a professional trade association with eight hundred fifty (850) member firms statewide, representing approximately 44,000 employees. Our members are residential and commercial builders, land developers, general contractors, subcontractors, remodelers, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers' Council, which is a professional forum for the land development industry across the state.

We are in general support of Raised Bill No. 5498, AAC Regulation of Forest Practices By The State, because we believe it will be much easier to obtain reasonable regulations from the state Department of Environmental Regulations than from each and every municipality across Connecticut. We do not want to see repeated the experience we have endured over the past 25 years under municipal regulation of inland wetlands and watercourses. Many municipalities implement their responsibilities under the inland wetlands act in a fair and prudent manner, and we applaud them. But many others misuse their inland wetland authority for illegitimate no-growth ends. We, therefore, oppose the regulation of our statewide forest resources at the municipal level and urge the repeal of Conn. Gen. Statutes section 23-65k.

While not before you at today's meeting, Raised Bill No. 5524 would greatly expand municipal authority over forest practices and would be nothing less than a huge no growth measure. It would accomplish this by expanding the jurisdiction of local inland wetlands and watercourses agencies to regulate forestry practices in the entire municipality. **We urge you to reject that proposal.**

Under current law, Conn. Gen. Statutes Section 23-65f, "forest land" is broadly defined as any contiguous parcel of trees that is one acre or more. "Forest practice" is broadly defined as the cutting of a tree or any other activity that may alter the physical or vegetative characteristics of any forest land. With Bill no. 5524's expansion of the jurisdiction of municipal inland wetland and watercourses agencies to the entire

municipality for the purpose of regulating forest practices, would these local agencies now have to be called municipal inland wetlands, watercourses and tree commissions?

We have some serious concerns about currently proposed forest practices regulations at the Department of Environmental Protection. These concerns are two-fold: First and most importantly, a portion of the proposed regulations would amend the state regulations applicable to inland wetlands and watercourses by **adding regulations concerning the conversion of forest land to non-forest land.** We do not see how this portion of the proposed regulations is connected to the statute that authorizes regulations "governing the conduct of forest practices including, but not limited to, the harvest of commercial forest products and other such matters as the commissioner deems necessary." Conn. Gen. Statutes section 23-65j. Was it the intent of the legislature when it passed chapter 451a (C.G.S. sections 23-65f to 23-65o) to regulate the cutting of any trees for any purpose? It seems to us that the intent of chapter 451a was to regulate commercial forestry practices (i.e., the harvesting of timber). Both the proposed state regulations and Bill No. 5524 would greatly expand this authority to regulating almost any land use proposal where a tree has to be cut.

Our second major concern with the proposed regulations deal with the extensive burdens placed on forest practices and the increased costs imposed on producing lumber and wood products from our forests. As an industry that is heavily dependent on lumber and wood products, we are very much concerned about the direction these regulations are going, about proposals such as Bill No. 5524, and the potential cost impact to the building, remodeling and land development industries.

Having briefly stated some of our concerns with the proposed DEP regulations (and noting that we have still other concerns that we will raise with DEP), **we believe that these issues can be worked out with DEP. However, our concerns and the concerns of others regarding the broad scope of regulating the cutting of trees could never be worked out if such regulation is left up to 169 municipal tree cutting control agencies.** We would be faced with new walls erected by no growth proponents that will further drive up the cost of providing homes for Connecticut's people.

Moreover, we would be interested in learning what the problem or issue is that precipitated the proposed DEP regulations or Bill No. 5524. If the problem can be identified and agreed upon by the interested parties, then a solution can be crafted that specifically addresses that problem, but goes no further. That approach is good government, not anti-environment, and should be embraced by all who desire to see Connecticut's economy continue to move forward in an environmentally responsible manner.

Accordingly, we strongly urge you to vote favorably on Raised Bill No. 5498, oppose Raised Bill No. 5524, and keep a mindful watch over the progress of DEP's proposed forest practice regulations. Thank you for your consideration of these comments.

Testimony to Environment Committee
In Support of Raised Bill # 5498
given by Michael Ferrucci, February 27, 1998

My name is Mike Ferrucci, and I am a professional forester residing in North Branford. I speak today in favor of Raised Bill # 5498 "An Act Concerning Regulation of Forest Practices by the State". This act would give the sole authority to regulate forestry to the DEP, which is sound and proper for several reasons I will outline later.

First, I should provide information about my background and experience in this field. I am a partner in a forestry consulting business, Ferrucci & Walicki, LLC, that provides forest management advice and services to several hundred landowners on more than 70,000 acres of forestland in Connecticut. This firm has five full time foresters, all of whom have forestry degrees from major universities. All of the firm's foresters agree with this testimony. I have 17 years experience working as a professional forester here in Connecticut. I am a member of two professional forestry societies, was a member of the Forest Practices Advisory Board from its inception until last year, frequently speak on the subject of forest regulations, including DEP sponsored workshops, and am a Lecturer on Forest Management at the Yale School of Forestry and Environmental Studies. For most of my career I have actively managed forest land in Connecticut and have frequently worked with or been regulated by municipal officials.

In my experience, individual towns have not done well regulating forestry. Historically, their regulatory efforts were initiated in response to one or two timber harvests which were perceived to have been problematic. Generally, by the time the regulations have been imposed the person who caused the problem is long gone, having left the town, the state, or even the forestry business completely. In other instances, the passage of time has proven that the issue in question was far less of a problem than initially reported. The resulting local regulations, and their subsequent enforcement, are generally limited in scope and effectiveness. They vary from town to town, and their enforcement varies from project to project within a town. This is not surprising, considering how complex a subject forestry is, how large and inaccessible many of our forests are, and how overburdened most municipalities are in dealing with the reality of governing and providing essential services.

A competing bill would put non-foresters, such as zoning or wetlands enforcement officers, in charge of regulating forestry. I could tell you horror stories of my experiences with municipal regulations over the past decade. Instead, I will focus on the skills required to do a good job of managing a forest or of regulating forest practices, which is really a powerful form of forest management.

Forestry is defined as being part art and part science, and good forestry requires its practitioners to possess a mixture of knowledge, experience, intuition, and a large degree of humility. There is no cookbook or manual for practicing or even recognizing high

JOINT
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JOHN VOLK: Right.

REP. BACKER: And I appreciate your testimony. Thanks.

JOHN VOLK: Thank you.

REP. STRATTON: Thank you very much. At this point we'll move into the public portion of this hearing, and would remind folks again that your initial testimony is to be no longer than three minutes, so that we have an opportunity to get through the many people who have signed up, in some kind of reasonable time.

And again also say, and as Senator Kissel pointed out, when groups of people come, you are more than welcome to come up together and, you know, say I'm here in support of that, if you don't have additional testimony that you want to add. So, either of those are possible. First person to testify is Norma O'Leary, and she will be followed by Jeff Durst.

NORMA O'LEARY: Good morning, Senator Daily, Representative Stratton, and members of the Environment Committee. My name is Norma O'Leary. I am President of the Connecticut Farm Bureau.

I am here today on behalf of our 4,500 farm member families in strong opposition to HB5524, AN ACT CONCERNING MUNICIPAL REGULATION OF FOREST PRACTICES. I was before you last week to urge your support of HB5498, AN ACT CONCERNING REGULATION OF FOREST PRACTICES BY THE STATE, for the exact reasons I urge you today to reject the option of towns overseeing the forest practices regulations once they are adopted by DEP.

The forestry industry is extremely complex. And we believe that the knowledge the forest industry of DEP has, is important for the industry. The forest industry's advisory committee....

(gap in tape 1a - 1b)

...does not feel that a modified training program by the DEP for a person on an inland-wetlands

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agency of a town is sufficient in understanding the forestry industry and making recommendations on plans. Last Friday the question was asked by your Committee, what will happen to those few towns that currently enforce their own forestry regulations?

Our suggestion to the Committee is that you grandfather those towns into HB5498, and allow them to continue overseeing the forestry regulations if they wish to. Otherwise, the state should oversee all other towns.

As I stated last week, the forestry industry is valuable to the state of Connecticut. It is an industry that is misunderstood by people unfamiliar with it, and the purpose and intent the forestry is therefore lost.

The Division of Forestry should oversee the regulations pertaining to the Forest Practices Act. I urge you to reject HB5524 giving oversight authority to towns, and ask that you favorably on HB5498.

I know that there are many representatives from the industry here today who will address the complex nature civic cultural practice management. I urge you to question them on their decision making issues.

Before I -- Farm Bureau has submitted testimony on a number of other bills today. People from those commodities, aquaculture, tobacco, and organic farming, will speak on those issues in a little while.

I will, however, make a comment if I still have a minute here. We do favor SB437, on aquaculture. This exemption would aid in aquaculture's development. We also favor HB5526. We feel that is needed in Connecticut until the federal guidelines are approved. That's on organically grown food.

On HB5528, while we, on the model river protection ordinance, while we agree with the reasons behind the bill, we want to make sure that current

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agricultural exemptions in state statutes remain. And that the Commissioner of DEP take into account any of the permitted agricultural uses when a model river ordinance is developed.

Farm Bureau, however, does support the concept of tax incentives. And the last one, we do oppose HB5530, application of pesticides to certain cropland. We feel the current law is detailed and sufficient in regards to applying pesticides through aerial measures.

Denying this practice on the specific lands is unnecessary and counterproductive. So we urge you to reject, but I assume they're may be some modifications, but we kind of caution against some of those so that we can still have tobacco continue in our state.

With that, thank you very much for your time. If you have any questions, I'll try and answer them.

REP. STRATTON: Well done. Thank you. Are there questions? Senator Fleming.

SEN. FLEMING: Norma, on HB5528, on the River Protection Ordinance.

NORMA O'LEARY: Yes.

SEN. FLEMING: If we were to, as a Committee, decide to try to put this into some kind of study, would Farm Bureau be interested in putting some time in on a task force on that, along with other interested groups?

NORMA O'LEARY: Definitely.

SEN. FLEMING: Thanks.

REP. STRATTON: Thank you very much. Jeff Durst, followed by Mike Bartlett.

JEFFREY DURST: If my Timex is correct, I guess we've moved into afternoon. So, I would like to say, Good afternoon Senator Daily, Representative Stratton, and all members of the Environmental

that 85 certified foresters would be covering 169 towns. Further, use of certified professionals by towns will ultimately increase costs for the land owners.

Our final point is that municipal regulation creates a disaster for land owners whose property falls in more than one town. I suspect that some towns may be in favor of this bill because they feel it gives them control over forest practices.

Those people need to understand that if the state is given the exclusive authority to regulate forest practices, as called for in last week's bill, HB5498, towns would retain their wetlands authority.

They would still have the opportunity to review applications relative to the vast majority of forest operations occurring in their town, as relate to wetlands regulations.

Proper planning and execution of forest practices is a highly technical matter. Factors such as forest type, basal areas, site indexes, stand health, soils, slopes, residual stands, and many others all need to be carefully considered when forming a plan to reach a landowner's objective.

To the uneducated eye, forest practices can easily appear to be a random exercise in cutting down trees. Based on the multitude of tours we provide for the general public, it is the experience of Hull Forest Products, and our foresters, that the public has very little understanding of what forest practices are all about.

They are truly fascinated to learn about the entire forestry process. As a person in the industry and a private land owner, for regulation of forest practices in this state to be successful, it needs to be based on uniform regulations that are administered by professionals with a complete and thorough understanding.

This bill does not serve that end. And I ask you to oppose this bill for the benefit of Connecticut

resulted in denial of the zone change application. However, had we not picked up on the legal ad, and the zone change were approved, our ability to protect this critical ground water supply would have been compromised.

The language in Raised HB5499, modifying Section 8-3i, will ensure that future applications concerning aquifer protection areas, or zone changes within public water supply, watersheds, or aquifers, will receive adequate review of potential impacts to Connecticut's public drinking water supplies.

Thank you for the opportunity to present testimony on this important bill.

REP. STRATTON: Thank you, Mr. Hudak. Are there questions?

SEN. DAILY: Thank you, John.

JOHN HUDAK: Thank you.

REP. STRATTON: John Hibbard, followed by Tom Trowbridge.

JOHN HIBBARD: Senator Daily, Representative Stratton, members of the Committee, I'm John E. Hibbard, Executive Director of the Connecticut Forest and Park Association. And I wish to address the Committee this morning very briefly on two bills, the first being HB5528, AN ACT CONCERNING MODEL RIVER PROTECTION ORDINANCE.

I have some concerns on the wording that appears in lines 26 and 27. If the Committee should decide to move forward with this proposal, the words are, "restricting on cutting of vegetation."

My experience I'm going to cite is in Hebron where we did have a model river protection ordinance proposed a couple years ago, and it has yet to be adopted, because nobody could come to any agreement on what restrictions should be placed on cutting of vegetation, whether it be trees or grass, or whatever.

And the distance that these restrictions should apply from the street. Case in point is the immediate past president of our organization has been the Connecticut Tree Farmer of the year in 1980, and had managed his property fairly well from the early 1960s until the present time.

And he would have been affected in his whole management plan somewhat upset by what had been put in that draft ordinance. My secondary comments are on HB5524. I spoke on the antithesis of that bill last week, HB5498.

I did hand in testimony from Carol Youell, the Director of Education and Natural Resources of Connecticut Forest and Park, which is very similar to the testimony she gave on HB5498 last week.

However, she did add her experience in conducting training sessions for wetland agencies on forest practices as they relate to wetlands, and that is an on going proposition that needs attention.

I think the wetlands task force heard these, necessity of these training sessions. And if you extend the jurisdiction of inland wetlands far beyond that, a lot more training is going to have to be done.

And there is, as you know, considerable turn over in inland wetlands. So that, I do wish to point out that there is a need to do something with Section 23-65k, so that the Forest Practice Act regulations that are currently being developed by DEP can be effectively implemented.

Certainly the industry has expressed its concern. I do wish to point out that all these problems do fall on the land owner in the end, rather it results in a lesser price that he gets for his material that he chooses to harvest, or he may in fact be the person going through this permit process.

And I could give the Committee some examples of the frustrations some land owners have had, if you wish them. There are land owners who own land that is

contiguous in several municipalities. They should not be subjected to filing registrations in two or three municipalities to conduct a single harvest. And I'd be glad to answer any questions the Committee has.

REP. STRATTON: Thank you very much, John. Are there questions? Actually, if you would make sure that you, John -- if you would touch base with Representative Mushinsky about your concerns...

JOHN HIBBARD: Yes.

REP. STRATTON: ...since she's not here. Thank you. Tom Trowbridge, followed by Bill Ethier.

TOM TROWBRIDGE: Madam Chairman, Committee members, thank you for hearing me today. Last week, my name is Tom Trowbridge, by the way. Last week I was here, and I was in favor of bill HB5498.

This week I'm here, and I'm not in favor of bill HB5524. It says in there that at least one member of the inland wetland agency or staff of the agency shall be a person who has completed a training program on forest practices, which would be developed by the Commissioner.

If I was to submit a harvesting plan to a town, a wetlands agency, a civil cultural plant, it might include a standard red pine that has foaming cyanoses in it, and how would you treat that?

Or, perhaps some wetland areas had ash decline, or there's lot's of things, the basal area, and stocking levels, certain defoliators, critters that go around and eat all the leaves and what not.

What is acceptable growing stock, and what is not? Those of us who took the forestry test, it was comprehensive. It was a four-hour test. And there's several individuals with four-year forestry degrees that didn't pass it the first time around.

I'm not proud of it, but it took me four times to get through that. And I kind of feel, I've been trying to think of a good analogy of this, and it's

kind of like a medical doctor. If he's a general practitioner, and he's perhaps telling a heart surgeon how he should operate on the heart.

I don't know as I'd want that to be my heart. Of course the towns, you know, they look at it, and I'm not saying that they need to relinquish the authority, but I think it's kind of foolish for the legislators to be allowing something like that to happen.

Perhaps an adequate compromise would be, if they're going to govern us like that, then maybe from that town should be a certified forester, approving our plans. That's the only thing that I could see that would kind of fit the middle ground.

So, that's why I'm against bill HB5524. I am in favor of bill SB431, just to go on record. Thank you.

REP. STRATTON: Thank you. Thank you for your testimony. Bill Ethier, followed by Lisa Santacroce.

BILL ETHIER: Representative Daily, members of the Committee, my name is Bill Ethier. I'm the Executive Director of the Home Builders Association of Connecticut. And I'm here to testify before you today on three different bills. And I've submitted written testimony on all three.

The first one is bill SB431, AN ACT CONCERNING APPROVAL OF MINOR ACTIVITIES BY AGENTS OF INLAND WETLAND AGENCIES. We're supporting this bill, we think it's a step in the right direction that would offer the opportunity to avoid a public hearing on minor activities, where public hearings are really not necessary.

But we find it kind of odd inland wetland agents would have the authority to approve minor activities without a public hearing, but the commission itself does not have that authority.

And it relates to the issue, I served on the inland wetland task force, as the Chair well knows, we

never intended the inadvertent delays that the petition process in the current statute has caused, and I think what the appropriate thing to do is to appeal that petition process for a public hearing.

It's only been in place for a little over a year. It became effective January 1st 1997. For the first 25 years of the statute there was no petition process in the statute.

It has worked better or worse, depending on the town. And I think it's unnecessary. There's no reason why an applicant should have to wait for two meetings to get approval, when wetlands commissions want to make that approval in the first meeting.

So, we're supportive of the bill, but we're hoping that you will amend it to expand its usefulness. The other bill that we'd like to testify on is on the Forest Practices Bill.

We're strongly opposed to HB5524, in as we, I testified last week, last Friday in support of the bill HB5498, that would give that authority to DEP. As I mentioned last week, what nobody seems to be addressing about the bill before you today, HB5524, it would not only provide authority to municipalities to regulate forest practices, but looking at the definitions in the bill, it greatly expands the definition of forest practices.

So towns would be able to reach a lot further than just regulating timber, the timber industry. It would essentially regulate and give authority to inland wetland commissions to regulate the cutting of a single tree on any area of land that's over one acre of contiguous forest, for any purpose.

Even if that purpose is not for, to produce wood product. So, if going to be moving this bill forward, I'd strongly urge you to look at that language and, if you're going to provide municipalities the authority to regulate forestry practices, make sure it's forestry practices.

And the last bill I'd like to testify on in opposition is, HB5534, AN ACT CONCERNING A LOCAL

current quagmire of regulation is to vote against HB5524, and vote for HB5498, giving the state exclusive regulatory authority over forest practices.

Private land owners, professional foresters, and our forest resource, will settle for nothing less. Thank you for your time and consideration. And I'm willing to answer any questions.

REP. STRATTON: Thank you for your testimony. Are there questions? Representative Roraback.

REP. RORABACK: Thank you, Madam Chair. And, thank you Joan, for coming here on two successive Fridays. And I think for everyone who's interested in forestry, the scheduling was just a product of inadvertence, and all of you have shown a lot of stick-to-itiveness to come here two days in a row.

JOAN NICHOLS: Thank you.

REP. RORABACK: We don't even have a clear handle, I don't have a clear handle, Joan, on how many towns are currently regulating forest practices. Do you know?

JOAN NICHOLS: Yes. I work predominantly in eastern Connecticut. I work in some of the river towns. But I would say I cover the majority of towns from the Sound all the way up the Massachusetts border and out to Rhode Island.

And my experience at the present time is at, as my testimony said, some towns do not regulate forestry at all. My experience in the more rural towns is that they handle it a lot like agriculture.

It's a permitted use. It's something they normally see, and they don't regulate it. Other towns take the extreme, and they send you through...

REP. RORABACK: Can you give me example? Which town takes the extreme?

JOAN NICHOLS: I recently went through the Town of East Hampton for two permits. You need to file an

application with the Conservation Commission. You need to file an application with the Planning and Zoning Commission. You need to file an application with the Inland Wetlands Commission.

- REP. RORABACK: Okay, and you understand that the wetlands commission, that's not going to change. No matter what we do, you're still going to go to...
- JOAN NICHOLS: I understand that, but I had to attend, I had to go to three nightly meetings.
- REP. RORABACK: Okay, and the Conservation Commission was regulating the forest practices?
- JOAN NICHOLS: I don't really know what they were doing. They asked me questions that didn't really make any sense.
- REP. RORABACK: Okay. There are some communities in the State of Connecticut which are currently thoughtfully regulating forest practices, and have been at it for a long time, and are doing it responsibly. Would you concede that that's so? Have you ever gone to a community that knows what they're talking about when it comes to regulating forest practices?
- JOAN NICHOLS: I have been to, I've been -- I have filed an application with and worked in the Town of Haddam. And they are a town that has had regulations on the books for quite some time.
- I would say because of the years of experience that they have had regulating forest practices, they have streamlined the process, and they now understand what's going on.
- REP. RORABACK: And can you see why, from their perspective, they would be a little bit nervous about having taken the time to educate themselves to do the job responsibly, only to see it disappear into the nether reaches of DEP?
- JOAN NICHOLS: I don't see it as disappearing at all. All I'm seeing it as is, is handling it from the

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towns and giving it, you know, giving it to the state. I don't see the activity that we're doing out in the forest changing at all. And I don't see the review process changing at all. We just want to see it streamlined.

REP. RORABACK: Okay.

JOAN NICHOLS: And consistent.

REP. RORABACK: Thank you very much.

REP. STRATTON: Thank you for your testimony. Alexander Chickosky, followed by William Leahey.

ALEXANDER CHICKOSKY: Representative Stratton, members of the Committee, good afternoon. My name is Alexander K. Chickosky. I'm the President of Enfield Shade Tobacco, Enfield, Representative.

I'm here to offer testimony objecting to HB5530. Raised bill HB5530, that your Committee is considering today, is at best an anti-agriculture bill. And at worse, a prejudiced bill constructed with malice of intent.

We particularly object to Paragraph 6 of this bill. This paragraph exempts almost every farm in the Connecticut river valley. Most existing farm land, and certainly all of Enfield Shade's cropland, has had tobacco cultivated on it at some time in the past 150 years.

We still, however, find this paragraph very offensive. It is highly prejudiced against tobacco growers. Pesticides are pesticides, no matter what crop they're applied to.

Why then single out tobacco? The cigar tobacco growers in this state contribute many millions of dollars annually to the local economy. We provide thousands of jobs. Enfield Shade alone has 25 full time employees.

And we also employ more than 200 people weekly during the growing season. Should legislation such as this ever become enacted, Enfield Shade, and I

would be okay to authorize the towns which did have forestry regulations now to continue provided that they did have certified foresters reviewing them. That would certainly be a major improvement over bill HB5524.

It would not, however, eliminate the problem which was alluded to by many other people about lack of uniformity. And I think it would be far better to enact the bill HB5598 to put the matter in the hands of the state. HB5498

And dispense with HB5524, except perhaps for the kind of modification that Representative Roraback suggested. Thank you.

SEN. DAILY: Thank you very much. Are there any questions? Lori Colca, followed by Elisa Santee.

MARK CONNOR: My name Mark Connor, I'd like to speak in place of Lori, who had to leave. I am signed up, but I am the last speaker on this issue. Hi, again my name is Mark Connor. I live at 17 Misty Meadow, and I'd like to speak for this bill. HB5530

Basically, I don't think this problem is a Misty Meadow problem. You have an awful lot of people right now in the State of Connecticut, and around the area, who sees crop land being available.

You have people going out there and they're buying and/or they're leasing land. They lease it, put up tobacco nets with inside of a month and they'll be spraying. When you go home, you take a look and you see the land around your area, you'll be able to look at it and say, well gees with this kind of money that can be made, this can be happening to me.

Or, it can be happening to my best friend. Or, it can be happening to my constituents. What basically is occurring here is you have an individual who doesn't have any real buffers that he has to deal with.

He looks at it and he says, it's the cheapest way for me to spray these chemicals is to use an



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February 27, 1998

To: Senator Eileen M. Daily, Co-Chair
 Representative Jessie G. Stratton, Co-Chair
 Members of the Environment Committee

From: William H. Ethier, Executive Vice President & General Counsel

Re: Raised Bill No. 5498, AAC Regulation of Forest Practices By The State
Raised Bill No. 5524, AAC Municipal Regulation of Forest Practices

The HBA of Connecticut is a professional trade association with eight hundred fifty (850) member firms statewide, representing approximately 44,000 employees. Our members are residential and commercial builders, land developers, general contractors, subcontractors, remodelers, suppliers and those businesses and professionals that provide services to this diverse industry. We also created and administer the Connecticut Developers' Council, which is a professional forum for the land development industry across the state.

We are in general support of Raised Bill No. 5498, AAC Regulation of Forest Practices By The State, because we believe it will be much easier to obtain reasonable regulations from the state Department of Environmental Regulations than from each and every municipality across Connecticut. We do not want to see repeated the experience we have endured over the past 25 years under municipal regulation of inland wetlands and watercourses. Many municipalities implement their responsibilities under the inland wetlands act in a fair and prudent manner, and we applaud them. But many others misuse their inland wetland authority for illegitimate no-growth ends. We, therefore, oppose the regulation of our statewide forest resources at the municipal level and urge the repeal of Conn. Gen. Statutes section 23-65k.

While not before you at today's meeting, Raised Bill No. 5524 would greatly expand municipal authority over forest practices and would be nothing less than a huge no growth measure. It would accomplish this by expanding the jurisdiction of local inland wetlands and watercourses agencies to regulate forestry practices in the entire municipality. **We urge you to reject that proposal.**

Under current law, Conn. Gen. Statutes Section 23-65f, "forest land" is broadly defined as any contiguous parcel of trees that is one acre or more. "Forest practice" is broadly defined as the cutting of a tree or any other activity that may alter the physical or vegetative characteristics of any forest land. With Bill no. 5524's expansion of the jurisdiction of municipal inland wetland and watercourses agencies to the entire

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municipality for the purpose of regulating forest practices, would these local agencies now have to be called municipal inland wetlands, watercourses and tree commissions?

We have some serious concerns about currently proposed forest practices regulations at the Department of Environmental Protection. These concerns are two-fold: First and most importantly, a portion of the proposed regulations would amend the state regulations applicable to inland wetlands and watercourses by **adding regulations concerning the conversion of forest land to non-forest land.** We do not see how this portion of the proposed regulations is connected to the statute that authorizes regulations "governing the conduct of forest practices including, but not limited to, the harvest of commercial forest products and other such matters as the commissioner deems necessary." Conn. Gen. Statutes section 23-65j. Was it the intent of the legislature when it passed chapter 451a (C.G.S. sections 23-65f to 23-65o) to regulate the cutting of any trees for any purpose? It seems to us that the intent of chapter 451a was to regulate commercial forestry practices (i.e., the harvesting of timber). Both the proposed state regulations and Bill No. 5524 would greatly expand this authority to regulating almost any land use proposal where a tree has to be cut.

Our second major concern with the proposed regulations deal with the extensive burdens placed on forest practices and the increased costs imposed on producing lumber and wood products from our forests. As an industry that is heavily dependent on lumber and wood products, we are very much concerned about the direction these regulations are going, about proposals such as Bill No. 5524, and the potential cost impact to the building, remodeling and land development industries.

Having briefly stated some of our concerns with the proposed DEP regulations (and noting that we have still other concerns that we will raise with DEP), **we believe that these issues can be worked out with DEP.** However, our concerns and the concerns of others regarding the broad scope of regulating the cutting of trees could never be worked out if such regulation is left up to 169 municipal tree cutting control agencies. We would be faced with new walls erected by no growth proponents that will further drive up the cost of providing homes for Connecticut's people.

Moreover, we would be interested in learning what the problem or issue is that precipitated the proposed DEP regulations or Bill No. 5524. If the problem can be identified and agreed upon by the interested parties, then a solution can be crafted that specifically addresses that problem, but goes no further. That approach is good government, not anti-environment, and should be embraced by all who desire to see Connecticut's economy continue to move forward in an environmentally responsible manner.

Accordingly, we strongly urge you to vote favorably on Raised Bill No. 5498, oppose Raised Bill No. 5524, and keep a mindful watch over the progress of DEP's proposed forest practice regulations. Thank you for your consideration of these comments.


CONNECTICUT FOREST and PARK ASSOCIATION

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**TESTIMONY OF CAROL E. YUELL, DIRECTOR OF EDUCATION & NATURAL
 RESOURCE PROGRAMS, CONNECTICUT FOREST & PARK ASSOCIATION,
 AT THE PUBLIC HEARING OF THE ENVIRONMENT COMMITTEE
 MARCH 6, 1998**

H.B. 5524 (Raised) AN ACT CONCERNING MUNICIPAL REGULATION OF FOREST PRACTICES.

I am Carol Youell, Director of Education and Natural Resource Programs at the Connecticut Forest and Park Association in Middlefield, CT. I am also a certified "Forester" under section 23-65h of the Connecticut General Statutes and have been involved in various capacities within the forestry and natural resources profession in Connecticut for over 20 years, including that of Extension/RC&D Forester and Executive Director of the Connecticut Association of Conservation & Inlands Wetlands Commissions.

I am opposed to the approach laid out in H.B. 5524 giving municipal inland wetlands agencies the authority to regulate forest practices. I favor the approach to forest practices regulation proposed in H.B. 5498 giving the state the exclusive regulatory authority for forest practices in Connecticut. My reasons are as follows:

1. Investing the power in the state to be the exclusive regulatory authority for regulating forest practices, I believe, will lead to increased uniformity, consistency and professional oversight in the application, administration, monitoring and enforcement of the Forest Practices Act (P.A. 91-335). The uniform application of regulations and competent professional oversight should provide for better long-term monitoring and management of the forest resource base for a variety of multiple use benefits -- a clear mandate in the Act itself.
2. Since forestry is a profession that now requires "certification" in Connecticut, it makes sense to me that certified professional foresters from the state should be better able to understand, apply, administer and enforce the intent of the Act, than inland wetlands volunteers who receive minimal training on the issue. This may indeed put an unfair burden on many municipalities who might wish to regulate forest practices.

A survey and study I undertook in 1985 of municipal regulation of timber harvesting in Connecticut pointed out that:

"(Municipal) regulations have come about because municipalities want some control over harvesting or simply want to know 'what's going on in the woods,' but often times lack the professional expertise to regulate forestry activities effectively. Many town officials indicated 'they wanted to do the right thing' in dealing with timber harvesting, and readily acknowledged

the need for technical assistance. Some form of state guidance or leadership appears necessary . . . ”

“Thirty-one percent of the municipalities (or 42 towns) surveyed in the study indicated that they needed technical assistance in dealing with forest land use issues, and 58 percent said they would be receptive to forestry assistance and education.”

(“RC&D Study of Municipal Regulation of Timber Harvesting in Connecticut.”)

3. In the years since this study was undertaken, my experience has shown me that the problems associated with municipal regulation of timber harvesting (including the variability and inconsistency among local regulations in terms of their provisions, soundness, administration and enforcement), have not gone away and remain a burden for landowners, foresters, loggers and the forest products industry, which does not operate according to municipal boundaries.

4. My experience in giving several training sessions to municipal conservation and inland wetlands commissioners over the years on “forestry practices and the protection of wetlands and watercourses” has reaffirmed in me the fact that training and education needs to be a continual process and that the commissions experience considerable turnover.

In the interest of promoting and maintaining a well-managed and healthy forest resource for future generations of Connecticut residents, I favor the approach laid out in H.B. 5498 making the state the exclusive regulatory authority for forest practices in Connecticut, and not the approach proposed in H.B. 5524.

Thank you for this opportunity to comment.



• Fairlane Farm •
Woodstock Connecticut

March 4, 1998

Re: HB 5524 An Act Concerning Municipal Regulation of Forest Practices

Honorable Senators and Representatives of the Environment Committee,

I am a landowner residing in Woodstock with holdings of 500 acres, half of which is in forestland, and have been a commercial grower of Christmas trees for over 30 years. Additionally, I participate in forest management activities and have marketed stumpage and cordwood generated in TSI thinnings and regeneration cuts. I have attended informational meetings regarding the proposed forest practices regulations with great interest and concern. Today, I'm urging you to oppose this bill, HB5524.

Having seen first hand what is involved to properly plan and execute forest management, I can not find merit in a proposal which calls for a local volunteer with minimal training to pass judgement on a forest practices application submitted by a certified professional. Having been deeply involved with the planning and zoning commissions in town, I appreciate the efforts and willingness of our local volunteers. However, I feel certain that towns will be unable to supply personnel with sufficient and uniform knowledge to effectively administer something as technically demanding as forest management.

Practicing forest management can be an expensive proposition given the multitude of permit fees and bonds that often arise. HB 5524 will only increase the cost burden on the landowner, as towns certainly will not administer these regulations for nothing! Further, the time involved to complete the application process will become a factor given the fact that these boards and commissions only meet monthly and it is not uncommon for them to request site walks. These two factors alone can easily mean a 60 to 90 day delay in getting approval. This can adversely impact my woodlot if weather conditions are not at their best for the terrain, as may be common in the late fall and early spring. I can foresee where the value of my forest products may be diminished if the harvester is at risk of missing a market do to a lengthy permit process. I see this bill as an instrument that increases the economic and time burdens on the landowner while creating more risk for him as well. Where does the landowner benefit?

All of the above indicate to me that this bill is one which I can not support, and I urge the Environmental Committee to oppose it as well. In fact, the entire process surrounding the development of forest practice regulations leaves me a bit bewildered. Though I haven't

been personally involved, I live only a few miles from Massachusetts and understand that the regulations they've had in place for many years are very workable. They are uniform statewide, provide a 10-day approval time frame, and are free of any application fees! Why Connecticut hasn't used the experience of our neighbors and instead has chosen to "reinvent the wheel" is simply beyond me.

On a positive note, I am aware of the bill, HB 5498, which calls for regulation of forest practices by the State. While I was not available to testify in support of that bill during the hearing last week, it does represent a better solution than HB 5524 (municipal regulation). While not perfect, HB 5498 does provide for uniformity state wide, and utilizes the State's certified forestry professionals to review applications. These are significant issues from the landowner viewpoint. Please support the passage of HB 5498 calling for State regulation of forest practices.

Respectfully,



Earl Geer
Fairlane Farm

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HERBERT C. ROSENTHAL
FIRST SELECTMAN

TOWN OF NEWTOWN
OFFICE OF THE FIRST SELECTMAN

March 5th, 1998

Hon. Julia B. Wasserman
State Representative 106th District
Legislative Office Building, Room 106
300 Capitol Avenue
Hartford, Connecticut 06106

Re: Raised Bill No. 5524
An act concerning Municipal Regulation of Forest Practices

Dear Representative Wasserman:

The Town of Newtown supports this bill which will allow Towns such as Newtown which have enacted regulations with regard to forest practices to be able to maintain that authority.

Per my letter of February 26th, (copy enclosed) which was in opposition to Raised Bill No. 5498, I have consulted with Donald Lawrenson, Chairman of the Newtown Conservation Commission, who has informed me that Newtown's local ordinance (ord. 62) regulating forest practices, enacted in 1983, has worked well. The thrust of our local ordinance is to regulate commercial logging within the town and it has accomplished that purpose with little controversy. It has not been considered onerous by loggers.

Mr. Lawrenson and I believe that Newtown's ability to regulate this area should be allowed by the Legislature. My view is that this bill will be beneficial to the Town of Newtown and all other communities which have enacted their own forest practices regulations to protect the local environment and quality of life.

Sincerely,

Herbert C. Rosenthal
First Selectman

HCR:cmr

TESTIMONY ON H. R. 5524 (RAISED), AN ACT CONCERNING MUNICIPAL REGULATION OF FOREST PRACTICES, FOR THE MARCH 6, 1998 HEARING OF THE ENVIRONMENT COMMITTEE BY DAVID M. SMITH, MEMBER OF FOREST PRACTICES ADVISORY BOARD

I am the Morris Jesup Professor Emeritus of Silviculture at the Yale Forestry School and for decades was in charge of forestry practices at the Yale Forests. I am also the senior author of the standard textbook about forestry practices, one which is used in several languages throughout the world. I have acted as a consultant about sound forestry practices for private owners and such governmental agencies as those of the United States, Mexico, British Columbia, and three Australian states. I am a Director and past President of both the Connecticut Forest & Park Association and Connwood Foresters, Inc., a forest owners cooperative that provides forestry services in Connecticut. I am the professorial member of the Connecticut Forest Practices Advisory Board, recently appointed for a third term by the Majority Leader of the Senate.

This testimony is in opposition to H. B. 5524 (raised), a bill that would set up procedures for regulation of forestry practices by municipalities. It would be far better to adopt H. B. 5498 (raised) which would provide that the state be the exclusive regulatory authority for forestry practices.

Forests and forestry practices are complicated and the well-watered forests of Connecticut have a complexity that approaches that of tropical rain-forests. Appropriate treatments of these forests must be fitted to the circumstances of particular forest stands. They cannot be reduced to any sets of simple rules.

The plans for the treatments should be designed by state-certified professionals and be subject to the approval of certified professional foresters in the Forestry Division of the Department of Environmental Protection. The procedures are already authorized in Sections 23-65f to 22-65j of the General Statutes. The principle is not basically different from that under which important structures must be designed by licensed architects and engineers with construction monitored by them. Designing forests is even more complicated because the growth and change of trees and forests must be anticipated while building are not supposed to change.

Municipal boards such as inland wetlands commissions lack the expertise to judge forest practice plans and to police their application. It takes at least 4 years of university-level education to prepare a certified professional forester. It is ludicrous to pretend that a couple of Saturday workshops set up by the Department of Environmental Protection or anyone else can train an amateur to handle these matters for a wetlands commission. It would be like having the practice of medicine regulated by people trained in first aid and amateur committees.

Furthermore, even with oversight by the State Forester different towns would inevitably have different regulations and a variety of ways of administering them. It would be very difficult for practitioners to deal with varying regulations and inconsistent ways of administering them. Regulation at the municipal level would be more costly to the public purse and to forest owners than that by the state. While H. R. 5524 provides for exercise of pride in local control it also has the earmarks of another unfunded mandate laid on the towns by the state.

The better way to provide for the sustainable use of Connecticut forests and protect public interests in them lies in uniform state regulation of forest practices, as would be supported by H. R. 5498.

David M. Smith, Member, Forest Practices Advisory Board
55 Woodlawn Street, Hamden, Connecticut 06517
(203)-248-1077

To The Honorable Senators and Representatives of the Environment Committee

Public Hearing March 6, 1998

Testimony Submitted by Michael J. Bartlett, CF#21
Hull Forest Products, Inc.

Raised Bill #5524

"An Act Concerning Municipal Regulation of Forest Practices"

I would like to express my opposition to House Bill #5524.

As a practicing forester I have been required by previous regulations to take a two to four hour exam to prove my competence to CT DEP. I have a degree in forestry and had practiced forestry for 18 years in CT prior to taking this exam. Almost all of the people that have been certified by CT DEP as a Certified Forester have a degree in forestry and have experience in the practice of forestry. Several people with experience and degrees in forestry have not been able to pass the exam and achieve their certification. A degree in forestry and the CT certification involves obtaining and demonstrating the knowledge of, tree identification, relations of soils to tree growth, measurement of stocking levels through the use of basal area measurement, impacts of harvesting on wildlife, water quality and yields, timber growth and the establishment of seedlings, design and planning of harvesting operations to meet a landowners objectives, etc.

I do not think that it is appropriate to expect that, as called for in paragraph (b) of HB#5524 "At least one member of the inland wetlands agency or staff of the agency shall be a person who has completed a training program on forest practices which shall be developed by the commissioner.", this person will be adequately prepared or qualified to pass judgment on activities proposed by a certified forester, who has had to obtain a degree in forestry and pass the exam for certification.

The **problems** that I have encountered with **municipal regulation** of forest practices are,

- **lack of knowledge of the practice of forestry**
- **lack of understanding of the temporary nature of the disturbance caused by forestry**
- **lack of knowledge of the benefits provided to society by the practice of forestry**
- **lack of knowledge of the impact of time to review and act upon applications**
- **the prohibitive cost of associated permit fees and bonds required**

There have been cases where the cost to obtain permits has exceeded the revenues that may have been generated by forest management activities. In this case the regulations that were enacted to protect the forest resources have had exactly the opposite affect, by discouraging forest management and protection of the forest resources. There have been cases where local politics has come into play with respect to as to how a application is

viewed. There are often lengthy time delays which can create hardships for landowners as well as those of us whom try to make a living in this field. There has been no consistency from town to town. I believe that most boards and agencies mean well with their actions and regulations, but do not understand the economic realities and therefore the negative impacts that their actions have had on forest management and protection.

The CT DEP would have to run a training program if HB#5524 was enacted and may well have to address problems of interpretation on the local level on a regular basis. We could still have a hundred or more different inland wetland agencies and personalities interrupting regulations. This would result in a continuance of the disaster that we have in place today in CT.

I believe that it would be far more efficient and appropriate to have CT DEP administer forestry regulations on a state wide basis as called for in HB# 5498. By doing so this would ensure that practices would be reviewed by knowledgeable qualified personal.

In summary, I would like to reaffirm my opposition to HB#5524.

Thank you for your consideration.

**Connecticut Farm Bureau Association, Inc.**

510 Pigeon Hill Road • Windsor, CT 06095-2141 • (860) 683-1922 • Fax (860) 683-2798

Opposition to HB 5524
Testimony of Norma O'Leary
Connecticut Farm Bureau
March 6, 1998

Good Afternoon, Senator Daily, Representative Stratton and members of the Environment Committee. My name is Norma O'Leary, I am President of the Connecticut Farm Bureau. I am here today on behalf of our 4,500 farm member families in **strong opposition to HB 5524- An Act Concerning Municipal Regulation of Forest Practices**. I was before you last week to urge your **support of HB 5498- An Act Concerning Regulation Of Forest Practices By The State**, for the exact reasons I urge you today to reject the option of towns overseeing the Forest Practices Regulations once they are adopted by DEP.

The forestry industry is extremely complex and we believe that the knowledge the Forestry Division of DEP has is important for the industry. The Forest Industries Advisory Committee of the Farm Bureau does not feel that a modified training program, by the DEP for a person on an Inland Wetlands Agency of a town, is sufficient in understanding the forestry industry and making recommendations on plans. Last Friday the question was asked by your Committee what will happen to those few towns that currently enforce their own forestry regulations. Our suggestion to the Committee is that you grandfather those towns in, and allow them to continue overseeing the forestry regulations in that town. Otherwise the state should oversee all other towns.

As I stated last week, the forestry industry is valuable to the state of Connecticut. It is an industry that is misunderstood by people unfamiliar with it, and the purpose and intent of forestry is therefore lost. The Division of Forestry should oversee the regulations pertaining to the Forest Practices Act. I urge you to reject HB 5524- which gives oversight authority to those towns that choose to oversee the regulations. The Committee should vote favorably on HB 5498 the state option. Thank you for your time and consideration.



**Hull
Forest
Products, Inc.**

101 Hampton Road
Pomfret Center, CT 06259
860-974-0127
FAX 860-974-2963

March 4, 1998

Re: HB 5524 – An Act Concerning Municipal Regulation of Forest Practices

To The Honorable Senators and Representatives of the Environmental Committee,

I am General Manager of Hull Forest Products located in Pomfret, and assist in the management of a 60-acre family owned woodlot in Woodstock. Speaking on behalf of my business interests and as a private landowner, I urge this committee to oppose this bill.

HB 5524 calls for municipalities to have exclusive regulatory authority for forest practices. To do so would totally destroy any chances of having any type of uniformity across the State. Uniformity is very important. It was a significant component of the original concept behind the Forest Practices Act and a key reason why the Forest Practices Act was so strongly supported by industry. To alter from the basic intent at this point is much like a maneuver often referred to as the "bait and switch"!

Municipal regulation creates more problems than it solves. First, is the issue of the 169 different sets of regulations that will result. Inconsistency of this magnitude will create inefficiency, which, ultimately the private landowner will pay for. Secondly, this approach calls for training of a local volunteer to give them the knowledge to make decisions regarding forest practices. As a Connecticut certified forester, I am well aware of the knowledge required to become proficient in forest management. I can assure you that a one day (or even one week) training program for town volunteers will not give them the knowledge needed to make sound decisions on management proposals submitted by professionals with State certification! A final point is that municipal regulation creates a disaster for landowners whose property falls in more than one town!

I suspect that some towns may be in favor of this bill because they feel it gives them control over forest practices. Those people need to understand that if the State is given the exclusive authority to regulate forest practices, as called for in HB 5498; towns would retain their wetlands authority. They would still have the opportunity to review applications relative to the vast majority of forest operations occurring in their town.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Public Hearing --March 6, 1998
Environment Committee

Testimony Submitted by Commissioner Arthur J. Rocque, Jr.
Department of Environmental Protection

Raised Bill No. #5530

AAC Application of Pesticides to Certain Cropland

The Department of Environmental Protection has no position on this proposed bill at this time but rather seeks clarification with respect to the intent of this bill. Connecticut General Statutes Section 22a-66-7 aircraft application provides for a 300 foot buffer from the flight path of a fixed-wing aircraft and 200 foot buffer from the flight path of a helicopter unless adjoining property owners consent in writing to any aerial spraying activities. Further the Department has no regulatory or statutory misting-type spraying devices. The Department does not maintain an inventory of lands to on which tobacco has been cultivated which would make the termination of properties to which this proposal would apply difficult to determine.

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March 6, 1998

To: Senator Daily
Representative Stratton
Members of the Environmental Committee

My name is Bill Leahey. I am a farmer from Suffield. I am speaking before you today in opposition to House Bill 5530. In Suffield, I farm with my brother and we have a diversified farming operation. We have greenhouses, a beef herd, hay, straw, and broad-leaf tobacco.

House Bill 5530 singles out tobacco for restrictions on spraying pesticides in certain areas by "aircraft or by misting type spray devices". Many of the same pesticides used for tobacco are also used for other agricultural crops. As examples, where tobacco would be restricted, cucumbers, onions, and strawberries, among other crops, could be grown and the same fungicide used in tobacco could be sprayed on these crops. This does not make any sense.

There is existing state law governing spraying of pesticides by aircraft. To apply pesticide by aircraft, a permit has to be obtained. There are a series of steps that have to be followed.

To allow House Bill 5530 to pass would adversely affect the livelihood of tobacco farmers in Connecticut. There is a good existing law. It doesn't need an addition.

I urge you to defeat House Bill 5530.

Thank you,
Bill Leahey
Bill Leahey