TOWN OF EAST HADDAM
INLAND WETLANDS AND WATERCOURSES COMMISSION

FOREST PRACTICES REGULATIONS

PROPOSED – Public Hearing
November 17, 2026

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SECTION 1. PURPOSE, TITLE AND AUTHORITY

1.1 The purpose of these regulations is to protect the forest land within the Town of East Haddam's jurisdiction by governing the conduct of forest practices including, but not limited to, the harvest of commercial forest products and other such matters as the Town of East Haddam's Inland Wetlands and Watercourses Commission deems necessary to carry out the provisions of these regulations. These regulations are meant to achieve the following purposes and policies: 1) afford protection to and improvement of air and water quality: 2) afford protection to forests from fire, insects, disease and other damaging agents; 3) afford protection to and promote the recovery of threatened and endangered species regulated pursuant to Chapter 495 of the Connecticut General Statutes: 4) encourage the harvesting of forest products in ways which result in no net loss of site productivity and which respect aesthetic value; 5) assure that forest practices are conducted in a safe manner; 6) provide a continuous supply of forest products from a healthy, vigorous forest resource; 7) promote the sound professionally guided, long term management of forested land and forest resources, considering both the goals of ownership held by the forest owner and the public interest; 8) encourage the retention of healthy forest vegetation whenever possible as forested lands are converted to non-forest uses or developed for recreational, residential or industrial purposes; and 9) provide the Commissioner of Energy and Environmental Protection with essential data on pressures and influences on forest resources, Town wide and on the rate of loss of forested lands.

1.2 These regulations shall be known as the "Forest Practices Regulations of the Town of East Haddam/Inland Wetlands and Watercourses Commission".

1.3 The East Haddam Inland Wetlands and Watercourses Commission of the Town of East Haddam was established in accordance with an ordinance adopted October 17, 1974.

1.4 These regulations have been adopted and may be amended, from time to time, in accordance with changes in the Connecticut General Statutes Chapter 451a Forest Practices or regulations of the Connecticut Department of Energy and Environmental Protection or as new information regarding forest practices becomes available and may be amended, from time to time, in accordance with the provisions of Section 13 of these regulations.

1.5 These regulations shall apply to all forest practices on all tracts located in the Town of East Haddam, CT except for state owned forest land managed by the State of Connecticut's Department of Energy and Environmental Protection.

SECTION 2. DEFINITIONS

2.1 As used in these regulations, the following definitions apply:

"Abutting landowner" means the owner of record of any property adjacent to the subject property including properties across a street or other right-of-way.

"Act" means the Connecticut Forest Practices Act, Sections 23-65f through 23-65q of the Connecticut General Statutes, as the same may be amended.

"Applicant" means a person who files an application.

"Application" means application for a harvest of commercial forest products on a form filed with the Commission.

"Authorized activity" means any activity authorized by the Commission pursuant to these Regulations.

"Best Management Practices": means a practice, or combination of practices, that is determined to be an effective and practical (including technological, economic and institutional considerations) means of preventing or reducing the amount of pollution generated by non-point sources to a level compatible with water quality standards. At a minimum, all activities are to be carried out in accordance with the then current 2012 Connecticut Field Guide: Best Management Practices for Water Quality While Harvesting Forest Products as published by Connecticut's Department of Energy and Environmental Protection.

"Buffers" means an area that serves as a protective barrier and in which no activity shall occur, unless however there is cause and a demonstrated need to conduct an activity when concern for public safety is raised where trees have been severely weakened and/or impacted by insect, disease, drought, or invasive vegetative species or as allowed by these regulations.

"Certified forest practitioner" means an individual certified as a forester, supervising forest products harvester or forest products harvester in accordance with Section 23-65h of the Connecticut General Statutes, as the same may be amended.

"Clear-cut" means the practice of harvesting timber in a fashion which all or substantially all trees greater than to a two (2) inch DBH are harvested.

"Commercial forest practices" means any forest practices performed by a person other than the owner of the subject forest land for remuneration, or which, when performed, yield commercial forest products.

"Commercial forest practitioner" means any person who engages in commercial forest practices.

"Commercial forest products" means wood products harvested from a tract of forest land in excess of fifty cords or one hundred fifty tons or twenty-five thousand board feet, whichever measure is appropriate, in any twelve-month period.

"Commission" means the Inland Wetlands and Watercourses Commission of the Town of East Haddam.

"Commission member" means a member of the Inland Wetlands and Watercourses Commission of the Town of East Haddam.

"Commissioner of Energy and Environmental Protection" means the Commissioner of the State of Connecticut's Department of Energy and Environmental Protection (DEEP).

"Conversion of forest land" means any alteration of the forest to another use, such as, but not limited to, pasture, building site, driveway, lawn or view shed.

"DBH" means diameter as measured at breast height, breast height being a point 4-1/2 feet from the tree's median base elevation.

"Designated Agent" means an individual(s) designated by the Commission to carry out its functions and purposes.

"Emergency forest practice" means a forest practice initiated when immediate action is required to abate an imminent threat to public safety or the environment.

"Erosion" means detachment and transportation of soil resulting from the action of water or wind.

"Erosion Control Measure" means defined procedures intended for controlling the detachment of soil, the movement of water and/or the deposition of sediment.

"Exempt Conversion of Forest Land" means the conversion of forest land to other uses by the harvesting of trees and/or timber when such harvest and/or conversion involves less than one contiguous acre of land (43,560 sq. ft.), is undertaken in accordance with plans for an activity approved by the Planning and Zoning Commission, the Zoning Board of Appeals, Zoning Enforcement Officer, and/or by the Commission, as applicable; and, provided further, that not more than one-half acre of land (21,780 sq. ft.) will be clear-cut pursuant to such harvest or conversion.

"Flagging" means the hanging or tying of brightly colored markers from trees within forest land at intervals such that flags are readily visible from flag to flag, markers shall be placed so as to be visible from one another in all seasons; in addition, flagging may be used in a single location to designate a certain feature or object.

"Ford" means a crossing of a watercourse which is accomplished by traversing through, rather than over, the watercourse and without utilizing a bridge, culvert, fill, or structure to span the channel.

"Forest land" means that portion of a parcel of land which constitutes a total of at least one contiguous acre on which there is no structure, maintained landscape area, access way or other improvement and which is (A) occupied in random distribution by trees having a minimum diameter of three inches as measured from a point on the trunk which is four and one-half feet above the ground, such trees comprising at least seven and one-half square feet of basal area and the crowns of such trees occupying no less than fifteen per cent of the total area; or (B) which is planted with at least five hundred trees per acre and is not maintained for Christmas tree or nursery stock productions.

"Forest practice" means any activity which may alter the physical or vegetative characteristics of forest land that is undertaken in connection with the harvest of commercial forest products unless such harvest is undertaken pursuant to the conversion of forest land to other uses and such conversion has been approved by (A) the Planning and Zoning Commission and (B) if the forest land includes any wetlands or if the municipality within which land is located regulates forest practices under section 23-65k, the inland wetlands agency of the municipality**.**

"Forest practitioner" means any person who engages in forest practices.

"Forest stand" means a contiguous group of trees of the same species, general age or ages, and condition so that such group constitutes a homogeneous and distinguishable unit.

"Harvest" means to fell or excavate a tree, cut a tree to log length, transport a tree or log material to a landing or public road, or sort or stack log material at a landing.

"Harvesting area" means the area from which a tree is harvested.

"Highway" means a publicly maintained street or road which is accessible by a two- wheel drive automobile.

"Intermittent Watercourses" shall be delineated by a defined permanent channel and bank and the occurrence of two or more of the following characteristics: (a) evidence of scour or deposits of recent alluvium or detritus, (b) the presence of standing or flowing water for duration longer than a particular storm incident, and (c) the presence of hydrophytic vegetation.

"Landing" means an area within or adjacent to a harvesting area where forest products are collected for processing, loading and transport.

"Landowner" means a person with an ownership interest in forest land.

“License” means the whole or any part of a permit, certificate of approval or similar form of permission which may be required of any person by the provisions of these regulations.

“Municipality” or **“Town”** means the Town of East Haddam.

“Operational Plan” means a focused plan, which deals strictly with the operational aspects of conducting the harvest of forest products. This plan would address, but not be limited to, the design and creation of access roads, felling techniques, erosion and sedimentation control, and protection of wetland and watercourses.

"Operator" means a person who has primary responsibility for directing a forest practice shall be a Certified Forest Practitioner certified by the State of Connecticut in accordance with Section 23-65h of the Connecticut General Statutes, as the same may be amended, as either a Supervising Forest Products Harvester or a Forester.

"Operating area" means the specific area in which an authorized activity takes place or will take place at a site.

“Perennial Stream” means a stream that has running water on a year-round basis under normal climatic conditions. This definition is not applicable to the State’s Inland Wetlands and Watercourses Statutes or the Town’s Wetlands Regulations.

“Permit” means the whole or any part of any license, certificate or approval similar form of permission which may be required of any person by the provisions of these regulations under the authority of the Commission.

“Permittee” means the person to whom such permit has been issued.

"Person" means any individual, firm, partnership, association, corporation, limited liability company, company, organization or legal entity of any kind, including any political subdivision of the state and including any state agency.

"Residual stand" means trees remaining in a forest stand upon completion of a forest practice.

"Rut" means a groove, depression, or track worn into the soil by the passage of equipment or by other means.

"Silviculture plan" means a plan written by a certified forester for the delineation of an operating area and the selection of trees for harvest within such operating area. A silviculture plan shall further the goals and objectives for the growth composition, health and quality of the forest as stated by the landowner of the subject land on a sustainable basis. A silviculture plan shall have been derived from a comprehensive analysis of data pertaining to the capability of the operating area to grow trees and the species, size, quality, age and number of trees on the

operating area. Further, such plan shall conform to commonly accepted principles of forestry, forest science and forest management.

"Site" means geographically contiguous forest land owned by the same person(s). Noncontiguous forest land owned by the same person(s) and connected by a right-of- way which such person(s) controls and to which the public does not have access shall be deemed the same site.

"Skidding" means the transportation by any method of trees or log material from a harvesting area to a landing.

"Skid road" means a temporary road(s) designed to move logs from the harvest area to a landing.

"Skid trail" means a trail that is used to bring logs to a skid road or on small harvests directly to a landing.

"Slash" means any residual woody material left on the site after a harvest operation and usually includes tree stems, and branches.

"Soil stabilization" means the minimizing of soil erosion through best management practices in accordance with Section (3) of these regulations.

"State" means the State of Connecticut.

“Submerged lands” means those lands which are inundated by water on a seasonal or more frequent basis.

“Town Wetlands Regulations” means the East Haddam Inland Wetlands and Watercourses Regulations, as the same may be amended from time to time.

"Tract" means an area composed of one or more contiguous sites.

"Tree" means a woody perennial plant having one or more self-supporting stems or trunks which has a definitely formed crown and is normally expected to attain a mature height of over twenty feet.

“Truck Roads” means those roads used to take logs from a landing to a public road.

"Vernal pool" means any watercourse that meets the following criteria: 1) It is a depression that is permanent or seasonal, containing water for approximately two months during the growing season; 2) It occurs within a confined depression or basin that lacks a permanent outlet stream; 3) It lacks any fish population; 4) It dries out most years, usually by late summer; 5) It supports the successful breeding and development of at least one of the following obligate animal species: wood frog, spotted salamander, Jefferson salamander/Blue-spotted salamander complex, marbled salamander, or fairy shrimp pursuant to the proposed Vernal

Pool Definition/Indicators of the Department of Environmental Protection, Bureau of Water Management in the letter dated February 15, 2000.

"Watercourses" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, vernal or intermittent, public or private, which are contained within, flow through or border upon the Town or any portion thereof nor regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes.

"Wetlands" means land, including submerged land as defined in this section, not regulated pursuant to Sections 22a-28 through 22a-35, inclusive, of the Connecticut General Statutes, which consists of any of the soil types designated as poorly drained, very poorly drained, alluvial, and floodplain by the National Cooperative Soils Survey, as may be amended from time to time, of the Natural Resources Conservation Service of the United States Department of Agriculture. Such areas may include filled, graded, or excavated sites which possess as aquic (saturated) soil moisture regime as defined by the United States Department of Agriculture Cooperative Soil Survey.

SECTION 3. REQUIREMENTS FOR A COMMERCIAL FOREST PRACTICE

When conducting any commercial forest practice, the operator shall assure compliance with the following requirements unless otherwise authorized in writing by the Commission:

3.1 Operational Plan:

An Operational Plan shall be developed for any commercial forest practice and all activities are to be carried out in accordance with the then current 2012 Connecticut Field Guide: Best Management Practices for Water Quality While Harvesting Forest Products (or as amended/updated) as published by Connecticut's Department of Energy and Environmental Protection and all other subsections found in Section 3 of these Regulations. The operational plan shall include at a minimum:

1. Existing and/or planned forest access systems (roads, trails, landings)
2. Stream Crossings
3. The location of streams, brooks, ponds, vernal pools and any other wetland or body of water.
4. Areas of special concern
5. Danger or hazard areas

3.2 Buffers

a. Buffers shall be maintained adjacent to the operating area as follows:

(i) A buffer of a minimum of fifty **(50)** feet in width surrounding a vernal pool.

(ii) A buffer of a minimum of ten **(10)** feet in width from the edge of any existing public right of way.

(iii) A buffer of a minimum of thirty **(30)** feet in width along any watercourse where the first thirty **(30)** feet in width beginning at the watercourse shall remain undisturbed unless separately authorized by an approved permit from the Inland Wetland and Watercourses Commission, and from fifteen (15**)** feet to thirty **(30)** feet trees may be harvested provided least 50% canopy cover remains.

(iv) Trees associated with an approved wetland crossing may be removed as necessary.

b. If more than one buffer is required under subparagraph (a) of this subdivision, such buffer shall be the widest therein required.

c. No landing, truck road, or skid road, other than a ford or other crossing, shall be established within the buffer along a watercourse. The Commission may consider a waiver based on site conditions that may constrain entry onto the site, i.e., as in the case of a backlot.

3.3 Erosion

a. If erosion occurs as a result of a forest practice additional erosion control measures shall be established as the Commission may require, including without limitation, the installation of silt fences, invasive free straw, detention basins, rip rap, topsoil, invasive free mulch, or seeding with herbaceous cover appropriate to the time of year. Such stabilization shall be maintained during the conduct of the forest practice and left in a functional condition upon termination of such forest practice; however, the Commission reserves the right to require that the original grade be restored. The Commission may require a sedimentation and erosion control bond.

b. Any portion of the property used for access and/or landings as depicted on the approved site plan shall be stabilized by seeding with native herbaceous cover, appropriate for the time of year. Seeding shall be carried out so as to assure germination and effective cover. If such cover is disturbed by rain or other conditions, invasive free mulch, straw or other appropriate protective measures shall be applied in sufficient quantity and intervals to assure germination and survival. If seeding cannot be completed because of weather conditions, then invasive free mulch, straw or other similarly effective protective measures shall be applied to the area until weather conditions permit seeding. Any temporary structures for river, stream or brook crossings shall be removed.

c. In addition to the foregoing, the Commission may require the implementation of soil erosion control measures such as those enumerated in Section 3.3a above with respect to any disturbed area upon termination of the forest practice.

3.4 Wetlands and Watercourses (as defined in the Town Inland Wetlands and Watercourses Regulations):

a. If **significant impact activity** is proposed in a regulated area, **wetlands, or watercourse**, an application to conduct a regulated activity must be submitted to the East Haddam Inland Wetlands and Watercourses Commission prior to or simultaneously with an application to conduct commercial forest practices.

b. No wetlands except wetlands comprised of soils described in the Soil Survey of the State of Connecticut dated July 15, 2005, or as amended published by the United States Department of Agriculture Natural Resources Conservation Service as being floodplain soils shall be used as a landing.

c. Every effort shall be made to locate and use alternative routes to avoid crossing a watercourse or wetlands in the course of conducting a forest practice.

3.5 Accessways

All Truck Roads providing access to Town maintained roads shall apply for a permit from the Town's Department of Public Works and shall be designed to:

a. Not damage town road surfaces and shoulders;

b. Not damage and to prevent blockage of existing drainage systems.

c. Prevent the erosion of soil from the logging area and roads onto town roads or into existing drainage systems.

d. **Provide adequate site lines and provide signage to notice the activity.**

3.6 Slash

a. All slash resulting from a forest practice shall be placed so as to prevent it from entering, by erosion, high water, or other natural forces, into a perennial stream. Slash which enters a perennial stream shall be removed immediately.

e. Slash shall not be placed closer than twenty-five (25**)** feet from any boundary of an abutting property. If slash is to be stacked, then it shall not be stacked to a height not to exceed ten (10) feet.

3.7 Site Markings

a. All trees within twenty-five (25) feet of a property line or watercourse, planned to be removed, shall be visibly marked.
b. Property lines shall be marked at a minimum of every fifty (50) feet. All property corners shall be marked as to be visible from the abutting property.
c. Site markings shall also be used for each operational design feature such as landings, roads, or buffer areas.

3.8 Suspension of Forest Practice

Once commenced, if the operator suspends a forest practice and intends to suspend such practice for longer than thirty (30) consecutive days, or if a forest practice has been suspended for longer than thirty (30) consecutive days, the operator shall immediately stabilize all associated landings, truck roads, skid roads, skid trails, and watercourse crossings by means of erosion control measures as deemed necessary by the Commission or its designated agent. If the completion of stabilization measures is not possible due to weather conditions, the operator shall complete such temporary stabilization measures as are appropriate until such time as weather conditions permit the full implementation of stabilization measures. Prior to re-starting such forest practice, the operator shall comply with all applicable requirements of these regulations. Notification shall be given to the Commission upon suspension and recommencement.

3.9 Hours of Operation

Harvest operations may only be conducted during the hours of 7:00 AM through 7:00 PM.

3.10 Completion of Forest Practice

Within thirty (30) days of completion of activities, the operator shall complete all stabilization measures required for the closure of truck roads, skid roads, skid trails, landings, and watercourse crossings upon completion of the forest practice or when such haul roads, skid roads, skid trails, landings, and watercourse crossings are no longer used in the conduct of the forest practice, whichever is earlier. If permanent stabilization measures are not possible due to weather conditions, the operator shall complete such temporary stabilization measures as deemed appropriate by the Commission or its designated agent until weather conditions permit implementation of permanent stabilization measures.

SECTION 4. EMERGENCY FOREST PRACTICES

4.1. No prior application shall be required pursuant to Section 5 for an emergency forest practice necessitated by and commenced during or immediately after a fire, flood, earthquake, or other catastrophic event. Any forest practice conducted under this Section 4 is subject to the requirements of these Regulations, except that the landowner may take any reasonable action to minimize damage to forest lands, timber, or other forest resources from the direct or indirect effects of the catastrophic event. If such emergency forest practice is a commercial forest practice, the landowner shall notify the Commission within 48 hours of commencing such practice and provide an explanation of such emergency action and the necessity for such action. The landowner shall file an application pursuant to Section 5 within ten (10) days of commencing any emergency forest practice if such practice involves a harvest of commercial forest products.

SECTION 5. APPLICATION REQUIREMENTS

5.1 Scope of Application

An applicant shall, on one application, seek approval for every forest practice at a single site and for a one time period for which forest practice(s) the applicant seeks authorization under this section. The Application shall contain information as is necessary whereby a fair and informed decision can be made by the Commission **or its designated agent**. **Contact the Land Use Office for appropriate forms. Landuse@easthaddam.org**

Pursuant to Connecticut General Statutes Section 22a-42a (c)(2):

An inland wetlands agency may delegate to its duly authorized agent the authority to approve or extend an activity that is not located in a wetlands or watercourse when such agent finds that the conduct of such activity would result in no greater than minimal impact on any wetlands or watercourse provided such agent has completed the comprehensive training program developed by the commissioner pursuant to CGS Sec 22a-39.

5.2 Fee

a. The application fee shall be submitted with an application form **on projects that propose a significant impact activity**.

b. See Section 12 - Application Fees of these regulations for more information and requirements.

5.3 Application Form

Any person intending to conduct a regulated activity or to renew or amend a permit shall apply on forms prescribed and provided by the Commission and shall include the following:

5.3.1 Legal name(s), addressee(s), e-mail and telephone number(s) of the landowner(s) of record of the land upon which the proposed forest practices are to occur.

5.3.2 Legal name, address, e-mail and telephone number of the applicant, if different from the landowner. If the applicant is a certified forest practitioner, provide the applicant's certification number. If the applicant is a corporation or a limited partnership, provide the exact name as registered with the Connecticut Secretary of the State.

5.3.3 Legal name, address, e-mail and telephone number of the applicant's attorney-in-fact or other legally empowered representative, if applicable.

5.3.4 Legal name, address, e-mail, telephone number and certification number of any certified forest practitioner(s) retained by the applicant to prepare the application or to design, manage, or conduct the forest practice.

5.3.5 Legal name, address, e-mail, telephone number and, if applicable, the forest practitioner certification number of the operator. Where the operator is unknown at the time the application is filed with the commission, such information shall be provided to the

Commission no later than three (3) days prior to the commencement of the forest practice.

5.3.6 Address of the site, where there is an address, otherwise reference should be made to the tax map of the Town, specifying map, block and lot number.

5.3.7 The estimated duration of the subject forest practice.

5.3.8 A description of the subject forest practice, including the estimated commencement date of such practice.

5.3.9 An Operational Plan.

5.3.10 A description of each forest stand to be harvested including species designated by the CT DEEP as endangered, threatened or of species of special concern and if present the steps that will be taken to protect them, if requested by the Commission.

5.3.11 The color(s) of flagging materials or paint to be used shall be identified in the operational plan and on the site plan.

5.3.12 A description of the method of site marking to be used, at the site and the color(s) to be, changing the color of flagging used to mark each operational design feature such as landings, road, trails, buffer areas, etc., and a general description of the size, species, quantity and quality of trees within the residual stand.

5.3.13 Maps

5.3.13.1 A map of the site ("site map") of a scale sufficient to identify the following: each proposed operating area; all legal boundaries of each such site; each proposed skid road, landing, and haul road; crossings; each wetland and/or watercourse, including vernal pools, which are within such operating area or which is outside such area but may be impacted by the subject forest practice(s); the boundaries of each operating area; any dwelling or other structure of any kind, if present, and the map/block/lot number(s) of the site from the Town's assessor's records. If other software and/or site plans are not available a "GIS" map may be used.

5.3.13.2 Unless otherwise specified, all maps included with an application shall include an electronic version and paper copies which shall be at least 81/2 " x 11" in size and shall include a north arrow, the scale of the map, a readily identifiable land feature on a public road, a map legend, and a location map showing the parcel to be harvested in relation to nearby highways. The Commission or its agent(s) may grant a waiver to allow for the map to be on a second page.

5.3.13.3 A photo log of pictures including all areas of pre-harvest, proposed crossings, and landings shall be labeled.

5.3.13.4 Authorization for the members and agents of the Commission to inspect the subject land, at reasonable times, during the pendency of an application and for the life of the permit.

5.3.14 List of Abutters, as defined by these Regulations.

5.3.15 Any other information the Commission or their agent deems necessary to understand what the applicant is proposing and to determine possible impacts to the forested area.

5.3.16 The signature of a certified forester or a supervising forest products harvester as certified in accordance with Section 23-65h of the Connecticut General Statutes, as the same may be amended, who shall certify in writing the following:

"I certify that, based on reasonable investigation, the forest practices which are the subject of this application are consistent with the requirements of the Forest Practice Regulations of the East Haddam Inland Wetlands and Watercourses Commission to the best of my knowledge and belief."

5.3.17 The signature(s) of the landowner(s) of record upon which the forest practices are to occur, the applicant, if different, and the individual(s) who are responsible for actually preparing the application, each of whom shall certify in writing the following:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief."

Applications not containing the information listed in Section 5.3 may be denied by the Commission's agent. However, the Commission's agent may waive one or more of the foregoing requirements for good cause.

5.4 All information submitted in the application shall be considered factual, or in the case of anticipated activity, binding. A knowing failure on the part of the applicant or any of his/her agents to provide correct information or performance exceeding the levels of anticipated activity shall be sufficient grounds for the revocation of any permit issued under these regulations.

5.5 The primary submittal is electronic. In addition, the Commission or Agent may require in person copies to be submitted of any and all material.

5.6. Notice to Abutting Landowners ***when a Commission Decision is necessary.***

The applicant shall send a notice to abutting landowners (as defined in these Regulations) of the operating area. Such notice shall be sent with a certificate of mailing. Proof of mailing is required prior to the issuance of a decision by the Commission. The name and address of the abutting landowners shall be determined from the current municipal tax maps and/or assessment records. Such notice shall include the following:

a. The name, address, and contact information of the landowners(s) or applicant

b. A copy of the site map filed with the application indicating the proposed operating area and all proposed landing and access points.

c. A statement that an application has been filed with the Commission pursuant to the Forest Practice Regulations of the East Haddam Inland Wetlands and Watercourses Commission seeking authorization to conduct a forest practice with the expected timeframe for commencement, completion, and total duration of the activity.

5.7 Where to File an Application

An application shall be filed with the Commission at the following address:

EAST HADDAM INLAND WETLANDS AND WATERCOURSES COMMISSION
MUNICIPAL OFFICE COMPLEX – LAND USE OFFICE
1 PLAINS ROAD. PO BOX 385
MOODUS, CT 06469

5.8 Correction of Inaccuracies

Within fifteen (15) days after the date an applicant becomes aware of a change in any information in his or her application or notice or in any material proved in support thereof, or becomes aware that any such information is or was inaccurate or misleading or that any relevant information has been omitted, such applicant shall correct the inaccurate or misleading information or supply the omitted information in writing to the Commission. The provisions of this subsection shall apply both while a request for approval of application is pending and after the Commission has approved such request.

5.9 Additional Information

5.9.1 The Commission may require an applicant to submit additional information which the Commission reasonably deems necessary to evaluate the consistency of the subject activity with the requirements for authorization under these Regulations.

5.9.2 Incomplete Applications, Waiver of Application Requirements

5.9.3 Applications which do not contain the information required by Section 5.3 or deemed necessary by the Commission may be denied. However, the Commission shall not be prohibited from acting upon any application or the lack of information. The Commission may waive any submitted requirements if the Commission determines such information is not necessary to review the application and determine compliance with these regulations.

6. DECISION PROCESS AND PERMIT

6.1 Consideration for Decision:
The Commission may consider the following in making its decision on an application:

a. How the proposed activity aligns with the practices outlined within the 2012 Connecticut Field Guide: Best Management Practices for Water Quality While Harvesting Forest Products Manual, or as amended/updated.

b. The submitted application and its supporting documentation.

c. Reports and formal comments or any other relevant documentation as it relates to the proposed activity from other Agencies and Commissions.

d. Non-receipt of comments from agencies and commissions as described above within the prescribed time shall neither delay nor prejudice the decision of the Commission.

6.2 Action by the Commission

a. The Commission may deny without prejudice an application if it finds that it is incomplete. The Commission may also deny an application if it finds that it is inconsistent with the requirements of these Regulations; provided, however, no such application shall be so denied without having such rejection reviewed by a forester certified by the Department of Energy and Environmental Protection retained by the Commission for that purpose. Upon written request of the applicant, a forester certified by the Department shall review and make recommendations to the Commission on any application to conduct forest practices. The costs associated with any review provided for in this section shall be borne by the applicant provided in no event shall the total of fees and costs paid by the applicant in connection with an application to conduct forest practices exceed the standard fee which is charged by the Department of Energy and Environmental Protection for a similar application. Any application re-filed after such a rejection shall be accompanied by the fee specified in Section 11 of these Regulations.

b. The Commission may disapprove an application if it finds that the subject forest practice is inconsistent with the requirements of Sections 23-65(f) through 23-65(q) of the Connecticut General Statutes, as the same may be amended, or these Regulations or for any other reason provided by law.

c. Disapproval of an application under this subsection shall constitute notice that the subject forest practice may not be conducted.

d. The Commission may approve an application with reasonable conditions. If the Commission approves an application with conditions, the applicant shall be bound by such conditions as if they were a part of these Regulations.

e. Rejection, disapproval or approval of an application shall be in writing and shall be mailed to the applicant by certified mail, return receipt requested.

f. The Commission shall reject, disapprove or approve a complete application within sixty- five (65) days of its receipt, provided that the applicant may consent to one or more extensions of time provided that the total of all such time extensions shall not exceed sixty- five (65) days. Date of receipt of an application shall be the day of the next regularly scheduled meeting immediately following the day of submission, or thirty-five days after such submission, whichever is sooner. Such notice shall state the reason for and duration of such extension. Failure of the Commission to act on an application within the required time period shall not be considered an approval of such application. The time limits set forth in this Section shall be tolled during the review of an application denial by a forester designated by Section 6.2 of these Regulations.

g. Upon approval of the application and prior to issuance of a permit, the applicant may, at the discretion of the Commission, be required to file a bond with such surety in such amount and in a form approved by the Commission and Town Treasurer. The bond or surety shall be conditioned on compliance with all provisions of these regulations and the terms, conditions and limitations established in the permit. The bond shall be available to be drawn upon should the **Town** incur expenses related to erosion control, site remediation, or other measures to bring a forest practice into compliance with these Regulations or any permit issued hereunder.

h. Aggrieved parties may appeal any decision of the Commission in accordance with Connecticut General Statutes Section's 23-65q and 4-183.

6.3 Validity of Permit

A permit shall be valid for a minimum period of one year and a maximum of three years. If the permittee wishes to renew such application, he or she shall, at least thirty (30) days prior to its expiration date, notify the **Designated Agent**. The **Designated Agent** may renew the permit for one year without an additional fee. Such renewal request shall be in writing.

6.4 Additional Requirements

6.4.1 Upon filing an application, the applicant shall identify the location and bounds of the proposed operating area, forest practice(s), buffers, landings, haul roads, and stream crossings by flagging or painting.

6.4.2 The permittee and the operator shall conduct the forest practice at the site in accordance with the approved permit, these Regulations, and all other applicable laws.

6.4.3 The operator shall assure that each individual who participates in the subject forest practice is thoroughly familiar with the information contained within the permit.

6.4.4 The operator shall notify the **Designated Agent** within ten (10) days of the completion of the approved forest practice.

6.4.5 The Commission's shall annually report to the Commissioner of Energy and

Environment Protection its decisions on application, orders, or other actions.

6.4.6 No permit issued by the Commission shall be assigned or transferred without the written permission of the Commission **or its Designated Agent**.

6.5 Reliability of Application

In evaluating an application, the Commission **or its Designated Agent** relies on information provided therein. If such information should prove to be false or incomplete, the approval may, after notice to the permit holder and the opportunity to be heard, be suspended or revoked in accordance with law, and the Commission may take any other legal action provided by law.

6.6 Duty to Provide Information

If the Commission **or its Designated Agent** requests any information pertinent to an approved application or to compliance with these Regulations, the applicant shall provide such information in the requested format within thirty (30) days of such request, and the time period specified in Section 6.2(f) above shall be tolled pending receipt by the Commission of such requested information.

6.7 Duty to Correct and Report Violations

Upon learning of a violation of these Regulations, the permittee and the operator shall immediately take all reasonable action to determine the cause of such violation, to correct the results of such violation, to prevent further such violation, and the permittee shall report in writing such violation and such corrective action to the Commission with five (5) days of the discovery by either the permittee or the operator of such violation.

SECTION 7. NOTICE OF CONVERSION OF FOREST LAND

No less than ten (l0) days before commencing a conversion of forest land, as defined in Section 2 of these Regulations, the owner(s) of record of the forest land shall submit notice of the conversion to the Commission. The notice shall be on a form provided by the Commission and shall include:

(1) The map and lot number(s) of the tract, as recorded by the assessor's office in the municipality where the tract is located;

(2) The number of acres of forest land to be converted to other uses;

(3) The month and year when the removal of forest vegetation from the tract is anticipated to begin; and,

(4) Copies of documents granting formal approval of the conversion of forest land to other uses by the Planning and Zoning Commission, Zoning Board of Appeals, Zoning Enforcement Officer, and/or the Commission, as the case may be.

SECTION 8. SITE INSPECTIONS BEFORE, DURING OR AFTER AN ACTIVITY

If the Commission or its Designated Agent believes that an onsite inspection is necessary, the Commission or its Designated Agent may require the following of the property owner/applicant:

1. To schedule, within a reasonable timeframe, a site inspection with Town Staff.

2. To coordinate and schedule within a reasonable timeframe with CT DEEP's Bureau of Natural Resources and Town Staff a site inspection.

3. To require the applicant or property owner to provide confirmation of comprehensive property liability insurance which covers injury to persons and damage to property which may result from the entry of authorized persons for site walks, inspections, or other purposes in connection with the application and proposed operation.

SECTION 9. ENFORCEMENT

9.1 The Commission may appoint an agent or agents to act in its behalf with the authority to inspect property, except the interior of a private residence, and issue notices of violation or cease and desist orders and carry out other actions or investigations necessary for the enforcement of these Regulations. In carrying out the purposes of this section, the Commission or its duly authorized agent shall take into consideration the criteria for decision under Section 6 of these Regulations.

9.2 The Commission or its agent may make regular inspections, at reasonable hours, of all regulated activities for which permits have been issued under these regulations.

9.3 If the Commission or its agent finds that any person has violated any provision of these Regulations, or has violated any provision or condition of any permit issued pursuant to these Regulations, the Commission may:

9.3.1 Issue a written order to such person to take such action as is necessary to correct and abate such violation or to otherwise comply with such statutes, Regulations or permit conditions. Each such order shall be sent certified mail, return receipt requested, to the subject of such order and shall be deemed issued upon deposit in the mail. Any person who is aggrieved by such order may, within thirty (30) days from the date of such order or decision is issued, request a hearing before the Commission. The Commission shall not grant any request for a hearing at any time thereafter. After such hearing, the Commission shall consider the facts presented to the Commission by such person, shall consider the rebuttal or other evidence presented to or by the Commission or its agent, and shall then revise or resubmit the order to the person, or inform the person that the previous order has been disapproved or that it has been reaffirmed and remains in effect. The Commission may, after such hearing, or any time after the issuance of such order, modify such order by agreement or extend the time schedule therefore if the Commission deems such modification or extension advisable or necessary, and any such modification or extension shall be deemed to be a revision of an existing order and shall not constitute a new order. Any subsequent appeal shall be taken pursuant to Section 23-65q and Section 4-183 of the Connecticut General Statutes.

9.3.2 Issue a notice of violation to such person conduction such activity or maintaining such condition, stating the nature of the violation, the jurisdiction of the Commission, and prescribing the necessary action and steps to correct the violation, including, without limitation, halting work. The Commission may request that the individual appear at the next regularly scheduled meeting of the Commission to discuss unauthorized activity, and/or provide a written reply to the notice or file an application for the necessary permit. Failure to carry out the action(s) directed in a notice of violation may result in issuance of the order provided in subdivision 8.3a or other enforcement proceedings as provided by law.

9.3.3 If any person fails to comply with any provision of these Regulations, or with any provision or condition of any permit or order issued pursuant to these Regulations, the Commission, in accordance with Section 23-65m of the Connecticut General Statutes, may bring an action in the Superior Court for the Judicial District of Tolland to enjoin such person to comply fully with said provisions of these Regulations and with the provisions or conditions of any permit or order adopted or issued hereunder.

c. If any person violates any provision of these Regulations, or any provision or condition of any permit or order issued pursuant to these Regulations, the Commission may institute a civil action to recover civil penalties as provided for in Section 23-65n of the Connecticut General Statutes. The maximum civil penalty for each violation shall be five thousand dollars. The civil penalty shall be assessed and fixed by the court. Each violation shall be a separate and distinct offense and, in the case of a continuing violation, each day's continuance thereof shall be deemed to be a separate and distinct offense.

SECTION 10. OTHER FEDERAL, STATE OR LOCAL LAWS

Nothing in these Regulations shall relieve any person of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations or permits required by such law.

SECTION 11. CONFLICT AND SEVERANCE

11.1 If there is a conflict among the provisions of these regulations, the provision which imposes the most stringent standards shall govern. The invalidity of any word, clause, sentence, Section, part, Subsection, subdivision or provision of these regulations shall not affect the validity of any other part which can be given effect without such invalid part or parts.

11.2 If there is a conflict between the provisions of these Regulations and the provisions of the Act, the provisions of the Act shall govern.

SECTION 12. APPLICATION FEES

12.1 Method of payment. All fees required by these Regulations shall be submitted to the Town of East Haddam at the time the application is filed with the Commission.

12.2 No application shall be granted or approved by the Commission unless the correct application fee is paid in full unless waived as outlined below.

12.3 The application fee is not refundable.

12.4 Fee schedule. Application fees shall be based on the following schedule.

Application fee	With Silviculture Plan	$75.00
	Without Silviculture	$150.00

State Land Use for all applications (or as amended) $60.00

12.5 Exemption: Boards, commissions, councils and departments of the Town of East Haddam are exempt from all fee requirements.

12.6 Waiver

For Forest Practices Applications that also require an Inland Wetlands and Watercourses Application, the applicant may petition the Commission to waive payment of the Forest Practices Application fee. The Commission or its Agent may waive the application fee if the Commission or its Agent determines that the proposed activity is being substantially addressed through the Wetlands permit application process. The Commission or its Agent shall state upon its record the basis for all actions under this subsection.

SECTION 13. EFFECTIVE DATE OF REGULATIONS

These regulations and any amendments are effective upon filing with the Office of the Town Clerk and publication of a notice of such filing in a newspaper having a general circulation in the Town of East Haddam.