

The Forest Futures Visioning Process Technical Steering Committee disseminated its Draft Recommendations to the public seeking feedback. The comment period closed on February 22, 2010. One opportunity to comment was through written mail submissions sent to the Massachusetts Office of Dispute Resolution & Public Collaboration. Contact information has been redacted due to complaints about unsolicited contact by some individuals. This document compiles letter comments, in the order received, **between January 29 and February 4, 2010.**

Attorney Anne Bingham

Sharon, MA 02067

Secretary Ian Bowles
Executive Office of Energy and Environmental Affairs
100 Cambridge St.
Boston, MA 02114

Commissioner Richard Sullivan
Department of Conservation and Recreation
251 Causeway St. Suite 600
Boston, MA 02114-2104

January 29, 2010

RE: Notice regarding "Forest Visioning" process

Dear Secretary Bowles and Commissioner Sullivan,

I represent several persons who have an interest in the 'Forest Futures Visioning Process ('FFVP'),' for which five "public forums" have been scheduled, the first of which is to occur on February 4, 2010 in Westborough. As you know, many individuals have expressed dissatisfaction with the timing and format of those events. Respectfully, I note that a significant and widely held perception exists that the format is being manipulated to suit the needs and goals of the conveners.

My purpose in writing to you is to bring your to attention relevant statutory provisions applicable to DCR's FFVP that must be followed in this process. Regardless of the format and outcome of the "public forums," DCR must comply with the notice and hearing requirements of MGL c. 30A with regard to many elements of the draft recommendations of the Technical Steering Committee (TSC) of the FFVP if they are made final. A bedrock concept of administrative law is that "rules of general applicability" must be developed in accordance with applicable administrative process; policies can only be used to fill in interstitial uncertainties. See e.g., Commissioner of Revenue v. Baybank Middlesex, 421 Mass. 736,739 (1996); Massachusetts Electric Co. v. DPU, 383 Mass. 675, 679 (1981).

More importantly, specific statutory guidance exists for developing "forest cutting practices and guidelines" which are to be employed by the Division.

MGL c. 132, section 41 provides, in the third paragraph:

The state forestry committee, with recommendations of such other advisory committees as the director in his discretion may appoint, shall prepare tentative minimum forest

cutting practices and guidelines. Before recommending any forest practices, said committee shall hold hearings, with due notice being given, in conformance with chapter thirty A, in at least three places conveniently located throughout the commonwealth. Said committee may thereafter recommend such practices or modifications thereof and submit them to the director of forests and parks. Said director shall, subject to the approval by the commissioner of environmental management, thereupon adopt the practices and place them in effect, by posting in all city and town halls in the region affected and by publication in at least one daily newspaper in every county affected. Such approved practices may be amended at any time by said committee in the same manner, on its own motion or upon the petition of not less than twenty-five forest owners or licensed timber harvesters of the commonwealth or upon petition of any person authorized under section four of chapter thirty A.

In addition, MGL c. 132, section 31 provides:

Lands acquired... as state forests, and shall be under the control and management of the forester..... He shall reforest and develop such lands, and may, subject to the approval of the commissioner, make all reasonable regulations which in his opinion will tend to increase the public enjoyment and benefit therefrom and to protect and conserve the water supplies of the commonwealth.

Although there are some superficial similarities between these statutory requirements and the FFVP process, the "visioning" sessions you have scheduled do not satisfy this statutory mandate in many respects, including required publication in the Environmental Monitor and the conduct of true public hearings, not facilitated sessions fashioned by MODR at the direction of the Secretariat.

The Division's regulations at 304 CMR 7.00 through 11.00, inclusive are duly promulgated 30A regulations addressing forest cutting and related forestry practices. Many subjects covered in these regulations are also addressed in the draft TSC recommendations for the FFVP and substantive conflict between the two appears to exist. For example, a new master logger condition for foresting on public land has been proposed and new requirements for tree marking and logging road conditions have been introduced.

It is my understanding that in 2006 substantial progress was made in revising 304 CMR 7.00 through 11.00, but that drafts have since been embargoed pending the outcome of the visioning. I am also aware that a Public Records request for material relating to that earlier process has not been answered. I note that MGL c. 30A, section 4 contains a process for an appeal if the necessary public hearings are not conducted.

We appreciate DCR's efforts to convene a range of experts and stakeholders to try to address the serious flaws in the state's forestry program, and to take steps to include public input and feedback. We anticipate that all parties will use the visioning sessions openly and

productively and as a meaningful prelude to any future hearings on matters as required by MGL c, 132 sections 41 and 31 cited above.

Sincerely,

Anne Bingham

Cc: William Logue, MODR
Atty. Margaret Sheehan

January 29, 2010
[REDACTED]
Phillipston, MA 01331

William Logue
Mass Office of Dispute Resolution
UMass Boston
100 Morrissey Blvd.
McCormick Building, 1st Floor, Room 627
Boston, MA 02125-3393

Dear Mr. Logue,

I am writing to provide comments on the Forest Futures Visioning Process Draft Recommendations of the Technical Steering Committee.

I strongly urge the rejection of the recommendations of this report, particularly recommendations three through seven.

These recommendations are the result of a biased, unrepresentative, and illegitimate process. To adopt these recommendations would be injurious to the citizens of the Commonwealth.

The report recommends radical change to the use of our state lands without providing any justification for that change. The only 'problems' documented in the report are administrative foul-ups by DCR. There is no documentation of any environmental crisis or problem arising out of the management of our state lands. That being the case the only legitimate action is to fix DCR's administrative problems. There is no justification for other actions.

The one actual crisis that does exist, high unemployment in our rural communities and the collapse of our local forest industry, was ignored. Apparently the authors of the report were unaware of these circumstances. This is understandable seeing that the industry, along with other forest user groups, was not provided the opportunity to participate in the process. The report states that MODR worked with the various stakeholder communities to identify appropriate representatives. This is a lie. MODR never contacted the Mass. Wood Producers Assoc. to provide their members the opportunity to participate. This organization has represented the state's wood products companies for over 50 years. It is a functioning, well-known organization, and its members have been intimately involved in the care of our forests and the development of the Commonwealth's forest policy for decades, yet it was ignored. How many other groups directly influenced by these recommendations were also ignored?

To further emphasize the illegitimacy of this report, it totally ignores the economic implications of its recommendations. It recommends radical changes that will have serious economic consequences, yet it gives no weight and discussion to those consequences. For state officials to implement any of these recommendations without that analysis is reckless and potentially destructive to the Commonwealth's citizens and communities. The report gives no weight to the potential economic benefits that could be provided by increasing management on state forests. As evidenced by the work of the CCC in the Great Depression, state forestlands provide an immense opportunity to put people to work and stimulate local economies, yet this important factor was not even considered.

The report assumes that businesses based upon the consumptive use of forest products are evil and their operation results in damages to forests, but the opposite is true. Massachusetts forest companies, which are almost exclusively small family businesses and which provide rural communities with valuable jobs and tax revenue, are dependent on maintaining a healthy forest resource. These companies are, and have historically been the greatest allies forest managers have in managing forests for the benefit of the entire society. The report assumes that a leave it alone philosophy provides the greatest benefits to the Commonwealth yet provides no scientific justification for that assumption. Because of these unfounded biases it recommends that 75% of our state forestlands should be removed from active management. I believe that the interests of the Commonwealth would be much better served by placing 75% of these lands under active management and limiting reserves to 25% of the land at most.

The report states that its intent was to provide recommendations for the management of DCR lands, yet it includes a recommendation for the regulation of private forestlands. This is an unjustified overstepping of boundaries and it is only made worse by the fact that the people most affected by this recommendation were not adequately represented in the process, or were totally ignored by the process.

For years concerned foresters and wood producers have complained about DEM and DCR forest management practices and our complaints have been routinely ignored. Now a skilled group of agitators opposed to forest management has mounted a campaign based upon falsehoods and misrepresentations and the state is bending over backward to appease them. It has practically excluded us from the process, and it has accepted as legitimate the unfounded claims and biased opinions of those whose aim is not to improve the management of our state lands for the benefit of the whole society but to impose their own agenda on us all regardless of the consequences.

Sincerely,

Joseph Smith

Cc: Representative Ann Gobi
Senator Stephen Brewer
Ken Lynds, President, MWPA

KING TIMBER HARVESTING

[REDACTED]
HUBBARDSTON, MA 01452
[REDACTED]
[REDACTED]

January 31, 2010

Dear Friend and those who are concerned,

I'm writing you this letter because I'm not only a forest user but a Master Logger, FSC Certified, working for thirty one years in the logging business. Twenty five years on MDC, DEM, DCR, State Parks and Fish & Wildlife lands. I am concerned that my view has not been heard or represented in this process of restricting forest management and wildlife habitat on state lands.

Harvesting on DCR forests benefits me by providing responsibly grown and harvested forest products. 80 % of my work is on DCR property. I have a high recognition with the state foresters. Cut 10's of millions board feet of timber without any problems. Shutting down logging will put me out of business.

Forest harvesting in Massachusetts is already governed by the most comprehensive forestry and environmental laws in the eastern United States and meets the highest standards for responsible forest management. It does not need improvement.

Halting or reducing harvesting on DCR forest will have a negative economic impact on rural communities. Jobs will be lost, business will be closed, and the indirect economic benefit of harvesting activity will be lost.

75% of the state population do not even step on this forested land and know nothing about the forestry process or do they actually care in their every day lives. This shut down of forestry practices is nothing more than anti logging groups pushing for there idea's of life. I consider them very selfish people.

More people involved in the business of forestry, logging lumbering, biomass and paper industry should have a position on the technical steering committee. It is not fair to our industry not to have our voice heard.

There must be more thought put into this process.

I support a cultural change in DCR that creates a more transparent, accountable, and inclusive process for forest management of the state lands.

Sincerely,

Tom King

Tom King

MODR - UMASS-BOSTON
100 Morrissey Blvd. 1st Floor Room 627
Boston, MA 02125-3393

Dear Members of the Technical Steering Committee,

I am a resident of Massachusetts and I would like to share my views regarding the use of DCR lands. I am unable to attend the public forums but would like to share my opinion.

I believe in the wise stewardship of state lands. I think timber harvesting should be allowed for the following reasons:

1. It promotes growth of young trees; it provides food for song birds and wildlife.
2. It provides jobs: total Massachusetts employment including forestry, wood products and the pulp and paper industries is 16,801.
3. Timber management on state lands protects our water and provides trails for public safety including fire and rescue equipment.
4. Residents benefit from lower taxes as revenue is generated. The amount of growth of timber on DCR lands far exceeds what could be harvested.
5. I believe landowners and timber harvesters should be allowed to continue to file forest harvest plans as they have for years.

We all enjoy our forests in Massachusetts. Wise use of DCR lands (308,000 acres) should include proper timber harvest with accountability. State land forestry practices should be a model for the private sector.

Thank you for your consideration.

Sincerely,

Mark + Mia Albano

F [REDACTED] [REDACTED]
[REDACTED] [REDACTED]

Monty Mg.

01248

MASSACHUSETTS WOOD PRODUCERS ASSOCIATION

Sustainable Forestry for Generations

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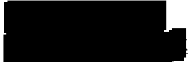
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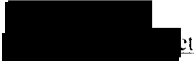
William Girard



Daniel Oleksak



Leonard Roberts



Joseph Smith



Roger Tetreault



To Whom It May Concern:

As President of The Massachusetts Wood Producers Association, I am here to state emphatically that my interests, nor the interests of our nearly 100 members, were NOT represented in this Forest Visioning Process and the recommendations are flawed as a result.

The Massachusetts Wood Producers Association has been in existence since 1952 and has represented the interests of loggers, sawmill owners, timber harvesters and many other related businesses for nearly 60 years. We are the business people of the Commonwealth who derive a portion of our livelihoods from the management of state owned forest lands and we were NOT part of this process. Our organization was not contacted to participate in this process, even though our Executive Director, Kent Lage, the former Assistant Commissioner of the Massachusetts Department of Agriculture, a person with over a decade of experience in this type of planning, volunteered to serve to both representatives of MODR and DCR.

The original focus of this process was only on DCR forest lands, but the end result is recommendations for all state lands, and for private forestlands. Because of this change in focus many affected stakeholder groups including the members of our organization were not represented.

As a result of this lack of appropriate representation, the report is clearly biased against consumptive uses of forest resources without providing any basis for this bias. It assumes that active management is detrimental to other desired benefits but does not substantiate that belief or provide any evidence that it is so.

Forest harvesting in Massachusetts is already governed by the most comprehensive forestry and environmental laws in the eastern United States and meets the highest standards for responsible forest management. There is no evidence provided that changes to the regulations are necessary. We do not need stricter regulations. In addition, the recommendations call for the adoption of the proposed changes to Chapter 132, the Forest Cutting Practices Act, without mentioning the required regulatory change process that has been ongoing for over 4 years. This process does not allow DCR to bypass the required route for regulatory change.

Halting or reducing harvesting on DCR forests will have a negative economic impact on rural communities. More jobs will be lost, more businesses will be closed, and the indirect economic benefit of harvesting activity will be magnified. In this economic climate how can you propose to lose more jobs and cause more business failures.

While I support a cultural change in DCR that creates a more transparent, accountable, and inclusive process for forest management of state lands, these recommendations are not the best way to accomplish that change.

Northampton, Massachusetts 01061

JOHN CONKEY, JR.
[REDACTED]
BELCHERTOWN, MA 01007
[REDACTED]



February 4, 2010

William Logue
Mass. Office of Dispute Resolution
University of Mass. – Boston
100 Morrissey Boulevard
McCormick Building – 1st Floor, Room 627
Boston, MA 02125-3393

Dear Mr. Logue;

We are writing with great concern in regards to the recent negative attention that Timber harvesting has received and the potential effects to the industry. Our company, consisting of three (3) Certified Master Loggers (the first to be Certified in the State of Massachusetts) have taken great pride in our business practices to ensure proper sustainable forestry and forest management in the state of Massachusetts. We have been recognized in the Northeast for our sensitivity to the environment and wildlife habitat on many occasions.

Instead of creating a new Stewardship, we believe that landowners would be best served by the Dept. of Agricultural Resources. In our opinion, perhaps the Forest Futures process should focus on DCR issues and not expand into restricting private landowners forestry practices, given logging is already an environmentally sound process.


Instead of creating a new Stewardship, we believe that landowners would be best served by the Dept. of Agricultural Resources. In our opinion, perhaps the Forest Futures process should focus on DCR issues and not expand into restricting private landowners forestry practices, given logging is already an environmentally sound process.

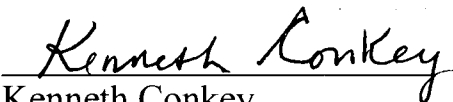
In the past forty (40) years, on Quabbin land, timber inventories have gone from 127,065,000 board feet to 527,300,000 board feet. The State is only harvesting 50% of new growth per year. Again, this is just Quabbin land. Further, do you know that ninety-five percent of the wood products used in the State of Massachusetts are imported from areas that do not regulate logging?

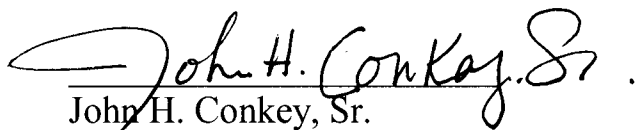
While we at Conkey & Sons Logging promote sustainable forestry and proper forestry management for our long-term family run business to succeed, we do not support any immediate changes to the Chapter 132 Forest Cutting Regulations. We work extensively to protect wetlands, rare habitats, and wildlife, and will continue to do so. Our focus has always been the sensitivity to the environment and encouragement of a natural resource ~ Timber.

Harvesting timber on DCR lands and other state owned properties is very important to all of us. There is much proof that proper land management and sustainable forest practices are a necessity for continued healthy forests and healthy habitats.

Sincerely,


John H. Conkey, Jr.


Kenneth Conkey


John H. Conkey, Sr.

Department of Conservation and Recreation Hearing, February 4, 2010.

Motorized trail riding is a legitimate recreational use of public lands and forests. However, it must be properly managed. Some of the considerations are access, policing, competing uses, trail maintenance, erosion and recovery, noise, safety, habitat preservation, and forestry and lumbering.

With the closure of most State land to recreational motorized riding, those areas where such riding is allowed tend to get overused. Further, lack of sufficient legitimate riding trails encourages outlaw riders. These riders do not heed closures, sensitive lands, noise and safety considerations. Although a small minority doesn't abide by the laws, their thoughtless actions have caused other riders to suffer.

Adequate policing is recognized as both a safety and budgetary issue for both State and local law enforcement. It is strongly suggested that if more riding areas were made available, less policing would actually be needed.

Proper management and more riding area availability would lessen and perhaps eliminate conflicting usages.

Trail maintenance, erosion and recovery, and trail design, layout, and construction should be a joint effort of the DCR and user groups. Contrary to common belief, studies have shown that the greatest trail erosion is caused by equestrians, followed distantly by off road motorcycles and then hikers. An eroded trail usually requires one year without use to recover. The type of damage caused by lumbering is a separate issue, albeit a very large issue.

Noise pollution is mostly a problem created by street machines that has engulfed all motorcycling. The New England Trail Rider Association (NETRA) sound tests at all its events. More and more legislation has appeared directed towards this problem. Registered trail machines are usually quiet and legitimate users have their own sound testing. The greatest safety issue is outlaw riding and using inadequate equipment. Another safety issue is fire. Woods motorcycles are equipped with exhaust spark arresters. The greatest fire threat is from campfires, smokers, lightning, and proscribed burns.

The New England Trail Rider Association is eager to cooperate in any way to expand trail riding opportunities.

Ray C. Ellis Jr., NETRA Representative, [REDACTED] Berlin, MA 01503, Tel. [REDACTED]