

DCR Timber Sales On State-Owned Lands

Problems:

- The Contracting is a Fraudulent Enterprise
- Lack of Meaningful Public Input
- Failure to Follow Existing Regulations
- Exploiting the MEPA Logging Loophole
- No Decisions Subject to Administrative Appeal
- No Accountability/Oversight
- The Entire Process is Arbitrary and Capricious

DCR Timber Sales

The Contracting is a Fraudulent Enterprise

- DCR uses In-kind Services instead of the legitimate Legislative Appropriations process
- Contracts are designed to hide value and discount the bids in exchange for capital improvements
- Towns in which the State Forests are located have been systematically ripped off
- Violates intent of [MGL Chapter 58 Sec. 17C](#)

DCR Timber Sales

The Contracting is a Fraudulent Enterprise

- 20-years of DCR In-kind Services = \$1,737,193
- Contracts are designed to hide value and discount the bids in exchange for capital improvements
- Towns in which the State Forests ripped off by about \$150,000, mostly in Western Mass

DCR Timber Sales

The Contracting is a Fraudulent Enterprise

From the Bid Document:

Instructions for Bidding

1. Determine your estimate of the gross value of the forest products offered for sale.
2. From this, subtract the total value of materials and services required on this permit listed under 'Materials and Services Schedule'
3. The difference is your total lump sum cash bid.
4. Enter this amount in the space provided below in Dollars and Cents, U.S.
5. Complete the information block below (please print.) Failure to complete this section may invalidate your bid.
6. Sign in the space provided.
7. Return this page to the specified DCR Regional Office by the time and date indicated on page one.

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The Contracting is a Fraudulent Enterprise

- Forest Supervisors told to cut trees to pay for capital improvements (Wendell and Erving State Forests)
- Timber Contractors claim they can cut about twice as many trees as contracts list
- No audits are ever done on volume removed or number of trees cut
- No tracking of timber products done

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The planning process is arbitrary

- [MGL Chapter 58 Sec. 17C](#) Forest Products Trust Fund requires Forest Management Plans (FMP)
- Conflict between FMPs and RMPs (Resource Management Plans) required by [MGL Chapter 21 Sec. 2F](#) “The commissioner of conservation and recreation shall submit management plans to the stewardship council for the council's adoption with respect to all reservations, parks, and forests under the management of the department,”

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Lack of Meaningful Public Input

- No formal regulatory process is followed
- The 45-day comment period is meaningless
- Comments are ignored or dismissed
- Arbitrary and self-serving process
- No appealable decision is ever issued
- The public does not have “Standing”

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Failure to Follow Existing Regulations

- [302 CMR 16.00](#) Regs are unworkable for Publicly-Owned Forests
 - DCR issues permits to itself
 - DCR considers itself to be the “applicant landowner”
 - DCR can appeal its rubber-stamped approvals to DCR
- [302 CMR 11.00](#) Regs are disregarded by DCR
 - DCR does not issue Construction and Access Permits
 - Commercial logging, and all construction, is done by contractors without the required permits, since no permit is issued, no appeal is possible

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Exploiting the MEPA Logging Loophole

- MEPA Logging Loophole at [301 CMR 11.03\(1\)\(a\)1](#)
 - Threshold (exemption) applies as long as DCR is following an “approved forest cutting plan or similar generally accepted practice”
 - Plan is written, reviewed, and approved by DCR
 - No appeal is possible, since no MEPA decision is issued, not even a written threshold decision
- No climate impact analysis is ever conducted as required by [MGL Chapter 30 Sec. 61](#)

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No Decisions Subject to Administrative Appeal

- No MEPA decision due to Logging Loophole
 - Threshold exemption and no written decision
- No publicly appealable decision issued under FCPA regs [302 CMR 16.04\(8\)](#)
 - Since DCR considers itself the “applicant landowner”
- No appealable permits under [302 CMR 11.08\(7\)](#)
 - Since no Construction & Access permits are ever issued to contractors (for logging and in-kind services)

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No Accountability/Oversight

- No Administrative Appeal possible (see [MAAPA](#))
- No Approval by DCR Stewardship Council per [MGL Chapter 21 Sec. 2F](#)
- No Standing in Superior Court, even under [MGL Chapter 214 Sec 7A](#)
- Hence, the public has no legal way to have any say in the degradation of our publicly-owned forests

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- More information on contracting irregularities can be found in this Google Drive folder containing evidence provided by DCR through public records requests - https://drive.google.com/drive/folders/16wnUEzOV6AXHpTg5mWwxtOuBilSAHYD5?usp=drive_link
- The Role of State-owned Forests in Addressing the Climate Emergency - <https://youtu.be/p6trSCQEeBI>

DCR Timber Sales

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