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From: Mike Leonard [mike@northquabbinforestry.com]
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Subject: Forestry, Biomass, and the Dysfunctional Energy & Forest Bureaucracies

The Decline of the Forestry Sector in Massachusetts

I have been a practicing forester in my own business in Massachusetts for the last 25 years managing thousands of acres of private forest land for my landowner clients. My business helps landowners lower their property taxes through the Chapter 61 Forest Land Tax Program while I help them improve both their property and timber values by designing and supervising improvement cuttings on their woodlots. The timber sales I manage for landowners not only improves their forest and generates them income, but also creates many real green jobs and produces many different forest products such as sawlogs for sawmills in New Hampshire and beyond (there are only a few sawmills left in MA), cordwood for local firewood businesses, wood for the manufacture of wood pellets by New England Wood Pellet Co. in Jaffrey, NH, and wood chips for biomass plants like the only one we have in Massachusetts Pinetree Power in Fitchburg and many of the biomass plants in New Hampshire.

I am writing to you about the rapid decline of the forestry sector in our state. The legacy of our forests and our once thriving forest industry is a very sad one.

The beautiful Harvard Forest dioramas at the Fisher Museum in Petersham show how our forests changed over time. First they they were cleared for farms and then regenerated after the farmland was abandoned in the 1800's and into the early 1900's. The forests grew and a local sawmill industry grew along with the forest. Many small to medium sized sawmills operated in Massachusetts until the 1990's when almost all of them shutdown due to higher energy, regulatory, and labor costs. In addition, almost all of the timber harvesting done has been and continues to be destructive high-grade logging despite our Forest Cutting Law and Forester Licensing Law forbidding it. High-grading (also known as liquidation cutting) is the worst thing you could do to a forest. It removes all of the high value trees like red oak, sugar maple, cherry, and good white pine while leaving low value red maple, other low grade hardwoods suffering serious defects, hemlock pulpwood, and big multi-forked bully white pine. The low value trees cannot "pay their way out of the woods" without a market for low grade timber. The only way we can restore the productivity of the staggering 1.5 million acres of private forest land that has been subject to devastating highgrade logging is to create more markets for low grade timber. About 5 years ago, we had a great opportunity to do so. The state at first promoted more forest biomass utilization then pulled the rug out from our industry. Madera Energy proposed a 50 MW biomass plant in Greenfield, Russell Biomass proposed a 50 MW plant in Russell and other smaller plants like the 5 MW plants for Munksjo Paper and Simonds International in Fitchburg. But after a small band of anti-forestry extremists raised some false flags, the Patrick Administration commissioned the "Manomet Biomass Study" in which the result was pre-ordained. Former Gov. Patrick instructed the participants of that study to put out a study which would kill local biomass production. Yes the fix was in. That "Study" acted as cover so Gov. Patrick could cripple an emerging industry in MA. Since then, that study has been totally discredited by the widely acclaimed Futuremetrics of Maine as well as by many other educational and industrial institutions around the country and the world. After that study was done, the most onerous and outrageous regulations were put in place which no other state in the entire country has! It has requirements for fuel certificates, slash retention, efficiency standards, and many other egregious and unnecessary rules.

Forests in Massachusetts are growing 3X as fast as they are being cut! So as long as our forests are growing faster than they are being cut, the utilization of low grade junk timber for biomass energy is carbon neutral. It's just common sense. After one of my Biomass Improvement Cuttings, the junk wood is processed into: chipwood for biomass plants which reduce fossil fuel consumption, firewood which reduces the consumption of imported heating oil; and the low grade white pine and hardwood sawlogs are processed into various lumber

products which store CO2 for a long time. All the products produced from an improvement cutting have significant CO2 benefits. The end result is a higher quality forest which will be much better for future high value timber production while enhancing wildlife habitat and increasing property values. Governor Patrick's anti-biomass regulations killed over 2,000 new jobs in the forestry sector but most importantly, it ended all hope for landowners in western Massachusetts to improve the property and timber values of their woodlots. Good markets for all grades of timber provide many good jobs especially in our rural areas where there are few good jobs for our youth. Governor Patrick's new regulations were the most devastating blow to the forestry sector in history.

Failures of the Massachusetts Forest Bureaucracy

The Massachusetts Forestry Committee has been defunct for 7 years as Gov. Patrick refused to appoint any new members. The Forest Cutting Law states: "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." The last Committee worked hard to revise the Forest Cutting Law and came up with many good recommendations but nothing ever happened as Gov. Patrick allowed the members' terms to expire and never appointed any replacements as required by law.

The Chapter 132 Forest Cutting Law states in part that "the public welfare requires the rehabilitation, maintenance, and protection of forest lands for the purpose of conserving water, preventing floods and soil erosion, improving conditions for wildlife and recreation, and protecting air and water quality, and providing a continuing and increasing supply of forest products..." But DCR approved liquidation cuttings defeat all of these noble purposes! Liquidation cutting is also a violation of the "Global Warming Solutions Act" as poorly managed forests sequester much less CO2 than well managed forests.

The Forester Licensing Law states that "Licensed Foresters shall advocate and practice land management consistent with ecologically sound principles". However, DCR continues to approve Forest Cutting Plans filed by Licensed Foresters which call for destructive liquidation cuttings. This is illegal. It's equivalent allowing a doctor to deliberately engage in malpractice!

The Forester Licensing Law also says that "the purpose is to protect forest landowners by requiring that individuals offering professional forestry services meet minimum requirements of education and experience." But DCR insults us Licensed Foresters by allowing anyone to pretend they practice forestry as long as they don't call themselves a forester! But every other licensed professional that are in the Division of Professional Licensure are protected against this devaluation and fraud of their profession. If you try and pretend to practice any of those other professions, you are subject to prosecution and severe penalties. This is because Licensed Foresters are for some strange reason licensed by DCR and not in the DPL.

NH has a consumer protection law for landowners called the "Deceptive Forest Business Practices Act". In MA, landowners are constantly being ripped off by timber thieves and the state looks the other way. It's long overdue that landowners had consumer protections too. Many elderly landowners have had their timber stolen and nothing was done!

The Chapter 61 Forest Land Tax Law is also in dire need of reform. We had some small changes a few years ago but it wasn't nearly enough. In NH, their current use law has a 60% participation rate while in MA we are less than 20%. The reason is because there are some very unfair provisions in our law that scares away landowners like the right of first refusal which no other state in the country has.

As regulatory costs, energy costs, labor costs all greatly increased, and as a result of the big reduction in the availability of high value timber due to widespread destructive liquidation cutting, almost all of the sawmills in MA have gone out of business. It is not possible to bring them back, but we can begin to enforce our existing

forestry laws, reduce job killing regulations, and promote more landowner friendly policies while improving our forests and creating more local jobs.

Reforming the Forestry Sector:

In order to reform and improve the forestry sector in MA so we can improve landowners' woodlots and create thousands of new jobs, we must do the following:

1. Enforce our current forestry laws; reign in the onerous wetland, Natural Heritage, and other bylaws with a right to practice forestry rule.
2. Repeal the outrageous anti-forestry biomass regulations.
3. Reform the Ch.61 Forest Land Tax Law by starting with the repeal of the right of first refusal which no other state in the country has.
4. Take Licensed Foresters out of DCR and put us in the Division of Professional Licensure with all the other professions. This will allow Licensed Foresters to have the same protections for our profession as do other licensed professionals and it will also finally allow for consumer protection for landowners.
5. Re-appoint a new Massachusetts Forest Committee with professionals like they have in the NH Timberland Owners Association.

In NH, the forestry sector adds \$1.4 billion to their economy while they constantly are managing and improving their forests. In MA the forestry sector adds a small fraction of that number because almost all the wood cut here is exported except for some firewood. So not only are we exporting our wood, but we are also exporting many jobs as well. Forest industry in MA is essentially dead. But with your help, we can improve forestry in Massachusetts, create thousands of new jobs, while helping many Massachusetts landowners better manage their woodlots for timber production, wildlife habitat, recreation, and for its scenic value.

Regards,

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