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RECEIVING A NOTICE OF INTENT

This pamphlet will help you understand what it means when you receive a “Notice of Intent to Abutters” under the Massachusetts Forest Cutting Practices Act (“FCPA”, MGL Ch. 132).

FCPA regulations govern timber harvests on land that will be maintained in “forest use” after the harvest is completed. The FCPA allows landowners to exercise their right to harvest timber while protecting certain specifically identified public interests. The FCPA requires landowners to file a Forest Cutting Plan application when certain thresholds are met – for example, if harvest size is larger than 25,000 board feet or 50 cords. The FCPA also requires that certain abutting landowners be notified that a timber harvest is planned.



MASSACHUSETTS FOREST CUTTING PRACTICES ACT

ADDITIONAL RESOURCES

**Massachusetts Dept. of Conservation & Recreation
Service Forestry Program**

Eastern Massachusetts Office

355 West Boylston Street
Clinton, MA 01510
978-368-0126

Western Massachusetts Office

P.O. Box 484
Amherst, MA 01004
413-545-5752

www.mass.gov/dcr/service-forestry

Massachusetts Forest Trust

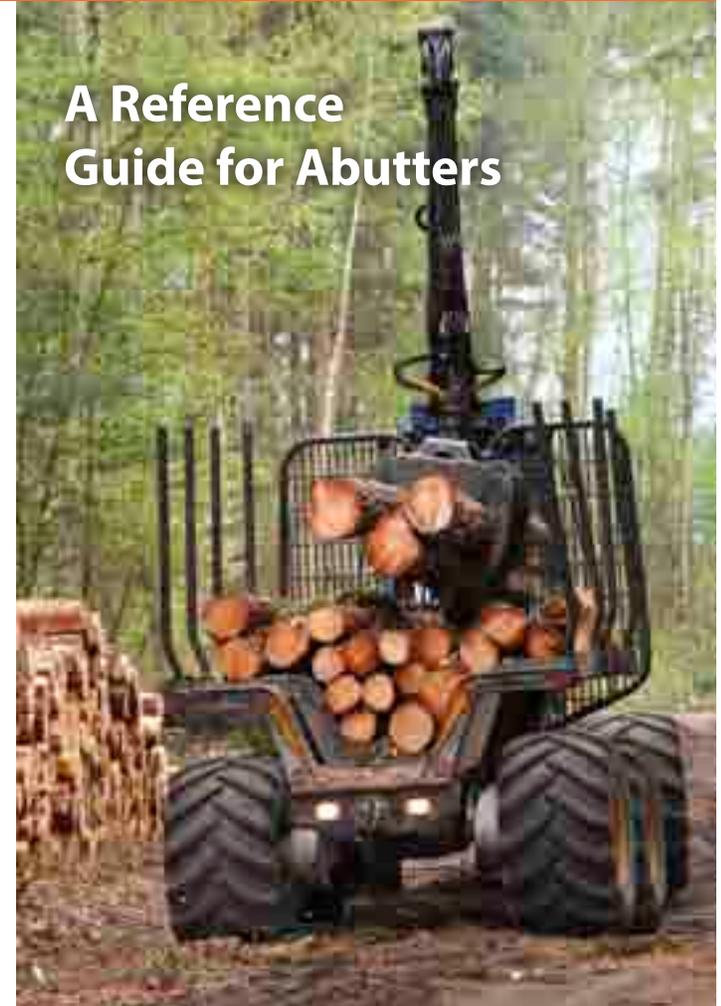
An Affiliate of the Massachusetts Forest Alliance

249 Lakeside Avenue
Marlborough, MA 01752

617-455-9918 | www.MassForestAlliance.org

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FREQUENTLY ASKED QUESTIONS

Why did I receive a “Notice of Intent to Abutters”?

If you receive a Notice of Intent to Abutters under the Massachusetts Forest Cutting Practices Act (FCPA), it means that a landowner whose property abuts yours – according to town records – has filed a Forest Cutting Plan application with the Massachusetts Department of Conservation and Recreation (DCR) and intends to harvest forest products on his or her property. The landowner is required to notify you only if a portion of the harvest area is within 200 feet of your property boundary. The abutter notice must arrive by certified mail or be hand-delivered.

The purpose of the abutter notice is to provide you with at least 10 days to verify that property boundaries are accurate, so that tree cutting will occur only on the intended property. The purpose is not to provide an opportunity for comment on other aspects of the harvest, besides its location.

What do I do if I believe that my abutter has located my boundary line incorrectly?

Under the FCPA, it is the landowner’s responsibility to notify abutters. Often, the landowner will designate an agent – usually a licensed forester or licensed timber

harvester – to handle the required notification. If you believe a boundary error has been made, you should contact both the landowner (or agent) and the district DCR Service Forester (see back for contact information).

Who prepares the Forest Cutting Plan?

The landowner, a licensed forester, licensed timber harvester, or timber buyer may complete and submit a Forest Cutting Plan application. Massachusetts licensed foresters and licensed timber harvesters must satisfy education and experience requirements in forest and natural resources management to obtain a license. Continuing education is required to maintain a current license. At least one licensed timber harvester is required on all harvests that have a Forest Cutting Plan.

Who Approves the Forest Cutting Plan?

All Forest Cutting Plans are reviewed by a DCR Service Forester to ensure they adhere to rules and regulations associated with the FCPA. When the Service Forester approves a Forest Cutting Plan, he or she provides the landowner with an orange certificate to be displayed where it will be visible from the road. A copy of the Forest Cutting Plan must also be provided to the

local conservation commission. The conservation commission does not have jurisdiction to approve or disapprove a plan, but may comment on the plan to the Service Forester within 10 days of receipt.

What are Best Management Practices and how do they protect the forest?

Best Management Practices (BMPs) specify guidelines for how a timber harvest is planned and implemented. The most important BMP is planning. The primary purpose of BMPs is to protect water quality by mitigating erosion. A Massachusetts Forestry BMP Manual is published by DCR and UMass Extension.

How are endangered species protected?

Any time a timber harvest may affect habitat important to endangered or threatened species, the DCR Service Forester must send the Forest Cutting Plan application to the state’s Natural Heritage and Endangered Species Program prior to approval. A state wildlife biologist will then review the plan and decide what mitigating actions, if any, should be taken to avoid adverse impacts to protected plants and animals. Often timber harvesting can still be responsibly conducted within critical wildlife habitat, and can even enhance certain wildlife habitat characteristics.

Will there be impacts to the forest and will I see changes in the forest after the harvest is completed?

After a harvest is completed, you may see tree tops and other woody material on the forest floor. “Slash” is the unmarketable portion of the tree which is left behind after the harvest. MGL Ch. 48, Sec. 16 requires that slash be distributed in a manner so as to minimize fire danger.

While the slash that is left behind after a harvest may not look “pretty”, it is important because it helps to recycle nutrients back into the soil and improves certain wildlife habitat characteristics.

Where can I go for more information?

You may contact the landowner, the landowner’s agent, or the district DCR Service Forester if you have questions about the harvest or the Forest Cutting Plan.