

SENATE No. 1770

The Commonwealth of Massachusetts

PRESENTED BY:

Joanne M. Comerford, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act for a new forestry deal for Massachusetts private and municipal forest landowners.

PETITION OF:

NAME:

Mike Leonard

DISTRICT/ADDRESS:

Petersham

SENATE No. 1770

By Ms. Comerford (by request), a petition (accompanied by bill, Senate, No. 1770) of Mike Leonard for legislation for a new forestry deal for Massachusetts private and municipal forest landowners. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act for a new forestry deal for Massachusetts private and municipal forest landowners.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 I. Reforming the Chapter 61/61A Forest & Farm Land Tax Programs to Encourage
2 Enrollment:

3 1.Repeal the “Right of First Refusal” when landowners withdraw from the programs
4 which no other state in the country has and scares away many landowners from enrolling. In
5 addition, eliminate the conveyance tax for early withdrawal and reduce the rollback tax to two
6 years if landowners withdraw from the program.

7 2.Reduce the tax on all acreage that is enrolled in the program to zero. Residential
8 development costs towns money because more town services are needed to support new
9 development whereas enrolled forest land cost towns almost nothing.

10 3.Reduce the minimum forest acreage for the Chapter 61 Forest Land Tax Program to
11 five acres as it is in the Chapter 61A Farm Land Tax Program.

12 4. Provide \$2 million/year to the Working Forest Initiative for new Chapter 61/Forest
13 Stewardship Plans.

14 5. Eliminate the pilot Climate Forestry Program. Henceforth, all forested acreage that is
15 enrolled in the Chapter 61/61A will be considered good for the climate.

16 6. Eliminate the “Foresters for the Birds” Program. All forestry will be accepted as being
17 good for birds and all other wildlife populations.

18 7. There will no need for DCR to launch a new Forest Resilience Program by the end of
19 2023. Encouraging more landowners to enroll in the Chapter 61/61A Programs will be far more
20 efficient than starting another new program which will provide no significant benefits.

21 8. Provide Forest landowners an annual tax credit of \$100/acre/year for all acreage that is
22 enrolled in the Chapter 61/61A Forest & Farm Land Tax Programs which would provide some
23 compensation to landowners for all the ecosystem benefits they provide to the Commonwealth
24 such as clean air, clean water, wildlife habitat, and CO2 sequestration which is estimated to be
25 \$1,000/acre/year or more. Cities and towns will be provided a state grant of \$100/acre/year for
26 all municipal watersheds and all city and town conservation land that have a Forest Management
27 Plan. These credits and grants would provide the support to better manage these forest lands.

28 9. Provide for an enhanced Chapter 61 to make it easy for landowners to permanently
29 protect their forests in a Conservation Easement. Licensed Foresters would help landowners do
30 this by using an easy one-page form which would be recorded at the Registry of Deeds. This
31 would greatly reduce the very high costs associated with Land Trusts saving landowners millions
32 of dollars in unnecessary costs and encourage more landowners to permanently protect their
33 forest land. Landowners would be paid fair market value for their Conservation Easements with

34 funds to support the program coming from the Environmental/Climate Bond Bill and any future
35 Environmental/Climate Bond Bill.

36 10. Less than 20% of all private forest land in Massachusetts is enrolled in the Chapter 61
37 Forest Land Tax Program in contrast to NH which has a 60% enrollment rate in their Current
38 Use Program. The goal should be to get at least 50% of all private forest land enrolled in this
39 critical program.

40 II. Reforming the Chapter 132 Forest Cutting Law to Improve Forest Productivity:

41 1. All Forest Cutting Plans will be for Long Term Forest Management. The “Short-term
42 Harvest” (also known as destructive high-grade logging) will be eliminated. The method to
43 determine if a Forest Cutting Plan is for Long-term Forest Management will be the same as it is
44 in the Chapter 132 Guidance Document: “Appendix B: Procedure for Long-Term Management
45 Determination/Short-Term Harvest Determination”.

46 2. All towns will adhere to a new state rule called “A Right to Practice Forestry” with an
47 approved Forest Cutting Plan. This will supersede all local bylaws concerning forestry and will
48 be identical to “Right to Farm” bylaws. This will mean that no local Zoning By-Law may
49 prohibit, unreasonably regulate, or require a special permit for the use of forest land for the
50 primary purpose of forestry. All local wetlands bylaws will be superseded with an approved
51 Forest Cutting Plan because the practice of silviculture and forest management will be an
52 allowed use.

53 3. All mitigation requirements mandated by the Natural Heritage Program will be
54 eliminated with an approved Forest Cutting Plan. Instead, voluntary measures will be suggested
55 with the approved Forest Cutting Plan as it is in other states. This will make it much easier for

56 landowners to manage their forest land which has been arbitrarily designated as rare species
57 habitat often without any evidence. Maintaining land as forest provides the best protection for
58 wildlife habitats.

59 III. Reforming the Massachusetts Forester Licensing Law:

60 1. Forester Licensing will be moved out of DCR and put in the Division of Professional
61 Licensure with all the other licensed professionals. This will allow Licensed Foresters to have
62 the same protections as do other Licensed Professionals and it will also allow for greater
63 consumer protection for landowners. This move will also eliminate DCR's Forester Licensing
64 Board.

65 2. A Massachusetts Forester's License will be good for three years instead of one. The
66 CFE (Continuing Forestry Education) credits needed for renewal will be reduced from 20
67 credits/year down to 10 credits/year. This compares with MA Licensed Timber Harvesters who
68 only need 3 credits/year to maintain their licenses.

69 3. Encourage the creation of a New England Forester's License by accepting the licenses
70 of foresters from other states if they accept ours.

71 IV. Improving DCR's Forestry Operations for Massachusetts Landowners:

72 1. All Chapter 61 Forest Management Plans and Forest Stewardship Plans will
73 automatically be approved and registered by a DCR Forestry Clerk upon receipt when filed by a
74 Massachusetts Licensed Forester. Reviews of Forest Management/Forest Stewardship Plans by
75 DCR Service Foresters will be eliminated. Forest Cutting Plans will continue to be reviewed by
76 the DCR Service Foresters and all Forest Cutting Plans must fall within the Recommended

77 Management Practices in the Forest Management/Forest Stewardship Plans unless the
78 Management Plans are amended. Once Forester Licensing is moved to the Division of
79 Professional Licensure, Licensed Foresters will stamp their Forest Management Plans and Forest
80 Cutting Plans and the state will accept it like they do for engineers and surveyors.

81 2. All Forest Cutting Plans will be checked for complete information only and
82 approved/disapproved by DCR Service Foresters within 10 working days as it is now. DCR
83 Service Foresters will do everything they can to facilitate the approval of all Forest Cutting Plans
84 by notifying the applicants for corrections before disapproving.

85 3. When private landowners call DCR inquiring about forestry services they will be
86 referred to the MA Directory of Licensed Foresters.

87 V. Encourage the Development of Forest Industry in Massachusetts:

88 1. Encourage the use of locally produced renewable firewood and regionally produced
89 wood pellets to reduce the use of imported heating oil. High-efficiency wood and pellet heating
90 systems are a cost-effective way to heat homes and businesses. Provide a rebate payment of 50%
91 of the system and installation cost, up to a maximum of \$15,000, for Massachusetts residents
92 who invest in high-efficiency (80% or greater), bulk-fuel fed, wood-pellet central heating boilers
93 and furnaces. Provide rebates of up to \$3,000 to Massachusetts residents for a new wood stove
94 change-out program to help pay for replacement of uncertified wood stoves with cleaner, EPA-
95 certified wood or pellet stoves. Provide a 50% cost share up to \$50,000 for all Massachusetts
96 schools and municipal buildings to install a wood heating system.

97 2 Encourage the use of a wood pellet manufacturing industry in Massachusetts by
98 providing a 30% investment tax credit of a project's cost.

99 3. Encourage the use of regionally produced Cross Laminated Timber (CLT) in new
100 construction especially public buildings by providing a sales tax exemption for all CLT that is
101 used in any new construction project.

102 4. Provide a Job Tax Credit of \$5,000 for every new job created in forestry and forest
103 products industries that are located in Massachusetts.

104 VI. Improve Forest Health and Forest Productivity:

105 1. Non-native insect infestations such as the spongy moth caterpillar, the hemlock wooly
106 adelgid, the emerald ash borer, the Asian longhorned beetle, and other insect pests will be
107 monitored and control measures encouraged. Aerial spraying of organic BT will be done for the
108 control of the spongy moth caterpillar as needed.

109 2. Enact a comprehensive program to control non-native invasive plants which are a huge
110 threat to our forest ecosystems. Require that all cities and towns develop an invasive plant
111 control program that would include all town roads and town owned property including schools,
112 recreation areas, parks, and conservation land. Contact all landowners to educate them on the
113 need to control invasive plants and practice good forestry. Invasive Control Management Plans
114 will be paid for by an increase in local aid and Plans for all cities and towns will be reviewed and
115 approved by DCR's Director of Forest Stewardship.

116 VII. The Regional Greenhouse Gas Initiative (RGGI) is a cooperative effort by Northeast
117 and Mid-Atlantic States to reduce CO2 emissions from large fossil fuel power plants. MA
118 receives about \$50 million/year from RGGI Auctions. The proceeds from the auctions go to
119 energy efficiency and other projects but nothing goes to forestry. The New Forestry Deal will
120 require that 50% of all auction revenue go to forest landowners to help pay for the tax credits and

121 grants. The RGGI has a “forestry protocol” but it has done nothing to help forestry in
122 Massachusetts,

123 VIII. Mandate a no net loss of forest land from the construction of all solar farms. All
124 new solar farms will be confined to landfills and other brownfields.

125 IX. Conclusion: Encouraging the protection and management of private forest land is
126 critical to sustain our environment for future generations in Massachusetts and sequester up to
127 20% of our greenhouse gas emissions making it easier to reach net zero by 2050. The goal of
128 increasing the total amount of protected forest land in Massachusetts from one million acres to
129 2.5 million acres which is an area equal to ½ of the state’s land area can only be achieved by
130 passing “A New Forestry Deal for Massachusetts Landowners”.