

**HOUSE . . . . . No. 3093**

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**The Commonwealth of Massachusetts**

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PRESENTED BY:

***Susannah M. Whipps, (BY REQUEST)***

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*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 forest landowners.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Mike Leonard</i>		<i>2/8/2021</i>

**HOUSE . . . . . No. 3093**

By Ms. Whipps of Athol (by request), a petition (accompanied by bill, House, No. 3093) of Mike Leonard relative to the taxation of forest lands. Revenue.

**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act for a new forestry deal for Massachusetts 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  
4 programs which no other state in the country has and scares away many landowners from  
5 enrolling. In addition, eliminate the conveyance tax for early withdrawal and reduce the rollback  
6 tax to two 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  
11 to 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  
13 61/Forest Stewardship Plans.

14           5.       All landowners enrolled in the Chapter 61 Forest Land Tax Program will  
15 automatically obtain Green Certification without any additional expensive paper work. This  
16 certification would be similar to SFI (Sustainable Forestry Initiative), FSC (Forest Stewardship  
17 Council) or Tree Farm Certification and be called Massachusetts Sustainable Forestry (MSF).

18           6.       Provide forest landowners an annual tax credit of \$100/acre/year for all acreage  
19 that is enrolled in the Chapter 61/61A Forest & Farm Land Tax Programs which would provide  
20 some compensation to landowners for all the ecosystem benefits they provide to the  
21 Commonwealth such as clean air, clean water, wildlife habitat, and CO2 sequestration which is  
22 estimated to be \$1,000/acre/year or more.

23           7.       Provide for an enhanced Chapter 61 to make it easy for landowners to  
24 permanently protect their forests in a Conservation Easement. Licensed Foresters would help  
25 landowners do this by using an easy one-page form which would be recorded at the Registry of  
26 Deeds. This would greatly reduce the very high costs associated with Land Trusts saving  
27 landowners millions of dollars in unnecessary costs and encourage more landowners to  
28 permanently protect their forest land. Landowners would be paid fair market value for their  
29 Conservation Easements with funds to support the program coming from the  
30 Environmental/Climate Bond Bill and any future Environmental/Climate Bond Bill.

31           8.       Less than 20% of all private forest land in Massachusetts is enrolled in the  
32 Chapter 61 Forest Land Tax Program in contrast to NH which has a 60% enrollment rate in their

33 Current Use Program. The goal should be to get at least ½ of all private forest land enrolled in  
34 this critical program.

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

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

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

48 3. All mitigation requirements mandated by the Natural Heritage Program will be  
49 eliminated with an approved Forest Cutting Plan. Instead, voluntary measures will be suggested  
50 with the approved Forest Cutting Plan as it is in other states. This will make it much easier for  
51 landowners to manage their forest land which has been arbitrarily designated as rare species  
52 habitat often without any evidence. Maintaining land as forest provides the best protection for  
53 wildlife habitats.

54           4.       Eliminate the “Foresters for the Birds” Program. All forestry will be accepted as  
55 being good for birds and all other wildlife populations.

56           III.       Reforming the Massachusetts Forester Licensing Law:

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

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

66           3.       Encourage the creation of a New England Forester’s License by accepting the  
67 licenses of foresters from other states if they accept ours.

68           IV.       Improving DCR’s Forestry Operations for Massachusetts Landowners:

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

75 Management Plans are amended. Once Forester Licensing is moved to the Division of  
76 Professional Licensure, Licensed Foresters will stamp their Forest Management Plans and Forest  
77 Cutting Plans and the state will accept it like they do for engineers and surveyors.

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

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

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

85 1. All Combined Heat & Power Biomass Energy facilities will be added to the list of  
86 qualified renewable energy facilities in the Renewable Portfolio Standard (RPS) Class I category  
87 and be eligible for full Renewable Energy Certificates (RECs). The efficiency requirement will  
88 be reduced to 40% for a full REC credit. This will encourage more locally produced biomass  
89 energy with some of the waste heat used to manufacture wood pellets to reduce our use of  
90 imported heating oil and for greenhouses and other food crop production. All existing stand-  
91 alone biomass electric power plants will be grandfathered in and be eligible for ½ the value of a  
92 Renewable Energy Certificate.

93 2. The regulations governing biomass energy will be changed so that: all biomass  
94 derived from woodlots with an approved Forest Cutting Plan will be accepted as sustainable;  
95 there will no longer be any regulation for a volume of harvest residues that must be retained on a  
96 harvest site based on soil productivity since it has been determined that enough coarse woody

97 debris is being retained on all harvests; the requirement that all woody biomass units achieve a  
98 50 percent reduction in greenhouse gas emissions over 20 years as compared to a combined-  
99 cycle natural gas unit will be accepted as being met by any and all biomass plants as long as our  
100 forests are growing faster than they are being cut; eliminate the electronic certificate registry to  
101 track and verify eligible biomass fuel supplies which also differentiates between wood derived  
102 from residues and forest thinnings; change the minimum operating efficiency of 50 percent to  
103 receive one half of a renewable energy credit (REC) to 25% for existing plants and 40 percent to  
104 receive a full renewable energy credit (REC). Eliminate the requirement for a Forest Impact  
105 Assessment every five years to review program implementation and any impacts on forests and  
106 markets as well as an Advisory Panel to review tracking and enforcement mechanisms. Instead,  
107 rely on the US Forest Service annual forest inventory report for Massachusetts.

108           3.       All forest biomass that is derived from a DCR approved Forest Cutting Plan will  
109 be accepted as being carbon neutral.

110           4.       Provide a 30% investment tax credit for at least six regional CHP plants and at  
111 least two wood pellet plants across the state. Increase rebates for all wood pellet heating systems  
112 for businesses, homeowners, and public buildings and restore the wood stove change-out  
113 program.

114           5.       Provide price supports to establish a floor of \$30/ton for all chipwood produced  
115 from woodlots which have a DCR approved Forest Cutting Plan. It would be capped at \$20  
116 million/year. This would increase annually by the rate of inflation. The subsidy would be funded  
117 by proceeds from RGGI Auctions (See VII.) and paid to buyers of chipwood.

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

121           7.       Encourage the use of other wood using industries in Massachusetts by providing a  
122 30% investment tax credit of a project's cost.

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

125           VI.     Improve Forest Health and Forest Productivity:

126           1.       Non-native insect infestations such as the gypsy moth caterpillar, the hemlock  
127 wooly adelgid, the emerald ash borer, the Asian longhorned beetle, and other insect pests will be  
128 monitored and control measures encouraged. Aerial spraying of organic BT will be done for the  
129 control of the gypsy moth caterpillar as needed.

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

137           VII.    The Regional Greenhouse Gas Initiative (RGGI) is a cooperative effort by  
138 Northeast and Mid-Atlantic States to reduce CO2 emissions from large fossil fuel power plants.

139 MA receives about \$50 million/year from RGGI Auctions. The proceeds from the auctions go to  
140 energy efficiency and other projects but nothing goes to forestry. So the New Forestry Deal is  
141 calling for 50% of all auction revenue go to forestry. The RGGI has a “forestry protocol” but it  
142 has done nothing to help forestry in Massachusetts

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

145 IX. Conclusion: Encouraging the protection and management of private forest land is  
146 critical to sustain our environment for future generations in Massachusetts and sequester up to  
147 20% of our greenhouse gas emissions making it easier to reach net zero by 2050. The goal of  
148 increasing the total amount of protected forest land in Massachusetts from one million acres to  
149 2.5 million acres which is an area equal to ½ of the state’s land area can only be achieved by  
150 passing “A New Forestry Deal for Massachusetts Landowners”.