



Lincoln AgriSource, LLC

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For the record, my name is Sam Lincoln. I own and operate a Master Logger certified mechanized timber harvesting business in Randolph Center. In addition to my career as a farmer and logger in central Vermont, I also served four years as the Deputy Commissioner of the Department of Forests, Parks, and Recreation in the Scott administration and I currently serve on the board of directors of the Professional Logging Contractors of the Northeast.

Thank you to Representative Mihaly for responding to his constituent's concerns and thank you to the House Committee on Agriculture, Food Resiliency, and Forestry for advancing this important legislation.

Timber theft is a serious crime with a significant impact and implications for its victims and for the greater timber harvesting industry. Prior to serving at FPR, I was aware of some notorious and unscrupulous people who had used timber theft as a mechanism to victimize landowners. As a professional logging contractor, I have a lot of high priority responsibilities but at the top of that list is transparency, open communication, contract fulfillment, and being accountable to my clients and am frustrated that innocent landowners are harmed by timber thieves, because that has a negative impact upon my profession. As a result of that which is done by others, I have had people look me in the eye and say, "There's no such thing as an honest logger" and other negative connotations persist with this career.

In 2017, I had been at FPR for about six months when I was asked to sit in on a meeting with a landowner that had been taken advantage of by one of these outlaws. As this family described what had occurred - the insufficient and misleading contract, the lack of payment, the damage to their property, the vanishing perpetrator, their efforts at recovery, and legally assuming responsibility for the restoration of the land while being simultaneously removed from the Use Value Appraisal program - I was shocked that this had occurred, and that it was associated with a profession that I dedicated most of my adult life to.

In 2018, I was approached by Mr. Carriveau, who had a compelling story about being taken advantage of by someone who cut timber on his property without compensating him. He had compiled a significant amount of evidence of other unscrupulous business practices. I will let others testify to the specific authority, roles, and responsibilities that state agencies have, but it was plain that FPR was unable to do much more than report and urge law enforcement to investigate these crimes. FPR does have a statewide network of foresters with the resources to help landowners manage forests and outreach materials with standard procedures and checklists that should be implemented before moving forward with a timber sale, but not everyone reaches out to them, and FPR has very little enforcement responsibility. The people that were victimized are unforgettable to me, and I feel that by not sufficiently investigating the complaints, and delivering consistent and predictable punishment, that law enforcement and the judicial system is adding insult to injury.

A google search of "timber trespass Vermont" reveals that our hearing today is not discussing a new or emerging issue. Put simply, our laws are not being enforced. People are not being held accountable. This erodes our faith in the government to step in and protect its citizens from harm.

If the statutory changes proposed in H.614 are what prosecutors need to act, we are ready to discuss them and ensure they are effective at punishing criminals while avoiding unintended consequences to the inadvertent offender or unforeseen circumstances, which are also real.

The Professional Logging Contractors of the Northeast, of which I am a Board member, along with the PLC's Vermont member steering committee, discussed this language and several situations that are occurring in real-time, where a logger is caught up in a timber trespass charge after following the property or harvest boundary guidance of another party - a landowner or forester - that may have been erroneous. We are very supportive of this legislation as written, because it took these concerns into consideration and it will not impact those that do things by mistake. We will also continue to support it if it is crystal clear that professional logging contractors will not inadvertently be subject to these serious penalties due to innocent mistakes. The cynical part of me wonders if we should even worry about that because of the demonstrated lack of enforcement, but that's not how I'm approaching this discussion.

We are here in good faith to try to solve a problem associated with our profession, but like many other initiatives taken up by the legislature, just writing down new laws on paper doesn't solve a problem until we get to the root cause and core issue. In this case, I believe that is a lack of enforcement, or a clear path to restitution, and justice for the victims. We all need to learn and understand why the same bad actors are operating, unbothered, and how to prevent this from continuing to occur. A recent announcement of charges being filed against a Vermont logging company for a pattern of timber theft is welcome news, but it took *five years* for this case to get just to this point, after a much longer period of alleged bad behavior. It shouldn't take this long.

We believe that the stakeholder study included in this legislation, led by law enforcement, is an essential part of this bill. The group would be charged with identifying gaps, deficiencies, and opportunities to the prevent and enforce cases of timber theft and trespass laws, and examine all possible mechanisms and tools, *and* the resources needed to support the necessary changes, without any presumed solutions written into the authorizing language. This is primarily a law enforcement issue, and should be led by a law enforcement agency, and subsequently supported by forestry professionals. Our sector will bring a great collection of insight and experience, but we do not wield the authority necessary to investigate these cases.

Other states have been able to manage this issue with better protection for the public and the forest economy. We must examine any and all of those policies with the potential for adapting and adopting them to something that works for Vermont.