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To: House committee on Natural Resources and Energy  
Cc: Representatives Kesha Ram, David Deen, Anthony Klein, Carolyn Partridge  
FPR Commissioner Michael Snyder, Robbo Holleran, Steve McLeod

Re: House bill H 584 miscellaneous timber harvesting and forestry issues

Greetings,

I just learned of this bill, and wish to offer some comments. I have been a consulting forester from Shrewsbury for 12 years, following 33 years as a county forester and state lands forester with the VT Dept of Forests, Parks, and Recreation. I have also been a Christmas tree grower since 1986.

In brief, my concerns about the provisions of this bill are as follows:

**P 8, line 8, addition of ss 2613 and 2614.** It is not clear to me why this new program is believed to be necessary. The proposal is for new detailed record-keeping, the principal burden of which is on forest landowners, foresters, and loggers. It must be acknowledged, however, that the onus of administering the program will fall on the field staff of the Dept of Forests, Parks, and Recreation. Commissioner Snyder's recent submission to the Senate Committee on Finance and the House Committee on Ways and Means pursuant to Act 57 of 2015 details the demands currently experienced by the county foresters. An analogous report on the duties of the State lands staff would be just as instructive. If allowed to speak off-the-record any of these foresters would agree that time spent coping with purely administrative chores is time not spent accomplishing good things on the land.

**P8, line 15, exemptions** These threshold limits are too low. 10,000 board feet of timber is only three truck loads, two if the truck is larger. 20 cords is also very low. As with the setting of any threshold, the merits of a little more or a little less can be debated ad nauseum, but these are conspicuous when read in concert with the proposed **ss 2614 on p 11, lines 15-19.**

**p 11, lines 15-19.** The exemption of cut, split firewood is appropriate, but to link it with the 20-cord threshold described above can be onerous. I recently supervised the harvest of 38 cords of firewood on a use-value property. This was poor-quality timber harvested by an industrious high-school student, and removed one pick-up load at a time over a 10 month period. The requirement of notification and trip tickets for this small forest improvement operation seems excessive.

I have been actively involved with the Trees for Troops program since 2004. This nationwide project provides Christmas trees donated by growers to families of deployed armed services personnel, shipped free-of-charge by Fedex. On November 30, 2015, I picked up and forwarded to Fedex 68 trees donated by seven different growers in southern Vermont, only one of which provided more than 10. Are the legitimate interests of the State of Vermont well-served by requiring trip tickets for this load of trees?

**P 25, lines 9- p 31, line 11, 13 VSA ss 3602, Valuation of Trees or Timber** The proposed increases in tree values do not appear to serve a useful purpose. The establishment of this ss in 2009 was a startling revelation to landowners and the legal profession who were woefully unaware of the cash value of trees, and furthermore offered a baseline for negotiating timber trespass settlements. That said, a small tree worth \$25 or a large one worth \$1500 was virtually non-existent except in an urban landscape setting. To think that these same trees may now have values from \$100 to \$2000 is unrealistic.

**P 26, line 15, ss 3603, Marking Harvest Units** to be repealed. Since enactment in 2009, the requirement that a harvest area be clearly marked, and the responsibility lies with the landowner, has been very beneficial.. Historically, the defense of timber thieves has been that the property line was unclear or not evident, or it was where the owner told him. Unfortunately, there too many landowners who, themselves, do not adequately or correctly know where their lines are, and are highly susceptible to assurances from an unscrupulous logger who claims he knows, or will do the necessary research to determine so. The repeal of this ss is a great step backward.

**P 30, line 1 Trespass, criminal penalty** Creating a criminal penalty for timber trespass is long overdue. The long-standing civil penalties have been a minimal deterrent, and have benefitted the litigation industry far more that victimized landowners. I am not certain how effective the proposed change will be, but I am optimistic.

It may be too late in this legislative session to debate and correct the shortcomings in this bill, , so I would urge you to postpone action on the portions which require further discussion.

As an active forester handling many very small timber harvests, with too much familiarity with timber trespass, and a thriving Christmas tree operation, I believe I am qualified to speak to some of the matters contained in this bill.

I am available for personal testimony or discussions at your convenience.

Respectfully,

Russell S. Reay