

January 13, 2026

Representative Robert Harb, chairman
NH House of Representatives Resources, Recreation, and Development Committee
Room 228, Granite Place
Concord, NH 03301

RE: Oppose HB 1440

Representative Harb,

I have been a consulting forester in New Hampshire for 40 years, working with a wide variety of forest landowners. I have been working with several large landowners that are enrolled in carbon sequestration programs, and know others that are in such programs or are considering them. I am also quite familiar with last year's HB 123 and the resulting Carbon Sequestration Programs Study Commission.

I assume that the impetus for this bill is to force forest landowners to harvest timber in order to manage for wildlife habitat, besides generating timber tax revenue. There is a perception that landowners in a carbon sequestration program don't harvest any timber. That perception is false. The landowners in such programs that I work with, and those considering such programs, still intend to conduct forest and wildlife habitat management to the fullest extent allowed under their carbon sequestration programs. In addition, some landowners, including our largest client, have some land in a carbon program that is also under a conservation easement where the forest management plan is already approved by the NH Division of Forests and Lands (DFL). And other lands in carbon programs that are also under a conservation easement usually require a forest management plan, just not approved by the State. So this bill is unnecessary.

I am opposed to HB 1440 for a number of additional reasons:

1. This bill is premature. One of the tasks of the Carbon Sequestration Programs Study Commission is to study the impact of such programs on sound forest management. Let the Study Commission do its work before a proposal like this is considered.
2. This bill is discriminatory. There are many reasons why forest landowners do or don't actively manage their property. This bill singles out landowners in carbon sequestration programs with state mandated requirements and creates an inequity with landowners who aren't in such programs.
3. This bill infringes on private property rights in the "Live Free or Die" state. Do you want the State of NH dictating how to manage your property? Rarely do we see government making better decisions than individual landowners for their own property. This could also raise the issue of a taking of private property rights where the landowner should be compensated by the government.

4. This would be the first forest practices act in NH, possibly beginning a string of additional regulation.
5. Defining “best forestry practices” is subjective and will be difficult. Under this bill DFL and F&G “may adopt rules” but doesn’t require them to do so. So there may be no public input in that process.
6. This bill would create a system similar to the current use taxation program in Vermont. I am very familiar with that program. It is extremely costly to forest landowners, and the state takes full advantage of the power they have in setting the standards for and approving forest management plans.
7. If a landowner is forced to strictly follow their approved management plan or risk noncompliance, they may have to harvest timber when markets are not favorable or even non-existent, thereby losing income.
8. This bill would increase forest management costs.
9. This bill would increase costs to state agencies. The legislature seems to regularly ask NH DFL to reduce their budget, and NH Fish and Game struggles with their budget with reduced license fee income and increased search and rescue costs. Both agencies have estimated substantial costs to implement this bill.

For all of these reasons I oppose HB 1440 and ask your committee to kill it. Thank you for the opportunity to provide this testimony.

Respectfully submitted,

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