

1 H.131

2 Introduced by Representatives Malcolm of Pawlet, Canfield of Fair Haven,
3 and Potter of Clarendon

4 Referred to Committee on

5 Date:

6 Subject: Conservation and development; natural resources; energy; forestry

7 Statement of purpose of bill as introduced: This bill proposes to extend the
8 period for the development of voluntary harvesting guidelines by the
9 Department of Forests, Parks and Recreation, to require a public participation
10 process in the development of those guidelines, and to repeal the requirement
11 that those guidelines be followed for lands in the current use program.

12 An act relating to harvesting guidelines and procurement standards

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 10 V.S.A. § 2750 is amended to read:

15 § 2750. HARVESTING GUIDELINES AND PROCUREMENT

16 STANDARDS

17 (a) The ~~secretary of natural resources~~ Commissioner of Forests, Parks and
18 Recreation (the Commissioner) shall develop voluntary harvesting guidelines
19 that may be used by private landowners to help ensure long-term forest health
20 and sustainability. ~~These guidelines shall address harvesting that is~~

1 ~~specifically for wood energy purposes, as well as other harvesting.~~ The
2 ~~secretary~~ Commissioner may also recommend monitoring regimes as part of
3 these guidelines. In developing these guidelines, the Commissioner shall:

4 (1) provide widespread public notice of the process to develop the
5 guidelines;

6 (2) provide opportunities for potentially affected individuals, business
7 organizations, and members of the public to submit recommendations on the
8 specific content of the guidelines prior to their development and to comment
9 on a draft of the guidelines once the draft is developed;

10 (3) hold one or more public meetings; and

11 (4) maintain a web page concerning the development of these guidelines
12 that provides notice of all opportunities for public comment and all public
13 meetings on the guidelines and posts relevant information and the documents
14 submitted to and created by the Department of Forests, Parks and Recreation as
15 part of the process.

16 (b) ~~The commissioner of forests, parks and recreation (the commissioner)~~
17 ~~shall adopt rules or procedures to modify the process of approving forest~~
18 ~~management plans and forest practices for lands enrolled in the use value~~
19 ~~appraisal program, established under 32 V.S.A. chapter 124, in order to~~
20 ~~address long term forest health and sustainability. These modifications shall~~
21 ~~include requirements for preapproval by the commissioner or designee of~~

1 ~~whole tree harvesting and for applying the guidelines developed under~~
2 ~~subsection (a) of this section to harvesting on lands enrolled in the use value~~
3 ~~appraisal program.~~

4 (e) For contracts to harvest wood products on state lands, the ~~commissioner~~
5 ~~of forests, parks and recreation~~ Commissioner shall ensure all such harvests are
6 consistent with the purpose of the guidelines developed under subsection (a) of
7 this section, with the objective being long-term forest health and sustainability
8 in addition to other management objectives.

9 ~~(d)~~(c) The ~~secretary of natural resources~~ Commissioner shall develop a
10 procurement standard that shall be used by ~~the commissioner of buildings and~~
11 ~~general services~~ all state agencies and departments in procuring wood
12 products, ~~including biomass for energy in state buildings. All state agencies~~
13 ~~and departments that use wood energy shall comply with this procurement~~
14 ~~standard~~ from whole-tree harvests in Vermont. The procurement standard
15 shall include ~~the voluntary forest health guidelines developed pursuant to~~
16 ~~subsection (a) of this section~~ specifications on the retention of live and dead
17 trees. ~~The procurement standard shall recommend methods to:~~

18 (1) ~~assure compliance with those forest health guidelines and applicable~~
19 ~~laws; and~~

20 (2) ~~obtain review of potential impacts to natural resources such as rare,~~
21 ~~threatened, or endangered species, wetlands, wildlife habitat, natural~~

1 ~~communities, and forest health and sustainability as defined by the~~
2 ~~commissioner of forests, parks and recreation in consultation with the~~
3 ~~commissioner of fish and wildlife.~~

4 ~~(e)(d)~~ The procurement standard developed under ~~subsection (d)~~ of this
5 section shall be made available to Vermont educational institutions and other
6 users of ~~biomass energy~~ wood products for their voluntary use.

7 ~~(f)(e)~~ Working with regional governmental organizations, such as the New
8 England Governors' Conference, Inc. and the Coalition of Northeastern
9 Governors, the ~~secretary of natural resources~~ Commissioner shall seek to
10 develop and implement regional voluntary harvesting guidelines and a model
11 procurement standard that can be implemented regionwide, consistent with the
12 application of the guidelines, ~~rules, procedures,~~ and standards developed under
13 ~~subsections (a), (b), and (d)~~ of this section.

14 Sec. 2. REPEAL

15 2012 Acts and Resolves No. 170, Sec. 16b (harvesting and procurement
16 standards; initial adoption) is repealed.

17 Sec. 3. INITIAL ADOPTION

18 (a) The Commissioner of Forests, Parks and Recreation (the
19 Commissioner) shall:

20 (1) On or before September 1, 2013, adopt initial standards pursuant to
21 Sec. 1 of this act, 10 V.S.A. § 2750(c) (procurement standards); and

1 (2) On or before January 15, 2015, adopt initial guidelines pursuant to
2 Sec. 1 of this act, 10 V.S.A. § 2750(a) (voluntary forest health guidelines).

3 (b) In developing the initial voluntary harvesting guidelines and
4 procurement standards under 10 V.S.A. § 2750(a) and (c), the Commissioner
5 shall consider the recommendations outlined in the final report of the Biomass
6 Energy Development Working Group, dated January 17, 2012.

7 (c) The procurement standard adopted under 10 V.S.A. § 2750(c) shall
8 apply to wood product procurement by state agencies and departments
9 commencing with new or amended contracts executed after January 1, 2014.

10 Sec. 4. 30 V.S.A. § 248(b)(11) is amended to read:

11 (11) with respect to an in-state generation facility that produces electric
12 energy using woody biomass, will:

13 (A) comply with the applicable air pollution control requirements
14 under the federal Clean Air Act, 42 U.S.C. § 7401 et seq.;

15 (B) incorporate commercially available and feasible designs to
16 achieve a reasonable design system efficiency for the type and design of the
17 proposed facility; and

18 (C) comply with harvesting guidelines and procurement standards
19 that are consistent with the guidelines and standards developed by the ~~secretary~~
20 of ~~natural resources~~ Commissioner of Forests, Parks and Recreation pursuant
21 to 10 V.S.A. § 2750 (harvesting guidelines and procurement standards).

1 Sec. 5. PERIOD OF GUIDELINE AND STANDARD DEVELOPMENT;

2 APPLICATION OF PUBLIC SERVICE BOARD CRITERION

3 When applying 30 V.S.A. § 248(b)(11)(C) (consistency with harvesting
4 guidelines and procurement standards) before the initial adoption by the
5 Commissioner of Forests, Parks and Recreation of harvesting guidelines and
6 procurement standards under 10 V.S.A. § 2750, the Public Service Board shall
7 find that 30 V.S.A. § 248(b)(11)(C) is met if the petitioner demonstrates that
8 the proposed facility will implement harvesting guidelines and procurement
9 standards that ensure long-term forest health and sustainability.

10 Sec. 6. EFFECTIVE DATE

11 This act shall take effect on passage.