

1 S.83

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

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

6 Statement of purpose of bill as introduced: This bill proposes to create an  
7 annual award for excellence in forestry; to extend the period for the  
8 development of voluntary harvesting guidelines by the Commissioner of  
9 Forests, Parks and Recreation (the Commissioner); to require a public  
10 participation process in the development of those guidelines; to repeal the  
11 requirement that those guidelines be followed for lands in the current use  
12 program; and to authorize the Commissioner and Vermont Technical College  
13 to develop a logger outreach, education, and training program.

14 An act relating to excellence in forestry, harvesting guidelines, and  
15 outreach, education, and training

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

17 Sec. 1. 10 V.S.A. § 2613 is added to read:

18 § 2613. AWARD; EXCELLENCE IN FORESTRY

19 An annual award is established entitled the Vermont Award for Excellence  
20 in Forestry. The Governor at the recommendation of the Commissioner shall

1 grant the award to a nominee for outstanding effort or achievement in the  
2 promotion, demonstration, or application of sustainable and environmentally  
3 sound forestry practices. The Commissioner shall develop a process for  
4 soliciting nominations each year from the public and shall provide those  
5 nominations to the Governor, who shall make the award from among the  
6 nominations.

7 Sec. 2. 10 V.S.A. § 2750 is amended to read:

8 § 2750. HARVESTING GUIDELINES AND PROCUREMENT

9 STANDARDS

10 (a) ~~The secretary of natural resources~~ Commissioner of Forests, Parks and  
11 Recreation (the Commissioner) shall develop voluntary harvesting guidelines  
12 that may be used by private landowners to help ensure long-term forest health  
13 and sustainability. These guidelines shall address harvesting that is  
14 specifically for wood energy purposes, as well as other harvesting. The  
15 ~~secretary~~ Commissioner may also recommend monitoring regimes as part of  
16 these guidelines. In developing these guidelines, the Commissioner shall:

17 (1) provide widespread public notice of the process to develop the  
18 guidelines;

19 (2) provide opportunities for potentially affected individuals, business  
20 organizations, and members of the public to submit recommendations on the

1 specific content of the guidelines prior to their development and to comment  
2 on a draft of the guidelines once the draft is developed;

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

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

9 ~~(b) The commissioner of forests, parks and recreation (the commissioner)~~  
10 ~~shall adopt rules or procedures to modify the process of approving forest~~  
11 ~~management plans and forest practices for lands enrolled in the use value~~  
12 ~~appraisal program, established under 32 V.S.A. chapter 124, in order to~~  
13 ~~address long-term forest health and sustainability. These modifications shall~~  
14 ~~include requirements for preapproval by the commissioner or designee of~~  
15 ~~whole tree harvesting and for applying the guidelines developed under~~  
16 ~~subsection (a) of this section to harvesting on lands enrolled in the use value~~  
17 ~~appraisal program.~~

18 ~~(e) For contracts to harvest wood products on state lands, the commissioner~~  
19 ~~of forests, parks and recreation~~ Commissioner shall ensure all such harvests are  
20 consistent with the purpose of the guidelines developed under subsection (a) of

1 this section, with the objective being long-term forest health and sustainability  
2 in addition to other management objectives.

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

12 ~~(1) assure compliance with those forest health guidelines and applicable~~  
13 ~~laws; and~~

14 ~~(2) obtain review of potential impacts to natural resources such as rare,~~  
15 ~~threatened, or endangered species, wetlands, wildlife habitat, natural~~  
16 ~~communities, and forest health and sustainability as defined by the~~  
17 ~~commissioner of forests, parks and recreation in consultation with the~~  
18 ~~commissioner of fish and wildlife.~~

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

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

8       Sec. 3. REPEAL

9       2012 Acts and Resolves No. 170, Sec. 16b (harvesting and procurement  
10 standards; initial adoption) is repealed.

11       Sec. 4. INITIAL ADOPTION

12       (a) The Commissioner of Forests, Parks and Recreation (the  
13 Commissioner) shall:

14           (1) On or before September 1, 2013, adopt initial standards pursuant to  
15 Sec. 2 of this act, 10 V.S.A. § 2750(c) (procurement standards); and

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

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

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

4        Sec. 5. 10 V.S.A. § 2751 is added to read:

5        § 2751. OUTREACH, EDUCATION, AND TRAINING

6        The Commissioner of Forests, Parks and Recreation is authorized to work  
7        with the Vermont State Colleges to develop an outreach, education, and  
8        training program for loggers to be offered at Vermont Technical College. The  
9        content of the program, if developed, shall include the areas of  
10       professionalism, maintaining forest health, and use of the voluntary guidelines  
11       developed under section 2750 of this title.

12       Sec. 6. 16 V.S.A. § 2187 is added to read:

13       § 2187. LOGGER OUTREACH, EDUCATION, AND TRAINING

14       At the request of the Commissioner of Forests, Parks and Recreation (the  
15       Commissioner), the Vermont State Colleges shall work with the Commissioner  
16       to develop the outreach, education, and training program for loggers described  
17       in 10 V.S.A. § 2751.

18       Sec. 7. 30 V.S.A. § 248(b)(11) is amended to read:

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

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

3 (B) incorporate commercially available and feasible designs to  
4 achieve a reasonable design system efficiency for the type and design of the  
5 proposed facility; and

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

10 Sec. 8. PERIOD OF GUIDELINE AND STANDARD DEVELOPMENT;

11 APPLICATION OF PUBLIC SERVICE BOARD CRITERION

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

19 Sec. 9. EFFECTIVE DATES

20 (a) The following sections of this act shall take effect on passage: This  
21 section and Secs. 2 (harvesting guidelines and procurement standards).

- 1     3 (repeal), 4 (initial adoption), 7 (in-state biomass electric generation) and 8  
2     (period of guideline and standard development; application of Public Service  
3     Board criterion).  
4     (b) The remaining sections of this act shall take effect on July 1, 2013.