

1 H.33

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; forestry; water resources

6 Statement of purpose of bill as introduced: This bill proposes to make  
7 mandatory the acceptable management practices for the harvesting of timber  
8 adopted by the Commissioner of Forests, Parks and Recreation by rule.

9 An act relating to the acceptable management practices for timber  
10 harvesting

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

12 Sec. 1. 10 V.S.A. § 2622 is amended to read:

13 § 2622. RULES; ACCEPTABLE MANAGEMENT PRACTICES FOR  
14 HARVESTING TIMBER; FORESTS

15 The ~~commissioner~~ Commissioner shall adopt rules to establish ~~methods~~  
16 acceptable management practices by which the harvest and utilization of  
17 timber in private and public ~~forest land~~ forestland will be consistent with  
18 continuous forest growth, including reforestation, will prevent wasteful and  
19 dangerous forestry practices, will regulate heavy cutting, will encourage good  
20 forestry management, will enable and assist landowners to practice good

1 forestry management, and will conserve the natural resources consistent with  
2 the purposes and policies of this chapter, giving due consideration to the need  
3 to assure continuous supplies of forest products and to the rights of the owner  
4 or operator of the land. ~~Such~~ The rules ~~shall be advisory, and not mandatory,~~  
5 ~~except that~~ adopted under this section and the rules adopted under section 2625  
6 of this title shall be mandatory as shall other rules specifically authorized to be  
7 mandatory.

8 Sec. 2. 10 V.S.A. § 1021(f) is amended to read:

9 (f) This subchapter shall not apply to accepted agricultural ~~or silvicultural~~  
10 practices, as defined by the ~~secretary of agriculture, food and markets~~  
11 Secretary of Agriculture, Food and Markets, or ~~the commissioner of forests,~~  
12 ~~parks and recreation, respectively~~ the accepted management practices for the  
13 harvesting of timber, as defined by the Commissioner of Forests, Parks and  
14 Recreation.

15 Sec. 3. 10 V.S.A. § 1259(f) is amended to read:

16 (f) The provisions of subsections (c), (d), and (e) of this section shall not  
17 regulate accepted agricultural ~~or silvicultural~~ practices, as such are defined by  
18 the ~~secretary of agriculture, food and markets and the commissioner of forests,~~  
19 ~~parks and recreation, respectively,~~ Secretary of Agriculture, Food and Markets,  
20 or the accepted management practices for the harvesting of timber, as such are  
21 defined by the Commissioner of Forests, Parks and Recreation after an

1 opportunity for a public hearing; nor shall these provisions regulate discharges  
2 from concentrated animal feeding operations that require a permit under  
3 section 1263 of this title; nor shall those provisions prohibit stormwater runoff  
4 or the discharge of nonpolluting wastes, as defined by the ~~secretary~~ Secretary.

5 Sec. 4. 10 V.S.A. § 1264(e)(2) is amended to read:

6 (2) As one of the principal means of administering an enhanced  
7 stormwater program, the ~~secretary~~ Secretary may issue and enforce general  
8 permits. To the extent appropriate, such permits shall include the use of  
9 certifications of compliance by licensed professional engineers practicing  
10 within the scope of their engineering specialty. The ~~secretary~~ Secretary may  
11 issue general permits for classes of regulated stormwater runoff permittees and  
12 may specify the period of time for which the permit is valid other than that  
13 specified in subdivision 1263(d)(4) of this title when such is consistent with  
14 the provisions of this section. General permits shall be adopted and  
15 administered in accordance with the provisions of subsection 1263(b) of this  
16 title. No permit is required under this section for:

17 (A) Stormwater runoff from farms subject to accepted agricultural  
18 practices adopted by the ~~secretary of agriculture, food and markets~~ Secretary of  
19 Agriculture; Food and Markets;

20 (B) Stormwater runoff from concentrated animal feeding operations  
21 that require a permit under subsection 1263(g) of this chapter; or

1 (C) Stormwater runoff from silvicultural activities subject to accepted  
2 management practices for the harvesting of timber adopted by the  
3 ~~commissioner of forests, parks and recreation~~ Commissioner of Forests, Parks  
4 and Recreation.

5 Sec. 5. 10 V.S.A. § 8003(a) is amended to read:

6 (a) The ~~secretary~~ Secretary may take action under this chapter to enforce  
7 the following statutes and rules, permits, assurances, or orders implementing  
8 the following statutes:

9 \* \* \*

10 (17) 10 V.S.A. § 2625, relating to heavy cutting of timber;

11 \* \* \*

12 (22) 10 V.S.A. chapter 164A, collection and disposal of  
13 mercury-containing lamps; ~~and~~

14 (23) 24 V.S.A. § 2202a, relating to a municipality's adoption and  
15 implementation of a solid waste implementation plan that is consistent with the  
16 state solid waste plan; and

17 (24) 10 V.S.A. § 2622, relating to the acceptable management practices  
18 for harvesting timber.

19 Sec. 6. 10 V.S.A. § 8503(a) is amended to read:

20 (a) This chapter shall govern all appeals of an act or decision of the  
21 ~~secretary~~ Secretary, excluding enforcement actions under chapters 201 and 211

1 of this title and rulemaking, under the following authorities and under the rules  
2 adopted under those authorities:

3 (1) The following provisions of this title:

4 \* \* \*

5 (L) section 2625 (regulation of heavy cutting).

6 \* \* \*

7 (S) section 2622 (acceptable management practices for harvesting  
8 timber).

9 (2) 29 V.S.A. chapter 11 (management of lakes and ponds).

10 (3) 24 V.S.A. chapter 61, subchapter 10 (relating to salvage yards).

11 Sec. 7. 24 V.S.A. § 4413(d) is amended to read:

12 (d) A bylaw under this chapter shall not regulate accepted agricultural ~~and~~  
13 ~~silvicultural~~ practices, including the construction of farm structures, as those  
14 practices are defined by the ~~secretary of agriculture, food and markets~~  
15 Secretary of Agriculture, Food and Markets or ~~the commissioner of forests,~~  
16 ~~parks and recreation~~ acceptable management practices for the harvesting of  
17 timber, as those practices are defined by the Commissioner of Forests, Parks  
18 and Recreation, respectively, under 10 V.S.A. §§ 1021(f) and 1259(f) and  
19 6 V.S.A. § 4810.

20 \* \* \*

1       Sec. 8. EFFECTIVE DATE

2       This act shall take effect on January 1, 2014.