

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 100 entitled “An act relating to forest integrity” respectfully
4 reports that it has considered the same and recommends that the bill be
5 amended by striking out all after the enacting clause and inserting in lieu
6 thereof the following:

7 Sec. 1. FINDINGS

8 The General Assembly finds:

9 (1) Vermont’s forests are a unique resource that provides habitat for
10 wildlife, a renewable resource for human use, jobs for Vermonters in timber
11 and other forest-related industries, and economic development through a
12 productive forest products industry.

13 (2) Large areas of contiguous forest are essential for quality wildlife
14 habitat, to preserve Vermont’s scenic qualities, to implement best practices in
15 forest management, and to ensure the continued economic productivity of
16 Vermont’s diverse forest products industry.

17 (3) The division of forests into lots for house sites or other construction
18 fragments Vermont’s forests and reduces their value as wildlife habitat, for
19 forest industries, and to Vermont’s tourist economy.

1 Sec. 2. 10 V.S.A. § 2601a is added to read:

2 § 2601a. POLICY; FOREST INTEGRITY; NONFRAGMENTATION

3 (a) The State of Vermont shall preserve Vermont’s forests in large
4 contiguous blocks without permanent roads, buildings, or other construction in
5 order to:

6 (1) provide habitat for wildlife, especially animals that range over large
7 areas of land, including bear, moose, bobcat, lynx, and deer;

8 (2) protect the watersheds and Vermont’s streams and rivers so as to
9 maintain the quality of Vermont’s waters and to reduce the risk
10 of flooding; and

11 (3) preserve the scenic qualities of the Vermont landscape.

12 (b) The State of Vermont shall implement the policy stated in this section
13 through all agencies whose activities affect the State’s publicly and privately
14 owned forests, including the Department as set forth in this chapter, and
15 through its political subdivisions pursuant to 24 V.S.A. chapter 117 (municipal
16 and regional planning and development).

17 Sec. 3. 10 V.S.A. § 6001(35) is added to read:

18 (35) “Fragmentation of forestland” means the separation of forestlands
19 by buildings, roads, or other physical structures or by other human-made
20 alterations to land such as clearing.

1 Sec. 4. 10 V.S.A. § 6086 is amended to read:

2 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

3 (a) Before granting a permit, the district commission shall find that the
4 subdivision or development:

5 * * *

6 (9) Is in conformance with a duly adopted capability and development
7 plan, and land use plan when adopted. However, the legislative findings of
8 subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria
9 in the consideration of applications by a district commission.

10 * * *

11 (C) Productive forest soils; forest integrity. A permit will be granted
12 for ~~the a~~ development or subdivision of ~~productive forest soils~~ only when it is
13 demonstrated by the applicant that, in addition to all other applicable criteria,
14 ~~either, the subdivision or development~~ each of the following is met:

15 (i) If the application involves the development or subdivision of
16 productive forest soils, the development or subdivision either will not result in
17 any reduction in the potential of those soils for commercial forestry; or:

18 (i)(I) the development or subdivision will not significantly
19 interfere with or jeopardize the continuation of agriculture or forestry on
20 adjoining lands or reduce their agricultural or forestry potential; ~~and~~

1 ~~(ii)~~(II) except in the case of an application for a project located
2 in a designated growth center, there are no lands other than productive forest
3 soils owned or controlled by the applicant which are reasonably suited to the
4 purpose of the development or subdivision; and

5 ~~(iii)~~(III) except in the case of an application for a project
6 located in a designated growth center, the subdivision or development has been
7 planned to minimize the reduction of the potential of those productive forest
8 soils through innovative land use design resulting in compact development
9 patterns, so that the remaining forest soils on the project tract may contribute to
10 a commercial forestry operation.

11 (ii) the development or subdivision will not contribute to the
12 fragmentation of forestland; or

13 (I) the development or subdivision cannot practicably be relocated
14 on the site or to another site owned or controlled by the applicant or reasonably
15 available to satisfy the basic project purpose;

16 (II) if the proposed development or subdivision cannot practicably
17 be relocated, all practicable measures have been taken to avoid adverse impacts
18 caused by the development's or subdivision's fragmentation of forestland;

19 (III) if avoidance of adverse effects caused by the development's
20 or subdivision's fragmentation of forestland cannot be practically achieved, the
21 development or subdivision has been planned to minimize those adverse effects
22 and to preserve connection among the forestlands to be separated in a manner that

1 supports wildlife, and the applicant will permanently conserve an area of
2 forestland that is of comparable or greater biological value than the forestland
3 fragmented by the development or subdivision.

4 * * *

5 Sec. 5. REPORT; FOREST FRAGMENTATION IN VERMONT

6 On or before December 31, 2014, the Commissioner of the Department of
7 Forests, Parks and Recreation shall submit to the House and Senate
8 Committees on Natural Resources and Energy and the House Committee on
9 Fish, Wildlife, and Water Resources a report assessing the current and
10 projected effects of fragmentation on Vermont's forestlands, and providing
11 recommendations for how to best protect the integrity of Vermont's forestlands
12 and preserve large blocks of contiguous forestland.

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14 Sec. 6. EFFECTIVE DATE

15 This act shall take effect on July 1, 2014.

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21 (Committee vote: _____)

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Senator [surname]

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FOR THE COMMITTEE