

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, and jobs for Vermonters in  
11 timber and other forest-related industries.

12 (2) Large areas of contiguous forest are essential for quality wildlife  
13 habitat, to implement best practices in forest management, and to preserve  
14 Vermont’s scenic qualities.

15 (3) The division of forests into lots for house sites or other construction  
16 fragments Vermont’s forests and reduces their value as wildlife habitat, for  
17 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(3)(A) is amended to read:

18 (3)(A) “Development” means each of the following:

19 \* \* \*

20 **(xi) The construction of a building, structure, or permanent road,**  
21 **including a driveway, any portion of which is located more than 1,000 feet**  
22 **from a building, structure, or permanent road, including a driveway but**

1 **excluding a forestry road, that was in existence as of the effective date of this**  
2 **subdivision (xi) and is located within a forest that, as of the effective date of**  
3 **this subdivision (xi), consists of 1,000 acres or more of contiguous forestland.**  
4 **However, this subdivision (xi) shall not apply to the construction of a**  
5 **building, structure, or permanent road that is below the elevation of 2,500**  
6 **feet and is to be used solely for farming, logging, or forestry purposes or, in**  
7 **the case of a road, public safety purposes, including fire suppression.**

8 Sec. 4. 10 V.S.A. § 6001(35)–(38) are added to read:

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

12 **(36) “Contiguous forestland” means forested land with either no**  
13 **roads or low densities of class 4 roads as defined in 19 V.S.A. § 302, and**  
14 **little or no land development.**

15 **(37) “Permanent road” means any public or private highway or**  
16 **road, including all parts of any bridge, culvert, roadway, or street**  
17 **permanently open to public or general circulation of vehicles, and shall**  
18 **include a way laid out under authority of law.**

19 **(38) “Forestry road” means any permanent road constructed for the**  
20 **purpose of forestry activities that does not provide access to any structure**  
21 **used for a non-forestry purpose. A forestry road may be used for**  
22 **recreational purposes.**

1 Sec. 5. 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**  
14 **relocated on the site or to another site owned or controlled by the applicant**  
15 **or reasonably available to satisfy the basic project purpose;**

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

20                   **(III) if avoidance of adverse effects caused by the**  
21 **development's or subdivision's fragmentation of forestland cannot be**  
22 **practically achieved, the development or subdivision has been planned to**

1 **minimize those adverse effects and to preserve connection among the**  
2 **forestlands to be separated in a manner that supports wildlife; and**  
3 **(IV) the applicant will permanently conserve an area of**  
4 **forestland that is of comparable or greater biological value and at least four**  
5 **times greater in area than the forestland fragmented by the development or**  
6 **subdivision.**

7 \* \* \*

8 Sec. 6. EFFECTIVE DATE

9 **This act shall take effect on July 1, 2014.**

10

11

12 (Committee vote: \_\_\_\_\_)

13

\_\_\_\_\_

14

Senator [surname]

15

FOR THE COMMITTEE