

1 Introduced by Committee on Natural Resources and Energy

2 Date:

3 Subject: Conservation and development; forestry; timber harvesting; timber
4 transport

5 Statement of purpose of bill as introduced: This bill proposes to amend
6 multiple requirements related to timber harvesting and forestry operations.

7 The bill would require the owner of land to notify the Department of Forests,
8 Parks and Recreation of a proposed timber harvest operation on his or her land.

9 The landowner would receive a harvest notification form and harvest
10 notification number that would be a unique identifier for each harvest
11 operation. The bill also would require a trip ticket to accompany every load of
12 forest products transported from a timber harvest that requires a harvest
13 notification to the location of the first measurement. The bill would require a
14 separate sale trip ticket to accompany all truckloads of forest products that are
15 transported from the mill, after sorting, to the final buyer of the products.

16 An act relating to timber harvesting and transport

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

18 Sec. 1. 10 V.S.A. § 2600 is added to read:

19 § 2600. FINDINGS

20 The General Assembly finds that:

1 (1) Private and public forestlands:

2 (A) constitute unique and irreplaceable resources, benefits, and
3 values of statewide importance;

4 (B) contribute to the protection and conservation of wildlife habitat,
5 air, water, and soil resources of the State;

6 (C) mitigate against the effects of climate change; and

7 (D) benefit the general health and welfare of the people of the State.

8 (2) The forest products industry, including maple sugar production:

9 (A) is a major contributor to and is valuable to the State's economy
10 by providing jobs to its citizens;

11 (B) is essential to the manufacture of forest products that are used
12 and enjoyed by the people of the State; and

13 (C) benefits the general welfare of the people of the State.

14 (3) Private and public forestlands are critical for and contribute
15 significantly to the State's outdoor recreation and tourism economies.

16 (4) Forestry operations are adversely affected by the encroachment of
17 urban, commercial, and residential land uses throughout the State that result in
18 forest fragmentation and conversion and erode the health and sustainability of
19 remaining forests.

20 (5) As a result of encroachment on forests, conflicts have arisen between
21 traditional forestry land uses and urban, commercial, and residential land uses

1 that threaten to convert forestland permanently to other uses, resulting in an
2 adverse impact to the economy and natural environment of the State.

3 (6) The encouragement, development, improvement, and preservation of
4 forestry operations will result in a general benefit to the health and welfare of
5 the people of the State and the State's economy.

6 (7) The forest products industry, in order to survive, likely will need to
7 change, adopt new technologies, and diversify into new products.

8 (8) Forestry operations, including logging, transportation, and
9 processing of on-site-derived forest products, may be subject to lawsuits based
10 on the theory of nuisance. Nuisance suits could encourage and result in the
11 conversion of forestland and loss of the forest products industry.

12 (9) It is in the public interest of the people of the State to ensure that
13 forestry operations that are conducted in accordance with the following are
14 protected and encouraged and are not subject to public and private nuisance
15 actions arising out of conflicts between forestry operations and urban,
16 commercial, and residential uses:

17 (A) the Acceptable Management Practices for Protecting Water
18 Quality on Logging Jobs in Vermont, as adopted by the Commissioner of
19 Forests, Parks and Recreation;

20 (B) accepted silvicultural practices as defined by the Commissioner
21 of Forests, Parks and Recreation; and

1 (C) the requirements of this subchapter.

2 Sec. 2. 10 V.S.A. § 2601 is amended to read:

3 § 2601. POLICY AND PURPOSES

4 (a) The conservation of the forests, timberlands, woodlands, and soil and
5 recreational resources of the ~~state~~ State are hereby declared to be in the public
6 interest. It is the policy of the ~~state~~ State to encourage economic management
7 of its forests and woodlands, sustain long-term forest health and integrity and
8 productivity, to maintain, conserve and improve its soil resources and to
9 control forest pests to the end that forest benefits, including maple sugar
10 production, are preserved for its people, floods and soil erosion are alleviated,
11 hazards of forest fires are lessened, its natural beauty is preserved, its wildlife
12 is protected, the development of its recreational interests is encouraged, the
13 fertility and productivity of its soil are maintained, the impairment of its dams
14 and reservoirs is prevented, its tax base is protected, and the health, safety, and
15 general welfare of its people are sustained and promoted.

16 (b) The ~~department~~ Department shall implement the policies of this chapter
17 by assisting ~~forest land~~ forestland owners and lumber operators in the cutting
18 and marketing of forest growth, encouraging cooperation between forest
19 owners, lumber operators, and the ~~state~~ State of Vermont in the practice of
20 conservation and management of ~~forest lands~~ forestlands, managing,
21 promoting, and protecting the multiple use of publicly owned forest and park

1 lands; planning, constructing, developing, operating, and maintaining the
2 system of ~~state~~ State parks; determining the necessity of repairs and
3 replacements to all ~~department-owned~~ Department-owned buildings and
4 causing urgent repairs and replacements to be accomplished, with the approval
5 of the ~~secretary of administration~~ Secretary of Administration, if within the
6 limits of specific appropriations or if approved by the ~~emergency board~~
7 Emergency Board; and providing advice and assistance to municipalities, other
8 political subdivisions, ~~state~~ State departments and nongovernmental
9 organizations in the development of wholesome and adequate community or
10 institutional recreation programs.

11 (c) The Commissioner shall implement the policy established under this
12 section when constructing the provisions of this chapter related to the
13 management of forestlands and the construction of chapters 85 and 87 of
14 this title.

15 Sec. 3. 10 V.S.A. § 2602 is amended to read:

16 § 2602. DEFINITIONS

17 As used in this chapter:

18 (1) “Agency” means the ~~agency of natural resources~~ Agency of Natural
19 Resources as created by 3 V.S.A. chapter 51 of Title 3;

1 (2) “Department” means the ~~department of forests, parks and recreation~~
2 Department of Forests, Parks and Recreation within the ~~agency of natural~~
3 ~~resources~~; Agency of Natural Resources.

4 (3) “Commissioner” means the ~~commissioner of the department of~~
5 ~~forests, parks and recreation~~; Commissioner of Forests, Parks and Recreation.

6 (4) “Secretary” means the ~~secretary of the agency of natural resources~~
7 Secretary of Natural Resources.

8 (5) “Forest product” mean logs; pulpwood; veneer; bolt wood; wood
9 chips; stud wood; poles; pilings; biomass; fuel wood; maple syrup; roots; or
10 bark.

11 (6) “Forestry operation” means activities related to the management of
12 forests, including a timber harvest; pruning; planting; reforestation; pest,
13 disease, and invasive species control; wildlife habitat management; and
14 fertilization. “Forestry operation” includes the primary processing of forest
15 products of commercial value on a parcel where the timber harvest occurs.

16 (7) “Timber” means trees, saplings, seedlings, bushes, shrubs, and
17 sprouts from which trees may grow, of every size, nature, kind, and
18 description.

19 (8) “Timber harvest” means a forestry operation involving the harvest
20 of timber.

21 Sec. 4. 10 V.S.A. § 2608 is amended to read:

1 § 2608. ENFORCEMENT; PENALTIES; LIABILITY

2 ~~(a) Enforcement of the provisions of this chapter or any regulations or~~
3 ~~proclamations promulgated~~ rules adopted hereunder shall be in accordance
4 with ~~the provisions of 3 V.S.A. § 2822(e)~~ chapter 201 or 211 of this title.

5 ~~(b) A person who violates any provision of this chapter or regulations or~~
6 ~~proclamations promulgated hereunder, or neglects or refuses to assist a fire~~
7 ~~warden when called upon to do so as provided in section 2644 of this title,~~
8 ~~shall be imprisoned not more than 30 days or fined not more than \$ 50.00, or~~
9 ~~both. Such person shall be liable for all damages resulting from a violation to~~
10 ~~be recovered in a civil action under this statute by the person injured.~~

11 Sec. 5. 10 V.S.A. §§ 2613 and 2614 are added to read:

12 § 2613. HARVEST NOTIFICATION

13 (a) Notification required. Except as provided in subsection (b) of this
14 section, at least seven days prior to commencing a timber harvest, the
15 landowner on whose property the timber harvest is to take place shall file with
16 the Commissioner a harvest notification on a form prescribed by the
17 Commissioner.

18 (b) Exemptions. A timber harvest in the amount of less than 20 cords of
19 firewood or less than 10,000 board feet in a calendar year shall be exempt from
20 the harvest notification requirement. The Commissioner, in his or her sole
21 discretion, may upon request of the landowner, exempt a timber harvest from

1 the requirement of this section when the harvested forest products are being
2 used in support of agricultural or forestry purposes.

3 (c) Harvest notification. The harvest notification shall contain, at a
4 minimum, the following information:

5 (1) the landowner's name, mailing address, physical address of
6 residence, e-mail address, and telephone number;

7 (2) the name of the logger or contractor conducting the harvest and his
8 or her mailing address, address of the principal place of business or residence,
9 e-mail address, and telephone number.

10 (3) the name of the landowner's agent or consulting forester and his or
11 her mailing address, address of the principal place of business or residence,
12 e-mail address, and telephone number;

13 (4) the location of the timber harvest, including the town and the nearest
14 public town highway used to access the timber harvest;

15 (5) the school property account number (SPAN) of the parcel where the
16 timber harvest will occur;

17 (6) the date the timber harvest will commence and the estimated date the
18 harvest will be completed;

19 (7) the estimate of the acreage of the timber harvest area;

20 (8) an estimate of the volume of the timber harvest in thousand board
21 feet, cords, or tons of wood chips; and

1 (9) whether the parcel where the timber harvest will occur is enrolled in
2 the use value appraisal program.

3 (d) Harvest number. Upon receipt of a complete harvest notification form,
4 the Commissioner shall assign a unique harvest number to the timber harvest.

5 (e) Duration. The harvest number issued by the Commissioner shall be for
6 a term not to exceed three years. The Commissioner may extend the three-year
7 term if the landowner files a new harvest notification for the timber harvest.

8 (f) Posting. The harvest number for timber harvest shall be posted in the
9 format or manner as required by the Commissioner at a location at the log
10 landing that is clearly visible and legible for the duration of the forestry
11 operation.

12 (g) Rulemaking. The Commissioner may adopt rules to implement the
13 requirements of this section.

14 § 2614. TRANSPORTATION OF TREES, LOGS, CHIPS, FIREWOOD, OR
15 PULPWOOD; TRIP TICKETS

16 (a) Trip ticket required. Except as provided in subsection (b) of this
17 section, every load of forest products that is transported from the location of a
18 timber harvest to the location of first measurement shall be accompanied by a
19 trip ticket containing at a minimum the following information:

1 (1) The name, signature, legal mailing address, address of the principal
2 place of business or residence, e-mail address, and telephone number of the
3 person transporting the forest products.

4 (2) The date the forest products are transported.

5 (3) The harvest notification number issued by the Commissioner under
6 section 2613 of this title for the timber harvest.

7 (4) The destination where the forest products will be transported to and
8 the expected date of delivery.

9 (5) The name of the purchaser of the forest products.

10 (6) **An estimate of the** volume of the forest products on the load to be
11 transported in thousand board feet, cords, or tons.

12 (7) The load number for the harvest. Each load of forest products
13 transported from the timber harvest shall be assigned a distinct load number by
14 the transporter that is associated with that timber harvest.

15 (b) **Exemption. The transportation of cut, split firewood that is exempt**
16 **from the harvest notification requirements under section 2613 of this title is**
17 **exempt from the requirements of this section.**

18 (c) Trip ticket part of record. A mill, facility, or other person accepting a
19 load of forest products from a timber harvest shall require a trip ticket prior to
20 first measurement. The person transporting the forest products shall provide a
21 copy of the trip ticket to the mill, facility, or other person accepting delivery.

1 The mill, facility, or other person accepting delivery shall maintain a copy of
2 the trip ticket for a period of at least six years from the date of delivery and
3 shall provide a copy of the trip ticket to the landowner and to the
4 Commissioner in a manner as prescribed by the Commissioner. The mill,
5 facility, or other person accepting delivery shall maintain all mill slips, scale
6 slips, or other records related to the delivery for a period of at least six years
7 from the date of delivery and shall provide copies upon request to the
8 landowner or landowner's agent where the forest products were harvested.

9 (d) Transportation after first measurement; bill of sale trip ticket. Every
10 load of forest products that is transported after the first measurement shall be
11 accompanied by a bill of sale trip ticket that shall be provided by the mill,
12 facility, or other person selling the forest products. The mill or facility shall
13 provide a copy of the bill of sale to the landowner and to the Commissioner in
14 a manner prescribed by the Commissioner. The bill of sale shall contain the
15 following information:

16 (1) the name, mailing address, address of the principal place of business
17 or residence, and telephone number of the mill owner, facility, or person
18 selling the forest products and the name, mailing address, and telephone
19 number of the buyer;

20 (2) a load number assigned by and unique to the mill owner, facility, or
21 person selling the forest products;

1 (3) an estimate of the volume of the forest products in thousand board
2 feet, cords, or tons;

3 (4) the destination of the load;

4 (5) the date of the transportation; and

5 (6) the expected date of delivery.

6 (e) Rulemaking. The Commissioner may adopt rules to implement the
7 provisions of this section.

8 (f) Enforcement; violations.

9 (1) Unless exempt under subsection (b) of this section, a person
10 transporting forest products or any person, entity, mill, or facility accepting
11 delivery of forest products shall present the trip ticket or bill of sale trip ticket
12 to a law enforcement officer or any employee of the State authorized to enforce
13 this section.

14 (2) It shall be a violation of this section to misrepresent or falsify any
15 information on a trip ticket.

16 (3) Information related to a violation of this section may be used as
17 evidence in a civil action under 13 V.S.A. § 3606.

18 Sec. 6. 10 V.S.A. § 8003 is amended to read:

19 § 8003. APPLICABILITY

20 (a) The Secretary may take action under this chapter to enforce the
21 following statutes and rules, permits, assurances, or orders implementing the

1 following statutes, and the Board may take such action with respect to
2 subdivision (10) of this subsection:

3 * * *

4 (25) 10 V.S.A. chapter 83, subchapter 8, relating to the importation of
5 firewood, harvest notifications, and required trip tickets.

6 * * *

7 Sec. 7. 10 V.S.A. § 8503(a) is amended to read:

8 (a) This chapter shall govern all appeals of an act or decision of the
9 Secretary, excluding enforcement actions under chapters 201 and 211 of this
10 title and rulemaking, under the following authorities and under the rules
11 adopted under those authorities:

12 (1) The following provisions of this title:

13 * * *

14 (T) chapter 83, subchapter 8 (importation of firewood, harvest
15 notifications, and required trip tickets);

16 Sec. 8. EFFECTIVE DATE

17 This act shall take effect on July 1, 2016.