

**H.857: An Act Relating to Miscellaneous Timber Harvesting,
Forestry, and State Lands Issues**
Section by Section Summary

Section 1. 10 V.S.A. § 2601a. FINDINGS

- Findings section added to Department of Forests, Parks and Recreation (DFPR) general authority. Recognizes: environmental importance of forests; importance of the forest products economy; land use pressure on forest operations; and the encouragement and preservation of the forest industry will benefit the State..

Section 2. 10 V.S.A. § 2601. DFPR POLICY AND PURPOSES

- Amends the policy section for DFPR to add 10 V.S.A. § 2601(c) to require DFPR to implement the policy when constructing laws within its authority to administer or implement.
 - The 10 V.S.A. § 2601(a) policy statement requires: conservation of forests, economic management of forestlands; soil conservation; pest control; wildlife protection; and development of recreation interests.

Section 3. 10 V.S.A. § 2602. DEFINITIONS

- Adds definitions of “forest products,” “forestry operation,” “timber,” and “timber harvest.”

Section 4. 10 V.S.A. § 2608. ENFORCEMENT

- DFPR statutes to be enforced under 10 V.S.A. ch. 201 (ANR enforcement) and ch. 211 (A.G. civil enforcement)

Section 5. 10 V.S.A. §§ 2612a. HARVEST NOTIFICATION PILOT PROJECT

- 10 V.S.A. §2612a(a): Findings section that finds that the voluntary harvest notification will provide a mechanism for DFPR to distribute information, technical assistance, and guidance to achieve compliance with existing laws and programs related to harvesting, including Use Value Appraisal and the AMPs.
- 10 V.S.A. §2612a(b): DFPR shall establish a voluntary harvest notification pilot program under which a landowner **may** notify the Commissioner prior to commencement of a timber harvest.
 - The process established by the Commissioner shall allow for a harvest notification by electronic means, telephone, or paper submission.
 - 10 V.S.A. § 2612a(c): Specifies the information to be requested in a harvest notification, including: contact information for landowner, logger, and forester; harvest location; date harvest commences; estimated harvest acreage and volume; and UVA status of parcel.
 - 10 V.S.A. § 2612a(d): Upon receipt of a complete harvest notification, DFPR shall issue a harvest number for a harvest. [The bill does not require posting of the harvest number at the job site]
 - DFPR shall also provide the landowner with technical guidance or information, including: a sample timber sale contract; voluntary harvesting guidelines; guidance on compliance with AMPs; and referral, where applicable, to appropriate natural resource professionals.
- 10 V.S.A. § 2613(e): The information submitted in a harvest notification shall be confidential and exempt from a Public Records Act request.

Section 6. DFPA UPDATE ON HARVEST NOTIFICATION PILOT PROGRAM

- Requires the Commissioner of Forests and Parks to provide testimony to the General Assembly in 2018 regarding implementation of the Harvest Notification Pilot Program.
- The Update shall summarize participation in the program, its effectiveness in increasing compliance with the AMPs, and whether it should be a mandatory or voluntary program in the future.

Section 7. SUNSET OF HARVEST NOTIFICATION PILOT PROGRAM

- Sunsets the Harvest Notification Pilot Program on June 30, 2018.

Section 8. HARVEST NOTIFICATION RULEMAKING

§ 2613: Harvest Notification Requirements

- § 2613(a): Requires the Commissioner of Forests, Parks and Recreation to adopt rules on or before July 1, 2018 requiring a landowner to notify the Department prior to a timber harvest.
- The rules shall specify:
 - The time period when notification will be required;
 - The method of notification;
 - Exemptions from notification;
 - The information to be submitted—including landowner contact information, the harvester contact information, forester contact information, harvest location, parcel SPAN number, the date the harvest will commence or has commenced, the estimated date it will conclude, the estimated acreage, and whether the parcel is enrolled in Current Use.
 - Whether an identifier will be assigned to the harvest and whether the identifier shall be posted at the harvest location.
- Beginning July 1, 2018, a landowner of property where timber will be harvested will submit to the Department a harvest notification according to the rules.

Section 9. 10 V.S.A. § 2606b. MAPLE SUGAR PRODUCTION ON STATE LANDS

- DFPR will develop maple production guidelines in consultation with maple sugar makers, not jointly.
- Replaces the out of date formula for maple fees with authority for DFPR to set a license charge that reflects reasonable market rates.

Section 10. FORESTLAND INTERGENERATIONAL TRANSFER STUDY COMMITTEE

- Creates a Forestland Intergenerational Transfer Study Committee to recommend a statewide program to improve successional planning technical assistance provided to forestland owners.
- The Committee shall report recommendations on or before Jan. 15, 2017. The report shall include:
 1. Recommended priorities for succession planning for forestland owners;
 2. Strategies for improving conservation investments or incentives that facilitate the intergenerational transfers of intact forestland;
 3. Other strategies for lessening the impact of estate taxes or other pressures that could lead to the breaking up and subdivision of intact forest parcels; and
 4. Recommended legislative changes needed to implement its recommendations and strategies.

Section 11. 10 V.S.A. chapter 83, subchapter 4. FOREST FIRES AND FIRE PREVENTION

- 10 V.S.A. § 2641: Currently, town forest fire wardens are appointed by the Commissioner of Forests Parks and Recreation (Commissioner) for 5 years.
 - The bill authorizes the Commissioner to reappoint a forest fire warden for successive 5 year terms or until a successor is approved by a selectboard and appointed by the Commissioner.
 - The Commissioner may remove a warden at any time for cause.
- 10 V.S.A. § 2642: Increases the salary of town forest fire wardens from \$20 to \$30 annually and increases the per diem a fire warden receives for training from \$15 to \$30 per meeting.
 - § 2642 also provides that fire wardens annually shall receive an amount of \$10 for each report of a fire submitted to the Commissioner.
- 10 V.S.A. § 2643: Amends how towns are reimbursed for costs of forest fire suppression.
 - § 2643(a): Municipalities shall be responsible for the costs of forest fire suppression on land not owned by ANR.
 - The Commissioner shall not reimburse towns for costs of fire suppression on non-ANR lands.
 - § 2643(b): The State shall reimburse towns for the costs of suppressing a fire on ANR lands.
 - The State shall reimburse a town at a rate to be determined by the Commissioner based on the scope and severity of the fire and the level of municipal response.
 - § 2643(c): To be eligible for reimbursement of the costs of suppression on ANR lands, the warden must report the fire to the Commissioner within 14 days of extinguishment of the fire.
- 10 V.S.A. § 2644: Authorizes the warden to delegate his/her authority to a town fire department.
 - The section also repeals the requirements that a warden patrol dangerous areas during the fire season. Reimbursement for such patrols is also repealed.
- 10 V.S.A. § 2645: Amends the requirements for an open burning permit.
 - Provides that a permit is required from the town forest fire warden to burn natural wood and other materials that are not solid waste. (Solid waste is banned from burning under 24 V.S.A. § 2201.
 - The section clarifies that a burn permit is not required for:
 - fires on snow;
 - fires in fire rings or outdoor fireplaces on State lands or on private property that is not located in a woodland or dry grassland;
 - fires 200 feet or more from woodlands; and
 - fires in cities with fire departments.
- 10 V.S.A. § 2648: Strikes requirement that slash be removed from logging roads; slash can provide water quality benefits.

Section 12. DFPR POLICY FOR REIMBURSEMENT OF FIRE SUPPRESSION

- Requires the Commissioner of Forests and Parks, in consultation with VLCT, to develop a policy that provides criteria that the DFPA will use to determine whether and how much to reimburse municipalities for forest fire suppression.

Section 13. 10 V.S.A. § 2215. NORTHEASTERN FIRE PROTECTION COMPACT; MUTUAL AID

- Adds a section to the Northeastern Fire Protection Compact
 - The purpose of the Compact is to promote effective forest fire suppression in the Northeast and adjacent areas in Canada by providing for, among other things, mutual aid between states.
 - The new section provides that states that are party to the Northeastern Fire Protection Compact may provide mutual aid to other states that are party to other regional fire suppression compacts, provided that the other states assented to the mutual aid provisions of the Northeastern Fire Protection Compact.

Section 14. 24 V.S.A. § 4302(c). PURPOSE; GOALS.

- Amends the goals for municipal and regional planning to encourage management of forestlands improve forest blocks and habitat connectors and encourage the use of locally-grown forest products.

Section 15. 24 V.S.A. § 4303. DEFINITIONS

- Adds new definitions to the municipal and regional planning chapter:
 - “Forest block” means a contiguous area of forest in any stage of succession, not currently developed for nonforest use. May include recreational trails, wetlands, and agricultural and silvicultural uses currently exempt from municipal land use regulation.
 - “Habitat connector” means land or water that links wildlife habitat within a landscape, allowing the movement and migration of animals and plants and the functioning of ecological processes. May include recreational trails and agricultural and silvicultural uses currently exempt from municipal land use regulation.
 - “Forest fragmentation” means the division or conversion of a forest block by land development other than by a recreational trail or use exempt from municipal land use regulation.
 - “Recreational trail” means an unpaved corridor used for hiking, walking, snowmobiling, ATV riding, horse riding, and other similar recreational activity.

Section 16. 24 V.S.A. § 4348a(a)(2). LAND USE ELEMENT; REGIONAL PLAN

- Amends the land use element of a regional plan to require the plan to indicate those areas that are important as forest blocks and habitat connectors and to plan for land development in those areas to minimize forest fragmentation and promote the health and ecological function of forests.

Section 17. 24 V.S.A. § 4348a(a)(2). LAND USE ELEMENT; MUNICIPAL PLAN

- Amends the land use element of a municipal plan to include the same language described immediately above for regional plans.

Section 18. STUDY AND REPORT; LAND USE REGULATION; FOREST INTEGRITY

- Proposes a study committee and report on land use regulation to protect forest integrity.
 - The committee would develop and examine options on revising the statutes on state and municipal land use regulation to protect forestland from fragmentation and promote habitat connectivity.
 - The committee would recommend whether to make such revisions and if so what revisions should be made.
 - The committee also would review the definitions in Sec. 15 and the required plan elements in Secs. 16 and 17 and make recommendations on whether to revise that language.
 - The report would be due by January 1, 2017.
 - Committee membership would include two legislators (one from each chamber), one appointee from VLCT, one from VAPDA (regional planner), the Commissioners of Housing and Community Development and of Forests, Parks and Recreation or designees, the Chair of the Natural Resources Board or designee, a representative of the Vermont Forest Roundtable, a representative of the Vermont Working Lands Enterprise Board, a representative of the Vermont Forest Products Association, and a representative of the Vermont Woodlands Association.

Section 19. 24 V.S.A. § 4413(d). MUNICIPAL REGULATION; FORESTRY OPERATIONS

- § 4413(d): Provides that a municipal bylaw cannot regulate forestry operations as that term is defined in 10 V.S.A. § 2602.
- § 4413(d)(3): Strikes municipal authority to enact a forest management practices bylaw.
- § 4413(d)(4): Despite prohibition on municipal authority to adopt a bylaw regulating forestry operations, municipalities retain authority to impose reasonable conditions in conditional use review for habitat, threatened or endangered species, or natural resources.

Section 20. 32 V.S.A. § 3757. UVA; LAND USE CHANGE TAX; LANDS ACQUIRED BY DFPR

- 32 V.S.A. § 3757(f)(1): Provides when PVR shall be required to release the lien on property enrolled in the Use Value Appraisal (UVA) program. PVR shall release the lien when:
 - A. the land use change tax is paid;
 - B. the land use change tax is abated under this section 32 V.S.A. § 3757;
 - C. the land use change tax is abated under the Commissioner of Taxes general authority to reduce taxes under 32 V.S.A. § 3201(5);
 - D. the land is exempt from the land use change tax and the owner requests release of the lien; or
 - E. the land is exempt from the land use change tax and the land is developed.
- 32 V.S.A. § 3757(f)(2): The authority to release a lien shall not be construed to allow agriculture or forest land to enroll in UVA without a lien to secure payment of the land use change tax.
- 32 V.S.A. § 3757(j)(2): Land acquired by the Green Mountain National Forest for public use shall be exempt from the land use change tax. National Forest System land is exempt from state or local taxation.

- 32 V.S.A. § 3757(1): Land acquired by ANR for public uses shall be exempt from the land use change tax. Because the ANR lands are exempt from the land use change tax, the land also can be released from the lien under the new authority proposed in 32 V.S.A. § 3757(f)(1).

Section 21. EFFECTIVE DATES

- The Intergenerational Working Group and the Forest Integrity Study take effect on passage
- The Forest Integrity definitions, the elements of a regional plan, and the requirements for a municipal plan take effect January 1, 2018.
- The rest of the bill takes effect July 1, 2016.