

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 House Bill No. 857 entitled “An act relating to timber harvesting” respectfully
4 reports that it has considered the same and recommends that the Senate
5 propose to the House that the bill be amended by striking out all after the
6 enacting clause and inserting in lieu thereof the following:

7 * * * General Policy and Enforcement Provisions * * *

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

9 § 2600. FINDINGS

10 The General Assembly finds that:

11 (1) Private and public forestlands:

12 (A) constitute unique and irreplaceable resources, benefits, and
13 values of statewide importance;

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

16 (C) mitigate the effects of climate change; and

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

18 (2) The forest products industry, including maple sap collection:

19 (A) is a major contributor to and is valuable to the State’s economy
20 by providing jobs to its citizens;

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

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

4 (3) Private and public forestlands are critical for and contribute
5 significantly to the State’s outdoor recreation and tourism economies.

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

10 (5) As a result of encroachment on forests, conflicts have arisen between
11 traditional forestry land uses, and urban, commercial, and residential land uses
12 convert forestland permanently to other uses, resulting in an adverse impact to
13 the economy and natural environment of the State.

14 (6) The encouragement, development, improvement, and preservation of
15 forestry operations will result in a general benefit to the health and welfare of
16 the people of the State and the State’s economy.

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

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

2 § 2601. POLICY AND PURPOSES

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

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

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

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

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

15 § 2602. DEFINITIONS

16 As used in this chapter:

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

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

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

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

5 (5) “Forest product” mean logs; pulpwood; veneer; bolt wood; wood
6 chips; stud wood; poles; pilings; biomass; fuel wood; maple sap; or bark.

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

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

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

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

18 § 2608. ENFORCEMENT; PENALTIES; LIABILITY

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

1 including timber harvesting, provided by the Department, including the
2 Vermont Voluntary Harvesting Guidelines.

3 (4) State knowledge of harvest locations will improve the understanding
4 of factors affecting the forest economy, thereby informing opportunities to
5 support it.

6 (b) Harvest notification; pilot. The Commissioner shall establish a harvest
7 notification pilot program under which a landowner of property may notify the
8 Commissioner prior to commencement of a timber harvest. The process
9 established by the Commissioner shall allow for a harvest notification by
10 electronic means, telephone, or paper submission.

11 (c) Requested information. The Commissioner shall designate the
12 information to be submitted to the Department in a voluntary harvest
13 notification. The requested information shall contain, at a minimum, the
14 following information:

15 (1) the landowner's name; mailing address; physical address of
16 residence; e-mail address, if any; and telephone number;

17 (2) the name of the harvester or contractor conducting the harvest and
18 his or her mailing address; address of the principal place of business or
19 residence; e-mail address, if any; and telephone number;

1 (3) the name of the landowner’s agent or consulting forester, if any, and
2 his or her mailing address; address of the principal place of business or
3 residence; e-mail address, if any; and telephone number;

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

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

8 (6) the estimated date the timber harvest will commence and the
9 estimated date the harvest will be completed;

10 (7) the estimate of the acreage of the timber harvest area; and

11 (8) whether the parcel where the timber harvest will occur is enrolled in
12 the use value appraisal program.

13 (d) Harvest number; technical assistance. Upon receipt of a complete
14 harvest notification, the Commissioner shall assign a unique harvest number to
15 the timber harvest and shall provide the landowner with technical guidance or
16 information, including: a sample timber sale contract; voluntary harvesting
17 guidelines; guidance on compliance with maintaining water quality protection
18 during a timber harvest; and referral, where applicable, to appropriate natural
19 resource professionals.

1 (e) Confidentiality. Information submitted by a landowner in a voluntary
2 harvest notification under this section is confidential and exempt from public
3 inspection under the Public Records Act.

4 Sec. 6. DEPARTMENT OF FORESTS, PARKS AND RECREATION;

5 HARVEST NOTIFICATION UPDATE

6 On or before February 1, 2018, the Commissioner of Forests, Parks and
7 Recreation shall testify before or submit written testimony to the House
8 Committees on Natural Resources and Energy and on Agriculture and Forest
9 Products and the Senate Committee on Natural Resources and Energy
10 regarding implementation of the Harvest Notification Pilot Program
11 established under 10 V.S.A. § 2612a. The testimony shall include:

12 (1) Summarize implementation of and participation in the Pilot Program,
13 including the number of harvest notifications received.

14 (2) Summarize the technical assistance and information provided to
15 landowners under the program.

16 (3) Summarize the effectiveness of the program in increasing
17 compliance with the Acceptable Management Practices for Maintaining Water
18 Quality on Logging Jobs in Vermont.

19 (4) Summarize whether the Pilot Program increased the amount or
20 quality of information collected by the Department of Forests, Parks and
21 Recreation regarding timber harvests in the State.

1 (5) Recommend whether harvest notification should be a voluntary or
2 mandatory program.

3 Sec. 7. SUNSET; HARVEST NOTIFICATION PILOT PROGRAM

4 10 V.S.A. § 2612a (Harvest Notification Pilot Program) shall be repealed
5 on June 30, 2018.

6 Sec. 8. 10 V.S.A. § 2613 is added to read:

7 § 2613. HARVEST NOTIFICATION; RULEMAKING; REQUIREMENT

8 (a) On or before July 1, 2018, the Commissioner of Forests, Parks and
9 Recreation shall adopt rules requiring a landowner of property where timber is
10 or will be harvested to notify the Department of Forests, Parks and Recreation
11 of the harvest. The rules shall:

12 (1) Specify the time period within which the landowner will be required
13 to provide notice of the harvest.

14 (2) Identify the method or means by which the landowner shall provide
15 notice. The rules shall allow for a harvest notification by electronic means,
16 telephone, or paper submission.

17 (3) Establish exemptions from the harvest notification requirement
18 based on the size of the harvest or other criteria.

19 (4) Identify the information to be submitted in a harvest notification,
20 provided that the rules shall require the following information.

1 (A) the landowner’s name; mailing address; physical address of
2 residence; e-mail address, if any; and telephone number;

3 (B) the name of the harvester or contractor conducting the harvest
4 and his or her mailing address; address of the principal place of business or
5 residence; e-mail address, if any; and telephone number.

6 (C) the name of the landowner’s agent or consulting forester, if any,
7 and his or her mailing address; address of the principal place of business or
8 residence; e-mail address, if any; and telephone number;

9 (D) the location of the timber harvest, including the town and the
10 nearest public town highway used to access the timber harvest;

11 (E) the school property account number (SPAN) of the parcel where
12 the timber harvest will occur;

13 (F) the date the timber harvest commenced or will commence and the
14 estimated date the harvest will be completed;

15 (G) the estimate of the acreage of the timber harvest area;

16 (H) whether the parcel where the timber harvest will occur is enrolled
17 in the use value appraisal program;

18 (5) Specify whether a harvest identification number will be assigned to
19 each harvest and whether the harvest identification number shall be posted at
20 the harvest site.

1 (6) Specify the duration of any harvest identification number issued by
2 the Commissioner.

3 (b) Beginning on July 1, 2018, a landowner of property where timber is or
4 will be harvested shall submit to the Department of Forests, Parks and
5 Recreation the harvest notification required by the rules adopted under
6 subsection (a) of this section.

7 * * * Maple Sugar Production on State Lands * * *

8 Sec. 9. 10 V.S.A. § 2606b is amended to read:

9 § 2606b. LICENSE OF ~~FOREST LANDS~~ FORESTLANDS FOR MAPLE

10 SUGAR PRODUCTION

11 (a) The ~~general assembly~~ General Assembly finds and declares that:

12 (1) Maple sugaring is an important cultural tradition of Vermont life that
13 should be maintained and encouraged.

14 (2) Maple sugaring is an important component of the agricultural and
15 forest products economy in Vermont and is increasingly necessary for farmers
16 that must diversify in order to continue to farm in Vermont.

17 (3) Maple sugaring is a sustainable use of ~~forest land~~ forestland.

18 (4) State ~~forest land~~ forestland should be managed and used for multiple
19 uses, including maple sugar production.

1 (b) It is hereby adopted as ~~state~~ State policy to permit limited use of
2 designated ~~state-owned~~ State-owned land under the jurisdiction of the
3 ~~department~~ Department for maple sugar production.

4 (c) ~~Beginning on July 1, 2009, pursuant~~ Pursuant to guidelines developed
5 ~~jointly by the department of forests, parks and recreation and the Vermont~~
6 ~~maple sugar makers' association~~ Department of Forests, Parks and Recreation,
7 in consultation with the Vermont Maple Sugar Makers' Association, the
8 ~~department shall~~ Department may issue licenses for the use of ~~state forest land~~
9 State forestland for the tapping of maple trees, the collection of maple sap, and
10 the transportation of such sap to a processing site located off ~~state forest land~~
11 State forestland or to sites located on ~~state forest land~~ State forestland if
12 approved by the ~~commissioner~~ Commissioner. All tapping of maple trees
13 authorized under a license shall be conducted according to the guidelines for
14 tapping maple trees ~~agreed to~~ established by the ~~department and the Vermont~~
15 ~~maple sugar makers' association~~ Department of Forests, Parks and Recreation,
16 in consultation with the Vermont Maple Sugar Makers' Association. Each
17 person awarded a license under this section shall maintain and repair any road,
18 water crossing, or work area according to requirements set by the ~~department~~
19 Department in the license. Each license shall include such additional terms
20 and conditions set by the ~~department~~ Department as may be necessary to
21 preserve forest health and to assure compliance with the requirements of this

1 chapter and applicable rules. A license shall be issued for a fixed term not to
2 exceed five years and shall be renewable for two five-year terms subsequent to
3 the initial license. Subsequent renewals shall be allowed where agreed upon
4 by the ~~department~~ Department and the licensee. The ~~department~~ Department
5 shall have power to terminate or modify a license for cause, including damage
6 to forest health.

7 * * *

8 (f) ~~There shall be an annual license fee~~ A per tap license charge shall be
9 ~~imposed based on the number of taps installed in the license area. The per tap~~
10 ~~fee for a license issued under this section shall be one-quarter of the average of~~
11 ~~the per pound price of Vermont fancy grade syrup and the per pound price of~~
12 ~~Vermont commercial grade syrup as those prices are set on May 1 of each~~
13 ~~year. The fee set each May 1 shall apply to licenses issued by the department~~
14 ~~for the succeeding period beginning June 1 and ending May 31. The~~
15 Commissioner shall establish this per tap license charge at a reasonable rate
16 that reflects current market rates. Fees Charges ~~collected under this section~~
17 ~~shall be deposited in the forest parks revolving fund~~ Lands and Facilities Trust
18 Fund ~~established under section 2609 of this title and shall be used by the~~
19 ~~department to implement the license program established by this section~~
20 3 V.S.A. § 2807.

1 (g) ~~On or before January 15, 2010, the commissioner of forests, parks and~~
2 ~~recreation shall submit to the senate and house committees on natural resources~~
3 ~~and energy and the senate and house committees on agriculture a report~~
4 ~~regarding the implementation of the requirements of this section. The report~~
5 ~~shall include:~~

6 (1) ~~A copy of the guidelines required by this section for issuing licenses~~
7 ~~for the use of state forest land for maple sap collection and production.~~

8 (2) ~~A summary of the process used to identify parcels of state forest land~~
9 ~~suitable for licensing for maple sap collection and production and the process~~
10 ~~by which the department allocated licenses.~~

11 (3) ~~A summary of the licenses issued for maple sap collection and~~
12 ~~production on state forest land.~~

13 (4) ~~An estimate of the fees collected for licenses issued under this~~
14 ~~section.~~

15 (5) ~~A copy of any rules adopted by or proposed for adoption by the~~
16 ~~commissioner to implement the requirements of this section. [Repealed.]~~

1 * * * Working Group on Intergenerational Transfer of Forestland * * *

2 Sec. 10. DEPARTMENT OF FORESTS, PARKS AND RECREATION;

3 WORKING GROUP ON INTERGENERATIONAL TRANSFER OF
4 FORESTLAND

5 (a) On or before August 1, 2016, the Commissioner of Forests, Parks and
6 Recreation shall establish a working group of interested parties to develop
7 recommendations for a statewide program to improve the capacity of providing
8 successional planning technical assistance to forestland owners in Vermont.

9 The working group shall:

10 (1) develop recommended priorities for succession planning for
11 forestland owners;

12 (2) develop strategies for improving conservation investments or
13 incentives that facilitate the intergenerational transfers of intact forestland;

14 (3) develop other strategies for lessening the impact of estate taxes or
15 other pressures that could lead to the breaking up and subdivision of intact
16 forest parcels;

17 (4) develop recommended legislative changes that may be needed to
18 implement its recommendations and strategies; and

19 (5) identify fiscal issues related to its recommendations.

20 (b) On or before December 15, 2016, the Commissioner shall submit a
21 report to the House Committees on Natural Resources and Energy and on

1 Ways and Means and the Senate Committees on Natural Resources and Energy
2 and Finance that shall include the working group's findings and any
3 recommendations for legislative action.

4 * * * Forest Fire Wardens; Fire Suppression; Open Burning * * *

5 Sec. 11. 10 V.S.A. chapter 83, subchapter 4 is amended to read:

6 Subchapter 4. Forest Fires and Fire Prevention

7 § 2641. TOWN FOREST FIRE WARDENS; APPOINTMENT AND
8 REMOVAL

9 (a) Upon approval by the ~~select-board~~ selectboard and acceptance by the
10 appointee, the ~~commissioner~~ Commissioner shall appoint a town forest fire
11 warden for a term of five years or until a successor is appointed. A town forest
12 fire warden may be reappointed for successive five-year terms by the
13 Commissioner or until a successor is approved by the selectboard and
14 appointed by the Commissioner. The warden may be removed for cause at any
15 time by the ~~commissioner~~ Commissioner with the approval of the ~~select-board~~
16 selectboard. A warden shall comply with training requirements established by
17 the ~~commissioner~~ by rule Commissioner.

18 (b) The ~~commissioner~~ Commissioner may appoint a forest fire warden for
19 an unorganized town or gore, who shall ~~hold office until he or she resigns or is~~
20 ~~removed for cause~~ serve for a term of five years or until a successor is
21 appointed. An appointed forest fire warden for an unorganized town or gore

1 may be reappointed for successive five-year terms by the Commissioner until
2 the Commissioner appoints and the unorganized town or gore approves a
3 successor. The warden may be removed for cause at any time by the
4 Commissioner with the approval of the unorganized town or gore. The forest
5 fire warden of an unorganized town or gore shall have the same powers and
6 duties as town forest fire wardens and shall be subject to the requirements of
7 this subchapter.

8 (c) When there are woodlands within the limits of a city ~~or incorporated~~
9 ~~village~~, the chief of the fire department of such city ~~or village~~ shall act as the
10 ~~city or village forest~~ fire warden with all the powers and duties of town forest
11 fire wardens.

12 (d) When the ~~commissioner~~ Commissioner deems it difficult in any
13 municipality for one warden to take charge of protecting the entire
14 municipality from forest fires, he or she may appoint one or more deputy forest
15 fire wardens. Such wardens under the direction of the fire warden shall have
16 the same powers, duties, and pay and make the same reports through the fire
17 warden to the ~~commissioner~~ Commissioner as forest fire wardens.

18 (e) The ~~commissioner~~ Commissioner may appoint special forest fire
19 wardens who shall hold office during the pleasure of the ~~commissioner~~
20 Commissioner. Such fire wardens shall have the same powers and duties
21 throughout the ~~state~~ State as town forest fire wardens, except that all expenses

1 and charges incurred on account of their official acts shall be paid from the
2 appropriations for the ~~department~~ Department.

3 § 2642. SALARY AND COMPENSATION OF TOWN FOREST FIRE
4 WARDENS

5 (a) The salary of a town forest fire warden shall be determined by the
6 selectboard members for time spent in the performance of the duties of his or
7 her office, which shall be paid by the town. ~~He or she shall also receive from~~
8 ~~the town the sum of \$0.15 for each fire permit issued.~~ In addition thereto, he
9 or she shall receive from the ~~commissioner~~ \$20.00 Commissioner \$30.00
10 annually for ~~properly making out and submitting reports of fires in his or her~~
11 ~~district~~ fulfilling the requirements of section 2645 of this title and keeping the
12 required ~~state~~ State records. He or she shall also receive from the
13 ~~commissioner~~ \$15.00 Commissioner \$30.00 per diem for attendance at each
14 training ~~meeting called~~ required by the ~~commissioner~~ Commissioner. ~~He or~~
15 she shall also receive annually an amount of \$10.00 for each fire report that is
16 submitted by the forest fire warden under section 2644 of this title.

17 (b) ~~The pay of a warden of an unorganized town or gore and his or her~~
18 ~~assistants, including patrolmen, and all expenses incurred by him or her in~~
19 ~~extinguishing forest fires, as provided for by the Commissioner, including~~
20 ~~employment of a person to assist him or her, on the approval of the~~
21 ~~Commissioner, shall be paid by the State from the monies annually available~~

1 ~~from taxes in the unorganized town and gore, and the Commissioner of~~
2 ~~Finance and Management shall issue his or her warrant therefor. [Repealed.]~~

3 (c) ~~A person employed by a warden to assist him or her in extinguishing a~~
4 ~~forest fire as authorized under section 2644 of this title, shall be paid at the~~
5 ~~same rate per hour as is paid for labor upon highways. A minimum of two~~
6 ~~hours' pay for the first hour or any portion thereof shall be allowed persons~~
7 ~~who are officially summoned to assist in the extinguishment of forest fires.~~
8 ~~When a warden employs men or women in extinguishing a fire in a~~
9 ~~municipality adjoining his or her own, the expense incurred shall be paid by~~
10 ~~the municipality in which the work was done at the rate of pay prevailing in the~~
11 ~~municipality where the laborers reside. A municipality wherein such warden~~
12 ~~resides shall forthwith pay the warden and assistants for their services, and the~~
13 ~~municipality may recover the expense thereof in a civil action on this statute~~
14 ~~from the municipality where the work was done. [Repealed.]~~

15 § 2643. TOWN'S LIABILITY FOR EXTINGUISHING SUPPRESSION OF
16 FOREST FIRES; STATE AID

17 (a) ~~For the purpose of extinguishing forest fires, a town shall not be held~~
18 ~~liable in any one year for an amount greater than ten percent of its grand list.~~
19 A municipality in which a forest fire occurs shall pay the cost to suppress a
20 forest fire that occurs on land that is not owned by the Agency of Natural
21 Resources, including the costs of personnel and equipment. The

1 Commissioner may, according to the Department fire suppression
2 reimbursement policy, reimburse a municipality for all or a portion of the costs
3 of suppressing a forest fire on land that is not owned by the Agency of Natural
4 Resources.

5 ~~(b) The state shall reimburse a town for its forest fire suppression costs in~~
6 ~~excess of ten percent of its grand list and for one half its forest fire suppression~~
7 ~~costs up to and including ten percent of its grand list when the bills are~~
8 ~~presented to the commissioner by December 31 of each year with proper~~
9 ~~vouchers and in a form approved by him~~ For the purpose of suppressing forest
10 fires on lands owned by the Agency of Natural Resources, the State shall
11 reimburse a town for all its forest fire suppression costs at a rate determined by
12 the Commissioner according to the Department fire suppression
13 reimbursement policy. If the total acreage of a forest fire is determined to be
14 partially on land owned by the Agency of Natural Resources and partially on
15 land owned by another party, the Commissioner shall, at a minimum,
16 reimburse the town at a rate determined by the Commissioner according to the
17 Department fire suppression reimbursement policy for costs incurred by the
18 municipality on land owned by the Agency of Natural Resources.

19 (c) For any forest fire on lands owned by the Agency of Natural Resources
20 to be considered eligible for reimbursement from the State, a town forest fire
21 warden shall have reported the forest fire to the Commissioner within 14 days

1 of extinguishment of the fire as required under section 2644 of this title. For
2 reimbursement of fire suppression costs for forest fires on land owned by the
3 Agency of Natural Resources, the town forest fire warden and the
4 Commissioner or designee shall approve the costs before submission to the
5 municipality for payment. The town forest fire warden may submit to the State
6 on an annual basis a request for reimbursement of fire suppression costs on
7 lands owned by the Agency of Natural Resources. The State shall reimburse a
8 town for all applicable forest fire suppression costs when the reimbursement
9 request is presented in a form approved by the Commissioner to the
10 Commissioner by December 31 of each year.

11 § 2644. DUTIES AND POWERS OF FIRE WARDEN

12 (a) When a forest fire or fire threatening a forest is discovered in his or her
13 town, the town forest fire warden shall enter upon any premises and take
14 measures for its prompt control, suppression, and extinguishment. The town
15 forest fire warden may call upon any person for assistance. ~~He or she may~~
16 ~~arrest without warrant any person found in the act of violating a provision of~~
17 ~~law or proclamation pertaining to forest fires.~~ The town forest fire warden
18 may choose to share or delegate command authority to a chief engineer of a
19 responding fire department or, in the chief's absence, the highest ranking
20 assistant firefighter present during the fire.

1 (b) A town forest fire warden shall keep a record of his or her acts, ~~the~~
2 ~~amount of expenses incurred,~~ the number of fires and causes, the areas burned
3 over, and the character and amount of damages done in the warden's
4 jurisdiction. Within two weeks after the ~~discovery of such~~ extinguishment of a
5 ~~fire, he or she~~ the town forest fire warden shall report the same fire to the
6 ~~commissioner on forms which shall be furnished by him or her~~ Commissioner,
7 but the making of ~~such a report~~ under this subsection shall not be a charge
8 against the town.

9 (c) ~~During the danger season and subject to the approval or direction of the~~
10 ~~commissioner, a warden shall establish a patrol in dangerous localities, and the~~
11 ~~expense for the same shall be paid as expenses for fighting fires. Wardens shall~~
12 ~~receive the same pay for time spent in posting notices, patrolling or in making~~
13 ~~investigations of damages done that they receive for time spent in actual fire~~
14 ~~fighting. [Repealed.]~~

15 § 2645. OPEN BURNING; PERMITS

16 (a) Except as otherwise provided in this section, a person shall not kindle or
17 authorize another person to kindle a fire in the open air for the purpose of
18 burning natural wood, brush, weeds, or grass ~~or rubbish of any kind except~~
19 ~~where there is snow on the site, without first obtaining permission from the fire~~
20 ~~warden or deputy warden of the town, stating when and where such fire may~~
21 ~~be kindled~~ without first obtaining permission from the town forest fire warden

1 or deputy forest fire warden, stating when and where such fire may be kindled.
2 Wood, brush, weeds, or grass may not be burned if they have been altered in
3 any way by surface applications or injection of paints, stains, preservatives,
4 oils, glues, or pesticides. Whenever such permission is granted, ~~such~~ the fire
5 warden, within 12 hours, shall issue a written permit “Permit to Kindle” for
6 record purposes stating when and where such fire may be kindled. ~~Permission~~
7 ~~shall not be required for the kindling of a fire in a location which is 200 feet or~~
8 ~~more from any woodland, timberland or field containing dry grass or other~~
9 ~~inflammable plant material contiguous to woodland. With the written approval~~
10 ~~of the secretary, during periods of extreme fire hazard, the commissioner may~~
11 ~~notify town fire wardens that for a specified period no burning permits shall be~~
12 ~~issued. The wardens shall issue no permits during the specified period.~~

13 (b) ~~Whenever the commissioner deems that the public safety of any town~~
14 ~~or portion of a town of this state does not require the protection provided by~~
15 ~~this section, he or she may cause the town fire warden of any such town to post~~
16 ~~notices to that effect in not less than five conspicuous places in such town.~~

17 [Repealed.]

18 (c) The provisions of this section will not apply to:

19 (1) ~~To areas posted in accordance with subsection (b) of this section~~ the
20 kindling of a fire in a location where there is snow surrounding the open
21 burning site;

1 (2) ~~To~~ fires built in stone arches, outdoor fireplaces, or existing fire
2 rings at state State recreational areas or fires built in stone arches, outdoor
3 fireplaces, or fire rings on private property that are not located within
4 woodland, timberland, or a field containing dry grass or other flammable plant
5 material contiguous to woodland;

6 (3) ~~To fires built in special containers used for burning brush, waste,~~
7 ~~grass or rubbish when conditions are deemed satisfactory to the town fire~~
8 ~~warden~~ the kindling of a fire in a location that is 200 feet or more from: any
9 woodland, timberland, or field containing dry grass or other flammable plant
10 material contiguous to woodland; or

11 (4) ~~To~~ areas within ~~cities or villages~~ cities maintaining a fire
12 department.

13 (d)(1) As used in this section, “natural wood” means:

14 (A) trees, including logs, boles, trunks, branches, limbs, and stumps;

15 (B) lumber, including timber, logs, or wood slabs, especially when

16 dressed for use; and

17 (C) pallets that are used for the shipment of various materials, so long

18 as such pallets are not chemically treated with any preservative, paint, or oil.

19 (2) “Natural wood” shall not mean other wood products such as

20 sawdust, plywood, particle board, or press board.

1 Sec. 12. DEPARTMENT OF FORESTS, PARKS AND RECREATION;
2 POLICY FOR REIMBURSEMENT OF FIRE SUPPRESSION
3 COSTS

4 On or before January 1, 2017, the Commissioner of Forests, Parks and
5 Recreation, in consultation with the Vermont League of Cities and Towns and
6 other interested parties, shall develop a policy that provides the criteria the
7 Department of Forests, Parks and Recreation shall use in determining whether
8 and how to reimburse towns for the costs of fire suppression. The policy shall
9 include criteria for:

10 (1) whether and how to reimburse a municipality for the costs of forest
11 fire suppression incurred on lands not owned by the Agency of Natural
12 Resources; and

13 (2) determining the rate a municipality shall be reimbursed for fire
14 suppression costs incurred on lands owned by the Agency of Natural
15 Resources.

16 Sec. 13. 10 V.S.A. § 2515 is added to read:

17 § 2515. INTERCOMPACT LIABILITY—ARTICLE XV

18 The provisions of Article IX of this compact that relate to mutual aid in
19 combating, controlling, or preventing forest fires shall be operative as between
20 any state party to this compact and any other state that is party to a regional
21 forest fire protection compact in another region provided that the legislature of

1 such other state shall have given its assent to the mutual aid provisions of this
2 compact.

3 * * * Forest Integrity; Municipal and Regional Planning * * *

4 Sec. 14. 24 V.S.A. § 4302(c) is amended to read:

5 (c) In addition, this chapter shall be used to further the following specific
6 goals:

7 * * *

8 (6) To maintain and improve the quality of air, water, wildlife, forests,
9 and other land resources.

10 * * *

11 (C) Vermont's forestlands should be managed so as to maintain and
12 improve forest blocks and habitat connectors.

13 * * *

14 (9) To encourage and strengthen agricultural and forest industries.

15 (A) Strategies to protect long-term viability of agricultural and ~~forest~~
16 ~~lands~~ forestlands should be encouraged and should include maintaining low
17 overall density.

18 * * *

1 Sec. 15. 24 V.S.A. § 4303 is amended to read:

2 § 4303. DEFINITIONS

3 The following definitions shall apply throughout this chapter unless the
4 context otherwise requires:

5 * * *

6 (10) “Land development” means the division of a parcel into two or
7 more parcels, the construction, reconstruction, conversion, structural alteration,
8 relocation, or enlargement of any building or other structure, or of any mining,
9 excavation, or landfill, and any change in the use of any building or other
10 structure, or land, or extension of use of land.

11 * * *

12 (34) “Forest block” means a contiguous area of forest in any stage of
13 succession and not currently developed for nonforest use. A forest block may
14 include recreational trails, wetlands, or other natural features that do not
15 themselves possess tree cover, and uses exempt from regulation under
16 subsection 4413(d) of this title.

17 (35) “Forest fragmentation” means the division or conversion of a forest
18 block by land development other than by a recreational trail or use exempt
19 from regulation under subsection 4413(d) of this title.

20 (36) “Habitat connector” means land or water, or both, that links patches
21 of wildlife habitat within a landscape, allowing the movement, migration, and

1 dispersal of animals and plants and the functioning of ecological processes. A
2 habitat connector may include recreational trails and uses exempt from
3 regulation under subsection 4413(d) of this title. In a plan or other document
4 issued pursuant to this chapter, a municipality or regional plan commission
5 may use the phrase “wildlife corridor” in lieu of “habitat connector.”

6 (37) “Recreational trail” means a corridor that is not paved and that is
7 used for hiking, walking, bicycling, cross-country skiing, snowmobiling,
8 all-terrain vehicle riding, horseback riding, and other similar recreational
9 activity.

10 Sec. 16. 24 V.S.A. § 4348a(a)(2) is amended to read:

11 (2) A land use element, which shall consist of a map and statement of
12 present and prospective land uses, that:

13 (A) ~~indicating~~ Indicates those areas proposed for forests, recreation,
14 agriculture (using the agricultural lands identification process established in
15 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses,
16 open spaces, areas reserved for flood plain, and areas identified by the State,
17 regional planning commissions, or municipalities, ~~which that~~ that require special
18 consideration for aquifer protection; for wetland protection; for the
19 maintenance of forest blocks, wildlife habitat, and habitat connectors; or for
20 other conservation purposes;

1 (B) ~~indicating~~ Indicates those areas within the region that are likely
2 candidates for designation under sections 2793 (downtown development
3 districts), 2793a (village centers), 2793b (new town centers), and 2793c
4 (growth centers) of this title;

5 (C) ~~indicating~~ Indicates locations proposed for developments with a
6 potential for regional impact, as determined by the regional planning
7 commission, including flood control projects, surface water supply projects,
8 industrial parks, office parks, shopping centers and shopping malls, airports,
9 tourist attractions, recreational facilities, private schools, public or private
10 colleges, and residential developments or subdivisions;

11 (D) ~~setting~~ Sets forth the present and prospective location, amount,
12 intensity, and character of such land uses and the appropriate timing or
13 sequence of land development activities in relation to the provision of
14 necessary community facilities and services;

15 (E) ~~indicating~~ Indicates those areas that have the potential to sustain
16 agriculture and recommendations for maintaining them which may include
17 transfer of development rights, acquisition of development rights, or farmer
18 assistance programs.

19 (F) Indicates those areas that are important as forest blocks and
20 habitat connectors and plans for land development in those areas to minimize
21 forest fragmentation and promote the health, viability, and ecological function

1 of forests. A plan may include specific policies to encourage the active
2 management of those areas for wildlife habitat, water quality, timber
3 production, recreation, or other values or functions identified by the regional
4 planning commission.

5 * * *

6 Sec. 17. 24 V.S.A. § 4382(a)(2) is amended to read:

7 (2) A land use plan:

8 ~~(A) consisting of, which shall consist of~~ a map and statement of
9 present and prospective land uses, that:

10 ~~(A) indicating~~ Indicates those areas proposed for forests, recreation,
11 agriculture (using the agricultural lands identification process established in
12 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses,
13 and open spaces, areas reserved for flood plain, and areas identified by the
14 State, the regional planning commission, or the municipality that require
15 special consideration for aquifer protection; for wetland protection; for the
16 maintenance of forest blocks, wildlife habitat, and habitat connectors; or for
17 other conservation purposes;

18 ~~(B) setting~~ Sets forth the present and prospective location, amount,
19 intensity, and character of such land uses and the appropriate timing or
20 sequence of land development activities in relation to the provision of
21 necessary community facilities and service;

- 1 (1) a current member of the House of Representatives, appointed by the
- 2 Speaker of the House;
- 3 (2) a current member of the Senate, appointed by the Committee on
- 4 Committees;
- 5 (3) a current officer of a municipality, appointed by the Vermont League
- 6 of Cities and Towns;
- 7 (4) a representative of the Vermont Association of Planning and
- 8 Development Agencies, appointed by that Association;
- 9 (5) the Commissioner of Housing and Community Development or
- 10 designee;
- 11 (6) the Chair of the Natural Resources Board or designee;
- 12 (7) the Commissioner of Forests, Parks and Recreation or designee;
- 13 (8) a representative of the Vermont Natural Resources Council,
- 14 appointed by that Council, to represent the Council and to provide input from
- 15 the Vermont Forest Roundtable;
- 16 (9) a representative of the Vermont Working Lands Enterprise Board
- 17 established under 6 V.S.A. § 4606, appointed by that Board;
- 18 (10) a representative of the Vermont Forest Products Association,
- 19 appointed by that Association; and
- 20 (11) a representative of the Vermont Woodlands Association, appointed
- 21 by that Association.

1 (c) Powers and duties. The Committee shall study potential revisions to
2 Act 250 and 24 V.S.A. chapter 117, subchapter 7 (bylaws) to protect
3 contiguous areas of forestland from fragmentation and promote habitat
4 connectivity between forestlands. This study shall include the following:

5 (1) a review of the relevant provisions of Act 250 and 24 V.S.A.
6 chapter 117 as they exist on passage of this act;

7 (2) a development and review of options to revise Act 250 and the bylaw
8 provisions of chapter 117 to protect forestland from fragmentation and promote
9 habitat connectivity;

10 (3) an evaluation of the impact of those options on land use;

11 (4) a recommendation on whether to make such revisions and the reason
12 for the recommendation and, if the recommendation is affirmative, the
13 revisions that the Committee suggests be made; and

14 (5) a review of the definitions added by Sec. 15 of this act to 24 V.S.A.
15 § 4303 and the amendments made by Secs. 16 and 17 of this act to 24 V.S.A.
16 §§ 4348a and 4382, a recommendation on whether to make revisions to these
17 provisions and the reasons for the recommendation and, if the recommendation
18 is affirmative, the revisions that the Committee suggests be made.

19 (d) Assistance. For purposes of scheduling meetings, preparing its
20 recommendation on whether to make statutory revisions, and preparing any
21 recommended legislation, the Committee shall have the assistance of the Office

1 of Legislative Council. The Committee also shall be entitled to the technical
2 and professional assistance of the Departments of Housing and Community
3 Development and of Forests, Parks and Recreation and of the Natural
4 Resources Board.

5 (e) Report. On or before January 1, 2017, the Committee shall submit its
6 written recommendation and any proposed legislation to the House Committee
7 on Fish, Wildlife and Water Resources and the House and Senate Committees
8 on Natural Resources and Energy.

9 (f) Meetings.

10 (1) The Office of Legislative Council shall call the first meeting of the
11 Committee to occur on or before July 15, 2016.

12 (2) The Committee shall select a chair from among its legislative
13 members at the first meeting.

14 (3) A majority of the membership shall constitute a quorum.

15 (g) Reimbursement.

16 (1) For attendance at meetings during adjournment of the General
17 Assembly, legislative members of the Committee shall be entitled to per diem
18 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
19 no more than four meetings.

20 (2) Other members of the Committee who are not employees of the State
21 of Vermont and who are not otherwise compensated or reimbursed for their

1 attendance shall be entitled to per diem compensation and reimbursement of
2 expenses pursuant to 32 V.S.A. § 1010 for no more than four meetings.

3 * * * Municipal Regulation of Forestry Operations * * *

4 Sec. 19. 24 V.S.A. § 4413(d) is amended to read:

5 (d)(1) A bylaw under this chapter shall not regulate:

6 (A) required agricultural practices, including the construction of farm
7 structures, as those practices are defined by the Secretary of Agriculture, Food
8 and Markets ~~or~~;

9 (B) accepted silvicultural practices, as defined by the Commissioner
10 of Forests, Parks and Recreation, including practices which are in compliance
11 with the Acceptable Management Practices for Maintaining Water Quality on
12 Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks
13 and Recreation; or

14 (C) forestry operations.

15 ~~(1)(2) For purposes of~~ As used in this section;

16 (A) ~~“farm~~ Farm structure” means a building, enclosure, or fence for
17 housing livestock, raising horticultural or agronomic plants, or carrying out
18 other practices associated with accepted agricultural or farming practices,
19 including a silo, as “farming” is defined in 10 V.S.A. § 6001(22), but excludes
20 a dwelling for human habitation.

1 (B) “Forestry operations” has the same meaning as in 10 V.S.A.
2 § 2602.

3 ~~(2)(3)~~ A person shall notify a municipality of the intent to build a farm
4 structure and shall abide by setbacks approved by the Secretary of Agriculture,
5 Food and Markets. No municipal permit for a farm structure shall be required.

6 ~~(3) A municipality may enact a bylaw that imposes forest management~~
7 ~~practices resulting in a change in a forest management plan for land enrolled in~~
8 ~~the use value appraisal program pursuant to 32 V.S.A. chapter 124 only to the~~
9 ~~extent that those changes are silviculturally sound, as determined by the~~
10 ~~Commissioner of Forests, Parks and Recreation, and protect specific natural,~~
11 ~~conservation, aesthetic, or wildlife features in properly designated zoning~~
12 ~~districts. These changes also must be compatible with 32 V.S.A. § 3755.~~

13 (4) This subsection does not prevent an appropriate municipal panel,
14 when issuing a decision on an application for land development over which the
15 panel otherwise has jurisdiction under this chapter, from imposing reasonable
16 conditions under subsection 4464(b) of this title to protect wildlife habitat,
17 threatened or endangered species, or other natural, historic, or scenic resources
18 and does not prevent the municipality from enforcing such conditions,
19 provided that the reasonable conditions do not restrict or regulate forestry
20 operations unrelated to land development.

1 (f)(1) When the application for use value appraisal of agricultural and
2 forestland has been approved by the State, the State shall record a lien against
3 the enrolled land in the land records of the municipality ~~which~~ that shall
4 constitute a lien to secure payment of the land use change tax to the State upon
5 development. The landowner shall bear the recording cost. The land use
6 change tax and any obligation to repay benefits paid in error shall not
7 constitute a personal debt of the person liable to pay the same, but shall
8 constitute a lien which shall run with the land. All of the administrative
9 provisions of chapter 151 of this title, including those relating to collection and
10 enforcement, shall apply to the land use change tax. The Director shall release
11 the lien when notified that:

12 (A) the land use change tax is paid;

13 (B) the land use change tax is abated pursuant to this section;

14 (C) the land use change tax is abated pursuant to subdivision 3201(5)
15 of this title;

16 (D) the land is exempt from the levy of the land use change tax
17 pursuant to this section and the owner requests release of the lien; or

18 (E) the land is exempt from the levy of the land use change tax
19 pursuant to this section and the land is developed.

20 (2) Nothing in this subsection shall be construed to allow the enrollment
21 of agricultural land or managed forestland without a lien to secure payment of

1 the land use change tax. Any fees related to the release of a lien under this
2 subsection shall be the responsibility of the owner of the land subject to the
3 lien.

4 (g) Upon application, the Commissioner may abate a use change tax levy
5 concerning agricultural land found eligible for use value appraisal under
6 subdivision 3752(1)(A) of this title, in the following cases:

7 (1) If a disposition of such property resulting in a change of use of it
8 takes place within five years of the initial assessment at use value because of
9 the permanent physical incapacity or death of the individual farmer-owner or
10 farmer-operator of the property.

11 (2) If a disposition of the property was necessary in order to raise funds
12 to continue the agriculture operation of the seller. In this case, the
13 Commissioner shall consider the financial gain realized by the sale of the land
14 and whether, in respect to that gain, payment of the use change tax would
15 significantly reduce the ability of the seller to continue using the remaining
16 property, or any part thereof, as agricultural land.

17 (h) Land condemned as a result of eminent domain or sold voluntarily to a
18 condemning authority in anticipation of eminent domain proceedings is exempt
19 from the levy of a land use change tax under this section.

20 * * *

1 (j)(1) Land transferred to the ~~United States~~ U.S. Forest Service is exempt
2 from the levy of a use change tax under this section, provided ~~all~~ one of the
3 following ~~apply~~ applies:

4 (~~1~~)(A) land transferred is eligible for use value appraisal at the time
5 of the transfer;

6 (~~2~~)(B) the transfer is in consideration for the receipt from the ~~United~~
7 ~~States~~ U.S. Forest Service of land of approximately equal value, as determined
8 by the Commissioner; ~~and~~ or

9 (~~3~~)(C) the landowner has submitted to the Commissioner in writing a
10 binding document that would substitute the land received for the land
11 transferred to the Forest Service, for the purposes of this chapter.

12 (2) Land acquired by the Green Mountain National Forest for public use
13 is exempt from the levy of a use change tax under this section.

14 (k) Conservation and preservation rights and interests held by an agency of
15 the United States or by a qualified holder, as defined in 10 V.S.A. chapter 34,
16 shall be exempt from the levy of a use change tax. Upon request of the agency
17 or qualified holder, the Commissioner may petition the Director to release the
18 conservation and preservation rights and interests from any lien recorded
19 pursuant to this chapter.

20 (l) Land acquired by the Agency of Natural Resources; the Department of
21 Forests, Parks and Recreation; the Department of Fish and Wildlife; or the

1 Department of Environmental Conservation for public uses, as authorized by
2 10 V.S.A. § 6301(a)(1)–(4), is exempt from the levy of a land use change tax
3 under this section.

4 * * * Effective Dates * * *

5 Sec. 21. EFFECTIVE DATES

6 (a) This section and Secs. 9 (intergenerational working group) and 18
7 (forest integrity study and report) shall take effect on passage.

8 (b) Secs. 1–4 (general policy and enforcement), 5–7 (harvest notification
9 pilot program), 8 (harvest notification rulemaking), 9 (maple sugar production
10 on State lands), 11–13 (fire wardens; fire suppression), 14 (forest integrity;
11 purpose; goals), 19 (municipal regulation of forestry operations), and 20 (land
12 use change tax) shall take effect on July 1, 2016.

13 (c) Secs. 15 (forest integrity; definitions), 16 (elements of a regional plan)
14 and 17 (plan for municipality) shall take effect on January 1, 2018. Secs. 15–
15 17 shall apply to municipal and regional plans adopted or amended on or after
16 January 1, 2018.

17
18 (Committee vote: _____)

19 _____
20 Senator _____

21 FOR THE COMMITTEE