

1 TO THE HONORABLE SENATE:

2 The Committee on Agriculture to which was referred House Bill No. 904  
3 entitled “An act relating to miscellaneous agricultural subjects” respectfully  
4 reports that it recommends that the Senate propose to the House that the bill be  
5 amended by striking out all after the enacting clause and inserting in lieu  
6 thereof the following:

7 \* \* \* Produce Inspection \* \* \*

8 Sec. 1. 6 V.S.A. § 21(b) is amended to read:

9 (b) The Secretary shall have the authority to:

10 (1) respond to and remediate incidences of mass animal death,  
11 agricultural structure fires, or other emergencies on a farm in order to prevent a  
12 public health hazard;

13 (2) condemn, confiscate, or establish restrictions on the use, sale, or  
14 distribution of adulterated raw agricultural commodities or animal feed; and

15 (3) cooperate with the Department of Health and other State and federal  
16 agencies regarding:

17 (A) the prevention or remediation of the adulteration of raw  
18 agricultural commodities, food, or animal feed on farms; and

19 (B) application of the FDA Food Safety Modernization Act,  
20 ~~21 U.S.C. §§ 2201–2252~~ Pub. L. No. 111-353, to farms, farm products, or  
21 value-added products produced in the State.

1 Sec. 2. 6 V.S.A. § 852 is amended to read:

2 § 852. ~~AUTHORITY; ENFORCEMENT~~

3 (a) The Secretary may enforce in the State the requirements of:

4 (1) the rules adopted under the ~~federal~~ U.S. Food and Drug  
5 Administration Food Safety Modernization Act, Public Law No. 111-353, for  
6 standards for growing, harvesting, packing, and holding of produce for human  
7 consumption Standards for Growing, Harvesting, Packing, and Holding of  
8 Produce for Human Consumption, 21 C.F.R. part 112; and

9 (2) the rules adopted under this chapter.

10 (b) The Agency may collaborate with the ~~Vermont~~ Department of Health  
11 regarding application of the ~~federal Food Safety Modernization Act and the~~  
12 rules adopted thereunder U.S. Food and Drug Administration Food Safety  
13 Modernization Act, Standards for Growing, Harvesting, Packing, and Holding  
14 of Produce for Human Consumption, 21 C.F.R. part 112, and application of the  
15 rules adopted under this chapter.

16 (c) The Secretary shall carry out the provisions of this chapter using:

17 (1) monies appropriated to the Agency by the federal government for the  
18 purpose of administering the federal Food Safety Modernization Act and the  
19 rules adopted thereunder;

20 (2) monies appropriated to the Agency by the State for the purpose of  
21 administering this chapter; and

1           (3) other gifts, bequests, and donations by private entities for the  
2 purposes of administering this chapter.

3           Sec. 3. 6 V.S.A. § 853 is amended to read:

4           § 853. FARM INSPECTIONS

5           (a)(1) The Secretary may inspect a produce farm during reasonable hours  
6 for the purposes of ensuring compliance with:

7                   (A) the federal standards for growing, harvesting, packing, and  
8 holding of produce for human consumption, as adopted under 21 C.F.R.  
9 part 112; or

10                   (B) the rules adopted under this chapter.

11           (2) This section shall not limit the Secretary's authority to respond to an  
12 emergency in order to prevent a public health hazard under section 21 of this  
13 title.

14           (b) ~~After inspection, the Secretary may issue an inspection certificate that~~  
15 ~~shall include the date and place of inspection along with any other pertinent~~  
16 ~~facts that the Secretary may require.~~

17           (e) The Secretary may coordinate with other State agencies and  
18 organizations to carry out inspections at or near the same time on a given  
19 produce farm.

1 Sec. 4. 6 V.S.A. §§ 856 and 857 are added to read:

2 § 856. ENFORCEMENT; CORRECTIVE ACTIONS

3 When the Secretary of Agriculture, Food and Markets determines that a  
4 person is violating the rules listed in section 852 of this title, the Secretary may  
5 issue a written warning that shall be served in person or by certified mail,  
6 return receipt requested. A warning issued under this section shall include:

7 (1) a description of the alleged violation;

8 (2) identification of this section;

9 (3) identification of the applicable rule violated; and

10 (4) the required corrective action that the person shall take to correct the  
11 violation.

12 § 857. ENFORCEMENT; ADMINISTRATIVE ORDERS

13 (a) Notwithstanding the requirements of section 856 of this title, the  
14 Secretary at any time may pursue one or more of the following:

15 (1) issue a cease and desist order in accordance to a person the Secretary  
16 believes to be in violation of the rules listed in section 852 of this title;

17 (2) issue a verbal order or written administrative order to protect public  
18 health, including orders for the stop sale, recall, embargo, destruction,  
19 quarantine, and release of produce, when:

20 (A) the U.S. Food and Drug Administration requires immediate State  
21 action; or

1           (B) an alleged violation, activity, or farm practice presents an  
2 immediate threat to the public health or welfare;

3           (3) order mandatory corrective actions;

4           (4) take any action authorized under chapter 1 of this title;

5           (5) seek administrative or civil penalties in accordance with the  
6 requirements of section 15, 16, or 17 of this title.

7           (b) When the Secretary of Agriculture, Food and Markets issues a cease  
8 and desist order, written administrative order, or required corrective action  
9 under subsection (a) of this section, the Secretary shall provide the person  
10 subject to the order or corrective action with a statement that the order or  
11 corrective action is effective upon receipt and the person has 15 days from the  
12 date the order or corrective action was issued to request a hearing.

13           (c) If the Secretary of Agriculture, Food and Markets issues a verbal order  
14 under this section, the Secretary shall issue written notice to the person subject  
15 to the order within five days of the issuance of the verbal order. The written  
16 notice shall include a statement that the person has 15 days from the date the  
17 written notice was received to request a hearing.

18           (d) If a person who receives a cease and desist order, a verbal order, an  
19 administrative order, or a mandatory corrective action under this section does  
20 not request in writing a hearing within 15 days of receipt of the order or within  
21 15 days of written notice for a verbal order, the person's right to a hearing is

1 waived. Upon receipt of a written request for a hearing, the Secretary  
2 promptly shall set a date and time for a hearing. A request for a hearing on a  
3 cease and desist order, verbal order, or administrative order issued under this  
4 section shall not stay the order.

5 (e) A person aggrieved by a final action or decision of the Secretary under  
6 this section may appeal de novo to the Civil Division of the Superior Court  
7 within 30 days of the final decision of the Secretary.

8 \* \* \* Livestock and Poultry Transport for Slaughter \* \* \*

9 Sec. 5. 6 V.S.A. § 1461a(c) is amended to read:

10 (c) Livestock and poultry that are transported to a commercial slaughter  
11 facility within the State shall not be removed from the facility without the  
12 facility's ~~owner~~ owner's first obtaining written permission from the State  
13 Veterinarian. For purposes of this section, arrival of the conveyance onto  
14 facility property and the offloading of livestock or poultry constitutes transport  
15 to a slaughter facility, regardless of whether the animals have been ~~offloaded~~  
16 ~~or~~ presented for antemortem inspection. The State Veterinarian may require  
17 inspection and testing prior to issuing consent for removal.

\* \* \* Farm and Forest Viability \* \* \*

Sec. 6. 6 V.S.A. § 4710 is amended to read:

§ 4710. VERMONT FARM AND FOREST VIABILITY ~~ENHANCEMENT~~  
PROGRAM

(a) The Vermont Farm and Forest Viability ~~Enhancement~~ Program is a voluntary program established in the Agency of Agriculture, Food and Markets to provide assistance to Vermont ~~farmers~~ farm, food, and forest-sector businesses to enhance the financial success and long-term viability of Vermont ~~agriculture~~ agricultural and forest sectors. In administering the Program, the Secretary shall:

(1) Collaborate with the Vermont Housing and Conservation Board; to administer the program with other State and federal agencies, private entities, and service groups to develop, coordinate, and provide technical and financial assistance to Vermont ~~farmers~~ farm, food, and forest-sector businesses.

(2) ~~Include teams of~~ Secure and coordinate experts to assist ~~farmers~~ farm, food, and forest-sector business owners in areas such as ~~assessing farm resources and potential~~ business and financial planning, succession planning, diversifying, adopting new technologies, improving product quality, developing value-added products, and lowering costs of production ~~for~~ Vermont's ~~agricultural sector~~. ~~The teams~~ Providers may include ~~farm~~ business management specialists, University of Vermont Extension professionals,

1 ~~veterinarians~~, and other experts to deliver the ~~informational and technological~~  
2 educational and consulting services.

3 (3) Encourage agricultural or forest-sector economic development  
4 through investing in improvements to essential infrastructure and the  
5 promotion of ~~farm~~ businesses in ~~Vermont~~ these sectors.

6 (4) Enter into agreements with private organizations or individuals or  
7 with any agency or instrumentality of the United States or of this State and  
8 employ technical experts to carry out the purposes of this section.

9 (b) The ~~farm viability enhancement program~~ Farm and Forest Viability  
10 Program shall be assisted by an advisory board consisting of ~~ten~~ 12 members  
11 who shall include:

12 (1) The Secretary of Agriculture, Food and Markets. The Secretary  
13 shall serve as Chair of the Board.

14 (2) The Commissioner of Forests, Parks and Recreation or designee.

15 (3) The Commissioner of Economic Development or designee.

16 ~~(3)~~(4) The Manager of the Vermont Economic Development Authority  
17 or designee.

18 ~~(4)~~(5) The Director of University of Vermont Extension or designee.

19 ~~(5)~~(6) The Executive Director of the Vermont Housing and  
20 Conservation Board or designee.

1           ~~(6)~~(7) Four Vermont ~~farmers~~ agricultural or forest-sector business  
2 owners appointed by the Secretary of Agriculture, Food and Markets in  
3 consultation with the Vermont Housing and Conservation Board and the  
4 Commissioner of Forests, Parks and Recreation. ~~The four farmers shall serve~~  
5 ~~two-year terms, except for the first year, two farmers chosen by the Chair shall~~  
6 ~~serve one-year terms~~ At least two of the four business owners shall be  
7 agricultural-sector business owners.

8           ~~(7)~~(8) ~~A person who has~~ Two people who have expertise in agricultural  
9 or forest-sector economics, financing, or business ~~planning~~ development  
10 appointed by the Secretary of Agriculture, Food and Markets in consultation  
11 with the Vermont Housing and Conservation Board and the Commissioner of  
12 Forests, Parks and Recreation.

13           (c) Members of the Advisory Board established in subsection (b) of this  
14 section other than ex officio members shall serve up to three two-year terms  
15 and shall be entitled to per diem expenses pursuant to 32 V.S.A. § 1010 for  
16 each day spent in the performance of their duties, and each such member shall  
17 be reimbursed ~~from the fund created by this section~~ for his or her reasonable  
18 expenses incurred in carrying out his or her duties under this section.

19           (d) In consultation with the Advisory Board, the Secretary of Agriculture,  
20 Food and Markets and the Vermont Housing and Conservation Board shall  
21 establish ~~grant criteria~~, performance goals, performance measures that

1 demonstrate Program results, and other criteria to implement the Program. The  
2 ~~grant~~ criteria shall include at least the following requirements:

3 (1) ~~the application is developed in consultation with the producers who~~  
4 ~~use or would use the Program and will address their needs;~~

5 (2) the use of ~~the funds~~ available to the Program is likely to succeed in  
6 improving the economic viability of the ~~farm and the farm's producers~~  
7 business;

8 (3)~~(2)~~ ~~the producers are committed~~ enrollees demonstrate commitment  
9 to participating in the Program; and

10 (4)~~(3)~~ an evaluation shall be completed by ~~enrolled farmers in~~  
11 ~~conjunction with the teams~~ enrollees.

12 (e)~~(1)~~ ~~The Farm Viability Enhancement Program Special Fund is~~  
13 ~~established in the State Treasury and shall be administered by the Secretary of~~  
14 ~~Agriculture, Food and Markets in accordance with the provisions of 32 V.S.A.~~  
15 ~~chapter 7, subchapter 5, except that interest earned on the fund shall be~~  
16 ~~retained in the Fund. The Fund shall be used only for the purpose of~~  
17 ~~implementing and effectuating the Farm Viability Enhancement Program~~  
18 ~~established by this section. There shall be deposited in such Fund any monies~~  
19 ~~appropriated by the General Assembly to, or received by, the Secretary of~~  
20 ~~Agriculture, Food and Markets from any other source, public or private. The~~  
21 ~~Fund shall be used only for the purposes of:~~

1           ~~(A) providing funds for the Farm Viability Enhancement Program as~~  
2           ~~established in this section;~~

3           ~~(B) providing funds to enrolled farmers;~~

4           ~~(C) providing funds to service providers for administrative expenses~~  
5           ~~of the program; and~~

6           ~~(D) leveraging other competitive public and private funds, grants,~~  
7           ~~and contributions for the Farm Viability Enhancement Program.~~

8           (2) The Secretary of Agriculture, Food and Markets, the Commissioner  
9           of Forests, Parks and Recreation, and the Vermont Housing and Conservation  
10           Board, separately or cooperatively, may solicit federal funds, grants, and  
11           private contributions for the Farm and Forest Viability ~~Enhancement~~ Program,  
12           but any Vermont Housing and Conservation Board funds used for the Farm  
13           and Forest Viability ~~Enhancement~~ Program shall be administered in  
14           accordance with 10 V.S.A. § 312.

15           (f)(4) In collaboration with ~~the Vermont Housing and Conservation Board,~~  
16           the Secretary of Agriculture, Food and Markets and the Commissioner of  
17           Forests, Parks and Recreation, the Vermont Housing and Conservation Board  
18           shall report in writing to the Senate ~~Committee~~ Committees on Agriculture and  
19           on Economic Development, Housing and General Affairs and the House  
20           ~~Committee~~ Committees on Agriculture and Forestry and on Commerce and  
21           Economic Development on or before January 31 of each year with a report on

1 the activities and performance of the Farm and Forest Viability ~~Enhancement~~  
2 Program. At a minimum, the report shall include an evaluation of the Program  
3 utilizing the performance goals and performance measures established in  
4 consultation with the Advisory Board under subsection (d) of this section. ~~The~~  
5 ~~report should assess potential demand for the Program over the succeeding~~  
6 ~~three years.~~

7 ~~(2) The Agency of Agriculture, Food and Markets and the Vermont~~  
8 ~~Housing and Conservation Board shall describe in their annual budget~~  
9 ~~submissions plans to develop adequate State, federal, and private funds to carry~~  
10 ~~out this initiative.~~

11 ~~(g)(1) The Agricultural Economic Development Special Account is~~  
12 ~~established as a dedicated sub-account of the Vermont Farm Viability~~  
13 ~~Enhancement Program Special Fund. There shall be deposited in such account~~  
14 ~~any monies:~~

15 ~~(A) appropriated by the General Assembly to the account; and~~

16 ~~(B) received by the State or the Secretary of Agriculture, Food and~~  
17 ~~Markets from any source, public or private, for use for any of the purposes for~~  
18 ~~which the account was established.~~

19 ~~(2) The Fund shall only be used for the purposes of:~~

20 ~~(A) encouraging private investment in the economic initiative; and~~

1           ~~(B) providing incentives for technology businesses, determined by~~  
2           ~~the Agency of Agriculture, Food and Markets to provide critical technological~~  
3           ~~solutions for the growth of Vermont’s agricultural economy.~~

4           ~~(3) Assistance from the Agricultural Economic Development Special~~  
5           ~~Account shall be available in order to produce agricultural energy, harvest~~  
6           ~~biomass, convert biomass into energy, or enable installation and usage of wind,~~  
7           ~~solar, or other technology that relies on a resource that is being consumed at a~~  
8           ~~harvest rate at or below its natural regeneration rate pursuant to 30 V.S.A.~~  
9           ~~§ 8002(2), including:~~

10           ~~(A) business and technical assistance for research and planning to aid~~  
11           ~~a farmer or a group of farmers in developing business enterprises;~~

12           ~~(B) cost-effective implementation assistance to leverage other~~  
13           ~~sources of capital to assist a farmer or group of farmers in purchasing~~  
14           ~~equipment, technology, or other assistance; and~~

15           ~~(C) business, technical, and implementation assistance to persons that~~  
16           ~~are not farmers for the development and implementation of technology or~~  
17           ~~development of facilities designed to produce agricultural energy, harvest~~  
18           ~~biomass, or convert biomass into energy, provided that the person is working~~  
19           ~~in consultation with a Vermont farm, is creating an enterprise that utilizes~~  
20           ~~Vermont resources, and provides Vermont a significant return on investment~~

1 ~~and meets any financial and technical criteria established by the Secretary by~~  
2 ~~procedure.~~ [Repealed.]

3 \* \* \* Nutrient Management Plans \* \* \*

4 Sec. 7. 6 V.S.A. § 4817 is added to read:

5 § 4817. NUTRIENT MANAGEMENT PLAN; REPORTING

6 Annually, an owner or operator of a large farm, medium farm, or small farm  
7 subject to small farm certification shall submit to the Secretary a digital or  
8 electronic copy of the nutrient management plan required under this chapter.

9 A nutrient management plan submitted by an owner or operator of a farm  
10 under this subsection shall identify the known location of outfalls of subsurface  
11 tile drainage installed on the farm.

12 Sec. 8. SCHEDULE; SUBMISSION OF NUTRIENT MANAGEMENT  
13 PLAN

14 An owner or operator of a farm subject to the nutrient management plan  
15 reporting requirements of 6 V.S.A. § 4817 shall initiate submission of the  
16 nutrient management plan according to the following schedule:

17 (1) the owner or operator of a large farm, beginning on February 15,  
18 2019 and annually thereafter;

19 (2) the owner or operator of a medium farm, beginning on April 30,  
20 2019 and annually thereafter; and



1           (vi) Vermont Trail System projects. In the case of a construction  
2           project for a trail recognized as part of the Vermont Trail System pursuant to  
3           section 443 of this title, the computation of land involved shall not include any  
4           existing or planned portion of the trail or of the Vermont Trail System unless  
5           that portion will be physically altered as part of the project and is on the same  
6           tract or tracts of land.

7           **Sec. 11. VERMONT TRAIL SYSTEM; PLANNING**

8           On or before January 15, 2019, the Commissioner of Forests, Parks and  
9           Recreation, after consultation with the Chair of the Natural Resources Board,  
10           shall issue a plan for the development of the Vermont Trails System. If, in  
11           developing the plan under this section, the Commissioner determines that  
12           statutory changes are needed to 10 V.S.A. chapter 20 (Vermont Trail System),  
13           10 V.S.A. chapter 151 (Act 250), or other provision of law, the Commissioner  
14           shall submit recommended statutory changes to the Senate Committee on  
15           Natural Resources and Energy and the House Committee on Natural  
16           Resources, Fish, and Wildlife.

17                           \* \* \* Forest Habitat \* \* \*

18           **Sec. 12. 10 V.S.A. § 6001(38)–(42) are added to read:**

19           (38) “Forest block” means a contiguous area of forest in any stage of  
20           succession and not currently developed for nonforest use that is mapped as an  
21           interior forest block within the 2016 interior forest block dataset created as part

1 of resource mapping under section 127 of this title, as that dataset may be  
2 updated pursuant to procedures developed in accordance with that section. A  
3 forest block may include recreational trails, wetlands, or other natural features  
4 that do not themselves possess tree cover, and improvements constructed for  
5 farming, logging, or forestry purposes.

6 (39) “Fragmentation” means the division or conversion of a forest block  
7 or habitat connector by the separation of a parcel into two or more parcels; the  
8 construction, conversion, relocation, or enlargement of any building or other  
9 structure, or of any mining, excavation, or landfill; and any change in the use  
10 of any building or other structure, or land, or extension of use of land.

11 However, fragmentation does not include the division or conversion of a forest  
12 block or habitat connector by a recreational trail or by improvements  
13 constructed for farming, logging, or forestry purposes below the elevation of  
14 2,500 feet.

15 (40) “Habitat” means the physical and biological environment in which  
16 a particular species of plant or animal lives.

17 (41) “Habitat connector” refers to land or water, or both, that links  
18 patches of habitat within a landscape, allowing the movement, migration, and  
19 dispersal of animals and plants and the functioning of ecological processes. A  
20 habitat connector may include recreational trails and improvements  
21 constructed for farming, logging, or forestry purposes.



1 (ii) all feasible and reasonable means of preventing or lessening  
2 the destruction, diminution, or imperilment of the habitat or species have not  
3 been or will not continue to be applied; or

4 (iii) a reasonably acceptable alternative site is owned or  
5 controlled by the applicant which would allow the development or subdivision  
6 to fulfill its intended purpose.

7 (B) Forest blocks.

8 (i) A permit will not be granted for a development or subdivision  
9 within or partially within a forest block unless the applicant demonstrates that:

10 (I) the development or subdivision will avoid fragmentation of  
11 the forest block through the design of the project or the location of project  
12 improvements, or both;

13 (II) it is not feasible to avoid fragmentation of the forest block  
14 and the design of the development or subdivision minimizes fragmentation of  
15 the forest block; or

16 (III) it is not feasible to avoid or minimize fragmentation of the  
17 forest block and the applicant will mitigate the fragmentation in accordance  
18 with section 6094 of this title.

19 (ii) Methods for avoiding or minimizing the fragmentation of a  
20 forest block may include:

1                   (I) Locating buildings and other improvements and operating  
2 the project in a manner that avoids or minimizes incursion into and disturbance  
3 of the forest block, including clustering of buildings and associated  
4 improvements.

5                   (II) Designing roads, driveways, and utilities that serve the  
6 development or subdivision to avoid or minimize fragmentation of the forest  
7 block. Such design may be accomplished by following or sharing existing  
8 features on the land such as roads, tree lines, stonewalls, and fence lines.

9                   (C) Habitat connectors.

10                   (i) A permit will not be granted for a development or subdivision  
11 unless the applicant demonstrates that:

12                   (I) the development or subdivision will avoid fragmentation of  
13 a habitat connector through the design of the project or the location of project  
14 improvements, or both;

15                   (II) it is not feasible to avoid fragmentation of the habitat  
16 connector and the design of the development or subdivision minimizes  
17 fragmentation of the connector; or

18                   (III) it is not feasible to avoid or minimize fragmentation of the  
19 habitat connector and the applicant will mitigate the fragmentation in  
20 accordance with section 6094 of this title.



1 Sec. 15. 10 V.S.A. § 6094 is added to read:

2 § 6094. MITIGATION OF FOREST BLOCKS AND HABITAT

3 CONNECTORS

4 (a) A District Commission may consider a proposal to mitigate, through  
5 compensation, the fragmentation of a forest block or habitat connector if the  
6 applicant demonstrates that it is not feasible to avoid or minimize  
7 fragmentation of the block or connector in accordance with the respective  
8 requirements of subdivision 6086(a)(8)(B) or (C) of this title. A District  
9 Commission may approve the proposal only if it finds that the proposal will  
10 meet the requirements of the rules adopted under this section and will preserve  
11 a forest block or habitat connector of similar quality and character to the block  
12 or connector affected by the development or subdivision.

13 (b) The Natural Resources Board, in consultation with the Secretary of  
14 Natural Resources, shall adopt rules governing mitigation under this section.

15 (1) The rules shall state the acreage ratio of forest block or habitat  
16 connector to be preserved in relation to the block or connector affected by the  
17 development or subdivision.

18 (2) Compensation measures to be allowed under the rules shall be based  
19 on the ratio of land developed pursuant to subdivision (1) of this subsection  
20 and shall include:

1           (A) Preservation of a forest block or habitat connector of similar  
2 quality and character to the block or connector that the development or  
3 subdivision will affect.

4           (B) Deposit of an offsite mitigation fee into the Vermont Housing  
5 and Conservation Trust Fund under section 312 of this title.

6           (i) This mitigation fee shall be derived as follows:

7                   (I) Determine the number of acres of forest block or habitat  
8 connector, or both, affected by the proposed development or subdivision.

9                   (II) Multiply this number of affected acres by the ratio set forth  
10 in the rules.

11                   (III) Multiply the resulting product by a “price-per-acre” value,  
12 which shall be based on the amount that Commissioner of Forests, Parks and  
13 Recreation to be the recent, per-acre cost to acquire conservation easements for  
14 forest blocks and habitat connectors of similar quality and character in the  
15 same geographic region as the proposed development or subdivision.

16           (ii) The Vermont Housing Conservation Board shall use such a fee  
17 to preserve a forest block or habitat connector of similar quality and character  
18 to the block or connector affected by the development or subdivision.

19           (C) Such other compensation measures as the rules may authorize.

1       (c) The mitigation of impact on a forest block or a habitat connector, or  
2       both, shall be structured also to mitigate the impacts, under the criteria of  
3       subsection 6086(a) of this title other than subdivisions (8)(B) and (C), to land  
4       or resources within the block or connector.

5       (d) All forest blocks and habitat connectors preserved pursuant to this  
6       section shall be protected by permanent conservation easements that grant  
7       development rights and include conservation restrictions and are conveyed to a  
8       qualified holder, as defined in section 821 of this title, with the ability to  
9       monitor and enforce easements in perpetuity.

10      Sec. 16. RULE ADOPTION: SCHEDULE; GUIDANCE

11      (a) Rulemaking.

12          (1) On or before September 1, 2018, the Natural Resources Board  
13          (NRB) shall file proposed rules with the Secretary of State to implement  
14          Sec. 15 of this act, 10 V.S.A. § 6094.

15          (2) On or before March 1, 2019, the NRB shall finally adopt rules to  
16          implement Sec. 15 of this act, 10 V.S.A. § 6094, unless such deadline is  
17          extended by the Legislative Committee on Administrative Rules pursuant to  
18          3 V.S.A. § 843(c).

19      (b) Guidance.

20          (1) On or before May 1, 2019, the NRB shall develop guidance for the  
21          District Commissions, applicants, and other affected persons with respect to:

1           (A) the forest block and habitat connector criteria adopted under  
2           Sec. 13 of this act, 10 V.S.A. § 6086(a)(8)(B) and (C); and

3           (B) designing recreational trails, subdivisions, and developments to  
4           minimize impacts in a manner that complies with those criteria.

5           (2) The NRB shall develop this guidance in collaboration with the  
6           Agency of Natural Resources (ANR). As part of developing this guidance, the  
7           NRB shall solicit input from affected parties and the public, including  
8           planners, developers, municipalities, environmental advocacy organizations,  
9           regional planning commissions, regional development corporations, and  
10           business advocacy organizations such as State and regional chambers of  
11           commerce.

12           Sec. 17. 10 V.S.A. § 127 is amended to read:

13           § 127. RESOURCE MAPPING

14           (a) ~~On or before January 15, 2013, the~~ The Secretary of Natural Resources  
15           (Secretary) shall complete and maintain resource mapping based on the  
16           Geographic Information System (GIS) or other technology. The mapping shall  
17           identify natural resources throughout the State, including forest blocks, that  
18           may be relevant to the consideration of energy projects and projects subject to  
19           chapter 151 of this title. The Center for Geographic Information shall be  
20           available to provide assistance to the Secretary in carrying out the GIS-based  
21           resource mapping.

1 (b) The Secretary of Natural Resources shall consider the GIS-based  
2 resource maps developed under subsection (a) of this section when providing  
3 evidence and recommendations to the Public Service Board under 30 V.S.A.  
4 § 248(b)(5) and when commenting on or providing recommendations under  
5 chapter 151 of this title to District Commissions on other projects.

6 (c) The Secretary shall establish and maintain written procedures that  
7 include a process and science-based criteria for updating resource maps  
8 developed under subsection (a) of this section. Before establishing or revising  
9 these procedures, the Secretary shall provide an opportunity for affected parties  
10 and the public to submit relevant information and recommendations.

11 Sec. 18. 24 V.S.A. § 4303 is amended to read:

12 § 4303. DEFINITIONS

13 The following definitions shall apply throughout this chapter unless the  
14 context otherwise requires:

15 \* \* \*

16 (34) As used in subdivisions 4348a(a)(2) and 4382(a)(2) of this title:

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



1       (g) When an application concerns the construction of improvements for one  
2       of the following, the application shall be processed as a minor application in  
3       accordance with subsections (b) through (e) of this section:

4               (1) a sawmill that produces one million board feet or less annually; or

5               (2) an operation that involves the primary processing of forest products  
6       of commercial value and that annually produces:

7                       (A) 1,750 cords or less of firewood or cordwood; or

8                       (B) 5,000 tons or less of bole wood, whole tree chips, or wood  
9       pellets.

10                      \* \* \* Forest Products Industry; Wood Energy; Supply \* \* \*

11       Sec. 20. PUBLIC BUILDINGS; WOOD ENERGY; VERMONT  
12                      SUPPLIERS; REPORT

13       (a) On or before December 15, 2018, the Commissioner of Buildings and  
14       General Services (Commissioner), in consultation with the Commissioner of  
15       Public Service, shall submit a written report and recommendation on the  
16       feasibility and impacts of requiring certain public buildings that use wood to  
17       produce heat or electricity, or both, to give preference to Vermont suppliers  
18       when making fuel supply purchases.

19       (b) As used in this section, “public building” has the same meaning as in  
20       20 V.S.A. § 2730.





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\*\*\* Effective Dates \*\*\*

Sec. 24. EFFECTIVE DATES

(a) This section and Secs. 1–4 (produce inspection), 5 (livestock transfer), 7–8 (Act 250 trails designation), 9 (Act 250 minor application; small sawmills), and 16 (rule adoption; schedule) shall take effect on passage.

(b) Sec. 18 shall take effect on January 1, 2019 and shall supersede 2016 Acts and Resolves No. 171, Sec. 15. Sec. 18 shall apply to municipal and regional plans adopted or amended on or after January 1, 2019.

(c) Secs. 12 through 15 (forest habitat; planning) shall take effect on May 1, 2018, except that on passage, Secs. 12 through 15 shall apply to the rulemaking and guidance under Sec. 16.

(d) All other sections shall take effect on July 1, 2018.

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

\_\_\_\_\_

Senator \_\_\_\_\_

FOR THE COMMITTEE