

**Act No. 171 (H.857): An Act Relating to Miscellaneous Timber Harvesting,
Forestry, and State Lands Issues**
Section by Section Summary

Section 1. 10 V.S.A. § 2600. 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 REPORT

- DFPR shall submit to General Assembly by December 15, 2016, a recommendation for implementing harvest notification in the State, including:
 - How the program would be implemented;
 - Who would be required to provide notice;
 - What threshold or size of harvest would require notification;
 - The economic and environmental benefits of notification;
 - The department staffing and funding needed to implement the program; and
 - How the program would be funded.

Sections 6, 7, and 8. Deleted in final days of session. Sections related to a required harvest notification.

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- Replaces the out of date formula for maple fees with authority for DFPR to set a license charge that reflects reasonable market rates.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 Dec. 15, 2016. The report shall include:
 1. Recommended priorities for succession planning for forestland owners;
 2. Strategies for improving conservation investments that facilitate transfers of forestland;
 3. Other strategies for lessening the impact of pressures that lead to subdivision of 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, forest fires wardens are appointed by the DFPR Commissioner for 5 years.
 - Commissioner authorized to reappoint a forest fire warden for successive 5 year terms.
 - 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.
 - Fire wardens annually shall receive \$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 are responsible for costs of 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 on State lands or on private property 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.

Section 12. DFPR POLICY FOR REIMBURSEMENT OF FIRE SUPPRESSION

- Requires the Commissioner of Forests and Parks on or before Jan. 1. 2017, 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). MUNICIPAL AND REGIONAL PLANNING; 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. MUNICIPAL AND REGIONAL PLANNING; 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 above for regional plans.

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

- Requires a study committee and report due Jan. 1, 2017 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 the revisions and which 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.
 - Committee membership includes: one appointee from VLCT, one 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 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.
- § 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 by Dep't of Taxes authority to reduce taxes 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(l): 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.