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Testimony to the House Committee on Natural Resources, Fish and Wildlife regarding 19-0040 - An act relating to changes to Act 250 draft 5.2

Chairwoman Sheldon, Distinguished members of the House Natural Resources Committee; My name is Christopher Fife, I'm the Public Affairs Manager for Weyerhaeuser in New England. From 2008-2017 I was the forest supervisor for our land in Vermont. I'm a licensed forester and have been in the forest industry for over 25 years.

Thank you for the invitation to provide testimony on the proposed changes to Act 250.

Weyerhaeuser owns and manages more than 86,000 acres of timberland in Northeastern Vermont. One hundred percent of our timberlands are certified to sustainable forestry standards through the Sustainable Forestry Initiative (SFI). These managed timberlands play an important role in Vermont's, and the region's, forest industry supplying timber for mills while providing environmental benefits, wildlife habitats and recreational access. Our land is under a Working Forest Conservation Easement and is enrolled in UVA. We work closely with FP&R, F&W and DEC in managing our timberland and public use. Our ownership includes over 9,000 acres of timberland above 2,500 feet in elevation.

My comments today will focus on forestry, however it's important to realize that maintaining healthy forests and a vibrant forest economy requires a permit process that encourages new wood processing facilities for everything from low grade wood to high value saw logs. H.197, also before the committee, addresses some of these issues that are ignored in 19-0040.

I will describe our experience as we currently work through an Act 250 permit application for harvesting and provide some observations and thoughts on how this process might be improved.

In the northeast we're blessed with an amazing, resilient, renewable, natural resource, the forest. The forests in Vermont are diverse from white pine, oak and hemlock in the south to yellow birch, balsam fir and American beech in the Northeast. Iconic sugar maple groves border white cedar swamps and beech ridges look down over historic farmland now covered in birch and red maple. Our responsibility as stewards and users of the forest is to ensure it's health through sound planning and science based decision making.

Simple, predictable, science-based policy helps us to sustainably manage our timberland, maintaining a healthy, productive working forest.

Unfortunately, the bill before you, 19-0040, creates new hurdles to managing healthy forests by proposing to expand the jurisdiction of Act 250. Lowering the elevation threshold for forestry from 2,500 to 2,000 feet exponentially increases the acreage of forest land subject to Act 250 with no

measurable benefit to the ecosystem. Likewise, placing critical resource areas under Act 250 jurisdiction duplicates a required process for many Vermont forest managers and results in the same protection already afforded the resource through UVA and current state laws regarding wetlands, water quality and pollution.

When I began managing timberland in Vermont. I was warned not to try to go through the Act 250 permit process. Foresters told me it was too costly and not worth the limited acres that we might eventually be allowed to treat silviculturally. Our experience suggests that this advice was correct. Since beginning the process in early 2018 we have well over a hundred hours of staff time into the planning process and are still waiting on answers from F&W to allow us to put together a final plan. We hope to have an approved plan to harvest in the winter of 2020. We are not proposing to build any structures, just harvest trees following proven silvicultural guidelines in order to maintain a healthy forest. It's not surprising that this expensive and drawn out permit process discourages many forest landowners from attempting to manage forestland that's under Act 250 jurisdiction. Unfortunately, this results in loss of forest health and vitality and lost revenue to the landowner and the forest economy.

As Weyerhaeuser began the Act 250 process for a portion of our timberland in East Haven it became clear that many of the criteria don't really apply to a forest management situation and the District Commission defers to ANR for direction and expertise on silviculture and wildlife issues. We were advised by the District Commission to work with FP&R and F&W to come up with a plan that they would approve before submitting our application to the Commission.

I believe there is a way to simplify the process while meeting the objectives of Act 250. The committee should consider removing forestry and forest management from Act 250 for any land enrolled in UVA. Since ANR is the defacto authority on issuance of an Act 250 permit for harvesting above 2,500 feet elevation and applicants are directed to work with them to develop their plan, it makes sense to rely on ANR's existing forest management program, UVA, to decide if a plan is appropriate.

When Act 250 was passed in 1970 the UVA program did not exist nor did the Heavy Cut law. The UVA Minimum Standards for Forest Management require that landowners follow accepted scientific harvest guides and implement Acceptable Management Practices for Erosion Control on Logging Jobs (AMPs) whenever harvesting occurs. These practices protect soil productivity and streams and wetlands from sedimentation. Forest Management Plans meeting UVA guidelines consider significant wildlife habitat, special places and sensitive sites, and allow for consideration of Ecologically Sensitive Treatment Areas.

Stands of trees do not know that they're growing across a 2,500 foot contour line however, the decision by foresters and landowners to forgo harvesting above 2,500 feet because of the added cost and time has fragmented these stands leaving the portion above 2,500 feet untreated and often in decline. Bringing forest land above 2,500 feet under the same planning process as the acreage below it would allow for continuity of management and encourage healthy, intact forest blocks. Incorporating the in-depth planning into the development of the 10 year Forest Management Plan would provide forest landowners with predictability and flexibility to respond to changing markets and weather conditions.

If there are special considerations needed for forest land above 2,500 feet that are not already included in the requirements for UVA, these could be addressed through rulemaking by FP&R.

Obviously, this is a concept not a fully fleshed out idea, however it should illustrate that there are other options that this Committee should consider before moving forward with a bill that places road blocks in the way of landowners who are keeping forest as forest.

Promoting healthy working forests and a strong forest economy is the way to protect Vermont's ecosystems, provide resilience to climate change and keep forests as forest.