

1 H.446

2 Representatives Rogers of Waterville, Austin of Colchester, Birong of  
3 Vergennes, Gregoire of Fairfield, Hango of Berkshire, Higley of Lowell,  
4 Leffler of Enosburgh, Noyes of Wolcott, Page of Newport City, Pajala of  
5 Londonderry, Sibia of Dover, Sims of Craftsbury, Surprenant of Barnard,  
6 White of Bethel, and Yacovone of Morristown move that the bill be amended  
7 as follows:

8 First: By adding a new section to be Sec. 22a to read as follows:

9 Sec. 22a. 10 V.S.A. § 6001(38) and (39) are added to read:

10 (38) “Forest-based enterprise” means an enterprise that aggregates forest  
11 products from forestry operations and adds value through processing or  
12 marketing in the forest products supply chain or directly to consumers through  
13 retail sales. “Forest-based enterprise” includes sawmills; veneer mills; pulp  
14 mills; pellet mills; producers of firewood, wood chips, mulch, and fuel wood;  
15 and log and pulp concentration yards. “Forest-based enterprise” does not  
16 include facilities that purchase, market, and resell finished goods, such as  
17 wood furniture, wood pellets, and milled lumber, without first receiving forest  
18 products from forestry operations.

19 (39) “Forest product” means logs, pulpwood, veneer wood, bolt wood,  
20 wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and  
21 bark.

1        Second: By adding a new section to be Sec.22b to read as follows:

2        Sec. 22b. 10 V.S.A. § 6086(c) is amended to read:

3            (c)(1) Permit Conditions. A permit may contain such requirements and  
4        conditions as are allowable proper exercise of the police power and ~~which~~ that  
5        are appropriate within the respect to subdivisions (a)(1) through (10) of this  
6        section, including those set forth in 24 V.S.A. §§ 4414(4), 4424(a)(2),  
7        4414(1)(D)(i), 4463(b), and 4464, the dedication of lands for public use, and  
8        the filing of bonds to ensure compliance. The requirements and conditions  
9        incorporated from Title 24 may be applied whether or not a local plan has been  
10       adopted. General requirements and conditions may be established by rule of  
11       the Natural Resources Board.

12            (2) Permit conditions on a forest-based enterprise.

13            (A) A permit condition that sets hours of operation for a forest-based  
14        enterprise shall only be imposed to mitigate an impact under subdivision  
15        (a)(1), (5), or (8) of this section.

16            (B) Unless an impact under subdivision (a)(1) or (5) of this section  
17        would result, a permit issued to a forest-based enterprise shall allow the  
18        enterprise to ship and receive forest products outside regular hours of  
19        operation. These permits shall allow for deliveries of forest products from  
20        forestry operations to the enterprise outside permitted hours of operation,  
21        including nights, weekends, and holidays, for a minimum of 60 days per year.

1           (C) In making a determination under this subdivision (2) as to  
2           whether an impact exists, the Board or District Commission shall consider the  
3           enterprise’s role in sustaining forestland use and the impact of the permit  
4           condition on the forest-based enterprise. Conditions shall impose the  
5           minimum restriction necessary to address the undue adverse impact.

6           (3) Permit conditions on the delivery of wood heat fuels. A permit  
7           issued to a forest-based enterprise that produces wood chips, pellets, cord  
8           wood, or other fuel wood used for heat shall allow shipment of that fuel wood  
9           from the enterprise to the end user outside permitted hours of operation,  
10          including nights, weekends, and holidays, from October 1 through April 30 of  
11          each year.

12          (4) Forest-based enterprises holding a permit may request an  
13          amendment to existing permit conditions related to hours of operation and  
14          seasonal restrictions to be consistent with subdivisions (2) and (3) of this  
15          subsection. Requests for condition amendments under this subsection shall not  
16          be subject to Act 250 Rule 34E.