

Dear Representative Sheldon and members of the HNRFW Committee;

During the committee's walkthrough of the UVA language yesterday, we heard some concern expressed about the degree to which the draft bill proposing the new Reserve Forestland category ensures, or fails to ensure, that the resulting Minimum Management Standards would advance attainment of old forest. It is important that the committee be confident that the statute is written in a way that ensures this. Our report and Wednesday's testimony needed to cover a lot and I regret that we perhaps did not provide sufficient clarity on how the approach we shared would in fact successfully advance the attainment of old forest, and why we think the current language clearly ensures this outcome.

As drafted, the proposed language currently states in statute that "*Reserve Forestland*" means *land that is managed **for the purpose of attaining old forest values and functions** in accordance with minimum acceptable standards for forest management and as approved by the Commissioner*. We believe that the statutory language here is clear – management on Reserve Forestland can only move forestland toward old forest values and functions. Not away. We do not believe any Commissioner could develop standards for administration of this category that could allow for management away from old forest values and functions while remaining consistent with statute. The definition of old forest provided on page 3 of our report describes old forest characteristics and provides a reference point that all Reserve Forestland would need to be managed **toward**. The plan requirements and management standards described on page 20, if met, would provide FPR with the information to evaluate the conditions of the forest, and determine if the management prescribed is consistent with the purposes of the category.

Old Forest Definition on Page 3:

*Old forests are biologically mature forests, typically in late-successional stages of development, having escaped stand-replacing disturbance for more than 100 years and exhibiting limited evidence of human caused disturbance, though may be carefully managed silviculturally for old forest characteristics. Most if not all forestland in Vermont has experienced some level of human-caused disturbance, however those areas identified as old forest have well developed structural characteristics of an old forest. Old forests in matrix natural community types exhibit the following characteristics:*

- 1. Native tree species characteristic of the forest type or natural community present in multiple ages; and*
- 2. Complex stand structures including a broad distribution of tree diameters, multiple vertical vegetative layers, abundant coarse woody material (reflecting the distribution of diameters of the standing trees) in all stages of decay, numerous large standing dead trees, and when old forest patches are sufficiently large, natural canopy gaps.*

Page 20 of our report considers a starting point for potential standards for the category:

- **Primary Objective:** *Reserve Forestland must be managed with a primary objective of attaining old forest conditions and functions.*
- **Plan Requirements:** *Reserve Forestland must be described in a forest management plan and managed for old forest characteristics and conditions. The plan must identify and prescribe management to restore ecological degradation -- most commonly related to*

*invasive plants and legacy erosion -- though other circumstance may apply. The plan would need to be updated on a 10-year cycle as with all forestland enrollments.*

- **Management Standards:** *Active management that **advances** old forest characteristics and conditions will be considered consistent with Reserve Forestland standards and approvable. Passive management would be an eligible management strategy where it does not conflict with restoration of historic or future degradation. Land enrolled as Reserve Forestland would be described in forest management plans on a stand unit basis, similar to Productive Forestland and require inventory and evaluation to quantify and characterize stand conditions, species composition, forest structure, invasive plants, and more.*

In the bullet applicable to “management standards,” above, active management on Reserve Forestland is considered approvable when it “advances old forest characteristics and conditions.” The choice of the word “advances” was intentional, to align with draft statutory language and require that active management could be used to move Reserve Forestland closer to old forest conditions, but not away. There was some discussion yesterday during the walkthrough raising concerns about timber management on Reserve Forestland, and while we understand the perceived risk this poses to the purposes, there will be places where incorporating harvest and sale of some timber products will subsidize restoration and other stewardship efforts and may not only be acceptable, but might be encouraged to advance purposes of the category. The goal when drafting the approach we shared, was to make all strategies that lead to attainment of old forests and their values available to landowners to maximize alignment with their landowner interest and enrollment in the category.

As was stressed in our testimony and that of others Wednesday, old forests are variable and so are their characteristics and functions. Accordingly, the spectrum of management strategies that support old forest conditions will vary by site and over time. As our understanding of old forests evolve, so too will our management strategies.

We believe that this category will be most widely utilized and successful if all strategies that advance attainment of old forest values and functions are available to landowners on lands eligible for Reserve Forestland. We believe that the approach FPR shared does this and the bill as drafted allows implementation of this approach. If the committee agrees but would like to discuss how to more clearly ensure that any standards drafted do in fact advance attainment of old forest, please don’t hesitate to reach out. We would be happy to offer ideas and suggestions to further clarify and ensure if you’d like.

Thank you. m



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