



FORESTS, PARKS & RECREATION  
**VERMONT**



AGENCY OF NATURAL RESOURCES

# ACT 181: WOOD PRODUCTS MANUFACTURERS REPORT

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House Committee on Agriculture, Food Resiliency, and Forestry

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WELCOME



# VERMONT'S FOREST ECONOMY



- **Fiscal leader of Vermont's natural resource economy**
  - Direct economic output was \$1.56 billion in 2023, surpassing Agriculture (\$911.5 million) and Mining (\$688.3 million).
- **One of Vermont's “Big Three” manufacturing industries**
  - The second-largest manufacturing employer in Vermont, providing essential employment opportunities that offer wages competitive with or exceeding other rural industries.
- **Cornerstone of Vermont's rural economy and economic identity**
  - Producing high-value products like lumber, furniture, and paperboard from local renewable resources sustains our forests, generates substantial wealth, and protects our working landscape.

# REPORT OVERVIEW



- LURB Website: [Wood Products Manufacturers Report | Act 250](#)
- Legislative charge:
  - a) The Land Use Review Board, in consultation with FPR, shall convene a group to report on how to address the Act 250 permitting process to better support wood products manufacturers and their role in the forest economy.
  - b) The group shall examine the Act 250 permitting process and identify how the minor permit process provided for in 10 VSA 6084(g) has been working and whether there are shortcomings or challenges.
  - c) The group may look at permitting holistically to understand the role of permits from the ANR, municipal permits, where they apply, and Act 250 permits and develop recommendations to find efficiencies in the entire process or recommend an alternative permitting process for wood products manufacturers.

# METHODOLOGY

b) The group shall examine the Act 250 permitting process and **identify how the minor permit process provided for in 10 V.S.A. § 6084(g) has been working and whether there are shortcomings or challenges.**

- Review past reports, surveys, and stakeholder engagement
- Explore general perceptions through a broad survey
- In-depth review of wood products manufacturer permit files to understand the permitting experience

# REPORT RECOMMENDATIONS



1. Develop fact sheet and supplemental guidance
2. Provide Act 250 program training & a workshop for sector
3. Offer permit coordination and support
4. Review & update Act 250 Rule 19
5. Review & update Act 250 Rule 34
6. Review & update Act 250 Rule 34(D)
7. Evaluate use of Act 250 Rule 16(D)
8. Advocate for permit specialists, tools, and/or ombudsperson(s)
9. Extend exemption for logging and forestry (like exemption for farming)
10. Reinstate exemption for log and pulp concentration yards

# REPORT RECOMMENDATIONS – APPLICANT ASSISTANCE



- 1. Develop fact sheet and supplemental guidance for sector**
- 2. Provide Act 250 program training & a workshop for sector**
- 3. Offer permit coordination and support for sector through ANR Planning Office**
4. Review & update Act 250 Rule 19
5. Review & update Act 250 Rule 34
6. Review & update Act 250 Rule 34(D)
7. Evaluate use of Act 250 Rule 16(D)
- 8. Advocate for permit specialists, tools, and/or ombudsperson(s)\***
9. Extend exemption for logging and forestry (like exemption for farming)
10. Reinstate exemption for log and pulp concentration yards

*\*Not specific to wood products manufacturers*

# REPORT RECOMMENDATIONS – ACT 250 RULES



1. Develop fact sheet and supplemental guidance
2. Provide Act 250 program training & a workshop for sector
3. Offer permit coordination and support
- 4. Review & update Act 250 Rule 19\*** *Update to align with current permits*
- 5. Review & update Act 250 Rule 34** *Clarify/revise thresholds for substantial/material changes*
- 6. Review & update Act 250 Rule 34(D)** *Allow administrative amendments for minor projects*
- 7. Evaluate use of Act 250 Rule 16(D)\*** *Informal and non-adversarial dispute resolution*
8. Advocate for permit specialists, tools, and/or ombudsperson(s)
9. Extend exemption for logging and forestry (like exemption for farming)
10. Reinstate exemption for log and pulp concentration yards

*\*Not specific to wood products manufacturers*

# REPORT RECOMMENDATIONS – STATUTORY CHANGES



1. Develop fact sheet and supplemental guidance for sector
2. Provide Act 250 program training & a workshop for sector
3. Offer permit coordination and support for sector through ANR Planning Office
4. Review & update Act 250 Rule 19
5. Review & update Act 250 Rule 34
6. Review & update Act 250 Rule 34(D)
7. Evaluate use of Act 250 Rule 16(D)
8. Advocate for permit specialists, tools, and/or ombudsperson(s)
- 9. Extend exemption for logging and forestry (like exemption for farming)**
- 10. Reinstate exemption for log and pulp concentration yards**

# REPORT RECOMMENDATIONS – STATUTORY CHANGES



## 9. Extend benefits to logging and forestry that are similar to those conferred to farming pursuant to 10 VSA §6001(3)(E) and 10 VSA §6081(s).

### §6001(3)(E)

- Only the portions of the parcel or tract of land that support the development are subject to regulation under Act 250.
- No conditions on other portions of the parcel or tract of land that do not support the development and that restrict or conflict with the RAPs.
- Production of compost for a facility located on the tract is not considered land that supports development unless it is used for another purpose that supports development.

#### ❖ FPR Priority Recommendation

# REPORT RECOMMENDATIONS – STATUTORY CHANGES



## 9. Extend benefits to logging and forestry that are similar to those conferred to farming pursuant to 10 VSA §6001(3)(E) and 10 VSA §6081(s).

### §6081(s)

- No permit amendment is required for farming that occurs on primary agricultural soils
- No permit amendment is required for farming that will not conflict with any permit condition
- Permits must include a statement that farming is permitted on lands exempt from amendment jurisdiction

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#### ❖ FPR Priority Recommendation

# REPORT RECOMMENDATIONS – STATUTORY CHANGES



## 10. Log and pulp concentration yards. Reinstate the exemption for log and pulp concentration yards, with or without conditions.

**Background:** A 1991 Advisory Opinion determined that log concentration yards were components of logging activities and therefore generally exempt from Act 250 jurisdiction when below 2,500 feet in elevation. A 2022 legislative change included log and pulp concentration yards in the definition of “Wood Products Manufacturers,” effectively removing this exemption.

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### ❖ FPR Priority Recommendation

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# FPR PRIORITY RECOMMENDATIONS



## 9. Extend benefits to logging and forestry that are similar to those conferred to farming pursuant to 10 VSA §6001(3)(E) and 10 VSA §6081(s).

❖ **Priority FPR Recommendation:** The proposed statutory changes in Report Recommendation #9 must also address amendment jurisdiction and permit conditions that **impede forestry operations** and/or conflict with department approved forest management plans.

# FPR PRIORITY RECOMMENDATIONS



- In the 1990s, a landowner received an Act 250 permit to subdivide the 1000+ acre parcel into 5 lots
- Landowner has had to get at least 4 permit amendments for forest management.
- Parcel is currently enrolled in the Use Value Appraisal Program, part of the Forest Legacy Program with a conservation easement, and is entirely below 2500' in elevation.

Application Type	Name	Town	Description	Hearing Date	Status Date	Status
Minor	(BULLARD LUMBER COMPANY)	Eden	a project generally described as a prescribed, extended, irregular shelterwood harvest of the 109.3 acres in Area 9		08-04-2021	Permit
Minor	(BULLARD LUMBER COMPANY)	Eden	change from an improvement/salvage cut to a clearcut for long term health concerns in the forest management plan for area 7		03-24-2021	Permit
Minor	(BULLARD LUMBER COMPANY)	Eden	SUBDIV TWO 10.1-ACRE LOTS FOR SINGLE-FAM RES CONSTR FROM A TRACT OF LAND APPRX 1000 ACRES		02-20-2001	Permit
Minor	(BULLARD LUMBER COMPANY)	Eden	TO HARVEST TIMBER ON LOT F-2 UNDER A TIMBER HARVEST AND MANAGEMENT PLAN. LOT F-2 IS 92 ACRES		07-12-2000	Permit
Minor	(BULLARD LUMBER COMPANY)	Eden	HARVEST TIMBER ON LOT F-2 UNDER A MANAGEMENT PLAN		05-21-1997	Permit
Minor	(BULLARD LUMBER COMPANY)	Eden	SELL 8-ACRE & 92-ACRE LOT & 3 OTHER LOTS (IE SUBDIV INTO 5 LOTS)		10-14-1994	Permit

# FPR PRIORITY RECOMMENDATIONS

9. Extend benefits to logging and forestry that are similar to those conferred to farming pursuant to 10 VSA §6001(3)(E) and 10 VSA §6081(s).
  - ❖ **Priority FPR Recommendation:** The statutory change in Report Recommendation #9 must also address amendment jurisdiction and permit conditions that impede forestry operations and/or conflict with department approved forest management plans.
10. Log and Pulp Concentration yards. Reinstate the exemption for log and pulp concentration yards, with or without conditions.
  - ❖ **Priority FPR Recommendation:** The statutory change in Report Recommendation #10 should be treated as a correction that simply reinstates the exemption for log and pulp concentration yards as it previously existed.
  - ❖ **Priority FPR Recommendation:** The Stonybrook determination process should be triggered automatically, rather than simply offered as a potential path to an applicant.

# THANKS FOR YOUR TIME!

# QUESTIONS?

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FPR Priority Recommendations