



MEMORANDUM

State of Vermont
Land Use Review Board
10 Baldwin Street
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<https://act250.vermont.gov/>

TO: Land Use Review Board (LURB)
FROM: Kirsten Sultan & Brooke Dingledine, LURB Board Members
DATE: January 16, 2026
RE: Wood Products Manufacturers Report Statutory Language Recommendations

I. Introduction

This Memorandum provides a follow-up to Recommendations #9 and #10 of the Board's Wood Products Manufacturers ("WPM") Report:

9. Recommend that the legislature extend exemptions to forestry and logging like those that are available for farming under elevation 2,500 feet, provided existing permit conditions for permitted projects limiting tree cutting to address Act 250 criteria are not invalidated, and provided tree removal limits are available conditions for future projects to address Act 250 criteria.
10. Recommend that the legislature make changes to Act 250 regulation of log and pulp concentration yards.

The WPM Report explained that these recommendations require legislative action to implement and indicated that the Board would conduct further study and submit proposed statutory language for consideration by the legislature. The matter has been studied by Board Members Sultan and Dingledine with the legal assistance of General Counsel Jenny Ronis and the statutory language has been drafted for the Board's consideration.

II. Recommendation #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).

Farming, like logging and forestry, is not subject to Act 250 jurisdiction below elevation 2,500 feet. In the WPM Report, the Board committed to drafting language requesting the legislature make this change to Act 250, to help support the forest economy. However, the proposed change cannot create a "blanket" exemption as it would potentially conflict with or invalidate existing Act 250 permit conditions or preclude future Act 250 permit conditions.

For reference, the language in 10 VSA §6001(3)(E) and §6081(s) relating to farming states:

§6001(3)(E)

When development is proposed to occur on a parcel or tract of land that is devoted to farming activity as defined in subdivision (22) of this section, only those portions of the parcel or the tract that support the development shall be subject to regulation under this chapter. Permits issued under this chapter shall not impose conditions on other portions of the parcel or tract of land that do not support the development and that restrict or conflict with required agricultural practices adopted by the Secretary of Agriculture, Food and Markets. Any portion of the tract that is used to produce compost ingredients for a composting facility located elsewhere on the tract shall not constitute land that supports the development unless it is also used for some other purpose that supports the development.

§6081(s)

(1) No permit amendment is required for farming that:

(A) will occur on primary agricultural soils preserved in accordance with section 6093 of this title; or

(B) will not conflict with any permit condition issued pursuant to this chapter.

(2) Permits shall include a statement that farming is permitted on lands exempt from amendment jurisdiction under this subsection.

III. Recommendation #10 - Log and pulp concentration yards.

Historically, log concentration yards (also known as log/pulp storage yards, transfer stations, stock yards, aggregating yards, or sorting facilities), were treated as components of logging activities and thus generally exempt from Act 250 jurisdiction where located below elevation 2,500 feet. However, since a 2022 legislative change, the definition of “Wood Products Manufacturers” includes log and pulp concentration yards as wood products manufacturing facilities. Consequently, log and pulp concentration yards are no longer necessarily exempt from Act 250 jurisdiction below elevation 2,500 feet.

Given the Act 181 WPM study mandate to “address the Act 250 permitting process to better support wood products manufacturers and their role in the forest economy” together with the potential need to develop log and pulp concentration yards to support the forest economy, the Board is recommending the removal of “log and pulp concentration yards” from the Wood products manufacturer definition.

In addition, a description of logging is provided, to ensure inclusion of log and pulp concentration yards that comply with applicable acceptable management practices adopted by the Commissioner of Department of Forests, Parks and Recreation. This provision, read in combination with the deletion of log and pulp concentration yards from the definition of wood products manufacturer, essentially reinstates the prior exemption for log and pulp concentration yards.

IV. WPM Statutory Language Recommendations:

The statutory language changes proposed for Recommendations #9 and #10 are as follows:

Sec. #. 10 V.S.A. § 6001(3)(#) is added to read:

(#) When development is proposed to occur on a parcel or tract of land that is devoted to logging and forestry activity as defined in subsection (##) of this section, only those portions of the parcel or the tract that support the development shall be subject to regulation under this chapter. Permits issued under this chapter shall not impose conditions on other portions of the parcel or tract of land that do not support the development and that restrict or conflict with acceptable management practices adopted by the Commissioner of Department of Forests, Parks and Recreation.

Sec. #. 10 V.S.A. § 6001(##) is amended to read:

(##) “Logging” may not conflict with or violate any finding, conclusion, term or condition of an Act 250 permit with respect to any of the criteria specified in 10 V.S.A. § 6086(a)(1) through (10) and includes log and pulp concentration yards that comply with applicable acceptable management practices adopted by the Commissioner of Department of Forests, Parks and Recreation.

(##) “Forestry” means activities related to the management of forests, including a timber harvest; pruning; planting; reforestation; pest, disease, and invasive species control; wildlife habitat management; and fertilization that comply with acceptable management practices adopted by the Commissioner of Department of Forests, Parks and Recreation, and which do not conflict with or violate any finding, conclusion, term or condition of an Act 250 permit with respect to any of the criteria specified in 10 V.S.A. § 6086(a)(1) through (10).

Sec. #. 10 V.S.A. § 6001(44) is amended to read:

(44) “Wood products manufacturer” means a manufacturer that aggregates wood products from forestry operations and adds value through processing or marketing in the wood products supply chain or directly to consumers through retail sales. “Wood products manufacturer” includes sawmills; veneer mills; pulp mills; pellet mills; and producers of firewood, woodchips, mulch, and fuel wood; ~~and log and pulp concentration yards~~. “Wood products manufacturer” does not include facilities that purchase, market, and resell finished goods, such as wood furniture, wood pellets, and milled lumber, without first receiving wood products from forestry operations.

Sec. #. 10 V.S.A. § 6081(#) is added to read:

(#)(1) No permit or permit amendment is required for logging and forestry below the elevation of 2,500 feet that will not conflict with or violate any finding, conclusion, term or condition of an Act 250 permit.

(2) Permits shall include a statement that logging is permitted on lands exempt from amendment jurisdiction under this subsection.