



MEMORANDUM

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

To: Senate Committee on Natural Resources and Energy

Sen. Anne Watson, Chair
Sen. Terry Williams, Vice Chair
Sen. Ruth Hardy
Sen. Seth Bongartz
Sen. Scott Beck, Clerk

From: Land Use Review Board

Kirsten Sultan, Member, Land Use Review Board
Brooke Dingledine, Member, Land Use Review Board
Jenny Ronis, General Counsel, Land Use Review Board

Date: April 30, 2026

**RE: H.932 - An act relating to the regulation of forestry under Act 250
Request for language change to Bill as Passed by the House**

I. Introduction

This Memorandum provides a request for a change in the language contained in H.932 as Passed by the House.

H.932 is a result of statutory language developed by the Land Use Review Board in consultation with Agency of Natural Resources, Forest, Parks & Recreation to implement Recommendations #9 and #10 of the Board's Wood Products Manufacturers ("WPM") which indicated:

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 required 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 was studied by Board Members Sultan and Dingledine with the legal assistance of General Counsel Jenny Ronis and statutory language was drafted for FPR and the LURB's consideration who ultimately came to agreement.

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.

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 recommended the removal of “log and pulp concentration yards” from the Wood products manufacturer definition.

IV. **Current Statutory Language Revision Requested to Bill as Passed by the House:**

The Land Use Review Board has reviewed **H.932 – Bill as Passed by the House**, and, in consultation with ANR FPR Commissioner Danielle Fitzko, and respectfully requests the following minimal but important changes to the language proposed as **10 VSA 6001(3)(A)(F)** contained on **page 2, lines 12-16**. The Board's requested changes are highlighted **in yellow** as follows:

(F) When development is proposed to occur on a parcel or tract of

land that is devoted to logging and forestry, 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, apply to, or other portions of the parcel or tract of land that do not support the development or necessary mitigation areas and that restrict or conflict with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont on other portions of the parcel or tract of land that do not support the development.

The Board seeks to strike the terminology “necessary mitigation areas” to avoid the use of undefined or inconsistent terminology which could cause confusion. The language is unnecessary due to the specification in the first sentence that “only those portions of the parcel or tract of land that support the development,” are subject to the regulation. That language already includes any buffer areas or mitigation areas, so the Board would recommend removing the superfluous language.