

**From:** MacLean, Alex  
**Sent:** Tuesday, May 29, 2012 3:10 PM  
**To:** Markowitz, Deb  
**Subject:** FW: New Regulation of Forestry .....  
**Attachments:** S-214- FPR.docx

**Importance:** High

Deb -

Can we find a time to talk tomorrow?

A

Alexandra MacLean  
Secretary of Civil and Military Affairs  
1-802-272-0443

---

From: Lofy, Bill  
Sent: Tuesday, May 29, 2012 1:58 PM  
To: MacLean, Alex  
Subject: FW: New Regulation of Forestry .....

From: William Sayre <wrsayre@sover.net<mailto:wrsayre@sover.net>>  
To: Bill Lofy <bill.lofy@state.vt.us<mailto:bill.lofy@state.vt.us>>  
Subject: New Regulation of Forestry .....

Dear Bill,

Thanks for meeting with me on Friday afternoon. Attached is the language that creates new regulation of forestry, and working forests. Regulation of the kind that is controversial in itself, but what is most disturbing and disappointing, is the way in which it got inserted into law, in the closing days of the legislative session. A way that has damaged greatly my trust in the Department and the Agency. Increasing the regulatory burden on forestry, despite the good intentions of those who would do so, tends to create unintended, but adverse, consequences for sustaining both the environment and for the forest economy. Working forests and forestry, produce many environmental benefits, much more so than most any alternative land uses. Increasing the regulatory burden on working forests, makes it less likely that these benefits will be sustained, not more so. Non-regulatory, positive, approaches work so much better, particularly when you are trying to build trust, and promote cooperative efforts.

Also, what is the serious environmental problem are we are trying to solve, one that would warrant creating this new law, especially in the way it was created, so quietly, at the end of the session, with little or no testimony from those who would be subject to the new law and regulation. The reason many of us are working together with the Department, to update a timber harvesting impact study, last done in the early 1990's, is that we understood the purpose of the

study to be an objective and fair assessment of the environmental impacts of timber harvesting in Vermont. We are working to make the sample of harvests random and representative. And the measures of impact reasonable and meaningful. Then we could judge what problems there are, their significance, and the best way to address them. I have told many landowners, loggers, mills, and other industry people that they should participate willingly in the study, because they can, and should, trust the Department and the Agency. The way this legislation was handled has betrayed that trust. We count on the Department and the Agency to be fair. If the Department and Agency concluded that they could not wait for the timber harvesting impact study, and that we must have additional regulation now, it would have been fair to let us know, so that we could respond. On the other hand, if this new legislation was not your proposal, nor one that Department and Agency supported, then it would have been fair for the Department and the Agency to let the proposer, and other legislators, know that it would be best to await the results of the timber harvesting study, so we could better understand the nature and extent of any adverse effects, and adjust policy accordingly. Also it would have been fair for the Department to let the proposer, and other legislators, know that you are aware that there are those in the industry who feel quite strongly about additional regulation, and in fairness to them, there should be an opportunity for people being regulated by the new law to testify on it. Most all legislators are themselves quite fair, and want to give people a chance to testify on proposed legislation that will affect them. It has been my experience that most legislators recognize that this is essential for good lawmaking process, one that hopes to have broad support.

It is an irony, that after weeks and weeks of testimony and deliberation on the working lands bill, most everyone agreed that one of the most important goals of that legislation was to give greater recognition, and greater respect, to working forests, and to the people who work them. And meanwhile, that this forest regulation legislation, would be handled the way it was, with so little notice, so little involvement, and so little regard for the people who would be regulated. The Department and the Agency should have called a time out, and honored the promise of the working lands bill. My faith and trust in the Department and Agency, and in their commitment to a fair process, has been shaken badly.

Sincerely,

Bill

*\* \* \* Harvesting; procurement \* \* \**

*Sec. 16a. 10 V.S.A. chapter 87 is added to read:*

**CHAPTER 87. HARVESTING GUIDELINES AND PROCUREMENT STANDARDS**

**§ 2750. HARVESTING GUIDELINES AND PROCUREMENT STANDARDS**

*(a) The secretary of natural resources shall develop voluntary harvesting guidelines that may be used by private landowners to help ensure long-term forest health. These guidelines shall address harvesting that is specifically for wood energy purposes, as well as other harvesting. The secretary may also recommend monitoring regimes as part of these guidelines.*

*(b) The commissioner of forests, parks and recreation (the commissioner) shall adopt rules or procedures to modify the process of approving forest management plans and forest practices for lands enrolled in the use value appraisal program, established under 32 V.S.A. chapter 124, in order to address long-term forest health and sustainability. These modifications shall include requirements for preapproval by the commissioner or designee of whole-tree harvesting and for applying the guidelines developed under subsection (a) of this section to harvesting on lands enrolled in the use value appraisal program.*

*(c) For contracts to harvest wood products on state lands, the commissioner of forests, parks and recreation shall ensure all such harvests are consistent with the purpose of the guidelines developed under subsection (a) of this section, with the objective being long-term forest health in addition to other management objectives.*

*(d) The secretary of natural resources shall develop a procurement standard that shall be used by the commissioner of buildings and general services in procuring wood products, including biomass for energy in state buildings. All state agencies and departments that use wood energy shall comply with this procurement standard. The procurement standard shall include the voluntary forest health guidelines developed pursuant to subsection (a) of this section. The procurement standard shall recommend methods to:*

- (1) assure compliance with those forest health guidelines and applicable laws; and*
- (2) obtain review of potential impacts to natural resources such as rare, threatened, or endangered species, wetlands, wildlife habitat, natural communities, and forest health and sustainability as defined by the commissioner of forests, parks and recreation in consultation with the commissioner of fish and wildlife.*

**BILL AS INTRODUCED AND AS PASSED BY SENATE & HOUSE S.214**

2012 Page 40 of 42

*(e) The procurement standard developed under subsection (d) of this section shall be made available to Vermont educational institutions and other users of biomass energy for their voluntary use.*

*(f) Working with regional governmental organizations, such as the New England Governors' Conference, Inc. and the Coalition of Northeastern Governors, the secretary of natural resources shall seek to develop and implement regional voluntary harvesting guidelines and a model procurement standard that can be implemented regionwide, consistent with the application of the guidelines, rules, procedures, and standards developed under subsections (a), (b), and (d) of this section.*

*Sec. 16b. INITIAL ADOPTION*

*(a) The secretary of natural resources and the commissioner of forests parks and recreation respectively shall, by January 15, 2013, adopt initial guidelines, rules, procedures, and standards pursuant to Sec. 16m of this act, 10 V.S.A. § 2750(a) (voluntary forest health guidelines),*

*(b) (forest management plans and practices; use value appraisal program), and (d) (procurement standards).*

*(b) In developing the initial voluntary harvesting guidelines and procurement standards under 10 V.S.A. § 2750(a) and (d), the secretary shall consider the recommendations outlined in the final report of the biomass energy working group, dated January 17, 2012.*

*(c) The procurement standard adopted under 10 V.S.A. § 2750(d) shall apply to wood product procurement by the commissioner of buildings and general services commencing with new or amended contracts executed after March 1, 2013.*