

CONFIDENTIAL
LEGISLATIVE BILL REVIEW FORM: 2013

Bill Number: H.33 Name of Bill: An act relating to the acceptable management practices for timber harvesting

Agency/Dept.: Forests, Parks & Recreation Author of Bill Review: Steven Sinclair

Date of Bill Review: 1/22/13 Status of Bill (check one):

☒ Upon Introduction ☐ As passed by 1st body ☐ As passed by both bodies ☐ Fiscal

Recommended Position:

☐ Support ☒ Oppose ☐ Remain Neutral ☐ Support with modifications identified in #8 below

Analysis of Bill

1. Summary of bill and issue it addresses. *Describe what the bill is intended to accomplish and why.*

This bill proposes to make mandatory the acceptable management practices for the harvesting of timber adopted by the Commissioner of Forests, Parks and Recreation by rule. They would be referenced in the statutes in several places including under water quality, stormwater, heavy cut, and the municipal planning exemption.

2. Is there a need for this bill? *Please explain why or why not.* Not at this time. It appears that this bill is attempting to address water quality issues from timber harvesting as well as silvicultural practices. The department is currently pursuing the development of voluntary best management practices for forestry and revising the existing AMP's for water quality which are promulgated as rules and are mandatory pursuant to the Clean Water Act. Properties enrolled in the UVA Program are required to follow minimum acceptable silvicultural standards as adopted by the commissioner, and these standards are contained in the Use Value Appraisal Manual. This accounts for roughly forty percent of the private forest land in VT. Also, Chapter 87 of Title 10 already requires the Commissioner to develop harvesting guidelines and this process is underway. This bill seems to conflict with the existing Chapter 87 requirements. Making these silvicultural harvesting guidelines or best management practices mandatory ignores the practical on-the-ground reality that not all land areas are the same and there needs to be flexibility in application of best management practices.

3. What are likely to be the fiscal and programmatic implications of this bill for this Department?

The department would need to invest considerable time and energy into the creation and adoption of a new rule. This added responsibility to monitor compliance by landowners with the proposed mandatory requirements would require at least three new foresters on staff. There is no reference to how these practices would be incorporated into the UVA Program.

4. What might be the fiscal and programmatic implications of this bill for other departments in state government, and what is likely to be their perspective on it? Other land management departments would need to meet these forest management standards. There would likely be need for the Agency Enforcement staff to assist with implementation of enforcement measures on non-compliant properties which would result in a large demand on their time.

Please return this bill review as a Microsoft Word document to Drusilla.roessle@state.vt.us

5. What might be the fiscal and programmatic implications of this bill for others, and what is likely to be their perspective on it? (for example: public, municipalities, organizations, business, regulated entities, etc.)

This is likely to increase costs for timber harvesters, landowners, and land managers. Voluntary best management practices can be applied on a case-specific basis taking into consideration the unique land characteristics to ensure that the best management practices for water quality and silviculture are required, while mandatory acceptable management practices will have to be more pragmatic and therefore not as protective.

6. Other Stakeholders:

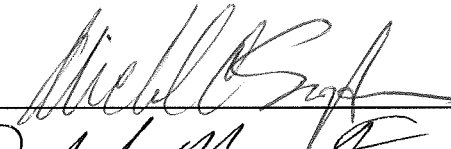
6.1 Who else is likely to support the proposal and why? Some environmental organizations may find this comforting, particularly if there is a monitoring component to it.

6.2 Who else is likely to oppose the proposal and why? Property rights advocates, the forestry and logging industry, AIV.

7. Rationale for recommendation: Justify recommendation stated above. The bill is unclear as to a statement of need. UVA enrolled properties (40% of private forested land in the state) are already required to employ minimum acceptable silvicultural standards for forestry activities and the AMPs for maintaining water quality on logging jobs are mandatory under the federal Clean Water Act. Voluntary BMP's for silvicultural practices can be more protective and effective than mandatory standards.

8. Specific modifications that would be needed to recommend support of this bill: Not meant to rewrite bill, but rather, an opportunity to identify simple modifications that would change recommended position.
None.

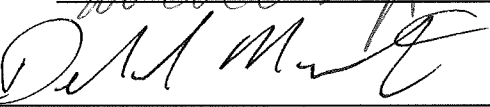
Commissioner has reviewed this document:



Date:

1/27/13

Secretary has reviewed this document:



Date:

2-13-13