

No. 24. An act relating to harvesting guidelines and procurement standards.

(H.131)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 2750 is amended to read:

§ 2750. HARVESTING GUIDELINES AND PROCUREMENT

STANDARDS

(a) ~~The secretary of natural resources~~ Commissioner of Forests, Parks and Recreation (the Commissioner) shall develop voluntary harvesting guidelines that may be used by private landowners to help ensure long-term forest health and sustainability. ~~These guidelines shall address harvesting that is specifically for wood energy purposes, as well as other harvesting.~~ The ~~secretary~~ Commissioner may also recommend monitoring regimes as part of these guidelines. In developing these guidelines, the Commissioner shall:

(1) provide widespread public notice of the process to develop the guidelines;

(2) provide opportunities for potentially affected individuals, business organizations, and members of the public to submit recommendations on the specific content of the guidelines prior to their development and to comment on a draft of the guidelines once the draft is developed;

(3) hold one or more public meetings; and

(4) maintain a web page concerning the development of these guidelines that provides notice of all opportunities for public comment and all public meetings on the guidelines and posts relevant information and the documents

submitted to and created by the Department of Forests, Parks and Recreation as part of the process.

~~(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.~~

~~(e)~~ For contracts to harvest wood products on state lands, the ~~commissioner of forests, parks and recreation~~ Commissioner 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 and sustainability in addition to other management objectives.

~~(d)~~(c) The ~~secretary of natural resources~~ Commissioner shall develop a procurement standard that shall be used by the ~~commissioner of buildings and general services~~ all state agencies and departments 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~~ from whole-tree harvests in Vermont. The procurement standard

shall include ~~the voluntary forest health guidelines developed pursuant to subsection (a) of this section~~ specifications on the retention of live and dead trees. 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.~~

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

~~(f)~~(e) Working with regional governmental organizations, such as the New England Governors' Conference, Inc. and the Coalition of Northeastern Governors, the ~~secretary of natural resources~~ Commissioner 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. 2. REPEAL

2012 Acts and Resolves No. 170, Sec. 16b (harvesting and procurement standards; initial adoption) is repealed.

Sec. 3. INITIAL ADOPTION

(a) The Commissioner of Forests, Parks and Recreation (the Commissioner) shall:

(1) On or before September 1, 2013, adopt initial standards pursuant to Sec. 1 of this act, 10 V.S.A. § 2750(c) (procurement standards); and

(2) On or before January 15, 2015, adopt initial guidelines pursuant to Sec. 1 of this act, 10 V.S.A. § 2750(a) (voluntary forest health guidelines).

(b) In developing the initial voluntary harvesting guidelines and procurement standards under 10 V.S.A. § 2750(a) and (c), the Commissioner shall consider the recommendations outlined in the final report of the Biomass Energy Development Working Group, dated January 17, 2012.

(c) The procurement standard adopted under 10 V.S.A. § 2750(c) shall apply to wood product procurement by state agencies and departments commencing with new or amended contracts executed after January 1, 2014.

Sec. 4. 30 V.S.A. § 248(b)(11) is amended to read:

(11) with respect to an in-state generation facility that produces electric energy using woody biomass, will:

(A) comply with the applicable air pollution control requirements under the federal Clean Air Act, 42 U.S.C. § 7401 et seq.;

(B) ~~incorporate commercially available and feasible designs to~~ achieve a ~~reasonable~~ the highest design system efficiency that is commercially available, feasible, and cost-effective for the type and design of the proposed facility; and

(C) comply with harvesting ~~guidelines~~ procedures and procurement standards that ~~are consistent~~ ensure long-term forest health and sustainability. These procedures and standards at a minimum shall be consistent with the guidelines and standards developed by the secretary of natural resources pursuant to 10 V.S.A. § 2750 (harvesting guidelines and procurement standards) when adopted under that statute.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.

Date the Governor signed the bill: May 13, 2013