

Limitations on Municipal Land Use Bylaws: *Accepted Silvicultural Practices and Forestry Operations*

Title 24, Chapter 117, § 4413 of the Vermont Statutes Annotated (V.S.A.)-
establishes that a municipal bylaw **cannot regulate**
accepted silvicultural practices and forestry operations.

Maintaining forests as forests is essential to providing Vermonters with forest products, clean air and water, flood resilience, carbon sequestration and storage, biodiversity and wildlife habitat, and opportunities for outdoor recreation.

To balance traditional forestry land uses and urban, commercial, and residential land uses, Vermont law (24 V.S.A. § 4413) exempts from municipal regulations accepted silvicultural practices and forestry operations where the timber harvest occurs.

However, an appropriate municipal panel may, when issuing a decision on a land development application, impose reasonable restrictions to protect wildlife habitat, threatened or endangered species, or other natural historic or scenic resources, as long as such restrictions do not restrict or regulate accepted silvicultural practices or forestry operations unrelated to land development.



Photo Credit: Vermont Sustainable Jobs Fund, Erica Houskeeper

What are forestry operations?

Forestry operations are 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. A "forestry operation" includes the primary processing of forest products of commercial value on a parcel where the timber harvest occurs (10 V.S.A. § 2602).

What are accepted silvicultural practices?

Accepted silvicultural practices are defined by the Commissioner of Forests, Parks and Recreation and guide implementation of forest management on forestry operations in Vermont. These practices include but are not limited to those vegetation management and operational practices described or referenced in the:

- [Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont](#) (AMPs),
- [Minimum Accepted Standards for Forest Management as applicable to Use Value Appraisal](#) (UVA),
- [Heavy Cut Law](#), and
- [Voluntary Harvesting Guidelines for Landowners in Vermont](#).



What practices and operations does this include?

1. Activities necessary for harvesting and transporting forest products on a parcel.
2. The creation of roads and trails within a property to access and transport forest products derived from the parcel.
3. The creation and use of a landing (usually non-forested, level, open space) used to sort, store, process, and load for forest products for transport.
4. The siting, storage, repair, and operation of equipment when it is used to transport, process, or handle forest products harvested from the property; facilitate management of vegetation; or develop or maintain access or site conditions necessary to conduct forestry operations or implement accepted silvicultural practices.
5. The construction of structures necessary and used exclusively to process products harvested from the property or to house and repair equipment used to transport forest products on the parcel.

What doesn't this include?

As defined in this law, use of equipment for processing, handling, or transporting forest products originating from another parcel are not considered part of a forestry operation. In addition, forestry operations does not include mixed use structures used for secondary processing or processing of wood harvested from another parcel, or housing equipment used primarily on other parcels.

Is this different than Vermont Right to Conduct Forestry Operations?

Yes. In addition to the limitations on municipal bylaws described here, it is also in the public's interest to ensure that lawfully conducted conventional forestry practices are protected and encouraged and are not subject to nuisance actions. In 2018, the Vermont Right to Conduct Forestry Operations ([12 V.S.A. § 5755](#)) became law and protects persons conducting conventional forestry practices from nuisance lawsuits. It should be noted that the conventional forestry practices that are afforded protection from nuisance lawsuits are broader than the "forestry operations" defined in 10 V.S.A. §2602. See the Department's publication on the Vermont's Right to Conduct Forestry Operations for more information.

Still have questions?

Municipalities should apply this guidance as appropriate. When asked by the Town, the Department of Forests, Parks and Recreation will provide its opinion on uses to help determine whether:

1. The use is consistent with accepted silvicultural practices as defined by the Commissioner, or
2. The use meets the definition of forestry operations as defined in 10 V.S.A. § 2602

For more information, read the [full statute](#), or contact the Vermont Department of Forests, Parks & Recreation at (802) 828-1534.

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