

## INSTRUCTIONS

The attached form is to be completed and submitted to the appropriate DISTRICT OFFICES (*list attached*) of the Division of Forestry, Department of Forests, Parks and Recreation, Agency of Natural Resources. On submission of the completed form, Department personnel have 15 days to review, approve, approve with conditions or deny the application. If a determination is not made in that period, then the heavy cut is exempt from the review requirements and may proceed.

### **When is the Application Required?**

Intent to Cut Notification is needed **ONLY IF** the landowner plans to implement a **HEAVY CUT OF FORTY ACRES or more**. Landowners “heavy cutting” more than 80 acres within a 2 mile radius must also file an INTENT TO CUT NOTIFICATION. A heavy cut is defined as “a harvest leaving a residual stocking level below the C-line as defined by the U.S. Department of Agriculture silvicultural stocking guides for the applicable timber type.”

### **1. APPLICATION FORM**

**Landowner Name:** Provide complete landowner’s name. This name should be the same as the name found on the deed, lease, or other agreement that establishes ownership of the land and/or the timber or wood products to be harvested.

**A “landowner” means** a person or entity that owns or controls the land and/or the right to harvest timber or other wood products, including: 1) an individual, partnership, corporation, association, unincorporated organization, trust or other legal entity, including a joint venture or affiliated ownership, 2) municipality or state agency, 3) individuals and entities affiliated with each other for profit, consideration, or any other beneficial interest, and 4) individual’s parents and children, natural or adoptive, and spouse, unless the individual establishes that he or she will derive no profit or consideration or acquire any other beneficial interest.

**A “landowner” is not:** 1) a stockholder in a corporation, solely on the basis of being a stockholder, if the stockholder’s spouse, natural or adoptive parents, children, and siblings own, control, or have beneficial interest in less than five percent of the outstanding shares, 2) an agent of another acting within the scope of duties of a court-appointed guardian, licensed attorney, real estate broker or salesperson, engineer, land surveyor, forester, or retail/wholesale vendor of wood products unless compensation or benefit received by the agent indicate more than an agency relationship, 3) a seller or chartered lending institution solely on financing all or a portion of the purchase price at rates not substantially higher than prevailing rates in the community and subsequently granting partial release of the security, 4) a logging contractor solely for conducting a harvest of timber or other wood products while subject to the supervision and control of the landowner, unless the contractor holds ownership interest in the land or standing timber.

**Home or Business Address:** Provide the complete mailing address (including telephone numbers) of the residence or business, whichever applies.

**Location of the Parcel:** Provide the name of the county(s), town(s), and nearest road(s) name for the parcel to be harvested. The road should be the town road that provides access to the parcel. Provide a location map of the parcel to be harvested (*see example*).

**Size of the Parcel:** Provide the total number of acres in the parcel.

**Locations of Other Owned Parcels Heavily Cut Within 2 Miles:** Provide the locations and size of other parcels within 2 miles of the parcel to be harvested owned and heavily cut by the same landowner within the past 5 years.

**Acres Involved in Heavy Cut:** Provide the total number of acres (heavy cut) to be harvested in this operation.

## **2. EXEMPTIONS:**

The landowner will check off the appropriate exemptions listed on Page 2 of the application. In the space titled **Landowner Certification**, the landowner certifies that he/she is in compliance. Appropriate documentation of the plan (Use Value Appraisal, ACT 248, Stewardship or other plan) should be attached, with the location map, and filed in the district office. The Field Forester will review these certifications and his/her signature will appear in the space provided, indicating that **NO FURTHER REVIEW** is required.

## **3. AUTHORIZATION TO PROCEED:**

If there are no specific exemptions that apply, the landowner must provide the details of the proposed heavy cut and the Field Forester will make a determination as to the suitability of the proposal in relation to applicable rules. Plans must specify application of silvicultural standards in order to receive Authorization to Proceed. The applicable silvicultural standards and references are attached. If the Field Forester is satisfied that the standards will be met, he/she will sign in the space provided on the **AUTHORIZATION TO PROCEED**.

## **4. DENIAL OF AUTHORIZATION TO PROCEED:**

If the landowner fails to provide enough information, or the information is not in compliance with the appropriate rules, then the Field Forester may prescribe conditions that must be met, or may deny the application. If the landowner agrees to meet the conditions, then the Field Forester will sign the **AUTHORIZATION TO PROCEED**. In either case, the landowner has 30 days to appeal the conditions or denial to the Commissioner of Forests, Parks and Recreation.

## **5. COMPLETED NOTIFICATIONS:**

When all necessary information and signatures are completed, the "For Departmental Use Only" section will be completed and the data entered into a computer data base for record keeping. A copy of the Notification will be provided to the landowner and any town in which the cut is proposed.

# DEPARTMENT OF FORESTS, PARKS AND RECREATION

**1. APPLICATION:** *(TO BE COMPLETED BY THE LANDOWNER)*

This form is to be completed and submitted to one of the DISTRICT OFFICES *(list attached)* of the Division of Forestry, Department of Forests, Parks and Recreation, Agency of Natural Resources. Intent to Cut notification is needed **ONLY IF** the landowner plans to implement a **HEAVY CUT of FORTY ACRES or more**. A heavy cut is defined as *“a harvest leaving a residual stocking level below the C-line as defined by the U.S. Department of Agriculture silvicultural stocking guides for the applicable timber type.”* Incomplete applications will be returned within 48 hours of such determination.

Landowner's Name:	
Day Time Phone:	Evening Phone:
E-mail Address:	
Home Address:	Business Address:
Consulting Forester Name (If Applicable):	
Day Time Phone:	Evening Phone:
E-mail Address:	
Home Address:	Business Address:
Location of Parcel: <i>(County, Town, and Road Name)</i>	
Size of Parcel: _____ (acres)	Size of Proposed Heavy Cut: _____ (acres)
Location of other owned parcels which have been heavily cut within 2 miles:	
Acres involved in heavy cut within past five years:	

**2. EXEMPTIONS:** *(TO BE COMPLETED BY THE LANDOWNER)*

No further review is required if one of the following conditions apply:

- This notice is for informational purposes only, even though the harvest is not subject to regulations under the provisions of this law.
- I (*the landowner*) certify that the proposed heavy cut is intended to carry out an agricultural conversion plan, and that the conversion will be completed and the land will be in agricultural production within five years.
- I (*the landowner*) certify that the proposed heavy cut is a conversion subject to regulation by a district commission and the environmental board under 10 V.S.A. chapter 151 Act 250 or by the public service board Title 30.
- I (*the landowner*) certify that the proposed heavy cut is consistent with one of the following:
  - 1. A forest management plan currently in effect and approved by the department under the Use Value Appraisal program.
  - 2. A chip harvesting plan currently in effect and approved by the department of fish and wildlife under a permit issued under 30 V.S.A. §248.
  - 3. A forest management plan currently in effect and approved by the department under rules in effect at the time of approval of the plan.

**Landowner Certification:**

I, \_\_\_\_\_, as landowner of record, do attest and  
Name (*printed or typed*)

certify that the items checked above are true and represent the conditions under which I apply for an Exemption to Proceed under the Heavy Cut Provision of 10 V.S.A. §2622.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**DETERMINATION OF EXEMPTION** *(TO BE COMPLETED BY FPR)*

I have reviewed this Notification and have determined that **NO FURTHER REVIEW** is required:

\_\_\_\_\_  
Name (*printed or typed*)

\_\_\_\_\_  
Signature  
Department Field Forester

\_\_\_\_\_  
Date

**3. FOR PARCELS THAT DO NOT QUALIFY FOR AN EXEMPTION:**

I, \_\_\_\_\_, as landowner of record, do attest and  
Name (printed or typed)

certify that the information presented below is true and represents the conditions under which I apply for an Authorization to Proceed under the Heavy Cut Provision of 10 V.S.A. §2622.

Permission is granted for a department forester to enter upon the property for which I seek a permit:

Yes       No

Note: ***Denial of permission to enter may mean that a permit may be delayed or cannot be issued.***

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Description of Proposed Harvest: (TO BE COMPLETED BY LANDOWNER)

***Please include stand type, stocking level, basal area and position relative to the "C line". Attach any other information including a location map.***

**4. AUTHORIZATION TO PROCEED:** (TO BE COMPLETED BY FPR)

I have reviewed this Notification, and I have found that the proposal is in conformance with rules adopted by the department and the cut may **PROCEED**.

\_\_\_\_\_  
Name *(printed or typed)*

\_\_\_\_\_  
Signature  
Department Field Forester

\_\_\_\_\_  
Date

---

**5. CONDITIONS TO BE MET AND REVIEWED FOR RESUBMISSION OF THIS APPLICATION:** (TO BE COMPLETED BY FPR)

\_\_\_\_\_  
Name *(printed or typed)*

\_\_\_\_\_  
Signature  
Department Field Forester

\_\_\_\_\_  
Date

The conditions established above have been met and the cut may proceed.

\_\_\_\_\_  
Name *(printed or typed)*

\_\_\_\_\_  
Signature  
Department Field Forester

\_\_\_\_\_  
Date

---

**6. DENIAL OF AUTHORIZATION TO PROCEED:** *(TO BE COMPLETED BY FPR)*

I have reviewed this Notification, and I have found that the proposal is **NOT** in conformance with rules adopted by the department and the cut **MAY NOT** proceed.

\_\_\_\_\_  
Name *(printed or typed)*

\_\_\_\_\_  
Signature  
Department Field Forester

\_\_\_\_\_  
Date

---

NOTICE: If an exemption is denied or if authorization to proceed is denied, the landowner has 30 days in which to file an appeal with the COMMISSIONER of the Department of Forests, Parks and Recreation.

**For Department Use Only:**

Heavy Cut # \_\_\_\_\_

Location \_\_\_\_\_

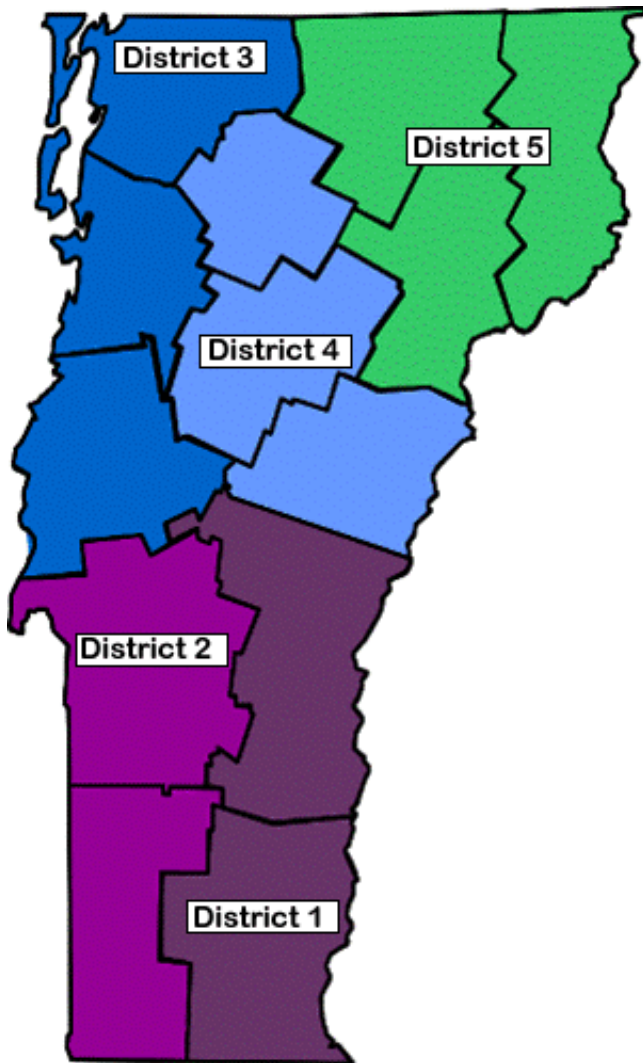
Acres \_\_\_\_\_

Private forester involved \_\_\_\_\_

Date Received \_\_\_\_\_

Referred to \_\_\_\_\_

**FORESTRY DISTRICT OFFICES AND CONTACTS**



**DISTRICT 1:**

Connecticut Valley District  
100 Mineral Street, Suite 304  
Springfield, VT 05156-3168  
Tel. 802-289-0613 Fax 802-885-8890

**DISTRICT 2:**

Taconic District  
271 North Main Street, Suite 215  
Rutland, VT 05701-2423  
Tel. 802-786-0060 Fax 802-786-3870

**DISTRICT 3:**

Champlain Valley District  
111 West Street  
Essex Jct., VT 05452-4695  
Tel. 802-879-6565 Fax 802-878-5192

**DISTRICT 4:**

Central Vermont District  
5 Perry Street, Suite 20  
Barre, VT 05641-4265  
Tel. 802-476-0170 Fax 802-476-0129

**DISTRICT 5:**

Northeast Kingdom District  
374 Emerson Falls Road, Suite 4  
St. Johnsbury, VT 05819  
Tel. 802-751-0110 Fax 802-748-6687