

# VERMONT ANR LANDS MANAGEMENT PLANNING RULE

*8/27/2024 Draft*

## **SECTION 1: PURPOSE**

### **1.1 General**

- (a) The Vermont Agency of Natural Resources (ANR) and its departments of Forests, Parks and Recreation, Fish and Wildlife, and Environmental Conservation, owns and manages state forests, state parks, and wildlife management areas that are conserved and managed for a wide range of public, resource and environmental interests, in accordance with state statutory policies set forth in 3 V.S.A. §§ 2807 and 2825; 10 V.S.A. § 905b; and Title 10 Chapters 34, 83, and 103.
- (b) The purpose of this ANR Lands Management Rule is to establish a management planning framework and process, and to set forth the requirements for public input related to land management planning.

### **1.2 Authority**

These Rules are promulgated by the Agency pursuant to the authority granted by 3 V.S.A. §2853; 10 V.S.A. § 2603 (c) and § 4145 (a).

### **1.3 Severability**

The provisions of these Rules are severable, and the invalidity of any section, phrase, clause, or part of these Rules shall not affect the validity or effectiveness of the remainder of the Rules.

## **SECTION 2: APPLICABILITY**

- (a) This rule applies to management plans for the following lands owned in fee simple by the Agency of Natural Resources (“ANR lands”):
  - i. State Forests owned by the Department of Forests, Parks and Recreation.
  - ii. State Parks owned by the Department of Forests, Parks and Recreation.
  - iii. Wildlife Management Areas owned by the Department of Fish and Wildlife.
  - iv. Lands associated with dams owned by the ANR or ANR Departments.
  - v. Streambank Management Areas owned by the Department of Fish and Wildlife.
- (b) This rule does not apply to:
  - i. ANR-owned easements.
  - ii. Access Areas, conservation camps, and fish culture stations located within other Agency ownerships.
- (c) Nothing in this rule shall prevent ANR from taking management actions on ANR lands to address emergency situations that pose a threat to public safety or natural resources.

### **SECTION 3: DEFINITIONS**

For the purposes of this Rule, the following terms shall have the specified meaning:

- (a) “ANR lands” means land acquired by the Agency of Natural Resources, the Department of Environmental Conservation, the Department of forests, Parks and Recreation and the Department of Fish and Wildlife. ANR lands does not include conservation easements or other easements or interests in land less than fee simple.
- (b) “Land Management Unit” means any parcel or parcels designated by ANR for management or planning purposes.

### **SECTION 4: LAND MANAGEMENT PLANNING**

Purpose: To develop a transparent planning process that includes public input, as set forth in Section 6 of this Rule, in the establishment of the management goals and activities for ANR lands in accordance with the statutory policies and responsibilities of ANR and its Departments, the expertise of ANR staff, and existing ANR lands management policies. Public input will be incorporated where consistent with statute, policy, legal requirements, and best professional judgment of ANR staff.

- (a) ANR lands have different inherent biological and topographical characteristics, forest product and resource characteristics, susceptibility to disruption from ecological or human disturbances, and recreational potential. The management of ANR lands must consider these variables and balance, promote, and protect multiple uses of state lands.
- (b) ANR will continue to develop and update procedures, policies, and guidelines relevant to land use and management activities as necessary. These procedures, policies, and guidelines shall be developed, maintained, indexed, and made publicly available in accordance with Title 3 V.S.A § 835.

#### **4.1 Statewide Plan**

Purpose: To develop a Statewide Plan that considers public input and allows ANR to effectively and efficiently conduct routine, ongoing, and exigent management activities and maintenance, necessary to ensure that ANR lands are maintained in a manner that is consistent with Vermont statutes, addresses public safety, provides for multiple uses, and appropriately balances uses with the protection of natural resources.

##### **4.1.1 Statewide Plan Content**

The Statewide Plan shall include, at a minimum:

- (a) Universal Management Actions: A list of actions that can be implemented on all ANR lands without an approved Long Range Management Plan (LRMP). These actions may include but not be limited to: ongoing maintenance of existing infrastructure such as; trails, roads, bridges, culverts, kiosks, parking lots, camp sites and platforms, buildings,

and viewing platforms; limited vegetation management such as removal of hazard trees, maintenance of existing open areas (old fields, roadsides, orchards, viewsheds, etc.), forest health mitigation activities such as treatment or removal of disease trees; natural resource research; invasive species management and eradication; public safety or emergency response activities; limited water quality and wetland restoration and improvement projects; and limited habitat management and enhancement activities.

- (b) Land Management Classification Standards and Guidelines: management standards and guidelines for each land management classification (see section 4.2.3) that shall apply universally across all ANR lands with a LRMP.
- (c) Management goals and standards for ANR Lands: an outline of generally applicable management goals for ANR lands consistent with statutory requirements, ANR policy, procedures and guidelines, and other planning efforts as applicable, including focusing on the appropriate balance of all uses, management activities and natural resources; based on the best available science and best professional judgment of ANR staff.
- (d) A Statewide Plan may be amended at any time as described in Section 4.5.

#### **4.1.2 Statewide Plan Applicability**

- (a) The final Statewide Plan shall apply to ANR Lands described in Sections 2(a) and 3 of this rule.
- (b) Universal Management Actions in the final Statewide Plan may be performed on ANR lands described in Section 2(a) and 3 of this rule that are subject to an Interim Stewardship Plan as described in Section 5.3 to the extent they are consistent with the applicable Interim Stewardship Plan.
- (c) Universal Management Actions in the final Statewide Plan may be performed on ANR lands described in Sections 2(a) and 3 of this rule that are subject to an LRMP to the extent they are consistent with the applicable LRMP.

### **4.2 Long Range Management Plans**

Purpose: to establish a management planning process that provides for public input and the management of specific ANR land management units or portions of ANR land management units for a variety of uses and purposes that are in the public interest and are consistent with Vermont statutes and ANR policies.

#### **4.2.1 Long Range Management Plan Content**

A LRMP shall contain the following minimum content:

- (a) Introduction and Parcel/Land management Unit Description – A LRMP may apply to a specific parcel or land management unit or any portion of a parcel or land management unit.
- (b) Resource Analysis
  - i. Legal Constraints

- ii. Ecological and Wildlife Resources
- iii. Forest Resources
- iv. Water Resources
- v. Fisheries
- vi. Forest Health
- vii. Cultural Resources
- viii. Recreation
- ix. Infrastructure
- x. Climate Change Risks

(c) Management Strategies and Actions

- i. Assignment of Land Management Classifications (LMCs) – as set forth in Section 4.1.3 of this rule.
- ii. Implementation Schedule
- iii. Monitoring and Evaluation

(d) Appendix

- i. Public Responsiveness Summary

#### **4.2.2 Long Range Management Plan Development**

- (a) LRMPs will be developed on an as-needed basis, when management actions other than Universal Management Actions are proposed for a land management unit or a portion of a land management unit. LRMPs will generally be developed for a management period of twenty years. An LRMP that is older than twenty years may be extended at the discretion of the Secretary.
- (b) LRMPs are not required for any parcel or land management unit where only Universal Management Actions will occur.
- (c) A LRMP may be applicable to a portion or portions of an ANR parcel or land management unit.
- (d) A LRMP may be amended as described in Section 4.5 below.

#### **4.2.3 Land Management Classifications**

The following Land Management Classifications (LMC)s will be applied to portions of a land management unit during the LRMP process.

##### ***(1) Highly Sensitive Management***

An area with rare or outstanding biological, ecological, geological, scenic, cultural, or historic significance where protection of those resources is the primary consideration for management. Human activities and uses should not compromise the exceptional feature(s) identified.

*Sub-Classes:*

- 1.1 Rare or exemplary natural communities or species (as defined by the Nongame & Natural Heritage Program).
- 1.2 Sensitive wildlife habitat (communal breeding sites, bat caves, RT&E habitats).
- 1.3 Ecological representation areas, including associations of natural communities, geophysical settings, or other areas which make an outstanding contribution to meeting the ecological representation goals identified in Vermont Conservation Design.
- 1.4 Exceptional cultural features, including State Archaeological Landmark Sites. These include state (archeologist)-designated archeological sites of significance for the scientific study or public representation of the state's historical, prehistorical or aboriginal past.
- 1.5 Exceptional geological features (cliff, rock-walled gorge, flat rock outcrop, river channel ledge, cascade or any other substantial or unusual bedrock exposure).
- 1.6 Exceptional scenic resources (undeveloped mountaintops, scenic vistas, high elevation/steep slope areas visible from state and federal highways).
- 1.7 Exceptional water resources (lake, pond or stream side buffer areas).
- 1.8 Natural Areas (areas designated pursuant to 10 V.S.A., 83 s 2607).
- 1.9 Research Natural Areas (areas designated by the ANR for no-trace forest ecosystem monitoring and research).
- 1.10 Areas protected by deed restrictions or conservation agreements.
- 1.11 District designation (areas not otherwise described above but possessing other characteristics consistent with the description of a Highly Sensitive Management Area).

**(2) *Special Management***

An area with special resources where protection and/or enhancement of those resources is an important consideration for management, but a wide range of uses and management activities, including intensive management, are acceptable when protection of the special resource may be achieved. However, timber harvesting, wildlife management, roads, and recreational activities should not compromise the special resource(s) identified.

*Sub-Classes:*

- 2.1 Biological (including aquatic), cultural, and geological resources (important but not exemplary as determined by the Nongame and Natural Heritage Program, the State Archaeologist, and the State Geologist).
- 2.2 Critical plant and wildlife habitat (important bear feeding and foraging areas, wildlife travel corridors for black bear, bobcat, reptiles, amphibians, deer wintering areas, migratory bird habitat, wetlands, fisheries, presence of edge of range species, mast stands).
- 2.3 Long Trail/Appalachian Trail corridors.
- 2.4 Wildlife and forestry demonstration areas
- 2.5 Areas protected by deed restrictions or conservation easements or agreements.

- 2.6 Research monitoring areas (designated by the ANR for conducting long-term monitoring and research on forest ecosystems where silvicultural treatments and other activities incorporate the needs of monitoring and research projects).
- 2.7 Wellhead protection areas.
- 2.8 Agricultural land.
- 2.9 Special recreation area.
- 2.10 Special viewshed area.
- 2.11 District designation (areas not otherwise described above, but possessing other characteristics consistent with the description of a Special Management Area)
- 2.12 Ecological Enhancement Areas are areas that are designated by ANR in which active management in the near-term may create or restore conditions that will qualify these lands as a Highly Sensitive Management Area in the long-term.

**(3) *General Management***

An area where the dominant uses are sustainable forest management, wildlife habitat management, concentrated trail networks, dispersed recreation, and other general land uses. In these areas, minimizing conflict between activities is a primary management consideration. Resource areas within or adjacent to a General Management area may require special consideration. This category includes all areas of land that do not meet the other classification categories.

**(4) *Intensive Management***

An area that is easily accessible and characterized by a high level of human activity and high intensity development on or adjacent to state land. Aesthetics and safety are the primary management considerations in these areas. However, more sensitive resources that occur within these areas may require special consideration.

*Sub-Classes:*

- 4.1 Ski areas (leased acreage).
- 4.2 Camping areas (State Park campgrounds, designated camping areas on ANR lands).
- 4.3 Day-use areas.
- 4.4 Trailhead parking areas.
- 4.5 Electronic communication sites (leased sites).
- 4.6 Buildings and structures (houses, maintenance facilities, fish hatcheries, barns).
- 4.7 Railroad rights-of-way (rail trails and railroad beds managed by ANR).
- 4.8 Major utility rights-of-way.
- 4.9 District designation (areas not otherwise described above, but possessing other characteristics consistent with the description of an Intensive Management Area.)

**4.3 Interim Stewardship Plans**

Purpose: Interim Stewardship Plans (ISPs) are developed to provide for certain uses and management activities that occur upon acquisition of land by ANR before a LRMP is developed. This Rule covers ISPs for land acquired by ANR in fee when an ISP is required by funding sources or easement holders, or when the District Stewardship Team determines an ISP is necessary to address uses and management activities not covered by the Universal Management Activities in the Statewide Plan for the interim period until an LRMP is developed.

- (a) ISPs are generally focused on uses and management that are consistent with the purpose of the acquisition, and the conservation easement, and includes uses and management activities that are necessary to address stewardship concerns, provide basic public access, and protect natural resources. Uses existing at the time of acquisition that are compatible with ANR policy may be incorporated into the ISP at the discretion of ANR in accordance with the terms and conditions of the conservation easement. Universal Management Activities may be included in the ISP.
- (b) ISPs are developed during the confidential land acquisition process and are not subject to public input.
- (c) ISPs may be amended when necessary.

#### **4.3.1 Interim Stewardship Plan Content:**

- (a) Minimum Content:
  - i. Property Information:
    - 1. Conservation Purpose and Background
    - 2. Legal Restrictions
    - 3. Features for Management Consideration
  - ii. Conservation Objectives
  - iii. Resource Assessments, which could include one or more of the following:
    - 1. Historic, Cultural and Scenic Resources
    - 2. Infrastructure and Access
    - 3. Ecological Context and Natural Communities
    - 4. Wildlife Habitat and Species
    - 5. Forest Resources
    - 6. Water Resources
    - 7. Recreation and Public Use
  - iv. Interim Management Actions

#### **4.4 Annual Stewardship Plans**

Purpose: The Annual Stewardship Plans (ASP)s identify projects likely to occur in the next calendar year that have been approved in the LRMP. The ASP is designed to ensure that all

projects receive a thorough natural and cultural resource review and are consistent with approved management plans prior to implementation.

#### **4.4.1 Annual Stewardship Plan Content:**

##### **(a) Minimum Content**

- i. Management actions shall be listed in an ASP, including Universal Management Actions.
- ii. All management actions shall be Universal Management Actions or authorized in a current LRMP or ISP.

#### **4.4.2 Procedure for Annual Stewardship Plan Development:**

- (a) The ASP shall be developed by ANR staff.
- (b) ASPs can be amended on an as-needed basis to incorporate new projects or modify the scope of existing projects.

### **Amendments to Long Range Management Plans**

**4.5.1** ANR may amend an existing Long Range Management Plan or the Statewide Plan when determined to be required by ANR to address the following:

- (a) Proposed substantial changes in management goals or objectives;
- (b) Proposed substantial change in land use or land classification;
- (c) Proposed new uses not addressed in the existing LRMP; or
- (d) To add a new parcel of land acquired by ANR to the LRMP when management goals and activities are not covered in the Statewide Plan.

**4.5.2** Proposed amendments shall be subject to the public engagement process defined in Section 5.

## **SECTION 5: PUBLIC ENGAGEMENT AND INPUT**

ANR shall provide the opportunity for public input consistent with the provisions of this rule.

### **5.1 Scoping**

- (a) Public scoping: ANR shall conduct public scoping to assess public opinion regarding uses and management of ANR Lands prior to drafting a Statewide Plan or LRMP.
- (b) The public shall be notified two weeks in advance of public scoping and shall have a minimum of 30 days to provide public scoping comments regarding a Statewide Plan or LRMP.
- (c) At a minimum, notification shall take the form of press releases and posting on ANR's website. ANR may use other forms of public notice as determined appropriate.



## **5.2 Public Comment and Public Informational Meeting**

- (a) Public Comment: The public shall have the opportunity to comment on a draft Statewide Plan, draft LRMP, or a proposed amendment to a Statewide Plan or LRMP.
- (b) ANR shall hold at least one public informational meeting regarding a draft Statewide Plan, draft LRMP, or a proposed amendment to a Statewide Plan or LRMP.
- (c) The public shall be notified and the draft plan or amendment shall be posted at least two weeks in advance of a public informational meeting and the public comment period. The public comment period shall last for at least 30 days.
- (d) At a minimum, notification shall take the form of press releases and posting on ANR's website. ANR may use other forms of public notice as determined appropriate.
- (e) Responsiveness Summary: a public responsiveness summary shall be included in the final draft LRMP, Statewide Plan or amendment, which will address public comment received.
- (f) Records: All public comments received during the official scoping and public comment periods shall be maintained in accordance with ANR records retention procedures approved by the Vermont Secretary of State.