

## **A-250 and Forestry and Timber Harvesting:**

Act-250, otherwise known as Vermont's Development Control Law is authorized by:  
<http://www.leg.state.vt.us/statutes/fullchapter.cfm?Title=10&Chapter=151>

It states: All development activities above 2500 feet including the construction of improvements for commercial, industrial or residential use above the elevation of 2,500 feet require a permit. Further it adds that the word "development" does not include the construction of improvements for farming, logging or forestry purposes below the elevation of 2,500 feet. Through rules and precedents it has been determined that forestry and timber harvesting above 2500 feet elevation is subject to the permit requirements of A-250.

In addition, the potential use of land for forestry purposes is also protected through the criteria used for permitting developments. The criteria include requirements that the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce the agricultural or forestry potential.

If it is determined that there are forest and secondary agricultural soils present, a permit will be granted for the development or subdivision of forest or secondary agricultural soils only when it is demonstrated by the applicant that, in addition to all other applicable criteria, either, the subdivision or development will not significantly reduce the potential of those soils for commercial forestry, including but not limited to specialized forest uses such as maple production or Christmas tree production, of those or adjacent primary agricultural soils for commercial agriculture; or that the applicant can realize a reasonable return on the fair market value of his land only by devoting the forest or secondary agricultural soils to uses which will significantly reduce their forestry or agricultural potential; and that there are no nonforest or secondary agricultural soils owned or controlled by the applicant which are reasonably suited to the purpose; and that the subdivision or development has been planned to minimize the reduction of forestry and agricultural potential by providing for reasonable population densities, reasonable rates of growth, and the use of cluster planning and new community planning designed to economize on the cost of roads, utilities and land usage.

Positive outcomes: The forestry and timber harvesting provisions of A-250 have provided for review and conditioning of permits for those activities that occur at elevations above 2500 feet. This assures that properties that tend to be sensitive for biological or aesthetic reasons and because of their position on the landscape are protected from improper timber harvesting and the consequent loss of those values at the higher elevations.

It also allows for the protection of forestry interests on lower elevations by using the criteria to judge the displacement or loss of productive forestlands due to commercial or residential developments.

Negative outcomes: The process of applying for and receiving an A-250 permit can be complex, time consuming and expensive. Although forestry applications for logging above 2500 feet are most often processed as a minor application with minimal effort required to get a permit may deter some landowners from going forward with a worthwhile project.

Most effective: The most effective part of this law is that high elevation forests are required to have a professional forester involved in the prescription and logging operation. The permit is conditioned to require special diligence in protecting headwaters streams and upland habitats from degradation.

Least effective: The law has produced limited effectiveness in protecting highly productive forest land below 2500 feet.

Achieving sustainable management: The permits insure that professional management of the forests above 2500 feet occurs.

Effect on private land ownerships: For the limited numbers of owners and productive forests above 2500 feet elevation this law has a substantial impact by requiring that the owner apply for a permit to harvest timber. The effect is primarily economic.