

**Fish & Wildlife Department**  
1 National Life Drive, Davis 2  
Montpelier VT 05620  
[www.vtfishandwildlife.com](http://www.vtfishandwildlife.com)

[phone] 802-828-1000  
[fax] 802-828-1250  
[tdd] 802-828-3345

## MEMORANDUM

TO: Louis Porter, Commissioner, Vermont Fish & Wildlife Department

THROUGH: Mark Scott, Director of Wildlife

FROM: John Austin, Land & Habitat Program Manager

DATE: September 10, 2019

SUBJECT: Ryegate Associates Power Plant & Timber Harvest Notification Process.

### Historical Context & Process:

In 1992, the Vermont Public Service Board, now known as the Vermont Public Utilities Commission (PUC) issued Certificate of Public Good (CPG) No. 5217 that permitted the construction and operation of the so-called Ryegate Wood Energy Company (Ryegate Associates) power plant in Ryegate, Vermont. Similar to a PUC CPG issued to the Burlington Electric Department in 1981, the permit requires that Ryegate Associates submit a timber harvest notification to the Vermont Fish and Wildlife Department (VFWD) for review and approval. The authority granted to the VFWD extends to deer winter habitat, wetlands, riparian habitat for streams, rivers, lakes and ponds, significant natural communities, and habitat for threatened and endangered species. The purpose of the conditions and notification process is to ensure that timber harvest operations that sell wood to Ryegate Associates don't impact these wildlife habitats. The terms of the notification process require Ryegate Associates to provide a map depicting the property, harvest area, streams, rivers, lakes, ponds, wetlands, and other listed habitat features. VFWD has 15 days to respond to the notification by either approving as submitted, approving with conditions or denying it based on the proposed timber harvest prescription.

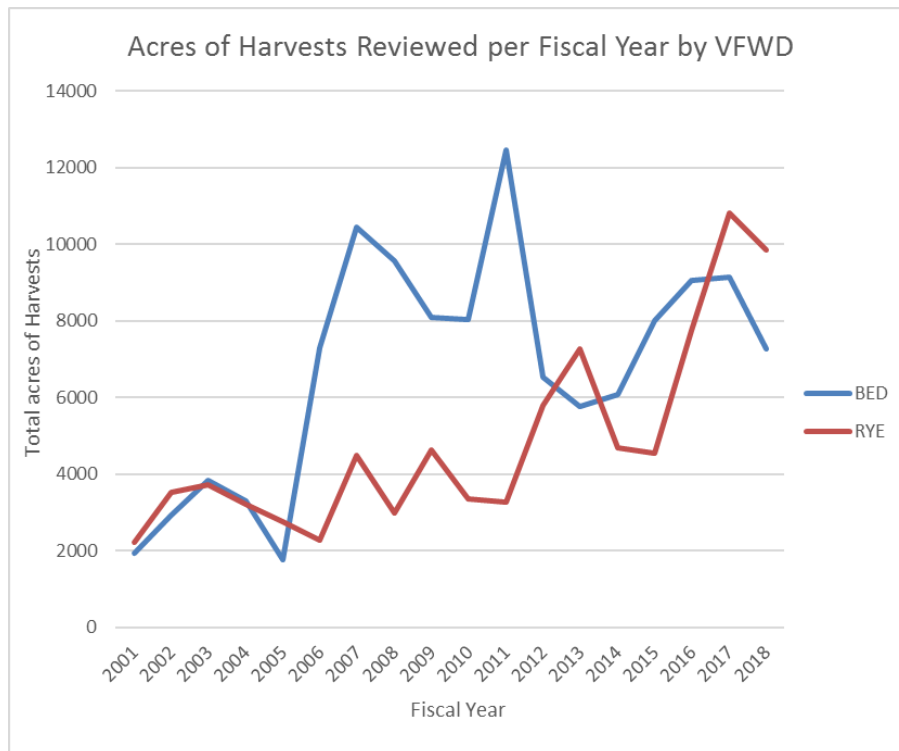
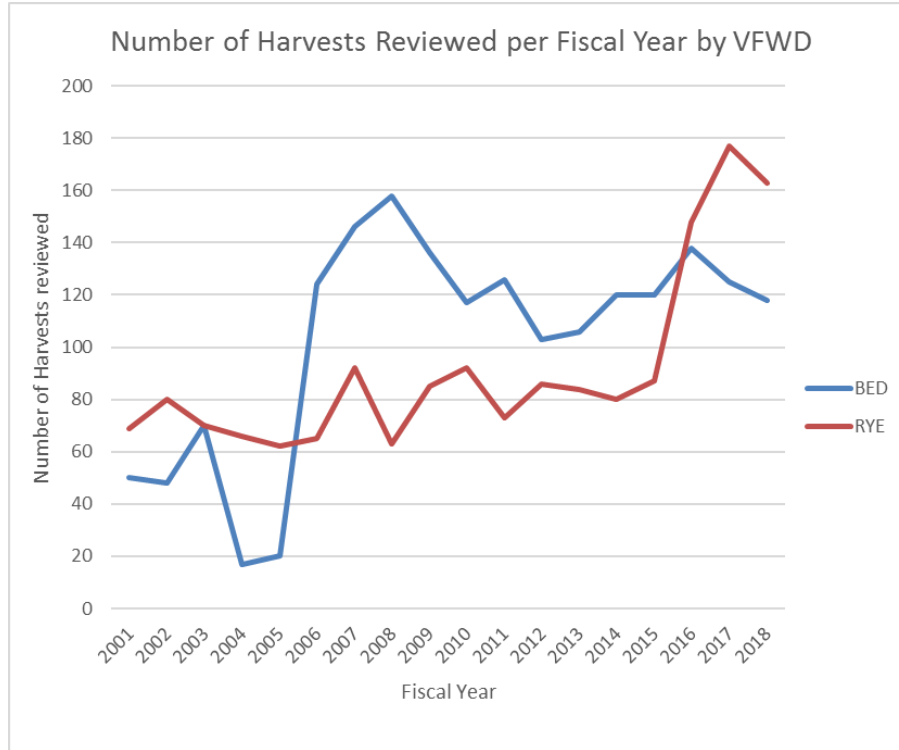
### Benefits & Costs:

Over the course of the past 27 years of working cooperatively with Ryegate Associates, VFWD has reviewed thousands of timber harvest notifications influencing thoughtful forest wildlife habitat management on over 100,000 acres of private land. Between 2001 and 2018, VFWD reviewed 3500 timber harvest notifications involving 90,000 acres of forest. This equates to an average of 206 notifications reviewed by VFWD annually. In the context of the work done by VFWD to benefit wildlife habitat through working with private landowners, this process offers one of the most significant opportunities available to us. During this same timeframe, VFWD has enhanced over 15,000 acres of deer winter habitat alone.



**Fish & Wildlife Department**

 1 National Life Drive, Davis 2  
 Montpelier VT 05620  
[www.vtfishandwildlife.com](http://www.vtfishandwildlife.com)

 [phone] 802-828-1000  
 [fax] 802-828-1250  
 [tdd] 802-828-3345


**Fish & Wildlife Department**  
1 National Life Drive, Davis 2  
Montpelier VT 05620  
[www.vtfishandwildlife.com](http://www.vtfishandwildlife.com)

[phone] 802-828-1000  
[fax] 802-828-1250  
[tdd] 802-828-3345

In addition to the benefits of this process on management of wildlife habitat VFWD has developed strong collaborative relationships with Ryegate Associates forestry staff, consulting foresters, county foresters, loggers and landowners across the state. In fact, this process has positioned VFWD to develop these unique relationships in a way that only participating in other processes such as UVA might not have afforded.

VFWD supports this timber harvest notification process with time primarily from 5 wildlife biologists in various district offices. These staff do not focus strictly on this work, rather this is one of numerous responsibilities they support. This work costs the VFWD approximately \$90,000 each year.

#### Past Amendments to the Burlington Electric Department CPG:

In 2008 the Burlington Electric Department (BED) amended their CPG to limit the scope of timber harvest activities that required review and approval by VFWD. This amendment was mutually agreed upon by both parties in order to realize efficiencies in the process while ensuring adequate protection of wildlife habitat. The following language was included as a condition of Amendment No.

*Notwithstanding the foregoing, Petitioner shall not be required to prepare and file with the Department of Fish and Wildlife the map and other information required by this Condition 10(e) for whole tree chipping operations associated with land clearing specifically authorized in a previously issued, final Act 250 Land Use Permit or Certificate of Public Good under 30 V.S.A. § 248. This exemption does not include timber harvest activities which are on lands subject to an Act 250 Land Use Permit or Section 248 Certificate of Public Good that are not related to the development activities permitted therein. For purposes of this exemption, any applicable Act 250 Land Use Permit or Section 248 Certificate of Public Good shall not be under appeal or available for appeal. Petitioner shall be required to secure copies of the final, signed and effective Act 250 Land Use Permit or Section 248 Certificate of Public Good prior to commencing whole tree chipping operations and shall ensure compliance with all conditions therein that pertain to removal of trees, vegetation and potential impacts to natural resources including but not limited to those important wildlife habitats referenced in the Act 250 Permit. Annually, Petitioner shall provide the Department of Fish and Wildlife with a summary of all projects subject to such exemptions within the previous twelve (12) months, which shall include location/town and date of harvest.*

In 2009, BED's CPG was again amended to further limit the scope of timber harvest activities that required review and approval by VFWD. This amendment was also mutually agreed upon for the same reasons of process efficiency while ensuring habitat protection and good forestry practices. The following language was added to the condition listed above:

*In addition to the above stated exemption and notwithstanding the foregoing first paragraph of this section, petitioner shall not be required to prepare and file with the Department of Fish and Wildlife the Map and other information required by this condition 10(e) for whole tree chipping operations when the proposed harvest is both certified as good forestry practice by one of several independent third party systems and no wetland, deer wintering areas (DWAs) or habitats of*



**Fish & Wildlife Department**1 National Life Drive, Davis 2  
Montpelier VT 05620[www.vtfishandwildlife.com](http://www.vtfishandwildlife.com)[phone] 802-828-1000  
[fax] 802-828-1250  
[tdd] 802-828-3345

*threatened/endangered species are detected through petitioner's review of its geographic information system or on-the-ground reconnaissance. For purposes of this exemption, third party certification will be either through or by a Vermont Use Value Appraisal, Forest Stewardship Council, Sustainable Forestry Initiative, American Tree Farm Certification, or USDA Stewardship Plan. Also for purposes of this exemption, petitioner will retain records of all sites from which wood was procured including GIS maps and harvest prescriptions showing DWA's, wetlands, and Threatened/Endangered Species habitats. These records will be maintained for one year and made accessible to the Department of Fish and Wildlife officials upon request. Additionally, petitioner will provide the Department of Fish and Wildlife with an annual summary of harvests that supplied wood fuel to the Station but were exempt from the notification procedure as a result of this exemption. This annual summary will include the location and prescription of each harvest. Petitioner will continue to submit a harvest plan to the Department of Fish and Wildlife for review on all non-third party certified sites and any third party certified sites coinciding with DWAs, wetlands or Threatened/Endangered species habitats as determined by GIS or field reconnaissance.*

VFWD has approached Ryegate Associates over the years since the BED amendments were put into effect and has offered support for the same amendments to their CPG. While the efficiencies realized by these changes are modest accounting for approximately 25 to 30 notifications each year that don't require VFWD review, it is nonetheless a reasonable additional measure of efficiency to an already efficient process. Based on feedback from the previous procurement forester, Ryegate Associates has not been interested in pursuing amendments to their CPG, apparently based on concerns that it would provide the public or other organizations an opportunity to effect other conditions of the permit.

