

AGENCY OF NATURAL RESOURCES  
DEPARTMENT OF FORESTS, PARKS AND RECREATION

FREQUENTLY ASKED QUESTIONS (FAQ'S) AND ANSWERS

**Question: Who is required to file an INTENT TO CUT NOTIFICATION?**

**Answer:** 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 by statute as "a harvest leaving a residual stocking level of acceptable growing stock below the C-line as defined by the U. S. Department of Agriculture silvicultural stocking guides for the applicable timber type." Harvest of more than 40 acres, but which do not involve a heavy cut of more than 40 acres, are generally exempt from the filing requirements.

**Question: Are there others who should file an INTENT TO CUT NOTIFICATION?**

**Answer:** Yes. Landowners who will be doing a heavy cut on more than FORTY ACRES on or after the legislation became effective or that exceeds EIGHTY acres within 5 years within a radius of two miles will also have to file. Separated cuts will be measured from the closest point of one cut to the closest point on another.

**Question: Are there any heavy cuts that are exempt from review?**

**Answer:** Yes. Heavy cuts are exempt and, no further review necessary, if one of the following conditions apply.

1. If the notice is for informational purposes only even though the harvest is not subject to regulations under the provisions of this law.
2. If the landowner certifies 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.
3. If the landowner certifies 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 15 (Act 250) or by the Public Service Board Title 30.
4. If the landowner certifies that the proposed heavy cut is consistent with one of the following:

A. A forest management plan currently in effect and approved by the department under the current use assessment program.

B. 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. Section 248.

C. A forest management plan currently in effect and approved by the department under rules in effect at the time of approval of the plan.

**Question: When must I apply?**

**Answer:** The best time to apply is prior to a harvesting operation. An application is REQUIRED prior to heavy cutting. Failure to provide prior INTENT TO CUT NOTIFICATION is subject to penalties.

**Question: Where should I apply?**

**Answer:** File your INTENT TO CUT NOTIFICATION in the Forestry District Office that covers the County where your land is located. See the attached list.

**Question: If I file an INTENT TO CUT NOTIFICATION, how long do I have to wait for my permit to begin cutting?**

**Answer:** 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. The proposed cut is still subject to the requirements of a harvest (or management) plan, and applicable department rules.

**Question: Is there an appeal process if I am not satisfied with the Department's response to my INTENT TO CUT NOTIFICATION?**

**Answer:** You have thirty days to appeal to the Commissioner of Forests, Parks and Recreation concerning the conditions or the denial. A review team and a hearing officer may be appointed to gather information and make recommendations to the Commissioner. The Commissioner has thirty days from receipt of the appeal to issue a decision.

**Question: What if the Commissioner upholds the denial?**

**Answer:** You have the right to appeal to the Environmental Law Court which will review the record and issue a decision. The Commissioner's decision will

be upheld unless the court finds that the Commissioner has acted arbitrarily or without substantial basis.

**Question: If I intend to heavy cut in excess of the allowed acreage, what standards apply?**

**Answer:** You will be required to follow the standards established by Emergency Rules which are being developed. The Department of Forests, Parks and Recreation will be convening a work group representing a broad spectrum of interests, including the forest products industry, to draft permanent rules governing heavy cuts.

**Question: What is the penalty for failing to file an INTENT TO CUT NOTIFICATION?**

**Answer:** A violation of the law and/or the rules adopted may result in a penalty of up to \$50,000 per violation and up to \$25,000 a day for a continuing violation.

**Question: What is the fee for filing an INTENT TO CUT NOTIFICATION?**

**Answer:** A fee of \$100.00 is for filing an INTENT TO CUT NOTIFICATION that is NOT EXEMPT for review under the provisions of this legislation. Fees paid for proposals that are later deemed to be entitled to an exemption or do not require a site visit shall be returned to the landowner. Only checks and money orders in the amount of \$100.00 made payable to the State of Vermont will be accepted. NO CASH PAYMENTS will be accepted. Fees should be paid at time of filing.

**Question: Is the landowner's forester or the logging contractor subject to the permit requirement?**

**Answer:** Not if they are acting purely as an agent and are receiving compensation comparable to that of the industry.

Loggers who are harvesting subject to control and supervision of a landowner or owners of timber are generally exempt, unless some other agreement or compensation plan indicates an "affiliation for profit."

Partners, persons owning more than 5% of corporate owner's stock, and family members who are benefitting financially from the harvest are considered to be affiliated for profit.