

Potential RPTL 480-a Revisions
For discussion purposes
October, 2015

Key points:

1. **Current 480-a**
 - a. Existing 480-a will be continued for anyone in it now, with continued 10-year rolling commitments, no sunset provision
 - b. No new enrollments will be allowed into current 480-a (under an “Approved Management Plan”)
 - c. Stumpage tax requirement to be eliminated
 - d. Regulation changes are planned to reduce costs, increase participant flexibility and reduce administrative workloads
 - i. Replace mandatory work schedule with 10-year “work windows”
 - ii. Extend required 5-year plan updates to 10-year cycle
 - e. Assessment reduction reduced, commensurate with reduced costs, from 80% to 60%, after 10 years
 - f. Option to get out entirely, penalty-free, in year 1, or convert to another 480-b option, penalty-free, at any time.

2. **“480-b: Forest Certification”**
 - a. Participation will be accepted for new Forest Tax Law program enrollment under new “480-b” program
 - b. Must be a DEC-recognized program (criteria to be in regulation)
 - c. May include some forms of group certification as well as individual (again, as defined in regulations)
 - d. 25 acre minimum required
 - e. 70% assessment reduction provided
 - f. Same “10-year rolling commitment” as 480-a now

3. **“480-b: Sustainable Forest Management Program”**
 - a. Created with broader management objectives
 - b. Management not limited to “timber crop production”
 - c. Objectives will include:
 - i. Sustainable forest management
 - ii. Wildlife habitat maintenance and improvement
 - iii. Open space conservation
 - d. Acreage minimum reduced to 25, with at least 10 acres of forest or 25% forest, whichever is greater
 - e. “Eligible land” expanded to include any land not developed or not in active agricultural use
 - f. Entry will be based on completion of a DEC-approved, “Qualifying Forest Management Practice”, on at least 10 acres of forest
 - i. Practice Plan must be developed by “DEC-approved Professional Forester” (to be established in regulation)

- ii. “Qualifying Forest Management Practices” will be specified in regulation, and will include:
 - 1. Commercial timber harvest on at least 10 acres
 - 2. Precommercial forest stand improvement cuttings on at least 10 acres:
 - a. Thinning
 - b. Weeding
 - c. Crop tree release
 - 3. Invasive or competing vegetation control on at least 10 acres
 - 4. Tree planting with or without site preparation, as necessary on at least 10 acres
 - 5. Riparian forest buffer establishment or enhancement on at least 10 acres
- g. Subsequent Qualifying Forest Management Practices allowed, and encouraged, but may only be done according to another DEC-approved, activity-specific Practice Plan
- h. Other wildlife habitat improvement practices will be encouraged and will not require DEC approval (except for listed “Qualifying Forest Management Practices”
- i. No overall “Forest Management Plan” required, but encouraged.
- j. No mandatory work schedule required.
- k. No mandatory timber harvesting required.
- l. No mandatory 5-year plan updates or required plan amendments
- m. No stumpage tax on any commercial timber harvests
- n. Same “rolling 10-year commitment” as under 480-a
- o. Assessment reduction proposed at 40% for all eligible and enrolled land.

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Goals of proposed RPTL 480-a reforms:

1. **Increase the acres** of forestland, wildlife habitat and open space conserved and enhanced under our incentive program.
2. **Reduce the barriers** to landowner participation and enrollment.
3. **Address local government objections** to the unfunded, state-mandated, tax shift caused by 480-a. (Reimbursement to local governments being discussed as potential budget element.)
4. Recognize, **promote** and provide incentives for participation in credible, comprehensive third-party **forest certification programs** that include science-based standards, annual, third-party audits by accredited auditors, at the ownership level, and a written audit report documenting any non-compliances
5. **Focus management and oversight attention** on “Forest Management Practices”, particularly timber harvests, by requiring “DEC-approved Forest Management Practice plans” that ensure sustainable, science-based forestry which improves forests, rather than degrading them.
6. **Reduce violations or need for plan amendments** related to mandatory work schedule issues, which lead to increased management workload and potential for significant penalties
7. **Increase DEC’s oversight and field inspections of enrolled properties and required or approved management practices**, to ensure plans are being followed, practices are properly implemented, commitments are being upheld, and expected public benefits are received in exchange for the tax reductions provided.