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Dear Mr. Dumont:

Thank you for your letter and petition submitted via email on June 30, 2025 and revised on July 1, 2025. The Worcester Range Management Unit (WRMU) is an important place clearly valued by many for different reasons. The WRMU Long Range Management Plan (LRMP) was created to establish a plan to ensure responsible stewardship and purposefully balanced management of the natural resources to achieve the multiple goals set forth in Title 10 V.S.A. Chapter 83, and reflected in the WRMU LRMP.

The submitted petition requests that the Secretary of ANR commence rulemaking to propose adopting the WRMU LRMP as a rule under the Vermont Administrative Procedure Act (VAPA), set forth in 3 V.S.A. Chapter 25. This request includes the signatures of 25 or more people and cites VAPA § 831(c) in support of the petition.¹

ANR denies the request to commence rulemaking in accordance with VAPA § 806.² The reasons for the denial are included below.

The WRMU LRMP is a planning document, not a rule, practice, or procedure. The plan is based on the existing statutory authority and obligations of ANR and its departments. LRMPs set forth an outline of the actions that ANR *plans* to undertake to ensure that state-owned lands are managed consistently with legislative mandates that prioritize multiple uses on public lands, including timber management. The plan is specific to the WRMU; it does not function as a generally applicable rule, practice or procedure.³ LRMPs are not required to be rules because,

¹ VT. STAT. ANN. tit. 3, § 831(c) (2025) (“An agency shall initiate rulemaking to adopt as a rule an existing practice or procedure when so requested by 25 or more persons or by the Legislative Committee on Administrative Rules.”).

² VT. STAT. ANN. tit. 3, § 806 (2025) (indicating the agency response required after receiving a request to adopt a document as a rule) (“Within 30 days after receiving the request, the agency shall initiate rulemaking proceedings; shall amend or repeal the guidance document; or shall deny the request, giving its reasons in writing.”).

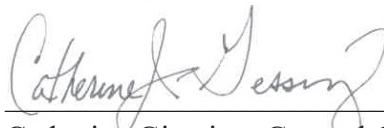
³ VT. STAT. ANN. tit. 3, § 801 states as follows:

among other things, they are not generally applicable and they do not substantively alter individual rights, and ANR is not required to follow the statutory requirements for rulemaking prior to adopting a LRMP.

Additionally, we decline to engage in rulemaking post-adoption. Petitioners rely on VAPA § 831(c) for their assertion that rulemaking is now required. However, the plan is not a practice or procedure. The plan does not set forth rules or mandate any substantive or procedural requirements. In essence, substantive law determines what the law is, while procedural law determines how it is applied. The plan is not itself a substantive or procedural “requirement” that imposes obligations on others, but is instead a detailed and site-specific blueprint of strategies and activities that the agency may implement and allow when making management decisions and undertaking projects to meet plan goals. Some projects in an LRMP may require compliance with applicable pre-existing rules and “requirements” such as the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont. Further, the petition request disregards the fact that § 831(c) is inapplicable to “the physical servicing, maintenance, or care of agency owned or operated facilities or property.”⁴ The WRMU LRMP represents an in-depth agency plan for servicing, maintaining, and caring for agency-owned property.

The petition’s request is premised on erroneous factual assertions and conclusory statements without legal support. The WRMU LRMP as well as the WRMU LRMP Public Responsiveness Summary provide detailed justification for the plan and a general explanation of why rulemaking is not required for the LRMP process.⁵

This letter is not intended to serve as an independent exhaustive response to all concerns raised by the petition given that the agency has previously published documents that address those concerns. For the foregoing reasons, ANR declines to initiate rulemaking on this matter.



Catherine Gjessing, General Counsel
Agency of Natural Resources

(7) “Practice” means a substantive or procedural requirement of an agency, affecting one or more persons who are not employees of the agency, that is used by the agency in the discharge of its powers and duties. The term includes all such requirements, regardless of whether they are stated in writing.”

(8) “Procedure” means a practice that has been adopted in writing, either at the election of the agency or as the result of a request under subsection 831(b) of this title.

(9) “Rule” means each agency statement of general applicability that implements, interprets, or prescribes law or policy and that has been adopted in the manner provided by sections 836-844 of this title.

⁴ VT. STAT. ANN. tit. 3, § 832(b)(2) (2025).

⁵ Both documents can be accessed from the Department of Forests, Parks, and Recreation page on the WRMU (<https://fpr.vermont.gov/worcester-range-management-unit>).