

# *Act 250, Tier 2 and 3, and Vermont Conservation Design*

**House Committee on Environment and Energy**

**February 1, 2024**

**Eric Sorenson, ecologist**



## What I will cover:

- Habitat loss and fragmentation review
- Vermont Conservation Design review
- Proposed revisions to Act 250
  - Forest Block and Habitat Connector criteria
  - Tier 2 concept
  - Road Rule
  - Tier 3 and “critical resource areas”

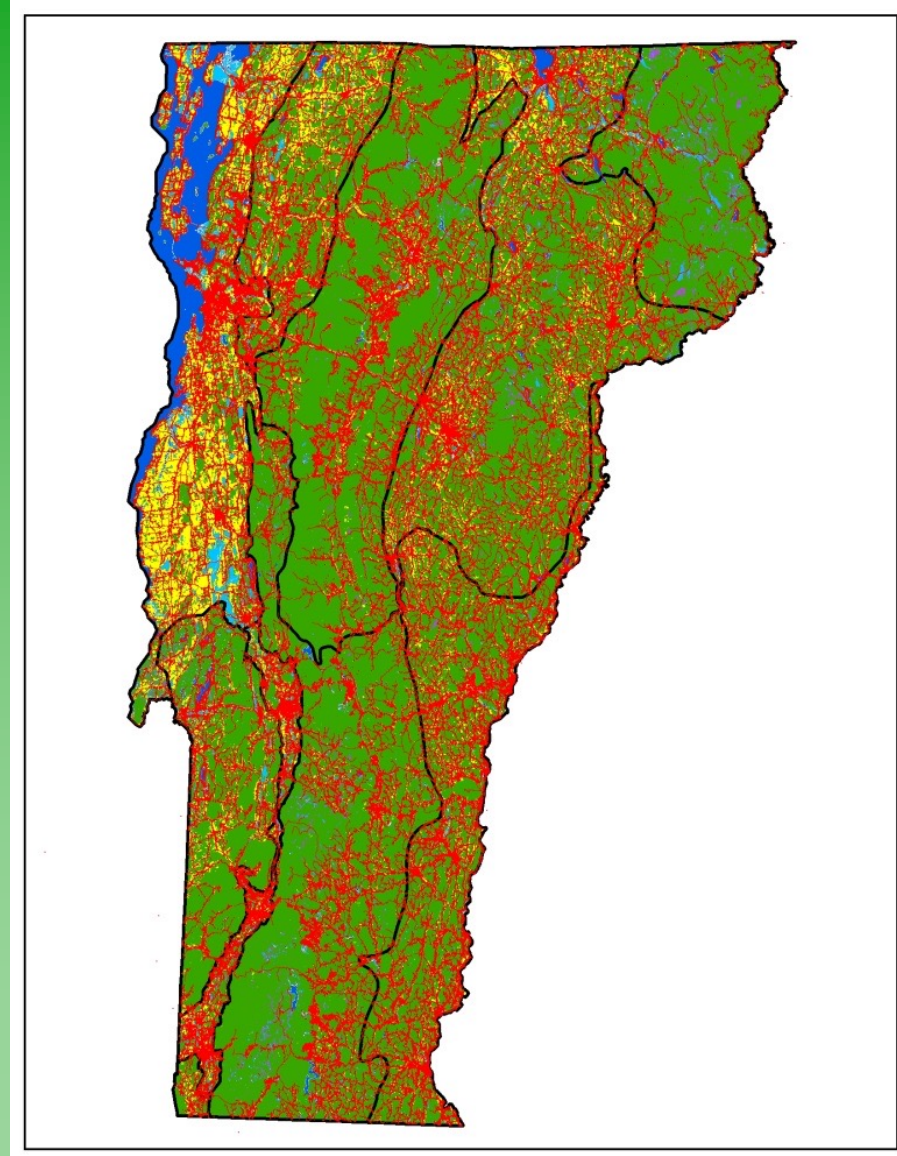


Photo:  
Steve Faccio

**Much of Vermont is in excellent condition and we have a lot of opportunity to conserve biodiversity and enhance climate change adaptation.**

- 76 percent forested
- abundant lakes and wetlands
- limy bedrock
- diverse topography
- low human population
- cultural interest in wildlife and rural character

**But, we also have lots of roads and development that continue to fragment forest blocks, habitat, and landscape connectivity**



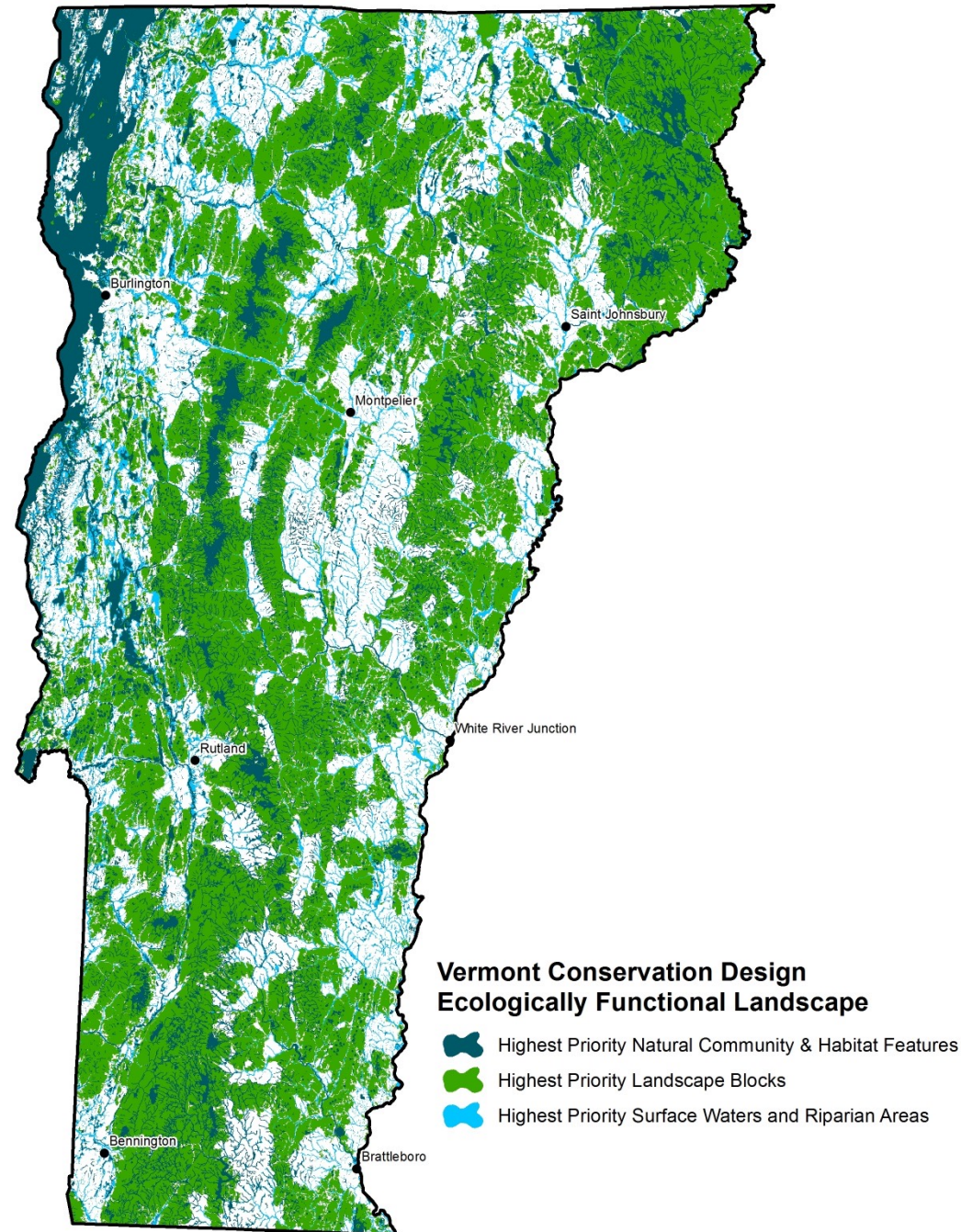
# Vermont Conservation Design

Maintains an intact, connected and diverse natural landscape

Conserves species and natural communities

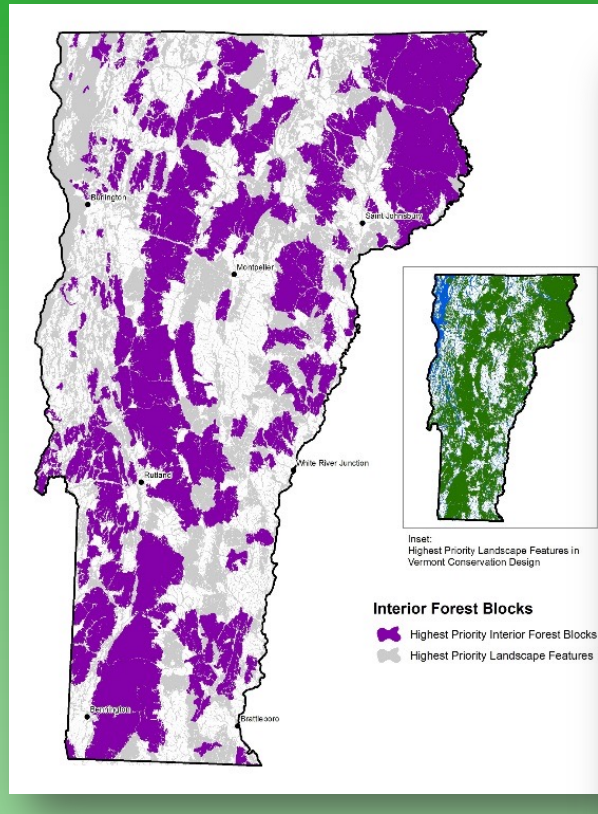
Allows nature to adapt to a changing climate

*Recent updates to forest block mapping. Encourage you to hear from Bob Zaino at VFWD.*

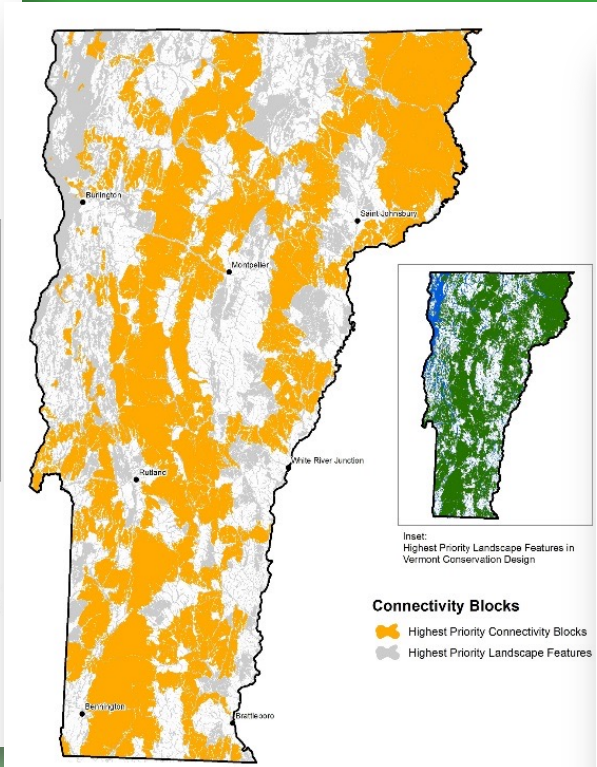


# Intact and Connected Forest Blocks, Surface Waters, and Riparian Areas

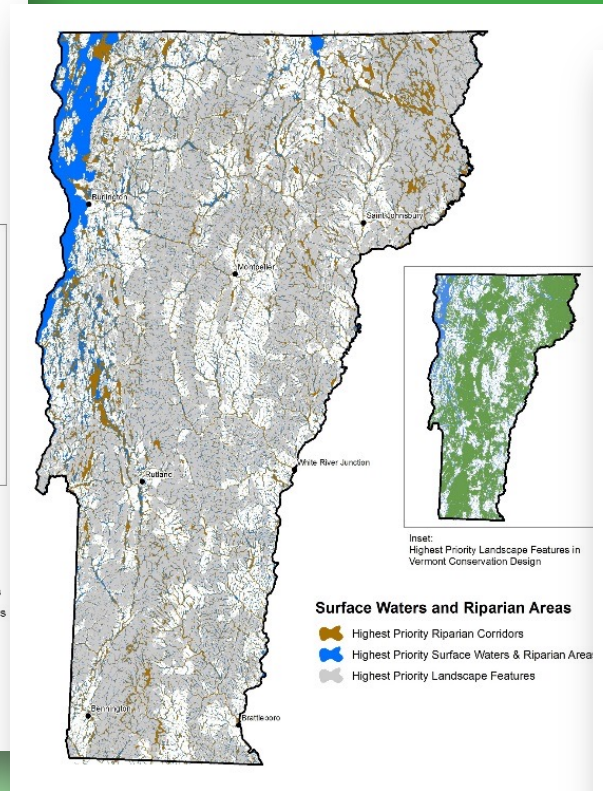
## Interior Forest Blocks



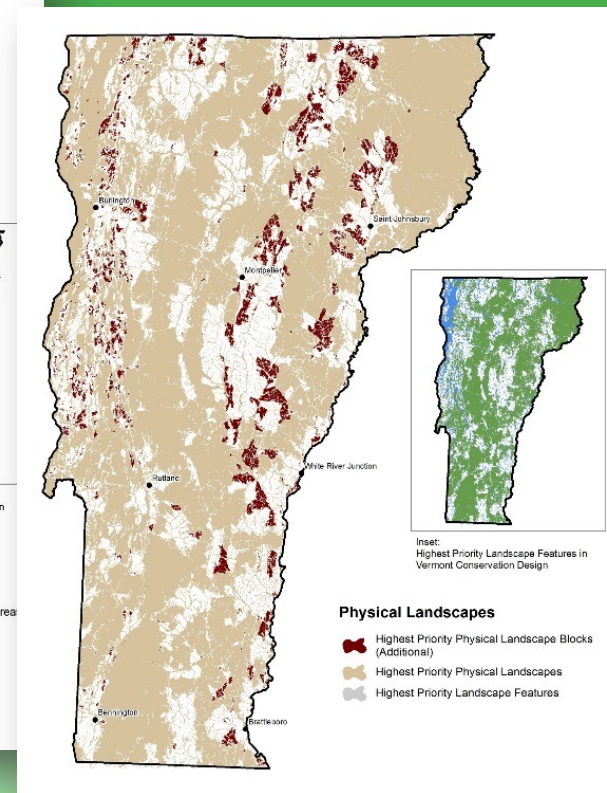
## Connectivity Blocks



## Surface Waters and Riparian Areas



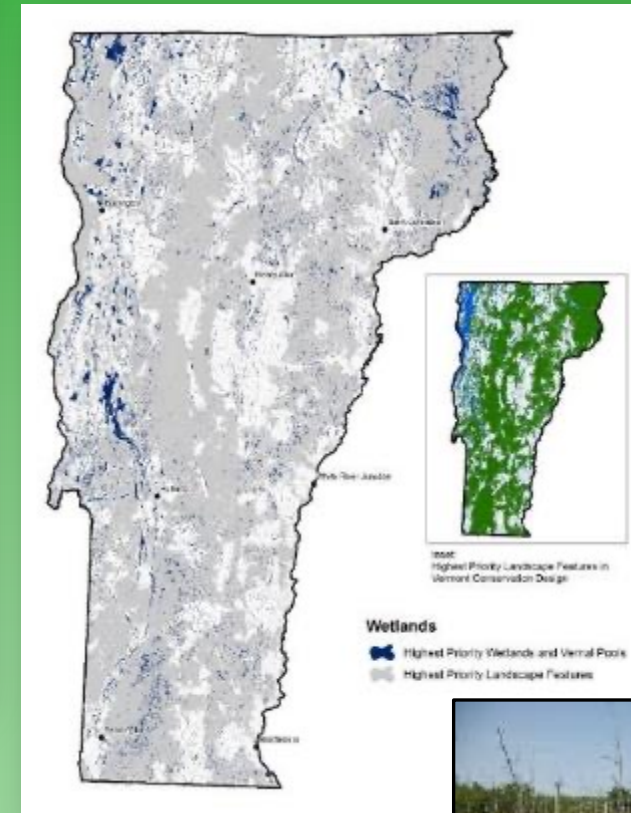
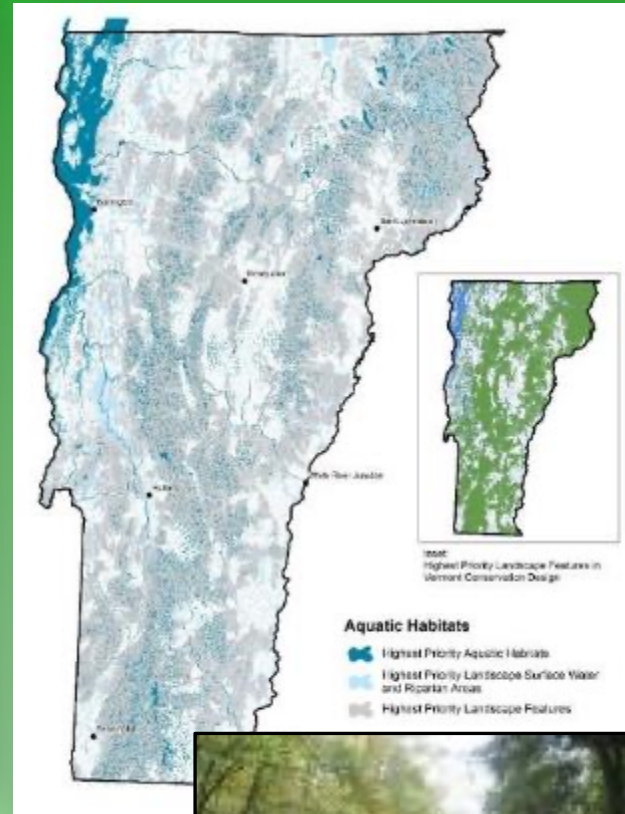
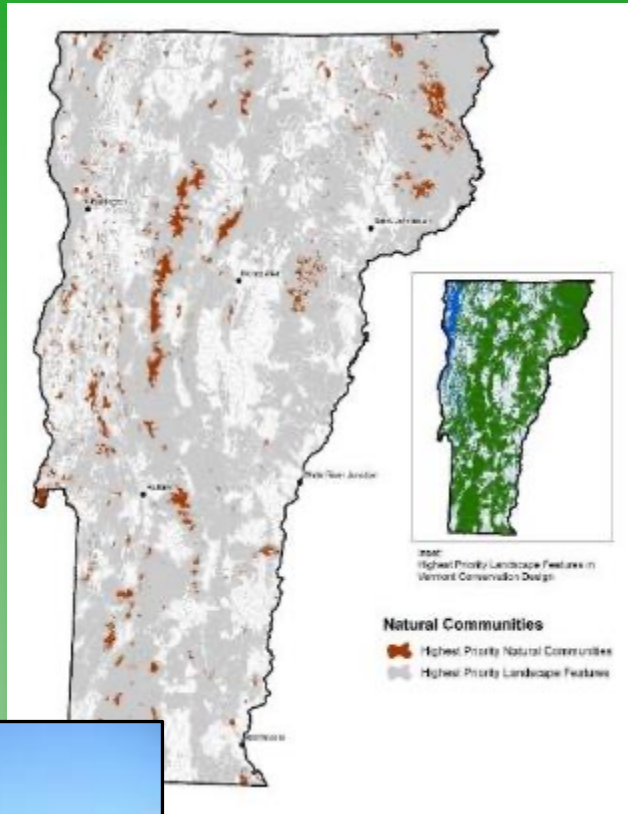
## Physical Landscape Diversity



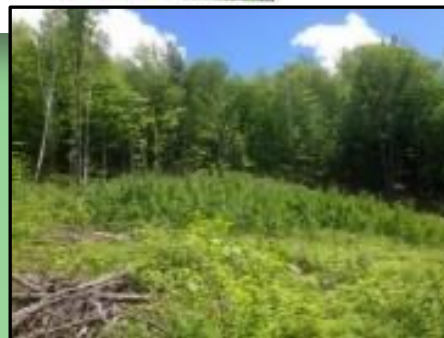
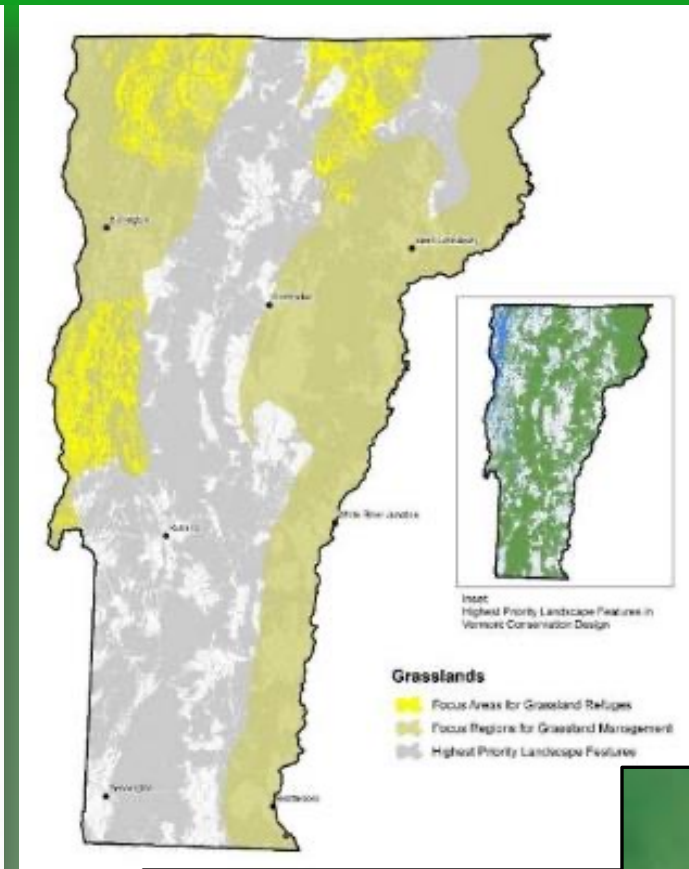
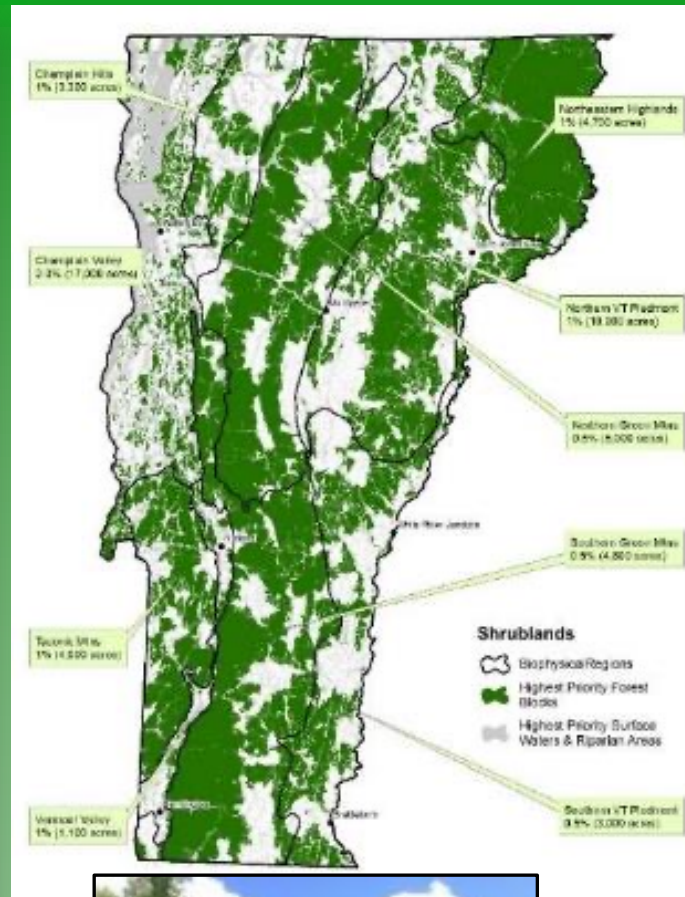
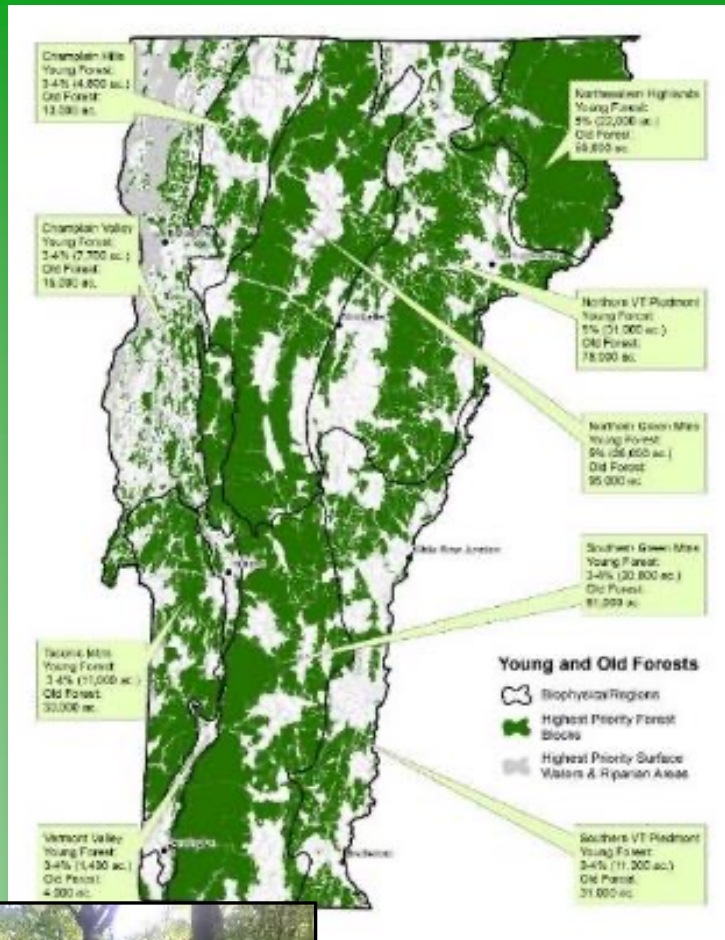
Wildlife Road Crossings

*Maintain the specific functions of each element*

# Terrestrial Natural Communities, Aquatic Habitats, Wetlands, & Caves



# Young and Old Forests, Shrublands, Grasslands



## *Proposed Act 250 changes in NRB Report and H.687*

### **Forest Block and Connecting Habitat criteria:**

- **I strongly support these criteria as proposed in H.687. These are critical elements in conservation.**
- **Concern about the rule-making process and especially the concept of compensation for forest blocks.**
- **Review of these two criteria will fall to staff in VFWD – it is very important that they have adequate staffing and funding to efficiently review and respond to proposed projects.**
- **Criteria 8(A) addresses “necessary wildlife habitat and endangered species. This should include “endangered, threatened, and rare species and their necessary habitat.”**





## *Proposed Act 250 changes in NRB Report and H.687*

### **Tier 2 concept:**

- **I strongly support the Tier 2 concept as a balance to the also important Tier 1 concept.**
- **To be effective in reducing forest block and habitat connector fragmentation, additional jurisdictional triggers are needed for Act 250 permits:**
  - **“road rule” or equivalent**
  - **reduced number of lots**



## *Proposed Act 250 changes in NRB Report and H.687*

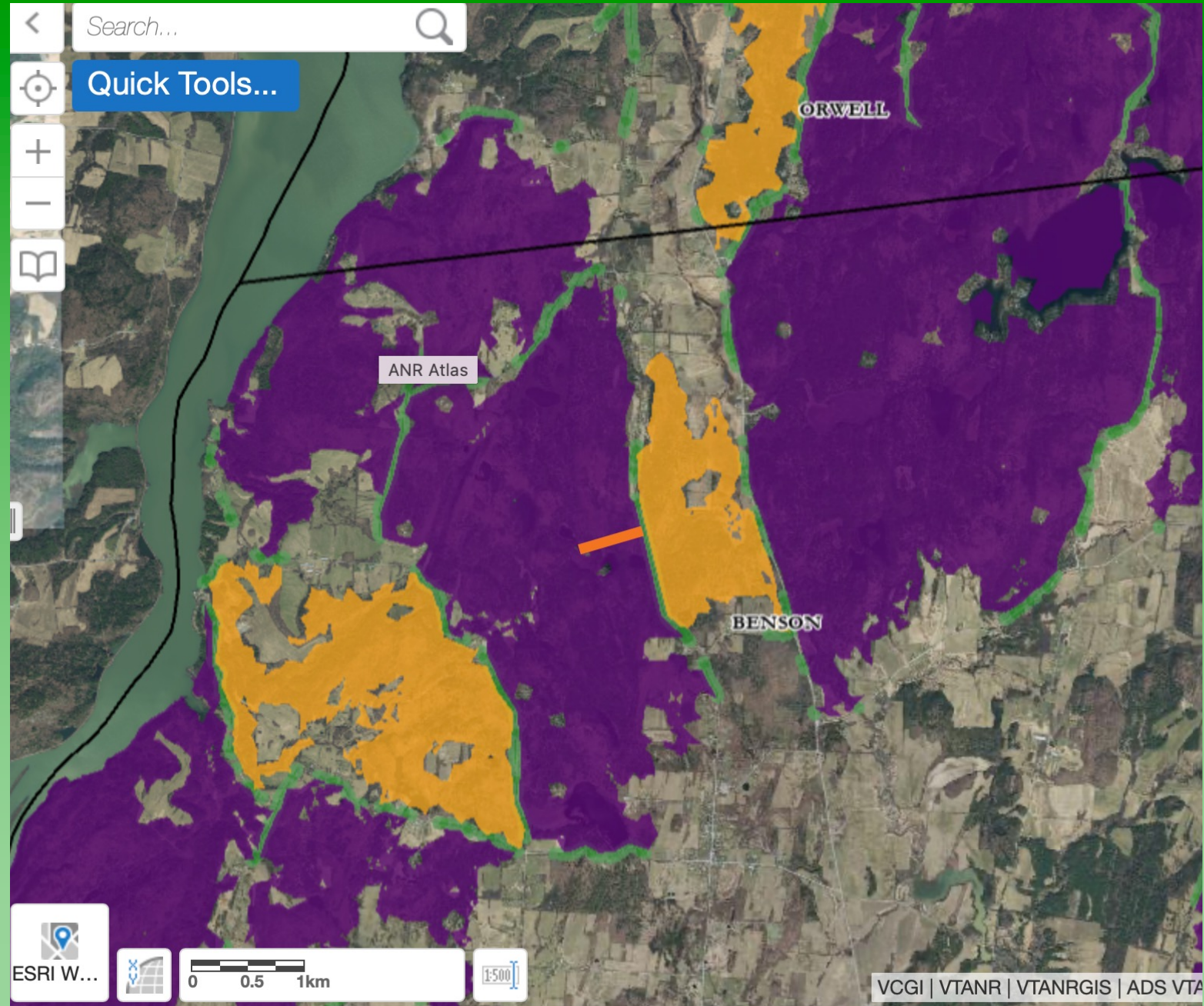
### **Road Rule:**

- **2,000-foot combined roads and driveways jurisdictional trigger would allow 1,999-foot road developments into the interior of forest blocks and these are known to result in significant fragmentation.**
- **Suggest an 800-foot combined road and driveway rule or the 500-foot (800-foot?) setback from state and town highways (H.687).**
- **Need to address repeat developments just below the jurisdictional trigger level.**



## Road and Forest Block Example

- 1,855-acre Highest Priority Interior Forest and Connectivity Block
- 2,000-foot roadway



## *Proposed Act 250 changes in NRB Report and H.687*

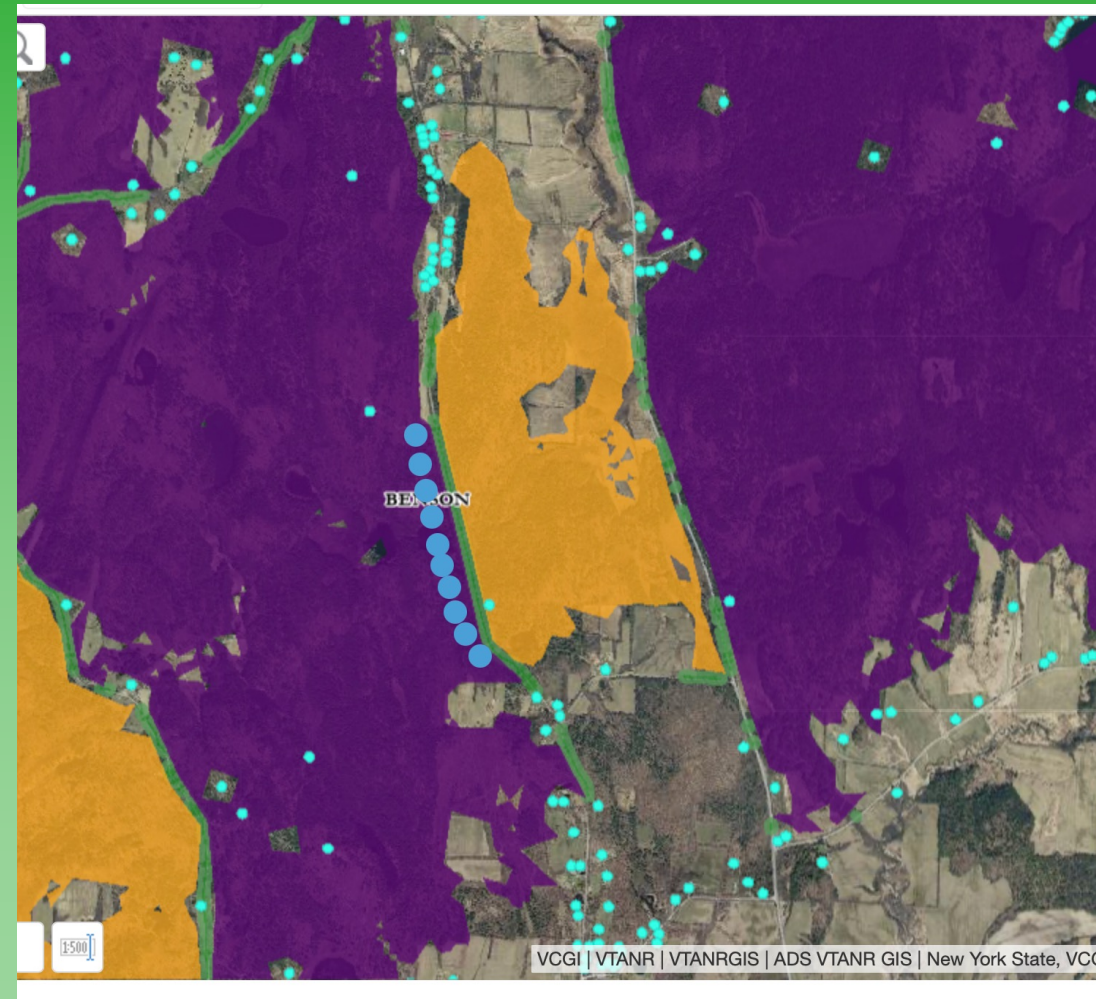
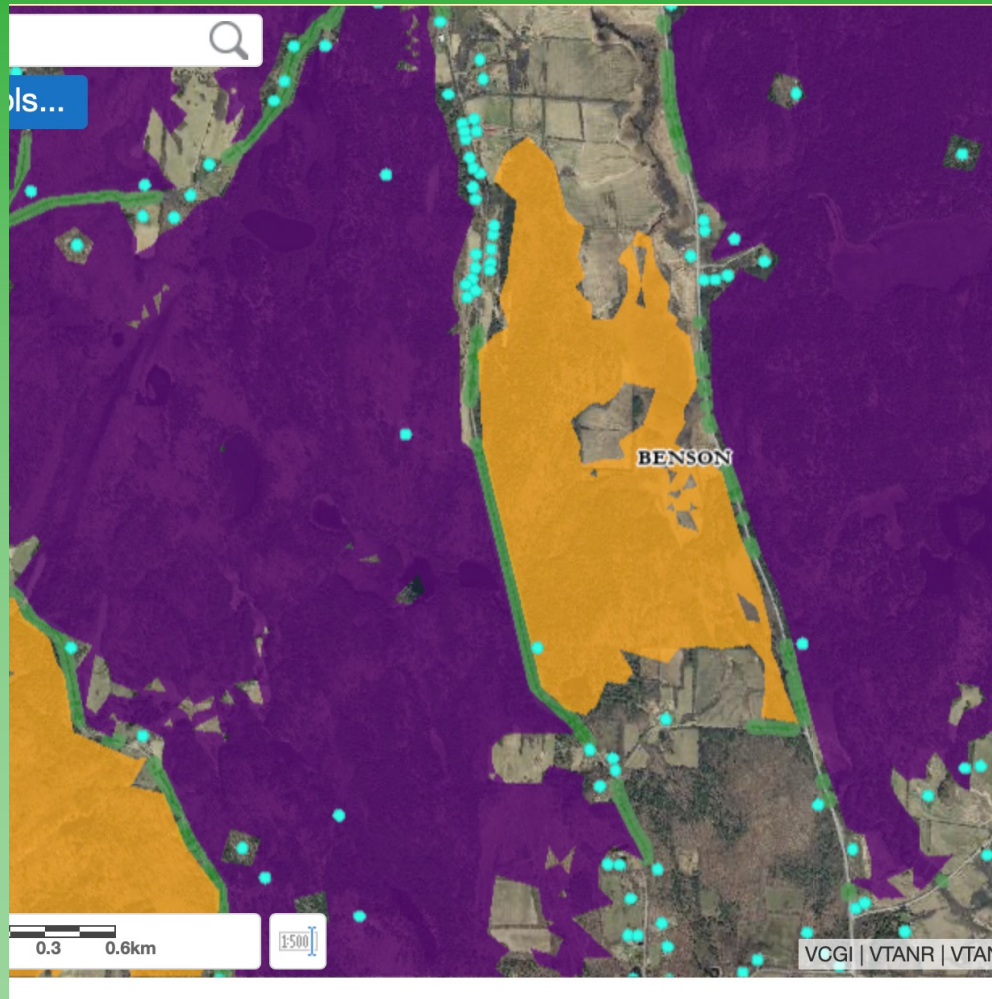
### Subdivision and lot number:

- I support reducing the number of lots defining a subdivision from 10 to 4 as in H.687.
- Nine lots near a road that is a highly significant habitat connector could eliminate the connectivity function of the adjacent forest blocks.



# Lots and Connectivity Example

- 1,855-acre Highest Priority Interior Forest and Connectivity Block



## *Proposed Act 250 changes in NRB Report and H.687*

### **Tier 3 concept:**

- **I strongly support the concept of Tier 3 mapping or “critical resource areas” as jurisdictional triggers for Act 250 to help protect ecologically important areas.**
- **But I have concerns with the NRB Report and H.687 proposals:**
  - **There are very few features of high ecological significance that can be mapped in permanent locations and that represent a “small area of the state.”**
  - **Ecological features of statewide significance should be mapped at the statewide level for consistency in Act 250 jurisdiction. RPC and municipality review would be important.**
  - **Connecting habitat and VCD features are suggested, but these typically occupy a large area and require site evaluation to determine function. Connecting habitat includes forest blocks, wildlife road crossings, and riparian areas.**

## *Proposed Act 250 changes in NRB Report and H.687*

### **Tier 3 concept continued:**

- **Riparian areas/river corridors fit Tier 3 and “critical resource areas” very well, as they can be accurately mapped, there is relative permanence to their location, and they have very high ecological significance (river processes, water quality, aquatic biota, flood attenuation, floodplain natural communities, necessary wildlife habitat, landscape/wildlife connectivity).**



# *Tools for Conserving an Ecologically Functional Landscape*

- Landowner stewardship
- Current Use and other landowner incentives
- State and federal land conservation (fee and easement)
- Land trust conservation (fee and easement)
- Municipal plans and zoning
- State regulations, including Act 250, Section 248, wetland rules,...





**Thank you!**

**Questions?**

