

- Billy Coster, Director of Policy at Planning at ANR.
- Oversee the Agency's work in land use, energy, and climate.
- At ANR for over 12 years, 10 years at VHCB prior.
- I was ANR's representative on the NRB Study Steering Committee.
- ANR's role in 250: review all applications/advise District Commissions on compliance with environmental criteria, provide Commissions technical assistance, and issue other necessary permits, some of which are used to satisfy Act 250's criteria.
- Over 100 technical staff in all 3 departments participated in this review.
- Main programs are Fish and Wildlife Staff, Rivers, Stormwater, Wetlands and other DEC programs.
- The agency receives a very small portion of the Act 250 permit fee, roughly \$200k/year, and have another ~\$500k is staff costs dedicated to Act 250 review that we need to find from other sources. This work is important and there is a cost associated with.
  
- NRB's Report offers a framework for comprehensive Act 250 modernization that enjoys strong and broad consensus support.
- This is the most agreement and alignment of stakeholders I've seen in the 7 years since the Commission on Act 250 @ 50 process.
- That consensus support is absolutely tied to the recommendations of the report moving forward as package.
- It is not an ala cart menu, but a carefully crafted suite of actions that will result in balanced and positive changes to one of Vermont's most important laws.
  
- Before diving into the report, it may be helpful to provide some context for its recommendations.
- Vermont is experiencing the impacts of climate change – drought, flooding and warmer winters – all of which put pressure on our natural systems and built environment.
- Many parts of the state are facing significant challenges related to a lack of housing, housing affordability, substance use disorder, and other social and economic challenges stressing our social safety net.
- The COVID pandemic – with its sudden influx of residents to Vermont – also provided a glimpse of what we may expect in the future, when climate change prompts the migration of millions of Americans away from coastal and arid parts of the country to more resilience places like Vermont.
- These are significant challenges that will not be solved overnight, so we need to be thoughtful, comprehensive and take the time we need to involve Vermonters in crafting durable solutions.
  
- Not to dwell on the negative, in many regards Vermont is also in a much better place than we were when Act 250 was first enacted.

- At that time there was unchecked residential growth in many parts of the state, and there was almost no environmental regulation or planning happening at the federal, state or municipal level.
- In 1970, Act 250, with 32 criteria and sub-criteria, filled a critical void and addressed a broad set of land use issues.
- 50 years later we have comprehensive environmental regulation at the state and federal level, sophisticated land use planning in every region of the state, and municipal land use bylaws in most of our communities.
- And instead of the housing explosion of the late 60's and early 70's, many of our communities are eager to increase housing stock.
  
- And in just the last 4 years Vermont has taken massive new steps in environmental policy.
- In 2020 the Global Warming Solutions Act became law.
- In 2021 the state adopted our initial Climate Action Plan.
- We are currently developing a Municipal Vulnerability Index and Toolkit to help communities identify, plan for and respond to climate risk.
- The Governor and Treasurer recently launched a Climate Resilience Implementation Strategy.
- And on top of all this work, last session the General Assembly adopted Act 59 which directs the state to permanently conserve 30% of Vermont's land area by 2030 and establish durable conservation protection over at least 50% of the state by 2050.
  
- I share this to remind us all that Act 250 is no longer the sole tool in our quiver to address the environmental and land use challenges facing Vermont. Other programs and processes exist now that didn't in 1970, and several new, incredibly consequential laws have just come online.
- This context is important when we look at the role of Act 250 in the future.
  
- Focusing on the report. I first want to commend the NRB on inviting a diverse group of stakeholders to participate in the steering committee that effectively drafted the report, and for establishing focus groups of dozens of Vermonters that met regularly and provided consistent input to the process.
- The law that directed the NRB to complete this study did not mandate this level of public engagement, and I applaud the NRB to choosing to open their process in the way they did.
- Act 250 has a significant influence over what Vermonters can do with their land how the decision of neighbors effect each other, so broad engagement around major Act 250 policy change is critical.
  
- The Report presents a framework with strong consensus support.
- It is a balanced framework that the Agency supports, provided it moves forward as package.

- The framework has some elements that are quite detailed and fleshed out due to previous work or experience with the issues, such as the proposed forest fragmentation criteria, road rule and the approach to Tier 1 exemptions.
- Other elements of the framework are more conceptual and will require more work and engagement with stakeholders and the communities such as defining and mapping Tier 3 area.
- ANR supports the framework and the recommendation that RPC's through their future land use mapping process work to define the jurisdictional tiers; ANR anticipates supporting the RPC's with technical staff, data and mapping in that work.
- Since the framework requires more work and engagement to fill in the details, it's important any legislation this year not preclude that work by predetermining the outcome of things like where the Tier 3 will focus and whether expanded protection of certain resources should be accomplished through the Act 250 process or through more focused permitting programs at ANR.
- Given the sweeping nature of the changes envisioned in the NRB report, time to work out the details is also critical to allow for equitable community engagement and input.
- Doing community engagement well takes time and should move at the speed of trust.
  
- Other elements of the framework that are noteworthy from the Agency perspective are:
  - o Support for forest processing businesses which are important to maintaining our working landscape and many rural economies across the state.
  - o Strengthening the presumption of compliance offered by certain ANR permits which will drive efficiency and benefit from the technical expertise developed in these regulatory programs.
  - o And establishment of a new Forest Frag Criteria and the addition of an updated Road Rule to Tier 2 – which taken in combination will provide significant protections for forest integrity.
  
- In closing I'll say I'm optimistic that the framework set forth in the NRB report can be successfully implemented, that it will modernize the Act and make it more relevant to the conditions and challenges we see today, and if stakeholder and communities are given the time and support to work out the important details of implementation, these changes will address critical natural resource issues, promote growth in appropriate locations and serve the state well for decades to come.