

1 S.140

2 Introduced by Senator Galbraith

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; Act 250; natural resources; forests;  
6 wildlife habitat

7 Statement of purpose: This bill proposes to preserve the integrity of  
8 Vermont's forests by setting a state policy against fragmentation and by  
9 amending Act 250 to expand its jurisdiction to include development that is  
10 more than 500 feet from existing buildings and roads as of the date of  
11 enactment and to add additional criteria under which Act 250 will review  
12 development in those areas.

13 An act relating to forest fragmentation

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. FINDINGS

16 The general assembly finds:

17 (1) Vermont's forests are a unique resource that provides habitat for  
18 wildlife, a renewable resource for human use, and jobs for Vermonters in  
19 timber and other forest-related industries.

1           (2) Large areas of contiguous forest are essential for quality wildlife  
2 habitat, to implement best practices in forest management, and to preserve  
3 Vermont's scenic qualities.

4           (3) The division of forests into lots for house sites or other construction  
5 fragments Vermont's forests and reduces their value as wildlife habitat, for  
6 forest industries, and to Vermont's tourist economy.

7 Sec. 2. 10 V.S.A. § 2601a is added to read:

8 § 2601a. POLICY; FOREST INTEGRITY; NONFRAGMENTATION

9           (a) The state of Vermont shall preserve Vermont's forests in large  
10 contiguous blocks without permanent roads, buildings, or other construction in  
11 order to:

12           (1) provide habitat for wildlife, especially animals that range over large  
13 areas of land, including bear, moose, bobcat, lynx, and deer;

14           (2) protect the watersheds and Vermont's streams and rivers so as to  
15 maintain the quality of Vermont's waters and to reduce the risk  
16 of flooding; and

17           (3) preserve the scenic qualities of the Vermont landscape.

18           (b) The state of Vermont shall implement the policy stated in this section  
19 through all agencies whose activities affect the state's publically and privately  
20 owned forests, including the department as set forth in this chapter, and

1 through its political subdivisions pursuant to 24 V.S.A. chapter 117 (municipal  
2 and regional planning and development).

3 Sec. 3. 10 V.S.A. § 6001(3)(A) is amended to read:

4 (3)(A) “Development” means each of the following:

5 (i) The construction of improvements on a tract or tracts of land,  
6 owned or controlled by a person, involving more than 10 acres of land within a  
7 radius of five miles of any point on any involved land, for commercial or  
8 industrial purposes in a municipality that has adopted permanent zoning and  
9 subdivision bylaws.

10 (ii) The construction of improvements for commercial or  
11 industrial purposes on more than one acre of land within a municipality that  
12 has not adopted permanent zoning and subdivision bylaws.

13 (iii) The construction of improvements for commercial or  
14 industrial purposes on a tract or tracts of land, owned or controlled by a person,  
15 involving more than one acre of land within a municipality that has adopted  
16 permanent zoning and subdivision bylaws, if the municipality in which the  
17 proposed project is located has elected by ordinance, adopted under 24 V.S.A.  
18 chapter 59 of Title 24, to have this jurisdiction apply.

19 (iv) The construction of housing projects such as cooperatives,  
20 condominiums, or dwellings, or construction or maintenance of mobile homes  
21 or trailer parks, with 10 or more units, constructed or maintained on a tract or

1 tracts of land, owned or controlled by a person, within a radius of five miles of  
2 any point on any involved land, and within any continuous period of five years.

3 (v) The construction of improvements on a tract of land involving  
4 more than 10 acres that is to be used for municipal, county, or state purposes.

5 In computing the amount of land involved, land shall be included that is  
6 incident to the use such as lawns, parking areas, roadways, leaching fields, and  
7 accessory buildings.

8 (vi) The construction of improvements for commercial, industrial,  
9 or residential use above the elevation of 2,500 feet.

10 (vii) Exploration for fissionable source materials beyond the  
11 reconnaissance phase or the extraction or processing of fissionable source  
12 material.

13 (viii) The drilling of an oil and gas well.

14 (ix) The construction of a building, structure, or permanent road,  
15 including a driveway, if any part of such construction will be more than 500  
16 feet from the nearest state or town highway in existence as of the effective date  
17 of this act or from the nearest private road or driveway that is passable  
18 year-round and is in existence as of the effective date of this act. For the  
19 purpose of this subdivision:

20 (I) “Permanent road” shall exclude a road constructed for a  
21 state or municipal purpose and to be owned by the state or municipality.

