

VAST Response to HB 35

This bill as written will affect VAST. Currently, VAST trails are not required to obtain a storm water permit for their rerouting or construction. Given the language:

Page 48 lines 17 and 18

“(1) A person shall not commence the construction or redevelopment of one acre or more of new impervious surface without first obtaining a permit from the secretary.”

And the definitions of “Development” and “Impervious surface” on Page 44 and “Redevelopment on page 45, VAST trails will be newly subjected to storm water regulation. It is our primary concern that when landowners are informed that we need to obtain the necessary permitting for construction/rerouting, they will simply close down the trail.

It is important to note that silvicultural activities subject to AMPs from Forests, Parks, & Recreation are exempted from this permitting. The VAST “Guide for the Development of Snow Mobile Trails” is based off of the AMPs and often utilizes old or existing skid roads.

Other areas of concern are lines 4-10 on page 49. Also, there is no definition of “earth disturbance”

DEC already considers trails to be “impervious surfaces”, giving this bill troubling implications on Vermont’s statewide trail system. Put into perspective, the 1 acre threshold for permitting equates to .69 miles of 12ft wide trail or 2 miles of 4ft wide trail. Any trails constructed at these dimensions or greater will require permitting. VAST and other trail organizations construct and maintain their trails along standards already acknowledged and excepted by the State (FPR, Vermont Trails and Greenways Council, VTRANS, etc..) and therefore, like silvicultural activities, should be exempted from this bill.