



H.584/H.789 Forest Integrity: Municipal and Regional Planning

Vermont’s forests have long been recognized as a critical resource, to be conserved and managed for the health of our environment and our working landscape.

The devastating impacts of 19th century deforestation—to our rural economy, and the state’s natural communities, wildlife and water resources—gave rise to the modern conservation movement, including the establishment of the Green Mountain National Forest, and our state and town forests. Following nearly a century of reforestation, it is now even better understood, from new information and science, that large intact forest blocks serve a variety of ecological functions, including functions necessary to mitigate the impacts of climate change. If sustainably managed, Vermont’s forests will also continue to support our rural economy.

Forest fragmentation – resulting in large part from ongoing patterns of land subdivision and development – is recognized by the planning community as an emerging threat to the health and integrity of Vermont’s forests, and access to our working landscape. As such, we strongly support the efforts of the Department, VNRC and others to investigate, highlight and address this threat, through research and education, community outreach, ongoing municipal and regional planning, and through the legislative process as appropriate.

Planning is key. “Areas proposed for forests” are specifically identified for inclusion in regional and local land use plans and maps, both as a natural resource and as a type of land cover supporting forestry uses (§§ 4348a(a)(1), § 4382(a)(1)). This longstanding requirement was strengthened in 1988 with the passage of Act 200, through the addition of related state planning goals (§ 4302). Approved municipal plans, and regional and state agency plans, must be consistent with these goals:

- (5) To identify, protect and preserve important natural and historic features of the Vermont landscape.
- (6) To maintain and improve the quality of air, water, wildlife, and land resources...according to the principles set forth in 10 V.S.A. § 6086(a) [Act 250].
- ...
- (9) **To encourage and strengthen agricultural and forest industries.**
 - (A) Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.
 - (B) The manufacture and marketing of value-added agricultural and forest products should be encouraged.
 - (C) The use of locally-grown food products should be encouraged.
 - (D) Sound forest and agricultural management practices should be encouraged.
 - (E) Public investment should be planned so as to minimize development pressures on agricultural and forest land.

Plan implementation: Municipalities currently have several options under Chapter 117—both regulatory and nonregulatory—to address forest fragmentation through plan implementation:

- **Supporting (strategic) plans** specific to forestland – e.g., Forest Land Evaluation and Site Assessments (“FLESAs) modeled after the NRCS “LESA” process for farmland; forest block and core habitat mapping, etc.
- **“Forest Districts”** established under zoning as necessary “...to safeguard certain areas from urban and suburban development...” These districts can allow forestry and related uses, and prohibit all other forms of development (as upheld by the Vermont Supreme Court).
- **Site plan** (site layout, design) and **conditional use review** (development impact) standards to protect or re-establish forest cover on parcels proposed for development – e.g., to limit development roads to forest edges, and to define development areas (envelopes) outside of forested areas.

- **Subdivision and planned unit development (master plan)** standards to avoid or minimize the parcelization of forestland (e.g., through clustering or conservation subdivisions), and to maintain access to “landlocked” forested parcels for forestry management, outdoor recreation, etc.
- **Conservation easements** to permanently conserve forestland from development.—e.g., through purchase or dedication.

Given the ability of communities to identify and conserve forestland under Chapter 117, many of our members question the need for additional enabling legislation. That said, statutory language intended to clarify state planning goals, and the use of available tools and techniques to maintain and enhance forest integrity, may be instructive. As such it is VPA’s position with regard to current bills before the committee that:

1. **More community education, outreach and training by the Department, regional planning commissions and forest advocates is needed.** While communities may have the ability to address forest fragmentation, they may lack awareness and access to needed information and resources.
2. **Language intended to clarify state planning goals—specifically under (9) pertaining to farm and forest land—would be useful to highlight the need to minimize both forest and farmland fragmentation, e.g.:** *(A) Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include minimizing forest and farm land fragmentation, and maintaining a low overall density of development.*

Proposed amendments to the more generally stated resource goal under (6) are inappropriate in their specificity (and focus on wildlife habitat). If forests are highlighted as a specific land resource, others should be as well—resulting in a lengthy, but likely incomplete list of resources identified for consideration. *As an alternative, the listings under goal (5) regarding “important natural landscape features” could be expanded to include “large, intact forest blocks.”*

3. **Separate regional and municipal plan “elements” specific to forest integrity (as proposed under H.789) are not necessary and not appropriate.** Forest areas are already included in the land use element of local and regional plans—in this context in relation to other forms of land use and development—as required for comprehensive planning. Forests are also typically identified as a critical natural resource (e.g., as wildlife habitat) under the resource element, and as a component of the rural, working landscape under the economic element. *As an alternative, clarifying language specific to maintaining forest integrity, similar to that for agricultural land, could be added under regional and municipal plan land use elements (e.g., new “(F)s” under sections (2)(a)).*
4. **A freestanding bylaw to protect forest integrity (as proposed under H.789) is also not necessary, nor appropriate.** Municipalities already have the ability to create forest districts. As currently authorized, “freestanding bylaws” are intended to be used only to regulate known *hazard areas* (e.g., floodplains, river corridors) to protect public health and safety, and to qualify for the National Flood Insurance Program, in communities that otherwise choose not to adopt zoning regulations.
5. **Statutory development review criteria under site plan, conditional use, PUD and subdivision sections could be updated to address forest integrity, and access to forested areas, as appropriate.** We are willing to work with the committee, and others, on specific language.
6. **Act 250 criteria should be updated to better address forest integrity, including the impacts of forest fragmentation, rather than focusing simply on forest soils.** While municipalities have tools available to address forest fragmentation, Act 250 does not (under criterion 9) – except as otherwise required for conformance with a local or regional plan (criterion 10).