



**Senate Natural Resources Committee
H. 552 Endangered Species and Critical Habitat
Thursday April 7, 2016**

Thank you for the opportunity to testify.

We understand the very real threats to many Vermont animal and plant species that practices on the land and our changing climate pose. Municipal plans are required to address forests, open spaces reserved for flood plain, wetland protection, rare and natural areas and a host of other issues pursuant to 24 VSA section 4382. That section also includes an admonition to identify those areas, if any, proposed for designation, and an explanation of how the designation would further the municipal plan's goals. Designations referenced here are those established by municipalities, and approved by the Downtown Board, for designated downtowns, village centers, growth centers, new town centers, and neighborhood development areas. Vermont has 24 designated downtowns; six growth centers; two new town centers; and 122 village centers. Over the last decade and more, these are the places to which Vermont has wanted to drive development.

The Department of Housing and Community Development website explains, "Vermont's landscape of compact centers surrounded by rural land is integral to our economy, community spirit and brand cache. Accordingly, Vermont has established a framework of "designations" to provide incentives to encourage communities to maintain this land use pattern. These programs are also designed to help align our environmental, housing, and transportation policies, programs, regulations, and public investments to maintain and enhance the landscape cherished by Vermonters and visitors alike."

In the past few weeks there have been several proposals to assure that one element of a municipal plan and one state priority trumps others. H. 552 as it passed the House includes no consideration for designated development areas such as downtowns and village centers. That is a problem because the language of H. 552 provides broad new authority for the Agency of Natural Resources to designate critical habitat anywhere in the state, without much in the way of control on that authority. That includes authority to designate habitat that “was historically occupied by a species” or contains habitat that is “hydrologically connected” or directly adjacent to occupied habitat. (Section 1 (16) definition of critical habitat, p. 5).

Any portion of the state could have historically hosted a threatened or endangered species and virtually any part of the state could be designated as hydrologically connected to another, in that waters flow from highlands to lowlands and rivers, lakes and streams all over the state of Vermont.

We inquired and heard from the Department of Fish and Wildlife that there are not critical habitats identified in downtown areas. We urge you to assure that critical habitat is not designated in designated downtowns, village centers, new town centers, growth centers or neighborhood development areas and to add language to that effect in the bill at Section 3, 10 VSA 5402a (e).

In addition, we strongly support the recommendations for amendment that are endorsed by the Department of Housing and Community Development.

Thank you for the opportunity to testify.

*Karen Horn,
Director Public Policy And Advocacy*