



## Senate Natural Resources and Energy Committee H.789 Forest Integrity: Municipal and Regional Planning

Apr 13, 2016

***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 19<sup>th</sup> 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.

***Municipalities currently have several options under Chapter 117—both regulatory and non-regulatory—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 may 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 blocks.

- **Subdivision and planned development** standards to avoid or minimize the parcelization and fragmentation 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.

***VPA supports the underlying intent of H.789 as passed by the House, to highlight forest integrity and forest fragmentation as an emerging issue under relevant state planning goals and plan elements.***

Given the ability of communities to identify and conserve forestland under Chapter 117, some of our members have questioned the need for additional enabling legislation. That said, statutory language intended to highlight and clarify emerging concerns, and an evaluation of the tools and techniques available to maintain and enhance forest integrity—based on new science and information—will be instructive. It is VPA’s position with regard to the current bill before the committee that:

1. ***VPA recommends that proposed definitions (Sec. 1) be struck in their entirety, or amended to include only those definitions that are specific to the topic at hand (forest block, forest fragmentation)—see attached.*** Chapter 117 statutory definitions (under § 4303) are controlling, for purposes beyond addressing forest fragmentation—to apply under all plans, bylaws and programs enacted pursuant to the act – including those that may have no relationship to maintaining forest integrity. Including definitions in statute for such terms “habitat connector” in this context may preclude the use of more accepted terms and definitions now in use (e.g., “wildlife corridor”) or too narrowly define terms (e.g., “recreation trail”) as more widely applied in many other contexts. Chapter 117 terms and definitions should also be consistent with state definitions that apply under areas of overlapping jurisdiction (e.g., Act 250).
2. ***VPA generally endorses language intended to clarify state planning goals (Sec. 1)—under (6)(C) and (9) as generally proposed—to highlight forestland (and forest blocks) as a resource, and the need to minimize forest fragmentation. We also recommend, however, deleting references to “habitat connectors” in this context.***
3. ***VPA generally endorses the language proposed for incorporation under municipal and regional plan land use elements (Secs. 3 and 4) but for clarity and brevity would limit this to the additional, language proposed under § 4348a(F) for regional plans, and §4382(D) for municipal plans.*** This language expands upon the current requirement to identify “areas proposed for forests” to highlight the need to also address forest fragmentation in relation to its effects on forest health, viability and ecological functions – *including, but not limited to wildlife habitat.* We view this as a clarification of our existing responsibilities under Chapter 117, rather than an additional planning requirement – but it will also result in the need for more outreach, education and training, by the Department of Forests, Parks and Recreation, regional planning commissions and forest advocates. *We again recommend deleting more specific references to “habitat connectors” in this context.*
4. ***VPA supports the creation of the Study Committee on Land Use Regional and Forest Integrity (Sec. 5), to include the review and evaluation of available regulatory tools –and associated standards and definitions– to protect forest integrity and minimize forest fragmentation under Chapter 117, Act 250 and Section 248.*** We have not been offered a seat on this committee, but remain committed to working with the group as charged.
5. ***Effective dates (Sec. 6) – particularly with regard to any proposed statutory definitions –should be amended*** to allow time for study committee recommendations to be incorporated in statute, and to require new plan element language to be incorporated in ***plans adopted*** after Jan 1, 2018 (to avoid the need for special amendments).