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State of Vermont  
Senate Committee on Natural Resources and Energy  
Testimony of Rutland County Audubon Society on  
Proposed Changes to Act 250 Criterion 9(L)  
March 17, 2015

Thank you for the opportunity to present testimony before the Senate Committee on Natural Resources and Energy. My name is Valerie Biebuyck. I am a member of and spokesperson for the Rutland County Audubon Society. I am here today with Roy Pilcher and Marvin Elliott, Co-Presidents of the Rutland County Audubon Society.

Audubon is the owner of an interest in land that adjoins a proposed development in Rutland Town, and is participating in Act 250 proceedings involving that proposed development and the application of Criterion 9(L). Audubon supports Act 250 Criterion 9(L) in its present form and opposes the proposed changes.

Audubon's representatives (Roy, Marv, and I) were present at a recent Act 250 District #1 Environmental Commission hearing in Rutland intended to apply Criterion 9(L) to a proposed development. Testimony was presented by Julie Campoli, an expert who prepared a report for the District #1 Environmental Commission in Rutland, on whether or not the project complies with 9(L). Jennifer Mojo, a Regulatory Policy Analyst with the Agency of Natural Resources, prepared a report for that agency in connection with this matter that agreed with the conclusions of Ms.Campoli. Both

reports contained thorough research and analysis and addressed the specific elements of 9(L) in detail.

These proceedings demonstrate that Criterion 9(L) is doing exactly what it is intended to do. It facilitated the provision of information to enable decisionmaking that furthers the purposes of 9(L) as enacted by this Legislature: promotion of new development that is consistent with Vermont's historic development pattern of compact centers surrounded by working lands; encouragement of the efficient use of land and infrastructure; and promotion of development within existing settlements. The current proposal to change 9(L) reaffirms these purposes and ostensibly creates a process to clarify how 9(L) is to be applied. Audubon believes that no such clarification through process is necessary as the substance of 9(L) is being applied exactly as it should be.

The words "conservation" and "development" are not mutually exclusive. We need to respect our environment but we also need jobs, and tax revenue, and places to shop. Conservation and development can co-exist in a way that supports both. 9(L) in its present form does not discourage development. Rather, it encourages the sensible use of land and existing resources in furtherance of development.

Thank you very much.