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Regarding Act 250 for forest operations and lands
Cc Michael Snyder, Sam Lincoln, Billy Coster

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To whom it may concern,

We have all seen and heard of problems in Act 250 regarding subjective interpretation of criterion, and seemingly excessive input from neighbors to restrict legitimate business. There should be plenty of comments from folks who have been in the middle of those projects, so I will fill in some gaps.

This might be Act 249, and I may not have the details correct. I just want to mention it because it seems like a pinnacle of "environmental protection" gone amuck. For the Burlington Power Plant, their original permit required 75% of the chips to come by rail from up north to avoid truck traffic through the populated and influential towns of Winooski and Colchester. At that time, biomass chips came from Canada and upper New York, and that made some sense. My understanding is that chips no longer come from Canada, and not many come from New York. The result is that a large proportion of Burlington's chip supply goes on trucks, up past the power plant, through Winooski and Colchester and the other towns, to be loaded onto trains to make the return trip. So, we have greater fuel use, trucking cost, and truck traffic through these towns because of the inflexibility, cost and unpredictability of our regulatory system.

While larger businesses have larger "horror stories" of Act 250, it is actually smaller businesses that are more impacted since they do not have the resources to hire the engineers, experts, and wait the time needed to wade through the process. I know of several folks who have small wood processing businesses, either firewood or small sawmills, who operate as "one-man shows". The prospect of expanding to a full-time business with employees is simply out of reach if an Act 250 permit is required. So you don't see these in a roster of "denied permits", but merely things that never happened.

As a manager of forest lands, let me bring up another category of Act-250 excesses. This is where I am involved more than "wood processing". My own house-site in Chester is part of an 800 acre subdivision done in the mid- 1980's. The result was seven 2-acre lots, one 10.01 acre lot, five 20-40 acre lots, one of about 100 acres and then one giant 480 acre lot. (I may have missed some.) The 480 acres was designated as mitigation lands for the other lots, particularly for deer winter habitat. I have the original map from the wildlife biologist where the hemlock stands were drawn in one color, the pine stands in another color, and then handwritten into the margin is a note which says: "This entire lot is considered critical habitat for deer". About half of the lot is mostly hardwoods, and not used as winter cover. (The hemlock stands are.) There are other severe restrictions on this lot: no subdivision, only one house could be built, and it must be in a particular location (within sight of the dairy farm liquid manure pit), and any harvesting must be approved by F&W. (along with 13 pages of restrictions.) I understand that these restrictions were added in mitigation for a substantial development which now has 11 houses after 30 years, but it seems like a lot of "mitigation" for little impact.

I'm not sure anyone realizes the effect on the value of the 480 acres. This land sat on the market for sale for over 20 years for a low asking price which dropped to $360 per acre. Many

folks looked at it, and I was involved in some of the proposals. One prospective buyer would have been glad to actively manage for deer habitat if they could clear about 10 acres for horse pasture and a home in a different location. That was denied. About 20 years ago, much of the timber was liquidation cut, likely in violation of the approved plan. (which I wrote but did not administer the sale of.) Then the land was offered for less than $200 per acre. This has over a mile of frontage on good town roads, with power. About half the land is rough, rocky, and actual deer yard. The other half is decent land in a desirable town where land is easily worth $1000 per acre or more in large tracts. It finally sold for about $170 per acre about 15 years ago. The current owner has struggled to cut and process firewood and a few sawlogs on a portable mill, and never built the one allowed house. I was able to get a forest plan for his harvests approved by F&W.

Further, one neighbor has two of the ~30 acre lots. They tried to approve a small-scale quarry for landscape stone some years ago. This is the lovely layered granite/schist for which Chester is famous. Of course, other 'neighbors' (miles away) were in a tizzy about the proposed quarry, but my understanding is the main factor that caused them to withdraw the proposal was that the 60 acres was considered critical deer habitat. It did include hemlock areas which the deer use, but the 480 acres already mitigated for deer habitat on the rest of the subdivision. Apparently not. After the quarry proposal was dropped, the land was liquidation cut for its timber. So here another lot is highly devalued by Act 250 requirements.

I have personally been involved with other parcels highly devalued by Act 250 restrictions, but cite this one example as glaring. It is this type of impact that causes folks to direct their investment away from Vermont land, and additional legislation and policies over the past 30 years has proven that Vermont forestland is probably not a good investment.

When landowners are satisfied with their long-term investment in forestland, that is where we generally see the best levels of stewardship. Folks are growing trees for 100 years, and they need stability and a modest rate of return. For landowners who have resisted the call to develop their land, and have maintained it as forest, it is exactly the wrong response of our government to punish these owners with additional restrictions, such as adding a Fragmentation requirement to Act 250.

There should be a lower level of review for smaller projects. If you are building 300 units on a ski area, or a 500 acre industrial park, then a high level of review is warranted. But smaller projects with a dozen houses, small gravel pits and quarries, and expansion of extant businesses like sawmills have a giant threshold to cross with current interpretation of Act 250.

Respectfully Yours,
Robbo Holleran