

From: Lou Magnani [mailto:loumagnani@hotmail.com]
Sent: Tuesday, December 11, 2018 3:08 PM
To: Act 250 Comments
Cc: Amy Sheldon; Annette Smith
Subject: Refuting Jon Hill's public comments

Dear Representative Sheldon and Commission members,

I read Jonathan Hill's letter in public comments justifying the slate quarry exemption to Act 250. I need to take issue with a number of his statements that I consider inconsistent with my own experience. I would also state up front that I cannot believe anyone can provide justification for exempting any kind of strip mining from the kind of regulations that require land reclamation, neighbor consideration, and wetland protection. So, in my view, keeping the exemption for the next 50 years would be a huge mistake.

I'm going to quote from Jon Hill's writing in red and provide a refutation based on what I know, believe to be true or has been my experience.

"In the 1950's, slate quarry properties where nearly worthless... This trend remained in place until the 1980s."

Yes, land was cheap in the 50's and it was true for all properties in this area of SW Vermont. In Wells they were so low that my friends' parents bought over two hundred acres, house and barn for less than 10,000 in the early 60's. I bought my vacant property of 50 acres in 1969 for \$5000. Prices had already risen rapidly from the beginning of the 60's to the end of the decade. So the trend of declining real estate prices definitely did not continue unabated from the 50's to the 80's. About 1985 I sold 10 of my 50 acres for between 12 and 13 thousand dollars. So, speaking for

myself, I can say that my property went from roughly \$100/acre to \$1000 per acre between about 1969 and 1985.

While it is unclear to me what point Mr. Hill is trying to make, the only part of his statement that I would agree with is that land was cheap in Vermont until the mid sixties.

Jon Hill said "...as adjacent properties were being subdivided and sold as building lots , the quarry owners, like my father, were priced out and it was no longer economically viable to buy these adjacent parcels. The Vermont quarry owners could no longer afford to compete with the out of state investors."

This sounds more like a family story than one that applies to the people who moved here. I suppose my neighbors and I are typical of the out -of-state-investors Mr. Hill is referring to. And that would also make the Nicklaus, Silvermans and Gashels - who moved here more recently - part of that class of "out-of-state-investors". Those 3 families bought parcels adjacent to old quarries that they believed were abandoned. These people were not "investors" - they were and are families that moved to the area to live a better life in a place of beauty with a sound government. They had no knowledge about the slate quarry exemption.

Mr. Hill said: ... These land issues or neighbor disputes had reached critical mass by the early 1990's. As new neighbors moved closer and closer to the quarries , often times they were missed informed about the proximity of a nearby working quarry or even the existence of a near by dormant quarries.

This is a narrative that suits the slaters. Mr. Hill neglects to mention that before the late 80's and early 1990's the market for

slate still had not rebounded. So in the 90's the slaters saw the opportunity to get back in the business - some 20 years after the passage of Act 250. Many of us had bought our homes before then.

Mr Hill said: **As a result of these cases, the legislators recognized the situation, the quarries could not move but their neighbors had. Therefore the legislators attempted to rectify the problem. In essence, they produced "the right to quarry slate" act. It allowed owners to register their existing quarries under this protection.**

The above statement I take objection to because it is clearly meant to stroke the legislature for having "rectified" the quarrying problem. It did that; but it did so at the expense of those of us who just lived here. And Mr. Hill is implying that the registrations were all done on land owned by slaters - which was not the case at all. The legislation that passed allowed anyone to register an old abandoned hole on their property as "a quarry held in reserve". Once registered, that hole could be opened without going through Act 250. So anyone, and almost everyone, that had an old pit on their land registered it as "a quarry held in reserve" - and they did not even require a survey map.

Consequently, over 400 applications were turned in and all but a handful approved. It was an opportunity to make money for some that would cost others both money and loss of quality of life.

Mr. Hill said: **For over twenty years, the act has protected both operators and neighbors , but at no time has it undermined the authority of act 250. Nor does it diminish any regulatory presence set forth by the governing agencies i.e. (MSHA, ATF and the Army Corp of Engineers) who oversee the slate industry.**

This statement is positively ludicrous. The act enables anyone with the equipment to open a registered pit and start pulling out product and dumping rubble anywhere up to their border. It does absolutely nothing to protect neighbors and saying so is very misleading and outrageous from a neighbor's point of view. The exemption not only undermines the intent of Act 250, it completely circumvents it. And the agencies Mr. Hill notes have nothing to do with protecting Vermonters from the kind of development Act 250 was created to protect us from.

I've already written more than anyone on the commission wants to read. But this is very important and this legislature should not make the same mistake as those who passed this exemption. Just take a quick look at New York's "Mined Land Reclamation Law" of 1975. It sets up good mining practices, requires surveys and a mining plan, makes reclamation mandatory, and requires an escrow to complete reclamation if the miner quits extracting. Then take a look at Google Earth and fly from W. Pawlet to W. Castleton. The slate valley is on both sides of the border but you can see from space what's happening on our side and what's not happening on the NY side. Why would anyone want to quarry where they have to comply with regulations that cost them money. They don't.

Also, please take a look at the hearing David Deen held in 2015 on this issue at: <https://vimeo.com/126458374>

Thank you and please do what you can to end this one sided gift to a strip mining industry.

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