

Cersosimo Lumber Co. Inc.

October 8th, 2018

The Commission on Act 250
Montpelier, VT 05620

Commission members,

Thank you for the opportunity to comment on the effects of Act 250 on the Forest Industry in Vermont. Cersosimo Lumber Company is a Brattleboro, Vermont based company that has been in business in Vermont for over 71 years. Combined with Cersosimo Industries we employ over 270 people. We routinely appear in the Vermont 100 list produced by The Vermont Business Magazine. We deal with foresters, loggers, land owners, and truckers all over Southern Vermont, New Hampshire, New York, and Massachusetts.

When Act 250 was first conceived, we were in support of the idea. We rely on large tracts of land that have been utilized as working forests. A thoughtful approach to protecting our working lands serves us all. We believe that Act 250, as written, appears to be a reasonable and efficient form of development control. However, in our experience, there is still a lot left open to subjective or agenda driven interpretation. Some of our experiences have been quite good and others have been challenging at best.

Cersosimo Lumber Co. and Cersosimo Industries together have applied for well over 100 Act 250 permits, or alteration of permits, in the past 25 years. This has gained us a perspective on the process that few outside of professional engineers can match.

Act 250 can be daunting for an individual or business to tackle without professional help. We have regularly had to utilize lawyers, engineers, and consultants for expert testimony in many different fields. Given that the Act 250 permit is generally only part of the process (It is often combined with what is required from town planning commissions and select boards) it can become very time consuming, expensive and generally restrictive. On top of that, there can be a requirement to mitigate land or make a mitigating payment.

In a recent Act 250 permit application for The Vermont Mulch Co. we were required to make a \$25,282 payment to offset impacting 8.5 acres of prime agricultural land. While we wholeheartedly agree that agricultural lands should be protected, it was a bit puzzling because we were investing in the forest products industry within the state. All of our mills and operations directly add value to local, rural land owners and every logger, forester, and trucker in the process. A mill itself is a land conservation tool that provides jobs.



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The forest industry is essential for the continuing health and productivity of Vermont forests. Without local, Vermont based industry, the products of the Vermont forests will be processed in other states or other countries. This is already happening now to a staggering degree. When our raw materials are sent out of state or country, because there are no longer enough in-state processors/manufacturers, they take with them hundreds of good paying jobs and millions in state revenue from taxes.

One issue that we have struggled with over the years is that once a permit is actually acquired, future expansion or a change in process can be stagnated due to Act 250 review. Any future activity that is not confined within the original permit must also have a new permit or a permit adjustment. This works well for a subdivision where the plan is finite but does not work well for an ongoing manufacturing facility. Act 250 Permit holders like us can be reluctant to ask for a change to an existing permit because of the fear of having everything (including items granted in the original permit) reviewed under the microscope of new neighbors or new regulations. We have had our existing permits revised to be more restrictive simply because we wanted to do something new. We can tell you from experience that not everyone understands that the forest products industry requires trucks, saws, chippers, and often unconventional hours. We have seen perceptions vary from permit to permit and location to location. The process, the way it exists today, makes us reevaluate the necessity of some of our upgrades.

If we are to believe that the weather patterns are gradually changing, than surely the ground conditions will be changing along with it. Having some amount of flexibility in working hours for some occupations within the forest products industry will be important. Much like it is for farmers, people that work in the forest products industry know that you can't fight Mother Nature. You must operate at times that make sense for production and the preservation of the natural environment in which you are working. At times this can run counter to a strict operating window.

We have been fortunate to have the resources and expertise at the Cersosimo companies to have obtained the majority of the permits that we have applied for. This has worked to our advantage at times. However, it is not good for the entire Vermont forest industry if only large companies like ours are able to navigate the challenges involved in obtaining permits. Industries of all kinds and sizes need to be able to be flexible and not fear to ask the question, "Do I need a permit for this?" Because in the end, most Vermonters support the intent of Act 250. As with most things, it's all in how it's interpreted.

Thank you for the opportunity for us to voice our thoughts and concerns to the commission.

Sincerely,

Dominic "Butch" Cersosimo - Chairman

Michael Cersosimo – President

