

Testimony Against Passage of H. 233; An act relating to protecting working forests and habitat

My name is Alan Robertson. I'm a retired engineer and own 60 acres of well- managed forest in Sheffield, Vermont. I'm the Secretary of Vermont Woodlands Association and have been Co-Chair of the state American Tree Farm System program for over ten years.

I also served as the volunteer VAST project engineer on the Lamoille Valley Rail Trail (LVRT) for eight years between 2007 and 2015.

I have two concerns about the consideration and passage of H. 233. First, MS Diane Snelling, Chair, Vermont Natural Resources Board, provided this committee excellent testimony on why further additions or changes to Act 250 should be placed on hold until H. 424, the bill proposing a review of Act 250 after the first 50 years, has been completed. She gave good reasons and there are actually even more.

Historically, such a review has been needed for many years. In 2011, on February 6, in a rebuttal to Paul Gillies (CLF) comments in the Burlington Free Press about leaving Act 250 alone at the time, Elizabeth Courtney of the VNRC, in a BFP Essay, replied back that she respectfully disagreed, and that, *"Our permit systems have become more redundant and litigious, requiring legal assistance, stamina, and capital. This shuts many Vermonters out of the process. There are inefficiencies, issues of fairness and access, and unnecessary time and expense to all participants, including applicants."* Also that year, a legislative report issued pursuant to JRH 19 (R-264) by Ronald Shems, Chair NRB, and Deb Markowitz, Secretary, ANR, indicated that the appeals process needed major improvements and that the report presented several options to improve that process. Unfortunately the report was never acted upon and the legislature hasn't acted yet to review and repair areas of Act 250 needing help.

As the engineer on the LVRT I can vouch for the problems that lurk in Act 250, including the use of Act 250 by one abutter out of 700 along the trail to force the project into Act 250. It was not an issue over development but a dislike of VAST and snowmobiles. That troubling episode, involving three environmental districts, cost VAST hundreds of thousands of dollars, ruined the career of the executive director at the time, and almost caused the destruction of the organization. VAST still does not have an Act 250 permit for the remaining unfinished portion of the trail..

With an obvious need to review Act 250 why not put H 233 on hold until all parties meet to make Act 250 even better? Such a review might actually point to ways to solve the issues raised by H. 233. Adding new, debatable language to Act 250 before such a review will only contribute to further difficulty in an open and fair adjudication of Act 250.

My second complaint against H. 233 involves maintaining the original intent behind Act 250. It was a landmark bill placing legitimate and needed controls over uncontrolled development. Anyone ever driving through southern New Hampshire knows that Act 250 has been successful for Vermont. But H. 233 is not really a development bill; it's a piece of forestry policy legislation hiding under the guise of a possible problem with development of large forest blocks, which might contribute to forest fragmentation... Might... As usual with this potential scope increase to Act 250, the devil is in the details...As has happened with the existing Act 250 this bill has the potential, with the right legal team, to be an environmental ideologues delight.

If forest fragmentation is that serious in Vermont the solution needs to come from all the state departments and interested organizations that have the expertise and interest to deal with it, and the solution should not necessarily be tied to Act 250, because it is plainly an environmental or planning issue, not yet a development issue. I think FPR's stand on this legislation is quite correct and the bill should not be considered.

Respectfully,

 15 APR '17
Alan M. Robertson, PE