



March 1st, 2018

Dear Commissioner Snyder,

We thank you, Governor Scott and everyone involved for shining more light on the value and influence of outdoor recreation and trails in Vermont. The 2017 Executive Order creating the Vermont Outdoor Recreation Economic Collaborative (VOREC) highlighted the opportunity to drive economic development, community and personal health and conservation through continued development and stewardship of Vermont's outdoor recreation assets.

The powerful lure of Vermont's natural landscape has helped establish outdoor recreation as a \$5.5 billion industry, providing 51,000 direct jobs, \$500 million in state and local tax revenue, and \$1.5 billion in wages and salaries (Outdoor Industry Association Report 2016). Further evidence of the industry's vitality, the Vermont Trails and Greenways Council's 2016 Economic Impact Report found over \$30.8 million in economic activity supported by trail use on just four trail systems alone, and The Vermont Association of Snow Travelers reports \$500 million per year in economic impact. Much of this economic activity occurs in some of Vermont's most rural towns in great need of economic stimulation.

While the current positive impact of outdoor recreation is impressive, there are obstacles we must overcome to fully realize the tremendous potential of our trail systems for Vermonters and visitors alike. The Vermont Trails and Greenways Council, representing trail organizations across the state, has been concerned for many years about Vermont's land use permitting law, Act 250, which, in its current form and application, limits our ability to build and maintain Vermont's recreation trail infrastructure and unnecessarily puts land owners at risk. 85% of Vermont's land is in private ownership, and the development, maintenance and use of current and future trails is widely dependent upon the consent, cooperation and good will of individual landowners.

Specifically, the current application of Act 250 constrains recreational trail building and maintenance in the following ways:

- Act 250 does not provide a clear definition of what lands are included in a single project, as opposed to separate trails or networks joined by connecting trails. The lack of formal guidance creates an unnecessary and unfair roadblock for landowners, trail groups and trail developers trying to build valuable additions to Vermont's trail infrastructure. More precisely, the Act 250 definition of "involved land" states "...in the case where a state, county or municipal project is to be completed in stages according to a plan, or it is evident under the circumstances that the project is incidental to or part of a larger undertaking, all land involved in the entire project shall be included for the purposes of determining jurisdiction...", and has been used to make determinations that entire trail systems make up the "project" and therefore jurisdictional if the involved land totals more than 10 acres. As all trails in the Vermont Trail System are intended to be "part of a larger undertaking" it appears that they would all be computed

as such for determination of jurisdiction, creating an unnecessary burden for the improvement and expansion of the Vermont Trail System.

- While the 10 acre trigger may be appropriate for some forms of land development, it is inappropriate for narrow and low impact recreational trails. Moreover, the definition of a physical disturbance of 10 or more acres of land, including land incident to the use of the project, is confusing and has been inconsistently applied. Therefore, Act 250 jurisdictional rulings on the 10 acres of disturbance rule have been unpredictable from district to district, creating confusion and unnecessary obstacles for trail organizations and land owners. We have compiled and attached examples of these inconsistencies for your review and reference.
- The current application of Act 250 unwittingly discourages landowners who might be willing to host trails on their property. They have virtually none of the economic incentives of typical Act 250 applicants, as trail development provides community benefit and public good, but cannot be deemed to have “commercial purpose, for host landowners and trail groups.”, and, yet, they are expected to shoulder the same permitting requirements and fees.
- Across the state, Vermont’s trail systems have greatly benefited from towns and nonprofit organizations coordinating dedicated volunteers who have done the lion's share of the building and ongoing maintenance of our trail infrastructure. As a consequence of Act 250’s administrative requirements, under-resourced organizations divert limited funds and human resources away from necessary trail construction and maintenance activities.
- Act 250 jurisdiction has hindered the development of interconnections among existing trails and trail networks which will provide significant benefits for Vermont as defined in the stated purpose of the Vermont Trail System. These linkages are essential to connect Vermont communities and provide better access, user experience, community health and economic development in rural communities. Additionally, these linkages are a key objective outlined for the Outdoor Recreation Friendly Community Program stipulated in S.276 in which the program seeks to target “communities with good opportunities for connecting assets within the community with assets of other nearby communities”.

To address the aforementioned concerns, we propose to amend the language of S.276 to read as follows:

Sec. 4. 10 V.S.A. 6001(3) (C) is amended to read

(C) For the purposes of determining jurisdiction under subdivision (3) (A) of this section, the following shall apply:

(vi) Trail Projects. In the case of a trail designated as part of the Vermont Trail System under chapter 20 of this title, no present or future portion of the trail or trail system, that will not be physically altered as part of an individual trail construction project on an individual parcel of land shall be included in computing the amount of land involved.

As the Department's statute-appointed advisory group for the Vermont Trails System, we ask that you give these concerns and our proposal your full attention and strongly encourage you to advocate for these changes in language as the bill moves to the House.

As you know, the Vermont Trails and Greenways Council represents over 120,000 Vermonters through membership and over 100 Vermont businesses through sponsorship. These members are responsible for 100,000+ hours of volunteer time annually. These people *are Vermont* and share a deep passion for ecologically responsible trails.

This letter will also be circulated through the Council's extensive network of members and supporters to make them aware of the current obstacle and the opportunity represented by this change to more clearly define the application of Act 250 to trails. We are convinced that this relatively minor change will help support land owners, trail builders and maintainers and all Vermonters by reducing ambiguity and inconsistent enforcement. To support the Vermont Trail System, we have encouraged engagement and verbal and written endorsement for the amended language outlined above. Please see the attached appendices for examples of how the current language and interpretations of Act 250 has created counter-productive hurdles.

Thank you again for your consideration and all of your work to support trails in Vermont. Please reach out to us directly with any questions and concerns as we are ready and able to make time to help address this important issue.

Respectfully,

The Vermont Trails & Greenway Council:

Mike Debonis
Green Mountain Club

Breck Knauft
Vermont Youth Conservation Corps (Treasurer)

Ted Chase
Lamoille Rail Trail

Cindy Locke
Vermont Association of Snow Travelers

Danny Hale
Vermont ATV Sportsmen's Association

Randy Richardson
Upper Valley Trails Alliance (Chair)

Mariah Keagy
Sinuosity and Vermont Energy Education Program

CJ Scott
Kingdom Trails Association

Amy Kelsey
Catamount Trail Association (Secretary)

Tom Steussy
Vermont Mountain Bike Association (Vice Chair)

Attached Letters/Examples: Vermont Association of Snow Travelers (VAST), Vermont Mountain Bike Association (VMBA), Woodstock Inn and Resort (WIR), Woodstock Area Mountain Bike Association (WAMBA)