

Testimony on H. 132
Senate Judiciary Committee
April 20, 2018
Lou Borie, Richmond Land Trust

My name is Lou Borie. I am a resident of Richmond and I am a Board member of the Richmond Land Trust, a local, all-volunteer land trust founded in 1987 to “preserve the rural character and quality of life in Richmond, Vermont, and its surrounding communities through land conservation, historic preservation, land stewardship, and community service and education.”

Richmond Land Trust has conserved 16 parcels of land in Richmond, most of which are open to the public and several of which are located along the Winooski and Huntington Rivers. These properties include Lower Huntington Gorge, an 18-acre property with more than 3,000 feet of frontage along the Huntington River. The Lower Gorge is known locally as “triple buckets” – which refers to the series of spectacular swimming holes that provide the perfect place to cool off on a summer afternoon. Since the land trust acquired Lower Huntington Gorge and improved it with trails and steps down to the river’s edge, it has become an increasingly popular swimming hole destination and is well known not only to Richmond residents but also to UVM students and out of state visitors who find out about it on swimming hole and waterfall websites and through social media.

Richmond Land Trust supports H. 132 because it would clarify a grey area in Vermont’s Landowner Liability Law which has the effect of making swimming holes like the Lower Huntington Gorge less safe for the public. Although the Landowner Liability Law makes it clear that landowners are not liable for injuries sustained on the land by a member of the public if the landowner has made the property available at no charge, it isn’t clear whether posting a warning sign at a swimming hole could somehow remove that liability protection. H. 132 makes it clear that posting a warning sign would not affect the liability protection the law provides to landowners.

That is important for non-profits like Richmond Land Trust, which wants to make its properties as safe as possible for the public. For example, we are currently working with the Vermont River Conservancy to conserve Huntington Gorge, a 3-acre site upstream of the Lower Gorge that is one of the most unique and scenic natural areas in the state. Perhaps some of you have been to the Gorge – if you haven’t, it’s a spectacular crevice in the bedrock of the Huntington River more than 30 feet deep and with numerous potholes and chutes that have been dramatically carved by flowing water over the centuries. It was also the site of one of the earliest hydroelectric facilities in the state, which served the village of Richmond in the early 1900s. Tragically, the Gorge has also been the site of a number of deaths over the years, as swimmers who were either unaware of, or did not fully appreciate the dangers of swimming in the Gorge could not escape the strong currents within the Gorge or were trapped by submerged rocks or tree limbs.

Deaths at the Gorge have been declining since the decade of the 1970s when use of the Gorge as a recreation area was at its peak. In part this is due to visitors making better decisions to swim in safer locations, like the Lower Huntington Gorge downstream. The goal of the Vermont River Conservancy and the Richmond Land Trust is to maintain public access to Huntington Gorge so visitors can appreciate the Gorge’s geologic and scenic features and we also want to continue the trend of safer use of the Gorge by providing appropriate signage warning of the dangers of swimming in the Gorge. Both organizations maintain liability insurance and the Landowner Liability Law provides another level of protection. Clarifying that posting a warning sign would not increase a landowner’s liability would enable land trusts like the Richmond Land Trust to keep unique places like the Gorge open to the public, and also make them safer by providing appropriate warning signs as well as signs guiding visitors to safer nearby swimming locations. Richmond Land Trust supports the amendment to the Landowner Liability Law and believes that it will make Vermont’s swimming holes safer for Vermonters and for out of state visitors who come to Vermont to enjoy our amazing recreational opportunities.