

Testimony on H.233, Act 250 Forest Bill Senate Natural Resources & Energy Committee

Testimony by Lauren Hierl, Vermont Conservation Voters, 4/11/2018

Thank you for the opportunity to testify on H.233, the forest integrity bill. My name is Lauren Hierl, I'm the executive director of Vermont Conservation Voters.

As you know, VCV works with a number of partner organizations to come together to develop a platform to highlight the key environmental community priorities for the year in our Environmental Common Agenda. You received this year's Common Agenda at the beginning of the legislative session from VCV, LCC, LCI, VNRC, VPIRG, CLF, VT Sierra Club, Audubon Vermont, and TAC.

Once again this year, in the Common Agenda we highlighted the need for policies to maintain healthy, intact forests as a top priority, and passage of H.233 as the specific goal this year.

We highlighted this issue because, as you know well, Vermont's forested landscape is central to our state's identity and economy. From jobs in the woods, to recreational opportunities for hunters, hikers, anglers, and birdwatchers, to helping filter and clean our waters, mitigating the effects of climate change, and providing a home for our iconic wildlife.

As you also know, recent studies show our forests are at risk. The legislatively-commissioned *2015 Forest Fragmentation Report*, developed by the Agency of Natural Resources, highlights many of the concerning trends.

With the vast majority (80%) of Vermont's forestland in private ownership, one major concern is a large-scale shift in forest ownership and management. With the average age of forestland owners in Vermont at greater than 65 years old, that means that a lot of forested parcels will be changing hands in the coming years. As land changes hands, parcels are often divided up into smaller segments with more landowners. The anticipated large-scale transition of land ownership in the next twenty years threatens to dramatically change our landscape.

Further, the current rate of land development is increasing at twice the rate of our state's population growth and land use patterns in rural areas, where much of our forestland is concentrated, is leading to the increasing fragmentation of forests.

When forests are fragmented, their overall health and habitat quality declines, resulting in reduced biodiversity, more invasive species, reduced recreational and

hunting access, reduced water quality, and smaller tracts that can't support a working forest economy.

Given the current threats to our forests, we have an opportunity to manage these trends by putting in place proactive measures to maintain Vermont's healthy, intact tracts of forest through our state's land use policies and through other mechanisms.

In 2016, we worked closely with this committee and many other committees as a number of forest bills moved through the Legislature in what became Act 171.

That bill encouraged better local and regional planning for intact, healthy forests and wildlife habitat. It added the goals of maintaining forest blocks and habitat connectivity to town and regional planning; it took steps to maintain rural working lands; it called for a study group to examine ways to help landowners plan for the long-term ownership of their forests; and it created a committee to recommend potential revisions to Act 250 and municipal bylaws to protect contiguous areas of forestland from fragmentation and promote habitat connectivity.

Coming out of Act 171, discussions continued with additional stakeholder work about how Act 250 could address forest integrity, so today's bill is really a continuation of that effort, which itself was built on many years of work both inside and outside the legislature.

The House Natural Resources, Fish & Wildlife committee, and then ultimately the full House, agreed this was a priority, and that H.233 is an appropriate and important step for us to take to address forest fragmentation -- updating Act 250 criteria to better address forest fragmentation, including the maintenance of intact forest blocks, and habitat connectivity.

VCV actively supported the effort last year to create an Act 250 Commission, and we're really excited by the opportunity to modernize this landmark state policy. There are a number of important issues for that group to wrestle with, like how do we deal with climate change in Act 250, an issue that wasn't contemplated when Act 250 was implemented almost 50 years ago.

However, I believe that some issues have been studied, deliberated, and vetted for years, and we're ready to make progress on them this year - and H.233 is one of those issues.

There is broad acknowledgement that the existing criteria do not address forest fragmentation. H.233 would add new criteria to Act 250 to require development

that is already going through Act 250 to either avoid or minimize fragmentation of forest blocks. Mitigation would be allowed if it's not feasible to minimize fragmentation through proactive site design.

ANR and the Natural Resources Board would need to develop guidance outlining how subdivision and other projects could minimize fragmentation to comply with the criteria. This is the same model we use for wetlands protection – avoid, minimize, mitigate.

To be clear, this bill would not change the definition of development, nor is it intended to stop development – instead, it aims to help shape the pattern of development on the landscape to minimize fragmentation and protect our valuable forest blocks.

This language also does not pull in new projects for Act 250 review. In fact, changing the jurisdiction of Act 250 was considered by the House, but the House decided that issue needed further review and discussion, and should be debated by the Act 250 commission. They decided the criteria changes in H.233 were ready to move forward.

So we hope you will take up and work on H.233, because we believe it is an important and well-vetted policy that builds on work your committee has done to help maintain intact, healthy forests and wildlife corridors.

We appreciate the committee's long-time commitment to healthy forests and a healthy environment, and I thank you for giving this important bill attention today.

I'd be happy to answer any questions.