



**NATURAL RESOURCES BOARD**  
Dewey Building  
National Life Drive  
Montpelier, Vermont 05620-3201

---

March 23, 2017

To: Senator Christopher Bray  
Senate Natural Resources, and Energy Committee

From: Diane Snelling, Chair  
The Natural Resources Board/Act250  
[Diane.Snelling@vermont.gov](mailto:Diane.Snelling@vermont.gov)  
802-461-8072

Re: Testimony on S.135 and S.34

Thank you for the opportunity to be here today and testify on the proposed legislation before the Committee for consideration

As a Senator for fifteen years, I have some understanding of the weight of all the decisions before you as elected representatives. Above all, you have my complete respect for your individual opinions, and for the collective deliberations of this Committee.

**S. 135**

Regarding S.135, I sincerely appreciate the concern about the alleged incident in a recent land use decision. However, this is extremely broad and disturbing language to introduce into statute. The implied purpose of this addition is to clarify that it would be illegal for a business to offer a business competitor compensation for withdrawal of an appeal. And yet the proposal allows such compensation. The proposed language says, "A for-profit business entity that is a party...may offer to withdraw its opposition or appeal in return for payment or other consideration..." This is staggering in itself. Do you really want the statute to say this? No matter what follows, the gate is opened to the prospect of payment for withdrawing opposition. The restriction that this is allowable only if, the payment or consideration will redress, mitigate, or remediate the effect of the proposed development, fails to clarify those circumstances sufficiently. You should exercise extreme caution in your action on this language. Imagine how many appeals and litigated cases could occur from different interpretations and unintended consequences. I strongly recommend removing this language from the bill.

**S.34**

S.34 seeks to improve rural economic development and increase the opportunities for collaboration and cooperation that will assist, small towns, rural areas, and industrial



parks. A particular emphasis is placed on "cross-promotion" among government entities. Many of these activities already exist, and state government is working for improved alignment. I understand the idea that specific direction will produce a better outcome, however, state government is already burdened with fragmented policies and directives.

While there's no direct impact on Act 250 in S34 the NRB has a number of concerns. A new section of law creates the Rural Economic Development Team and also proposes revised definitions that are duplicative and confusing. The tasks for the REDT overlap with existing programs as well as create conflicts with current efforts. The position of the REDT within VHCB could easily impact the effectiveness of housing and conservation programs. Further, the diversion of funds will definitely reduce VHCB's ability to fulfill their existing commitment to the rural economy. It's also optimistic to think that it's possible to create new programs and have them be effective within a year. The same applies to the changes within the Development Cabinet. The proposed changes to ANR permitting, arbitrarily reduces fees within certain areas outside the context of overall regulation. Further, the changes to capital equipment grants and retail sales tax changes, seek to wag the dog from its tail, instead of determining a strategy.

I see these proposals as part of the desire to improve certain aspects of Vermont's approach to planning.

In the past year, I have acted on my longtime commitment to accountability, and instituted significant management changes to Act 250 that are in direct response to concerns heard from applicants and citizens. As the principles of land use planning and regulation are reviewed, some of the ideas of S.34 could play an important role.

The NRB is one year into implementing a two-year action plan developed from a week long Lean system analysis done in collaboration with ANR. Many of the ideas for necessary improvements are symptoms of an inability to properly access data. The NRB and ANR acknowledge the need for improvements to management and to technology. The NRB and ANR, are working with ACCD, AOT and AAFM, to establish consistent policy implementation for planning and regulation.

I respectfully request that the Committee agree to wait on legislative action on S.34 until next year. These are all valuable endeavors, but they are also isolated from the larger context of protecting Vermont's environment while encouraging economic development. We must collaborate with the legislature, the administration and citizens to improve our economy in rural, and urban areas, and within the boundaries of a comprehensive strategy.

This Committee will probably receive H.424, which proposes to convene a Commission to consider Act 250 in ways that will produce the outcomes we all want for Vermont. As



a preliminary phase of review, in the next year the NRB/Act 250 will engage in an inclusive multi-agency collaboration and a robust stakeholder process to be able to present a comprehensive Proposal for Improvements to Planning and Permitting.

The Proposal will include specific deliverables in the form of management practices, technology and possible legislative changes. Also included will be specific review of current legislation and proposed solutions to the underlying issues. The concerns on behalf of small towns, rural areas and industrial parks, are a logical part of the discussion.

The second phase of review would begin in 2018 by convening the Commission for Act 250 in the next 50 years, and conducting an education and outreach process through statewide conversation about the balance between protecting the environment and encouraging economic prosperity. This conversation is about improving all aspects of planning and regulation that accurately implements those values.

The preliminary work is not a study. It is a work plan, that's already in progress, and that's developing the data and evidence for informed decisions for the future.

In conclusion, I'm asking for the opportunity to continue to establish practices that promote clarity within the structure, and do not require statutory changes at this time.

At its heart, Act 250 is a population level outcome about the quality of life in Vermont. Your constituents and all Vermont citizens deserve a process that works collaboratively across state government, to protect the environment and makes sense for smart growth. When the system works, the benefits and positive outcomes for Vermont will be evident.

Thank you.

