

My testimony to the House Natural Resources Committee 1/24/2020

My name is Jeffrey Ellis and co-own Peace of Earth Farm, with my wife Rebecca Beidler, in Albany, VT. We have been in an Act 250 dispute with our neighbor's gravel pit. The process is incredibly stressful, financial drain, and uncertainty with the future of our farm. The process requires that you have legal assistance or you may just be wasting your time. This makes it nearly unattainable for low income Vermonters to participate fairly, which we are. Here are some of my concerns with the Act 250 process.

We are in District 7 and it seems to be highly conservative and very pro- Earth extraction. We knew we had an uphill battle when 95% of gravel pits in district 7 get approved. We are asking for an outright denial of their permit. We would bring up issues with the applicant not following protocol and the district coordinator would relay this info to the applicant. They thought we would be happy about applicants complying, but we are asking for an outright denial, so no we were not. Any time we bring up non-compliance, it would give the applicant the advantage to remedy it and then we have less to contest.

Voluntary Compliance does not seem like a fair system. This leaves those opposing the project, usually a neighbor, to act as enforcement for the life of the 20 plus year permit. The Ken Davis pit in Greensboro has been operating without an active permit for twelve years! I discovered this researching our case, not Act 250. How long would of that gone on for if I didn't happen to stumble upon this info?

Once an applicant has an approved permit, then any expansions, changes to the permit, etc. are essentially green lighted. Those opposing the permit might not even be allowed to have any say in those changes or have very minimal input. This has happened in Hardwick at the Mackville pit. New owners decided to expand without asking for a revised permit, but it was concerned citizens who made the district aware of these violations. There is a similar situation happening in Irasburg with the new owners of a gravel pit who expanded it dramatically and included an asphalt plant. This is all in close proximity to an elementary school!

We need a non-partisan citizen environmental board as the original design of Act 250. Maybe the district commissions won't be so corrupt and so pro development?

Thank you for hearing my testimony! We feel that this process needs to be more friendly for those without the resources to participate.

Jeffrey Ellis co-owner of Peace of Earth Farm