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Subject: [External] January 31 meeting

[External]

I just viewed the January 31, 2020 meeting of House NR F&W Committee regarding Act 250 slate exemption and must comment.

I cannot adequately express my disappointment and disgust at what appears to be a conclusion to perpetuate the slate quarry exemption.

I appreciate the candor of Rep. McCullough who describes the situation of this exemption as being a unique situation brought about by a political process - one similar to what you are all involved in now. And he correctly says that this industry needs to be regulated just like every similar one. But then he talks about a political reality, of which I am completely unaware, that necessitates that you include the exemption and kick the can down the road.

I realize that the industry has gone to great lengths to convince you all that their business is so unique it warrants special interest. I don't know how you could possibly buy into that narrative after hearing testimony from the district coordinator and all that provided by myself and VCE. All of it factual. But you don't really even need testimony; simply look at the area using Google Earth and what you'll see is pure and simple open pit strip mining. And what they are mining is a material that by their own account is exported 90% of the time and employs 300 people - not mission critical heavy metal necessary for our state or nation. And though they are family owned, they don't have to remain so for the next 50 years. This is not maple syrup or the family farm or Ben and Jerry's ice cream. So how do they warrant so much attention, I ask? What are these "political realities" that justify unregulated strip mining.

I heard Rep. Dolan talk about the need for best practices. But the best practices are already developed and clear and described in VCE's written testimony from 14-Jan-2020. There are best practices for extractive industries already in place and really need no further input - they just need to be imposed on this extractive industry. It is two and a half pages:

<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Natural/Act%20250/Written%20Testimony/W~Annette%20Smith~Act%20250%20Extraction%20Procedures~1-14-2020.pdf>

In the discussion of 1/31 I heard reference to "one bad actor", re-iterating an industry narrative that would not hold water if you read VCE's submission of a trial memorandum concerning a class action suit against a number of companies.

<https://legislature.vermont.gov/Documents/2020/WorkGroups/House%20Natural/Act%20250/Public%20Commentary/W~Annette%20Smith~Slate%20Quarry%20Trial%20Memorandum,%20Sept.%202000~1-28-2020.pdf>

I heard Rep. Leland say something to the effect that "we're trying to solve a problem that doesn't exist". He then goes on to describe his experience of living 1 mile away from a regulated aggregate quarry and talks about all the regulations imposed on this quarry. If the Representative moved about 7/8 of a mile closer to that quarry, and the Act 250 regulations imposed on the quarry were removed, life would be different for his family. And if further quarries could just pop up out of the forest all around him with no recourse to Act 250, then he could really begin to empathize with what it's like living in the slate valley.

The industry says they are regulated by the ANR but we show you pictures of massive wetland fillings without permits. The industry tells you they are regulated by the ATF but when we present ATF blasting regulations they tell you the regulations don't apply to them. The industry tells you how the towns regulate them and VCE submits a list of all the towns and the fact that they barely touch on the slate industry. The industry tells you about how important it is to have the registered quarries on the ANR atlas and you know very well that the realtors aren't going to use it - so that serves their purpose not the citizens.

I'm not going on with this letter because you have all been presented with an abundance of testimony from VCE, citizens like myself, the Gashels and Silvermans, and the district coordinator Bill Burke. None of it seems to matter; and you collectively cling to the industry narrative for whatever reason. But I had to say this one more time to appeal to your consciences. If you can wash your hands of the unregulated strip mining in the slate valley how will you possibly find solutions for the really critical issues. If you are folding to whatever these political constraints are, please, unburden yourselves of some imagined duty to party pressure and try to do what Act 250 was intended to do - protect our environment and its citizens.

Respectfully and imploringly yours,

Lou Magnani, Wells, VT