

**Act 250**  
**House Committee on Natural Resources, Fish, and Wildlife**  
Charles Martin, Government Affairs Director  
March 13, 2019

During the five-decade history of Act 250, changes to the process have been implemented, but stakeholders agree that significant modernization remains overdue. This law was originally intended to facilitate responsible economic development. However, today there exists an abundance of knowledgeable local leaders, businesses and community members who view Act 250 in its current form as little more than an unpredictable barrier to growth. This directly contrasts the law's officially described purpose as a tool to accomplish manageable development while protecting the environment.

To disprove this negative perception, substantive reforms are necessary. Therefore, the Vermont Chamber of Commerce continues to support the enactment of reasonable, predictable and cost-effective environmental regulation that accounts for the multitude of interests associated with development subject to Act 250 jurisdiction. The Chamber also acknowledges that Vermont's environmental resources must be protected. Doing so is essential to providing a healthy place for all of us to live and work, while also reinforcing Vermont's brand – one of beautiful landscapes and culturally rich communities.

Fortunately, economic growth and environmental stewardship are not only compatible in our state, but mutually dependent. History shows that healthy development cannot occur without also satisfying the social and environmental concerns associated with that development. For this reason, we are hopeful that the future of Act 250 will be one characterized by collaboration, rather than opposition.

To facilitate an improved process that acknowledges some of the reoccurring testimonial themes delivered to the Commission and to this Committee, the Chamber specifically supports the following recommendations:

- 1) To greatest extent possible, strengthen the criteria by providing greater clarity to promote quantifiable meanings of how a project is to be scrutinized** - Criterion 8 is of most concern in this regard. While certain requirements are discernable, like clearly codified local community standards, much of what is asked of applicants in this criterion exists without a measurable baseline. Too often applicants are forced to achieve the burdensome task of complying with unspecified standards.
- 2) Strengthen presumptions of other state permits** - Since the inception of Act 250, a variety of state agencies have been significantly empowered through the expansion of environmental laws and regulatory review. As a result, duplicative requirements have arisen in the permitting process. To increase clarity and reduce speculative rebuttals, the

scope of evidence that can be used to rebut certain presumptive permits should be limited.

- 3) **Mandate uniformity in the operating procedures of District Commissions -** Applicants routinely complain of inconsistencies in the treatment of comparable applications. A viable solution would be to institute new or restructured training for District Coordinators to better guarantee projects are reviewed based on merit and measurable criteria alone. In doing so, subjective judgment is minimized.
- 4) **Maintain current framework of appeals process –** Use of the Environmental Court increases consistency and protects the objectivity of decisions.
- 5) **Maintain existing elevation threshold for triggering Act 250 Jurisdiction –** Reducing the existing threshold by 500 feet would result in over half a million acres falling under Act 250 jurisdiction.
- 6) **Simplify process for obtaining construction approval in designated centers and industrial parks -** Such changes are necessary to increase both rural and urban development opportunities.

Act 250 is an established and necessary component of Vermont's development framework. While a multitude of opinions exist regarding the future scope of the process, few will disagree that greater clarity and consistency would be beneficial to all impacted parties. In acknowledgement of this reality, the Vermont Chamber of Commerce hopes that you will strongly consider the previously mentioned recommendations.