

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 House Bill No. 926 entitled “An act relating to changes to Act 250”  
4 respectfully reports that it has considered the same and recommends that the  
5 Senate propose to the House that the bill be amended by striking out all after  
6 the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Trails \* \* \*

8 Sec. 1. 10 V.S.A. § 6001 is amended to read:

9 § 6001. DEFINITIONS

10 \* \* \*

11 (38) “Recreational trail” has the same meaning as “trails” in subdivision  
12 442(3) of this title.

13 (39) “Vermont trails system trail” means a recreational trail recognized  
14 by the Agency of Natural Resources pursuant to chapter 20 of this title. For  
15 purposes of this chapter, the construction, operation, and maintenance of a  
16 Vermont trails system trail shall be for a municipal, county, or State purpose.

17 Sec. 2. 10 V.S.A. § 442(3) is amended to read:

18 (3) “Trails” means land used for hiking, walking, bicycling, cross-country  
19 skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other  
20 similar activities. Trails may be used for recreation, transportation, and other  
21 compatible purposes, but the primary purpose shall not be the operation of a

1 motor vehicle. As used in this subdivision, “motor vehicle” shall not include  
2 all-terrain vehicles or snowmobiles.

3 Sec. 3. 10 V.S.A. § 6001(3)(A) is amended to read:

4 (3)(A) “Development” means each of the following:

5 \* \* \*

6 (xi) The construction of improvements for a Vermont trails system  
7 trail on a tract or tracts of land involving more than 10 acres.

8 (I) This subdivision (xi) shall be the exclusive mechanism for  
9 determining jurisdiction over a recreational trail that is a Vermont trails system  
10 trail and shall only apply to the construction of improvements made on or after  
11 October 1, 2020.

12 (II) For purposes of this subdivision (xi), involved land  
13 includes:

14 (aa) land that is physically altered, including any ground  
15 disturbance and clearing that will occur; and

16 (bb) infrastructure that is incidental to the operation of the  
17 trail, including restrooms, parking areas, shelters, picnic areas, kiosks, and  
18 interpretive and directional signage.

19 (III) For purposes of this subdivision (xi), involved land does  
20 not include land where no ground will be disturbed or cleared or any Vermont  
21 trails system trail constructed before October 1, 2020.



1       Sec. 6. RECREATIONAL TRAILS RECOMMENDATIONS AND  
2                   REPORT

3           On or before January 15, 2021, the Agency of Natural Resources shall  
4       report to the House Committee on Natural Resources, Fish, and Wildlife and to  
5       the Senate Committee on Natural Resource and Energy with legislative  
6       recommendations for a best management practices driven program for  
7       Vermont trails system trails that is administered by the Agency of Natural  
8       Resources. The report shall include recommendations for revisions to  
9       10 V.S.A. chapter 20, including revisions to mapping, legislative authority to  
10       administer the program, potential funding sources, staffing needs, and whether  
11       to include other recreational trails. The Agency of Natural Resources shall  
12       consult with stakeholders on the proposed program, including the Vermont  
13       Trail Alliance, the Forest Partnership, and the Vermont Agency of  
14       Transportation.

15       Sec. 7. PROSPECTIVE REPEAL

16           10 V.S.A. § 6001(3)(A)(xi) shall be repealed on January 1, 2022.

17                           \* \* \* Forest Blocks \* \* \*

18       Sec. 8. 10 V.S.A. § 6001 is amended to read:

19       § 6001. DEFINITIONS

20                           \* \* \*

1           (40) “Connecting habitat” means land or water, or both, that links  
2           patches of habitat within a landscape, allowing the movement, migration, and  
3           dispersal of wildlife and plants and the functioning of ecological processes. A  
4           connecting habitat may include features including recreational trails and  
5           improvements constructed for farming, logging, or forestry purposes.

6           (41) “Forest block” means a contiguous area of forest in any stage of  
7           succession and not currently developed for nonforest use. A forest block may  
8           include features including recreational trails, wetlands, or other natural features  
9           that do not themselves possess tree cover and improvements constructed for  
10          farming, logging, or forestry purposes.

11          (42) “Habitat” means the physical and biological environment in which  
12          a particular species of plant or wildlife lives.

13          Sec. 9. 10 V.S.A. § 6086(a)(8) is amended to read:

14          (8) Ecosystem protection; scenic beauty; historic sites.

15                (A) Will not have an undue adverse effect on the scenic or natural  
16          beauty of the area, aesthetics, historic sites or rare and irreplaceable natural  
17          areas.

18                ~~(A)~~(B) Necessary wildlife habitat and endangered species. A permit  
19          will not be granted if it is demonstrated by any party opposing the applicant  
20          that a development or subdivision will destroy or significantly imperil  
21          necessary wildlife habitat or any endangered species; and

1 (i) the economic, social, cultural, recreational, or other benefit to  
2 the public from the development or subdivision will not outweigh the  
3 economic, environmental, or recreational loss to the public from the  
4 destruction or imperilment of the habitat or species; or

5 (ii) all feasible and reasonable means of preventing or lessening  
6 the destruction, diminution, or imperilment of the habitat or species have not  
7 been or will not continue to be applied; or

8 (iii) a reasonably acceptable alternative site is owned or controlled  
9 by the applicant ~~which~~ that would allow the development or subdivision to  
10 fulfill its intended purpose.

11 (C) Will not have an undue adverse impact on forest blocks and  
12 connecting habitat. A permit will be granted only if impacts are avoided,  
13 minimized, and mitigated in accordance with rules adopted by the Board.

14 Sec. 10. CRITERION 8(C) RULEMAKING

15 (a) The Natural Resources Board (Board), in consultation with the Agency  
16 of Natural Resources shall adopt rules to implement the requirements for the  
17 administration of 10 V.S.A. § 6086(a)(8)(C). Rules adopted by the Board shall  
18 include:

19 (1) How forest blocks and connecting habitat are further defined,  
20 including their size, location, and function, which may include:

1           (A) information that will be available to the public to determine  
2           where forest blocks and connecting habitat are located; or

3           (B) advisory mapping resources, how they will be made available,  
4           how they will be used, and how they will be updated.

5           (2) Standards establishing how impacts can be avoided, minimized, or  
6           mitigated, including how fragmentation of forest blocks or connecting habitat  
7           is avoided or minimized, which may include steps to promote proactive site  
8           design of buildings, roadways and driveways, utility location, and location  
9           relative to existing features such as roads, tree lines, and fence lines.

10           (3) Criteria to identify when a forest block or connecting habitat is  
11           eligible for mitigation.

12           (4) Standards for how impacts to a forest block or connecting habitat  
13           may be mitigated. Standards may include:

14           (A) appropriate ratios for compensation;

15           (B) appropriate forms of compensation such as conservation  
16           easements, fee interests in land, and other forms of compensation; and

17           (C) appropriate uses of on-site and off-site mitigation.

18           (b) The Board shall convene a working group to provide input to the rule  
19           prior to prefiling with the Interagency Committee on Administrative Rules.

20           The Board shall convene the working group on or before October 1, 2021.

1        (c) The Board shall file a final proposed rule with the Secretary of State  
2        and Legislative Committee on Administrative Rules on or before August 15,  
3        2022.

4        Sec. 11. 10 V.S.A. § 127 is amended to read:

5        § 127. RESOURCE MAPPING

6        (a) ~~On or before January 15, 2013, the~~ The Secretary of Natural Resources  
7        (the Secretary) shall complete and maintain resource mapping based on the  
8        Geographic Information System (GIS) or other technology. The mapping shall  
9        identify natural resources throughout the State, including forest blocks, that  
10       may be relevant to the consideration of energy projects and projects subject to  
11       chapter 151 of this title. The Center for Geographic Information shall be  
12       available to provide assistance to the Secretary in carrying out the ~~GIS-based~~  
13       resource mapping.

14       (b) The Secretary ~~of Natural Resources~~ shall consider the ~~GIS-based~~  
15       resource maps developed under subsection (a) of this section when providing  
16       evidence and recommendations to the Public Utility Commission under  
17       30 V.S.A. § 248(b)(5) and when commenting on or providing  
18       recommendations under chapter 151 of this title to District Commissions on  
19       other projects.

20       (c) The Secretary shall establish and maintain written procedures that  
21       include a process and science-based criteria for updating resource maps



1 developed under subsection (a) of this section. Before establishing or revising  
2 these procedures, the Secretary shall provide opportunities for affected parties  
3 and the public to submit relevant information and recommendations.

4 \* \* \* Effective Dates \* \* \*

5 Sec. 12. EFFECTIVE DATES

6 This act shall take effect on **October 1**, 2020, except that Sec. 9, 10 V.S.A.  
7 § 6086(a)(8), shall take effect on **September 1, 2022**.

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14 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE