

P. O. Box 512
Montpelier, Vermont 05601
June 5, 2020

Senate Committee on Natural Resources and Energy
State House(in theory), in reality, who knows
Montpelier, or perhaps anywhere in the world

Subject Act 250 and trails

Dear Committee Members:

This is my testimony on act 250 and trails as part of your hearing today on this bill.

Recreational Trails

I ask you to look very carefully at the recreational trails component of H.926. I ask this because that component received no testimony and no scrutiny in the house.

I ask you to clarify certain portions of the recreational trails component.

The third part of the trails components will add Vermont Trails System trails (6001(3)(A)(xiii)) to the definition of development under act 250. This will give act 250 jurisdiction over Vermont trails system trails if the trails and ancillary facilities will disturb or clear more than 10 acres of land. While doing so, it raises the following issues that I consider to be problems.

- By including Vermont trails systems trails explicitly and by not mentioning other trails, there is an implication that other trails are not under the jurisdiction of act 250. If other trails are indeed subject to jurisdiction by act 250, there is an implication that they too would be covered by the definition of "included land" used for the Vermont trails system.

- Subsection (xiii)(5) means that the evaluation of recreational trails can be interpreted in at least two ways. One interpretation is that recreational trails that are part of a subdivision or larger development subject to act 250 do not need to comply with any of the act 250 criteria. A trail through a wetland would not need to comply with the wetlands criterion. A trail in a headwaters region would not be subject to that criterion. A trail with a bridge or culvert at a river would not be subject to the streams criterion. Trails still need to be evaluated under all criterion. A second interpretation is that such a project will be evaluated in two permits: one for the trails and the second for the subdivision or other development. I hope that the second interpretation is intended and that you will clarify this in (xiii)(5).

The sixth part of the trails component (section 14a of the bill) will require a report on recreational trails. I ask that you add trail maintainers and users to the list of stakeholders and that you require the Agency of Natural Resources to provide notices that invite trail users and trail maintainers to those meetings. Notice needs to be reaching out to the public rather than placing it on some internet page that the public might or might not think to look for; or that the public might not find if they do look for it. In that regard, notice needs to be by press release and perhaps newspaper notices. Otherwise the development of the report with its recommendations will be limited to those witnesses you have on today's agenda.

Please look carefully at the text of the recreational trails components to ensure no adverse consequences.

Please adopt my suggestions.

Thank you for reading this document.

Sincerely,
Thomas Weiss