



Location: 576 US Route 2, Kirby, VT
Mail: PO Box 204, Concord, VT 05824
www.kirbymulchcompany.com

April 14, 2022

House Committee on Natural Resources, Fish & Wildlife
Amy Sheldon, Chair
115 State Street
Montpelier, VT 05633

RE: S.234 Support of the Working Lands Economy

Dear Chair Sheldon –

I am writing to you as a business owner who recently went through the ACT 250 permitting process to start a new working lands business, Kirby Mulch Company LLC, located in Kirby, Vermont. Kirby Mulch Company is a local receiver of wood by-products that produces mulch, compost, soil, and firewood. **Our materials and products are locally sourced, produced, and sold within a 60-mile radius.** As a fourth-generation logger and business owner who lives, works and recreates in the Northeast Kingdom of Vermont, I understand that the intent of ACT 250 is to assure that more significant developments complement Vermont's unique landscape, economy, and community needs. However, businesses like Kirby Mulch Company are not large-scale developments and shouldn't be treated as such. In fact, local forest-related businesses should be supported and encouraged to protect Vermont's working landscape.

PERMITTING PROCESS: As the attached flyer outlines, it took me thirty months, \$61,624, and the assistance of four consultants to guide me through the permitting process to start Kirby Mulch Company. There was a dilapidated barn on the property that required an extensive approval process for removal, river corridor disputes that required a river scientist whose findings were disregarded, wetland buffers, soil delineation requirements, stormwater rules, driveway permits, an archeological review, prime agriculture soil requirements, and more. This property touched almost every aspect of ACT 250 criterion.

During the 30-month permitting process, no income was generated from the property. My experience through the permitting process, with extended timeframe and high costs, would deter most business owners from even starting a new business in Vermont. After 30 months, Kirby Mulch Company received the required permits. Still, the business was left constrained without the approval to produce compost on-site, and only four acres out of the 25.3-acre parcel was approved for development. I share my experience as an example of why ACT 250 needs to be reevaluated for forest-related businesses.

S.234: The proposed ACT 250 changes in S.234 are modest yet important in two significant areas: prime agriculture soils mitigation fee calculations and hours of operation. These changes acknowledge the value and local nature of forest-related businesses.

Reducing the primary agriculture soil mitigation rates is a step in the right direction to ease the financial burden of permitting forest-related businesses. However, I ask that the Committee go further and review the requirements around primary agricultural soils mitigation by local forest-based enterprises that utilize, process, and distribute wood products locally. These businesses, like farms, are often located in rural areas and positively impact Vermont's working lands by utilizing raw materials, supporting acres of local working forests, and selling the products locally. The benefit of Vermont forest-related businesses far outweighs the potential impact on prime agricultural soils.

Easing hours of operation constraints recognizes the importance of forest-related businesses and the nature of their operations, including the need to move equipment when the ground surface areas are frozen or dry. Truck drivers moving materials often work long hours, around weather conditions, and within short timeframes.

Fundamentally, I believe forest-related businesses should be exempt from ACT 250, similar to farming. Forest-related businesses use Vermont's natural resources, add value to the local forest supply chain and enhance Vermont's economy by selling products within the state. Passing S.234 makes a small but essential advancement in recognizing the value of Vermont's forest-related industry.

Respectfully,

A handwritten signature in black ink, appearing to read "Heath Bunnell". The signature is fluid and cursive, with a long horizontal stroke at the end.

Heath Bunnell
Kirby Mulch Company LLC



Heath Bunnell, Owner Kirby Mulch Company, LLC

BUSINESS DETAILS

- Business Opened Spring 2021
- Mulch & Firewood Producer, Wholesaler, Retailer
- Receiver of Low-Grade Wood Products
- Owner is a Master Logger with 25 Years' Experience
- 2019 NHTOA Outstanding Logger Recipient
- 2021 Northeastern Loggers Assoc. Outstanding Logging Operator Award
- FY19 \$130,000 Working Lands Grant Recipient

ACT 250 / ADDITIONAL PERMITTING

- Historic Barn
- Ag Soil Requirements
- River Corridor
- Driveway Permit
- Wetland Buffers
- Stormwater Rules
- Composting Rules
- Archeological Review

30 Months
Timeframe to Complete ACT 250 Permitting

\$61,624
ACT 250 Permitting Related Costs

Four
Number of Consultants Hired to Complete ACT 250 Permitting



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“Fundamentally, I believe forest-related businesses should be exempt from ACT 250, like farming. Forest-related businesses use Vermont's natural resources, add value to the local forest supply chain and enhance Vermont's economy by selling products within the local area.” --- Heath Bunnell, Kirby Mulch Company

