

In the early 90s my father in law managed one of the most beautiful pieces of land he'd ever lay eyes on. He meticulously logged it, carefully pulling dying trees from the undergrowth, and letting the maples thicken up.

Decades later, my husband casually mentioned to me that if there was one piece of land he would want, it would be the one his dad managed.

2 weeks after that we got a letter in the mail from the owner who lives in Virginia, asking if we wanted to buy it.

It felt like fate. We immediately called the bank to purchase it. That summer after we signed the papers we sat at the top and watched the sunset, me sitting uncomfortably in the grass, very pregnant with our first child. We dreamed of the possibilities for this land and for our future children, and thought how special it would be to give each of our kids a piece to raise their families on. We always knew it would be a place we'd someday retire, hopefully surrounded by our family. Now we have 3 kids, and the thought of that dream coming to fruition is more real than ever.

Why do I tell you this?

Because with this new Act 181 that dream is squashed. Not only does some of the land we own fall under Tier 3, but putting 4 driveways in where we want them would be impossible with the new guidelines. We will have to ask for permission to do what we want with our own land, and that's not why we live in this state. While so many of our peers have gone to the city, we purposefully stayed in Vermont to live off the land. We want Vermont to succeed. For years we've collected the sap from the maples to make enough money to pay for our land, we've paid the taxes, and we've cleaned up the trash people have left on it from the snowmobile trail. We have loved this land, and wanted to share it with our kids.

Farmers like us will no longer be able to share their land with their children.

We all know that Vermont ranked #1 in the country for declining population last year. With talk of this new law people have already started flocking out of the state. This age is hard enough to live in, and Vermont is just making it harder with the tax increases and stricter and stricter laws that steal the rights to the land we work so hard to pay for.

While eliminating restrictions to help people more easily live in town centers does make sense, it shouldn't do so at the cost of rural Vermonters who have no desire to live in the village, and those of us who own hundreds of acres. After all, we live in Vermont because we love nature and solitude, and if we're told what we can and can't do for too much longer, we too may have to find it in a new place and start new dreams there.

Caitlin Ackermann

# Draft Testimony on Act 181 and Act 250 Revisions

## A Third-Generation Vermont Farmer's Account

Members of the Committee, distinguished legislators,

I come before you today not as a policy expert or a lawyer, but as a farmer. More precisely, as a farmer who has lived and worked on three different Vermont farms across three different towns in my lifetime, each of which appear to fall under Tier 3 designation soon.

A quote: ““The countryside is not a slice of untilled nature. It is a human institution built over centuries in the image of the people who made it.” — Sir Roger Scruton

## Starksboro, 1981

My grandparents came to Starksboro a lifetime ago with a vision that predates our age of regulation and restriction. They found an abandoned hill farm with a caved-in farmhouse, a rotted barn, and fields gone to polewood. They arrived with their dairy cow and a tent. They were among the first in Vermont to raise Scot Highland beef cattle. They planted 10,000 Christmas trees and tended them with her children and grandchildren after clearing the ground, and they built for multi-family living so that more than one household could make a go of it on the land.

This is where I grew up. This is where the generation between my grandparents and myself, Jim and Judy MacIsaac, created Highland Sugarworks—generating livelihoods, pioneering the use of specialty glass to raise the profile of Vermont maple syrup, and helping to establish organic standards for maple production.

They did not ask permission. They did not hire lawyers or consultants. They did not spend eighteen months and thousands dollars navigating a bureaucratic maze. My family simply began the hard work of making a living from the land while caring for it.

Under Act 181 and the emerging Act 250 standards—that farm would have been impossible.

The multi-family housing? That would require navigating Tier 2 and Tier 3 designations. The roads they needed to access the original farm site and rebuild in the upper pastures? Those would trigger the 800-foot road rule, requiring Act 250 permits. The diversified operation they created—cattle, trees, syrup, multiple households sharing the work and the land—would run afoul of new restrictions on accessory on-farm businesses.

Highland Sugarworks became the viable enterprise on my family’s farm. Under new rules, the growth of that business would require permits at every stage. When my uncle needed to expand

the building he would have faced Act 250 review. When he needed to add processing equipment for value-added products questions about whether 50 percent of his sales came from the farm itself would strangle the business in the cradle. If he wanted to host educational tours or sell directly to customers he would have been subject to permit review to determine if this was an allowable "accessory on-farm business" or forbidden "commercial development."

Act 181/Act 250 creates a world where the distance between a young man boiling sap in the bay of a carriage shed and a viable business is a bureaucratic labyrinth that only the wealthy or the well-connected can navigate.

## **Roxbury, 2007**

In my mid-twenties, I created my first homestead in Roxbury. I did what young people have always done when they needed land of their own: I found it cheap.

I constructed 1/4 mile of road to reach the homesite of the extinct farm I was reclaiming. I cut hemlock and built the barn on the stone foundation of a long-gone barn that preceded me by 140 years. I drew water from a stone-lined well that other hands dug.

Under Act 181, a young person in their mid-twenties could not do what I did. The capital, time, and wherewithal to navigate the permitting process would be prohibitive. The risk that any improvement might trigger regulatory review would make the whole enterprise untenable.

Act 181 ends the possibility that the next generation could begin on the only available, affordable land left to them.

## **Corinth, 2015**

This brings me to the farm I have built up and will die on—200 some-odd acres in Corinth and Orange that the regional planning commission has designated as **“Rural – Conservation: Land set aside to protect natural resources.”**

Act 181 proposes to divide it into Tier 2 and Tier 3 designations based on maps drawn by people who have never walked this land and never will.

I want to tell you about this land, because the way proponents of Act 181 talk about it and the way I know it are so different that we might as well be speaking different languages.

Those responsible for Act 181 look at maps on computer screens. They see "forest blocks" and "habitat connectors" and "critical natural resources." They see static categories, fixed designations, land that must be preserved in its current state.

I see something else entirely. I see a land that has been lived on, worked, shaped, and reshaped by human hands for two hundred years.

This farm—slated to be locked in Tier 2 and Tier 3 regulatory categories—was the boyhood farm of Governor Deane C. Davis. It has had four different homesteads over the last two centuries as property boundaries divide and coalesce again. It has ancient roads to abutting properties once connecting a Norwegian commune that scandalized the town with their naked saunas, to a brick kiln, to the three story Maplewood Hotel—a destination spa with a bowling alley and an outdoor swimming pool popular in the first part of the 20th century. All of those properties are now simply called a “forest block” by the planners.

My farm has three different vestigial sugarhouses, each one representing a different era of maple production, a different family's attempt to make a living from these hills. There are stone sheep pens and stone walls running through the woods delineating former pastures of the sheep boom of the 19th century. There are barbed wire fencelines of the 20th century when milk was shipped down the hill to the creamery. This land has been a consistently managed woodlot defined by selective cutting and sustainable forestry.

This land isn't just a "forest block." It has never been static. It is a human story that has been written and rewritten by generations of farmers and foresters and families, each working within the constraints of their time and the possibilities of the land.

And now central planners want to erase all of that history, all of that careful human stewardship, and replace it with a set of rules drawn up by activists who have decided, from their offices, in their Zoom calls, and on their GIS maps that they know better than I do what this land is and what it should be.

## **The Ignorance of Maps**

This is what disturbs me most about Act 181: the profound ignorance it embodies about the nature of land and farming and the relationship between people and place. It is all based on maps and computer models and categories invented by people who have never set foot here and their findings are often objectively inaccurate.

The process happening now has divided Vermont into tiers as if the state were a game board for the unelected to move pieces around on. Tier 1A, Tier 1B, Tier 2, Tier 3. Each with its own rules, its own restrictions, its own bureaucratic requirements.

But my life is not that of a pawn on a game board. My land is not a static thing that can be frozen in place and managed from a distance. My life and my land are living things, constantly changing and beholden to realities seen and unforeseen. The maps cannot capture this. The computer models cannot account for the apple orchard that was planted by people long dead and again produces fruit because I logged the second growth overstory.

The categories—"forest block," "habitat connector," "critical natural resource"—are abstractions that have no relationship to the lived reality of this place. They are the language of people who look at landscapes from above, from satellites, who see patterns but not particulars, who understand ecosystems in theory but not in practice.

I am not opposed to conservation. I have conserved this land and created more and better habitat by virtue of my practices. Act 181 and the revisions to Act 250 happening now are not conservation at all. They are forced abandonment written by people who do not do the work, or allow others to do the work, that creates the biodiverse mosaic of field and forest.

When rural people like myself clear land for pasture, manage woodlots for timber and firewood, we create the habitat edges where biodiversity explodes in richness and beauty resides. When land is locked into categories that discourage change and adaptation, they are not preserving biodiversity. They are selecting one facet.

Act 181 claims to be protecting the environment, but makes it harder for farmers to practice the kind of diverse, adaptive, small-scale agriculture that is most environmentally sustainable.

It claims to be protecting rural character, but forces total forest cover and the loss of other types of habitat.

This is not conservation. What will have been conserved? Monolithic blocks of forest, ecologically poorer than what small farmers created, actively managed by no one, serving no one but recreational transients and the wealthy.

## **Centralized Planning and the Death of Local Knowledge**

Act 181 concentrates enormous power in the hands of a small number of unelected officials. They are drawing maps, creating categories, imposing rules, and doing so with minimal input from the people most affected. Many landowners do not even know their land has been designated as Rural Conservation by a planning commission or mapped for Tier 3 restrictions. There has been no meaningful notice, no genuine opportunity for participation, no democratic process worthy of the name.

This is centralized planning of the most arrogant kind. It is the planning of people who believe that they, and their models, and their abstract theories about land use, know better than the people who actually live on and work the land.

When governments decide that individual property rights and local knowledge must be subordinated to plans created by centralized authorities, when they decide that people cannot be trusted to manage their own land and must be forced to comply with visions imposed from above, the results are always the same: economic pain, cultural destruction, and the elimination of the very things the planners claimed they were protecting.

I am suggesting that Act 181 embodies the same fundamental error that all centralized planning embodies: the belief that distant authorities know better than the people on the ground.

When you tell small farmers that they cannot build here or access there or diversify in this way because your map says their land is a habitat connector or a forest block, you are not protecting the environment. You are destroying the conditions that have protected it for generations.

## **Cultural Genocide**

Act 181 is a form of cultural genocide.

Culture is a way of life, a set of practices and knowledge and relationships that define a people. Rural Vermont culture—the knowledge of how to work this land, the social patterns of multi-generational continuity, the economic relationships of home-operated businesses—is a culture as real and as valuable as any other.

It is being systematically destroyed by policies that make it impossible for that culture to reproduce itself, for the next generation to stay here, for the knowledge and practices and relationships to continue.

When a regulatory regime makes it impossible for a young person to make a go of it on rural land, you are not just preventing one individual from pursuing their lifestyle. You are breaking the chain of transmission by which knowledge and culture are passed down. You are ensuring that there will be no one left who knows how to do what we do.

When you take rural land that has been lived on by families for generations and declare that it must now be preserved as a "forest block" or a "habitat connector," you are erasing the human history of that land. You are treating the presence of rural people as a problem to be solved rather than a culture to be valued.

This is cultural genocide. Not through violence, but through regulation and restriction that amounts to forced relocation, and the suffocation of a way of life that cannot survive without the freedom to work, to adapt, to change, to pass on the land from one generation to the next.

## **Today**

Which brings me back to my farm, to the work I do today and the future I am trying to build for my family.

I raise Scottish Highland beef cattle on this land, as my grandparents did in Starksboro. But I do not fool myself that I can make a living from beef cattle alone. No one can, not in Vermont, not anymore, not with the cost of everything rising.

So I do what farmers have always done: I diversify. I consult. I host other professionals and run workshops. I offer farm stays, so that people from away can come and experience what it means to work with animals and land. I consult. Our farm is a place of beauty and meaning that people want to be part of.

These are economic necessities. Without them, I cannot farm. With them, I can. Act 181 proposes to take them away.

The new rules tell me that events on my farm require Act 250 permits. That farm stays are not clearly exempt. That if I want to build a structure that serves multiple purposes—storing hay most of the year but hosting a wedding or workshop in the summer—I risk retroactive enforcement, fines, and legal battles with the Land Use Review Board.

Soon, parts of my farm will be designated Tier 3, subject to restrictions on any construction, any improvement, any change. Even in Tier 2, I cannot build a road longer than 800 feet without permission.

Let me be specific about what Act 181 means for my farm, because policy discussions have a way of becoming abstract, and I want people to understand the concrete reality of what is happening.

Under Tier 3 mapping—still being drawn, still uncertain, but coming nonetheless—some portion of my land will be designated as containing "critical natural resources." Habitat connectors, perhaps. Headwater streams. Natural communities. I don't yet know which or where, because the maps are not final and I have not been given a meaningful opportunity to contest them.

In those Tier 3 areas, beginning December 31, 2026, any construction—including, potentially, a single-family home—will require a full Act 250 permit. Do you understand what that means? It means that if I want to build a house for wife's aging parents on a piece of our family land, I may have to spend tens of thousands of dollars and wait a year or more for permission from a board of five appointed officials who have never seen this land and never will.

In Tier 2 areas—which is most of Vermont, the default category for everything not exempted or restricted—the road rule takes effect July 1, 2026. Any private road longer than 800 feet, or any combination of roads and driveways longer than 2,000 feet, triggers Act 250 review.

Eight hundred feet. Do you know how short that is? It is less than the distance from my house to my round bale feeder. It is less than the distance from my dug well to my barn. It less than the distance from the tool shed to our garden. All of those things are more than 2,600 feet from a town maintained road.

The on-farm businesses that keep me afloat? Farm stays are not clearly exempt—the law exempts farm stores but not overnight accommodations. Events are subject to permit review. Any processing of farm products requires that I prove 50 percent of my sales come from my own

farm's production, a moving target that could change year to year and leave me in violation without knowing it.

The mathematics are simple and brutal: I cannot afford the permits, I cannot afford the time, I cannot afford the lawyers and consultants, and I cannot afford the uncertainty.

## **The Unequal Burden**

There is something else Vermonters need to understand, something about justice and fairness and who bears the burden of Act 181.

Act 181 creates exemptions in Tier 1A and 1B areas—downtowns, village centers, areas already developed with infrastructure and services. In those places, Act 250 requirements have been loosened making it easier for corporate developers to build housing units.

Meanwhile, in the most rural and impoverished areas restrictions are tightening dramatically. The road rule applies everywhere outside Tier 1. Tier 3 designations fall disproportionately on those least able to navigate them. The burden of the wealthy's vision lands squarely on the shoulders of the rural working class.

We are being asked to subsidize the state's development goals with our property rights and our economic futures.

This is not justice. This is an oppressive, regressive ideological agenda that says Vermont should be frozen in amber and rural and poor Vermonters must be denied the opportunities that the wealthy enjoy.

If they want to conserve rural land, then buy it. Pay fair market value for our development rights. Put money where your policies are. But do not simply take our rights through regulation and call it conservation. That is theft, dressed up in the language of environmental protection.

When Vermont passes laws like Act 181, you may think you are protecting Vermont's environment, preserving our rural character, preventing sprawl and fragmentation. You may have maps and studies that justify your actions.

But I want you to understand what this legislation is ending.

It is ending the next Highland Sugarworks.

It is ending the possibility that someone in their mid-twenties could start homesteading with limited capital on a backwoods piece of land.

It is ending the possibility that someone like me could revitalize my farm and use it in much the same way a former Governor of Vermont and his family used it before I came along.

It is ending the possibility of farm stays and educational programs and events—the very things that connect people to the land and to farming, the very things that might inspire the next generation to take up this work.

It is ending the possibility of multi-family living on farms, of extended families working together, of young people being able to afford to stay on the land without paying and begging for permission from a panel of five people.

The questions before our leaders are not complicated, though they have been made so with 171-page bills.

The questions are: Does Vermont want farms or just estates for the wealthy to enjoy?

Does Vermont want working landscapes, or abandoned landscapes?

Does Vermont want rural communities with young people and families, or rural decline where the old-timers hang on until they die and the land reverts to an inhuman parkland?

## **My Ask of Vermont Legislators**

I ask the legislature to repeal Act 181. Or, if they will not do that, I ask that it be amended so radically that it becomes a different law entirely.

Specifically:

**Exempt working farms.** If land is actively farmed, if it is enrolled in Current Use, if it is part of a viable farm or forestry operation, exempt it from Tier 3 restrictions. Trust farmers to conserve their own land. We have been doing it for generations, for centuries. The land I farm is healthier now than it has ever been. That did not happen by accident. It happened because of farmers.

**Repeal the road rule.** Eight hundred feet is absurdly restrictive. It prevents access to land that has been accessed for two centuries. Create an alternative threshold that prevents genuine sprawl without preventing farmers from reaching their own south pasture.

**Restore full Act 250 exemption for all accessory on-farm businesses.** Farm stays, farm events, educational programs, value-added processing—all of these should be as exempt. They are all part of modern farming. They are all necessary for economic survival. They are all ways that farms connect with their communities and their markets.

**Require affirmative consent from landowners before Tier 3 designation.** Do not map our land as restricted without our knowledge or agreement. Make it opt-in, not opt-out. Let us decide if we want to participate in your vision. Respect our property rights and our democratic rights.

**Provide compensation for regulatory takings.** If you restrict what we can do with our land, pay us for the lost value. If conservation is important to the people of Vermont, then everyone should pay for it, not just rural landowners. This is basic fairness.

**Extend the implementation timeline and improve notice.** Final rules are not due until September 2026, but jurisdiction begins in December 2026. That is not enough time. And many landowners do not even know their land has been mapped as restricted. Send notices to every affected property owner. Hold real hearings, not pro forma consultations. Give people time to understand what you are doing to them.

**Restore local control.** Let towns decide what happens in their communities. The Land Use Review Board is five appointed officials. The regional planning commissions are not elected. Ultimately, these decisions should rest with the people who live in and know these places, not with distant bureaucrats and unelected activists.

**Ground decisions in reality, not in maps.** Come walk my land before you decide what it is and what it can be. Your draft Tier 3 maps as pertain to my land are comically inaccurate. Make your decisions based on physical reality, not on abstractions generated by computers.

## A Closing Word

I said at the beginning that I am not a policy expert or a lawyer. I am a farmer. But I am also a citizen, a Vermonter, and a human being with rights that predate your regulations and transcend your maps.

I have a right to the land I own. Not a right granted by you, but a right inherent in the labor I have invested, the care I have given, the knowledge I have accumulated, and the love I have borne for this place.

I have a right to build on my own land, to access all of it, to use it in ways that are sustainable and responsible but also economically viable. I have a right to continue the tradition of farming.

I have a right to pass this land on with its possibilities intact, not foreclosed by your restrictions.

I have a right to succeed on my own merits without having to beg permission from five appointed officials who have never done what I do.

These are not radical claims. They are about conserving a way of life, a tradition of work and stewardship, a relationship between people and land that has sustained us for generations and could sustain us for generations more—if our legislature lets it.

I hope our leaders will act with wisdom and with humility, recognizing the limits of what distant authorities can know. I hope they will choose freedom over control, trust over suspicion, and the living landscape over the prison of regulation.

For the sake of farmers, for the sake of rural communities, and for the sake of a Vermont.

**Submitted by:**

Neil Ryan

Corinth, Vermont

2/13/26

Marie Frey

Swanton

Hudak Farm has been a family farm since 1952. My husband and I have operated the land as a diversified vegetable farm since the mid 1970s. We have a thriving farm stand and greenhouse business, as well as a state certified composting operation. While we have been fortunate enough to keep this land in our family, we have always maintained it as a privilege, not as a commodity. It will not become our retirement option. Our ethic is such that land should never be treated as a commodity, but rather as a precious irreplaceable resource.

What products do you produce (if any)?

Vegetables, small fruit, and greenhouse plants

What is your vision of future use on your property? \*

Our children and those who help them will carry on the effort of keeping this land in farming. We are very fortunate to have access to a 150 acre farm, much of which is prime ag soil. That is not to be taken lightly in an age of dwindling resources and a future of uncertainty.

**How does Act 181 impact you?**

We have not been informed about changes to our property. However in our opinion, the only rational and long term action will be to preserve farm land in this state. Without a robust access to local food sources, who will we become as a region? Let's be mindful of disastrous weather changes impacting large food producers in states like California, and now, Florida. In addition, rising costs in long haul transportation may well be forthcoming due to rising fuel costs.

Have you been notified by any town or state officials of this regulatory change? If so, by whom? \* No we have not.