

Forest Roundtable Input on Act 171 - November 3, 2016
Working Group on Land Use Regulation and Forest Integrity

Greg Boulbol of the Natural Resources Board gave an overview of Act 250 and Criterion 9C.

Steve Sinclair (Dept. of Forests, Parks and Recreation): What is used to define productive forest soils? Is it based on NRCD definition?

Michael Snyder: Not defined or used.

Greg Boulbol: 9C has not been used a lot in Act 250's 50-year history.

Jamey Fidel gave overview of the Forest Roundtable recommendations on land use planning and research to date (these have already been shared with the Working Group). Jamey also gave an overview of the charge of Act 171 working group on land use regulation and forest integrity.

Input from Forest Roundtable:

Updates from Working Group Members:

Karen Horn: Highlighted charges to towns based on recent legislation (energy, water, forest, with no additional funding to address these changes) – opposed to more charges, give time for implementation and take a breath.

Sam Lincoln: My business relies on having intact forest blocks, but at the same time we are talking about ways to address fragmentation versus addressing root causes of fragmentation like ownership costs, markets for forest products, etc.

Greg Boulbol – The Natural Resources Board sees an opportunity to modernize Criterion 9C to address forest blocks. 9C hasn't been utilized. The Board is open to updating.

Michael Snyder gave the overview that planning for fragmentation as required under Act 171 doesn't consider silviculture or recreational trails to be a fragmenting feature. Also, this can be an opportunity to help profitability of forest industry – deregulation for example.

Michael also gave an update on the requirements of the Governor's signing statement: Will require a rule or procedure to define areas, etc. as a tool for towns. Requires a model bylaw for towns that want to do something and guidance for the ACCD planning manual.

Input from Forest Roundtable Participants:

Cliff Allard (Allard Lumber): In regards to Act 250, fees and fines should go into general fund, versus putting pressure on Act 250 to generate funds for operation. Need to standardize or better educate coordinators to provide equal treatment from each district. Need to look at who gets party status – people out of state? If the permitting process was as fast as enforcement, we would get a lot more done. Act 250 is a frustrating and expensive

process. Not sure he could build his operation (Allard Lumber) from scratch right now. We need an Act 250 liaison to help with the permitting process. We have done development through Act 250 that has turned out okay. Gravel pits need attention.

Greg Boulbol (NRB): Act 250 penalties go into the general fund, and permitting fees go to the administration of the program. We are working on gravel pits.

Jen Hollar (VHCB): The recently added Criterion 9L protects forests by focusing development along existing settlement patterns and was controversial. What can we learn from its rollout? Is it the experience of the Natural Resources Board and communities that it is working well? If so, it should be retained. At the same time, there is a lot of concern about the need for more housing. Another study committee is focusing on how to facilitate its development. Consider together? Balance making it easier to develop where appropriate while making sure full consideration is given to development impacts on forests in rural areas?

Jon Binhammer (TNC): We should look at the aggregation of land.

Steve Hardy (Forester): I am seeing aggregation among landowners who own agricultural lands and among my forestry clients.

Lynn Levine (Forester): My town tried to remove any reference to wildlife corridors from the town plan, but the Act 171 legislation helped to refocus the need for this.

John Roe (Upper Valley Land Trust): We are at a place where Criterion 8A and 9C need to include an emphasis on the importance of forest blocks. ANR has gone through a lot of work to identify the importance of these areas. We do not need to talk about using a sledge hammer, versus defining the most important areas for Act 250 purposes and linking it to the ANR Conservation Design. This is the time to bring Act 250 into our current knowledge of forests. Development and growth is going to happen, especially with pressures from climate change.

Karen Horn: Candidates are talking about economic development. How are young people going to stay in the state? How can the forestry industry contribute to rural economic development.

Sam Lincoln: I am working on deregulation options. Not sure how many people or businesses will trigger my idea, but it involves a lot of trucks, especially for low-grade wood. We need to address permitting process so trucks can be located in a way that works.

Kathy Doyle (Ecologist): Technical assistance – how can we engage county foresters and NRCD to provide more ecological info that considers the whole town versus a parcel? A town may not have a high quality forest block, but it still needs intact forestland to help maintain water quality.

Jim Shallow (Audubon Vermont): We should look at mitigation as an option. How do we make use of mitigation funds similar to impacts to agricultural soils? There is a lack of funds for forest issues – how does mitigation happen?

Greg Boulbol: Mitigation is required by statute, but the Natural Resources Board has flexibility to implement.

Kris Hammer (VHCB): Criterion 9B mitigation funds come to VHCB. There are approximately \$100,000 to \$200,000 annually for ag. mitigation. Jen Holler has info on ag side.

Cliff Allard: We need a large facility to deal with low-grade wood. The rail system on the east side of state unworkable. There are challenges such as too much truck traffic.

Michael Snyder: Secretary Cole is interested in looking at rail issues and the viability of industry.

Cliff Allard: Rail issues and cost of transfer are very high. Adds 20% to Burlington Electric Department for rail utilization for the McNeil plant.

Charlie Hancock (Forester): Municipal planning grants are an amazing tool to help provide resources for planning. Regarding definitions, they can be difficult to craft considering the fluid nature of defining these areas, for example wildlife habitat.

Lynn Levine (Forester): We need to help funnel funds to conservation commissions.

Sam Lincoln: In regards to maps, if some areas are flagged as too difficult to develop where does landowner value come into play?

John Roe: To address taxation we have UVA, which is part of the existing puzzle. Intergenerational transfer group looking at tax credits, and tools to help landowners. We are coming at it from both directions.

Charlie Hancock (Forester): In our town (Montgomery), we looked at conditional use review as tool. If development is proposed in the conservation district, maybe some development won't be approved, but there is a pause to first address impacts – that is the major emphasis.

Keith Thompson (Dept. of Forests, Parks and Recreation): We need tools to help towns, including consultants to provide ongoing support for planning commissions, etc. We need help educating towns, etc.

Eric Vorwald (Central Vermont Regional Planning Commission): Can fragmentation be reversed? How can land regenerate, and discourage harvesting that is merely a precursor for development.

Jim Shallow: Habitat value of young forest is valuable.

Jon Binhammer: There may not be a monetary value, but there is development value. How do we discourage development as the option that follows timber management versus maintaining young forests, etc.

