

By Electronic Mail

December 9, 2016

Commissioner Michael Snyder
Department of Forest, Parks and Recreation
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05620-3801

Subject: Act 171, Forest Integrity

Dear Commissioner Snyder:

Thank you for the opportunity to comment the initial work of the Act 171 Committee. The Agency supports a viable forestry industry and the efforts of this Committee, and appreciates the many benefits gained from protecting wildlife habitat. While not a member of the committee, we are one of many state agencies and departments whose policies and programs may be touched by proposed changes to Vermont planning law. Unfortunately, there was not enough time to fully understand and vet all the suggestions. We look forward to being an active participant in further discussions on any future proposals implementing these recommendations including those not focused on planning, such as workers' compensation and sales tax related issues, which are also being discussed by the Working Lands Enterprise Board policy committee.

We respectfully offer our feedback on the initial concepts presented at a November 18 Committee meeting.

Act 250

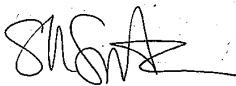
The Agency shares the concern held by Committee members that proposing changes to Act 250 may undermine existing Act 250 policies that are meant to protect farm and forestland from development. Of importance, specifically to the VAAF, is to preserve policies that seek to protect these natural resources, and that require mitigation for impacts to "primary agricultural soils" as currently defined in Act 250 and administered by statewide district commissions.

- Changing the definition of "productive forestry soils" in tandem with provisions for mitigation of impacts to "productive forestry soils" may have an adverse impact on current policies to protect and mitigate impacts to primary agricultural soils, the procedures of the VAAF, and the review process of district commissions.
 - Has potential to create overlapping natural resources and force a decision on which natural resource should take priority for protection and mitigation
 - Creates uncertainty for applicants, the VAAF, and possible confusion for district commissioners
- Introducing new review sub-criteria or standards for protection of forest blocks and habitat connectivity, and to prevent "forest fragmentation" or "habitat fragmentation" additionally has the potential to create overlapping natural resources resulting in similar impacts as outlined above.

- New policies could impact the state’s well established farmland conservation program by potentially reducing the off-site mitigation fees paid to the Vermont Housing and Conservation Board. These funds leverage significant federal and local dollars to support conservation of farmland, forestland, sensitive natural areas including wetlands and riparian buffers areas that enhance water quality and serve the agricultural industry.
- The Agency understands that once Act 250 jurisdiction attaches to a parcel of land/project, “farming” is no longer a land use that is exempt from Act 250 review, and that farming must comply with all conditions within a permit. Adding criteria to address “Forest blocks”; “Forest fragmentation”; “Habitat fragmentation”; “Habitat connectivity” or “habitat connector” may impact the ability to clear land that is suitable for farming.

In addition to the above, the Agency believes that recommendations addressing Chapter 117 changes may benefit the agricultural industry in addition to the forestry industry, and welcomes further discussions and vetting of any future proposals to implement recommendations that are inclusive of all state agencies and departments to ensure a holistic approach that considers the statewide planning and process goals.

Regards,



Stephanie Smith
Chief Policy Enforcement Officer
Agency of Agriculture, Food & Markets

CC: Lucy Leriche, Secretary, Agency of Commerce and Community Development
Diane Snelling, Chair, Natural Resources Board
Gina Campoli, Environmental Policy Manager, Agency of Transportation
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