

## **ACT 250 and TRAILS QUESTIONS FOR COMMENT**

*Thank you for taking the time to complete this survey. Please only fill out **one survey** for your organization.*

*Act 250, Vermont's land Use and development law, was passed in 1970 to mitigate the effects of certain developments and subdivisions through a permitting process that addresses the environmental and community impacts of projects that exceed a certain threshold. Currently, recreational trails may be subject to Act 250 and a variety of permits issued by the Department of Environmental Conservation.*

*With respect to Act 250 only, the threshold for jurisdiction (meaning that a project will need an Act 250 permit) depends on certain factors:*

- 1) If the proposed trail is part of the Vermont Trail System, the key question is how much ground disturbance will occur as part of the project (10 acres of disturbance or more is the threshold)*
- 2) If the proposed trail is not part of the Vermont Trails System, jurisdiction is triggered only if the trail is commercial, and depending on the size of the tract (or tracts) where the trail will be located*
- 3) Jurisdiction over trails may also be triggered if the proposed trail is considered to be a "material change" to an already existing Act 250 permitted project.*

*The Vermont Natural Resources Board and the Vermont Department of Forests, Parks and Recreation are seeking input concerning state regulation of trails, and we hope you will take the time to complete this brief survey. Your answers will be collated into a report to [The Commission on Act 250: the Next 50 Years](#) for consideration.*

**PLEASE RETURN THIS SURVEY NO LATER THAN 5 PM ON SEPTEMBER 17<sup>TH</sup>, 2018**

1. Please indicate your name, name of organization, and contact information (including email address).

**Elise Annes, The Vermont Land Trust [elise@vlt.org](mailto:elise@vlt.org)  
8 Bailey Avenue Montpelier, VT 05602**

2. Is your entity a member of the Vermont Trails System?

**The Vermont Land Trust holds easements on land that is part of the Vermont Trail System. VLT is a dues paying member of the Vermont Trails and Greenways Council but we have not attended meetings regularly.**

3. Have you experienced any challenges in obtaining Act 250 permits for trails (please explain)? Please limit your response to personal experiences that you or your organization have experienced.

**VLT has not had direct experience in obtaining Act 250 permits for trails.**

4. If you or your organization has been through the Act 250 process with respect to trails, please recommend any changes including, but not limited to the following topics:
  - a. How to make the process more efficient

- b. How to make the process a better fit for the unique development aspects of trails
5. Are Act 250 jurisdictional triggers with respect to trails clear?
  - a. If not, how should the jurisdictional triggers be clarified?
6. What are the strengths of Act 250's regulation of trails?
7. How is Act 250 beneficial to the environmental quality of the state with respect to the regulation of trails?
8. Which [Act 250 criteria](#) are most relevant with respect to the regulation of trails (please explain)?
9. Which [Act 250 criteria](#) are least relevant with respect to the regulation of trail projects (please explain)?
10. Should all trail projects be exempt from Act 250 review? If so, what makes development of recreational trail projects different from other development that is subject to Act 250?
11. Should some trail projects be exempt from Act 250 review?
  - a. If yes, please explain which types of trail projects should be exempt, and why.
12. Do you have any recommendations for an alternative regulatory scheme for trail projects in the State of Vermont? Please share your thoughts.
  - a. Should trails be subject to some sort of "general permit"?
  - b. If so, what criteria should the general permit cover and how should terms of the general permit be enforced?
  - c. Do you have any ideas about a possible trail development oversight program managed under the Agency of Natural Resources? Please explain.

While VLT does not have direct experience related to Act 250 review of trails we have some idea of the challenges that exist for landowners that we work with. We also understand the oversight that Act 250 provides for development and environmental impacts.

Rather than offering a solution, VLT would like to be a part of a stakeholder process that finds a balance between competing needs in the state for trail networks and environmental review. We understand that there were stakeholder meetings in the last decade or so on this topic. We'd like to learn from that input, consider new input (as things in the State have changed) and help find a solution. We have already started to convene trail groups to engage in a conversation.

#### Questions for NRB regarding Act 250:

Is there an update to Act 250 that specifically considers trails as they relate to environmental review?

Are there trail development guidelines, standards and ongoing stewardship for trails that will help the Act 250 process? With agreement on these standards and guidelines might this avoid Act 250 review in all cases?

Is there a balanced approach that considers environmental review but also considers local input, local economies, recreation and tourism? How is this balance considered by the NRB?

Are there other permitting processes that exist in the State that catch similar concerns or issues related to environmental impacts of trails?

Is there a map that is public and provided by the State that includes all trail networks? We have this for other roads, rivers, etc. Is this something that is worthwhile for trail systems?