*Below are the contents of the Governor’s response to constituent inquiries regarding the situation with Act 250 and recreational trails at Victory Hill.*

Dear Vermonter,

Thank you for reaching out regarding Act 250, and the recent Jurisdictional Opinion regarding the Victory Hill Sector’s recreational trails.

I want to be clear that, as indicated below, my Administration has proposed streamlining the Act 250 permitting process for recreational trails—including creating a mechanism that would allow recreational trails to be released from Act 250 jurisdiction.

In fact, this was one of the earliest recommendations of my Vermont Outdoor Recreation Economic Collaborative charged with finding effective ways to better leverage our outdoor recreation assets for the greater economic good of the state. This is particularly important in Vermont because we rely so heavily on the passion and generosity of nonprofit organizations and private landowners. Both these key groups can be easily overburdened by regulatory mechanisms designed for larger scale commercial development.

Since the 1970s, Act 250 has played an important role in balancing sustainable economic development with Vermont’s precious natural and environmental assets. However, for many Vermonters, the permitting process remains difficult to navigate and cumbersome—in addition to the frequent overlap between Act 250 permits, other state permits, and local permits.

In order to create a path for sustainable development that recognizes the importance—and interdependence—of a strong economy and a healthy environment, my Administration has put forth of series of proposals to modernize Act 250.

Specifically, we have worked with legislators to introduce H.197 and S.104. H.197 is sponsored by Rep. Charlie Kimbell (D-Woodstock) and seven other Democratic, Republican, and Independent Representatives. S.104 is sponsored by Senator Corey Parent (R-Franklin County) and five other Democratic and Republican Senators. These bills would accomplish the following goals:

First, we can encourage development in our state’s designated centers—including many struggling downtowns and villages—by creating an enhanced designation process that would relieve the community of Act 250 jurisdiction, if the town or city can demonstrate it has robust environmental protections.

Second, we can reduce the overlap and redundancy between Act 250 permits and other state environmental permits by clarifying the appropriate use and reliance on other state permits as evidence that certain Act 250 criteria have been satisfied. This will help streamline the process and make it more predictable, without diminishing important environmental protections.

Third, we can modify Act 250 to accommodate key industries in the rural parts of our state, which are in many cases struggling with economic stagnation. To help our forest products sector, my Administration has proposed allowing more flexibility for hours of operation and other aspects when undergoing Act 250 review. The process can also be streamlined for recreational trails to help support our outdoor economy. Similarly, we should simplify the process for rural industrial parks, and support our farms by removing on-site agritourism and direct-to-consumer farm activities from Act 250 jurisdiction. Finally, federal-aid transportation projects already receive significant federal regulatory review, and can be removed from Act 250 jurisdiction.

In addition, my Administration has proposed common-sense changes to preserve the integrity of our natural resources. I’ve proposed creating a locally-driven process to include unique natural resources areas within Act 250 jurisdiction. Similarly, we should incorporate the impacts of forest blocks and connecting habitats under Act 250 criteria to address forest fragmentation—with due consideration to the positive effects of businesses that add value to forest-derived commodities. Finally, we should modernize Act 250 criteria with best practices which match the state’s flood hazard and river corridor protection standards.

Together, these reforms will continue to preserve our environment, while encouraging smart and sustainable development.

Again, thank you for reaching out on this important issue.

Sincerely,

*Philip B. Scott*

*Governor*