

PHILIP B. SCOTT
GOVERNOR



State of Vermont
OFFICE OF THE GOVERNOR

October 5, 2020

The Honorable William M. MaGill
Clerk of the Vermont House of Representatives
State House
Montpelier, VT 05633

Dear Mr. MaGill:

Pursuant to Chapter II, Section 11 of the Vermont Constitution, I am returning H.926, *An act relating to changes to Act 250*, without my signature because of my objections described herein:

In 2017, my Administration, the Legislature, and environmental groups came together to begin the process of making comprehensive updates and improvements to Vermont's fifty-year-old land use law, Act 250.

This began an 18-month *Commission on Act 250* reform process, followed by two full legislative sessions of collaboration. Those efforts resulted in broad agreement on a comprehensive, balanced modernization package, including downtown permitting exemptions, modernized permitting conditions for forest products processing facilities, and changes for flood resiliency, to name a few. But during the recent legislative process, these and many other proposals were removed.

In fact, H.926 actually adds new regulation and new burdens to our recreational trail networks and recreation economy. This bill does not improve or simplify the regulatory process or provide a permanent exemption for Vermont Trail Systems – something I proposed in 2019.

H.926 ignores all the work and collaboration put into Act 250 reform and is counter to the important outcomes we collectively sought.

With this bill, the Legislature has created more regulatory uncertainty, not less. Our outdoor recreation economy, and the groups that help to maintain and preserve the trail networks, need a regulatory framework that is responsible, respectful, stable, and permanent.

In addition to failing to protect trails or strengthen the recreation economy, H.926 adds forest fragmentation regulation to the law which poses a new and significant problem for trail networks and the non-profit organizations that manage them. In particular, it affects the networks that rely on the help and cooperation of large forest landowners, such as the Vermont Association of Snow Travelers (VAST). In fact, VAST already reports landowners are considering removing their land from the trail network should this law be enacted.

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The forest fragmentation regulation also adds a new, complex criteria to Act 250 and offers no other process improvements. **Nothing** in this bill modernizes or improves the Act 250 process – something that is widely agreed to be necessary after fifty years of existence.

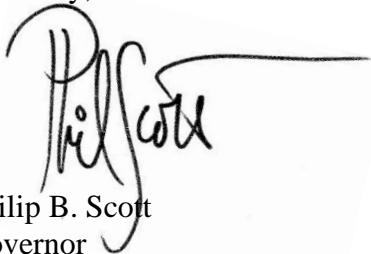
This bill does not do what it promised to do and falls short of meeting our needs in this area of public policy.

To address the interim need for our trail networks, I am issuing Executive Order 04-20 which does three things:

- provides trail networks with some regulatory clarity;
- directs the Commissioner of Forests, Parks and Recreation to make recommendations for an alternative program based on best practices for the oversight of planning, construction, use and maintenance of recreational trails in the Vermont Trails System; and
- directs executive branch litigants and tribunals to take all reasonable steps to defer a final decision in any proceeding addressing Act 250 jurisdiction until the steps identified in this Executive Order take effect.

Based on the objections outlined above, I must veto this legislation pursuant to Chapter II, Section 11 of the Vermont Constitution. However, I look forward to working alongside the Legislature with the goal of working toward truly comprehensive and thoughtful improvements to Act 250 during the next biennium.

Sincerely,

A handwritten signature in black ink, appearing to read "Phil Scott", with a long horizontal line extending to the right from the end of the signature.

Philip B. Scott
Governor

PBS/kp