

Vermont Housing & Conservation Board
Conservation Issues Committee Meeting Minutes
January 29, 2019, 1:00 – 3:30 pm
VEDA Conference Room
58 E. State St
Montpelier, VT

Committee members present: David Marvin, Neil Mickenberg, Billy Coster, Diane Bothfeld, Tom Yahn (by phone), Hannah Sessions (joined at 1:30, by phone), Kate McCarthy (left at 2:15)

VHCB staff: Gus Seelig, Hannah Phillips, Mark Martin, Nancy Everhart, Ethan Parke, Karen Freeman (by phone for first half), Liz Gleason (for outdoor rec discussion)

Others present: Marie Audet, Blue Spruce Farm (incoming Board member); Tracy Zschau, Siobhan Smith, VLT; Lynn McNamara, Rose Paul, TNC; for outdoor rec discussion only: Kate Wanner, TPL; Jay Nerenberg, Becca Washburn, DFPR, Mike Debonis, Grn Mtn Club; Matt Williams, CTA; Steve Carihfield, Ascutney Mtn; for Riparian buffer and farmland stewardship discussion only, Ben Gabos, VAAFM.

Outdoor Recreation:

After introductions around the room, Hannah P introduced the issues related to outdoor recreation projects that VHCB staff have been grappling with, along with partners. A panel composed of Mike DeBonis, Jay Nerenberg, (speaking about the Bolton Nordic project) and Kate Wanner/Steve Carihfield (Ascutney Mountain) responded to a series of questions about their respective projects, highlighting the issues around public access and affordability, including fee structure, impacts on the local economy including viability of the owner/operator organization, and balance of recreational uses with natural resource protection.

Following the panel, Board members discussed the topics highlighted by Hannah: community access and affordability, business structure/viability and balance of natural resource protection with recreational use.

Board members discussed and agreed that public access and affordability are critical to VHCB's mission, and that fees that may be necessary to cover the cost of trail maintenance must be reasonable, and affordable to the general public. There is a general expectation that the public will have free access for activities that don't require managed trails (such as walking, hunting, etc.) Project configuration including availability of parking can impact public use and access. Projects need to be designed to serve all the public, not just one portion of the population (Kate M.) Creating and supporting public access opportunities for lower income individuals and families was encouraged (Tom Y) while acknowledging that the capacity of non-profit recreation focused entities to achieve this may be limited (Billy).

Dave M. stressed that the priorities for moving forward should be affordability first, resource protection second, and the business structure third. He observed that non-profits can have organizational issues as difficult as for profit companies, and encouraged VHCB to focus on the desired outcomes rather than the delivery vehicle.

Billy reminded the group that multiple values, recreation, resource protection, etc., are the most important considerations.

Dave M. emphasized that outdoor recreation can be a catalyst for economic development.

Gus S. asked how affordability should be defined.

Dave M. expressed concern over ensuring resources not be over used. He said resource carrying capacity is critical, but reducing access based on cost is not appropriate. Dave suggested easement language may need to restrict public access if there is resource damage.

All Board members supported staff's plan to begin working on a revision to VHCB's Outdoor Rec Policy, seeking partner input in that process.

Riparian buffers on farms:

Nancy E introduced the topic, reminding Board members that VHCB's Water Quality and Flood Resilience guidelines were written post Irene in 2015. Since then, VHCB has modified the process by which we are conserving farmland, using LEAN principles, with a goal of making the process more streamlined as well as improving environmental outcomes on the farms we conserve.

Nancy described the current easement tools currently being used to protect surface water: no-touch, 50 ft. riparian buffers that move with the stream, and static wetlands protection zones. VLT has elected to stop using farm buffer strips in easements; this 50 foot buffer allowed some ag uses (perennial crops within the buffer).

Diane discussed the role of buffers from the Ag. Agency's perspective. She said a 50 ft. buffer can be problematic and have a significant economic impact if it impacts infrastructure or removes land from production.

Neil said our knowledge about buffers may be evolving and changing, and asked whether we can build language into the easement that would allow landowners to modify protections as more is learned.

Billy said there is very good benefit of 50 ft. riparian zone. He stated there is a need to move people away from land use that impacts water quality. Landowners can use our funds to improve water quality practices. RAPS are good and based on sound analysis and we should be setting people up to think in those terms.

Neil asked if landowners were required to the plant vegetation in buffers?

Nancy said it would be a burden on the landowners and is not required. She also said appraisals take 50 ft. buffers into account, but they add very little value to easements.

Billy said passive management for natural vegetation is a fine approach and many land owners allow vegetation to grow back naturally.

Hannah S. asked Nancy if she knew of any situations where a 50 ft. buffer has turned a potential project away? Nancy said it can create potential easement conflicts. She mentioned livestock crossings, and possible future impacts buffers may create. She acknowledged they also present unique stewardship difficulties, in cases where a riparian buffer zone abuts a farmstead complex.

Marie stated that ag practices are evolving. She said that RAPS are being underestimated, and have only been in effect for 3 years, which isn't enough time to determine their effectiveness. She thinks RAP's protect and will improve water quality in the state and the policy contains much more than buffers. David said buffers provide public water quality values that, if they were codified and taxable, would help compensate farmers.

Siobhan told the group that from VLT's perspective, the RAPS are now similar enough to farm buffer strips, that from a stewardship perspective there was no reason to keep farm buffer strip easement language. Tracy said that VLT has realized that if buffers weren't implemented properly, they can create problems. She said that invasive species can become a large problem within 50 ft. buffers and the inability to manage them allows further propagation. There are times when 50 ft. buffers are not achievable on the ground and have unintended consequences that can't be undone. She said VLT has learned there is a need for flexibility regarding buffers.

Neil asked how VHCB and partners can be effective in helping landowners create and sustain buffers. He asked if additional funds can be provided to offset the costs associated with establishing buffers? He suggested the State Ag Agency, VHCB or the legislature could be the vehicle for managing and distributing funds to farmers for establishing buffers.

Nancy said there is a lot of current interest regarding payments for ecosystem services such as buffers. Diane reinforced this, mentioning the Agency's Environmental Stewardship Program. She said the Ag Agency is pushing hard for ecosystem services payments. Our NRCS state director is also interested in providing payments to help fund a program.

Nancy said that the next step for staff will be to work with multiple partners to organize a field trip to several farms in the spring, to learn more about how buffers are working and what the issues are. Staff will report back after that about any plans to work on revisions to VHCB's Water Quality guidelines.

VHCB DRAFT farmland stewardship principles – Discussion and Action

Nancy E introduced the principles, which mostly came from our VLT/AG/VHCB Stewardship MOU. She suggested an improvement to language regarding the role of easement stewards in providing information to landowners about local, state and federal permits, etc. Committee members discussed this issue, generally agreeing that while easement stewards should be as knowledgeable as possible about regulations, they cannot be expected to know all regulation regarding every circumstance a farmer may need to know.

Dave emphasized the fact that the mission of conservation easements is to preserve agricultural land. Billy discussed the disconnect between stewardship for the viability of the land owner and the sustainability of the land. He said they were too heavily weighted toward the landowner with not enough emphasis on the public benefit.

Marie said she thought the current management of the farm needed to be considered.

Neil asked Billy to suggest language to send to Nancy.

Nancy discussed the balance between resources and viability. Neil recognized that both of these are our goals. Tom asked is the steward a regulator or an educator? Hannah S. stated we wouldn't support projects that move the farm away from its intended purpose.

Diane said there is a dividing line between the farmstead complex and the land resource. Complexes can change without impacting the land resource.

Neil made a motion to recommend revised principles (incorporating feedback from the meeting) come to the Board. Diane seconded the motion. All board members approved.

Nancy will send a revised draft to the Committee prior to bringing to the full Board for adoption.

Gus welcomed Marie and thanked Hannah for serving on the Board.

The meeting adjourned at 3:30.

Minutes submitted by Mark Martin, VHCB Conservation Stewardship Coordinator