

Vermont Housing & Conservation Board
Policy Position
Funding of Public Outdoor Recreation

Getting outdoors to recreate is a Vermont tradition and an important aspect of Vermonters' quality of life. It is reflected in Vermont's constitution, which provides for the right to hunt and fish on unposted land. Outdoor recreation also drives economic and community vitality, as Vermont's exceptional natural resources make the state a premier destination for visitors seeking enjoyment in the outdoors. Outdoor recreation in Vermont accounts for tens of thousands of jobs and billions of dollars in annual consumer spending. However, the demand for real estate for private use, including for development, continues to threaten the public's ability to access land and water for recreation. Subdivision and fragmentation also alter natural resources and habitat that are crucial to the health of all species. VHCB was established, in part, to make investments that mitigate the negative impacts of development, subdivision and fragmentation, enhancing access and protecting nature.

The Vermont Legislature gave VHCB the mission of funding "activities which will encourage or assist...the protection of areas suited for outdoor public recreational activity...." To fulfill this mission, VHCB provides funds for projects that ensure public access to recreational opportunities, while generating economic activity. VHCB supports recreation projects that make the outdoors accessible, that are inclusive and affordable, and that serve a variety of user groups.

VHCB also seeks to balance the need of the public for outdoor recreation with the equally important need to protect natural resources. VHCB strives to ensure that land conserved for recreation will also maintain or improve water quality, protect significant natural communities and wildlife habitat, and maintain the functions and values of intact and connected ecosystems. VHCB and partners understand that finding and managing this unique balance is project specific. Attributes will be assessed on a case-by-case basis to achieve strong land use management decision making.

In this policy, VHCB sets parameters for funding while retaining some degree of flexibility in order to respond to recreational trends, land use changes, the effects of climate change, and emerging science. As technology develops, as new legislation is enacted, and as conservation science and best management practices evolve, the policy may be revisited. In this process, VHCB commits to soliciting input from conservation partners, community and user groups, policy-makers in all branches of government, and others who share an interest in public outdoor recreation.

General Criteria for Funding

- Outdoor recreation projects are those in which public outdoor recreation is identified as one of the primary purposes of conservation. For projects that hold multiple conservation purposes, other VHCB policies should be consulted as appropriate.
- Projects should identify the specific recreational activities envisioned.
- Use of VHCB funds is generally limited to land or easement acquisition, stewardship endowment, and acquisition-associated costs.
- VHCB may fund development of recreational facilities or infrastructure only if the project is associated with an affordable housing project, or if the project possesses extraordinary, multi-goal community benefit as determined by the Board.
- All projects will have a legal mechanism to achieve perpetual conservation and protection of lands for public outdoor recreation.
- The protected property shall be owned by the State, a municipality, a nonprofit organization, or other entity approved by VHCB.

Funding Priorities

VHCB will prioritize projects for funding that:

- Provide public access to bodies of water for swimming, boating, and fishing.
- Create or enhance recreational corridors or that connect community centers via trails or greenways.
- Protect special resources that are, or may become recreational attractions, such as significant natural features, recreational fields, scenic vistas, and historic sites.
- Fill gaps in existing trail networks that add to existing public recreational areas or that abut other conserved or public lands.
- Serve multi-town or regional needs and accommodate various types of recreation.
- Have significant connections to population centers, or are located in areas with limited public land per capita.
- Link with affordable housing projects.
- Provide recreational opportunities to underserved populations.
- Promote public awareness of natural resources and minimize adverse impact of recreational use on natural resources and water quality.
- Directly or indirectly create jobs or provide means of livelihood to Vermonters.
- Demonstrate the ability to manage recreational use in ways that are environmentally sustainable.
- Leverage other financial resources.
- Are ready for funding and for which the applicant has worked with due diligence to resolve potential issues.

Public Access Requirement

- Projects must ensure some measure of free, open-to-all, recreational access that has meaningful value to the public.

Commercial Activity

- Commercial recreational activity on the protected property (meaning the offering for sale of any goods or services related to commercial recreational activity conducted on the property) does not preclude VHCB funding of outdoor recreation projects, provided that:
 - The owner of the property is an entity approved by VHCB, and
 - The commercial recreational activity has broad, inclusive appeal to the general public and is affordable to the average recreational user.
 - The revenue generated from commercial activity on the property supports a mission to manage outdoor public recreation, to steward and protect natural resources, and/or to educate the public related to outdoor recreation and natural resource protection.
- Resource-based commercial activity that is not related to recreation, such as maple sugaring, agriculture, forestry, and related enterprises, does not preclude VHCB funding of outdoor recreation projects, provided that such activity is subordinate to the recreational purposes of the project.
- All other commercial activity on the protected property that is not resource-based or related to a recreational activity conducted on the property (meaning the offering for sale of any other goods or services) will preclude VHCB funding, unless, on a case-by-case basis, the VHCB Board finds that such activity is sufficiently subordinate to all of the conservation purposes of the project, such that the activity does not negatively impact the conservation purposes or detract from the public's ability to enjoy affordable recreation on the property.
- When or if fees benefit a third party that is not the landowner, this relationship will be documented in a License Agreement. VHCB may request to be notified of any pending or existing License Agreements, and may or may not review and License Agreements for consistency with the

conservation easement and or grant agreement. All future uses, activities, and or agreements must be consistent with the purposes outlined in the conservation easement or grant agreement.

Access Fees

- Charging of access fees by owners of protected properties and their agents does not preclude VHCB funding of outdoor recreation projects, provided that:
 - The access fees are related to specific recreational activities, such as camping, swimming, or biking, and/or special events, and
 - The modicum of free, open-to-all recreational access described in the Public Access Requirement section above is not degraded or displaced by activities that require payment of a fee.

Structures

- Construction or maintenance of permanent structures on the protected property, or earthmoving beyond that which is normally required for trail construction and trail-associated features does not preclude VHCB funding of outdoor recreation projects, provided that:
 - The structures are directly related or complementary to public recreational activity, and
 - The structures are confined within a development zone or building complex that is not larger than the property's permanently undeveloped portion, and
 - All state and local permits are in place for existing or imminent structures and related activities, and
 - The Board determines that the structures are scaled such that adverse impacts are minimized with respect to: the visual landscape, important natural resources, and the public's ability to access and enjoy the property.

Motorized Recreation

- The Board may choose, on a case-by-case basis, to fund public outdoor recreation projects that would allow motorized recreation and motorized recreational amenities, such as motor-assisted bicycles, all-terrain vehicles, snowmobiles, drones, ski lifts, etc., on protected property, provided that:
 - The modicum of free, open-to-all recreational access described in the Public Access Requirement section above is not degraded or displaced by motorized activities, and
 - The motorized activities are limited, managed and scaled such that adverse impacts are minimized with respect to: the visual landscape, important natural resources, and the public's ability to access and enjoy the property, and
 - The motorized activity shall be managed so as to protect water quality, and
 - The motorized activity will be thoroughly addressed in the management plan or plans required by the VHCB grant, and
 - In the case of all-terrain vehicles (ATVs), snowmobiles, and motor-assisted bicycles, the Board will not fund a project unless a responsible and reliable entity will monitor the use of such vehicles and manage and maintain the trails on the protected property designated for them. Proposed use of ATVs must include a plan or mechanism to mitigate potential negative impacts to soil, water and other natural resources. ATV and snowmobile trails on the protected property must provide a link to a larger trail network or trail corridor that extends off the protected property.

Ecological Assessments

- Applicants are required to include a natural resource desk review that includes a map of known natural resource attributes and also shows existing or planned trails and recreational infrastructure. The review should also summarize any strategies proposed for natural resource and water quality protection.

- VHCB reserves the right, on a case-by-case basis, to require a more thorough ecological assessment of lands proposed for VHCB funding. (See VHCB Guidelines for Ecological Assessments for more information.)

Financial Leverage

- VHCB expects that applicants will do their best to request less than the total cost of funding a particular project, but only Locally Significant Conservation Projects require a non-VHCB match (see VHCB Policy Position on Local Conservation). Applicants are encouraged to use a pending VHCB grant to leverage contributions from landowners, private donors, or other public sources.
- Applicants are advised to contact VHCB staff early in the project development phase to consult about the project budget and to gain advice about an appropriate request to VHCB.

Letters of Support and Conformance with Plans and Laws

- VHCB welcomes letters of support from municipal government, regional planning commissions, and other interested parties. Only Locally Significant Conservation Projects require affirmative letters of support from town officials. (See VHCB Policy Position on Local Conservation.)
- Projects should conform with local and regional plans, and must be in compliance with any applicable laws and regulations.

Management Plans

- VHCB requires that projects funded under this policy will, at minimum, have interim management plans prepared to VHCB staff satisfaction prior to closing. All subsequent management plans for protected properties shall be forwarded to VHCB stewardship staff. VHCB welcomes full management plan submissions within two years of closing.
- Management plans, at minimum, shall:
 - Inventory current features of the protected property, and
 - Describe strategies to protect natural resources and water quality, and
 - Describe anticipated changes and additions such as parking areas, trails, structures, etc., and
 - Describe management practices related to recreational use, and
 - Describe any anticipated commercial activity, access fees, etc.

Stewardship

- VHCB requires applicants to identify a VHCB-approved primary steward of the conservation restrictions for each project.
- This funding policy should not be interpreted as a stewardship policy for outdoor recreation projects, as stewardship decisions must always be determined by interpreting the applicable conservation restrictions for each project, which can vary substantially under this policy. The process for stewardship decisions may also be guided by stewardship MOUs between VHCB and applicable partner organizations.