



Chapters,

VMBA has been working closely with Vermont Forests Parks and Recreation to determine and define our shared path forward relative to Act 250 and Recreation Trails Program (RTP) funding. The primary purpose of this document is to provide concise definitions and support subsequent documentation delving more deeply into each topic. The secondary purpose of this document is to ensure all chapters are operating under the same paradigm while building trails and communicating with landowners.

This document will be located on [vmba.org](http://vmba.org) on the “chapter documents” link to ensure easy access. In addition to this document, VMBA will provide chapters with a template letter to be used in communicating the specifics of these programs with landowners.

### **Act 250**

All trail projects in Vermont are considered either “private” or “public.” When a trail is designated public, a chapter must physically disturb 10 or more acres of land per landowner before triggering Act 250. Although Act 250 is a big deal this would only be triggered only after approximately 20+ miles of hand built trail or 10+ miles of machine built trail per landowner on average!!

The landowner may exercise their full prerogative on the balance of her/his land beyond a public trail resource itself. A public trail **does not** hinder the freedom a landowner has over their land. If trails are considered private the size of the parcel of land is the important factor. A private project has an increased chance of triggering Act 250 if the parcel of land itself is 10 acres or more in total size.

#### **Public Designation** Requirements (this is the one chapters want):

- Chapter must be in touch with their district coordinator to share building and maintenance plans each spring.
- Chapter must have written agreement with each landowner – this affords the trail to adoption into the VT Trails System and allows for the “public” designation.
- Chapter must physically disturb 10 or more acres of land before potentially triggering Act 250.
- These trails are considered part of the VT Trails System.

**Private Designation** (chapters likely don't want this):

- The size of the parcel of land itself matters most – not the length of trail. If the parcel of land is 10 acres or more, the chapter/landowner are more likely to trigger Act 250.
- Less a written agreement between the chapter and landowner, these trails are not a part of the VT Trails System.

### **Recreation Trail Program Funding (RTP)**

RTP funds have been utilized to fuel VMBA chapter trail projects for years. Chapters often do an amazing job developing proposals and remaining competitive for these funds. As of this year, things are changing with RTP funds.

All chapters applying for RTP funds for projects on private land will be required to obtain 10-year easements from each landowner hosting land for the trail. This does not pertain to “maintenance” projects. Maintenance projects include:

- Resurfacing
- Rerouting to protect sensitive habitat
- Rerouting to decrease ongoing erosion problems
- Bridge repair (not construction)

The rationale for the updated requirement is to ensure the public doesn't commit money to a landowner that quickly decides to no longer allow public access. You can imagine the problems with constructing a \$4000 bridge only to have the landowner deny public access a year later.

To support these new developments, VMBA and the state have authored documents to assist chapters in communicating with landowners. The purpose of the “**Act 250 Explained**” document is to thoroughly explain the specifics surrounding the nuances of Act 250 for both landowners and chapters. Chapters may also refer to the “**RTP Flowchart**” as a quick reference to understand the requirements pertaining to public funds. These documents are available at [vmba.org](http://vmba.org).

Four documents will be located at [vmba.org](http://vmba.org):

1. “Chapter Act 250 – RTP Summary” – the document you're reading now summarizing Act 250 and RTP funding.
2. “Landowner Letter” – a template letter VMBA would like chapters to share with their landowners if the chapter plans to use RTP funds for trail projects on a private landowner's land.
3. “Act 250 Explained” – a document sharing the specifics of Act 250.
4. “RTP Flowchart” – a flowchart visually summarizing the specifics of RTP requirements.