



The Nature Conservancy of Vermont
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Peter Keibel, Coordinator
Act 250 District Commission
111 West Street, Essex Junction, VT 05452

January 27, 2016

RE: proposed Vermont Transload Facility, Shelburne

Dear Mr. Keibel,

The Nature Conservancy in Vermont is a leader in safeguarding the natural resources of the Green Mountain State. We have conserved 300,000 acres of land, over 1,200 miles of shoreline, and manage and maintain 55 natural areas. The Vermont chapter is proud to be connecting land, water, wildlife and people for over 50 years. To learn more and support our important work, please visit: www.nature.org/vermont or follow us on Facebook and Twitter.

The Conservancy owns and manages 230 acres along the lower LaPlatte River that directly abut the property of Vermont Railways, Inc. in Shelburne, VT which is the site of the proposed Shelburne Transload Facility. The Conservancy, in conjunction with the State of Vermont, the Town of Shelburne, Audubon Vermont and many other public agencies and private partners, has been instrumental in the conservation of this ecologically significant area since 1976, much of which was protected with funds and land contributed by public entities, private nonprofit organizations and private donations.

The Conservancy supports the Town of Shelburne and the Agency of Natural Resources in their pursuit of any option that will provide environmental oversight of this proposed development including the preferred option to relocate to another, less environmentally sensitive and more appropriate site. We urge the Act 250 District Commission to exercise jurisdiction over this proposed development.

The lower LaPlatte River downstream of Route 7, and the surrounding wetland and upland natural communities, have been recognized as important natural areas of statewide significance that are worthy of continued protection because they contain the following attributes:

- i.) wetlands that are in such a condition to meet the criteria of Class 1 wetlands as defined in statute;
- ii.) critical wildlife habitat consisting of mapped deer wintering areas and other habitat for bobcats and bear;
- iii.) natural resources of statewide significance (including nine rare plants [one on the state-endangered list], a rare butterfly, a rare salamander, and two state-endangered fish;

- iv.) an extensive floodplain forest that has been described by the Vermont Natural Heritage Inventory, part of the Vermont Department of Fish and Wildlife, as one of the best such examples in the state of Vermont, giving it an A-rank (the top ranking) and
- v.) a forested upland buffer for one of the highest quality floodplain forests in the state of Vermont. The upland buffer forest is an example of the rare Valley Clayplain Forest that is recovering from land clearing and in several places this forest is mature and has a statewide quality rank.

The forested uplands adjacent to the LaPlatte River and its wetlands that are a part of the Vermont Railways, Inc. property slated for development of the Shelburne Transload Facility provide critical habitat for wildlife including deer wintering areas and movement corridors for bobcat, bear and other wildlife in the context of the surrounding urban/suburban landscape. The buffer these uplands provide to the adjacent wetlands is critical because it moderates the climate of the interior floodplain forest creating conditions of temperature, shade and humidity that the floodplain forest requires in order to function. The loss of this buffer will reduce the effectiveness of the floodplain forest to support water quality, encourage the encroachment of invasive species into the floodplain forest, and decrease the abundance and diversity of plant and animals that support a healthy ecosystem.

The Nature Conservancy has concluded that the proposed development of the Shelburne Transload facility undermines a special natural resource of local, regional and statewide significance. We have serious concerns that the proposed storage of salt, fuel and vehicles in such close proximity to the river will be a threat to the water quality and wildlife habitat of this state significant natural area and its rare species. The developers of the proposed facility are attempting to waive all responsibility to obtain environmental permits which lends credence to our belief that this proposed facility is a threat to sensitive natural resources. We have no assurance that this project will be properly sited, built and managed. We do not believe that this is an appropriate location for such an industrial facility.

We believe that the proposed development will have irreversible and undue adverse impacts on natural resources and the environment including the outstanding natural resources of statewide significance, the high quality floodplain forest, the rare, threatened and endangered species, and the continued public use and enjoyment of a wilderness-like area in a suburbanized/urban setting in Chittenden County. Thank you for your consideration of our request to take jurisdiction of this proposal.

Sincerely,



Heather Furman, Director

Cc:

Town of Shelburne Selectboard
Joe Colangelo, Shelburne Town Manager
Senator Patrick Leahy
Senator Bernie Sanders
Congressman Peter Welch