There’s a Story at the Heart of Act 181 That People Still Don’t Understand

More than 60% of Vermont is already conserved — so why are we regulating it like it isn’t?

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We’ve been writing about Act 181 and contacting legislators before most Vermonters had heard of it. We’ve watched the anger build — the op-eds, the Statehouse protests, the Vermont Act 181 Facebook group that has 9,000 members and counting — and we understood that anger, on an existential level.

But we’ve also been busy trying to understand how we got to this place. We’ve talked to the conservation organizations that shaped these laws. We’ve submitted formal public comments. We’ve even run the spatial analysis using the state’s own data.

What we’ve found: there’s a story at the heart of this that people still don’t fully understand.

The assumption at the heart of Act 181 — that Vermont needs to regulate its landowners to achieve its conservation goals — is fundamentally misguided. But not for the reasons most people think.

What went wrong

Act 59, passed in 2023, set Vermont’s 30x30 goals and defined “conserved” as land permanently protected by deed or public ownership. That excludes nearly 2.6 million acres enrolled in Current Use — working forest and farmland managed under state-approved plans, in a program that has grown for 44 consecutive years without a single year of decline. Not one of those acres counts.

The drafters weren’t trying to harm working families. They were trying to build an aspirational law — one that required Vermont to do something new, rather than declaring victory over what already existed. To create that aspiration, they turned to Vermont Conservation Design, the state’s most rigorous ecological planning framework, as their scientific foundation.

But VCD’s data had always measured permanent protection as a proxy for development threat — where conservation investment was most urgently needed. The drafters read that data’s implicit assumption — permanence equals conservation — as VCD’s definition of what counts. It wasn’t. VCD was a planning vision that explicitly recognized working lands, forest management, and landowner incentives as equivalent tools for achieving ecological function. Its own documents said so. But the data infrastructure underlying it could only measure permanent protection, because that was the instrument the field knew how to count. Working lands were invisible in the data not because they didn’t count — but because no one had built a field for them.

Act 181, passed in 2024, inherited that blindness — and added a second error on top of it.

Act 181 explicitly incorporates Act 59's conservation goals (§2802) into its own purpose (10 V.S.A. §6000). When LURB built the Tier 3 maps, it was legally pointed back to Act 59's conservation vision, which pointed back to VCD, which pointed back to the same data infrastructure that couldn't see enrolled working lands.

But LURB also converted an ecological quality map into a regulatory instrument without performing the step that conversion requires. VCD's Highest Priority blocks were designated based on ecological quality and size — which blocks were largest, most intact, most connected. Not based on protection status. A regulatory map must ask not just "where are the ecological resources?" but "where is ecologically valuable land that actually lacks protection?" LURB never asked the second question. It treated ecological value and lack of protection as the same thing.

They are not.

The result: a regulatory map that unintentionally manufactured a statewide development threat — when the genuine risk is concentrated in a handful of resort communities where development pressure is real and documented.

What the data shows

Across Vermont's 433 Highest Priority Connectivity Blocks, 73% of the land — more than 2 million acres — is already enrolled in Current Use or permanently conserved.

That is not theoretical conservation. It is measurable, long-term stewardship. Across Vermont's highest-priority corridors, more than half of enrolled acres have been managed for over 20 years. A quarter for more than 30. The median enrollment date is 2008 — nearly two decades ago. Statewide, enrollment has grown for 44 consecutive years in a program with no requirement to stay. Landowners can leave at any time. They don't.

These are not marginal acres. They are the backbone of Vermont's conservation system — and arguably the most durable voluntary conservation program of its kind in the country.

The remaining 27%, about 765,000 acres, is where real risk lies. But that risk is not evenly distributed. It is concentrated in smaller parcels in high-value resort communities — often under 25 acres — where development pressure is real and ownership is often absentee. Stowe averages $95,398 per acre with 45% out-of-state ownership. Ludlow averages $48,912 per acre with 87% out-of-state ownership. These parcels represent roughly 4 to 5 percent of the corridor. Tier 3, as currently drafted, applies to all of it.

Most of the at-risk land tells a different story. Larger parcels have land values nearly identical to enrolled land. Their owners are overwhelmingly in-state Vermont families — working lands in character, held without development intent. But Current Use requires a minimum of 25 acres to enroll — a threshold designed for timber production economics, not corridor ecology. Many of these families have no pathway into the voluntary compact regardless of their stewardship intent.

The right instrument for this population is not a permit. It is an enrollment pathway.

How Vermont fixes it

The fix has three parts — and they must move together, because the problem exists at three levels of Vermont's land use framework. The window is narrow: LURB's May draft and the Conservation Plan's summer 2026 deadline are the two immediate pressure points.

First, fix the definition.

The Conservation Plan should recommend amending Act 59's §2801(6) to replace the permanence-only standard with a durability-and-function standard — consistent with what most comparable states have adopted. Land enrolled in long-term stewardship programs with enforceable commitments and demonstrated compliance should count toward Vermont's conservation goals.

With that correction, Vermont's baseline becomes visible: 61.3%, 3.6 million acres, already conserved.

Second, replace the wrong instrument with the right ones.

Tier 3 should be repealed. The maps, as currently designed, are the wrong instrument for the corridor — a blanket regulatory tool applied to a targeted problem that voluntary stewardship, local zoning, targeted FMV easement acquisition, and the Forest Legacy Program are built to address.

Vermont doesn't need less development. It needs the right kind — new housing, family homesteads, rural enterprise that keeps towns alive and working families on the land. The voluntary compact preserves exactly that flexibility. Tier 3 destroys it. Act 250 currently processes roughly 390 applications per year and approves 99.7% of them, at an average of 60 to 80 days. Expanding Tier 3 jurisdiction would subject all landowners across 2.8 million acres to Act 250 review for qualifying development activities — vastly expanding a system that was never designed to be the management framework for Vermont's working landscape. Where farm and forestry exemptions apply, they must still be claimed through the application process. The exemption is the destination. The process is the burden. Act 250 is a valuable tool for major development in the right places. It was never meant to govern the everyday activities of families who have been stewarding the corridor for 44 years.

The 23,778 enrolled corridor parcels should be excluded entirely. They are already being stewarded. Act 250 adds no conservation value, and the regulatory burden risks eroding exactly the voluntary compact the corridor depends on.

The sub-25-acre, high-value parcels where development pressure is genuinely real are concentrated in a handful of resort communities. The right instrument for that population is targeted investment in local zoning capacity in the specific communities where fragmentation pressure is documented — not a statewide regulatory tier covering 2.8 million acres.

For willing sellers in those same corridors, the Forest Legacy Program — implemented through land trust partnerships — offers fair compensation and permanent protection without regulatory burden. These tools are more targeted, more democratically accountable, and more likely to protect the corridor than a broad regulatory tier applied indiscriminately across Vermont's working landscape.

Third, fill the enrollment gap.

The Legislature should establish a Wildlife Corridor Forestland category within Current Use — a third enrollment tier alongside Managed Forestland and Reserve Forestland, tied to ecological stewardship within priority corridor blocks.

Act 181 already recognizes this logic. Its definition of habitat connector (10 V.S.A. §6001(47)) explicitly includes land used for farming, logging, and forestry. The statute already understands that working lands are the corridor. The enrollment system should reflect that.

The roads rule — Act 181's requirement that new road construction beyond certain thresholds triggers Act 250 jurisdiction — should be repealed as a standalone regulatory instrument and its intent embedded within the Wildlife Corridor Forestland stewardship plan instead. Landowners who enroll would agree to road and access standards as part of their stewardship commitment — protecting the corridor connectivity the roads rule was designed to preserve, without the regulatory burden and uncertainty that has made it one of the most feared provisions of Act 181. The stewardship plan becomes the instrument. Enrollment becomes the incentive. The corridor gets protected. The family gets recognized for what they were already doing.

The Wildlife Corridor Forestland category should also carry a reduced acreage minimum. Current Use requires 25 acres to enroll — a threshold designed for timber production economics, not corridor ecology. At that threshold, only 9.5% of at-risk corridor parcels are eligible. Dropping the minimum to 10 acres would extend the voluntary pathway to parcels covering 84.5% of at-risk corridor acreage — while tripling the number of families who can participate. 90.5% of at-risk corridor parcels fall below 25 acres. The threshold is structurally working against the corridor it was meant to protect.

Together, these three fixes realign the system.

With that correction, Vermont can set goals that reflect reality — and raise the bar at the same time. Thirty percent permanently conserved by 2030 should remain. But alongside it, Vermont should aim for a 70% conservation mosaic by 2030 — working lands and permanently protected lands counted together — and 80% by 2050.

These are not softer goals. They are harder ones. They require Vermont to focus on the land that is actually at risk, rather than accumulating protections where stewardship is already working.

A fight we don't need

Vermont's conservation tradition was never either/or. It was always both: permanent protection where development pressure is real, and working lands where families are already doing the work.

Act 181 has turned those tools against each other. They never were opposed. And the people who know that best — the VHCB staff, the conservation organization leaders, the legislators on both sides of this — understand it too. In every conversation we've had, on every side of this issue, and we've had them with Republicans, Democrats, and independents — we've found the same thing: people who understand the landscape, who care about it, and who know that Vermont is capable of doing the harder work of acknowledgment.

Vermont has always done its politics differently. Not on Twitter. Not in the language of national culture wars. On the farm porch — where neighbors who disagree about almost everything can still talk about the land they share, the forests they're both trying to keep intact, the Vermont they both want to pass on. That's not nostalgia. That's infrastructure. And it's being tested right now.

The trap that's been set — not by Vermonters, but by the national moment we're all living inside — is to turn this into a story about government overreach versus environmental extremism. That story serves no one in Vermont. It doesn't protect the corridor. It doesn't keep families on the land. It doesn't build the mosaic that 61.3% of Vermont has already quietly become.

The real risk in rural Vermont isn't the landowner who wants to develop. It's the one who doesn't — but can't afford not to. The real opportunity isn't a fight. It is a conversation that Vermont already knows how to have.

The legislators, the conservation organizations, the agencies — they have everything they need. The data exists. The pathway is clear. The goodwill is there. The question is whether Vermont uses this moment to write the right story, or lets someone else write it for us.

Vermont conservation shouldn't be an either-or fight. It should be a both-and celebration — a bold, inclusive commitment to what makes Vermont what it is, past, present, and future.

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