

State of Vermont  
Vermont Superior Court -- Washington Division

Standing Trees Inc.

v.

Docket No.25-CV-03722

The State of Vermont,  
Julie Moore, Secretary of the Agency of  
Natural Resources, in her official capacity,  
Danielle Fitzko, Commissioner of the  
Department of Forests, Parks, and Recreation,  
in her official capacity, and  
Andrea Shortsleeve, Commissioner of the  
Department of Fish & Wildlife, in her official  
capacity

**Amended Complaint**

Now comes Standing Trees Inc., by and through James A. Dumont, Esq., and Christophe Courchesne, Esq., and it seeks injunctive and declaratory relief pursuant to the Public Trust Doctrine, Articles 7 and 13 of Chapter I of the Vermont Constitution, § 67 of Chapter II of the Vermont Constitution, the Vermont Administrative Procedure Act, and Vermont Rule of Civil Procedure 75.

**Parties**

1. Standing Trees, Inc., is a nonprofit corporation whose purpose is to protect and restore New England's native ecosystems, and safeguard the interests of its supporters and members.
2. Julie Moore is Secretary of the Agency of Natural Resources. She is sued in her official capacity only.
3. Danielle Fitzko is Commissioner of the Department of Forests, Parks, and Recreation. She is sued in her official capacity only.
4. Andrea Shortsleeve is Commissioner of the Department of Fish and Wildlife. She is sued

in her official capacity only.

## **Facts**

### *Standing Trees and Its Members' Interests*

5. An ecosystem is the complex of a community of organisms and its environment functioning as an ecological unit. An ecosystem includes trees, plants, mosses, fungi, fish, wildlife, soils, ponds, wetlands, seeps, brooks, rivers, and/or lakes.
6. The existence and health of a forest ecosystem, including the trees, plants, mosses, fungi, fish, wildlife and soils, affect, and often determine, the quantity and quality of the waters in ponds, wetlands, seeps, brooks, rivers, and lakes within and outside of that ecosystem.
7. Standing Trees' members use, enjoy and rely upon trees, plants, mosses, fungi, fish, wildlife, soils, ponds, wetlands, seeps, brooks, rivers, and/or lakes found in or on Vermont State Forests, Parks, and/or Wildlife Management Areas.
8. Standing Trees' members use, enjoy and rely upon these trees, plants, mosses, fungi, fish, wildlife, soils, ponds, lakes, wetlands, seeps, and brooks more frequently and with greater intensity than members of the general public.
9. The physical and/or mental health and well-being of many of Standing Trees' members depends upon their use of these trees, plants, mosses, fungi, wildlife, soils, ponds, lakes, wetlands, seeps, and brooks in Vermont State Forests, Parks, and/or Wildlife Management Areas.
10. Some of Standing Trees' members reside adjacent to Vermont State Forests, Parks, and/or Wildlife Management Areas.
11. Some of Standing Trees' members reside in proximity to Vermont State Forests, Parks,

and/or Wildlife Management Areas.

12. Defendants plan to harvest timber in 2026, possibly as early as January of 2026, in a State Forest in Worcester. Defendants refer to this area as Worcester Range Management Unit Treatment 1 (henceforth “Treatment 1”).

13. Some of Standing Trees’ members reside in proximity to, and often visit, the location of Treatment 1.

14. Tributaries to waters that other Standing Trees members utilize for recreation pass through or arise in the location of Treatment 1.

15. Trees, plants, mosses, fungi, wildlife, soils, ponds, wetlands, seeps, and brooks found in or on the location of Treatment 1 provide valuable services to these Standing Trees members.

16. Harvesting timber in other Vermont State Forests, Parks, or Wildlife Management Areas has already caused harm, and will in the future cause additional harm, to trees, mosses, plants, fungi, wildlife, soils, ponds, lakes, wetlands, seeps, and/or brooks—and therefore to Standing Trees’ members.

17. The harvesting of timber at the Treatment 1 location, in 2026, will cause harm to Standing Trees members who reside in proximity to the State Forest, who recreate in that State Forest, and who recreate in water bodies tributaries of which pass through or arise in that State Forest.

18. The injuries that will be caused to Standing Trees’ members in 2026, when the State Forest at Treatment 1 is planned to be harvested, are imminent.

*Public Trust Waters and Boatable Waters Facts*

19. Some of the ponds, lakes, wetlands, seeps, brooks and rivers found in or on Vermont

Forests, Parks, and Wildlife Management Areas either are navigable or serve as tributaries to navigable waters outside of Vermont Forests, Parks, and Wildlife Management Areas.

20. Those ponds, lakes, wetlands, seeps, brooks, and rivers that are navigable or that serve as tributaries to navigable waters fall within the protections of the Public Trust Doctrine.

21. Some of the ponds, lakes, brooks, and rivers found in or on Vermont Forests, Parks, and Wildlife Management Areas are boatable.

22. Standing Trees' members use, enjoy and rely upon navigable beaver ponds and other navigable waters within or in proximity to Vermont Forests, Parks and Wildlife Management Areas.

23. Standing Trees' members use, enjoy and rely upon boatable beaver ponds and other boatable waters within or in proximity to Vermont Forests, Parks, and/or Wildlife Management Areas.

24. Standing Trees' members use, enjoy and rely upon navigable and boatable waters the tributaries of which originate in or pass through the location of Treatment 1 in Worcester where Defendants plans to harvest timber in 2026, possibly as early as January of 2026.

25. Defendants' decision-making about whether to harvest in any State Forest, Park or Wildlife Management Area, and their decision-making about which species to harvest, how much to harvest, where to harvest, and what protections of ponds, wetlands, seeps, brooks, rivers, and lakes to impose, occur behind closed doors.

26. Defendants do not notify or seek comment from the public or known interested parties such as Standing Trees about Defendants' investigation of potential impacts on ponds, wetlands, seeps, brooks, rivers, and lakes, or about Defendants' evaluation and weighing of the results of their investigations, or about Defendants' potential choices for timber harvesting locations and

practices that may affect ponds, wetlands, brooks, rivers, or lakes.

27. The only way Standing Trees or members of the public can learn of these investigations of potential impacts, of the Defendants' evaluations and weighing of these impacts, and of decisions or proposed decisions about timber harvesting and timber harvesting conditions, is to submit Public Records Act requests about them.

28. The availability of Public Records Act access hinges on the assumption that Standing Trees and members of the public already know that these investigations, evaluations, and decision-making are underway—and Defendants provide no public notice.

29. Because of the lack of notice, Public Records Act requests that Standing Trees has submitted about Defendants' decision-making often have amounted to shots in the dark, resulting in production of irrelevant documents.

30. By the time Defendants respond to such requests, weeks and sometimes months have passed—effectively precluding any opportunity for timely comment, but there is no reason to believe that Defendants are interested in such comments.

31. Defendants' ultimate decisions about whether to harvest in each location, including Treatment 1, and their decisions about which species to harvest, how much to harvest, where to harvest, and what protections to require of timber contractors to protect ponds, wetlands, seeps, brooks, rivers, and lakes have been disclosed to potential timber harvesting contractors—but not to Standing Trees.

32. Defendants' past decisions about whether to harvest in each location, and their decisions about which species to harvest, how much to harvest, where to harvest, and what protections to require of timber contractors to protect ponds, wetlands, seeps, brooks, rivers, and lakes have been made without the weighing of costs against benefits required by the Public Trust Doctrine.

Defendants have not recognized or applied the Public Trust Doctrine to decisions about whether to harvest in each location, and their decisions about which species to harvest, how much to harvest, where to harvest, and what protections to require of timber contractors to protect ponds, wetlands, seeps, brooks, rivers, and lakes.

33. Defendants have proposed to conduct a timber harvest in 2026 at the location labelled Treatment 1 of the Worcester Range Management Unit.

34. Without judicial relief, Defendants will decide about whether to harvest at Treatment 1 and about which species to harvest, how much to harvest, where to harvest, and what protections of ponds, wetlands, seeps, brooks, rivers, and lakes to impose, behind closed doors.

35. Without judicial relief, Defendants will not seek comment from Standing Trees and other members of the public on their investigation of potential impacts on ponds, wetlands, seeps, brooks, rivers, and lakes of proposed timber harvesting at the Treatment 1 location, or on Defendants' evaluation and weighing of the results of their investigations, or on Defendants' potential choices for timber harvesting locations and practices at Treatment 1.

36. Without judicial relief, Standing Trees and other members of the public will have to resort to Public Records Act requests to attempt to learn of Defendants' investigation of potential impacts on ponds, wetlands, seeps, brooks, rivers, and lakes of proposed timber harvesting at the Treatment 1 location, or of Defendants' evaluation and weighing of the results of their investigations, or of Defendants' potential choices for timber harvesting locations and practices at Treatment 1.

37. Without judicial relief, Defendants' ultimate decisions about whether to harvest at Treatment 1, and their decisions about which species to harvest, how much to harvest, where to harvest, and what protections to require of timber contractors to protect ponds, wetlands, seeps,

brooks, rivers, and lakes will be disclosed to potential timber harvesting contractors—but not to Standing Trees.

38. Without judicial relief, Defendants’ decisions about whether to harvest at Treatment 1, and their decisions about which species to harvest, how much to harvest, where to harvest, and what protections to require of timber contractors to protect ponds, wetlands, seeps, brooks, rivers, and lakes will be made without the weighing of costs against benefits required by the Public Trust Doctrine.

Common Benefit Clause Facts

39. Trees, plants, mosses, fungi, fish, wildlife, soils, ponds, lakes, wetlands, seeps, and brooks found in or on forests in Vermont Forests, Parks and/or Wildlife Management Areas are resources subject to the Common Benefits Clause, Article 7 of Chapter I of the Vermont Constitution.

40. Trees, plants, mosses, fungi, fish, wildlife, soils, ponds, lakes, wetlands, seeps, and brooks found in or on unharvested forests in Vermont Forests, Parks and/or Wildlife Management Areas provide valuable and often essential services to Standing Trees’ members and members of the public.

41. These services include, for example: improving or protecting water quality in rivers, ponds, and lakes; preventing or mitigating flood damage from large storm events; mitigating droughts; providing habitat for bats that consume disease-causing and/or economically harmful insects at farms, residences, and recreational areas; and providing aesthetic and recreational opportunities for residents and tourists.

42. These services have tremendous value to Standing Trees’ members.

43. Economists have determined the economic value of the services. These are referred to as

ecosystem service values.

44. The noneconomic benefits and the ecosystem service values of a forest can be destroyed or diminished when timber harvesting occurs.

45. Timber harvesting can provide economic value, including income to timber harvesting contractors, the value of wood products in the economy, and tax revenues.

46. The economic value of keeping forests in the Vermont State Forests, Parks and Wildlife Management Areas intact, without harvesting, often exceeds the economic value of timber harvesting, according to economists.

47. Standing Trees' members use, enjoy and rely upon the common-benefit resource trees, plants, fungi, fish, wildlife, soils, ponds, wetlands, seeps, brooks and rivers found in many of the Vermont State Forests, Parks and Wildlife Management Areas.

48. Standing Trees' members use, enjoy and rely upon the common-benefit resource trees, plants, fungi, fish, wildlife, soils, ponds, lakes, wetlands, seeps, and brooks found in or on the location of Treatment 1, where Defendants plan to harvest timber in 2026, possibly as early as January of 2026.

49. The harvest of timber in Vermont State Forests, Parks and Wildlife Management Areas often is preceded or accompanied by the construction or improvement, by Defendants, of timber access roads.

50. The construction or improvement of these roads costs thousands or tens of thousands of dollars in each instance. State resources often pay for these construction and improvement projects.

51. These road constructions and/or improvements, in some instances, harm the common-benefit resource trees, plants, fungi, fish, wildlife, soils, ponds, lakes, wetlands, seeps, and



brooks.

52. The principal beneficiaries of these projects are private timber harvesting contractors.

53. Defendants routinely approve of timber harvesting on State Forests, Parks and Wildlife Management Areas, and of improvement and construction of timber access roads, that do not serve the common benefit of Vermonters, and that serve the particular advantage of timber harvesting contractors and the timber products industry that are only a part of the Vermont community, at the expense of the common good.

54. On information and belief, Defendants have already authorized, paid for and completed some improvements to a timber access road to facilitate timber harvesting at Treatment 1 in Worcester.

55. The principal beneficiaries of improvements to the timber harvest road in Worcester are private timber harvesting contractors.

56. Without judicial relief, Defendants will decide about whether to harvest State Forests, Parks, and Wildlife Management Areas, including Treatment 1 in Worcester, and about which species to harvest, how much to harvest, where to harvest, and what protections of trees, plants, fungi, fish, wildlife, soils, ponds, lakes, wetlands, seeps, brooks, and rivers to impose, without consideration of and contrary to the requirements of the Common Benefits Clause.

57. Without judicial relief, Defendants will decide about whether to harvest State Forests, Parks and Wildlife Management Areas, including Treatment 1 in Worcester, and about which species to harvest, how much to harvest, where to harvest, and what protections of trees, plants, fungi, wildlife, soils, ponds, lakes, wetlands, seeps, brooks, and rivers to impose, in a manner that serves the particular advantage of timber harvesting contractors and the timber products industry that are only a part of the Vermont community, at the expense of the common good.

Articles 7 and 10 Discrimination Facts

58. Standing Trees, on behalf of its members, has publicly advocated for better protection of Vermont Forests, Parks and/or Wildlife Management Areas and publicly criticized Defendants' practices.

59. This public advocacy has included press releases, interviews and reports that challenge and criticize some of the longstanding, firmly entrenched beliefs and practices of Defendants and their predecessors.

60. Standing Trees' public advocacy and criticism of Defendants and their predecessors has been widely reported in Vermont print and digital media.

61. Standing Trees' advocacy has included litigation against Defendants and/or their predecessors that alleged that Defendants and/or their predecessors were violating Vermont law.

62. The litigation was widely publicized.

63. The Superior Court dismissed the litigation on the basis of lack of constitutional standing.

64. Standing Trees' advocacy also has included repeated Public Records Act requests and, in some cases, vigorous objections to Defendants' withholding of documents. At times, in response to Standing Trees' objections, Defendants have provided documents that they initially refused to provide.

65. Standing Trees' advocacy has included advocacy before committees of the legislature. This legislative advocacy, too, has included statements that challenge and criticize some of the longstanding, firmly entrenched beliefs and practices of Defendants and their predecessors.

66. Standing Trees' legislative advocacy has included drafting and testimony in support of legislation that would compel Defendants to abandon or modify some of the longstanding, firmly entrenched beliefs and practices of Defendants and their predecessors.

67. As a result of Standing Trees’ public challenges to and criticisms of Defendants, Defendants have discriminated against Standing Trees, denied information to Standing Trees, and denied Standing Trees access to information that Defendants share with the timber industry.

68. Some of Defendants’ written communications to Standing Trees have explicitly stated that because of Standing Trees’ advocacy, Defendants will not share information with Standing Trees that it would otherwise have shared.

69. Some of Defendants’ written communications to Standing Trees have acknowledged that while Defendants have established no policy on public access to certain timber management decisions, members of the timber industry will be notified by Defendants of these decisions—but Standing Trees will not be notified.

70. Because Vermont Rule of Civil Procedure 75 imposes a 30-day limitation period for challenging government action, Defendants’ decisions to notify members of the timber industry but not Standing Trees about certain timber management decisions will result in those decisions becoming potentially unreviewable in court.

71. Unless Standing Trees obtains judicial relief, Standing Trees will not learn of Defendants’ decisions to harvest timber, and how to conduct harvesting, at the Treatment 1 location, until more than 30 days have expired after these decisions are made, potentially rendering those decisions unreviewable.

72. Standing Trees’ ability to carry out its purposes and to protect the interests of its members will be directly harmed by Defendants’ actions, unless judicial relief is obtained.

### Petition Facts

73. On September 26, 2024, Defendants executed a document called Worcester Range Management Unit Long Range Management Plan (henceforth, “the Plan”).

74. On information and belief, the Plan determines how future decisions about timber harvesting in the Worcester Range will be made.

75. Standing Trees and many citizens and other organizations submitted detailed comments about the proposed Plan before it was adopted.

76. Defendants have not posted the comments on their website or in any other way shared the comments with the public. The only way for Standing Trees or the public to view them is to make Public Records Act requests.

77. Defendants charge substantial fees for providing copies of documents when responding to Public Records Act requests.

78. Defendants wrote and posted what they labelled a Response to the comments. However, the Response did not include any of the comments. It partially summarized them.

79. Section 831 of the Vermont Administrative Procedure Act states that when 25 or more persons petition a state agency to initiate the rulemaking process for a practice or procedure of the agency, the agency must do so.

80. Standing Trees wrote to Defendants on June 30 and July 1, 2025, stating that the Plan constitutes a practice or procedure within the meaning of the Administrative Procedure Act, and submitted a petition pursuant to 3 V.S.A. § 831 from 25 persons demanding that the Plan be subject to rulemaking.

81. If the petition were granted, Standing Trees and its members would enjoy important, substantial benefits.

82. The Vermont Administrative Procedure Act requires, in every rulemaking, preparation of environmental impact statement, consideration of alternatives, at least one public hearing and the opportunity for public comment on all proposed rules. 3 V.S.A. §§ 836-841.

83. Through the rulemaking process, Standing Trees would be able to comment on the Plan in a manner that would be open to the public, and in that manner Standing Trees could enlist other supporters of its positions. Standing Trees has not had, and will not have, this opportunity without rulemaking.

84. Through the rulemaking process, Standing Trees would be able to read all other participants' comments without making costly Public Records Act requests. Standing Trees has not had, and will not have, this opportunity without rulemaking.

85. Through the rulemaking process, Standing Trees would receive information that otherwise would not be available to Standing Trees from any other source or in any other way—§ 838(c) of the Vermont Administrative Procedure Act requires that the agency prepare and post an Environment Impact Statement on each proposed Rule. The Statement must consider the environmental impacts of the proposed rule and compare these with the impacts of alternative rules.

86. Standing Trees lacks the resources and access to information that would allow it to perform its own Environmental Impact Statement.

87. No other provision of Vermont law requires creation of an Environmental Impact Statement.

88. The only means by which Standing Trees can obtain the information in an Environmental Impact Statement that addresses Defendants' timber-harvesting decision-making is by the rulemaking process.

89. On July 29, 2025, Defendants replied, stating that they will not initiate rulemaking, because the Plan does not constitute a practice or procedure, and, even if it did, practices or procedures about the care of state property are exempt from § 831(c).

90. The denial frustrates Standing Trees' ability to carry out its purposes.

91. Each of Defendants' rationales are faulty. The Plan constitutes a practice or procedure; the Plan governs how the Department of Forests, Parks and Recreation will implement its statutory missions of conservation and related goals—which differs from the Defendants' internal procedures for caring for property.

92. But for the Defendants' refusal to initiate rulemaking, Standing Trees would be able to post its comments publicly and enlist the support of others, it would be able to read all other participants' comments, and it would enjoy the benefit of an Environmental Impact Statement that examines the costs and benefits of its timber-harvesting decision-making, and that considers alternatives to its present processes.

93. An order of this Court compelling Defendants to initiate rulemaking would redress these informational harms.

### **Count I – Public Trust**

94. The Public Trust Doctrine applies to all waters that are navigable under current standards of navigability, including navigability by small craft for recreational purposes.

95. The Public Trust Doctrine applies to tributaries of waters that are navigable.

96. The Public Trust Doctrine requires that Defendants engage in a public process that occurs before decisions affecting Public Trust resources are made. The decision-making process must be open and visible. The public must be informed of a proposed decision and given a substantial opportunity to respond to the proposed action.

97. The Public Trust Doctrine requires that, after the decision is made, it is shared with the public.

98. The Public Trust Doctrine requires that an agency not merely consider whether a

proposed action complies with all statutes and regulations—the agency must affirmatively gather information on costs and benefits, and then, acting as a fiduciary on behalf of the people of Vermont, weigh the costs and benefits of its proposed action and make a decision that best serves the public interest. This is a substantive legal obligation, not a procedural technicality.

99. If the Public Trust Doctrine’s procedural and substantive obligations were complied with prior to Defendants’ decisions about Treatment 1, it is likely that the decision would be more protective of the Public Trust resources, and less harmful to Standing Trees and its members than the decision that would otherwise be made.

100. Standing Trees has urged Defendants to incorporate Public Trust Doctrine procedural and substantive protections into their decision-making. Defendants have failed to do so.

Wherefore, Plaintiff requests that this Honorable Court:

- i) Issue a declaratory judgment that the Public Trust Doctrine governs Defendants’ management of the lands in State Forests, Parks, and Wildlife Management Areas that contain navigable waters, including waters that are navigable by small craft for recreational purposes, and/or tributaries of navigable waters.
- ii) Issue a declaratory judgment that Public Trust Doctrine requires that Defendants engage in a public process before decisions affecting Public Trust resources are made, and that after the decision is made, it is shared with the public.
- iii) Issue a Permanent Injunction enjoining Defendants from authorizing or engaging in any timber-harvesting decisions on State Forests, Parks, and Wildlife Management Areas that contain navigable waters or tributaries of navigable waters until Public Trust evaluation has been completed.
- iv) Issue a Preliminary Injunction enjoining Defendants from authorizing or engaging in

any timber-harvesting decisions at the Treatment 1 location in Worcester until Public Trust evaluation has been completed.

- v) Issue such other and further relief as the Court deems equitable.

### **Count II – Boatable Waters**

101. Section 67 of Chapter II of the Vermont Constitution guarantees the right of the people of the State of Vermont to fish in all boatable waters.

102. The State's duty to protect that right includes the duty to protect the quality and quantity of waters that feed boatable waters.

103. Section 67 protects all boatable waters both within and outside of State Forests, Parks, and Wildlife Management Areas that may be affected by Defendants' decisions about timber harvesting within these areas.

104. Like the Public Trust Doctrine, the State's duty under § 67 differs from and is more demanding than ensuring compliance with statutes and regulations pertaining to water quality.

105. Standing Trees' members recreate in boatable waters throughout the State, and in particular in boatable waters that may be affected by timber harvesting in Unit 1 of the State Forest in Worcester.

106. Standing Trees has urged Defendants to incorporate § 67 protections into their decision-making. Defendants have failed to do so.

Wherefore, Standing Trees requests that this Honorable Court:

- i) Issue a declaratory judgment that § 67 protects all boatable waters both within and outside of State Forests, Parks, and Wildlife Management Areas that may be affected by Defendants' decisions about timber harvesting within these areas.
- ii) Issue a Permanent Injunction enjoining Defendants from authorizing or engaging in any



timber-harvesting decisions on State Forests, Parks, and Wildlife Management Areas that may affect boatable waters until Defendants evaluate the potential impacts on boatable waters pursuant to § 67.

- iii) Issue a Preliminary Injunction enjoining Defendants from authorizing or engaging in any timber-harvesting decisions on Unit 1 of the State Forest in Worcester until Defendants have considered impacts on boatable waters.
- iv) Issue such other and further relief as the Court deems equitable.

### **Count III – Common Benefits of Public Forests**

107. Article 7 of Chapter I of the Vermont Constitution guarantees the people of the State of Vermont that the resources and power of State government will not serve special interests at the expense of the larger community, and, without compelling reason will not deny benefits to all that are provided to some.

108. Article 7 governs Defendants' decisions about how they allocate the resources found in State Forests, Parks and Wildlife Management Areas.

109. Defendants' substantive decisions about how they allocate the resources found in State Forests, Parks and Wildlife Management Areas violate Article 7. Defendants have based their decisions, in part, on the economic value of timber products without also considering the economic value of ecosystem services that may or will be impaired by timber harvesting.

110. Standing Trees' members have been and will be harmed by past and imminent future violations of Article 7.

111. Standing Trees has urged Defendants to incorporate Article 7 protections into their decision-making. Defendants have failed to do so.

Wherefore, Standing Trees requests that this Honorable Court:

- i) Issue a declaratory judgment that Article 7 of Chapter 1 of the Vermont Constitution governs Defendants’ decisions about how they allocate the resources found in State Forests, Parks, and Wildlife Management Areas.
- ii) Issue a Permanent Injunction enjoining Defendants from authorizing or engaging in any timber-harvesting decisions on State Forests, Parks and Wildlife Management Areas until Defendants consider the full range of economic costs and benefits, including the value of ecosystems services that may or will be impaired by timber harvesting—rather than considering only the economic value of timber products.
- iii) Issue a Preliminary Injunction enjoining Defendants from authorizing or engaging in any timber-harvesting decisions at Treatment 1 in Worcester until Defendants consider the full range of economic costs and benefits, including the value of ecosystems services that may or will be impaired by timber harvesting—rather than considering only the economic value of timber products.
- iv) Issue such other and further relief as the Court deems equitable.

**Count IV – Discrimination in Violation of Articles 7 and 13**

112. Article 7 of Chapter I of the Vermont Constitution not only protects against favoring one part of the community at the expense of others, it also states that the public has an “indubitable, unalienable and indefeasible right” to reform or alter how the State conducts itself. The Article states, in full:

*That government is, or ought to be, instituted for the common benefit, protection, and security of the people, nation, or community, and not for the particular emolument or advantage of any single person, family, or set of persons, who are a*

part only of that community; and that the community hath an indubitable, unalienable, and indefeasible right, to reform or alter government, in such manner as shall be, by that community, judged most conducive to the public weal.

113. Article 13 of Chapter I guarantees the right of free speech, and of writing and publishing one's opinions "concerning the transactions of government."

114. Both Articles are self-executing.

115. The protections these Articles provide to Standing Trees and its members have been violated, as set forth in paragraphs 58-72 above.

116. When the government has violated constitutional guarantees, no citizen or entity representing citizens must exhaust administrative remedies before seeking relief in the courts of this State.

117. Nonetheless, Standing Trees has asked Defendants to remedy their decision to provide information to the timber industry, but not Standing Trees, and Defendants have failed to do so.

Wherefore, Standing Trees requests that this Honorable Court:

- i) Issue a declaratory judgment that Articles 7 and 13 of Chapter 1 of the Vermont Constitution have been violated by Defendants.
- ii) Issue a Permanent Injunction enjoining Defendants from refusing to provide information to Standing Trees that it provides to potential timber harvesting contractors or other members of the public.
- iii) Issue a Preliminary Injunction enjoining Defendants from authorizing or engaging in any timber-harvesting decisions at the Treatment 1 location in Worcester until 30 days after it has informed Standing Trees that it has decided to authorize harvesting, and has provided Standing Trees with all of the information it has provided to one or more timber harvesting contractors.

**Count V – 3 V.S.A. § 831**

118. The Vermont APA states that “[a]n Agency shall initiate rulemaking to adopt as a rule an existing practice or procedure when so requested by 25 or more persons or by the Legislative Committee on Administrative Rules.” 3 V.S.A. § 831(c).

119. Defendants have refused to initiate rulemaking to adopt as a rule an existing practice or procedure after being so requested by 25 or more persons.

Wherefore Standing Trees asks, pursuant to Vermont Rule of Civil Procedure 75, that this Honorable Court:

- i) Issue a writ of mandamus requiring initiation of rulemaking.
- ii) Issue such other and further relief as the Court deems equitable.

STANDING TREES, INC.

By:

August 27, 2025  
Amended August 28, 2025

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