

1 S.159

2 Introduced by Committee on Natural Resources and Energy

3 Date:

4 Subject: Conservation and development; natural resources; land use; Act 250;  
5 environmental enforcement

6 Statement of purpose of bill as introduced: This bill proposes to make various  
7 amendments regarding 10 V.S.A. chapter 151 (Act 250), including the  
8 reorganization of jurisdictional provisions; requiring persons seeking review of  
9 jurisdictional opinions to seek consideration by the Natural Resources Board  
10 before appealing to the Environmental Division; adopting ethics requirements  
11 for Natural Resources Board members and district commissioners; and  
12 amendments regarding environmental enforcement.

13 An act relating to various amendments to Vermont's land use control law  
14 and related statutes

15 It is hereby enacted by the General Assembly of the State of Vermont:

16 \* \* \* Amendments to Act 250 \* \* \*

17 Sec. 1. 10 V.S.A. § 6001 is amended to read:

18 § 6001. DEFINITIONS

19 ~~When used in~~ In this chapter:

20 \* \* \*





1 (III) The compost is principally used on the farm where it was  
2 produced; ~~or~~

3 (IV) The compost is produced on a farm primarily used for the  
4 raising, feeding, or management of livestock, only from:

5 (aa) manure produced on the farm; and

6 (bb) unlimited clean, dry, high-carbon bulking agents from  
7 any source; ~~or~~

8 (V) The compost is produced on a farm primarily used for the  
9 raising, feeding, or management of livestock, only from:

10 (aa) manure produced on the farm;

11 (bb) up to 2,000 cubic yards per year of organic inputs  
12 allowed under the agency of natural resources' acceptable management  
13 practices, including food residuals or manure from off the farm, or both; and

14 (cc) unlimited clean, dry, high-carbon bulking agents from  
15 any source; ~~or~~

16 (VI) The compost is produced on a farm primarily used for the  
17 cultivation or growing of food, fiber, horticultural, or orchard crops, that  
18 complies with the agency of natural resources' solid waste management rules,  
19 only from up to 5,000 cubic yards per year of total organic inputs allowed  
20 under the agency of natural resources' acceptable management practices,  
21 including up to 2,000 cubic yards per year of food residuals;

1 \* \* \*

2 (19)(A) “Subdivision” means each of the following:

3 (i) a tract or tracts of land, owned or controlled by a person, which  
4 the person has partitioned or divided for the purpose of resale into 10 or more  
5 lots within a radius of five miles of any point on any lot, or within the  
6 jurisdictional area of the same district commission, within any continuous  
7 period of five years. In determining the number of lots, a lot shall be counted  
8 if any portion is within five miles or within the jurisdictional area of the same  
9 district commission. ~~The word “subdivision” shall not include a lot or lots  
10 created for the purpose of conveyance to the state or to a qualified  
11 organization, as defined under section 6301a of this title, if the land to be  
12 transferred includes and will preserve a segment of the Long Trail. The word  
13 “subdivision” shall not include a lot or lots created for the purpose of  
14 conveyance to the state or to a “qualified holder” of “conservation rights and  
15 interest,” as those terms are defined in section 821 of this title. “Subdivision”  
16 shall also mean;~~

17 (ii) a tract or tracts of land, owned or controlled by a person,  
18 which the person has partitioned or divided for the purpose of resale into six or  
19 more lots, within a continuous period of five years, in a municipality which  
20 does not have duly adopted permanent zoning and subdivision bylaws;



1 Sec. 2. 10 V.S.A. § 6001a is amended to read:

2 § 6001a. ~~PUBLIC AUCTIONS~~

3 ~~As used in this chapter “development” shall also mean the sale of any~~  
4 ~~interest in a tract or tracts of land, owned or controlled by a person, which have~~  
5 ~~been partitioned or divided for the purpose of resale into five or more separate~~  
6 ~~parcels of any size within a radius of five miles of any point on any such~~  
7 ~~parcel, and within any period of ten years, by public auction; and “public~~  
8 ~~auction” means any auction advertised or publicized in any manner, or to~~  
9 ~~which more than ten persons have been invited. However, if the sales~~  
10 ~~described under this section are of interests that, when sold by means other~~  
11 ~~than public auction, are exempt from the provisions of this chapter under the~~  
12 ~~provisions of subsection 6081(b) of this title, the fact that these interests are~~  
13 ~~sold by means of a public auction shall not, in itself, create a requirement for a~~  
14 ~~permit under this chapter. [Repealed.]~~

15 Sec. 3. 10 V.S.A. § 6001b is amended to read:

16 § 6001b. ~~LOW LEVEL RADIOACTIVE WASTE DISPOSAL FACILITY~~

17 ~~Any low level radioactive waste disposal facility proposed for construction~~  
18 ~~under chapter 161 of this title shall be a development, for purposes of this~~  
19 ~~chapter, independent of the acreage involved. Any construction of~~  
20 ~~improvements which is likely to generate low level radioactive waste is a~~  
21 ~~development, for purposes of this chapter, independent of the acreage~~

1 involved. The criteria and procedures for obtaining a permit shall be the same  
2 as for any other development. [Repealed.]

3 Sec. 4. 10 V.S.A. § 6001c is amended to read:

4 § 6001c. ~~JURISDICTION OVER BROADCAST AND COMMUNICATION~~  
5 ~~- SUPPORT STRUCTURES AND RELATED IMPROVEMENTS~~

6 ~~In addition to other applicable law, any support structure proposed for~~  
7 ~~construction, which is primarily for communication or broadcast purposes and~~  
8 ~~which will extend vertically 20 feet, or more, above the highest point of an~~  
9 ~~attached existing structure or 50 feet, or more, above ground level in the case~~  
10 ~~of a proposed new support structure, in order to transmit or receive~~  
11 ~~communication signals for commercial, industrial, municipal, county, or state~~  
12 ~~purposes, shall be a development under this chapter, independent of the~~  
13 ~~aereage involved. If jurisdiction is triggered for such a support structure, then~~  
14 ~~jurisdiction will also extend to the construction of improvements ancillary to~~  
15 ~~the support structure, including buildings, broadcast or communication~~  
16 ~~equipment, foundation pads, cables, wires, antennas or hardware, and all~~  
17 ~~means of ingress and egress to the support structure. To the extent that future~~  
18 ~~improvements are not ancillary to the support structure and do not involve an~~  
19 ~~additional support structure, those improvements shall not be considered a~~  
20 ~~development, unless they would be considered a development under this~~  
21 ~~chapter in the absence of this section. The criteria and procedures for~~

1 ~~obtaining a permit under this section shall be the same as for any other~~  
2 ~~development.~~ [Repealed.]

3 Sec. 5. 10 V.S.A. § 6001d is amended to read:

4 § 6001d. ~~LARGE VOLUME GROUNDWATER WITHDRAWAL~~

5 ~~In addition to all other applicable law, any withdrawal of more than 340,000~~  
6 ~~gallons of groundwater per day from any well or spring on a single tract of~~  
7 ~~land or at a place of business, independent of the acreage of the tract of land or~~  
8 ~~place of business, shall be a development under this chapter if the withdrawal~~  
9 ~~requires a permit under section 1418 of this title or is by a bottled water facility~~  
10 ~~regulated under chapter 56 of this title.~~ [Repealed.]

11 Sec. 6. 10 V.S.A. § 6001e is amended to read:

12 § 6001e. ~~COMMERCIAL COMPOSTING FACILITY; CIRCUMVENTION~~

13 ~~Notwithstanding subdivisions 6001(3)(D)(vii)(I)-(VI) of this title, a permit~~  
14 ~~under this chapter may be required for the construction of improvements below~~  
15 ~~the elevation of 2,500 feet for the onsite storage, preparation, and sale of~~  
16 ~~compost if the chair of the district commission, based on the information~~  
17 ~~available to the chair, determines that action has been taken to circumvent the~~  
18 ~~requirements of this chapter.~~ [Repealed.]

19 Sec. 7. REPEAL OF SUNSET

20 2010 Acts and Resolves No. 141, Sec. 3a (sunset of composting  
21 exemptions) is repealed.

1 Sec. 8. 10 V.S.A. § 6007 is amended to read:

2 § 6007. ACT 250 DISCLOSURE STATEMENT; JURISDICTIONAL  
3 DETERMINATION

4 \* \* \*

5 (c) With respect to the partition or division of land, or with respect to an  
6 activity which might or might not constitute development, any person may  
7 submit to the district coordinator an “Act 250 Disclosure Statement” and other  
8 information required by the rules of the ~~board~~ Board, and may request a  
9 jurisdictional opinion from the district coordinator concerning the applicability  
10 of this chapter. If a requestor wishes a final determination to be rendered on  
11 the question, the district coordinator, at the expense of the requestor and in  
12 accordance with rules of the ~~board~~ Board, shall publish notice of the issuance  
13 of the opinion in a local newspaper generally circulating in the area where the  
14 land which is the subject of the opinion is located, and shall serve the opinion  
15 on all persons listed in subdivisions 6085(c)(1)(A) through (D) of this title. In  
16 addition, the requestor who is seeking a final determination shall consult with  
17 the district coordinator and obtain approval of a subdivision 6085(c)(1)(E) list  
18 of persons who shall be notified by the district coordinator because they are  
19 adjoining property owners or other persons who would be likely to be able to  
20 demonstrate a particularized interest protected by this chapter that may be  
21 affected by an act or decision by a district commission. ~~A jurisdictional~~

1 ~~opinion of a district coordinator shall be subject to a request for~~  
2 ~~reconsideration in accordance with rules of the board and may be appealed to~~  
3 ~~the environmental division pursuant to chapter 220 of this title.~~

4 (d) A person who seeks review of a jurisdictional opinion issued by a  
5 district coordinator may request consideration by the Board of the issues  
6 addressed in the opinion.

7 (1) If the opinion was served on the person when issued, the person's  
8 request under this subsection shall be submitted to the Board within 30 days of  
9 the opinion's issuance.

10 (2) If the opinion was not served on the person when issued, the request  
11 shall be submitted to the Board:

12 (A) within 30 days from the date on which the opinion was served on  
13 the requestor; or

14 (B) at any time, if the opinion is never served on the requestor.

15 (3) The Board shall give notice of the request.

16 (A) The Board shall serve the notice on all persons listed in  
17 subdivisions 6085(c)(1)(A)–(D) of this title and post the notice on its website.

18 (B) If the request pertains to a jurisdictional opinion for which a final  
19 determination was requested under subsection (c) of this section, the Board  
20 shall:

1           (i) serve the notice on all persons on the approved subdivision  
2           6085(c)(1)(E) list; and

3           (ii) publish at the expense of the requestor the notice in a local  
4           newspaper having general circulation in the area where the land which is the  
5           subject of the request is located.

6           (4) An act or decision of the Board under this subsection may be  
7           appealed to the Environmental Division pursuant to chapter 220 of this title.

8           Sec. 9. 10 V.S.A. § 6021 is amended to read:

9           § 6021. BOARD; VACANCY, REMOVAL

10          (a) A ~~natural resources board~~ Natural Resources Board is created ~~with a~~  
11          ~~land use panel and a water resources panel.~~

12          (1) The ~~board~~ Board shall consist of ~~nine~~ five members appointed by the  
13          ~~governor~~ Governor, with the advice and consent of the ~~senate~~ Senate, so that  
14          one appointment ~~on each panel~~ expires in each odd numbered year. In making  
15          these appointments, the ~~governor and the senate~~ Governor and the Senate shall  
16          give consideration to experience, expertise, or skills relating to the  
17          environment or land use.

18          (A) The ~~governor~~ Governor shall appoint a ~~chair~~ Chair of the ~~board~~  
19          Board, a position that shall be a full-time position. ~~The other eight members~~  
20          ~~shall be appointed by the governor, four to the water resources panel of the~~

1 ~~board and four others to the land use panel of the board. The chair shall serve~~  
2 ~~as chair on each panel of the board.~~

3 (B) Following initial appointments, the members, except for the  
4 chair, shall be appointed for terms of four years.

5 (2) The ~~governor~~ Governor shall appoint up to five persons, with  
6 preference given to former ~~environmental board, water resources board, natural~~  
7 ~~resources board~~ Environmental Board, Natural Resources Board, or district  
8 commission members, with the advice and consent of the ~~senate~~ Senate, to  
9 serve as alternates for ~~board~~ Board members.

10 (A) Alternates shall be appointed for terms of four years, with initial  
11 appointments being staggered.

12 (B) The ~~board chair~~ Chair of the Board may assign alternates to sit on  
13 specific matters before the ~~panels of the board~~ Board, in situations where fewer  
14 than five ~~panel~~ members are available to serve. ~~No person who receives or,~~  
15 ~~during the previous two years, has received a significant portion of the~~  
16 ~~person's income directly or indirectly from permit holders or applicants for one~~  
17 ~~or more permits under chapter 47 of this title may be a member of the water~~  
18 ~~resources panel.~~

19 (b) Any vacancy occurring in the membership of the ~~board~~ Board shall be  
20 filled by the ~~governor~~ Governor for the unexpired portion of the term.

1 (c) Notwithstanding the provisions of 3 V.S.A. § 2004, members shall be  
2 removable for cause only, except the chair, who shall serve at the pleasure of  
3 the ~~governor~~ Governor.

4 (d) The ~~chair~~ Chair of the Board, upon request of the chair of a district  
5 commission, may appoint and assign former commission members to sit on  
6 specific commission cases when some or all of the regular members and  
7 alternates of the district commission are disqualified or otherwise unable to  
8 serve.

9 Sec. 10. 10 V.S.A. § 6025 is amended to read:

10 § 6025. RULES

11 (a) The ~~board~~ Board may adopt rules of procedure for ~~the panels,~~ itself and  
12 the district commissions, ~~and the board itself.~~

13 (b) The ~~land use panel~~ Board may adopt substantive rules, in accordance  
14 with the provisions of 3 V.S.A. chapter 25, that interpret and carry out the  
15 provisions of this chapter ~~that pertain to land use regulated under section 6086~~  
16 ~~of this title.~~ These rules shall include provisions that establish criteria under  
17 which applications for permits under this chapter may be classified in terms of  
18 complexity and significance of impact under the standards of subsection  
19 6086(a) of this chapter. In accordance with that classification the rules may:

20 \* \* \*

1       Sec. 11. RULES; TRANSITION

2           Rules of the Land Use Panel of the Natural Resources Board as they existed  
3       immediately prior to the effective date of this section shall be deemed rules of  
4       the Board under Sec. 9 of this act, 10 V.S.A. § 6025, and shall be in full force  
5       until amended by the Natural Resources Board in accordance with the  
6       Administrative Procedure Act.

7       Sec. 12. 10 V.S.A. § 6031 is added to read:

8       § 6031. ETHICAL STANDARDS

9           (a) The Chair and members of the Board and the chair and members of  
10       each district commission shall comply with the following ethical standards:

11           (1) The provisions of 12 V.S.A. § 61 (disqualification for interest).

12           (2) The Chair and each member shall conduct the affairs of his or her  
13       office in such a manner as to instill public trust and confidence and shall take  
14       all reasonable steps to avoid any action or circumstance that might result in any  
15       one of the following:

16           (A) Undermining his or her independence or impartiality of action.

17           (B) Taking official action on the basis of unfair considerations.

18           (C) Giving preferential treatment to any private interest on the basis  
19       of unfair considerations.

20           (D) Giving preferential treatment to any family member or member  
21       of his or her household.

1           (E) Using his or her office for the advancement of personal interest or  
2 to secure special privileges or exemptions.

3           (F) Adversely affecting the confidence of the public in the integrity  
4 of the district commission.

5           (b) As soon as practicable after grounds become known, a party may move  
6 to disqualify a Board member or district commissioner from a particular matter  
7 before the Board or district commission.

8           (1) The motion shall contain a clear statement of the specific grounds  
9 for disqualification and when such grounds were first known.

10          (2) On receipt of the motion, a district commissioner who is the subject  
11 of the motion shall disqualify himself or herself or shall refer the motion to the  
12 Chair of the Board.

13          (A) The Chair of the Board may disqualify the district commissioner  
14 from the matter before the district commission if, on review of the motion, the  
15 chair determines that such disqualification is necessary to ensure compliance  
16 with subsection (a) (ethical standards) of this section.

17          (B) On disqualification of a district commissioner under this  
18 subsection, the Chair of the Board shall assign another district commissioner to  
19 take the place of the disqualified commissioner. The Chair shall consider  
20 making such an assignment from among the members of the same district  
21 commission before assigning a member of another district commission.



1 (b) An applicant or petitioner shall grant the ~~appropriate panel of the board~~  
2 Board or district commission, or their agents, permission to enter upon the  
3 applicant's or petitioner's land for these purposes.

4 \* \* \*

5 (d) The ~~panels of the board~~ Board and commissions shall make all practical  
6 efforts to process matters before the ~~board~~ Board and permits in a prompt  
7 manner. The ~~land use panel~~ Board shall establish time limits for the  
8 processing of land use permits issued under section 6086 of this title as well as  
9 procedures and time periods within which to notify applicants whether an  
10 application is complete. The ~~land use panel~~ Board shall report annually by  
11 February 15 to the ~~general assembly~~ General Assembly by electronic  
12 submission. The annual report shall assess the performance of the ~~board~~ Board  
13 and commissions in meeting the limits; identify areas which hinder effective  
14 performance; list fees collected for each permit; summarize changes made to  
15 improve performance; and describe staffing needs for the coming year. The  
16 annual report shall list the number of enforcement actions taken by the ~~land use~~  
17 ~~panel~~ Board, the disposition of such cases, and the amount of penalties  
18 collected. The provisions of 2 V.S.A. § 20(d) (expiration of required reports)  
19 shall not apply to the report to be made under this subsection.

20 \* \* \*

1 Sec. 14. 10 V.S.A. § 6089 is amended to read:

2 § 6089. APPEALS

3 Appeals of any act or decision of a ~~district coordinator or a district~~  
4 commission under this chapter or the Natural Resources Board under section  
5 6007(d) of this title shall be made to the ~~environmental division~~ Environmental  
6 Division in accordance with chapter 220 of this title. For the purpose of this  
7 section, a decision of the chair of a district commission under section  
8 6001(3)(D)(vii) of this title on whether action has been taken to circumvent the  
9 requirements of this chapter shall be considered an act or decision of the  
10 district commission.

11 Sec. 15. REPEALS

12 The following are repealed:

13 (1) 10 V.S.A. § 6027(k) (powers; water resources panel).

14 (2) 10 V.S.A. § 8002(10) (definitions; land use panel).

15 \* \* \* Amendments to Environmental Enforcement

16 Statutes \* \* \*

17 Sec. 16. 10 V.S.A. § 8002(16) is added to read:

18 (16) “Agency issuing the order” means the Secretary when the Secretary  
19 has issued an administrative or emergency administrative order under this  
20 chapter and the Board when the Board has issued such an order.

1 Sec. 17. 10 V.S.A. § 8008 is amended to read:

2 § 8008. ADMINISTRATIVE ORDERS

3 (a) The ~~secretary~~ Secretary may issue an administrative order when the  
4 ~~secretary~~ Secretary determines that a violation exists. ~~The~~ When the Board  
5 determines that a violation of 10 V.S.A. chapter 151 exists, the Board may  
6 issue an administrative order with respect to the violation. An administrative  
7 order shall be served as provided for under the Vermont Rules of Civil  
8 Procedure. A copy of the order also shall be delivered to the ~~attorney general~~  
9 Attorney General. An order shall be effective on receipt unless stayed under  
10 subsection 8012(d) of this title.

11 \* \* \*

12 (c) An order may include:

13 (1) a “stop work” order that directs the respondent to stop work until a  
14 permit is issued, compliance is achieved, a hazard is abated, or any  
15 combination of the above. ~~In issuing such an order, the secretary~~ The agency  
16 issuing the order shall consider the economic effect of ~~the~~ a “stop work” order,  
17 if included, on individuals other than the respondent;

18 \* \* \*

1 Sec. 18. 10 V.S.A. § 8009 is amended to read;

2 § 8009. EMERGENCY ADMINISTRATIVE ORDERS; REQUEST FOR  
3 HEARING

4 (a) Grounds for issuance. The ~~secretary~~ Secretary, or the Board with  
5 respect to matters relating to land use permits under chapter 151 of this title  
6 only, may issue an order under section 8008 of this title as an emergency  
7 administrative order when:

8 \* \* \*

9 (b) Prerequisites to issuance. An emergency administrative order may be  
10 issued ~~by the secretary~~ only if:

11 (1) the order has been presented to the ~~environmental division~~  
12 Environmental Division;

13 (2) all reasonable efforts have been made to notify the respondent of the  
14 presentation of the order to the ~~environmental division~~ Environmental  
15 Division; and

16 (3) the ~~environmental division~~ Environmental Division has found that  
17 the ~~secretary~~ agency issuing the order has made a sufficient showing that  
18 grounds for issuance of the order exist.

19 \* \* \*

20 (d) Request for hearing. If an emergency order is issued, the respondent  
21 may request a hearing before the ~~environmental division~~ Environmental

1 ~~Division~~. Notice of the request for hearing shall be filed with the  
2 ~~environmental division~~ Environmental Division and the ~~secretary~~ agency  
3 issuing the order within five days of receipt of the order. A hearing on the  
4 emergency order shall be held at the earliest possible time and shall take  
5 precedence over all other hearings. The hearing shall be held within five days  
6 of receipt of the notice of the request for hearing. A request for hearing on an  
7 emergency order shall not stay the order. The ~~environmental division~~  
8 Environmental Division shall issue a decision within five days from the  
9 conclusion of the hearing, and no later than 30 days from the date the notice of  
10 request for hearing was received.

11 \* \* \*

12 (f) Appeals. An appeal to the ~~supreme court~~ Supreme Court by the  
13 ~~secretary~~ Secretary or the Board shall stay the dissolution of an emergency  
14 order; an appeal to the ~~supreme court~~ Supreme Court by the respondent shall  
15 not stay operation of an emergency order.

16 Sec. 19. 10 V.S.A. § 8013 is amended to read:

17 § 8013. CONDUCT OF HEARINGS; APPEAL; STAY

18 (a) The ~~secretary~~ agency issuing the order shall have the burden of proof by  
19 a preponderance of the evidence.

20 (b) Parties may be represented by counsel in hearings before the  
21 ~~environmental division~~ Environmental Division. The ~~agency of natural~~

1 ~~resources~~ Agency of Natural Resources or the Board each may represent itself.

2 A party may conduct cross-examination required for a full and true disclosure  
3 of the facts.

4 \* \* \*

5 Sec. 20. 10 V.S.A. § 8019 is redesignated to read:

6 § 8019. CIVIL ~~COMPLAINTS~~ CITATIONS

7 Sec. 21. 10 V.S.A. § 8020(c) and (d) are amended to read:

8 (c) Filing with court. ~~The environmental division~~ If a comment was  
9 received on the draft document, the Environmental Division shall hold the  
10 administrative order, assurance of discontinuance, or civil ~~complaint~~ citation  
11 for 14 days from the date of filing to allow any person who has filed written  
12 comments under subsection (b), who is not satisfied with the final action of the  
13 agency or the board, and who meets the definition of “aggrieved person” under  
14 subsection (a) of this section to file a motion for permissive intervention  
15 pursuant to the procedure in Rule 24(c) of the Vermont Rules of Civil  
16 Procedure.

17 (d) Court action without motion to intervene. ~~At~~ If no comment was filed  
18 on the draft document and if, at the conclusion of the 14-day period, if no  
19 motion to intervene has been filed, the environmental division shall take into  
20 consideration any comments received and Environmental Division in its  
21 discretion, with or without a hearing, shall issue an order to affirm, vacate, or

1 remand the administrative order, assurance of discontinuance, or civil  
2 ~~complaint~~ citation.

3 \* \* \* Amendments to Environmental Appeals Statutes \* \* \*

4 Sec. 22. 10 V.S.A. § 8502(4) is amended to read:

5 (4) “Natural ~~resources board~~ Resources Board” or “Board” means the  
6 ~~board~~ Board established under chapter 151 of this title.

7 Sec. 23. 10 V.S.A. § 8503(b)(2) is amended to read:

8 (2) Appeals from ~~district coordinator jurisdictional opinions under~~  
9 ~~chapter 151~~ an act or decision of the Natural Resources Board under  
10 subsection 6007(d) of this title.

11 Sec. 24. 10 V.S.A. § 8504 is amended to read:

12 § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

13 (a) Act 250 and agency appeals. Within 30 days of the date of the act or  
14 decision, any person aggrieved by an act or decision of the ~~secretary, a district~~  
15 ~~coordinator~~ Secretary, the Natural Resources Board, or a district commission  
16 under the provisions of law listed in section 8503 of this title, or any party by  
17 right, may appeal to the ~~environmental division~~ Environmental Division,  
18 except for an act or decision of the ~~secretary~~ Secretary governed by section  
19 8506 of this title.

20 \* \* \*

1 (e) Act 250 jurisdictional ~~opinions~~ determinations by the Natural Resources  
2 Board.

3 (1) The appellant shall provide notice of the filing of an appeal to each  
4 person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this  
5 title and to each person on an approved subdivision 6085(c)(1)(E) list.

6 (2) Failure to appeal within the time required under subsection (a) of  
7 this section shall render the ~~jurisdictional opinion~~ decision of the Board under  
8 subsection 6007(d) of this title the final determination regarding jurisdiction  
9 under chapter 151 of this title unless the underlying jurisdictional opinion  
10 issued by the district coordinator was not properly served on persons listed in  
11 subdivisions 6085(c)(1)(A) through (D) of this title and on persons on a  
12 subdivision 6085(c)(1)(E) list approved under subsection 6007(c) of this title.  
13 ~~Any person listed in subdivisions 6085(c)(1)(A) through (D) of this title or on~~  
14 ~~an approved 6085(c)(1)(E) list, who is not initially served as required, may~~  
15 ~~appeal the jurisdictional opinion at any time if the person is never served, or~~  
16 ~~within 30 days from the date the person has been served.~~

17 \* \* \*

18 (1) Representation. The ~~secretary~~ Secretary may represent the ~~agency of~~  
19 ~~natural resources~~ Agency of Natural Resources in all appeals under this  
20 section. The ~~chair of the natural resources board, on behalf of the board or~~  
21 ~~either panel,~~ Chair of the Natural Resources Board may represent the ~~board or~~

1 ~~either panel of the natural resources board~~ Board in any appeal under this  
2 section, unless the ~~board or the relevant panel~~ Board directs otherwise. If more  
3 than one state agency, other than the ~~board or a panel of the natural resources~~  
4 ~~board~~ Board, either appeals or seeks to intervene in an appeal under this  
5 section, only the ~~attorney general~~ Attorney General may represent the interests  
6 of those agencies of the ~~state~~ State in the appeal.

7 \* \* \*

8 (n) Intervention. Any person may intervene in a pending appeal if that  
9 person:

10 (1) appeared as a party in the action appealed from and retained party  
11 status;

12 (2) is a party by right;

13 (3) is the ~~natural resources board, or either panel of the board~~ Natural  
14 Resources Board;

15 \* \* \*

16 \* \* \* Statutory Revision; Effective Date \* \* \*

17 Sec. 25. STATUTORY REVISION

18 In the Office of Legislative Council's statutory revision capacity under  
19 2 V.S.A. § 424:

20 (1) Replacement of "Land Use Panel." To effect this act's revision of  
21 the Natural Resources Board from two panels to a single Board, the Office of

1 Legislative Council shall replace references in the Vermont Statutes Annotated  
2 to the Land Use Panel of the Natural Resources Board with references to the  
3 Natural Resources Board. For example, the Office of Legislative Council  
4 shall, as appropriate, replace “land use panel” with “Natural Resources Board”  
5 or “Board.”

6 (2) Civil “complaints” to civil “citations.” The Office of Legislative  
7 Council shall replace the terms “civil complaint,” “civil complaints,” and  
8 “complaint” contained in 10 V.S.A. §§ 8002(13), 8019 and 8020(a), (b), (e),  
9 and (f) with, as appropriate, “civil citation,” “civil citations,” or “citation.”

10 Sec. 26. EFFECTIVE DATE

11 This act shall take effect on July 1, 2013.