

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

S.123

RECOMMENDED CHANGES

HOUSE COMMITTEE ON FISH, WILDLIFE & WATER RESOURCES

The House propose to the Senate that the bill be amended as follows:

First: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 1 (general provisions), in 10 V.S.A. § 7703 (rules; additional notice or procedures), in subsection (a) (rules), in subdivision (2) (complex projects; preapplication process), by striking out subdivisions (A) and (B) and inserting in lieu thereof new subdivisions (A) and (B) to read:

(A) Written notice of an informational meeting under this section is sent to the owner of the land where the project is located if the applicant is not the owner; the municipality in which the project is located; the municipal and regional planning commissions for any municipality in which the project is located; if the project site is located on a boundary, any Vermont municipality adjacent to that boundary and the municipal and regional planning commissions for that municipality; and each adjoining property owner. **At the time this written notice is sent, the Secretary also shall post the notice to the environmental notice bulletin.**

(B) The notice to adjoining property owners informs them of how they can continue to receive notices and information **through the**

1 **environmental notice bulletin** concerning the project as it is reviewed by the
2 Secretary.

3 Second: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 1 (general
4 provisions), after 10 V.S.A. § 7704, by inserting 10 V.S.A. § 7705 to read:

5 **§ 7705. TIME; HOW COMPUTED**

6 **In this chapter:**

7 **(1) When time is to be reckoned from a day, date, or an act done,**
8 **the day, date, or day when the act is done shall not be included in the**
9 **computation.**

10 **(2) Computation of a time period shall use calendar days.**

11 Third: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
12 procedures), in 10 V.S.A. § 7711 (permit procedures; standard provisions), in
13 subsection (a) (notice through the environmental notice bulletin), in
14 subdivision (2), by striking out subdivisions (E) through (G) and inserting in
15 lieu thereof new subdivisions (E), (F), and (G) to read:

16 (E) the length of the period for submitting written comments and the
17 process for submitting those comments, if applicable, and notice of the
18 requirement to submit comments during that period **or at a public meeting in**
19 **order to appeal under chapter 220 of this title;**

20 (F) the process for requesting a public meeting, if applicable;

1 (G) when a public meeting has been scheduled, the time, date, and
2 location of the **meeting** and a brief description of the nature and purpose of
3 the hearing;

4 Fourth: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
5 procedures), in 10 V.S.A. § 7711 (permit procedures; standard provisions), by
6 striking out subsections (e) (public meeting; notice; additional comment
7 period) and (f) (draft decisions) and inserting in lieu thereof new subsections
8 (e) and (f) to read:

9 (e) Public meeting; notice; additional comment period. When the Secretary
10 holds a public meeting under this chapter:

11 (1) The Secretary shall:

12 (A) provide at least 14 days' prior notice of the public meeting
13 through the environmental notice bulletin, unless this chapter specifies a
14 different notice period for a public meeting on the particular type of permit;

15 (B) include in the notice, in addition to the information required by
16 subsection (a) of this section, the date the Secretary gave notice of an
17 administrative complete application, if applicable; and

18 (C) hold the period for written comments open for at least **seven** days
19 after the meeting.

20 (f) Draft decisions. When this chapter requires the Secretary to post a draft
21 decision or draft general permit to the environmental notice bulletin, the

1 Secretary shall post to the bulletin the draft decision or draft general permit and
2 all documents on which the Secretary relied in issuing the draft. **This post**
3 **shall include instructions on how to inspect and how to request a copy of**
4 **each other document that is part of the administrative record of the draft**
5 **decision or permit.**

6 Fifth: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
7 procedures), in 10 V.S.A. § 7712 (Type 1 Procedures), by striking out
8 subsection (e) (public meeting) and inserting in lieu thereof a new subsection
9 (e) to read:

10 (e) Public meeting. On or before the end of the comment period, any
11 person may request a public meeting on the draft decision or draft general
12 permit issued under this section. **The Secretary shall hold a public meeting**
13 **whenever any person files a written request for such a meeting. The**
14 **Secretary otherwise may hold a public meeting at his or her discretion.**

15 The Secretary shall provide at least 30 days' notice of the public meeting
16 through the environmental notice bulletin. If the notice of the public meeting
17 is not issued at the same time as the draft decision or draft general permit, the
18 Secretary also shall provide notice of the public meeting in the same manner as
19 required for the draft decision or permit under subdivision (c) of this section.

20 Sixth: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
21 procedures), in 10 V.S.A. § 7713 (Type 2 Procedures), by striking out

1 subsections (a) (purpose; scope), (b) (notice of application), (c) notice of draft
2 decision; comment period), and (d) (public meeting) and inserting in lieu
3 thereof new subsections (a), (b), (c), and (d) to read:

4 (a) Purpose; scope.

5 (1) The purpose of this section is to establish the public notice and
6 comment requirements that the Department must follow when considering
7 applications for individual permits, except for individual permits specifically
8 listed in other sections of this subchapter, and when considering other permits
9 listed in this section.

10 (2) The procedures under this section shall be known as Type 2
11 Procedures. This section governs an application for each of the following:

12 (A) an individual permit issued pursuant to the Secretary's authority
13 under this title and 29 V.S.A. chapter 11, except for permits governed by
14 sections 7712 and 7714–7716 of this chapter;

15 (B) a wetland determination under section 914 of this title;

16 (C) an individual shoreland permit under chapter 49A of this
17 title;

18 (D) a public water system source permit under section 1675 of
19 this title;

20 (E) a provisional certification issued under section 6605d of this
21 title; and

1 (F) a corrective action plan under section 6648 of this title.

2 (b) Notice of application.

3 (1) The applicant shall provide notice of the application to adjoining
4 property owners.

5 (A) For public water system source protection areas, the applicant
6 also shall provide notice to all property owners located in:

7 (i) zones 1 and 2 of the source protection area for a public
8 community water system source; and

9 (ii) the source protection area for a public nontransient
10 noncommunity water system source.

11 **(B) For an individual shoreland permit under chapter 49A:**

12 **(i) The notice to adjoining property owners shall be to the**
13 **adjoining property owners on the terrestrial boundary of the shoreland.**

14 **(ii) This chapter does not require notice to owners of property**
15 **across the lake as defined in that chapter.**

16 (2) The Secretary shall provide notice of an administratively complete
17 application through the environmental notice bulletin.

18 (c) Notice of draft decision; comment period. The Secretary shall provide
19 notice of a draft decision through the environmental notice bulletin and shall
20 post the draft decision to the bulletin. The Secretary shall provide a public
21 comment period.

1 (d) Public meeting. The Secretary shall hold a public meeting whenever
2 any person files a written request for such a meeting. The Secretary
3 otherwise may hold a public meeting at his or her discretion.

4 Seventh: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
5 procedures), in 10 V.S.A. § 7714 (Type 3 Procedures), in subdivision (a)
6 (purpose; scope), in subdivision 2, in subdivision (C), by striking out
7 subdivision (i) (individual shoreland permit) and renumbering the remaining
8 subdivisions to be numerically correct, and by striking out subsection (d) and
9 in inserting in lieu thereof a new subsection (d) to read:

10 (d) Public meeting. The Secretary shall hold a public meeting whenever
11 any person files a written request for such a meeting. The Secretary
12 otherwise may hold a public meeting at his or her discretion.

13 Seventh: In Sec. 1, 30 V.S.A. chapter 170, in subchapter 2 (standard
14 procedures), in 10 V.S.A. § 7715 (Type 4 Procedures), by striking out
15 subsection (c) and inserting in lieu thereof a new subsection (c) to read:

16 (c) Notice of draft decision; comment period. The Secretary shall provide
17 notice of the draft decision through the environmental notice bulletin and shall
18 post the draft decision to the bulletin. The Secretary shall provide a public
19 comment period of at least **14** days on the draft decision.