

Act 250 Jurisdiction -- Shooting Range Improvements
Testimony of Lou Borie, Executive Director, Natural Resources Board
April 14, 2016

Jurisdictional Analysis for Shooting Ranges

- Most shooting ranges are considered “pre-existing developments” because they were in existence prior to 1970 when Act 250 became law. As such, most shooting ranges are not currently subject to Act 250.
- When improvements are proposed to a pre-existing development such as a shooting range, the District Coordinator issues a jurisdictional opinion regarding whether an Act 250 permit is required.
- An Act 250 permit is required for a “substantial change” to a pre-existing development; “Substantial change” means any change “which may result in significant adverse impact with respect to any of the 10 criteria.” (Emphasis added) Act 250 Rule 2(C)(7)
- District Coordinators have consistently found that improvements to shooting ranges that are for the purpose of improving safety and abating impacts such as noise, including the addition/enlargement of berms, construction of shelters, etc., are not substantial changes and do not require an Act 250 permit. (See list below)
- Abatement of lead pollution at shooting ranges that is approved by ANR as part of a corrective action plan is exempt from Act 250 under § 6001(D)(iv).

Jurisdictional Opinions

Upper Valley Fish and Game Club, Thetford; JO#3-99

Improvements: 5-station shooting house and brush cutting

Jurisdictional Opinion: Not a substantial change; **no permit required**

Precision Valley Fish and Game Association, Perkinsville; JO #2-276

Improvements: addition of three, 3-foot high berms behind target stations

Jurisdictional Opinion: Not a substantial change; **no permit required**

Hartland Rod and Gun Club, Hartford (Owned by VT Dept. F&W); JO #3-150

Improvements: addition of berms, covered shooting stand, storage shed, chain link fencing, information kiosk, drainage and parking

Jurisdictional Opinion: Not a development; construction on less than 10 acres; **no permit required**

North Country Sportsman’s Club, Williston; JO #4-230

Improvements: relocation of shooting station, elimination of trap field, application of pH stabilizers, all associated with Corrective Action Plan (CAP) to mitigate lead pollution; construction of new driveway

Jurisdictional Opinion: improvements associated with CAP are exempt; **no permit required**

Improvements associated with driveway are substantial changes; **permit required**

Black River Rod and Gun Club, Ludlow; JO #2-286

Improvements: installation of side berms for safety and noise attenuation

Jurisdictional Opinion: Not a substantial change; **no permit required**

Chittenden County Fish and Game Club, Richmond; JO, 7/31/13

Improvements: extend roofs of shooting station, add sound attenuation, replace trees, extend and increase height of berms for safety, install fence with sound attenuation

Jurisdictional Opinion: Not a substantial change; **no permit required**

Proctor Fish and Game Club, Pittsford; JO 4/4/16

Improvements: rebuild berms and construct new backstop for safety; construct storage shelter; new trail

Jurisdictional Opinion: Not a substantial change; **no permit required**

Sportsman Inc. Shooting Range, Guilford; JO #2-299

Improvements: 1989 -- enlargement of clubhouse; add food prep and serving area, indoor restrooms and sewage disposal system; construction of pavilion for trap shoots, storage shed and Score Shack; 2013 - rebuild and elevate backstops for safety; install rubber liners for lead abatement; construction of wall to connect berm and backstop; add noise abatement

Jurisdictional Opinion: 1989 and 2013 changes are substantial changes; **permit required**

Laberge Shooting Range, Shelburne; JO #4-247

Improvements: construction of berms and shooting stations in 2012; change from non-commercial to commercial status after 1995

Jurisdictional Opinion: construction for commercial purposes; **permit required** (currently under review by the NRB)