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**POTENTIAL AMENDMENTS TO S.123**

**BASED ON NATURAL RESOURCES BOARD REQUEST**

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

§ 6007. ACT 250 DISCLOSURE STATEMENT; JURISDICTIONAL  
DETERMINATION

\* \* \*

(c) With respect to the partition or division of land, or with respect to an activity which might or might not constitute development, any person may submit to the district coordinator an “Act 250 Disclosure Statement” and other information required by the rules of the Board, and may request a jurisdictional opinion from the district coordinator concerning the applicability of this chapter. If a requestor wishes a final determination to be rendered on the question, the district coordinator, at the expense of the requestor and in accordance with rules of the Board, shall publish notice of the issuance of the opinion in a local newspaper generally circulating in the area where the land which is the subject of the opinion is located, and shall serve the opinion on all persons listed in subdivisions 6085(c)(1)(A) through (D) of this title. In addition, the requestor who is seeking a final determination shall consult with the district coordinator and obtain approval of a subdivision 6085(c)(1)(E) list of persons who shall be notified by the district coordinator because they are adjoining property owners or other persons who would be likely to be able to

1 demonstrate a particularized interest protected by this chapter that may be  
2 affected by an act or decision by a District Commission.

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

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

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

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

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

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

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

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

20 ~~(i) serve the notice on all persons on the approved subdivision~~  
21 ~~6085(c)(1)(E) list; and~~

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

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

6 [Repealed.]

7 Sec. 2. 10 V.S.A. § 6089 is amended to read:

8 § 6089. APPEALS

9       Appeals of any act or decision of a District Commission under this chapter  
10 ~~or the Natural Resources Board~~ a district coordinator under subsection ~~6007(d)~~  
11 6007(c) of this title shall be made to the Environmental Division in accordance  
12 with chapter 220 of this title. For the purpose of this section, a decision of the  
13 Chair of a District Commission under section 6001e of this title on whether  
14 action has been taken to circumvent the requirements of this chapter shall be  
15 considered an act or decision of the District Commission.

16 Sec. 3. 10 V.S.A § 8503(b) is amended to read:

17       (b) This chapter shall govern:

18           (1) all appeals from an act or decision of a District Commission under  
19 chapter 151 of this title, excluding appeals of application fee refund requests;

20           (2) appeals from an act or decision of ~~the Natural Resources Board~~ a  
21 district coordinator under subsection ~~6007(d)~~ 6007(c) of this title;

1 (3) appeals from findings of fact and conclusions of law issued by the  
2 Natural Resources Board in its review of a designated growth center for  
3 conformance with the criteria of subsection 6086(a) of this title, pursuant to  
4 authority granted at 24 V.S.A. § 2793c(f).

5 Sec. 4. 10 V.S.A. § 8504 is amended to read:

6 § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

7 (a) Act 250 and Agency appeals. Within 30 days of the date of the act or  
8 decision, any person aggrieved by an act or decision of the Secretary, ~~the~~  
9 ~~Natural Resources Board, or a District Commission, or a district coordinator~~  
10 under the provisions of law listed in section 8503 of this title, or any party by  
11 right, may appeal to the Environmental Division, except for an act or decision  
12 of the Secretary under subdivision 6086b(3)(E) of this title or governed by  
13 section 8506 of this title.

14 \* \* \*

15 (e) Act 250 jurisdictional determinations by ~~the Natural Resources Board a~~  
16 district coordinator.

17 (1) The appellant shall provide notice of the filing of an appeal to each  
18 person entitled to notice under subdivisions 6085(c)(1)(A) through (D) of this  
19 title ~~and~~, to each person on an approved subdivision 6085(c)(1)(E) list, and to  
20 the Natural Resources Board.

