



November 20, 2018

Hon. Amy Sheldon, Chair  
Commission on Act 250  
Vermont State House  
115 State Street  
Montpelier, VT 05633-5301

Dear Chairperson Sheldon,

Thank you for the opportunity to provide comments from the state's ski industry regarding recommendations for Act 250 that could improve the process' efficiency, predictability and eliminate redundancies. As you know, we have a relatively short construction window in Vermont, so increasing efficiencies in the permitting process can make the difference for a project moving forward in a timely manner, or being unduly rushed or delayed until the next construction season.

**Criteria:**

The economic benefits of a project should be considered under Act 250 criteria. The parties considering the application could then more transparently consider whether a particular impact might be worth the economic benefit. Currently, economic development is often discussed as part of an Act 250 deliberation, but it is not formally considered in the approval process.

**Process Predictability, Consistency and Timely Decisions:**

There is variability in the process from district to district and having more parity and standardization between districts would make for a more predictable process that is applied consistently across the state. For example, the role of the Regional Planning Commissions differs from district to district. While their role should be to ensure that a project fits into the regional master plan, in some districts, RPCs get much more involved in the specifics of whether a project has met certain Act 250 criteria, which should not be their role in the process.

We would like to see more consistent support for applicants as they work through the application process and more transparency so applicants can see where a particular application is in the process of approval. District coordinators should help applicants during the planning phase by making sure they know what exactly will be needed for a complete application and approval. There have been cases where assumptions have been made that applicants know about certain requirements that come to light after the application has been submitted. This level of support also differs between districts.

We'd like to see decisions be issued within 45 days following the close of a hearing; and if a project is denied, to have the appeal heard on the record rather than on a de novo basis. This change would reduce time and expense, not only for the applicant, but for the State and everyone involved.

If a project application has been judged to have met all the criteria, Act 250 permits should be granted on the condition that any other necessary local and state approvals will be granted. This approval could include a condition that construction could not commence until all necessary permits are received. There have been instances where Act 250 permits have been held up, pending receipt of other permits, and this can delay the securing of project funding, lining up contractors and other resources. Having the Act 250 permit in hand can allow permittees to continue with funding and contracting so that they are ready to go once all permits are received, eliminating any further delays.

**Improving Process Efficiency and Elimination of Redundancies:**

In the years since Act 250 was enacted, other environmental laws have been put in place and regulatory review has been broadened and strengthened, resulting in redundancies in several areas. We would like to see certain state and local approvals constitute conclusive evidence and presumption of compliance for corresponding Act 250 criteria, and not be rebuttable, as they are currently. ANR permits are typically highly technical and it is frustrating for an applicant to finally secure a permit from ANR and then to have a commissioner without any engineering or technical background question it, argue that it is not sufficient or that an applicant needs to do more work.

Thank you for the opportunity to comment. We feel that these recommendations will serve to make the Act 250 process more efficient and predictable and align it with ANR's standards and requirements, without compromising the process' integrity.

Sincerely,

A handwritten signature in cursive script that reads "Molly Mahar".

Molly Mahar  
President  
Ski Vermont/Vermont Ski Areas Association