

Act 250 Criteria pursuant to 10 VSA 6086(a): Before granting a permit, the District Commission shall find that the subdivision or development:	Act 250 Application Criteria Descriptions	Act 250 Application Query	VTrans Utilization	Regulator	Permit	NEPA (list below refers to the Environmental Checklist)	VTrans 2011 Standard Specs	PA/ MOU Coverage	Other Coverage - Executive Orders, etc.
(1) Will not result in undue water or air pollution. In making this determination it shall at least consider: the elevation of land above sea level; and in relation to the flood plains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable Health and Environmental Conservation Department regulations.	Criterion 1 - Air Pollution: Demonstrate that the project will not cause undue air pollution.	a. What type of heating systems or other fuel-burning systems are proposed (include information on any proposed wood-burning fireplaces, wood stoves or wood boilers)? b. Describe any process emissions, dust, smoke, odors or courses of noise will result from the project, and what measures are proposed for control? Will there be any burning of corest or construction debris? c. Will there be blasting? d. What restrictions will there be for hours of construction and/or operations and how will noise be controlled, especially in residential areas? e. Does your project require an ANR Air Pollution Control Permit?	Does not apply to VTrans/ linear projects.	ANR Air Quality and Climate Division EPA	1) VT Air Permit; 2) Clean Air Act (42 U.S.C. Ch 85 and 23 U.S.C. Ch 1, Section 109[J])  Air Pollution Control Permit	1. Air Quality, 2. Noise	105.24 POLLUTION CONTROL		ANR 501 Permit; Environmental Protection Regulations § 5-501 REVIEW OF CONSTRUCTION OR MODIFICATION OF AIR CONTAMINANT SOURCES (1) No person shall cause, suffer, allow or permit the new construction, installation or modification of any stationary source classified as an air contaminant source under Section 5-401 herein, unless he or she first submits a complete application to and obtains a permit from the Secretary.
(1)(A) Headwaters. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision will meet any applicable Health and Environmental Conservation Department regulation regarding reduction of the quality of the ground or surface waters flowing through or upon lands which are not devoted to intensive development, and which lands are: (i) headwaters of watersheds characterized by steep slopes and shallow soils; or (i) drainage areas of 20 square miles or less; or (iii) above 1,500 feet elevations; or (iv) watersheds of public water supplies designated by the Agency of Natural Resources; or (v) areas supplying significant amounts of recharge waters to aquifers.	Criterion 1A - Headwaters: Demonstrate that the project will meet any applicable environmental conservation department regulations regarding any reduction of the quality of ground or surface waters in a headwaters area.	a. Is your project in a headwaters area (Headwaters are lands which are not devoted to intensive development and which contain steep slopes or shallow soils; or drain 20 square miles or less; or are watersheds for public water supplies; or provide significant recharge to aquifers; or are above 1,500 feet)?		ANR Drinking Water and Groundwater Protection and 401 Water Quality Certification	401 Water Quality Certificate (33 U.S.C. Ch 26, Clean Water Act, Section 401)				WSMD 401; Section 1272 Permit
(1)(B) Waste disposal. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision will meet any applicable Health and Environmental Conservation Department regulations regarding the disposal of wastes, and will not involve the injection of waste materials or any harmful or toxic substances into ground water or wells.	Criterion 1B - Waste Disposal: Demonstrate that the project will meet any applicable health or environmental conservation department regulations regarding the disposal of wastes and demonstrate that the project will not involve the injection of wastes or toxic substances into ground waters.	a. Will the project use a wastewater disposal system? b. Are you required to obtain any of the following permits? c. What is the acreage of the project site which will be disturbed during construction? d. What is the acreage of the project site which will be permanently covered with buildings, roadways, parking areas, or other impervious areas as part of the project? e. How will stormwater from the project e treated and disposed? f. Are there any manufacturing or industrial processes which could affect wastewater? g. Is a permit or Vermont hazardous waste handler site ID form (notification) with the ANR Hazardous Waste Management Program required? h. Will hazardous materials (chemicals, pesticides, herbicides) be used or stored on site? i. Indicate how construction debris, including stumps, will be disposed.		ANR Waste Management, Waste Reduction Plan; North Hero Drawbridge Project had a Wastewater System And Potable Water Supply Permit (WW/PWS) for a well and septic system for the Tender House; How do these apply to airports that have Act 250 and WW/PWS permits? Also,	ANR Stormwater Permit: 1) Storm Water Discharge Permit: Individual Permit, GP #3-9015 ACT 140 – Stormwater Discharge, GP #3-9010(2003); 2) Compliance with TS4 GP 3-9007; 3) Hazardous Waste (10 V.S.A. Ch 159); 4) Insignificant Waste Management Event (10 V.S.A. Ch 159); 5) Compliance with MS4 GP-3-9014; 6) Underground Injection Permit; 7) NPDES Construction General Permit (40 C.F.R. Part 122.26 – Title 10, V.S.A. Ch 47) – NOI Authorization to Discharge required prior to	3. Water Quality, 8. Hazardous/ Residual Waste Liabilities - CERCLA and/or RCRA requirements	105.25 CONTROL OF WASTE, BORROW, AND STAGING AREAS, 105.26 OPENING WASTE, BORROW AND STAGING AREAS, 105.27 MAINTAINING WASTE, BORROW AND STAGING AREAS, 105.28 CLOSING WASTE, BORROW, AND STAGING AREAS, 202.02 GENERAL CONSTRUCTION REQUIREMENTS	NRB Waste MOU	NPDES discharges; Vtrans Resident Engineer and Construction Environmental Engineers

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		j. Indicate if any buildings on the property or the proposed project include any floor drains.		Underground Storage Tank (UST) Permits?	construction for >= 1 acre disturbance: Construction Stormwater Individual Permit, CGP #3-9020(2006) Low or Moderate Risk; 8) Multi-Sector Industrial Stormwater GP 3-9003.				
(1)(C) Water conservation. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the design has considered water conservation, incorporates multiple use or recycling where technically and economically practical, utilizes the best available technology for such applications, and provides for continues efficient operation of these systems.	Criterion 1C - Water Conservation: Demonstrate that the project will use the best available water conservation technology.	a. Describe the extent of water use for the project. b. Describe water conservation measures which have been incorporated into the prokect, such as the use of low flow plumbing fixtures. c. Will and water be used for commercial or industrial manufacturing or processing? d. Will any water be withdrawn from rivers, streams, or other bodies of water? e. Are any permits of approvals for water withdrawal required by the Agency of Natural Resources?	Does not apply to VTrans linear projects.		Wastewater System and Potable Water Supply Permit			Vt Environ-mental Board and Agency of Environmental Conservation MOU on Referral of Applicants, item 6	
(1)(D) Floodways. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria: (i) the development or subdivision of lands within a floodway will not restrict or divert the flow of flood waters, and endanger the health, safety and welfare of the public or riparian owners during flooding; and (ii) the development or subdivision of lands within a floodway fringe will not significantly increase the peak discharge of the river or stream within or downstream from the area of development and enfanger the health, safety, or welfare of the public or riparian owners during flooding.	Criterion 1D - Floodways: Demonstrate the the Project will not restrict or divert the flow of flood waters, and endanger the health, safety and welfare of the public or riparian owners during flooding. Floodway Fringe: Demonstrate that the Project will not significantly increase the peak discharge of the river or stream and endanger the health, safety and welfare of the public or riparian owners during flooding.	a. Is any portion of the project located within 100 feet of a perennial stream or river? b. Is any portion of the project located in the Special Flood Hazard Area? c. Is any portion of the project located in a River Corridor?		ANR Floodplains Section	Flood Hazard Area River Corridor Permit: 1) Flood Hazard Area and River Corridor Permit (10 V.S.A. Ch. 29); 2) Floodplain Management - FEMA (Floodway and Floodplain) National Flood Insurance Program;	3. Water Quality			Floodplain Management - FEMA (Floodway and Floodplain) & Executive Order 11988
(1)(E) Streams. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision of lands on or adjacent to the banks of a stream will, whenever feasible, maintain the natural condition of the stream, and will not endanger the health, safety, or welfare of the public or of adjoining landowners.	Criterion 1E - Streams: Demonstrate that the project will maintain the natural condition of any streams, when feasible.	a. Is the project located near a stream or watercourse? b. Describe any construction that will disturb the stream, the stream bed or the adjacent 50-foot buffer as measured from the tops of the stream banks. c. Does the project involve dam construction or withdrawal or impoundment of water from a river, stream, or pond?		ANR River Management;	ANR Watershed: stream alteration permit: 1) Stream Alteration Permit (10 V.S.A. Ch. 41); 2) Consultation (19 V.S.A. Ch. 1, Section 10[12]); 3) Stream Obstruction Permit (10 V.S.A. Ch 111, Section 4607); 4) 401 Water Quality Certificate (33 U.S.C. Ch 26, Clean Water Act, Section 401); 5) Wild and Scenic Rivers Act 1982	3. Water Quality	105.23 EROSION PREVENTION AND SEDIMENT CONTROL, 105.24 POLLUTION CONTROL		Wetland Protection (Executive Order 11990)
(1)(F) Shorelines. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the	Criterion 1F - Shorelines: Demonstrate that if the project is located along a	a. Does the project involve development or subdivision on or near a river, lake, pond, or reservoir shoreline?		ANR Lakes and Ponds Shoreland Protection;	Lakes and Ponds Permit: 1) Lakes and Ponds Permit (29 V.S.A. Ch 11); 2) Shoreland	3. Water Quality	105.23 EROSION PREVENTION AND SEDIMENT		

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development or subdivision of shorelines must of necessity be located on a shoreline in order to fulfill the purpose of the development or subdivision, and the development or subdivision will, insofar as possible and reasonable in light of its purpose: (i) retain the shoreline and the waters in their natural condition; (ii) allow continued access to the waters and the recreational opportunities provided by the waters; (iii) retain or provide vegetation which will screen the development or subdivision from the waters; and (iv) stabilize the bank from erosion, as necessary, with vegetation cover.	shoreline, it complies with the four standards relating to the condition of the shoreline listed in b. below.	b. If the project is located on or near a shoreline, then answer i) through v) below. c. Do you need a Shareland Encroachment Permit from ANR Watershed Management Division?			Protection Permit (10 V.S.A. Ch. 49A)		CONTROL, 105.24 POLLUTION CONTROL		
(1)(G) Wetlands. A permit will be granted whenever it is demonstrated by the applicant, in addition to other criteria, that the development or subdivision will not violate the rules of the Secretary of Natural Resources, as adopted under chapter 37 of this title, relating to significant wetlands.	Criterion 1G - Wetlands: Demonstrate that the project will meet applicable Water Resources Board regulations regarding any impacts on designated significant wetlands.	a. Does the tract contain Class I or Class II wetlands or wetland buffers? b. Is an individual Wetland Permits (IWP) or a General Wetland Permit (GWP) needed from the ANR Watershed Management required for work in the wetland or wetland buffer?		ANR Wetlands Section and Army Corps;	State Wetlands and 404 Army Corps Permit: 1) 10 V.S.A. Ch 47, Section 1272; 2) State Wetland Permit (10 V.S.A. Ch. 37, Section 905); 3) 401 Water Quality Certificate (33 U.S.C. Ch 26, Clean Water Act, Section 401); 4) 404 Corps of Engineers Permit (33 U.S.C. 1344 Clean Water Act, Section 404)	3. Water Quality, 4. U.S. Army Corps of Engineers	105.23 EROSION PREVENTION AND SEDIMENT CONTROL, 105.24 POLLUTION CONTROL		Conditional use determination with respect to uses in class one or class two wetlands or their buffer zones; Wetland Protection (Executive Order 11990).
(2) Does have sufficient water available for the reasonably foreseeable needs of the subdivision or development.  (3) Will not cause an unreasonable burden on an existing water supply, if one is to be used.	Criterion 2 and 3 - Water Supply: Demonstrate that the project will meet applicable Water Resources Board regulations regarding any impacts on designated significant wetlands.	a. How will water be supplied to the project and what are the demands (gallons per day)? b. Is a Wastewater System and potable Water Supply permit from the ANR Drinking Water and Groundwater Protection Division required? c. Is approval from the ANR Drinking Water and Groundwater Protection Division necessary for a shared water system or extension of a municipal water line? d. Identify adjacent water supplies. Demonstrate that the use of water will not restrict or negatively affect the water of existing users. Provide information on distance to other wells and hydrological studies for larger projects.	Does not apply to VTrans linear projects.	ANR Drinking Water and Groundwater Protection; North Hero Drawbridge Project had a Wastewater System And Potable Water Supply Permit (WW/PWS) for a well and septic system for the Tender House; How do these apply to airports that have Act 250 and WW/PWS permits?	1) Wastewater and Potable Water Supply Permit, Permit to Construct; 2) Nontransient Noncommunity Water System Permit; 3) Transient Noncommunity Operating Permit; 4) Groundwater Withdrawal/ Registration; Link to permit rules: <a href="https://dec.vermont.gov/water/laws">https://dec.vermont.gov/water/laws</a>	3. Water Quality	626.03 GENERAL	DEC Muni Stormwater and Sewage MOU	Permit for the application of herbicides to maintain and clear rights-of-way from the Department of Agriculture
(4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may	Criterion 4 - Soil Erosion: Demonstrate that the project will not cause	a. Describe the terrain (including slope) in areas where earth work is proposed. Describe the nature and extent of ground disturbance proposed including the sequence of	Covered by VTrans EPSC Protocol	ANR Stormwater	Operational and Construction Stormwater Permits: 1) NPDES		105.23 EROSION PREVENTION AND SEDIMENT	VTrans EPSC Plan Pursuant to PDB	Vtrans EPSC Protocol

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result.	unreasonable soil erosion and will not cause a reduction in the capacity of the land to hold water so that a dangerous condition results.	b. Are you required to obtain any of the following permits? Construction General Permit or Permit Amendment; Construction individual Permit or Permit Amendment, c. Describe erosion control measures to be taken after construction to stabilize the site. d. Describe permanent erosion control measures to be taken after construction to stabilize the site. e. How frequently will the erosion controls be inspected during construction and who will be accountable for their maintenance?			Construction General Permit (40 C.F.R. Part 122.26 – Title 10, V.S.A. Ch 47) – NOI Authorization to Discharge required prior to construction for >= 1 acre disturbance: Construction Stormwater Individual Permit, CGP #3-9020(2006)Low or Moderate Risk;		CONTROL; 652/653 EPSC	Directive to comply with "VANR Low Risk Handbook for projects under 1 acre"	
(5)(A) Will not cause unreasonable congestion or unsafe conditions with respect to the use of the highways, waterways, railroads, airports and airways, and other means of transportation existing or proposed.  (5)(B) As appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B), the District Commission shall consider whether such a strategy, access, or connection constitutes a measure that a reasonable person would take given the type, scale, and transportation impacts of the proposed development or subdivision.	Criterion 5 - Transportation: Demonstrate that the project will not cause unreasonable congestion or unsafe conditions with respect to the use of highways and other means of transportation and that it will provide access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services.	a. Describe the access to a State or local highway from the project. Show driveways for all proposed lots on the plans. Describe the design of roads, driveways(s) or road intersections including grades, sight distances and speed limit of the town or State highway. Show locations and details on site plan. b. Has the town or State approved the project access? c. If a new roadway is involved, indicate the length of the road and the maximum gradient. Also, if the road enters onto a State highway, the intersection geometrics will need to conform with Vtrans Access Guidelines and Standards. d. Explain how emergency vehicles and trucks will have sufficient access into the project site and can easily turn around. e. How many trips per day will the project generate? f. Explain how the traffic associated with the project will not create unreasonable congestion or unsafe conditions on nearby highways and nearby intersections. Larger projects and/or projects in areas with existing traffic problems may require a traffic study which details the level of service and turning movements. Traffic studies should include mitigation strategies for impacts, including use of demand management strategies. g. Describe any Transportation Demand Management strategies being employed in the project to reduce trip generation, including the number of AM and PM peak hour trips which will be mitigated through the use of these strategies. TDM strategies include: ride sharing programs, public transportation vouchers, staggered shifts to avoid peak hour traffic. h. Explain how pedestrian and bicycle safety will be provided. i. Explain how the proposed project will not cause unreasonable delays or unsafe conditions for users of existing pedestrian, bicycle and/or public transportation facilities. j. Is parking required for the project?	Project cannot be denied on the basis of Criterion 5 alone.	RPCs; VTrans 1111 and PPAID	1) Scenic Roads (10 V.S.A. Section 425 & 19 V.S.A. Ch 25);	13. Social and Economic Concerns, 14. Aesthetic Concerns, 15. Effects of Temporary Detour/Bridge	107.07 PUBLIC CONVENIENCE AND SAFETY; 107.17 OPENING SECTIONS OF PROJECT TO TRAFFIC	DEC Muni Stormwater and Sewage MOU; NRB & VTrans MOU; Act 145 MOU	

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		k. Explain how the project will provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services. j. Explain how the measures outlined above are appropriate, given the type, scale, and transportation impacts of the project.							
(6) Will not cause an unreasonable burden on the ability of a municipality to provide educational services.	Criterion 6 - Educational Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide educational services.	a. Estimate the number of additional students who may attend the local schools as a result of this project and explain how this estimate was calculated. b. Provide evidence that area schools will be able to accommodate these additional students.	Does not apply to VTrans linear projects.			13. Social and Economic Concerns		DEC Muni Stormwater and Sewage MOU	
(7) Will not place an unreasonable burden on the ability of the local governments to provide municipal or government services.	Criterion 7 - Municipal Services: Demonstrate that the project will not cause an unreasonable burden on the ability of local governments to provide municipal or governmental services.	a. Check the municipal services that will be utilized: Police; Fire Protection; Ambulance; Road Maintenance; Water Supply; Sewage Disposal; Solid Waste Disposal b. Provide a comment letter from any non-municipal entity and a completed Municipal Impact Questionnaire unless waived by the District Coordinator.				13. Social and Economic Concerns		DEC Muni Stormwater and Sewage MOU	
(8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.	Criterion 8 - Scenic Beauty, Historic Sites, and Natural Areas: Demonstrate that the project will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites, or rare or irreplaceable natural areas.	a. Describe the tract, surrounding areas, and any natural areas. b. Is the project use, size, architecture and density consistent with the existing or planned land uses in the area? What is the building style? What materials and exterior colors will be used? Provide elevation drawings. If the project is a subdivision and the building style is unknown, show building envelopes on the site plan and provide covenants that address tree cutting, lighting etc. and proposed architectural restrictions/requirements. c. Will the project generate any significant noise during and/or after construction? How long will construction take place? If noise is an ongoing factor in the project or construction takes place for an extended period, provide a noise analysis. d. Describe the proposed architectural style and building materials and colors in relation to the style of area buildings. Provide elevation drawings of buildings. e. Describe any proposed signs, including location and details on size, illumination, and colors.	Does not apply to VTrans linear projects.	ANR and Vtrans; Section 106, Section 4(f), Vermont Division for Historic Preservation; ANR Fish and Wildlife	Section 106 and Section 4(f) Reviews: 1) VTrans Historic Preservation & Archaeological Officers (22 V.S.A. Ch 14); 2) Section 106 Evaluation (16 U.S.C. National Historic Preservation Act); 3) Section 4(f) Evaluation (23 U.S.C. 138 Preservation of Parklands & 49 U.S.C. 303)	2. Noise, 9. Historical or Archaeological Resources (Section 106), 10. Section 4(f) and 6(f) Resources	105.25 CONTROL OF WASTE, BORROW, AND STAGING AREAS	DEC Muni Stormwater and Sewage MOU (can be conditioned, not denied); NRB Waste MOU	
			Preempted by FHWA regulations						

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		<p>f. Describe exterior lighting, including location, lamp wattage, fixture style, and height of pole. How will lights be controlled, timed or switched? For large parking lots and roadways, provide details about light levels. Show lighting on site plan and include manufacturer's specification sheets. Lighting should be dark-sky compatible and fixtures fully shielded for most applications.</p> <p>g. Describe how utilities have been designed to minimize their visibility.</p>	Does not apply to VTrans linear projects.						
(8)(A) Necessary wildlife and endangered species. A permit will not be granted if it is demonstrated by any party opposing the applicant that a development or subdivision will destroy or significantly imperil necessary wildlife habitat or any endangered species; and (i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or (ii) all feasible and responsible means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or (iii) a reasonably acceptable alternative site is owned or controlled by the applicant which would allow the development or subdivision to fulfill its intended purpose.	Criterion 8A - Wildlife and Endangered Species: Demonstrate that the project will not destroy or significantly imperil necessary wildlife or endangered species habitat.	<p>a. Does the project tract include necessary wildlife habitat or endangered species?</p> <p>b. Describe any impact the project will have on identified necessary wildlife habitat or endangered species and what measures will be taken to mitigate impact.</p>		ANR Fish and Wildlife	1) Threat. and End. Species Permit (10 V.S.A. Ch 123); 2) Fish & Wildlife Coordination Act (16 U.S.C. Part 661 – 666); 3) Endangered Species Act (16 U.S.C. Section 1531 – 1534) – USF&W Service Section 7 consultation	6. Threatened and Endangered Species and Habitat		VT Fish and Wildlife MOU; DEC Muni Stormwater and Sewage MOU (can be conditioned, not denied)	
(9) Is in conformance with a duly adopted capability and development plan, and land use plan when adopted. However, the legislative findings of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria in the consideration of applications by a District Commission.	Criterion 9		Does not apply to VTrans linear projects	VT Department of Housing and Community Development				DEC Muni Stormwater and Sewage MOU	
(9)(A) Impact of growth. In considering an application, the District Commission shall take into consideration the growth in population experienced by the town and region in question and whether or not the proposed development would significantly affect their existing and potential financial capacity to reasonably accommodate both the total growth and the rate of growth otherwise expected for the town and region and the total growth and rate of growth which would result from the development if approved. After considering anticipated costs for education, highway access and maintenance, sewage disposal, water supply, police and fire services, and other factors relating to the public	Criterion 9A - Impact of Growth: Demonstrate that the project will not significantly affect the ability of the town and region to accommodate growth.	a. For residential projects and subdivisions, indicate how many additional people may live in the project, what portion may be seasonal, and what percentage of the total population of the municipality these additional people represent. For commercial or recreational projects, provide information regarding anticipated employment growth, growth in personal income, retail sales growth, or growth in tourism.	Does not apply to VTrans linear projects.	VT Agency of Agriculture; USDA		13. Social and Economic Concerns		DEC Muni Stormwater and Sewage MOU	State Transportation Impact Program

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health, safety, and welfare, the District Commission shall impose conditions which prevent undue burden upon the town and region in accomodating grown caused by the proposed development or subdivision. Notwithstanding section 6088 of this title, the burden of proof that proposed development will significantly affect exiting or potential financial capacity of the town and region to accomodate such growth is upon any party opposing an application, excepting however, where the town has a fully adopted capital improvement program the burden shall be on the applicant.		b. For all projects, provide an estimate of the tax revenues the property will generate (property tax revenues paid to the municipality, as well as income tax, sales, and rooms and meal taxes, etc.) paid to the State, if appropriate. Also, provide information on anticipated employment.							
(9)(B) Primary agricultural soils. A permit will be granted for the development or subdivision of primary agricultural soils only when it is demonstrated by the applicant that, in addition to all other applicable criteria, either, the subdivision or development will not result in any reduction in the agricultural potential of the primary agricultural soils; or: (i) the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; (ii) except in the case of an application for a project located in a designated area listed in subdivision 6093(a)(1) of this title, there are no lands other than primary agricultural soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; (iii) except in the case of an application for a project located in a designated area listed in subdivision 6093(a)(1) of this title, the subdivision or development has been planned to minimize the reduction of agricultural potential of the primary agricultural soils through innovative land use design resulting in compact development patterns, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or commercial agricultural operation; and (iv) suitable mitigation will be provided for any reduction in the agricultural potential of the primary agricultural soils caused by the development or subdivision, in accordance with section 6093 of this title and rules adopted by the Natural Resources Board.	Criterion 9B - Primary Agricultural Soils: Demonstrate that the project will not reduce the agricultural soils.	a. Does your project involve any potential earth disturbance? b. Has Act 250 previously issued findings of fact regarding primary agricultural soils on your tract or tracts of land? c. Does the tract of land contain any soils classified by the Natural Resource Conservation Service as primary agricultural soils? d. Does the subdivision or development result in any reduction in the agricultural potential of the primary agricultural soils? e. Will the development or subdivision interfere with or jeopardize the continuation of agricultural or forestry on adjoining land? f. Is the project located in a designated downtown, growth center, new town center, or a neighborhood development area associated with a designated downtown? g. Does the landowner own or control other lands, other than primary agricultural soils, that are reasonably suited to the purpose of development or subdivision? h. Are you taking measures to minimize the impact to the primary agricultural soils on the tract of land? Such measures include the use of innovative land use design that results in compact development patters, so that the remaining primary agricultural soils on the project tract are capable of supporting or contributing to an economic or comercial agricultural operation. i. Has suitable mitigation been provided for any reduction in the agricultural potential of the primary agricultural soils caused by the project in accordance with 10 VSA 6093?	Does not apply to VTrans linear projects. Note that "development" for this Criterion refers to housing, with an eye toward compactness and consistency with local and regional plans.	VT Agency of Agriculture; USDA	1) Act 183, Agency of Agriculture; 2) Farmland Protection (7 U.S.C. Part 658)	7. Agricultural Land		DEC Muni Stormwater and Sewage MOU	Agency of Agriculture Soil Review Letter.
(9)(C) Productive forest soils. A permit will be granted for the development or subdivision of productive forest soils only when it is demonstrated by the applicant that, in addition to all other	Criterion 9C - Productive Forest Soils: Demonstrate that the project will not result in any reduction in the	a. Has the property been logged or managed for ocmmercial forestry in the past? b. Is the site curenrtly being managed for commercial forestry?	Does not apply to VTrans linear projects.		USDA Green Mountain National Forest Authorization under FHWA MOU			DEC Muni Stormwater and Sewage MOU	

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applicable criteria, either, the subdivision or development will not result in any reduction in the potential of those soils for commercial forestry; or: (i) the development or subdivision will not significantly interfere with or jeopardize the continuation of agriculture or forestry on adjoining lands or reduce their agricultural or forestry potential; and (ii) except in the case of an application for a project located in a designated growth center, there are no lands other than productive forest soils owned or controlled by the applicant which are reasonably suited to the purpose of the development or subdivision; and (iii) except in the case of an application for a project located in a designated growth center, the subdivision or development has been planned to minimize the reduction of the potential of those productive forest soils through innovative land use design resulting in compact development patterns, so that the remaining forest soils on the project tract may contribute to a commercial forestry operation.	potential of productive forest soils.	c. Is the property enrolled in the Use Value Appraisal Program? d. Does the project site contain productive forest soils? e. If productive forest soils exist on the site, is the project site located in a designated growth center as defined at 24 VSA 2491(12)(A)? f. If productive forest soils exist on the site and you are not located in a designated growth center, how many acres of productive forest soils are on the site, and how has the project been planned to minimize the reduction of the potential of the productive forest soils through innovative land use design resulting in compact development patterns so that the remaining forest soils on the project tract may contribute to a commercial forestry operation?							
(9)(D) Earth resources. A permit will be granted whenever it is demonstrated by the applicant, in addition to all other applicable criteria, that the development or subdivision of lands with high potential for extraction of mineral or earth resources, will not prevent or significantly interfere with the subsequent extraction or processing of the mineral or earth resources.	Criterion 9D and 9E - Earth Resources: Demonstrate that the project will not interfere with the future extraction of earth resources; and demonstrate that if the project involves the extraction of earth resources, it will not unduly	a. Are there any mineral or earth resources on the site with a high potential for extraction? b. If the site contains earth resources, will any be used for the project?	No significant board decisions on Criterion 9D.					DEC Muni Stormwater and Sewage MOU	



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(9)(E) Extraction of earth resources. A permit will be granted for the extraction or processing of mineral and earth resources, including fissionable source material: (i) When it is demonstrated by the applicant that, in addition to all other applicable criteria, the extraction or processing operation and the disposal of waste will not have an unduly harmful impact upon the environment or surrounding land uses and development; and (ii) Upon approval by the District Commission of a site rehabilitation plan that ensures that upon completion of the extracting or processing operation the site will be left by the applicant in a condition suited for an approved alternative use or development. A permit will not be granted for the recovery or extraction of mineral or earth resources from beneath natural water bodies or impoundments within the State, except that gravel, silt, and sediment may be removed pursuant to the rules of the Agency of Natural Resources, and natural gas and oil may be removed pursuant to the rules of the Natural Gas and Oil Resources Board.	resources, it will not unduly harm the environment or neighboring land uses, and will be reclaimed for an alternative use.	c. If the project involves the extraction of earth resources for commercial sale, or involves extensive use of borrow material from on site or nearby, show the area of extraction on the site plan as well as locations of adjoining residents and state what equipment will be used on site and how often it will operate, etc.							
(9)(F) Energy conservation. A permit will be granted when it has been demonstrated by the applicant that, in addition to all other applicable criteria, the planning and design of the subdivision or development reflect the principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy. An applicant seeking an affirmative finding under this criterion shall provide evidence that the subdivision or development complies with the applicable building energy standards under 30 V.S.A. § 51 or 53.	Criterion 9F - Energy Conservation: Demonstrate that the project reflects the principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporates the best available technology for energy efficiency. Provide evidence of compliance with the applicable building energy standards.	<p>a. Applicants are required to provide evidence that the project will comply with the building energy standards.</p> <p>b. As per the Criterion 9(F) Procedure, you will be required to submit a copy of the applicable RBES Certificate and or CBES Certificate submitted to the Public Service department under 30 VSA 53(d) and/or 30 VSA 51(f) prior to occupancy.</p> <p>c. Applicants for commercial projects are required to provide evidence that "the planning and design of the subdivision or development reflect the principles of energy conservation, including the reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of technology."</p> <p>d. If not, describe why your project can not meet the CBES Stretch Guidelines.</p> <p>e. Describe how your project meets the best available technology standard through incorporation of conservation measures that exceed the CBES.</p> <p>f. List the energy conservation measures incorporated into the project design that will reduce greenhouse gas emissions from the use of energy.</p>	Vt Public Utilities Commission. Requires compliance with Commercial Building or Residential Building Energy Standards, which does not apply to linear projects.						

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		<p>g. What renewable energy components or, at least the infrastructure required for future renewable energy installations have been incorporated into the project? These components or infrastructure can include electric vehicle charging stations, photovoltaic panels, solar hot-water, or other mechanisms to reduce "greenhouse gas emissions from the use of energy" or their related structural or electrical infrastructure required to support their future installation.</p> <p>h. Have you contacted Efficiency Vermont, your electric utility, or other energy efficiency entity to learn about cost-effective methods to reduce energy consumption and greenhouse gases?</p> <p>i. Detail what additional measures are being incorporated that are being subsidized or jointly undertaken with Efficiency Vermont, your electric utility, or other energy efficiency entity.</p>							
(9)(G) Private utility services. A permit will be granted for a development or subdivision which relies on privately owned utility services or facilities, including central sewage or water facilities and roads, whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the privately owned utility services or facilities are in conformity with a capital program or plan of the municipality involved, or adequate surety is provided to the municipality and conditioned to protect the municipality in the event that the municipality is required to assume the responsibility for the services or facilities.	Criterion 9G - Private Utilities: Demonstrate that any private utilities shared by two or more owners will not become a burden on the municipality if it must assume responsibility for them.	<p>a. Indicate whether the project involves any private utilities which will be controlled by more than one owner.</p> <p>b. If private utilities will not be transferred to the municipality, indicate how the utilities will be maintained. Will a sinking fund or other long term fund be established to provide for future repair or replacement of the private utilities?</p>	Does not apply to Vtrans linear projects.	Vermont Public Utilities Commission				DEC Muni Stormwater and Sewage MOU	
(9)(H) Costs of scattered development. The District Commission will grant a permit for a development or subdivision which is not physically contiguous to an existing settlement whenever it is demonstrated that, in addition to all other applicable criteria, the additional costs of public services and facilities caused directly or indirectly by the proposed development or subdivision do not outweigh the tax revenue and other public benefits of the development or subdivision such as increased employment opportunities or the provision of needed and balanced housing accessible to existing or planned employment centers.	Criterion 9H - Scattered Development: Demonstrate that if the project is not physically contiguous to an existing settlement, it will not result in greater costs to the municipality than it provides in additional tax revenues and other public benefits.	<p>a. Is the project tract physically contiguous to a downtown development district, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area as designated under 24 VSA, chapter 76A?</p> <p>b. If the project is not contiguous to an existing settlement, provide an analysis comparing the public benefits and costs of the project.</p>	Does not apply to Vtrans linear projects.	RPCs and DRBs		13. Social and Economic Concerns		DEC Muni Stormwater and Sewage MOU	

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(9)(J) Public utility services. A permit will be granted for a development or subdivision whenever it is demonstrated that, in addition to all other applicable criteria, necessary supportive governmental and public utility facilities and services are available or will be available when the development is completed under a duly adopted capital program or plan, an excessive or uneconomic demand will not be placed on such facilities and services, and the provision of such facilities and services has been planned on the basis of a projection of reasonable population increase and economic growth.	Criterion 9J - Public Utilities: Demonstrate that the project will not place an excessive or uneconomic demand on any necessary governmental or public facilities or services.	a. Indicate whether an excessive or uneconomic demand will be placed on supportive governmental or public utility services, such as electric services. If the project is commercial, industrial, or a multi-family building, show on a plan how solid waste and recycling services will be accommodated.	Does not apply to VTrans linear projects.	RPCs and DRBs; VPUC		13. Social and Economic Concerns		DEC Muni Stormwater and Sewage MOU	
(9)(K) Development affecting public investments. A permit will be granted for the development or subdivision of lands adjacent to governmental and public utility facilities, services, and lands, including highways, airports, waste disposal facilities, office and maintenance buildings, fire and police stations, universities, schools, hospitals, prisons, jails, electric generating and transmission facilities, oil and gas pipe lines, parks, hiking trails and forest and game lands, when it is demonstrated that, in addition to all other applicable criteria, the development or subdivision will not unnecessarily or unreasonably endanger the public or quasi-public investment in the facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to the facility, service, or lands.	Criterion 9K - Public Investments: Demonstrate that the project will not endanger any adjacent public investment.	a. List any adjacent governmental or public utility facilities, services and lands, including highways, airports, waste disposal facilities, buildings, fire and police stations, universities, schools, hospitals, electric generation and transmission facilities, oil and gas pipelines, parks, hiking trails, forest and game lands, etc.  b. How will the project affect any such adjacent property?	Does not apply to VTrans linear projects.			13. Social and Economic Concerns		DEC Muni Stormwater and Sewage MOU	
(9)(L) Settlement patterns. To promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside, a permit will be granted for a development or subdivision outside an existing settlement when it is demonstrated by the applicant that, in addition to all other applicable criteria, the development or subdivision: (i) will make efficient use of land, energy, roads, utilities, and other supporting infrastructure; and (ii) (I) will not contribute to a pattern of strip development along public highways; or (II) if the development or subdivision will be confined to an area that already constitutes strip development, will incorporate infill as defined in 24 V.S.A. § 2791 and is designed to reasonably minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.	Criterion 9L - Settlement Patterns: If outside an existing settlement, demonstrate how the project will promote Vermont's historic settlement pattern of compact village and urban centers separated by rural countryside.	a. Is the project tract physically inside a downtown development district, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area designated under 24 VSA, chapter 76A?  b. If the project is outside a designated center or other existing settlement, explain how the project will make efficient use of land, will not contribute to a pattern of strip development, or is designed to minimize the characteristics listed in the definition of strip development under subdivision 6001(36) of this title.	Does not apply to VTrans linear projects.	RPCs		13. Social and Economic Concerns		DEC Muni Stormwater and Sewage MOU	
(10) Is in conformance with any duly adopted local	Criterion 10- Local and	a. Does the municipality have a duly adopted plan?		RPCs and DRBs		13. Social and		DEC Muni	

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or regional plan or capital program under 24 V.S.A. chapter 117. In making this finding, if the District Commission finds applicable provisions of the town plan to be ambiguous, the District Commission, for interpretive purposes, shall consider bylaws, but only to the extent that they implement and are consistent with those provisions, and need not consider any other evidence.	Regional Plans: Demonstrate that the project conforms to the municipal plan and regional plan.	b. How does the project conform to the uses and policies identified for that district?				Economic Concerns		Stormwater and Sewage MOU; NRB & VTrans MOU	
		c. Are there town plan policies that apply to the project? What are they and how does the project conform?							
		d. Have local approvals/permits been obtained?	VTrans is exempt from local zoning permits.						
		e. What regional plan applies to the project?							
		f. Are there other regional plan policies that apply to the project? What are they and how does the project conform?							
g. Explain how the project conforms to a duly-adopted capital program, if the town has one.									
	Municipal Impact								
	School Impact		Does not apply to VTrans linear projects.						
<b>Possible Proposed Act 250 Criteria:</b>									
Climate	TBD			Pursuant to section 25 of the 2018 Transportation Bill (supported by VTrans and other agencies) the Public Utility Commission has launched an investigation into accelerating electric vehicle adoption in Vermont.		FHWA TECHNICAL ADVISORY T 6640.8A(V)(G)(22) : "For large-scale projects with potentially substantial energy impacts, the draft EIS should discuss the major direct and/or indirect energy impacts and conservation potential of each alternative. Direct energy impacts refer to the energy consumed by vehicles using the facility. Indirect impacts include construction energy and such items as the effects of any changes in		VTrans and other agencies fund Drive Electric Vermont through an interagency MOA. VTrans helps implement resolutions between Vermont and Quebec and resolutions of the New England Governors and Eastern Canadian Premiers.	Policy and planning incorporates complete streets (19 V.S.A. § 10b(a)(1)); climate (§ 10b(b)); all users, complete streets, and comprehensive energy plan (§ 10b(c)); public transit, ride share, park and ride, bike/ped (§ 10f); multi-modal transportation planning (§ 10j). VTrans is active in the Northeast Transportation and Climate Initiative and the Interagency Climate and Energy Policy Action Committee (ICEPAC). VTrans incorporates climate resilience (adaptation) into its planning and project prioritization processes.

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Non-T&E Wildlife Habitat/Forest Blocks	TBD					FHWA TECHNICAL ADVISORY T 6640.8A(V)(G)(13) : "Impacts to fish and wildlife resulting from the loss degradation, or modification of aquatic or terrestrial habitat should also be discussed. The results of coordination with appropriate Federal, State and local agencies should be documented in the draft EIS. For example, coordination with FWS under the Fish and Wildlife Coordination Act of 1958."	Engineering detail for filling rip-rap under stream-crossing overpasses to facilitate wildlife movement.	MOA between VTrans and DFW. VTrans is an active member of the international Staying Connected Initiative.	New England Governors and Eastern Canadian Premiers Resolution on Ecological Connectivity, Adaptation to Climate Change, and Biodiversity Conservation. VTrans annually funds highways and wildlife mortality research by UVM and TNC VT. VTrans' long range transportation planning, corridor planning, and project prioritization includes wildlife habitat connectivity.
Act 250 Public Engagement: JOs, hearings, appeals	Act 250 Public Engagement				The Uniform Act <a href="https://www.fhwa.dot.gov/real_estate/uniform_act/">https://www.fhwa.dot.gov/real_estate/uniform_act/</a>	<a href="https://www.fhwa.dot.gov/Planning/tpr_and_nepa/planningnepaflowchart.cfm">https://www.fhwa.dot.gov/Planning/tpr_and_nepa/planningnepaflowchart.cfm</a>		ANR & NRB Enforcement MOU.	VTrans policy and planning requirements: 19 V.S.A. §§ 10 to 10I. 23 C.F.R. Part 450 (Planning Assistance and Standards). 19 V.S.A. Ch. 5 (Condemnation).

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	Jurisdictional Opinions	Performance Standard: The performance standard for completion of a JO is 20 days after the coordinator has obtained sufficient facts constituting a complete record upon which to base the decision. In cases where a <b>public comment period</b> has been established to obtain additional relevant facts, the performance standard is 20 days from the date established by the coordinator to receive additional information or public comment. <a href="https://nrb.vermont.gov/sites/nrb/files/documents/joprocedure.pdf">https://nrb.vermont.gov/sites/nrb/files/documents/joprocedure.pdf</a>				(1) the Finding of No Significant Impact (FONSI) and (2) the Record of Decision (ROD). The FONSI includes the EA modified to reflect all applicable comments and responses to those comments. No formal circulation is required, however, the State clearinghouse must be notified of the availability of the FONSI, and FHWA recommends that the public be notified in local publications. The	Disagreements between VTrans contractors are reviewed by the Chief Engineer, who issues a letter based on informal interviews, review of the record, and compliance with the project plans, general specific specs, standard specs, and other applicable guidance. Contractors may subsequently appeal the CE's decision to the Director, who reviews the decision for reasonability based on the record at hand.	Environmental Board and Agency of Environmental Conservation MOU	
	File comments on applications	Many applications qualify for "minor" status under Act 250 Rule 51. These are cases where the District Commission, after reviewing the application, determines that there are no significant impacts under the criteria. The minor application process differs from the regular (or major) application process in that <b>no public hearing</b> is scheduled unless requested by a party. Page 5 of 48. <a href="https://nrb.vermont.gov/sites/nrb/files/documents/Act%20250%20Application%20Guide.pdf">https://nrb.vermont.gov/sites/nrb/files/documents/Act%20250%20Application%20Guide.pdf</a>				40 CFR 1506.10(c): requires 45-day comment period on draft EIS. But see 23 USC 139: the comment period must be no more than 60 days, unless (1) the lead agency, project sponsor, and all participating agencies agree on a longer period, or (2) the comment period is extended by the lead agency for good cause.			Public Participation Opportunity: Pre-Design Site Meeting, Public Information Meeting, Public Hearing Required (502); Project Managers speak with all property abutters. See 23 CFR § 771.111(h).

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	District Commission Hearings	<p><b>Public hearings</b> are convened for large or complex applications or when other parties request them. Most hearings begin with a brief overview of the project for the Commission and the public. Applicants should be prepared to provide a concise summary of the important aspects of the project. The overview is followed by discussion of party status. The applicant may object to the participation of certain people, although the Commission will make the final decision. A site visit may occur next, or it may be arranged before or after the hearing. It is important for the applicant to be prepared to show the commission precisely where the improvements will be located. Many applicants stake the corners of buildings and the centerline of roadways. After the site visit, the Commission will review each criterion, usually in order. The applicant should be prepared to summarize the material presented in the application and answer questions about it. In some cases, applicants may wish to provide experts to support their positions. After Application Guide: Act 250 Land Use Permit (10 V.S.A., CH. 151)</p> <p>the criteria have been reviewed, the Commission will indicate what, if any, modifications or additional information it requires to make a final decision. The Commission will also indicate whether it anticipates reconvening the hearing. In most cases, one meeting is sufficient. Page 4 of 48.  <a href="https://nrb.vermont.gov/sites/nrb/files/documents/Act%20250%20Application%20Guide.pdf">https://nrb.vermont.gov/sites/nrb/files/documents/Act%20250%20Application%20Guide.pdf</a></p>				23 CFR 771.111(h): requirement for procedures to carry about public involvement/public hearing program pursuant to 23 USC 128 and 40 CFR parts 1500-1508.	Disputes with CE and Director's decisions may be appealed to the Vermont Transportation Board for an on-the-record review. 19 VSA 5(d).		
	Appeals to court.	<p>If an applicant or another party does not agree with the Commission's final decision, <b>an appeal may be filed</b> with the Superior Court, Environmental Division. Appeals are heard anew on those issues raised on appeal and a new record is created. Environmental Division decisions are also in writing and may be appealed to the Vermont Supreme Court. Page 4 of 48.  <a href="https://nrb.vermont.gov/sites/nrb/files/documents/Act%20250%20Application%20Guide.pdf">https://nrb.vermont.gov/sites/nrb/files/documents/Act%20250%20Application%20Guide.pdf</a></p>				May appeal FHWA NEPA determinations to the District Court pursuant to the Administrative Procedure Act, where the appropriate standard for judicial review is whether the actions of a federal agency were "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A).	Transportation Board decisions are appealed directly to the Vermont Supreme Court per 19 VSA 5(c).		