



MEMORANDUM

Date: December 13, 2017

To: Commission on Act 250

From: Karen Horn, Director Public Policy & Advocacy

Re: Consideration of Act 250 Jurisdiction Overlapping With Other Laws

Thank you for the opportunity to offer comments on the interaction of Act 250 with other laws.

State Agency Regulation

State statute has grown to establish state authority over a host of issues that are also addressed in Act 250. At the time Act 250 was passed many of those issues were not addressed in other regulatory or planning processes. In particular, the statutes and rules regulating water quality (lakes and ponds, wetlands, wastewater treatment and potable water supply, groundwater, Total Maximum Daily Loads for pollutants of interest, stormwater regulation, erosion control, and more) address virtually every aspect of water quality.

Attached to this testimony is a list of information sheets for permits that was taken from the Department of Environmental Conservation Permit Handbook website, <http://dec.vermont.gov/permits/handbook/info-sheets>

That list does not incorporate some of the more important efforts being undertaken by the state – hazard mitigation planning and emergency operations planning being undertaken at both the state and local government levels.

We strongly endorse the testimony offered by VTrans today, in particular their statement that, “VTrans is especially interested in eliminating the redundancies between Act 250 criteria (and sub-criteria) and other state permitting programs, many of which did not exist or existed only in nascent form when the Legislature first enacted Act 250 in 1970. It is inefficient for Act 250 to revisit environmental issues (for example, impact to wetlands, stormwater runoff, etc.) that other regulatory programs have already addressed.”

This commission needs to make a concerted effort to reduce redundancies between Act 250 and other existing regulation at the federal, state and local levels. Likewise, it is imperative that this commission’s work not result in increased redundancies due to new areas of responsibility given to Act 250.

VCGI

As well, through the Vermont Center for Geographic Information (VCGI), the following interactive maps are available in addition to static and historic maps. We have substantially more information and data at every level of government on which to base decisions than we have ever had before. Much of that mapped information is the same,

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which increases the likelihood that decisions made in one venue might not contradict decisions made in another venue. <http://vcgi.vermont.gov/maps/interactive>

- [VT Interactive Map Viewer](#) (Updated!)
- [VCGI's ArcGIS Online Portal](#)
- [VT Agency of Natural Resources Atlas](#)
- [VT Fish and Wildlife Fishing Access Areas](#)
 - [VT ANR Flood Ready Atlas](#)
 - [The BioFinder Mapping Site](#)
 - [E911 Map Viewer](#)
 - [Vermont Planning Atlas](#)
 - [VT Dept. of Tourism Google Maps](#)
 - [Community Development Block Grant Disaster Recovery Project Map](#)
 - [VTrans Online Map Center](#) (includes applications showing road status, construction project status, geodetic monuments....and more!)
 - [VT Health Dept. Web Map](#) and links to other maps!
 - [The VT Renewable Energy Atlas](#)
 - [Chittenden County ECOS Map Viewer](#)
 - [The National Map](#) (USGS)
 - [NOAA Climate Mapping Tool](#)
 - [Mapmaker Interactive](#) (National Geographic)
 - [USGS Historical Topo Map Viewer](#) (historic maps overlaid on modern maps and you can change transparency!)
 - [ArcGIS Online Version of the VT TechScape Map](#) (add your company, office, hacker headquarters, etc.!)
 - [Mapbox Version of the VT TechScape Map](#) (add your company, office, hacker headquarters, etc.!)
 - [Student Maps on ArcGIS Online - 13 Colonies](#)
 - [Student Maps on ArcGIS Online - Civil War](#)
 - [Student Maps on ArcGIS Online - Freedom Summer Book Map](#)

Municipal Land Use Regulation

As we commented in November, municipal regulatory authority predates Act 250. Local zoning regulation addresses many more issues than it did in the 1970s and the staff capacity at the local level to implement and enforce zoning, subdivision and related bylaws is far greater today than it has been in the past.

In sum, we must ensure communication between all state agencies and their divisions to eliminate redundant oversight of municipal projects, expedite the permitting process, and tailor project review to the size and impact of a proposal. We must promote the message that growth and economic development in Vermont is an attractive and that regulatory requirements address real and current issues at the same time they provide for mitigation of impacts in an efficient and effective manner.

As part of that effort, we reiterate our belief that it is time to consider delegating responsibility for Act 250 to municipalities with adopted and approved plans, zoning and subdivision bylaws, and that demonstrate the professional capacity and willingness to assume responsibility for its administration.

