

# Act 250 and Slate Quarries: The Status Quo

---



Vermont Natural Resources Board  
Evan Meenan, Associate General Counsel  
(802) 828-3309  
[Evan.Meenan@Vermont.gov](mailto:Evan.Meenan@Vermont.gov)

# Relevant Statutory Provisions

10 V.S.A. § 6001 –  
Definitions

10 V.S.A. § 6081 – Permits  
required; exemptions

- \* There are no Act 250 Rules and no NRB guidance documents that are specific to slate quarries.
- \* There are specific Act 250 fees that apply to quarries. 10 V.S.A. § 6083a(a)(4).

# 10 V.S.A. § 6001(25) – Defines “Slate Quarry”

“Slate quarry” means a quarry pit or hole from which slate has been extracted or removed for the purpose of commercial production of building material, roofing, tile, or other dimensional stone products. “Dimensional stone” refers to slate that is processed into regularly shaped blocks, according to specifications. The words “slate quarry” shall not include pits or holes from which slate is extracted primarily for purposes of crushed stone products, unless, as of June 1, 1970, slate had been extracted from those pits or holes primarily for those purposes.”

General definition of slate quarry. Important for understanding scope of “exemption.”

*Limitation on exemption via definition* – If a registered slate quarry wants to extract slate primarily for crushed stone, it can only do so while taking advantage of the “exemption” if it extracted slate primarily for that purpose as of June 1, 1970.

# Act 250 Exemptions – Generally\* Appear in Two Places

## 10 V.S.A. § 6001(3)(D)

“The word ‘development’ does not include....”

## 10 V.S.A. § 6081

Subsection (a) contains the general requirement for obtaining a permit prior to commencing construction on a “subdivision” or “development.”

Most of the remaining sections carve out exemptions to this requirement.

\*There are a few other limitations/modifications of jurisdiction that appear elsewhere, e.g., the Act 250 Rules for utility lines and trails in the Vermont Trail System.

# Slate “Exemption” – Two Components. Both Linked to Registration

10 V.S.A. § 6081(j) –  
Modification of  
Abandonment

10 V.S.A. § 6081(k)  
– Modification of  
Substantial Change  
Jurisdiction\*

\* Section 6081 also modifies substantial change jurisdiction provisions for other types of development, i.e., municipal, county, and state projects, some water and sewer line projects, and some railroad projects.

## 10 V.S.A. § 6081(j) – Modification of Abandonment

“With respect to the extraction of slate from a slate quarry that is included in final slate quarry registration documents, if it were removed from a site prior to June 1, 1970, the site from which slate was actually removed, if lying unused at any time after those operations commenced, shall be deemed to be held in reserve, and shall not be deemed to be abandoned.”

- Relates to another legal principal whereby both permitted and nonconforming land uses can be “abandoned” through nonuse for an extended period of time.
- If a slate quarry operated as of June 1, 1970 and it went through the Act 250 registration process, then it is not “abandoned” even it lies “unused at any time after [its] operation commenced.”

# Substantial Change Jurisdiction

## Act 250 Rules 2(7) and 2(26)

“Substantial change’ means any cognizable change to a pre-existing development or subdivision which may result in significant adverse impact with respect to any of the [Act 250] criteria.”

“Cognizable change” means any physical change or change in use, including, where applicable any change that may result in a significant impact on any finding, conclusion, term or condition of the project’s permit.”

## 10 V.S.A. § 6081(k) and (l) Modification

“Activities that are not ancillary to slate mining operations may constitute substantial changes, and be subject to permitting requirements under this chapter.” (apply Rule 2 definitions)

“Activities that are ancillary activities that involve crushing may constitute substantial changes if they may result in significant impact with respect to any of the [Act 250] criteria.” (same as Rule 2 definitions)

“[A]ncillary activities on the parcel related to the extraction and processing of slate into products that are primarily other than crushed stone products shall not be deemed to be substantial changes, as long as the activities do not involve the creation of one or more new slate quarry holes that are not related to an existing slate quarry.”

# 10 V.S.A. § 6081(k) – Definition of Ancillary Activities

“[A]ncillary activities on the parcel related to the extraction and processing of slate into products that are primarily other than crushed stone products shall not be deemed to be substantial changes, as long as the activities do not involve the creation of one or more new slate quarry holes that are not related to an existing slate quarry.”



“Ancillary activities” include the following activities that pertain to slate and that take place within a registered parcel that contains a slate quarry: drilling, crushing, grinding, sizing, washing, drying, sawing and cutting stone, blasting, trimming, punching, splitting, and gauging, and use of buildings and use and construction of equipment exclusively to carry out such activities. Buildings that existed on April 1, 1995, or any replacements to those buildings, shall be considered ancillary.




So, ancillary activities other than crushing are mostly exempt from substantial change jurisdiction.



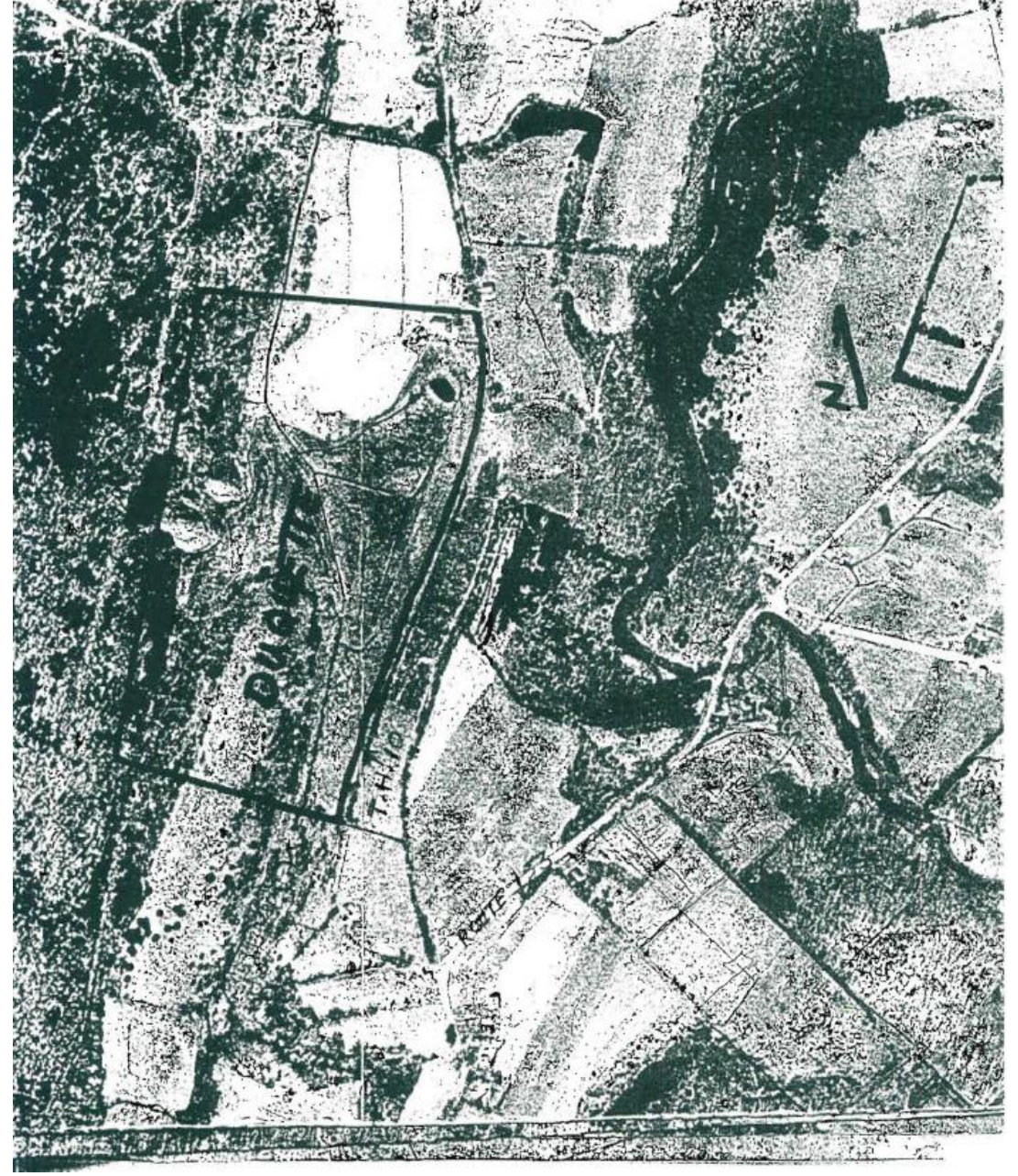
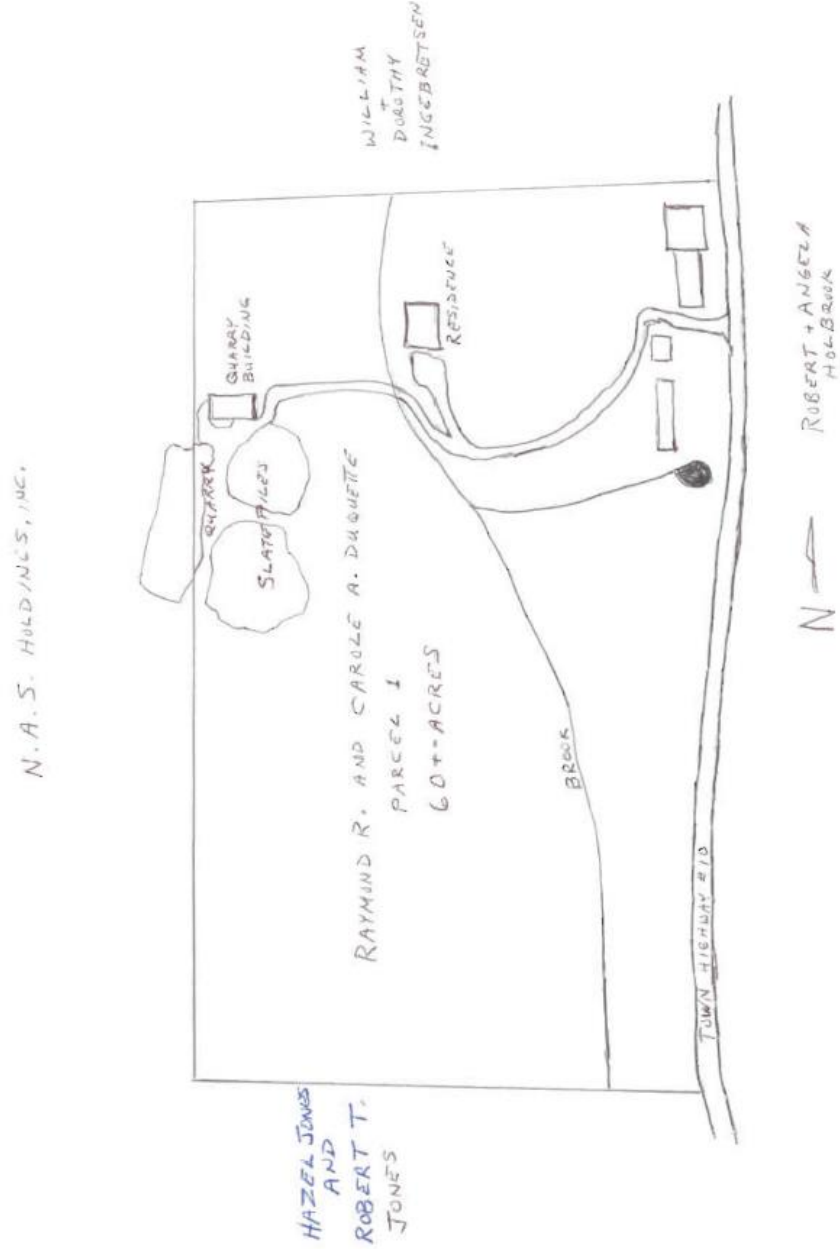
# 10 V.S.A. § 6081(l) – Registration of Slate Pre-existing Slate Quarries

- Deadline of January 1, 1997.
- Only applies to quarries that existed as of June 1, 1970.
- Registration filed with the District Commission and the municipality.
- Registration must include:
  - Name and address of owner(s) of the land, mineral rights, or leasehold rights.
  - The physical location of the quarry.
  - The physical location and size of any existing buildings.
  - Book and page reference for deed/instrument.
  - “A map which indicates the boundaries of the parcel which contains the slate quarry.”
- Coordinator issues final jurisdictional opinion that is recorded in the land records.
- Because opinion is “final” request for registration approval must be published in the newspaper and served on the municipality, RPC, affected State agencies, and adjoining.

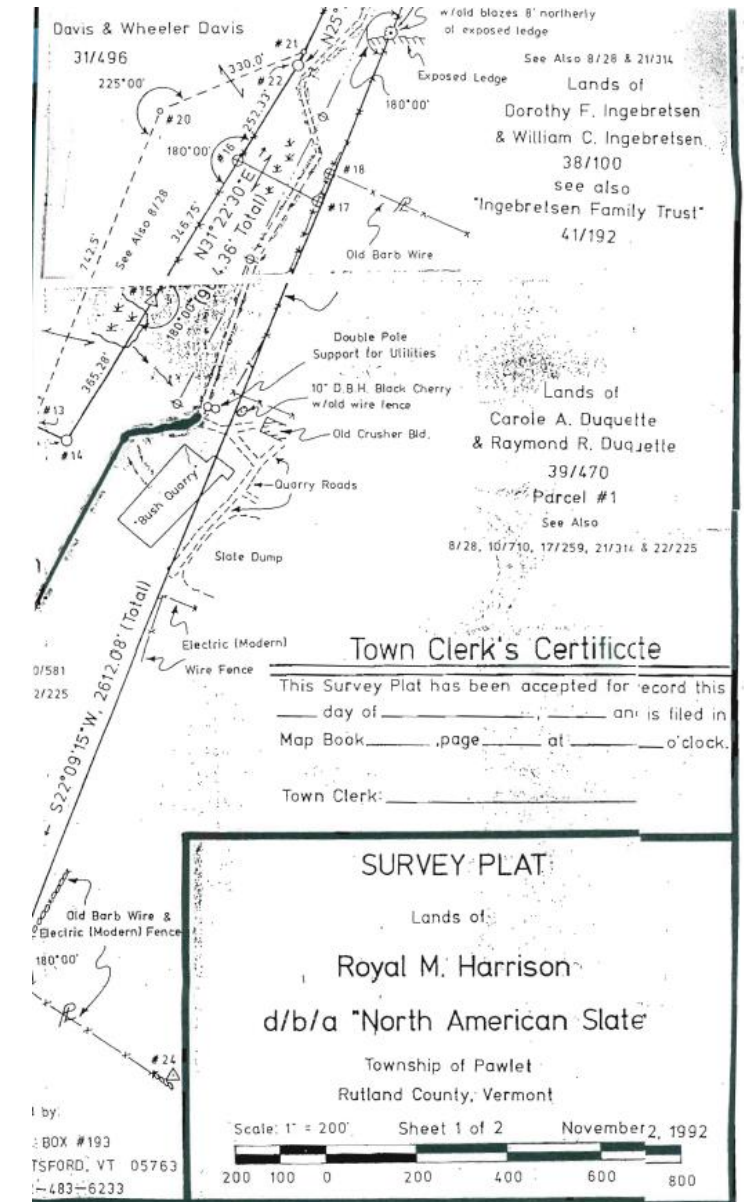
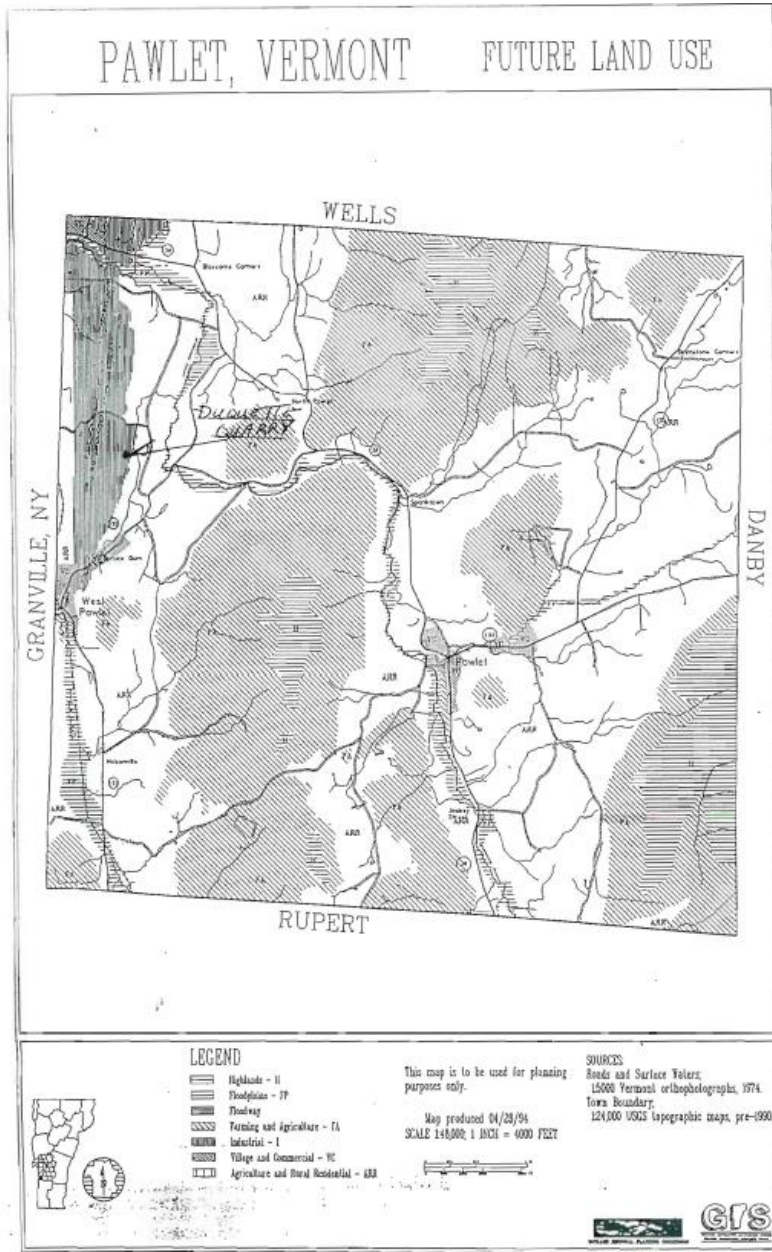


SAMPLE  
REGISTRATIONS AND  
MAPS

# Quarry Registration 1-S-35



# Quarry Registration 1-S-35, Continued



# Quarry Registration 1-S-96

Camera Slate Co  
Hampton NY 12837

50375

Slate products inc  
west pawlet VT 05775-9701  
RR1 Box 146

West

6 wood Building

Drive way

Quarry Hole

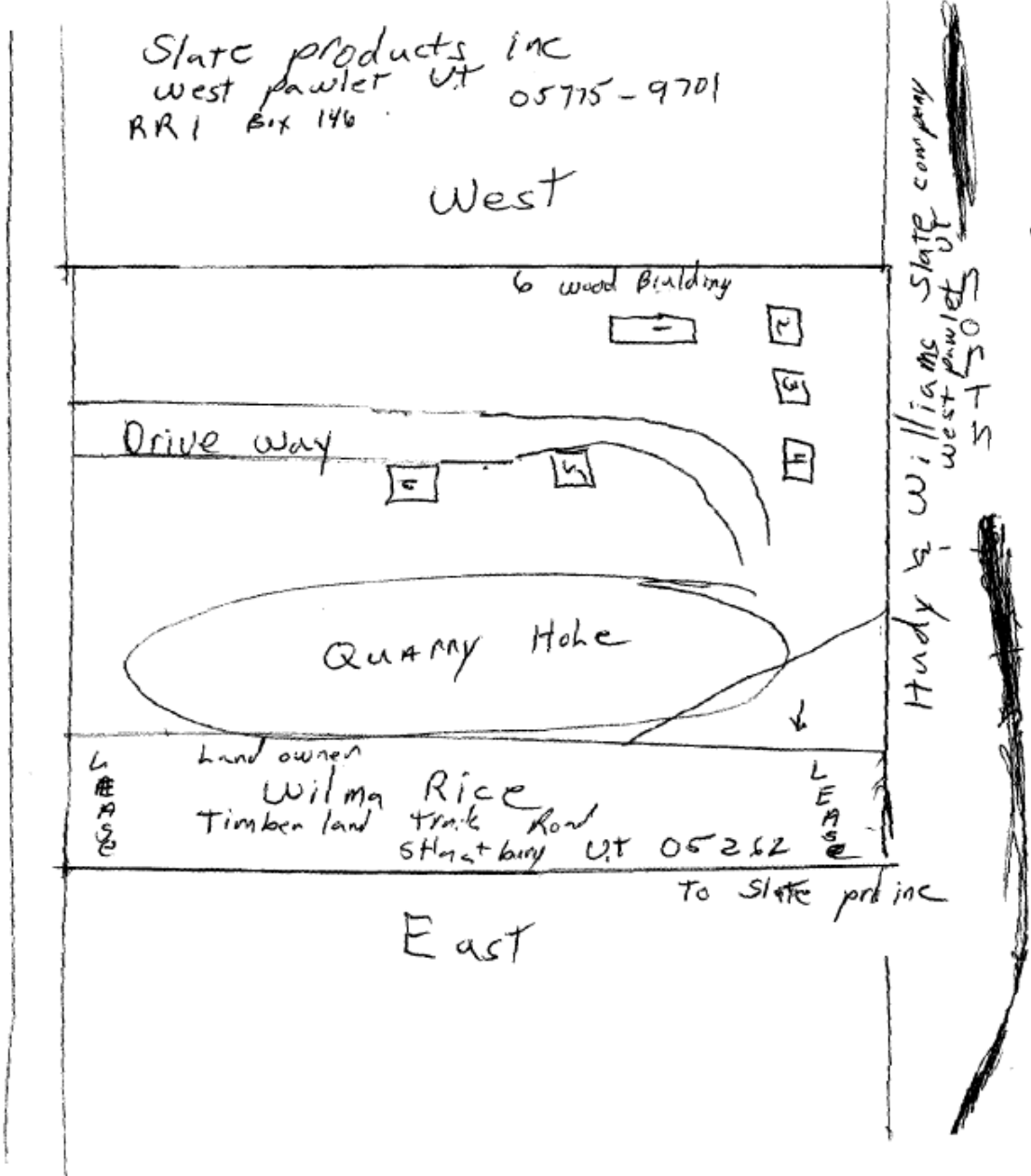
Land owner  
Wilma Rice  
Timber land track Road  
Stratbury VT 05262

To slate prod inc

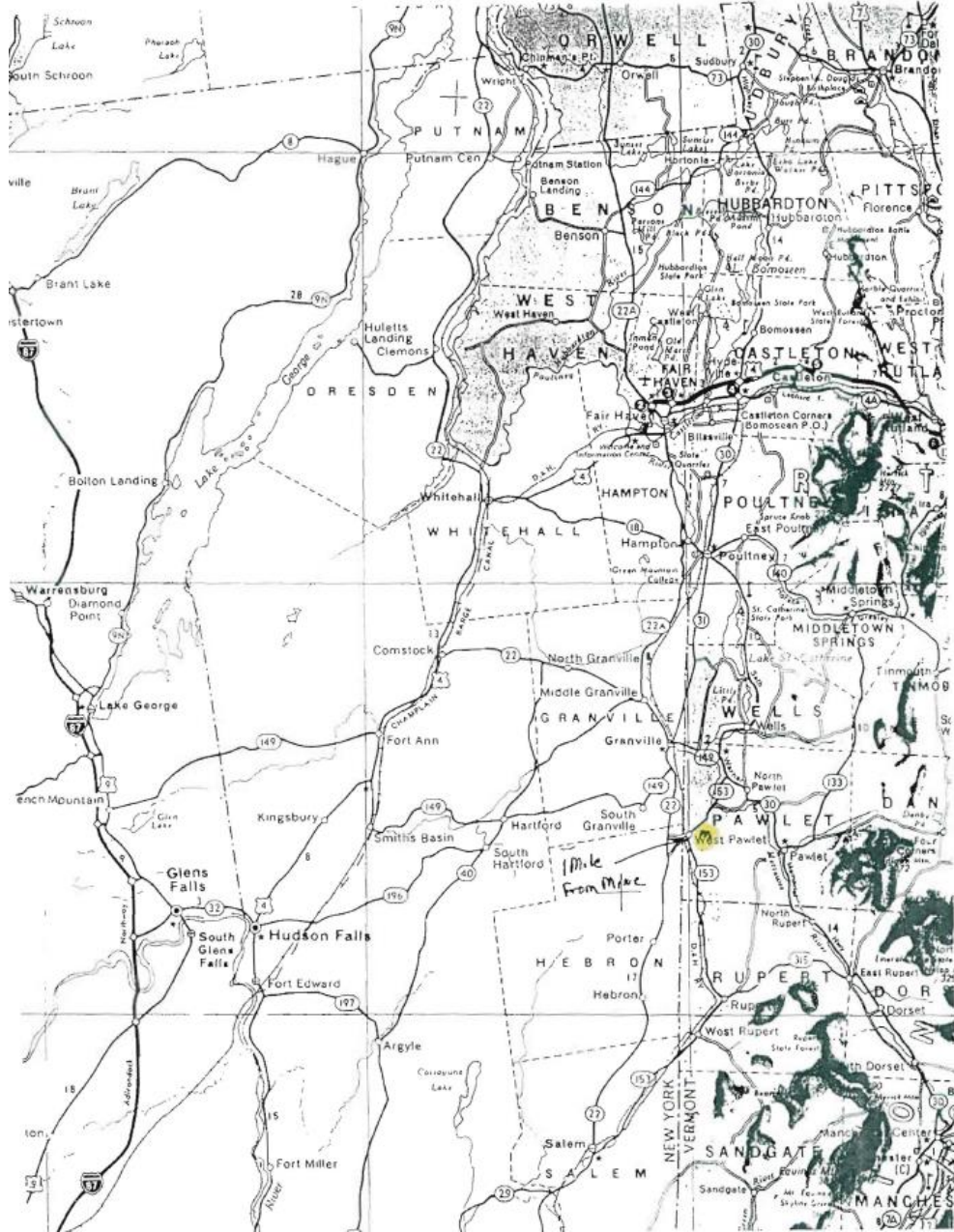
East

Study & Williams Slate company  
west pawlet VT 05775

Mettoe River



# Quarry Registration 1-S-48



# Quarry Registration 1-S-49

