

Act 250 – House Natural Resources, Fish, & Wildlife  
 Sandra Levine, Conservation Law Foundation  
 January 29, 2020

Summary of Recommendations based on 1/14/2020 Administration/ VNRC proposal:

Topic	Recommendation
Enhanced Natural Resources Board	<ul style="list-style-type: none"> <li>• Give local commissioners full voting rights.</li> <li>• Provide pro se participants access to technical and legal expertise</li> </ul>
Exemptions	<ul style="list-style-type: none"> <li>• Replace “exemptions” with “rebuttable presumption.”</li> <li>• This allows continued review and assurance that major development projects will be aligned with state land use goals and criteria.</li> </ul>
Rulemaking	<ul style="list-style-type: none"> <li>• Narrow the rulemaking to make sure it is not too broad.</li> <li>• This could include requiring rules to apply existing precedent on substantive criteria</li> <li>• Clearly define what can be “major,” “minor,” or “notice.”</li> </ul>
Criteria: <ul style="list-style-type: none"> <li>• New Roads (pg 2)</li> </ul>	(xii) The construction <u>or improvement</u> of a road or roads and any associated driveways <u>that combined are over 2,000 feet in length</u> to provide access to or within a tract of land of more than one acre owned or controlled by a person.
<ul style="list-style-type: none"> <li>• Ridgelines (pg 2)</li> </ul>	Require all ridgeline development to be classified as a major development.
<ul style="list-style-type: none"> <li>• Interchanges (pg 2-3)</li> </ul>	(xiii) The construction of improvements for commercial or industrial use within 2000 feet of a point of access to or exit from the interstate highway system as measured from the midpoint of the interconnecting roadways, <u>unless a regional planning commission has determined, at the request of the municipality where the interchange ...</u>
<ul style="list-style-type: none"> <li>• Forest Blocks (pg 44-45)</li> </ul>	<ul style="list-style-type: none"> <li>• Eliminate provision that would allow mitigation in all circumstances.</li> <li>• Include in criteria that permit can be denied for undue adverse impact on forest blocks</li> </ul>

<ul style="list-style-type: none"> <li>Climate Change (pg 47)</li> </ul>	<p>(M) Climate adaptation. <del>A permit will be granted for the development or subdivision only if the applicant demonstrates that</del> <u>The development or subdivision will employ</u> building orientation, site and landscape design, and building design <del>that are</del> sufficient to enable the improvements to be sited and constructed, including buildings, roads, and other infrastructure, to withstand and adapt to the effects of climate change, including extreme temperature events, wind, and precipitation reasonably projected at the time of application.</p>
<p>Standing / Ability to Participate</p>	<p>10 V.S.A. Sec. 6085(c)(1)(E) any adjoining property owner or other person who has <del>an interest a particularized interest protected by this chapter</del> that may be affected by an act or decision <u>of the Board by a District Commission</u></p>
<p>Access to Technical Expertise (pg 18)</p>	<p>(4)(A) authorize itself or the Agency of Agriculture, Food, and Markets, Agency of Commerce and Community Development, Agency of Natural Resources or Agency of Transportation to retain legal counsel, official stenographers, expert witnesses, advisors, temporary employees, and other research, scientific, or engineering services in addition to its regular personnel for a specific proceeding. With respect to the Agencies, additional personal may be retained only after <del>approval of the Governor and after</del> notice to the applicant. The Agency retaining the additional personnel shall fix the amount of compensation and expenses to be paid to the personnel retained under this subdivision. Costs of additional personnel obtained under this subdivision <del>shall</del><u>may</u> be allocated to the applicant by the Agency or the Board.</p>
<p>Representation of Public Interest</p>	<p>Provide specific public advocate role for Act 250 proceedings comparable to the public advocate role for PUC proceedings.</p>
<p>Administration / Stay pending appeal (pg. 52)</p>	<p>Allow automatic stay for all actions pending appeal</p>