

Overview of Act 250 Fee to the Agency of Natural Resources

Per 10 V.S.A. §6083a, ANR Collects \$0.75 per each \$1,000 of a project for the first \$15M of cost to account defray some of the costs associated with ANR involvement with Act 250 proceedings and review. A history of this fee, budget vs. actual receipts, is provided in table 1.

Table 1 - Act 250 Fee Historical Revenue vs. Budget				Table 2 - Overview of Expenses		
	Budget	Actuals	Difference	ANR CO	DFW	Total
FY 2016	227,400	200,193	(27,207)	387,000	192,000	579,000
FY 2017	227,400	220,562	(6,838)	77,000	38,000	115,000
FY 2018	197,400	193,242	(4,158)	464,000	230,000	694,000
FY 2019	197,400	202,918	5,518			
FY 2020	207,265	175,672	(31,593)			
FY 2021	206,819	-	-			

Overview of Agency Expenses for Act 250 Work *(see page 2 for a review of work by Department)*

Table 3 - Revenue vs Expenses				Table 5 - FTEs		
				ANR CO	DFW	Total
FY 2021 Projected Revenue		206,819		3.5		
FY 2021 Budgeted Expenses		694,000			2	
Difference covered by State & Federal Funds		(487,181)		Total FTE		5.5
				ANR Hourly Rate		60.66

Table 4 - Funding Streams Utilized to support the work			
General Funds		275,581	
One-time Mitigation Payment		9,200	
Fish and Wildlife Licensing funds		32,200	
Non-Game Wildlife Fund		6,900	
F&W Federal Funds		163,300	
Total		487,181	

Note - ANR does not currently track the work that DEC and FPR provide to support work on Act 250. The actual Agency costs are likely higher.

Examples of projects reviewed by VFWD biologists that presented issues with necessary wildlife habitat and criterion 8(a):

Act 250 7C1312 Estate of Lorraine Silver. Stannard, VT.

VFWD was contacted by a consulting engineer in February of 2010 to address concerns of an 8-lot residential subdivision of 38+/- acres to mapped deer winter habitat (DWH). This type of habitat is considered “necessary wildlife habitat” under Criterion 8(a) of Act 250. In this case, the DWH is part of the so-called “Greensboro Deer Yard” and is considered DWH of regional significance due to its size, condition and number of deer it supports. The VFWD biologist who was contacted to review this project examined maps and aerial photography to understand the current configuration of the habitat on the property and compared it with site plans provided by the engineer. Prior to filing the application the landowner had cleared some of the forest on the property that needed to be accounted for in understanding the current extent of the habitat. After confirmation of current use by wintering deer within the forested portions of the property from two separate site visits, the wintering habitat was re-mapped, and a 300-foot buffer was applied. VFWD did not contest the previous clearing of wintering habitat and in a March 2010 response to the applicant’s engineer provided for the need to reduce the number of houses, and related infrastructure, proposed to occur within the buffer. The response began a period of discussions on how best to protect and conserve the wintering habitat. By January of 2011, the applicant agreed to remove one of the house sites and re-design two others to avoid infrastructure intrusion into the buffer. The District 7 Commission issued the land use permit in January of 2011 to include the revised subdivision plan and incorporated additional conditions to avoid further impact to the wintering habitat. Seven acres of habitat were protected. In December 2013, the applicants made another effort to further subdivide but VFWD held to the position taken during the proceedings for the original permit. The Act 250 application was subsequently withdrawn in May of 2020. (Estimated amount of VFWD staff time: 100 hours)

Act 250 1R0254-3 and 1R0061-2 Killington Resort

VFWD reviewed a host of projects proposed by the Killington Ski Resort in February 2018 that included ski trail widening and lift replacements. VFWD identified potential impacts to Bicknell’s Thrush (BITH) habitat. Bicknell’s Thrush is a bird designated as a Species of Greatest Conservation Need and, at the time, considered for federal listing under the Endangered Species Act. The project involved removal of approximately two acres of BITH habitat. A mitigation plan was developed that identified four acres of previously established ski terrain for restoration to BITH habitat. Additional provisions were agreed upon to address indirect impacts during the BITH nesting season from helicopter flights, blasting, hydraulic pecking and pre-blast drilling necessary for lift line re-construction. Land Use Permits were issued in June 2018. (Amount of VFWD staff time: 40 hours)