

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

S.237

Senators Bray, Balint, Campion, Clarkson, Hooker, MacDonald, and White  
move that the bill be amended as follows:

First: In Sec. 6, 10 V.S.A. § 6081, in subdivision (p)(1), by striking out  
“Upon receiving notice and a copy of the permit issued by an appropriate  
municipal panel pursuant to 24 V.S.A. § 4460(f), a previously issued permit  
for a development or subdivision located in a downtown development area or a  
neighborhood development area is extinguished” and inserting in lieu thereof  
the following: Existing permits in these areas may seek to be released from  
jurisdiction pursuant to subsection 6090(c) of this title

Second: By striking out Sec. 8, 24 V.S.A. § 4460, in its entirety and  
inserting in lieu thereof the following:

\* \* \* Act 250 Release from Jurisdiction \* \* \*

Sec. 8. 10 V.S.A. § 6090 is amended to read:

§ 6090. RECORDING; DURATION AND REVOCATION OF PERMITS

\* \* \*

(c) Change to nonjurisdictional use; release from permit.

(1) On an application signed by each permittee, the District Commission  
may release land subject to a permit under this chapter from the obligations of  
that permit and the obligation to obtain amendments to the permit on finding  
each of the following:

1           (A) One of the following is true:

2                   (i) the use of the land as of the date of the application is not the  
3 same as the use of the land that caused the obligation to obtain a permit under  
4 this chapter;

5                   (ii) the municipality where the land is located has adopted  
6 permanent zoning and subdivision bylaws, but had not when the permit was  
7 issued; or

8                   (iii) the land is located in a designated downtown or neighborhood  
9 development area that is exempt from this chapter.

10           (B) The use of the land as of the date of the application does not  
11 constitute development or subdivision as defined in section 6001 of this title  
12 and would not require a permit or permit amendment but for the fact that the  
13 land is already subject to a permit under this chapter.

14           (C) The permittee or permittees are in compliance with the permit  
15 and their obligations under this chapter.

16           (2) It shall be a condition of each affirmative decision under this  
17 subsection that a subsequent proposal of a development or subdivision on the  
18 land to which the decision applies shall be subject to this chapter as if the land  
19 had never previously received a permit under the chapter.

20           (3) An application for a decision under this subsection shall be made on  
21 a form prescribed by the Board. The form shall require evidence

1 demonstrating that the application complies with subdivisions (1)(A)  
2 through (C) of this subsection. The application shall be processed in the  
3 manner described in section 6084 of this title and may be treated as a minor  
4 application under that section. In addition to those required to be notified  
5 under section 6084, the District Commission shall send notice at the same time  
6 to all other parties to the permit and to all current adjacent landowners.

7 (4) The District Commission shall evaluate the conditions in the existing  
8 permit and determine whether the permit conditions are still necessary to  
9 mitigate impacts under the criteria of subsection 6086(a). If the District  
10 Commission finds that the permit conditions are still necessary, it shall deny  
11 the application or approve the application on the condition that the necessary  
12 conditions are added to the land's municipal permit.

13 Third: In Sec. 12, 24 V.S.A. 2793e, by striking out subdivision (c)(7) in its  
14 entirety and inserting in lieu thereof the following:

15 \* \* \*

16 Fourth: By striking out Secs. 14 (10 V.S.A. § 1974(9)), 15 (10 V.S.A.  
17 § 1983), and 16 (study of subdivision regulations in authorized municipalities)  
18 and their reader assistance headings in their entirety and inserting in lieu  
19 thereof the following:

20 \* \* \* Wastewater and Potable Water Supply Connections \* \* \*

21 Sec. 14. 10 V.S.A. § 1972 is amended to read:

1 § 1972. DEFINITIONS

2 ~~For the purposes of~~ As used in this chapter:

3 \* \* \*

4 (11) “Change in use” means converting to a different type of use, such  
5 as from a residence to a restaurant or office space or from a restaurant to a  
6 residence; change from seasonal to year-round use; or scaling up a use, such as  
7 increasing the number of employees or adding bedrooms. “Change of use”  
8 does not include the addition of a home occupation to a living unit.

9 (12) “Municipality” means a city, town, fire district, school district,  
10 consolidated water district, incorporated village, or unorganized town or gore.

11 (13) “Sanitary sewer service line” means piping and associated  
12 components that conveys wastewater from a building or structure or  
13 campground to a wastewater treatment facility, to an indirect discharge system,  
14 or to the leachfield of a soil-based wastewater system of less than 6,500  
15 gallons per day. Sanitary sewer service lines also include piping that conveys  
16 wastewater from a building or structure or campground to a sanitary sewer  
17 collection line.

18 (14) “Water main” means water piping, such as a transmission main or  
19 distribution main, that is part of a public water system as defined in the Agency  
20 of Natural Resources’ Water Supply Rule. A water main includes piping  
21 leading to fire hydrants.



1           (1) The municipality owns or has legal control over connections to:

2                   (A) a public community water system permitted pursuant to chapter  
3           56 of this title; and

4                   (B) a wastewater treatment facility permitted pursuant to chapter 47  
5           of this title.

6           (2) The municipality shall only issue authorizations for:

7                   (A) a sanitary sewer service line that connects to the sanitary sewer  
8           collection line that serves a single connection; and

9                   (B) a water service line that connects to the water main that serves a  
10          single connection.

11           (3) The building or structure connects to both the sanitary sewer  
12          collection line and public community water system.

13           (4) The municipality issues approvals that comply with the technical  
14          standards for sanitary sewer service lines and water service lines adopted under  
15          the Agency of Natural Resources' Wastewater System and Potable Water  
16          Supply Rules.

17           (5) The municipality requires documentation in the land records of the  
18          municipality from a professional engineer or a licensed designer that the  
19          connection authorized by the municipality was installed in accordance with the  
20          technical standards.

1           (6) The municipality retains plans that show the location and design of  
2           authorized connections.

3           (b) The municipality shall notify the Secretary 30 days in advance of  
4           terminating any registration. The municipality shall provide all approvals and  
5           plans to the Secretary as a part of this termination notice.

6           (c) Upon request of the Secretary, a municipality approving a connection  
7           under this section shall provide copies of approvals of connection, connection  
8           plans, and any associated documentation.

9           Sec. 16a. STUDY OF SUBDIVISION REGULATIONS IN AUTHORIZED

10                           MUNICIPALITIES

11           The Agency of Natural Resources' Wastewater and Potable Water Supply  
12           Technical Advisory Committee shall report to the House Committee on  
13           Natural Resources, Fish, and Wildlife and the Senate Committee on Natural  
14           Resources and Energy on whether municipalities authorized under 10 V.S.A. §  
15           1983 should also have jurisdiction to issue wastewater and potable water  
16           supply permits instead of the Agency of Natural Resources for subdivisions  
17           when the lot is served by municipal water and sewer.

18           Fifth: By striking out Sec. 24 (effective dates) and its reader assistance  
19 heading in its entirety and inserting in lieu thereof the following:

20   \* \* \* Act 250 Criterion 1(D) \* \* \*

21           Sec. 24. 10 V.S.A. § 6001 is amended to read:

1 § 6001. DEFINITIONS

2 \* \* \*

3 (6) ~~“Floodway” means the channel of a watercourse which is expected to~~  
4 ~~flood on an average of at least once every 100 years and the adjacent land areas~~  
5 ~~which are required to carry and discharge the flood of the watercourse, as~~  
6 ~~determined by the Secretary of Natural Resources with full consideration given~~  
7 ~~to upstream impoundments and flood control projects~~ “Flood hazard area” has  
8 the same meaning as under section 752 of this title.

9 (7) ~~“Floodway fringe” means an area which is outside a floodway and is~~  
10 ~~flooded with an average frequency of once or more in each 100 years as~~  
11 ~~determined by the Secretary of Natural Resources with full consideration given~~  
12 ~~to upstream impoundments and flood control projects~~ “River corridor” has the  
13 same meaning as under section 752 of this title.

14 \* \* \*

15 Sec. 25. 10 V.S.A. § 6086(a)(1)(D) is amended to read:

16 (D) ~~Floodways~~ Flood hazard areas; river corridors. A permit will be  
17 granted whenever it is demonstrated by the applicant that, in addition to all  
18 other applicable criteria:

19 (i) ~~the development or subdivision of lands within a floodway~~  
20 flood hazard area or river corridor will not restrict or divert the flow of flood



1 waters, cause or contribute to fluvial erosion, and endanger the health, safety,  
2 and welfare of the public or of riparian owners during flooding; ~~and~~

3 ~~(ii) the development or subdivision of lands within a floodway~~  
4 ~~fringe will not significantly increase the peak discharge of the river or stream~~  
5 ~~within or downstream from the area of development and endanger the health,~~  
6 ~~safety, or welfare of the public or riparian owners during flooding.~~

7 \* \* \* Trails \* \* \*

8 Sec. 26. 10 V.S.A. § 442(3) is amended to read:

9 (3) “Trails” means land used for hiking, walking, bicycling, cross-country  
10 skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other  
11 similar activities. Trails may be used for recreation, transportation, and other  
12 compatible purposes, but the primary purpose shall not be the operation of a  
13 motor vehicle. As used in this subdivision, “motor vehicle” shall not include  
14 all-terrain vehicles or snowmobiles.

15 Sec. 27. 10 V.S.A. § 6001 is amended to read:

16 § 6001. DEFINITIONS

17 \* \* \*

18 (38) “Recreational trail” has the same meaning as “trails” in subdivision  
19 442(3) of this title.

20 (39) “Vermont trails system trail” means a recreational trail recognized  
21 by the Agency of Natural Resources pursuant to chapter 20 of this title. For

1 purposes of this chapter, the construction, operation, and maintenance of a  
2 Vermont trails system trail shall be for a municipal, county, or State purpose.

3 Sec. 28. 10 V.S.A. § 6001(3)(A) is amended to read:

4 (3)(A) “Development” means each of the following:

5 \* \* \*

6 (xi) The construction of improvements for a Vermont trails system  
7 trail on a tract or tracts of land involving more than 10 acres.

8 (I) This subdivision (xi) shall be the exclusive mechanism for  
9 determining jurisdiction over a recreational trail that is a Vermont trails system  
10 trail and shall only apply to the construction of improvements made on or after  
11 July 1, 2020.

12 (II) For purposes of this subdivision (xi), involved land  
13 includes:

14 (aa) land that is physically altered, including any ground  
15 disturbance and clearing that will occur; and

16 (bb) infrastructure that is incidental to the operation of the  
17 trail, including restrooms, parking areas, shelters, picnic areas, kiosks, and  
18 interpretive and directional signage.

19 (III) For purposes of this subdivision (xi), involved land does  
20 not include land where no ground will be disturbed or cleared or any Vermont  
21 trails system trail constructed before July 1, 2020.

1 Sec. 29. 10 V.S.A. § 6001(3)(C) is amended to read:

2 (C) For the purposes of determining jurisdiction under subdivision  
3 (3)(A) of this section, the following shall apply:

4 \* \* \*

5 (vi) Recreational trails. When jurisdiction over a trail has been  
6 established pursuant to subdivision (A) of this subdivision (3), jurisdiction  
7 shall extend only to the recreational trail and infrastructure that is incidental to  
8 the operation of the trail. Jurisdiction shall not extend to the remainder of a  
9 parcel or parcels where a recreational trail is located, unless otherwise  
10 determined to be jurisdictional pursuant to another provision of this chapter.

11 Sec. 30. 10 V.S.A. § 6081 is amended to read:

12 § 6081. PERMITS REQUIRED; EXEMPTIONS

13 \* \* \*

14 (y) No permit or permit amendment shall be required for the construction  
15 of improvements on a tract of land that would provide access across a  
16 recreational trail, provided that the access is not related to the use of the  
17 permitted recreational trail and would not establish jurisdiction under this  
18 chapter on its own.

19 (z) Notwithstanding 1 V.S.A. §213 and § 214, and until January 1, 2022,  
20 no permit is required for a Vermont trails system trail recognized pursuant to  
21 chapter 20 of this title if the trail was in existence prior to July 1, 2020.

1       Sec. 31. RECREATIONAL TRAILS RECOMMENDATIONS AND  
2                               REPORT

3               On or before December 15, 2020, the Agency of Natural Resources shall  
4 report to the House Committee on Natural Resources, Fish, and Wildlife and to  
5 the Senate Committee on Natural Resource and Energy with legislative  
6 recommendations for a best management practices driven program for  
7 Vermont trails system trails that is administered by the Agency of Natural  
8 Resources. The report shall include recommendations for revisions to  
9 10 V.S.A. chapter 20, including revisions to mapping, legislative authority to  
10 administer the program, potential funding sources, staffing needs, and whether  
11 to include other recreational trails. The Agency of Natural Resources shall  
12 consult with stakeholders on the proposed program, including the Vermont  
13 Trail Alliance, the Forest Partnership, and the Vermont Agency of  
14 Transportation.

15       Sec. 32. PROSPECTIVE REPEAL

16               10 V.S.A. § 6001(3)(A)(xi) shall be repealed on January 1, 2022.

17                               \* \* \* Forest Blocks \* \* \*

18       Sec. 33. 10 V.S.A. § 6001 is amended to read:

19       § 6001. DEFINITIONS

20                               \* \* \*

1           (40) “Connecting habitat” means land or water, or both, that links  
2           patches of habitat within a landscape, allowing the movement, migration, and  
3           dispersal of wildlife and plants and the functioning of ecological processes. A  
4           connecting habitat may include recreational trails and improvements  
5           constructed for farming, logging, or forestry purposes.

6           (41) “Forest block” means a contiguous area of forest in any stage of  
7           succession and not currently developed for nonforest use. A forest block may  
8           include recreational trails, wetlands, or other natural features that do not  
9           themselves possess tree cover and improvements constructed for farming,  
10          logging, or forestry purposes.

11          (42) “Fragmentation” means the division or conversion of a forest block  
12          or connecting habitat by the separation of a parcel into two or more parcels; the  
13          construction, conversion, relocation, or enlargement of any building or other  
14          structure, or of any mining, excavation, or landfill; and any change in the use  
15          of any building or other structure, or land, or extension of use of land.

16          However, fragmentation does not include the division or conversion of a forest  
17          block or connecting habitat by a recreational trail or by improvements  
18          constructed for farming, logging, or forestry purposes below the elevation of  
19          2,500 feet.

20          (43) “Habitat” means the physical and biological environment in which  
21          a particular species of plant or wildlife lives.

1 Sec. 34 10 V.S.A. § 6086(a)(8) is amended to read:

2 (8) Ecosystem protection; scenic beauty; historic sites.

3 (A) Will not have an undue adverse effect on the scenic or natural  
4 beauty of the area, aesthetics, historic sites or rare and irreplaceable natural  
5 areas.

6 ~~(A)~~(B) Necessary wildlife habitat and endangered species. A permit  
7 will not be granted if it is demonstrated by any party opposing the applicant  
8 that a development or subdivision will destroy or significantly imperil  
9 necessary wildlife habitat or any endangered species; and

10 (i) the economic, social, cultural, recreational, or other benefit to  
11 the public from the development or subdivision will ~~not~~ outweigh the  
12 economic, environmental, or recreational loss to the public from the  
13 destruction or imperilment of the habitat or species; or

14 (ii) all feasible and reasonable means of preventing or lessening  
15 the destruction, diminution, or imperilment of the habitat or species have not  
16 been or will not continue to be applied; or

17 (iii) a reasonably acceptable alternative site is owned or controlled  
18 by the applicant ~~which~~ that would allow the development or subdivision to  
19 fulfill its intended purpose.

20 (C) Will not result in an undue adverse impact on forest blocks and  
21 connecting habitat. If a project as proposed would result in fragmentation, a

1 permit may only be granted if effects are avoided, minimized, and mitigated in  
2 accordance with rules adopted by the Board.

3 Sec. 35. CRITERION 8(C) RULEMAKING

4 (a) The Natural Resources Board (Board), in consultation with the Agency  
5 of Natural Resources shall adopt rules to implement the requirements for the  
6 administration of 10 V.S.A. § 6086(a)(8)(C). Rules adopted by the Board shall  
7 include:

8 (1) How forest blocks and connecting habitat are further defined,  
9 including their size, location, and function, which may include:

10 (A) information that will be available to the public to determine  
11 where forest blocks and connecting habitat are located; or

12 (B) advisory mapping resources, how they will be made available,  
13 how they will be used, and how they will be updated.

14 (2) Standards establishing how fragmentation of forest block or  
15 connecting habitat is avoided or minimized, which may include steps to  
16 promote proactive site design of buildings, roadways and driveways, utility  
17 location, and location relative to existing features such as roads, tree lines, and  
18 fence lines.

19 (3) Criteria to identify when a forest block or connecting habitat is  
20 eligible for mitigation.

1           (4) Standards for how impacts to a forest block or connecting habitat  
2           may be mitigated. Standards may include:

3                   (A) appropriate ratios for compensation;

4                   (B) appropriate forms of compensation such as conservation  
5                   easements, fee interests in land, and other forms of compensation; and

6                   (C) appropriate uses of on-site and off-site mitigation.

7           (b) The Board shall convene a working group to provide input to the rule  
8           prior to pre-filing with the Interagency Committee on Administrative Rules.

9           The Board shall convene the working group on or before September 1, 2020.

10           (c) The Board shall file a final proposed rule with the Secretary of State  
11           and Legislative Committee on Administrative Rules on or before September 1,  
12           2021.

13                                   \* \* \* The Road Rule \* \* \*

14           Sec. 36. 10 V.S.A. 6001(3)(A) is amended to read:

15           (3)(A) “Development” means each of the following:

16                                   \* \* \*

17                   (x) The construction of a road or roads and any associated  
18                   driveways to provide access to or within a tract of land of more than one acre  
19                   owned or controlled by a person. For the purposes of determining jurisdiction  
20                   under this subdivision, any new development or subdivision on a parcel of land  
21                   that will be provided access by the road and associated driveways is land



1 involved in the construction of the road. Jurisdiction under this subdivision  
2 shall not apply unless the length of the road and any associated driveways in  
3 combination is greater than 2,000 feet. As used in this subdivision, “roads”  
4 shall include any new road or improvement to a Class IV road by a private  
5 person, including roads that will be transferred to or maintained by a  
6 municipality after their construction or improvement. For the purpose of  
7 determining the length of any road and associated driveways, the length of all  
8 other roads and driveways within the tract of land constructed within any  
9 continuous period of 10 years commencing after July 1, 2020 shall be  
10 included. This subdivision shall not apply to a State or municipal road, a  
11 utility corridor of an electric transmission or distribution company, a road used  
12 primarily for farming or forestry purposes, or a road in a designated downtown  
13 or neighbor development area. The conversion of a road used for farming or  
14 forestry purposes that also meets the requirements of this subdivision shall  
15 constitute development.

16 Sec. 37. 10 V.S.A. § 127 is amended to read:

17 § 127. RESOURCE MAPPING

18 (a) ~~On or before January 15, 2013, the~~ The Secretary of Natural Resources  
19 (the Secretary) shall complete and maintain resource mapping based on the  
20 Geographic Information System (GIS) or other technology. The mapping shall  
21 identify natural resources throughout the State, including forest blocks, that

1 may be relevant to the consideration of energy projects and projects subject to  
2 chapter 151 of this title. The Center for Geographic Information shall be  
3 available to provide assistance to the Secretary in carrying out the ~~GIS-based~~  
4 resource mapping.

5 (b) The Secretary ~~of Natural Resources~~ shall consider the ~~GIS-based~~  
6 resource maps developed under subsection (a) of this section when providing  
7 evidence and recommendations to the Public Utility Commission under  
8 30 V.S.A. § 248(b)(5) and when commenting on or providing  
9 recommendations under chapter 151 of this title to District Commissions on  
10 other projects.

11 (c) The Secretary shall establish and maintain written procedures that  
12 include a process and science-based criteria for updating resource maps  
13 developed under subsection (a) of this section. Before establishing or revising  
14 these procedures, the Secretary shall provide opportunities for affected parties  
15 and the public to submit relevant information and recommendations.

16 \* \* \* Wood Product Manufacturer \* \* \*

17 Sec. 38. 10 V.S.A. § 6001 is amended to read:

18 § 6001. DEFINITIONS

19 \* \* \*

20 (44) “Wood products manufacturer” means a manufacturer that  
21 aggregates wood products from forestry operations and adds value through

1 processing or marketing in the wood products supply chain or directly to  
2 consumers through retail sales. “Wood products manufacturer” includes  
3 sawmills; veneer mills; pulp mills; pellet mills; producers of firewood,  
4 woodchips, mulch, and fuel wood; and log and pulp concentration yards.  
5 “Wood products manufacturer” does not include facilities that purchase,  
6 market, and resell finished goods, such as wood furniture, wood pellets, and  
7 milled lumber, without first receiving wood products from forestry operations.

8 (45) “Wood product” means logs, pulpwood, veneer wood, bolt wood,  
9 wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and  
10 bark.

11 Sec. 39. 10 V.S.A. § 6086(c) is amended to read:

12 (c)(1) A permit may contain such requirements and conditions as are  
13 allowable proper exercise of the police power and which are appropriate within  
14 the respect to subdivisions (a)(1) through (10) of this section, including those  
15 set forth in 24 V.S.A. §§ 4414(4), 4424(a)(2), 4414(1)(D)(i), 4463(b), and  
16 4464, the dedication of lands for public use, and the filing of bonds to insure  
17 compliance. The requirements and conditions incorporated from Title 24 may  
18 be applied whether or not a local plan has been adopted. General requirements  
19 and conditions may be established by rule of the Natural Resources Board.

20 (2) Permit conditions on a wood products manufacturer.

1           (A) A permit condition that sets hours of operation for a wood  
2           products manufacturer shall only be imposed to mitigate an impact under  
3           subdivision (a)(1), (5), or (8) of this section.

4           (B) If an adverse impact under subdivisions (a)(1), (5), or (8) of this  
5           section would result, a permit with conditions shall allow the manufacturer to  
6           operate while mitigating these impacts. A permit with conditions that mitigate  
7           these impacts shall allow for deliveries of wood products from forestry  
8           operations to the manufacturer outside of permitted hours of operation,  
9           including nights, weekends, and holidays, for the number of days demonstrated  
10          by the manufacturer as necessary to enable business operations, not to exceed  
11          90 days per year.

12          (3) Permit with conditions on the delivery of wood heat fuels. A permit  
13          with conditions issued to a wood products manufacturer that produces wood  
14          chips, pellets, cord wood, or other fuel wood used for heat shall allow  
15          shipment of that fuel wood from the manufacturer to the end user outside  
16          permitted hours of operation, including nights, weekends, and holidays, from  
17          October 1 through April 30 of each year. Permits with conditions shall  
18          mitigate the undue adverse impacts while enabling the operations of the  
19          manufacturer.

20          (4) Wood products manufacturer holding a permit may request an  
21          amendment to existing permit conditions related to hours of operation and

1 seasonal restrictions to be consistent with subdivisions (2) and (3) of this  
2 subsection. Requests for condition amendments under this subsection shall not  
3 be subject to Act 250 Rule 34E.

4 \* \* \* Municipal Response to Act 250 Requests \* \* \*

5 Sec. 40. 10 V.S.A. 6086(g) is added to read:

6 (g) If a municipality fails to respond to a request by the applicant within 90  
7 days as to the impacts related to subdivision (a)(6) or (7) of this section, the  
8 application will be presumed not to have an unreasonable burden on  
9 educational, municipal, or governmental services.

10 \* \* \* Fish and Wildlife Billback Authority \* \* \*

11 Sec. 41. 10 V.S.A. 6094 is added to read:

12 § 6094. ALLOCATION OF COSTS; DEPARTMENT OF FISH AND  
13 WILDLIFE

14 (a) Notwithstanding any other provision of law, the Department of Fish and  
15 Wildlife shall have the authority to bill the applicant for the costs of  
16 participating in any major permit application before a District Commission,  
17 including the costs of employee application review, submissions, comments,  
18 and testimony before a District Commission related to impacts on natural  
19 resources under subsection 6086(a) of this title, including on wildlife,  
20 necessary wildlife habitat, or connecting habitat. The Department may recover

1 those costs from the applicant after notice to the applicant, including an  
2 estimate of the costs of the personnel or services.

3 (b) From time to time, the Department shall provide the applicant with  
4 detailed statements showing the amount of money contracted for or expended  
5 on personnel and services. All funds for services under this section shall be  
6 paid directly to the Department.

7 (c) An applicant to which costs are allocated under this section may  
8 petition the District Commission to review the costs allocated. The District  
9 Commission shall conduct a hearing to determine reasonableness of the costs.  
10 The District Commission shall consider the size and complexity of the project  
11 and may revise the cost allocations if determined unreasonable.

12 (d) District Commission decisions regarding the reasonableness of fees  
13 may be appealed, by the Department or the applicant, to the Natural Resources  
14 Board in accordance with rules adopted by the Board.

15 Sec. 42. 10 V.S.A. § 6027(h) is amended to read:

16 (h) The Natural Resources Board may hear appeals of fee refund requests  
17 under section 6083a of this title and of allocation of costs under section 6094.

18 \* \* \* Designation Appeals \* \* \*

19 Sec. 43. 24 V.S.A. § 2798 is amended to read:

20 § 2798. DESIGNATION DECISIONS; ~~NONAPPEAL~~ APPEAL

1       (a) ~~The~~ A person aggrieved by a designation ~~decisions~~ decision of the State  
2       Board under ~~this chapter are not subject to appeal~~ section 2793 or 2793e of this  
3       title may appeal to the Natural Resources Board established under 10 V.S.A.  
4       chapter 151 within 30 days of the decision.

5       (b) The Natural Resources Board shall conduct a de novo hearing on the  
6       decision under appeal and shall proceed in accordance with the contested case  
7       requirements of the Vermont Administrative Procedure Act. The Natural  
8       Resources Board shall issue a final decision within 90 days of the filing of the  
9       appeal. The provisions of 10 V.S.A. § 6024 regarding assistance to the Natural  
10       Resources Board from other departments and agencies of the State shall apply  
11       to appeals under this section.

12       Sec. 44. 10 V.S.A. § 6089 is amended to read:

13       § 6089. APPEALS

14       (a) Appeals of any act or decision of a District Commission under this  
15       chapter or a district coordinator under subsection 6007(c) of this title shall be  
16       made to the Environmental Division in accordance with chapter 220 of this  
17       title. For the purpose of this section, a decision of the Chair of a District  
18       Commission under section 6001e of this title on whether action has been taken  
19       to circumvent the requirements of this chapter shall be considered an act or  
20       decision of the District Commission.

1       (b)(1) A determination by the Downtown Development Board designating  
2       a downtown development district or neighborhood development area pursuant  
3       to 24 V.S.A. chapter 76A is appealable to the Natural Resources Board.

4               (2) Procedure.

5               (A) An appeal under this subsection may be brought by any person  
6       aggrieved by the determination of the Downtown Development Board.

7               (B) A notice of appeal must be filed within 30 days of the  
8       determination by the Downtown Development Board.

9               (C) The Natural Resources Board shall conduct all appeals under this  
10       section as contested cases pursuant to 3 V.S.A. chapter 25 and procedural rules  
11       adopted by the Natural Resources Board.

12                               \* \* \* Effective Dates \* \* \*

13       Sec. 45. EFFECTIVE DATES

14       (a)(1) This act shall take effect on July 1, 2020, except that:

15               (2) Sec. 34, 10 V.S.A. § 6086(a)(8), shall take effect on September 15,  
16       2021; and

17               (3) in Sec. 2, 24 V.S.A. § 4412(b), shall take effect on July 1, 2023.