

S.237

Senator Bray moves that the bill be amended as follows:

First: In Sec. 2, 24 V.S.A. § 4412, by striking out subdivision (b) in its entirety.

5           **Second:** By striking out Sec. 3, 27 V.S.A. § 545, in its entirety and  
6 inserting in lieu thereof the following:

### Sec. 3. REPORT ON INCREASING HOUSING DENSITY

On or before January 15, 2021, the Department of Housing and Community Development shall report to the House Committees on General, Housing, and Military Affairs and on Natural Resources, Fish, and Wildlife and to the Senate Committees Economic Development, Housing, and General Affairs and on Natural Resources and Energy with legislative recommendations to enhance the availability of affordable housing. The report shall consider factors to reduce costs, including increasing housing density while providing municipalities flexible options to achieve the density goals; reducing energy costs through conservation and efficiency; and reducing transportation costs. The housing density recommendations may provide for performance targets or average density increases and methods for determining housing density in order to measure progress. The Department shall consult with stakeholders and consider the incorporation of the findings and recommendations of the Zoning for Great Neighborhoods program.

Third: By striking out Sec. 4, Report On Substantial Municipal Constraints,  
in its entirety.

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

10       **Fifth:** In Sec. 8, 24 V.S.A. § 4460, in its entirety and inserting in lieu  
11       thereof the following:

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

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

**§ 6090. RECORDING; DURATION AND REVOCATION OF PERMITS**

15 \* \* \*

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

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

(A) One of the following is true:

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

4                   (ii) the municipality where the land is located has adopted permanent  
5                   zoning and subdivision bylaws, but had not when the permit was issued; or  
6                   (iii) the land is located in a designated downtown or neighborhood  
7                   development area that is exempt from this chapter.

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

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

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

18                  (3) An application for a decision under this subsection shall be made on  
19                  a form prescribed by the Board. The form shall require evidence  
20                  demonstrating that the application complies with subdivisions (1)(A)  
21                  through (C) of this subsection. The application shall be processed in the

1       manner described in section 6084 of this title and may be treated as a minor  
2       application under that section. In determining whether to treat as minor an  
3       application under this subsection, the District Commission shall apply the  
4       criteria of this subsection and not of subsection 6086(a) of this title.

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

11       Seventh: In Sec. 12, 24 V.S.A. 2793e(c)(7), by striking it out in its entirety.

12       Eighth: By striking out Secs. 14 (10 V.S.A. § 1974(9), 15(10 V.S.A.

13       § 1983), and 16 (Study of Subdivision regulations in authorized municipalities)

14      in their entireties and inserting in lieu thereof the following:

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

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

17      § 1972. DEFINITIONS

18      For the purposes of As used in this chapter:

19           \* \* \*

20      (11) “Change in use” means converting to a different type of use, such

21      as from a residence to a restaurant or office space or from a restaurant to a

1       residence; change from seasonal to year-round use; or scaling up a use, such as  
2       increasing the number of employees or adding bedrooms. “Change of use”  
3       does not include the addition of a home occupation to a living unit.

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

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

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

17           (15) “Water service line” means the piping that is not a water main and  
18       extends from the water main to a building or structure or campground.

19      Sec. 15. 10 V.S.A. § 1974(9) is added to read:

20      § 1974. EXEMPTIONS

Notwithstanding any other requirements of this chapter, the following projects and actions are exempt:

3 \* \* \*

(9) A person who receives an authorization from a municipality that administers a program registered with the Secretary pursuant to section 1983 of this title.

7 Sec. 16. 10 V.S.A. § 1983 is added to read:

§ 1983. REGISTRATION FOR MUNICIPAL WASTEWATER SYSTEM  
AND POTABLE WATER SUPPLY CONNECTIONS

10                   (a) Notwithstanding the requirement under section 1976 of this title that the  
11                   Secretary delegate to a municipality authority to approve a connection and  
12                   notwithstanding the requirement under section 1973 of this title, a municipality  
13                   may issue an approval for a connection or an existing connection with a change  
14                   in use to the municipal sanitary sewer collection line by a sanitary sewer  
15                   service line or a connection to a water main by a new water service line,  
16                   provided that the municipality documents the following information in a form  
17                   prescribed by the Secretary:

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

19           (A) a public community water system permitted pursuant to chap

20           56 of this title; and

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

3                   (2) The municipality shall only issue authorizations for:  
4                    (A) a sanitary sewer service line that connects to the sanitary sewer  
5                   collection line that serves a single connection; and  
6                    (B) a water service line that connects to the water main that serves a  
7                   single connection.

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

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

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

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

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

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

7 Sec. 16a. STUDY OF SUBDIVISION REGULATIONS IN AUTHORIZED  
8 MUNICIPALITIES

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

16        Ninth: By striking out Secs. 23 (Implementation) and 24 (Effective dates)  
17        in their entireties and inserting in lieu thereof the following:

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

19 Sec. 23. 10 V.S.A. § 6001 is amended to read:

20 § 6001. DEFINITIONS

\* \* \*

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

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

12                 \* \* \*

13     Sec. 24. 10 V.S.A. § 6086(a)(1)(D) is amended to read:

14                 (D) Floodways Flood hazard areas; river corridors. A permit will be  
15     granted whenever it is demonstrated by the applicant that, in addition to all  
16     other applicable criteria:<sub>2</sub>

17                 (i) the development or subdivision of lands within a floodway  
18     flood hazard area or river corridor will not restrict or divert the flow of flood  
19     waters, cause or contribute to fluvial erosion, and endanger the health, safety,<sub>1</sub>  
20     and welfare of the public or of riparian owners during flooding;and

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

5                   \* \* \* Trails \* \* \*

6                   Sec. 25. 10 V.S.A. § 442(3) is amended to read:

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

13                  Sec. 26. 10 V.S.A. § 6001 is amended to read:

14                  § 6001. DEFINITIONS

15                  \* \* \*

16                  (38) “Recreational trail” has the same meaning as “trails” in subdivision  
17                  442(3) of this title.

18                  (39) “Vermont trails system trail” means a recreational trail recognized  
19                  by the Agency of Natural Resources pursuant to chapter 20 of this title. For  
20                  purposes of this chapter, the construction, operation, and maintenance of a  
21                  Vermont trails system trail shall be for a municipal, county, or State purpose.

1 Sec. 27. 10 V.S.A. § 6001(3)(A) is amended to read:

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

3 \* \* \*

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

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

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

1 (C) For the purposes of determining jurisdiction under subdivision

2 (A) of this subdivision (3), the following shall apply:

3 \* \* \*

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

10 Sec. 29. 10 V.S.A. § 6081 is amended to read:

## 11 § 6081. PERMITS REQUIRED; EXEMPTIONS

\* \* \*

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

18                   (z) Until January 1, 2022, no permit is required for a Vermont trails system  
19                   trail recognized pursuant to chapter 20 of this title if the trail was in existence  
20                   prior to July 1, 2020.

## 21 Sec. 30. RECREATIONAL TRAILS RECOMMENDATIONS AND

1 REPORT

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

14 Sec. 31. PROSPECTIVE REPEAL

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

16 \* \* \* Forest Blocks \* \* \*

17 Sec. 32. 10 V.S.A. § 6001 is amended to read:

18 § 6001. DEFINITIONS

\* \* \*

(40) “Connecting habitat” refers to land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and

1       dispersal of wildlife and plants and the functioning of ecological processes. A  
2       connecting habitat may include recreational trails and improvements  
3       constructed for farming, logging, or forestry purposes.

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

9           (42) “Fragmentation” means the division or conversion of a forest block  
10      or connecting habitat by the separation of a parcel into two or more parcels; the  
11      construction, conversion, relocation, or enlargement of any building or other  
12      structure, or of any mining, excavation, or landfill; and any change in the use  
13      of any building or other structure, or land, or extension of use of land.  
14      However, fragmentation does not include the division or conversion of a forest  
15      block or connecting habitat by a recreational trail or by improvements  
16      constructed for farming, logging, or forestry purposes below the elevation of  
17      2,500 feet.

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

20           (44) As used in subdivisions (40), (41), and (42) of this section,  
21      “recreational trail” means a corridor that is not paved and that is used for

1       recreational purposes, including hiking, walking, bicycling, cross-country  
2       skiing, snowmobiling, all-terrain vehicle riding, and horseback riding.

3       Sec. 33. 10 V.S.A. § 6086(a)(8) is amended to read:

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

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

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

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

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

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

1           (C) Will not result in an undue adverse impact on forest blocks and  
2           connecting habitat. If a project as proposed would result in fragmentation, a  
3           permit may only be granted if effects are avoided, minimized, and mitigated in  
4           accordance with rules adopted by the Board.

5           Sec. 34. CRITERION 8(C) RULEMAKING

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

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

12           (A) information that will be available to the public to determine  
13           where forest blocks and connecting habitat are located; or  
14           (B) advisory mapping resources, how they will be made available,  
15           how they will be used, and how they will be updated.

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

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

3           (4) Standards for how impacts to a forest block or connecting habitat

4       may be mitigated. Standards may include:

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

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

9       (b) The Board shall convene a working group to provide input to the rule  
10      prior to prefiling with the Interagency Committee on Administrative Rules.

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

12       (c) The Board shall file a final proposed rule with the Secretary of State  
13       and Legislative Committee on Administrative Rules on or before September 1,  
14       2021.

15 \* \* \* The Road Rule \* \* \*

16 Sec. 35. 10 V.S.A. 6001(3)(A) is amended to read:

17 (3)(A) "Development" means each of the following:

\* \* \*

19 (x) The construction of a road or roads and any associated

20       driveways to provide access to or within a tract of land of more than one acre  
21       owned or controlled by a person. For the purposes of determining jurisdiction

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

17      Sec. 36. 10 V.S.A. § 127 is amended to read:

18      § 127. RESOURCE MAPPING

19           (a) On or before January 15, 2013, the The Secretary of Natural Resources  
20          (the Secretary) shall complete and maintain resource mapping based on the  
21          Geographic Information System (GIS) or other technology. The mapping shall

1 identify natural resources throughout the State, including forest blocks, that  
2 may be relevant to the consideration of energy projects and projects subject to  
3 chapter 151 of this title. The Center for Geographic Information shall be  
4 available to provide assistance to the Secretary in carrying out the GIS-based  
5 resource mapping.

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

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

17 \* \* \* Wood Product Manufacturer \* \* \*

18 Sec. 37. 10 V.S.A. § 6001 is amended to read:  
19 § 6001. DEFINITIONS

20 \* \* \*

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

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

13                  Sec. 38. 10 V.S.A. § 6086(c) is amended to read:

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

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

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

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

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

19                  (4) Wood products manufacturer holding a permit may request an  
20                  amendment to existing permit conditions related to hours of operation and  
21                  seasonal restrictions to be consistent with subdivisions (2) and (3) of this

subsection. Requests for condition amendments under this subsection shall not  
be subject to Act 250 Rule 34E.

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

4 Sec. 39. 10 V.S.A. 6086(g) is added to read:

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

9 \* \* \* Fish and Wildlife Billback Authority \* \* \*

10 Sec. 40. 10 V.S.A. 6094 is added to read:

## § 6094. ALLOCATION OF COSTS; DEPARTMENT OF FISH AND

WILDLIFE

13                   (a) Notwithstanding any other provision of law, the Department of Fish and  
14                   Wildlife shall have the authority to bill the applicant for the costs of  
15                   participating in any major permit application before a District Commission,  
16                   including the costs of employee application review, submissions, comments,  
17                   and testimony before a District Commission related to impacts on wildlife,  
18                   necessary wildlife habitat, or connecting habitat. The Department may recover  
19                   those costs from the applicant after notice to the applicant, including an  
20                   estimate of the costs of the personnel or services.

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

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

10          Sec. 41. EFFECTIVE DATES

11          This act shall take effect on July 1, 2020, except that Sec. 36, 10 V.S.A.  
12          § 6086(a)(8), shall be effective on September 15, 2021.