

H.492 Section Summary

Sec.1 10VSA /6021

Page 2.

Board; Vacancy, Removal

Appointed in the manner of Superior Court

- One Full time Chair

- 4 x 50% (recommend 2 full time)

Page 3.

5 Year terms (?) consider 3 years

(g) Court of record /jurisdiction declaratory rulings on the applicability of this chapter

(h) Hearing officers exercise the power of the Board to convene hearing

Sec. 2. /6025

Page 5.

Page 6. Rules of Procedure

Sec. 3. POWERS /6027

Pages 6-9

BOARD initiates & hears petitions to revoke permits (new)

Fee Refunds

(j) Repeal of NRB/ERB at Environmental Court

Sec. 4./6028

Page 9. Compensation - increases per diem for District Commissioner to \$100

Sec. 5. Pre-Application Process

Page 9

- 30 Days prior to submitting application (For Which Projects/ Why?)

- (unless /6025 (b) (1) simplified procedure)

— Applicant provides list of adjoining property owners (accuracy issues)

Sec.6. APPEALS /6089

Page 13.

No appeal unless Received party status (unless a procedural defect is found)

Page 14.

Appellant files with Board

Board holds a de novo Hearing on all findings requested

—(On the Record?)

—Hearing to be held in the same municipality as project, or as close as possible

(?)

(Why?)

H.492 Section Summary

(Sec. 6 Continued)

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Pre Hearing Discovery

Board establishes rules of procedure

Appeals of Board decisions go to Supreme Court

Sec. 7. 10 VSA /6007

Page 17.

Act 250 Disclosure Statement

Jurisdictional Determination

Page 18. Appeal to the Board (new Process)

Sec. 8. 10 VSA /6083 Fees Amended

Page 19.

Act 250 fees — \$295 for appeals plus publishing costs.

(This seems low)

Sec.9 Consolidated Environmental Appeals

Page 19. Purpose

Removes Board from ANR and municipal appeals

/8502 Definitions repeals/removes District Commission and District Coordinator

/8503

Page 22.

Page 23. Board Name Change

/8504 Continued Repeal of Board in Consolidated Appeals

Page 29. /8505 Appeals to the Supreme Court

Sec.10. (Environmental Division) no longer relevant?

Page 30.

Sec. 11. /601 Judicial Nominating — Adds Board as ERB

Sec. 12 4VSA /6026 Appointing new members

Page 31

Sec. 13. Adds ERB to appointment process of justices and magistrates

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Sec.14. Appropriation

Page 33.

\$300,000 = 1x attorney salary + benefits, plus 4x \$50,000 for 4 members at 50% time. (No benefits?) Consider reference to at least three years of funding at this level. Also consider additional funding for administrative support of proposed changes and responsibilities.

Sec. 15. Transition of Board 2023

Page 34

Sec.16. Report due December 31, 2022

Page 34

Board shall report on;

- necessary updates to Act250,
- including how to transition location-based jurisdiction in order to protect natural resources of statewide significance,
- including biodiversity,
- and to encourage development in appropriate locations;
- the effectiveness of the current permit fee structure;
- and whether or not there needs to be a limit on the number of pages of an application

Sec. 17. Environmental Division Continued Jurisdiction

Page. 34

Sec. 18. Revision Authority to change NRB to ERB

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Sec. 19. Effective Dates July 2022

Page 35.