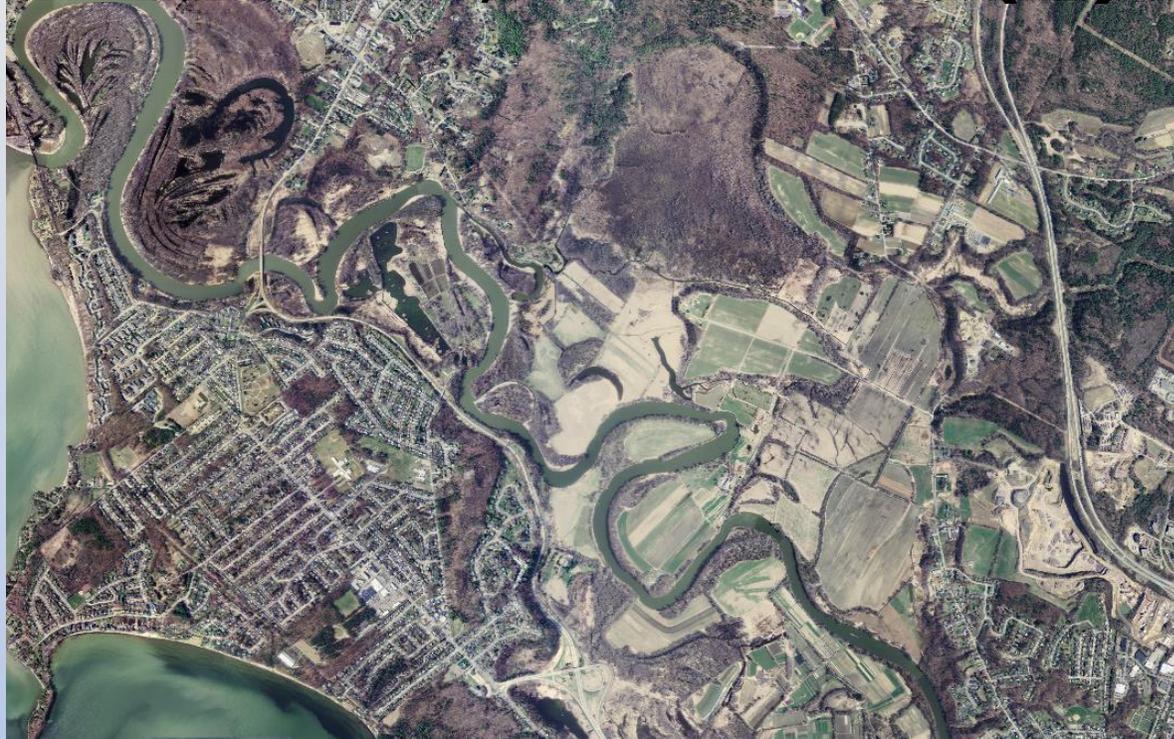


Act 250 Criterion 9(B) - Primary Agricultural Soils
2/12/2026 Presentation
Vermont House Committee on Agriculture, Food Resiliency & Forestry



Act 250, Criterion 9(B)



*Image generated with ANR
Natural Resources Atlas*

AAFAM is a statutory party under Act 250 Criterion 9(B); reviews whether soils meet PAS definition, acreage of mitigation warranted, sufficiency of proposed on-site mitigation soils, recommended permit conditions. District Environmental Commissions issue permit conditions and Findings

- Applicable multipliers, between 2 and 3 based on soil ag value group, for projects outside certain designated areas. 1:1 Ratio within certain designated areas*; as well as for Wood Products Manufacturers (see Act 181) subject to the Commission's findings; 1:1 Ratio for Industrial Parks as defined and permitted by Act 250 and in existence as of 2006. 10 V.S.A. § 6093, Mitigation of Primary Ag Soils.

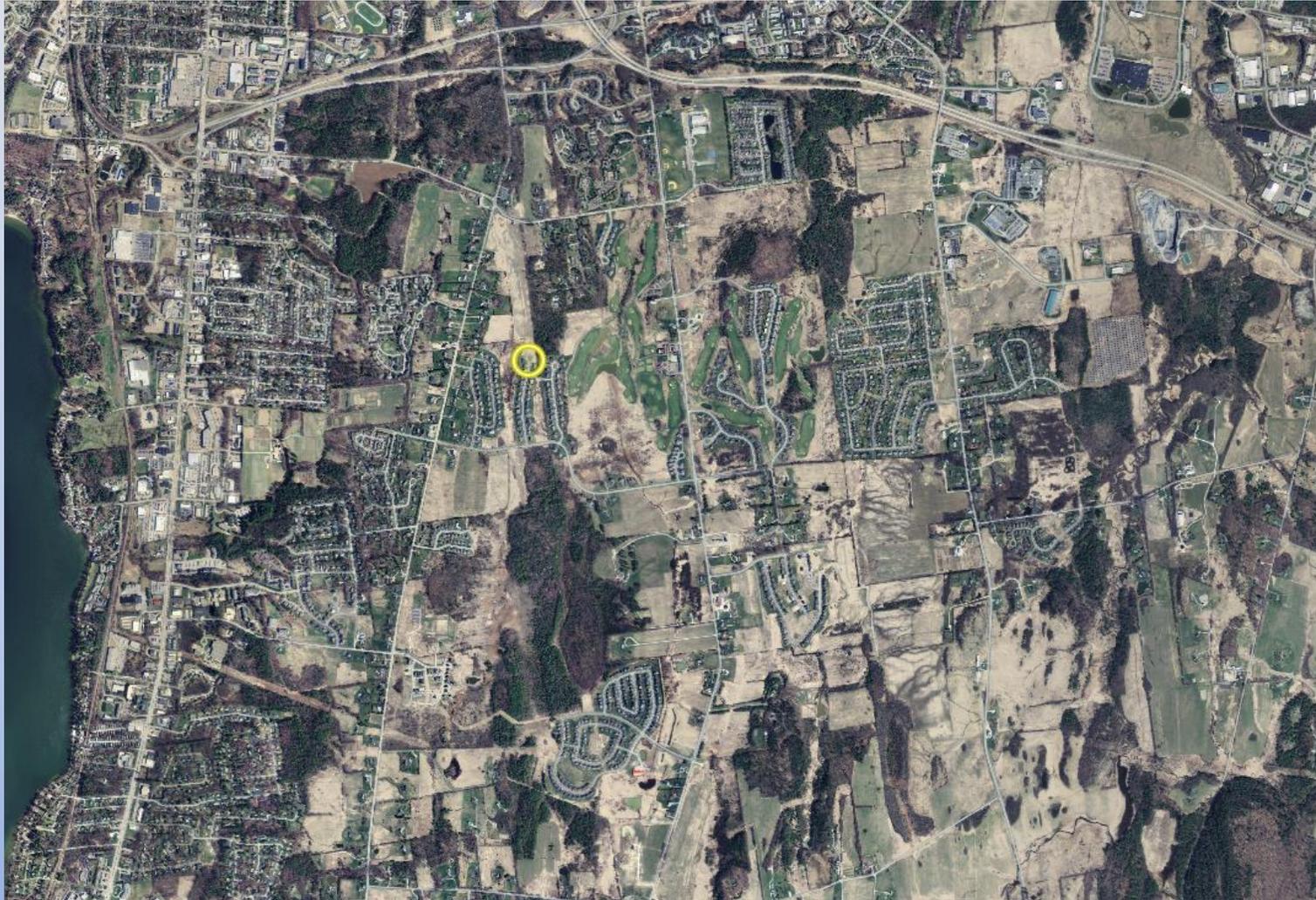
*downtown development district, growth center, new town center designated by 1/1/2014; NDA associated with a designated downtown development district. 10 V.S.A. § 6093(a)(1).

Primary Agricultural Soils (PAS)

10 V.S.A. § 6001(15)

- (A) An important farmland soils map unit that the Natural Resources Conservation Service of the U.S. Department of Agriculture (NRCS) has identified and determined to have a rating of **prime, statewide, or local importance**, unless the District Commission determines that the soils within the unit have lost their agricultural potential. In determining that soils within an important farmland soils map unit have lost their agricultural potential, the Commission shall consider:
- (i) impacts to the soils relevant to the agricultural potential of the soil from previously constructed improvements;
 - (ii) the presence on the soils of a Class I or Class II wetland under chapter 37 of this title;
 - (iii) the existence of topographic or physical barriers that reduce the accessibility of the rated soils so as to cause their isolation and that cannot reasonably be overcome; and
 - (iv) other factors relevant to the agricultural potential of the soils, on a site-specific basis, as found by the Commission after considering the recommendation, if any, of the Secretary of Agriculture, Food and Markets.
- (B) Soils on the project tract that the District Commission finds to be of agricultural importance, due to their present or recent use for agricultural activities and that have not been identified by the NRCS as important farmland soil map units.

ANR Natural Resources Atlas; see NRCS mapped statewide, prime, or locally important soils



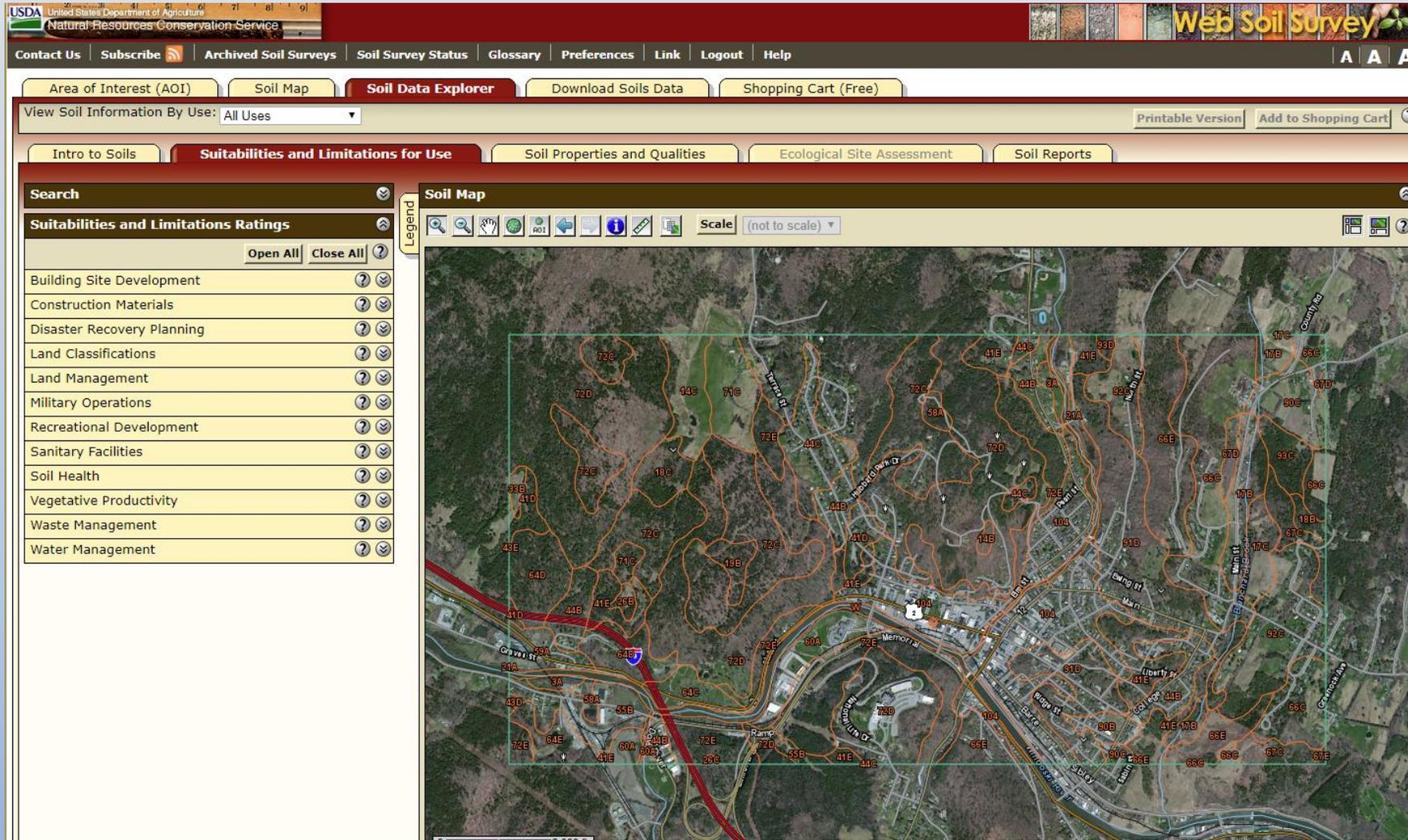
*Image generated with ANR
Natural Resources Atlas*

ANR Natural Resources Atlas; see NRCS mapped statewide, prime, or locally important soils



*Image generated with ANR
Natural Resources Atlas*

NRCS Web Soil Survey - <https://websoilsurvey.sc.egov.usda.gov>



The screenshot displays the NRCS Web Soil Survey interface. At the top, the USDA logo and "Web Soil Survey" title are visible. The navigation menu includes "Contact Us", "Subscribe", "Archived Soil Surveys", "Soil Survey Status", "Glossary", "Preferences", "Link", "Logout", and "Help". Below this, there are buttons for "Area of Interest (AOI)", "Soil Map", "Soil Data Explorer", "Download Soils Data", and "Shopping Cart (Free)".

The main content area is titled "View Soil Information By Use: All Uses" and includes a "Printable Version" and "Add to Shopping Cart" button. Below this, there are tabs for "Intro to Soils", "Suitabilities and Limitations for Use", "Soil Properties and Qualities", "Ecological Site Assessment", and "Soil Reports".

The "Soil Map" section shows a satellite-style map with soil boundaries and labels. A legend on the left side of the map lists various soil data categories with expand/collapse icons:

- Building Site Development
- Construction Materials
- Disaster Recovery Planning
- Land Classifications
- Land Management
- Military Operations
- Recreational Development
- Sanitary Facilities
- Soil Health
- Vegetative Productivity
- Waste Management
- Water Management

The map also includes a search bar, a scale dropdown (set to "not to scale"), and a "Legend" button. The map shows a detailed view of a region with various soil types labeled with codes like 72C, 41E, 66E, etc.

Off-site Mitigation

(by permit condition issued by Commission)



Fee into Vermont Housing and Conservation Trust Fund, administered by VHCB for “preserving [PAS] of equal or greater value with the highest priority given to preserving prime agricultural soils.” 10 V.S.A. § 6093(a)(1). Cost/acre by District based on recent agricultural conservation easement closings in region. 10 V.S.A. § 6093(a)(1)(C).



VHCB leverages these funds along with other federal, state, or locally available funds to conserve prime farmland in the region of the development through permanent conservation easements



Default for projects in designated areas (ie downtown development district; growth center; Industrial Park as defined and permitted by Act 250. 10 V.S.A. § 6093(a)(1).



For projects outside designated areas, available only subject to District Commission’s findings of mitigation flexibility (appropriate circumstances) for off-site or a combination of on and off-site, if consistent with agricultural elements of local/regional plans. 10 V.S.A. § 6093(a)(3).



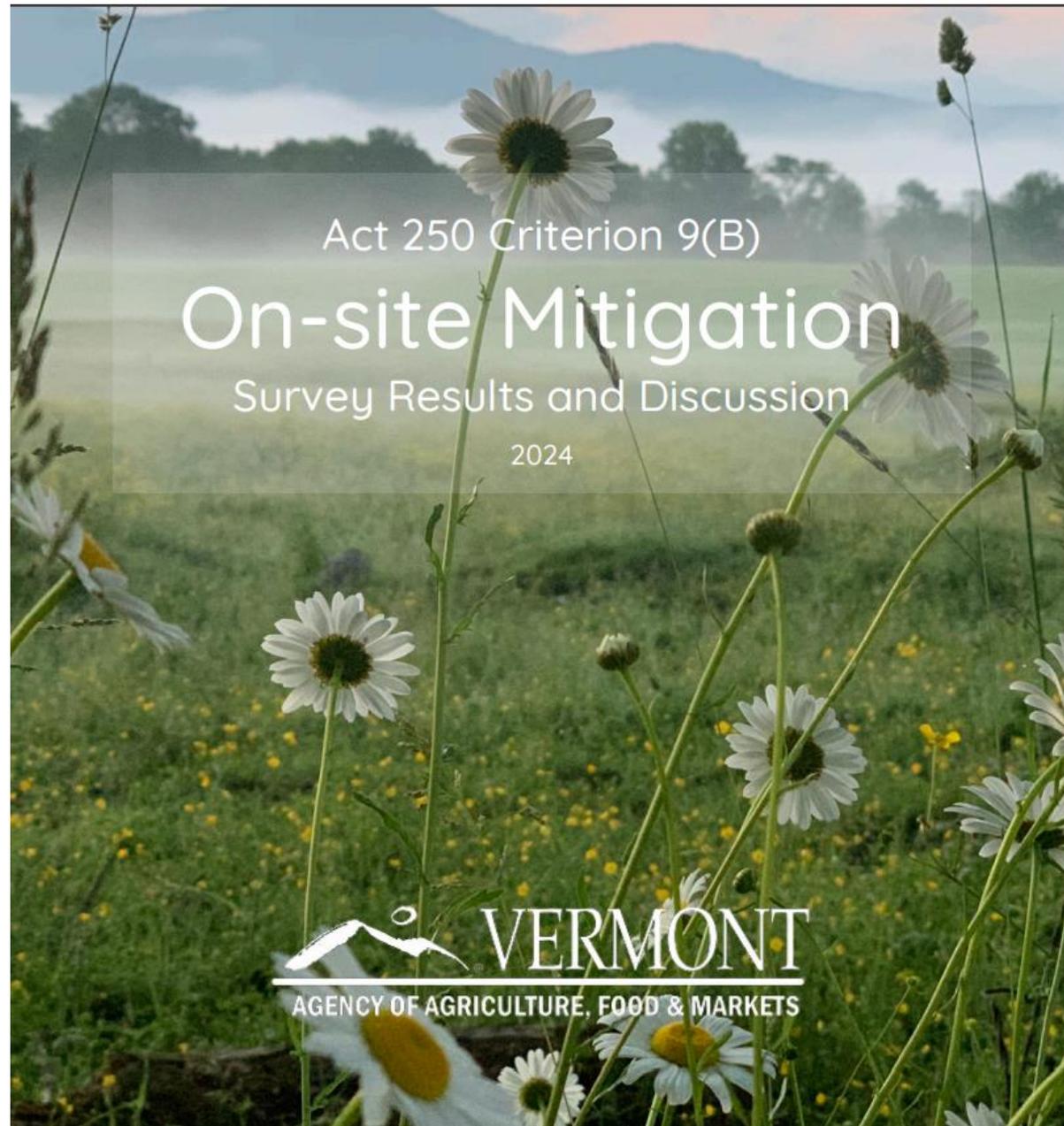


On-site Mitigation

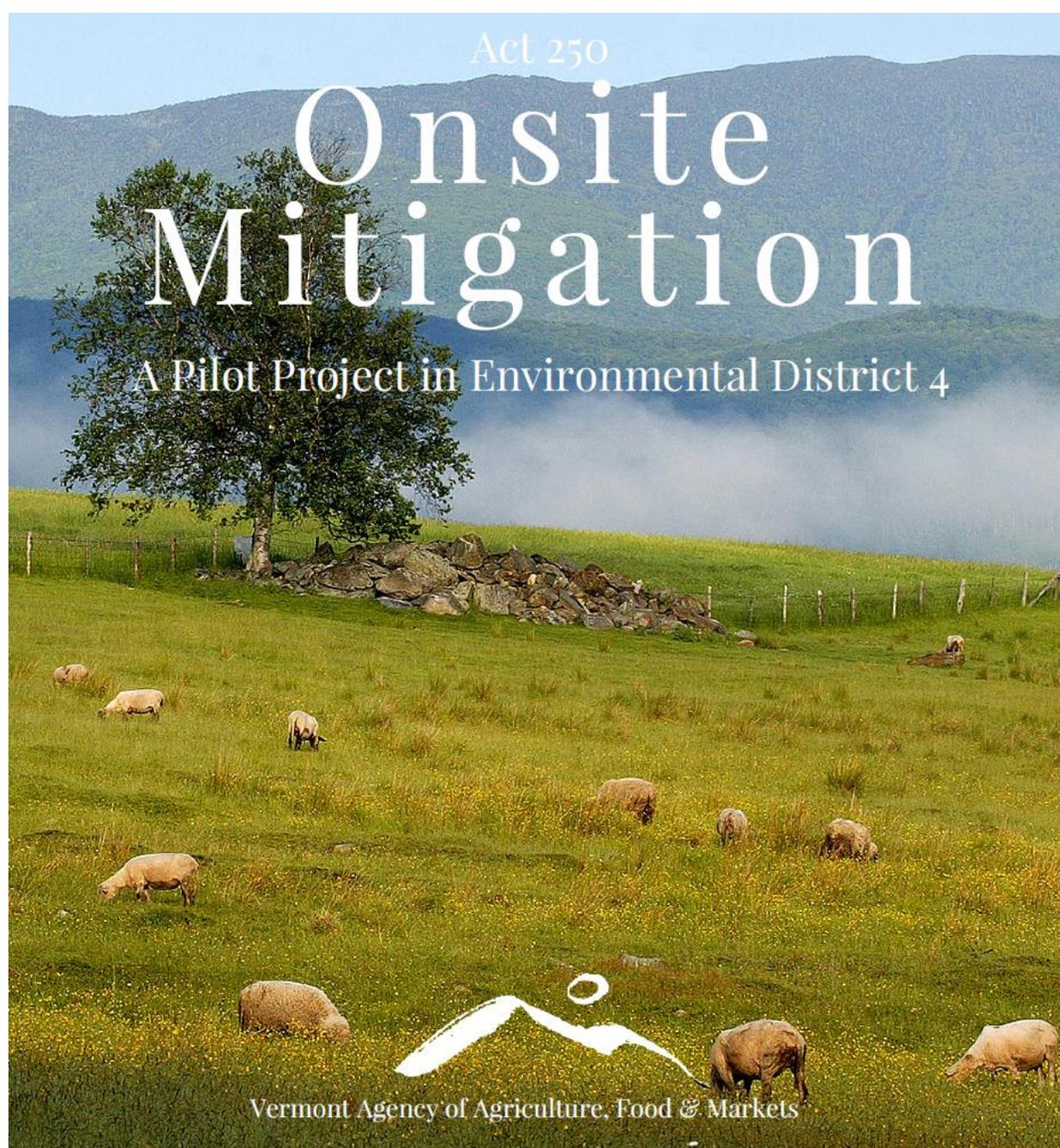
Default outside designated areas

Agency reviews plan with proposed on-site mitigation soils to be available for present and future agricultural use, capable of supporting or contributing to an economic agricultural operation

See 10 V.S.A. § 6093(a)(2)



Previous 9(B) Intern,
Randi Roy, Report available
on AAFM 9(B) Website



2015 Pilot Project, Report
available on AAFM 9(B) Website

Act 250 Criterion 9(B)
 Primary Agricultural Soils

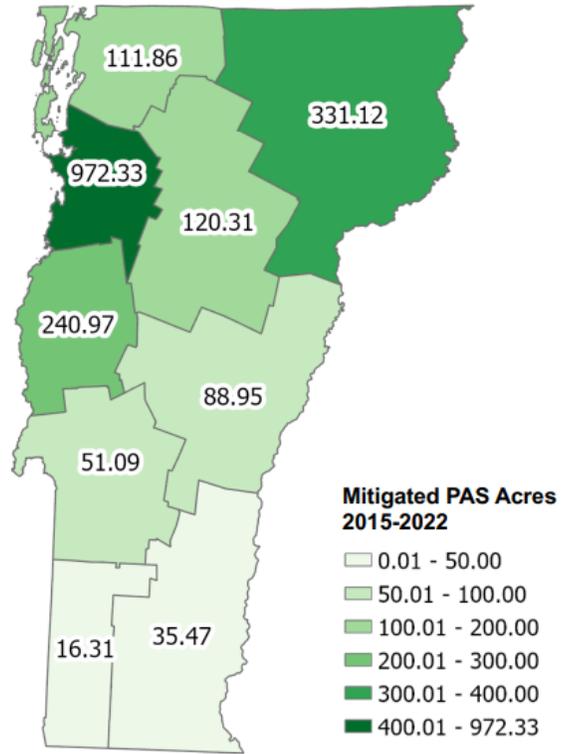
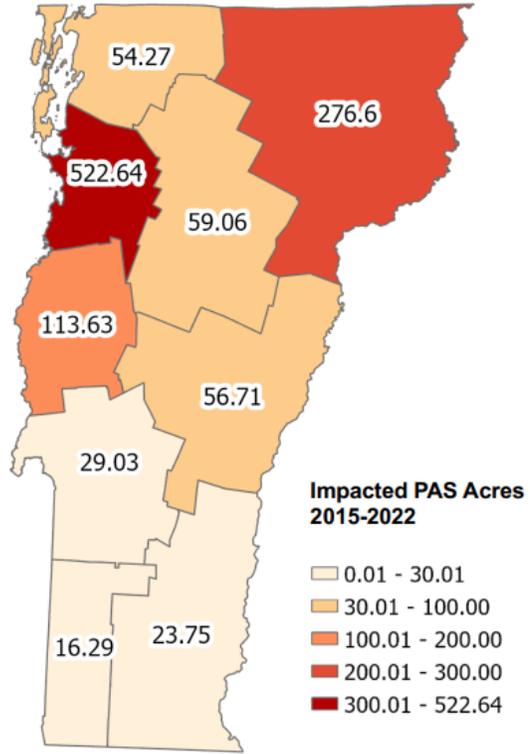
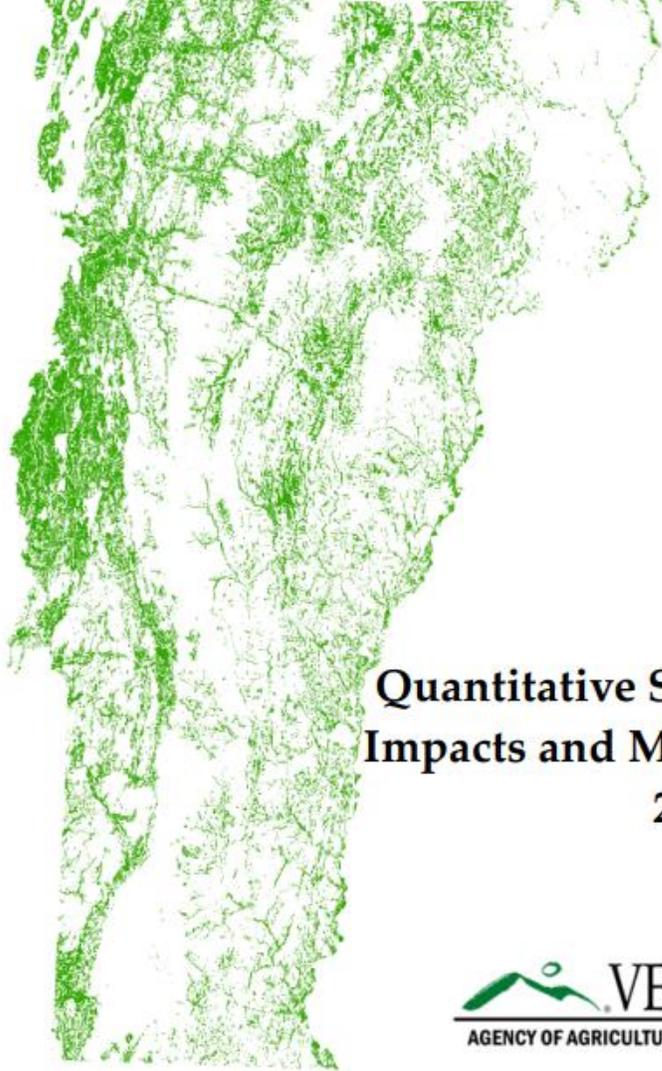


Figure 4a
 Figure 4: Impacted and Mitigated PAS by District

Previous 9(B) Intern,
 Nicholas Lewis, [Report available on AAFM 9\(B\) Website](#)



**Quantitative Summary
 Impacts and Mitigation
 2015-2022**

**To explore the Vermont Agency of Agriculture, Food and Markets, please visit: www.agriculture.vermont.gov

9(B) Intern Randi Roy – On-site Mitigation Survey

sent to 157 contacts; 20 responses received

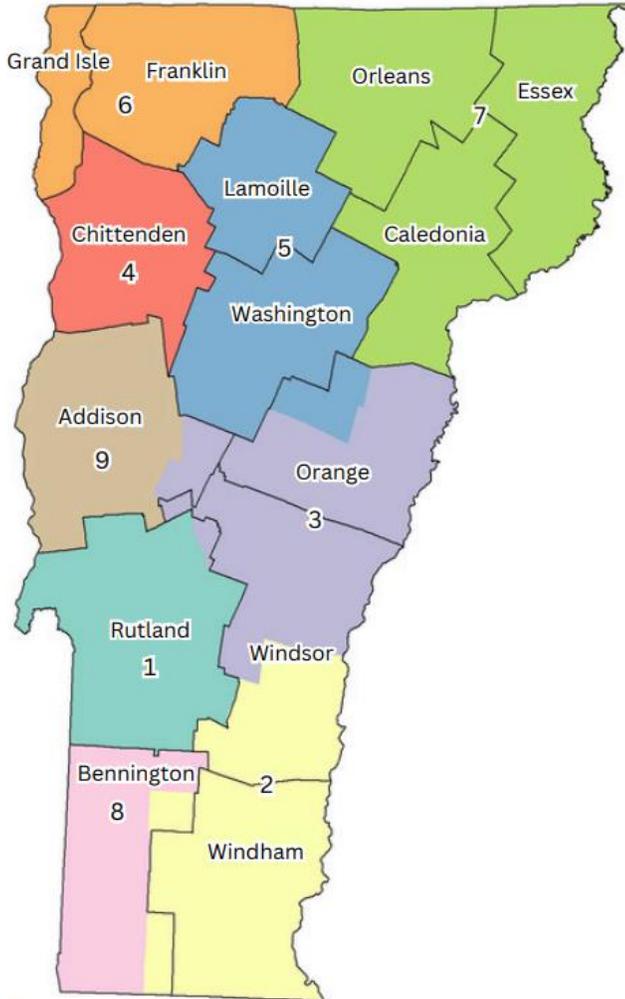
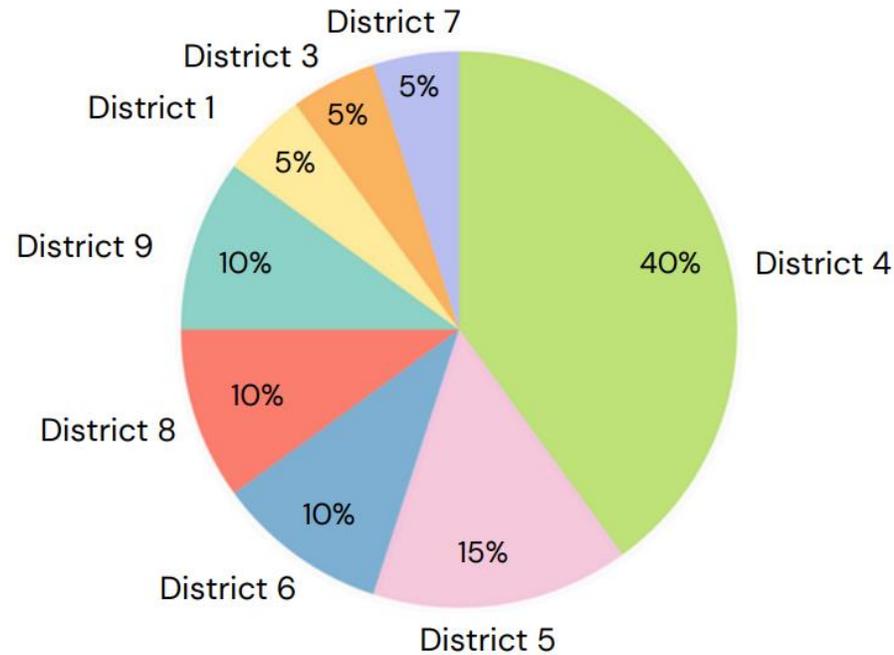


Figure 1: Act 250 Districts with an overlay of Vermont Counties.

Responses Received



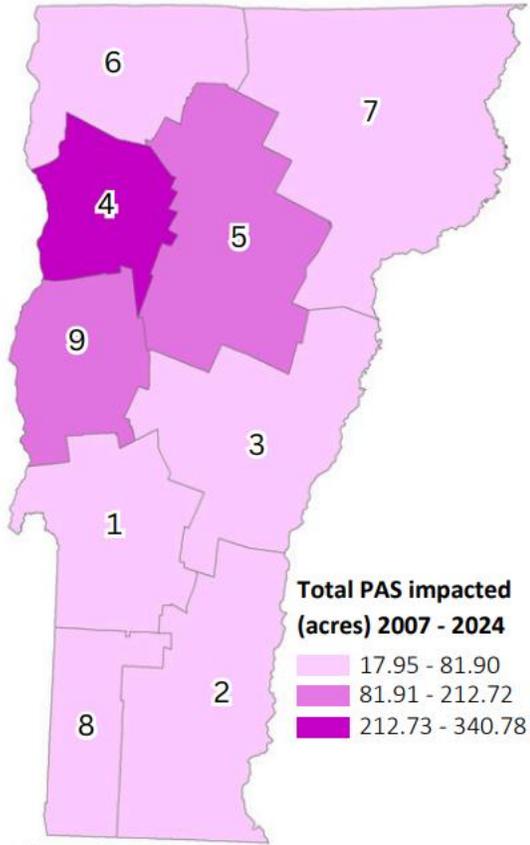


Figure 3a

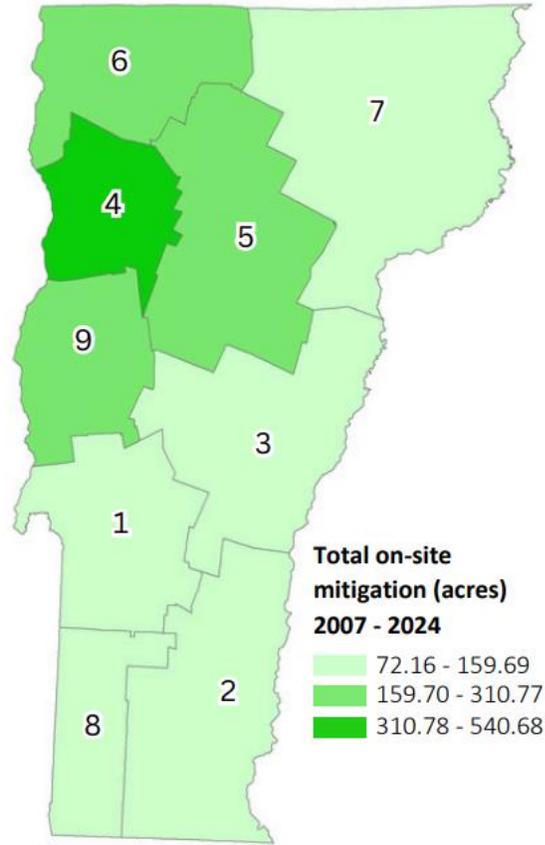


Figure 3b

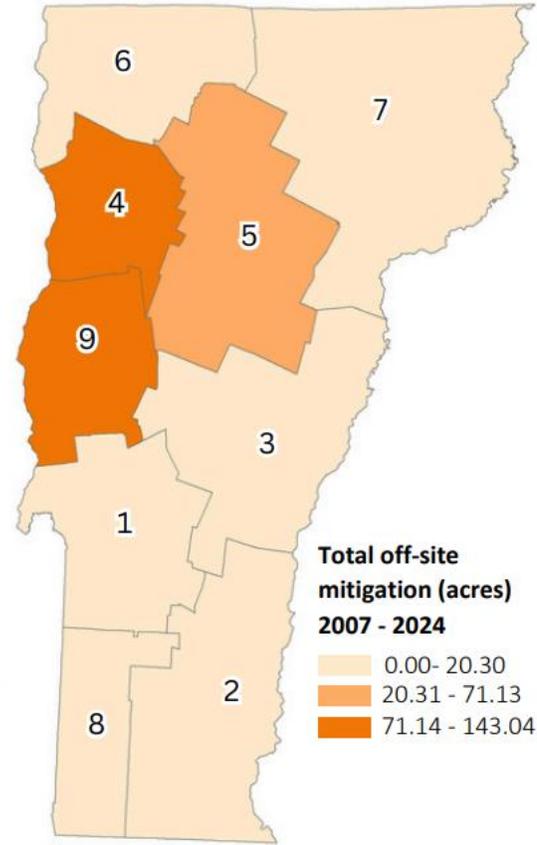


Figure 3c

Figure 3: Total PAS impacted, total on-site mitigation, and total off-site mitigation per Act 250 district
 Cumulative PAS acres impacted, on-site and off-site mitigation acres by each Act 250 district.

