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# Land Use Review Board / Act 250

Annual Report

Calendar Year 2025

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## Vermont Land Use Review Board / Act 250

The Land Use Review Board (“Board,” known as the Natural Resources Board prior to January 1, 2025) is an independent entity in the executive branch of Vermont state government whose function is to administer Act 250 (10 V.S.A. Chapter 151). There are 33 full-time employee positions that support the work of the Board’s central and district offices and about 60 citizen volunteer District Commissioners serving as permit application decisionmakers.

The Board consists of five full-time members including a chair. Board members and the chair are appointed by the Governor after review and approval by the Land Use Review Board Nominating Committee. Board membership reflects, to the extent possible, the racial, ethnic, gender, and geographic diversity of the state. The initial appointments are for staggered terms of 1, 2, 3, 4, and 5 years. Following the initial appointments, board members’ appointments are for terms of 5 years. All Board members must reside in separate counties and have a commitment to environmental justice.

The Board has authority to promulgate rules, participate in Act 250 appeals, and issue enforcement actions in response to violations of the Act 250 permitting program. Under Act 181 (2024) the Board has the responsibility to review and approve all 11 of the State’s regional planning commission (RPC) plans and future land use maps, conferring statuses for state designations and Tier 1B status areas. Additionally, the Board will review applications from municipalities for Tier 1A status.

The Board’s staff serve nine district commissions from five district offices. District staff are responsible for issuing jurisdictional determinations and guiding applicants, the public, and district commissions through the application review process. The district commissions sit as three-member quasi-judicial bodies to review Act 250 applications under 32 statutory criteria. The commissions issue permit decisions based on application materials and other filings if no hearing is requested and hold contested case hearings when facts are disputed or unclear.

The Board’s district coordinators, administrative staff, and attorneys support the Board and the commissions in their work. The attorneys assist the Board, district commissions, and coordinators with procedural and substantive issues that arise in Act 250 proceedings and provide permit enforcement and compliance services. The Board also participates as a party to Act 250 appeals before the Superior Court, Environmental Division.

### Value Added by the Act 250 Program

Generations of Vermonters have valued Act 250’s role in protecting Vermont’s unique character. Act 250 provides a comprehensive process for reviewing proposed projects that brings together input from numerous state agencies including the Agencies of Natural Resources (ANR); Agriculture, Food and Markets (AAFM); Transportation (AOT); and Commerce and Community Development (ACCD), as well as regional planning and municipal officials. Land use permits issued by the program incorporate this input and provide an integrated framework for encouraging sustainable development that protects the environment and Vermonters’ quality of life, including critical elements that might not otherwise be afforded protection. Here are a few examples of protections supported through Act 250 permitting:

## Habitat

As a participant in the Act 250 process, ANR often provides comments on the potential habitat impacts of proposed projects. District commissions regularly utilize this input to craft land use permit conditions to protect habitat for a diverse array of species, ranging from rare plants to white-tailed deer to state- and federally-endangered bats. This level of critical habitat protection may not be provided voluntarily, through independent ANR permitting, or through municipal review alone.

## Farmland

In coordination with state agriculture authorities, district commissions work to ensure that the state's best farmland is conserved for the future of Vermont's farm economy. Since its inception, Act 250 has directly preserved thousands of acres of farmland soils on permitted project sites via land use permit conditions. In areas where preserving prime farmland on or near a project site is impractical, Act 250 commissions assess mitigation fees, payable by developers to the Vermont Housing and Conservation Board (VHCB). In this way, since 1996, Act 250 permitting has provided over \$7.5 million to VHCB to help leverage the purchase of permanent conservation easements over more than 33,400 acres of working farmland across Vermont.

## Rivers and Streams

Through Act 250 permit conditions and with input from the Vermont Fish & Wildlife Department, protective buffers have been established along rivers and streams, increasing bank stability and flood resilience, while safeguarding downstream water quality for fishing, swimming, and aquatic life in our cherished lakes and waterways.

## Infrastructure

Act 250 partners with Vermont AOT to impose equitable fees on development to fund critical transportation infrastructure projects in the communities most impacted by development. This process ensures that no single project is on the hook for more than its fair share of the cost of new infrastructure, like traffic signals and road improvements, that keep nearby traffic flowing smoothly and safely without overburdening single project developers.

The following chart outlines a few of last year's contributions to the Vermont landscape that resulted from projects going through the Act 250 permitting process.

### Values Protected by Act 250 Permits: Calendar Year 2025

Values	Quantities
Total acres of Primary Agricultural Soils protected onsite by permit conditions	51.62 acres
Total Primary Agricultural Soil Mitigation Payments assessed	\$1,096,775.56
Total Traffic Mitigation Payments assessed	\$511,673.83
Archeological sites addressed	11 permits
Historic structures addressed	18 permits
Wetlands and wetland buffers protected	109 permits
Riparian zones (river and stream buffers) protected	88 permits

Values	Quantities
Lake, pond, or large river buffers protected	3 permits
Protection of drinking water Source Protection Areas addressed	23 permits
Habitat areas addressed	54 permits
Noise limitation conditions	211 permits
Quarry or gravel pit reclamation conditions	8 permits

## Act 250 Applications and Decisions

### Applications “Deemed Complete”

An application is "deemed complete" on the date upon which a district coordinator deems the application to be both technically and administratively complete. A complete application provides the information required under Act 250 Rule 10 and provides sufficient information for a district commission to review the application under each criterion. Applications that are not sufficiently complete for a commission to review under the statute are returned to applicants with a clear outline of information that is missing or in need of clarification. Until an application is deemed complete, it is not presented to the district commission for review. This critical determination allows an application to efficiently move forward for review by the citizen-based district commission.

Among the nine district commissions:

- **383** permit applications were deemed complete in CY 2025.
- **384** permit application-related decisions were issued in CY 2025.

### Applications Deemed Complete per Year

Application Type	CY 2021	CY 2022	CY 2023	CY 2024	CY 2025
Major (hearing required)	11	14	13	6	10
Minor-to-Major (hearing required)	n/r	n/r	6	5	2
Minor (no hearing)	248	218	221	229	224
Administrative Amendments	179	144	144	107	141
Undetermined	n/r	n/r	2	5	6
<b>Totals</b>	<b>438</b>	<b>376</b>	<b>386</b>	<b>352</b>	<b>383</b>

Data presented: n/r means not reported under this classification due to database limitations prior to 2023 and are reported as minor applications because the applications were deemed complete as minors.

## Decisions Issued

Of the 384 decisions issued in CY 2025, 142 (37%) were processed as administrative amendments, 226 (59%) as minor applications with no contested-case hearings, 5 (1%) as minor-to-major applications, and 11 (3%) as major applications. Major applications require a public hearing.

### Application Decisions Issued per Year

Application type	CY 2021	CY 2022	CY 2023	CY 2024	CY 2025
Major (hearing required)	14	21	15	11	11
Minor-to-Major (hearing required)	n/r	n/r	7	6	5
Minor (no hearing)	248	210	224	239	226
Administrative amendments	180	148	146	107	142
<b>Totals</b>	<b>442</b>	<b>379</b>	<b>392</b>	<b>363</b>	<b>384</b>

Data presented: Only applications for which permits, findings, or permit denials were issued in the calendar year listed. n/r means not reported under this classification due to database limitations prior to 2023 and are reported as major applications because the decisions were eventually issued as majors.

## Application Denials

No land use permits were denied in CY 2025. Proposed projects are only denied if the district commission determines that the project cannot satisfy one or more of the Act 250 evaluation criteria, even if conditions were included to address the project's impacts.

## Permit Application Processing Performance Standards

Statutory and internal performance standards guide the performance of district staff and commissions. Average CY 2025 performance is listed below compared to the previous four years of data. The Board has five performance standards.

### Performance Standards: Comparison with Prior Years in Average Calendar Days

Category	Standard	CY 2021	CY 2022	CY 2023	CY 2024	CY 2025
<b>All applications:</b> Days of initial application completeness review (internal standard)	<b>10 days</b>	9 days	19 days	13 days	11 days	13 days
<b>Minor applications:</b> Days to issue after end of comment period or last item received (internal standard)	<b>14 days</b>	3 days	2 days	1 day	9 days	2 days

Category	Standard	CY 2021	CY 2022	CY 2023	CY 2024	CY 2025
<b>Major applications:</b> Days to issue after adjournment (Act 250 Rule standard)	<b>20 days</b>	4 days	18 days	2 days	1 day	2 days
<b>Major applications:</b> Days from deemed complete to pre-hearing or hearing (statutory standard)	<b>40 days</b>	59 days	78 days	61 days	72 days	102 days
<b>Minor-to-Major applications:</b> Days from end of comment period to pre-hearing or hearing (statutory standard)	<b>20 days</b>	78 days	104 days	35 days	74 days	110 days

Data presented: Figures do not include time periods for decisions on motions to alter, decisions remanded from the court, corrections made to permits to clarify simple errors, formal abandonment proceedings, or application withdrawal proceedings for permit applications that had been inactive for years.

#### Performance Standards: Ranges and Averages for CY 2025

Category	Standard	Minimum	Maximum	Average
<b>All applications:</b> Days of initial application completeness review (internal standard)	<b>10 days</b>	0 days	220 days	13 days
<b>Minor applications:</b> Days to issue after end of comment period or last item received (internal standard)	<b>14 days</b>	0 days	18 days	2 days
<b>Major applications:</b> Days to issue after adjournment (Act 250 Rule standard)	<b>20 days</b>	0 days	12 days	2 days
<b>Major applications:</b> Days from deemed complete to pre-hearing or hearing (statutory standard)	<b>40 days</b>	24 days	379 days	102 days
<b>Minor-to-Major applications:</b> Days from end of comment period to pre-hearing or hearing (statutory standard)	<b>20 days</b>	20 days	356 days	110 days

### Average Days from Deemed Complete to Decision Issued per Year per Application Type

Application type	CY 2021	CY 2022	CY 2023	CY 2024	CY 2025
Major (hearing required)	296	362	264	472	381
Minor-to-Major (hearing required)	n/r	n/r	336	171	386
Minor (no hearing)	100	98	103	118	129
Administrative amendments	15	7	6	3	5

Data presented: n/r means not reported under this classification due to past database limitations prior to 2023 and are reported as major applications because the decisions were eventually issued as majors.

Note: The application processing times reported above **include** time spent by applicants obtaining certain permits from other state agencies that are used to document compliance with several Act 250 criteria. This time can vary from several weeks to several months, and on occasion, a year or more. The Board has broken down processing times by type of application review process (administrative amendment, minor review, major review, and applications that started as a minor review, but later went to hearing (major review)). These figures do not include processing times for altered, remanded, corrected, dismissed, or withdrawn permits.

### Days from Deemed Complete to Decision Issued per Application Type for CY 2025

Application type	Minimum	Maximum	Average
Major (hearing required)	80	912	381
Minor-to-Major (hearing required)	138	789	386
Minor (no hearing)	18	4540	129
Administrative amendments	0*	113	5

Data presented: \*One permit produced an impossible negative duration due to a processing anomaly. The Board is reviewing workflow and implementation controls to prevent recurrence.

Note: The increased average and maximum issuance times reflect, in part, a concerted effort to address a backlog of long-standing permitting matters. Additionally, given the inclusion of some significantly long-standing matters, these averages do not reflect a typical permitting process or timeline. For instance, the median processing time for a minor application is 48 days as compared to the mean average of 129 days.

## Jurisdictional Opinions

Act 250 authorizes district coordinators to issue jurisdictional opinions (JOs). JOs are written statements that serve as the official determination of whether an activity requires an Act 250 permit. Any person may request a JO from a coordinator in the district where the proposed project is located. An increase in the number of JOs requested over the reporting period substantially results from additional new exemptions created under Act 181 (2024), a change to the State's

Environmental Assistance program operated by ANR (Permit Navigator), and the increase in American Rescue Plan Act funded projects requiring Act 250 JOs.

### JO Decisions Issued per Year

	CY 2021	CY 2022	CY 2023	CY 2024	CY 2025
Issued JOs	67	138	227	267	238

Data presented: These figures do not include altered, corrected, reconsidered, dismissed, or withdrawn JOs.

## Performance and Program Improvements

To be effective, the Act 250 process must be responsive to the needs of all participants in the program—applicants, parties, the public, and staff. Effective performance requires continuous review and improvement in the following areas:

- adequate staffing of the organization and district commissions;
- up-to-date resources (rules and guidance);
- training opportunities for internal and external stakeholders; and
- efficient and accessible document management.

The following outlines the Board’s work in these critical operational areas.

### Staffing

Sufficient staff to accomplish the Board’s work is essential to organizational effectiveness. 2025 was a landmark year for Act 250 hiring and the Board is now fully staffed. Eleven new staff members were added to the ranks to fill vacancies and implement Act 181. On January 27, the following professional Board members were seated:

- Janet Hurley, Chair (appointment expires 6/30/27)
- Sarah Hadd, Vice Chair (appointment expires 6/30/29)
- L. Brooke Dingleline (reappointed; appointment expires 6/30/30)
- Kirsten Sultan (appointment expires 6/30/26)
- Alex Weinhagen (appointment expires 6/30/28)

On the coordinator team, an internal candidate replaced the long-serving District 7 Coordinator who was appointed to the Board. With legislative support, the Board hired two roving district coordinators (one internal hire) to increase its ability to support applicants and the public through the permitting process. The Board’s legal staff saw significant changes in 2025 as well, with the hiring of a new General Counsel (internal promotion), and the hiring of two new staff attorneys to support the Board’s ongoing permitting, enforcement/compliance, and Act 181 implementation demands. The administrative support team brought on a new technician following the retirement of a 30-year program veteran. Lastly, administrative services for districts 6 and 9 were shifted from the Montpelier office back to the Essex-Junction office to provide more efficient service to staff, applicants, and the general public.

The Board continues to assess staffing levels throughout the organization to ensure efficient and effective operations. In addition, the Board continues to work with the Governor's office to fill district commission vacancies as they occur.

### **Staffing Requests for the Coming Year**

The Board requests full coverage of the two existing roving district coordinators under the Board's General Fund appropriation. This would require a shift of \$136,117 from the Board's Special Fund appropriation to the Board's General Fund appropriation. This shift would support these integral positions, help maintain proper balance between the Board's Special Fund and General Fund, and buffer the organization against any potential loss of revenue resulting from the permitting exemptions prescribed by Act 181. These positions are critical to the efficient operation of the permitting process, as they can be deployed strategically statewide in response to need.

### **Training, Guidance, and Rulemaking**

The Board organized and delivered numerous trainings in 2025. The Board trained three new Act 250 staff (a technician, an attorney, and a coordinator) and held several half-day training sessions for five new district commissioners and ANR's Environmental Assistance specialists, as well as multiple subject-matter trainings for the five Board members themselves. In addition, the Board presented at ANR's Municipal Day event and held its annual meeting in October, which included training sessions for district commissioners and staff on Act 181 and the protection of forest blocks and habitat connectors.

In 2025, the Board continued updating outdated procedure and guidance documents to provide clarity for internal operations and external participation in the application review process. The Board also prepared new guidance documents for RPCs through the Board's regional plan review process and for cities and towns seeking to designate Tier 1A areas. In addition, the Board put additional guidance and procedures in place to implement the Governor's 2025 Executive Order to facilitate housing development. The Board also adopted Communication Guidelines to guide internal communications, as well as public outreach, engagement, and participation.

In 2025, the Board commenced pre-rulemaking to implement Act 181. This included conducting a series of stakeholder meetings and public meetings throughout the State and the development of draft rules and a Tier 3 online map viewer (critical natural resource areas slated for enhanced protection). The Board began holding stakeholder meetings for criterion 8(C) pre-rulemaking. Criterion 8(C) is a new criterion that reviews the impacts of development on habitat connectors and forest blocks. The Board anticipates finalizing Tier 3 and criterion 8(C) rulemaking in 2026 and plans to continue rulemaking activity over the coming years as it updates existing rules and addresses other Act 181 rulemaking requirements.

### **Permitting Performance**

The Board's permit application processing performance data detailed earlier highlights the program's permitting workload and the timeframes associated with each process and application type. The program is meeting and exceeding its performance standards in some areas. For instance, the final steps taken to issue permit decisions are repeatedly performed faster than the 10-day performance standard. Major applications are issued within 2 days of deliberations closing. Minor applications are closed within 2 days of either the end of the comment period or

the receipt of the last evidence. Similarly, administrative amendments are typically issued 5 days after they are deemed complete. These metrics demonstrate that the program can process a complex and comprehensive permitting workload.

The processing performance data also suggest areas for programmatic improvement. This year's data highlight staff efforts to bring numerous long-standing permit applications to permit issuance, which increased average processing times data. With that said, even without the influence of outliers, the program is not meeting its performance standards in a few critical areas. First, the Board's performance standard for hearings requires a hearing for a major permit application to be held within 40 days of a complete application. The average time to hold a hearing was 102 days in 2025, exceeding the Board's standard of 40 days. Similarly, the average time to hold a hearing for a minor permit application converted to a major application was 110 days, exceeding the Board's standard of 20 days. Particular applications with exceedingly long times to hold a hearing exist in both of these categories, which pushes the average well beyond the board's performance standards. However, even without those outlying data points, the program has been exceeding the hearing date performance standard in both categories for the past five years. Other factors contributing to these delays include staff's desire to provide flexibility in scheduling hearings to best accommodate the calendars of party participants and commission members, challenges finding a suitable venue for a hearing, or providing parties with additional time to reach agreement on contested issues. To better adhere to the performance standards for holding hearings, the Board will seek to identify the causes of delays and implement processes to bring timeframes closer to the standards without diminishing the quality of service that our staff provides.

A second area where performance standards were not met in 2025 was the initial review of applications for completeness, which must occur within 10 days of receipt of the application. This is a critical step in the application process because it ensures that the lay district commission members receive a sufficiently complete application to commence their review. This year, the average completeness review was 3 days beyond the standard. In general, most projects meet—or come very close—to the standard. However, a few outliers, including one initial review that took 220 days, skewed the performance data. These cases warrant closer review, enabling staff to address processing challenges with early support and guidance from management when applicable.

On a related note, the Board is working to improve the permitting experience for applicants, staff, and commissions by reducing the number and extent of applications found incomplete. In 2025, the Board reviewed and revised its land use permit application forms based on input from agency partners, a review of applicant surveys, and a review of incompleteness determination letters sent to applicants to determine what information applications are most commonly missing from their application materials. The updated application forms now highlight and clarify what information is required from applicants at the front end of the process to reduce delays and frustrations at the back end of the process. In January of 2026, the Board launched the new application forms and will assess their effectiveness going forward.

In 2025, decisions for major applications were issued within 381 days of being deemed complete. Minor applications converted to major applications were issued within 386 days of being deemed complete. These data show a 9-day increase for major applications from 2024 and a 215-day increase for minor applications converted to major applications from 2024. This performance metric for minor-to-major applications reflected a small data set with one outlying application.

Again, the Board sees these trends and outliers as an opportunity to identify and assess challenges that arise on certain projects early on through process improvements. Regardless of specific outlying data points, these trends illuminate the need for the Board to review its permitting standards to determine whether the right metrics are being assessed to achieve the desired outcomes.

## Records Management

Through ongoing use of its 2021 State Fiscal Recovery funding award, the Board is continuing a phase 1 project through a contract with the Agency of Digital Services and a high-volume scanning vendor to digitize its land use permit records in two of its nine Act 250 districts. This project's overall goals are to make land use permit records readily accessible to the public and staff, ensure their permanent preservation, and reduce the Board's physical record storage needs. Digitization began in early 2024, and as of December 2025, the project is nearing completion, with a total of 448 boxes of records scanned. The remaining 78 boxes will be digitized in early 2026. In 2025, the Board also executed a subsequent contract to expand this digitization effort as a phase 2 into six other Act 250 districts in 2026 with funding already in place.

From 2021 to 2023, the Board worked with the Vermont State Archives and Records Administration (VSARA) to establish a records management workgroup to define procedures for records management, retention, and disposition. As a result, the Board adopted a complete set of record schedules. In 2026, the Board plans to continue this work and update its records management policy to manage both paper and digital records long-term.

## Implementation of Act 181

Below is a summary of the Board's ongoing work related to the implementation of Act 181, "An act relating to community resilience and biodiversity protection through land use." Up-to-date information on each of the Board's implementation activities can be viewed on the Board's website at [Act 181: Modernizing Land Use Review](#).

## Completed Reports

The Board issued two reports this year after seeking input from a diverse group of stakeholders throughout the State and engaging with the public. In June, the Board issued a report with nine recommendations to support the wood products manufacturing sector. The Board's [Wood Products Manufacturers report](#) can be viewed on the Board's website. Upon completion of this report, the Board implemented the recommendations, including developing a fact sheet and training materials for land use permit applicants in the wood products manufacturing sector. In November, the Board published a report on Act 250 Appeals which addressed six key issues posed by the Legislature. The Board's [Act 250 Appeals Study Report](#) is also available on its website.

## Regional Plan and Tier 1A Review Processes

Under Act 181, the Board is required to review regional plans and future land use maps, as well as requests for Tier 1B and Tier 1A areas. The Board has developed [Regional Planning Commission Application Guidelines](#) and [Tier 1A Application Guidelines](#) to assist RPCs and

municipalities navigating these new review processes. The Board also built a database to store, manage, and disseminate information associated with these new applications. In addition, the Board created an [online future land use map viewer](#) to publicly display and facilitate the review of the future land use maps and Tier 1B and Tier 1A area requests.

Before the end of 2025, the Board received regional plan and map preapplication materials from the Rutland, Chittenden, and Northwest Regional Planning Commissions and held preapplication site visits and public meetings for each. In addition to providing a written preapplication response to each RPC, the Board's database publishes comments on each preapplication from state partner agencies and other interested organizations and individuals.

## Tier 2 Area Report

This report charges the Board with addressing Act 250 jurisdiction in Tier 2 areas (those areas not designated as Tier 1 or 3). The first portion of this report will entail reviewing necessary revisions to statutory language regulating commercial activities on farms including accessory on-farm businesses. The report will also include: (1) changes to address fragmentation of rural and working lands while allowing for development and (2) addressing how to apply location-based jurisdiction to Tier 2 areas while meeting statewide planning goals and addressing commercial development. Additionally, the report will review (A) how to effectively protect primary agricultural soils and (B) review the effectiveness of criterion 9(L) and jurisdictional triggers on addressing sprawl and strip development. To provide the Legislature with an effective report bolstered by robust stakeholder and public input, the Board intends to complete this report by September 30, 2026 rather than the February 15, 2026 deadline.

## Tier 3 Rulemaking

Moving to location-based Act 250 jurisdiction means reducing or eliminating Act 250 permitting in areas planned for growth (Tier 1 areas) and increasing Act 250 permitting in critical natural resource areas that lack suitable State-level review and protection (Tier 3 areas). Consequently, Tier 3 areas will encompass critical natural resources that merit consideration in the Act 250 permitting process.

Act 181 mandates Act 250 jurisdiction for projects in Tier 3 areas as determined by the rules of the Board. During the rulemaking process, the Board will identify what resource areas will be included in Tier 3, where these resource areas are located in Vermont, and what types of projects will require an Act 250 permit in these areas.

The Tier 3 rulemaking process started with stakeholder and public outreach in April and May 2025. The Board developed a [Tier 3 map viewer](#) to provide a visual of the proposed areas across the state. Engagement will continue throughout the process, leading to proposed rules and a formal public hearing, tentatively in May or June 2026. The Board has requested an extension to deliver proposed final rules to the Legislative Committee on Administrative Rules (LCAR) by September 30, 2026, rather than the February 1, 2026 deadline indicated in Act 181. This extension allows sufficient time for adoption of the rules. Act 250 jurisdiction in Tier 3 areas, pursuant to the adopted rules, will begin on December 31, 2026.

## Forest Block and Habitat Connector [Criterion 8(C)] Rulemaking

Act 181 identified new resource areas to be considered under Act 250 criterion 8 (ecosystem protection, scenic beauty and historic sites). This new criterion 8(C) requires that development not result in an undue adverse impact on forest blocks and habitat connectors. Forest blocks are contiguous areas of forest in any state of succession and not currently developed for non-forest uses. Habitat connectors are land or water areas that link patches of habitat within the landscape, allowing the movement, migration, and dispersal of wildlife and plants and the functioning of ecological processes.

Act 181 delegated forest block and habitat connector details to the Board via the rulemaking process. The Board is responsible for promulgating rules on how forest blocks and habitat connectors are further defined, including their size, location, and function. These rules must also include standards on how impacts and forest fragmentation can be avoided or minimized, including ways to promote proactive site design. Additionally, the rules must establish standards for how impacts to forest blocks and habitat connectors may be mitigated.

The Board held four working group meetings on criterion 8(C) beginning in September 2025. The Board has requested an extension to deliver proposed final rules to LCAR by September 30, 2026, rather than the February 1, 2026 deadline indicated in Act 181. This extension will allow sufficient time for adoption of the rules prior to the December 31, 2026 effective date.

## Road Construction Jurisdiction Guidelines

Act 181 of 2024 created a new jurisdictional trigger for Act 250 review beginning July 1, 2026. Title 10 of the Vermont Statutes was amended to add “the construction of a road or roads and any associated driveways” as a defined jurisdictional trigger.

Although the Board may adopt rules further defining this new jurisdictional trigger, the Board opted to develop guidance for road construction jurisdiction instead of a rule at this time. The new statutory language is sufficiently specific and does not require substantial interpretation in application. The Board is not precluded from adopting road construction jurisdiction rules at some point in the future.

The development of guidance will engage existing stakeholder groups and a public comment period. It is anticipated that the draft guidance will be available in February 2026 for a public comment period, with Board adoption targeted for the end of March 2026.

## Environmental Justice

The Board participated in several meetings of the Interagency Environmental Justice Committee as authorized by 3 V.S.A. Ch. 72. The statute requires the Board to annually report all environmental justice and Title VI complaints it receives to the State’s Environmental Justice Advisory Council. In furtherance of that requirement, the Board maintains a [webpage](#) that provides the public with information about what qualifies as a complaint and how to submit one. In addition to its participation and reporting duties as a Covered Agency, in 2025, the Board developed and adopted an Environmental Justice/Title VI Complaint Intake Procedure and drafted an Environmental Justice Baseline Spending Report.

## Executive Orders

### Amended and Restated Executive Order No. 03-23 and Addenda [Extended Environmental Regulatory Relief]

The Board and district commissions continue to administer registration and permitting waivers arising from this order to promote State and municipal access to rock and fill for 2023 and 2024 severe storm remediation and recovery.

### Executive Order 06-25 [Promoting Housing Construction and Rehabilitation]

The Board is implementing this order by participating in the interagency Accelerated Permitting Modernization Initiative, reviewing permit issuance timelines for reduction of discretionary review periods, developing policies for prioritized housing permit review and fee relief, and meeting various reporting deadlines regarding performance metrics and economic impact. The Board is also monitoring rulemaking efforts by ANR and the Department of Public Service for potential impacts on Act 250 permit review processes.

## Board Special Fund

### Permit Application Fees Collected

The Board is funded by a combination of General Funds and Special Funds generated by Act 250 application fees. The Board assesses permit application fees based on project construction costs, the number of subdivided lots created, the volume of earth resources extracted, and a supplemental fee at a reduced rate for the review of master plans involving phased development. State and municipal projects are exempt from fees, and residential development in a state-designated Vermont Neighborhood or Neighborhood Development Area is charged no more than 50% of the fee otherwise assessed. By statute, a permit application fee may not exceed \$165,000.00.

Total permit application fees collected in the last five fiscal years are presented below:

FY 2021	\$1.726M
FY 2022	\$2.689M
FY 2023	\$2.683M
FY 2024	\$1.757M
FY 2025	\$2.499M

### Certification of Actual Construction Cost Fees Collected

Following the completion of project construction, permittees may be required to file a form certifying actual construction costs (CACCs) and pay any additional Act 250 permit fees due. Because CACC fees are directly related to the actual costs of construction, total annual fees can vary significantly from one year to the next.

Total CACC fees collected in the last five fiscal years are presented below:

FY 2021	\$60,799
FY 2022	\$93,945
FY 2023	\$98,790
FY 2024	\$99,284
FY 2025	\$121,691

## Appeals

The Board has statutory authority to participate as a party in Act 250 appeals to the Superior Court, Environmental Division. In 2025, the Board participated in 29 appeals, 13 of which were filed in 2025. Of those 13 cases filed in 2025, 6 were appeals of Act 250 district commission decisions, 5 were JO appeals, and 2 were appeals of enforcement administrative orders. One case was appealed from the Superior Court, Environmental Division to the Vermont Supreme Court in 2025.

### Appeals per Year

Type of appeal	CY 2021	CY 2022	CY 2023	CY 2024	CY 2025
Jurisdictional Opinion	2	7	6	4	5
Permitting Decisions	4	10	7	4	6
Enforcement Matters	n/r	n/r	n/r	1	2
<b>Totals</b>	<b>6</b>	<b>17</b>	<b>13</b>	<b>9</b>	<b>13</b>

Data presented: n/r means that enforcement appeal data not tracked until CY 2024.

## Compliance and Enforcement

The Board is authorized to enforce Act 250 pursuant to the Environmental Enforcement Act, Title 10, Chapter 201. The Board has direct authority to issue administrative orders (AOs), emergency AOs, assurances of discontinuance (AODs), and civil citations with respect to violations of Act 250. The Board collaborates with ANR on mixed Act 250/ANR enforcement matters.

The Board's enforcement staff consists of the General Counsel, the Associate General Counsel, Staff Attorney, Legal Services Specialist, and two full-time Compliance and Enforcement Officers. The Board directs the Board's enforcement and compliance program.

### 2025 Enforcement Activity

The Board investigated approximately 319 complaints, including 117 new complaints received in 2025, and also replied to 58 real estate inquiries. Some of these complaints were not deemed violations, some were referred to ANR, and others resulted in enforcement action by the Board. The Enforcement Team addressed or initiated 69 formal enforcement actions. In addition, 130 alleged violations were resolved, including 8 cases resolved through formal enforcement, and 122 complaints resolved without formal enforcement action through voluntary compliance or through determinations that either no violation occurred or that the Board lacked jurisdiction.

The Board assessed \$27,000 in penalties this year and assessed enforcement costs of approximately \$2,401. All assessed penalties are deposited in the General Fund. Board enforcement costs are deposited in the Act 250 Special Fund. In addition to the assessment of penalties, several enforcement matters imposed compliance directives, such as restoration or reclamation activities.

The Board's enforcement program resolved cases this year through 4 AODs and 4 civil citations. AODs are settlement agreements that often include civil penalties and compliance directives. Civil citations are tickets issued by the enforcement officers that levy fines of up to \$3,000 per citation. The enforcement team sent 16 Notices of Alleged Violation (NOAVs) in 7 different Act 250 Districts in 2025. NOAVs are warning letters that set out the facts of an alleged violation and invite a response. These often include compliance directives and may be followed up with further enforcement action, including penalties.

Of the 2025 formal enforcement cases, there were: 9 earth extraction, 5 housing, 1 recreation, 8 retail, and 18 other projects (some of the other projects involved rare, threatened, or endangered species or wetland encroachments). Of the 2025 resolved formal enforcement cases there were: 3 earth extraction, 1 housing, 1 recreation, 1 retail, 1 transportation and utility, and 1 other project.

### Enforcement Metrics

	CY2021	CY 2022	CY 2023	CY 2024	CY 2025
New investigations opened	107	103	136	155 <sup>1</sup>	117
Formal enforcement actions initiated or ongoing	34	41	50	71	69
Violations resolved through formal enforcement	14	11	13	24	8
Violations and complaints resolved without formal enforcement	51	66	102	149	130
Total penalties assessed <sup>2</sup>	\$14,175	\$64,200	\$43,845	\$60,650	\$27,000
Total penalties collected <sup>3</sup>	\$23,808	\$72,579 <sup>4</sup>	\$43,845 <sup>5</sup>	\$22,750	\$30,000
Enforcement costs assessed <sup>6</sup>	\$5,604	\$11,234	\$3,824	\$5,829	\$2,401

<sup>1</sup> Includes 31 pending real estate and enforcement history inquiries. In 2025, 58 real estate inquiries were not included in the total.

<sup>2</sup> All penalties assessed are deposited in the General Fund and include issued AODs, AOs, and civil citations.

<sup>3</sup> Total penalties collected may include penalties assessed in previous years that are on a payment plan.

<sup>4</sup> CY 2022 total penalties collected include \$60,700 of Board penalties + \$11,879 of Board enforcement costs.

<sup>5</sup> Includes \$13,200 assessed within a mixed ANR/Board AOD and also includes \$19,380 paid to VT Fish & Wildlife Department as a Supplemental Environmental Project for endangered bat population surveys.

<sup>6</sup> All Board enforcement costs assessed are deposited in the Act 250 Special Fund.



This document has been prepared pursuant to [10 V.S.A. Section 6083\(d\)](#), which requires that the Land Use Review Board annually submit a report to the General Assembly.