



Vermonters ^{for} a Clean Environment

Act 250 Permit Reform Proposal

**House Natural Resources, Fish & Wildlife
Committee**

January 14, 2020

Current District Environmental Commission Process

Set Up for Parties to Fight, Like Court



Contested Case



Applicant
+
Lawyer

VS.



Citizens

or

Citizens
+
Lawyer

Proposed Updated District Commission Process

Opportunity to Sit Down and Talk — No Lawyers

Already in Statute

Title 10 §6085(e)

grants the authority to

“promote expeditious, informal, and non adversarial resolutions of issues, require the timely exchange of information concerning the application, and encourage participants to settle differences.”

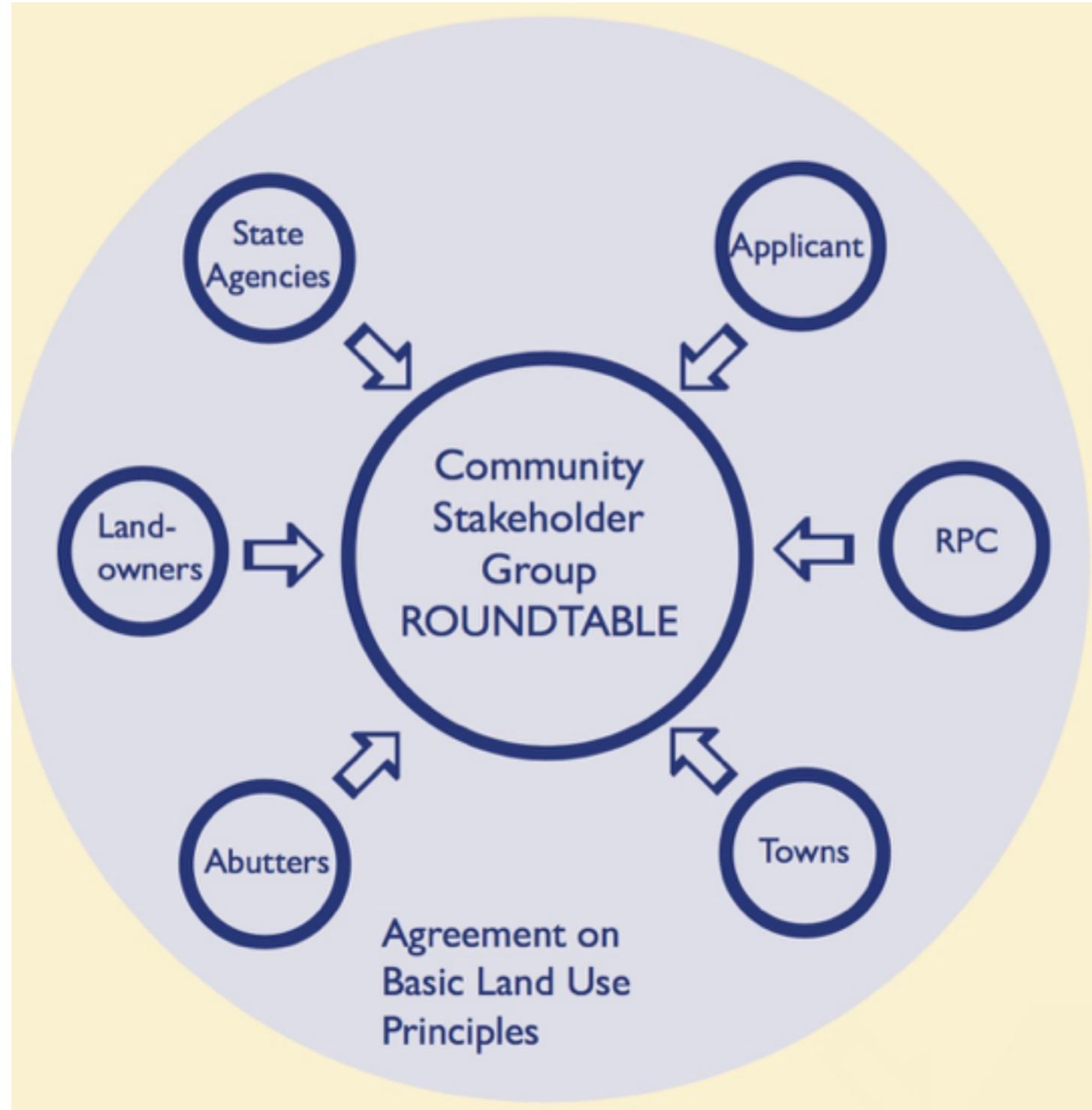
Restores Original Intent of Act 250

New District Commission Process

- Applicant files Application and notifies potential parties
- **District Commission** holds hearing
- Recognizes parties and grants party status
- Assigns Facilitator: Trained District Coordinator and Commissioners
- Facilitator Holds Meeting(s) with parties to work through issues or agree to disagree

New District Commission Process

Facilitated by Trained District Coordinator and Commissioners



After the Community Stakeholder Process

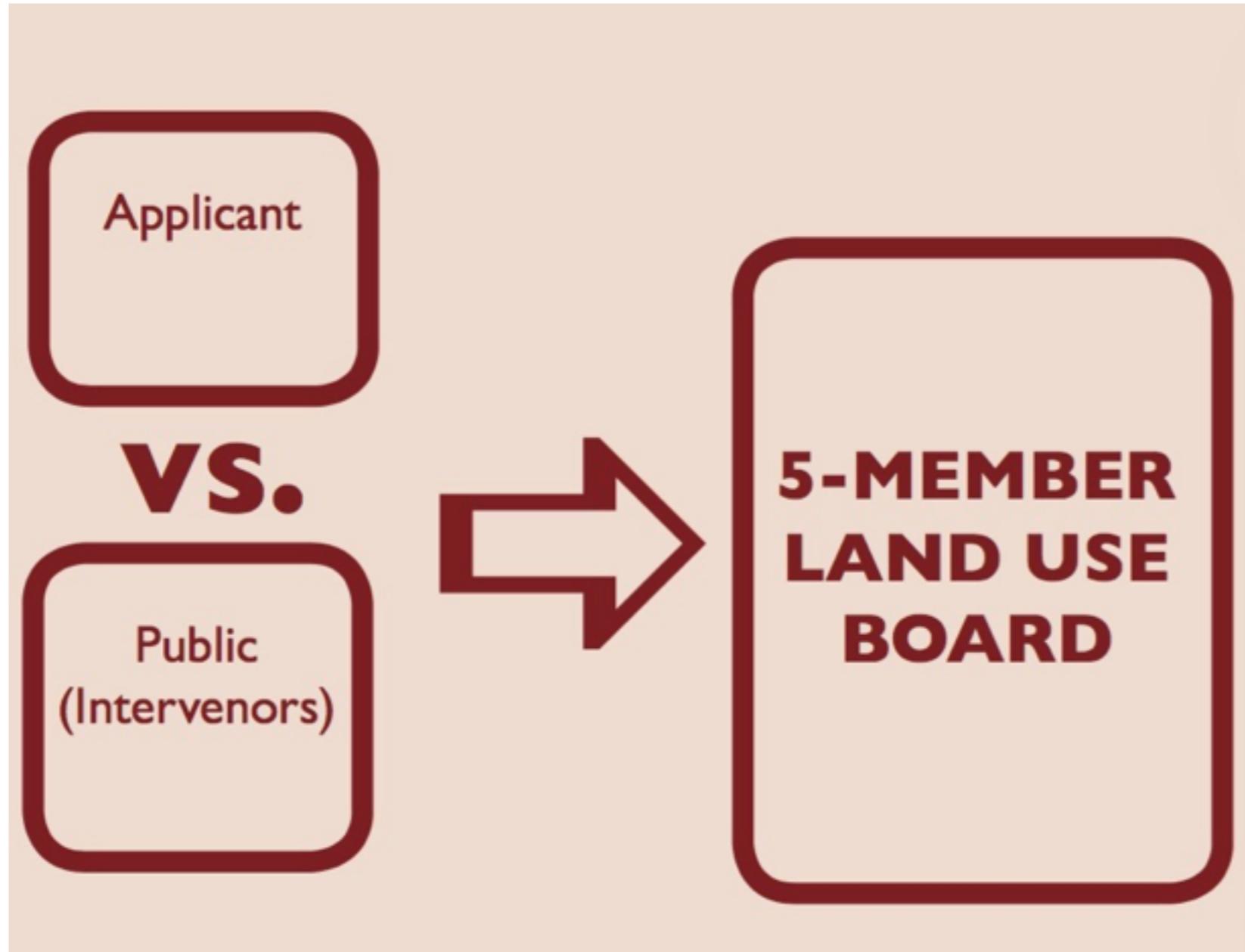
- If all issues resolved, **District Commission** issues decision on the merits and the case ends
- For resolved issues, the **District Commission** issues a decision on the merits
- For remaining unresolved issues, the **District Commission** issues a report with results of facilitated stakeholder process and those issues move to a contested case heard *de novo* at the new state **Land Use Board**
- If there is no agreement on any issues, the **District Commission** issues a report and the process moves to a contested case heard by the new state **Land Use Board**

If No Agreement or For Unresolved Issues

Intervenor Funding and Counsel for the Public

- ***Intervenor Funding for Experts from Applicant***
 - **Example: New York Article X**
- ***Counsel for the Public for Lawyer from State***
 - **Example: New Hampshire Site Evaluation Commission**

Contested Case



Result: Contested Case Where the Board Benefits From Hearing the Full Arguments on which to make the Decision

Appealable to Vermont Supreme Court