

**NRB Act 250**  
**Environmental Interest-Based Focus Group**  
**8/17/23**

Governance

Need more staff to support District Commissions, need tech assistance.

Need different, more open process, including a way for people to self-nominate for District Commissions.

Not necessarily parallel to judicial nominating process.

But create an entity similar to the Vermont Bar Association to make nominations for governor's consideration.

There used to be a state inter-agency council, which if revived, could make nominations.

District Commissions overwhelmed by large complicated applications.

Maybe make District Commissioners a part time paid position, it's a ton of work.

Daytime hearings make it less accessible to general public who have day jobs.

Keep process citizen friendly.

Act 250 has been chipped away over the years, more elegant and effective in the beginning.

Not an either or, keep informal and use administrative record on appeal.

Need professional NRB board-perhaps staffed with hearing officers.

The NRB needs to become a professional board with qualified members, such as an engineer, developer, environmentalist, etc. The NRB needs to have rule-making authority and the authority to hear Act 250 appeals.

The Environmental Court does not work well; a professional board would have statewide perspective and be able to make rules.

One option is to have a member of the professional board join the District Commission on major cases to bring in expertise.

NRB must be fixed, need professional board-not necessarily like PUC, but need board with expertise.

De Novo review -if parties know the District Commission decision gets no deference on appeal. Applicants may hold back best case because they know they have a second chance.

Maybe use hearing officers

Big, complicated cases are time sinks. Use hearing officer to draft opinions for review by board- hearing officers could be available at DC level, too.

Consider using public advocates to support local citizen groups.

Texas has an office of public advocate, Washington uses designated hearing

officers.

New Hampshire has public advocate; it does not represent citizens but advises them.

Public advocate or office of the public interest would help citizen groups raise interests before the District Commissions, like legal aid for citizen groups

Current process is stupid, doesn't work.

Needs to be not only informal and accessible but also affordable-not break the bank of citizens.

Perhaps call the public advocate an ombudsperson to help citizens navigate the process and learn the language of Act 250.

District Coordinators can't do this. The goal is to create level playing field.

District Coordinators overwhelmed,-can't reach them by phone.

So many cases are heard as minors without a hearing.

Opponents must read all the notices so can contest cases and ask for a hearing.

Equity and Access-not just about racial equity, it's about "not being at the table." Need equitable process to allow interested parties to be at the table in a fair and whole way-without condescension.

Best decisions made when ideas are challenged.

### Jurisdiction

Jurisdiction/Tiers for growth areas, rural areas, and natural resource areas

Need to consider wildlife habitat as jurisdictional trigger.

Consider what resources not protected by other programs.

For growth areas, be careful about exemptions from Act 250, need statewide input, decisions by local towns impact downstream towns ie, floodplain development.

Growth areas- need robust decision making and appeal process-not just extend sewer service everywhere.

NRB rule making would determine which maps to use to identify resources, but the maps would not be prescriptive.

ANR maps are based in science but should not be subject to political pressure.

If designated areas used, they could be subject to pressure from the governor.

A criterion on forest fragmentation should replace the forest soils criterion.

Focus on the resources as the triggers for Act 250 jurisdiction.

Under the issue of climate change, forests provide climate refugia for wildlife.

Some concerns were raised about designated development areas (tier 1) around whether parks and floodplain development should be left up to local governments. The sense was that these should have state overview.

There was a suggestion to change the elevation trigger from 2,500' to 1,500'.