



April 2, 2012

Peter Borden
Vermont Country Inn Route 100 Pittsfield, LLC
(Amee Farm)
57 Tweed River Road
Pittsfield, VT 05762

Re: Jurisdictional Opinion # 3-148, Pittsfield
Land Use Permit #3W1024, Condition 16, Death Race 2012

Dear Peter:

This letter constitutes the Jurisdictional Opinion required by Condition 16 of Land Use Permit #3W1024. Condition 16 states:

Because the Death Race changes course and activities each year, the permittee shall obtain a jurisdictional opinion from the District Environmental Coordinator to determine whether an amendment to this permit is required. In the request for the opinion, the permittee shall provide sufficient information about the race, including, but not limited to, any earth disturbance, any activity within a stream or wetland or buffer, the route of the race, the time and date of the race, and the projected number of participants and spectators and other information related to additional Act 250 criteria [10 V.S.A. § 6086(a)(1) through(a)(10)].

As explained below, this Jurisdictional Opinion concludes that there are no material changes to the previously permitted project proposed for the Death Race that is scheduled for 2012.

The facts I have relied on are those obtained in correspondence and phone calls with you.

Facts

1. You have scheduled this year's Death Race to start on Friday, June 15, 2012, and will finish on June 17, 2012, approximately at 7:00 p.m.
2. You expect 280 participants and 150 spectators.
3. The race will occur on established trails and old roads. The race will follow the same route as last year, except that, if a special use permit is obtained from the US Forest Service they will send racers over the Blood Root gap and on to Chittenden Reservoir for a swim and then back to the Amee Farm. No new trails will be constructed.

4. The athletes will face similar physical and mental challenges and tasks as last year, including chopping and splitting wood, swimming, and running the Tweed River. There will be no tree cutting by the athletes. All wood to be cut or split will be delivered by log truck.
5. There will be no new earthwork.
6. Athletes will ford the Tweed River in the same location as they did last year, in the area of the Riverside Farm at an existing access point.
7. The wetland will be flagged and all athletes and spectators will not be allowed in the wetland or wetland buffer.
8. There will be no camping on the Ameer Farm. The athletes support team may pitch a tent to store gear and for resting.
9. Parking will be as previously approved in the Act 250 permit. All racers will park at Riverside and be shuttled to Ameer Farm. Overflow parking will be as was used for the Snowshoe Race except that the Fusters and Grazions fields will not be used.

Act 250 Rules

Rule 2(C) Definitions

(6) "Material change" means any change to a permitted development or subdivision which has a significant impact on any finding, conclusion, term or condition of the project's permit or which **may** result in a significant adverse impact with respect to any of the criteria specified in 10 V.S.A. § 6086(a)(1) through (a)(10). [Emphasis added].

Conclusion

It is my opinion that this year's Death Race will not be a material change to the previously permitted project. The permittee must comply with all conditions of Act 250 permit #3W1024.

Sincerely,



Linda Matteson
District Coordinator

cc: Service List

Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address.

Any appeal of this decision must be filed with the Superior Court, Environmental Division within 30 days of the date the decision was issued, pursuant to 10 V.S.A. Chapter 220. The Notice of Appeal must comply with the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must file with the Notice of Appeal the entry fee required by 32 V.S.A. § 1431 and the 5% surcharge required by 32 V.S.A. § 1434a(a), which is \$262.50 as of January 2011.

The appellant must also serve a copy of the Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Montpelier, VT 05620-3201, and on other parties in accordance with VRECP 5(b)(4)(B).

For additional information on filing appeals, see the Court's website at: <http://www.vermontjudiciary.org/GTC/environmental/default.aspx> or call (802) 828-1660. The Court's mailing address is: Superior Court, Environmental Division, 2418 Airport Road, Suite 1, Barre, VT 05641-8701.

This letter constitutes the Jurisdictional Opinion required by Condition 16 of Land Use Permit #3W1024. Condition 16 states: