

**Natural Resources Board
111 West Street
Essex Jct., VT 05452**

**Act 250 Jurisdictional Opinion
#4-306, 5-45**

This is a Jurisdictional Opinion based upon available information and a written request from the Landowner/Agent or Other Person. Any Notified Person or entity will be bound by this opinion unless that person or entity files a request for reconsideration with the District Coordinator (10 V.S.A. § 6007 (c) and Act 250 Rule 3 (b)) or an Appeal with the SUPERIOR COURT, Environmental Division within 30 days of the issuance of this opinion

I hereby request a jurisdictional opinion from the District Coordinator or Assistant District Coordinator regarding the jurisdiction of 10 V.S.A. Chapter 151 (Act 250) over the project described below: Jason Nerenberg, Stewardship Forester, Vermont Agency of Natural Resources, Department of Forest, Parks, and Recreation

PROJECT DESCRIPTION:

The project includes trail improvements within the Camel's Hump State Park in the Towns of Huntington and Duxbury, Vermont. Based on the project descriptions and map titled "Potential Catamount Trail Relocation, Camel's Hump Challenge Trail, Camel's Hump State Park," provided by the requestor, the proposed project includes:

- (1) The relocation of the Catamount Trail including establishment of a 3-foot tread width along approximately 6.6 miles of trail (which includes approximately 2.2 miles of new trail construction). The project includes some vegetation removal while leaving the duff intact, and the construction of a new foot bridge.
- (2) Improvements to the Challenge Trail (also known as the Ski Around Trail) to better mark the trail and to relocate portions of the trail around sensitive features. The project includes establishment of a 3-foot tread width along approximately 9.0 miles of trail. The project includes some vegetation removal while leaving the duff intact.

These trails are located on land owned by the State of Vermont and the Town of Huntington. The proposed alignments of the Catamount Trail and Challenge Trail will overlap for approximately 2.4-miles. Both trails will be for winter-use only.

Existing Act 250 permit: Land Use Permit #4C0562 was issued on November 9, 1983, but that permit was abandoned by non-use pursuant to Act 250 Rule 38(A) on April 17, 2017

Project Type: Commercial Residential Municipal/State Mixed
 Agriculture Silviculture Other
Has the landowner subdivided before? Yes No N/A

AN ACT 250 PERMIT IS REQUIRED: YES NO

BASIS FOR DECISION:

Land Use Permit #4C0562 was issued on November 9, 1983, but that permit was abandoned by non-use pursuant to Act 250 Rule 38(A) on April 17, 2017.

Provided that the project does not include more than 10 acres of disturbance, the project does not constitute development pursuant to 10 V.S.A. 6001(3)(A)(v). Therefore, the project does not require an Act 250 permit.

This opinion supersedes the opinion dated January 26, 2017.

SIGNATURE: /s/ Susan Baird DATE: 9/13/21

Susan Baird, District Coordinator
Environmental Commission District #5
10 Baldwin Street, Montpelier, VT 05633
802-476-0134
susan.baird@vermont.gov

SIGNATURE: /s/ Rachel Lomonaco DATE: 9/13/21

Rachel Lomonaco, District Coordinator
Environmental Commission District #4
111 West Street, Essex Junction, VT 05452
802-879-5658
rachel.lomonaco@vermont.gov

This is a jurisdictional opinion issued pursuant to 10 V.S.A. § 6007(c) and Act 250 Rule 3(B). Reconsideration requests are governed by Act 250 Rule 3(B) and should be directed to the district coordinator at the above address. As of May 31, 2016, with the passage of Act 150, Act 250 Rule 3(C) (Reconsideration by the Board) is no longer in effect. Instead, any appeal of this decision must be filed with the Superior Court, Environmental Division (32 Cherry Street, 2nd Floor, Ste. 303, Burlington, VT 05401) 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 which is \$295.00. The appellant also must serve a copy of the Notice of Appeal on the Natural Resources Board, 10 Baldwin Street, Montpelier, VT 05633-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the Vermont Rules for Environmental Court Proceedings.

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CERTIFICATE OF SERVICE

I hereby certify on this 13th day of September, 2021, a copy of the foregoing ACT 250 JURISDICTIONAL OPINION #4-306, 5-45, was sent by U.S. mail, postage prepaid to the following individuals without email addresses and by email to the individuals with email addresses listed.

Note: any recipient may change its preferred method of receiving notices and other documents by contacting the District Office staff at the mailing address or email below. If you have elected to receive notices and other documents by email, it is your responsibility to notify our office of any email address changes. All email replies should be sent to NRB.Act250Essex@vermont.gov

Jason Nerenberg, Stewardship Forester
Department of Forests, Parks, and Recreation
111 West Street
Essex Junction, VT 05452
Jason.Nerenberg@vermont.gov

Dated at Essex Junction, Vermont, this 13th day of September, 2021.

Heidi Racht, Town Clerk
Chair, Selectboard/Chair, Planning Commission
Town of Huntington
4930 Main Road
Huntington, VT 05462
huntingtonclerk@gmavt.net



Jessica Mason
Natural Resources Board Technician
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Maureen Harvey, Town Clerk
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