

STATE OF VERMONT

ENVIRONMENTAL COURT
Docket No.

Land Use Panel of the
Natural Resources Board,
Petitioner,

ADMINISTRATIVE ORDER

v.

Jason Clough,
Respondent

Having found that Jason Clough (Respondent) has committed a violation as defined in 10 V.S.A. § 8002(9), the Land Use Panel, pursuant to 10 V.S.A. § 8008, hereby issues the following Administrative Order:

VIOLATION

Failure to comply with permit condition 6 of Land Use Permit #2W0858

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS

1. On February 5, 1991, the District 2 Environmental Commission issued Land Use Permit #2W0858 (Permit) to Eastland, Inc. and other co-permittees. The permit authorizes “the permittees to create an eight-lot subdivision to be used for seasonal camping, outdoor recreation and forestry management....”
2. Condition 6 of the Permit states:
 6. The lots in this subdivision are approved for use as seasonal camps utilizing recreational vehicles, tents, or primitive lean-tos. The construction of housing is prohibited.
3. Respondent owns Lot 6 of the Eastland subdivision; Respondent has constructed improvements on Lot 6 that are not in compliance with Condition 6 of the Permit.
4. Respondent has violated Condition 6 of the Permit.

ORDER

- A. Respondent shall comply with Land Use Permit #2W0858.
- B. On or before May 31, 2009, the Respondent shall remove all improvements constructed on Lot 6 of the subdivision.
- C. Respondent shall pay to the State of Vermont, pursuant to 10 V.S.A. Ch. 201, a civil penalty in the amount of Eight Thousand (\$8000.00) Dollars (U.S.), for the violations noted herein.

Payment shall be by check made payable to the "Treasurer, State of Vermont," which shall be sent to:

Denise Wheeler, Business Manager
Land Use Panel of the Natural Resources Board
National Life Records Center Building
National Life Drive
Montpelier, Vermont 05620-3201

Any payment by the Respondent pursuant to this paragraph is made to resolve the violations set forth in this Order and shall not be considered to be a charitable contribution, business expense, or other deductible expense under the federal or state tax codes. See Internal Revenue Code §162(f); Treasury Regulation §1.162-21. Respondent shall not deduct, nor attempt to deduct, any payments, penalties, contributions or other expenditures required by this Assurance from Respondent's state or federal taxes.

**RESPONDENT'S RIGHT TO A HEARING
BEFORE THE ENVIRONMENTAL COURT**

The Respondent has the right to request a hearing on this Administrative Order before the Environmental Court under 10 V.S.A. §8012 by filing a Notice of Request for Hearing within **fifteen (15) days** of the date the Respondent receives this

Administrative Order. The Respondent must file, within the time limit, a Notice of Request for Hearing with both the Land Use Panel and the Environmental Court at the following addresses:

Natural Resources Board, Land Use Panel
c/o John H. Hasen, General Counsel
Natural Resources Board
National Life Records Center Building
National Life Drive
Montpelier, VT 05620-3201

Clerk, Environmental Court
2418 Airport Road, Ste. 1
Barre, VT 05641-8701

If a hearing is requested, the Land Use Panel reserves the right to seek additional penalties for additional costs of enforcement and other relevant penalty factors. 10 V.S.A. § 8010(b).

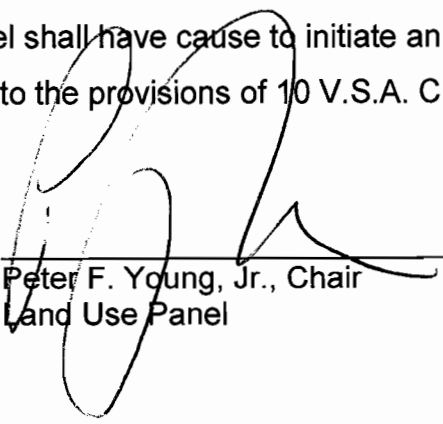
EFFECTIVE DATE OF THIS ADMINISTRATIVE ORDER

This Administrative Order shall become effective on the date it is received by the Respondents unless the Respondents file a Notice of Request for Hearing within **fifteen (15) days** of receipt as provided for in the previous section hereof. The timely filing of a Notice of Request for Hearing by the Respondents shall stay the provisions (including any penalty provisions) of this Administrative Order pending a hearing by the Environmental Court. If the Respondent does not timely file a Notice of Request for a Hearing, this Administrative Order shall become a final Administrative Order.

COMPLIANCE WITH THIS ADMINISTRATIVE ORDER

If the Respondent fails or refuses to comply with the conditions of a final Administrative Order, the Land Use Panel shall have cause to initiate an enforcement action against the Respondent pursuant to the provisions of 10 V.S.A. Chapters 201 and 211.

Dated: 3/13/09


Peter F. Young, Jr., Chair
Land Use Panel