

Vermont Legislative Research Service

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Study Reports Related to Act 250

This report examines recent bills enacted by the Vermont legislature that relate to the criteria found in Act 250. Further, it describes study reports that have been requested by the Vermont General Assembly relating to those criteria. The primary purpose of this report is to determine the number of outstanding study reports related to the criteria of Act 250 and as such, this report will only focus on laws passed in the most recent two legislative sessions. This report is structured by describing each law and the subsequent requested study reports included within.

Every legislative session, the Vermont General Assembly passes laws that include requests for different state agencies and departments to deliver study reports on various topics that legislators want more information on. For each study report requested, the General Assembly includes an explicit deadline for the report to be completed, assigns one or multiple state or house committees for that report to be delivered to, and often includes funding for those reports. These reports, once published, are available to the public on the internet.

2023 Act 18 (S.5)

In Vermont's 2023-2024 legislative session, both the House and the Senate passed S.5 (Act 18) also known as the "Affordable Heat Act". This act works on meeting mandated greenhouse gas reduction and transitioning Vermont to cleaner and more effective heating practices. The act establishes a Clean Heat Standard with a performance standard created to reduce Vermont's greenhouse gas emissions from the thermal sector. The Clean Heat Standard is administered by the Public Utility Commission (PUC) with

credits. Clean heat credits "represent the total reduction of greenhouse gas emissions from specific clean measures delivered to end use customers."

objectives presented in Act 250, the CRBPA outlines state land conservation goals of thirty percent by 2030 and fifty percent by 2050.¹⁶ The Act requires the conservation of a mix of ecological reserve areas, biodiversity conservation areas, and natural resource management areas, also deemed conservation categories, to reach these total land area conservation percentages by 2030 and 2050.¹⁷ The Secretary of Natural Resources and the Vermont Housing and Conservation Board are responsible for creating a¹⁸ Vermont Conserved Land Inventory, which has a deadline of July 1, 2024, and will include reviews, assessments, and summaries of conservation categories, goals, and implementation strategies.¹⁹ Further, both the Vermont Housing and Conservation Board, as well as the Secretary of Natural Resources, are responsible for the creation of a conservation plan on or before December 31, 2025, implementing the goals of Vermont Conservation Design, an additional framework to sustain the future of an ecologically functional Vermont landscape, the conservation plan will allow Vermont to reach the land conservation percentages outlined by the CRBPA.²⁰ These reports remain outstanding until their anticipated deadlines as outlined within the Act.

2023 Act 79 (S.80)

Senate Bill 80, or Act 73, of the 2023-24 legislative session is “An Act Relating to Miscellaneous Environmental Conservation Subjects” and was signed into law on June 28, 2023.²² Act 73 makes amendments to multiple environmental statutes in Vermont, and it affects dam design standards, water quality standards, solid waste requirements, and environmental grants and economic credits.²³ Act 73 request four different study reports, but only three of them are relevant to the criteria of 250. First, by January 1, 2025, the Department of Environmental Conservation shall submit a report the Vermont dam registration program containing an evaluation of the program, a recommendation on potential

¹⁶ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2802,” 2023, accessed December 29, 2023

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT059/ACT059%20Act%20Summary.pdf>

¹⁷ Vermont General Assembly, “An act relating to community resilience and biodiversity protection, Act No. 59 §2802.”

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modifications, a summary of registered dams, and an evaluation of other dam safety concerns.²⁴ Second, by December 15, 2023, there will be a report from the Agency of Natural Resources on the

2022 Act 170 (H.446)

House Bill 446, also known as Act 170, was passed by both the Vermont State Senate and House during the 2021-2022 Legislative Session.³³ While the act covers miscellaneous natural resources and development subjects, they relate closely to the goals, standards, and criteria of Act 250 at large. The Secretary of the Agency of Natural Resources, beginning January 15, 2019, is to report annually on the status of Lake Champlain Total Maximum Daily Load implementation plan milestones.³⁴ Beginning in January 2023, a summary of the administration of grant programs funding the Clean Water Initiative is anticipated. Additionally, on or before September 1 of each year, the Secretary of Administration is expected to provide a summary of available funding regarding water quality efforts in the state of Vermont.³⁵ Moreover, the Secretary of Natural Resources and the Secretary of Agriculture, Food and Markets are to submit a report regarding the prevalence of microplastics and polyfluoroalkyl substances in food waste and food packaging in Vermont on or before January 15, 2024.

2022 Act 184 (H.736)

House Bill 736, or Act 184, is “An act relating to the Transportation Program and miscellaneous changes to laws related to transportation,” and was signed into law on June 9, 2022.³⁷ This law focuses on investments towards transportation projects across the state for the Fiscal Year 2023, including 6

Conclusion

This report has presented a collection of study reports requested by the Vermont General Assembly within environmental laws related to Act 250. Only the 2021, 2022, and 2023 legislative sessions were analyzed. The Vermont General Assembly pulls from various agencies to conduct these study reports. These study reports provide legislators with expanded information concerning environmental laws and the implications of the laws with regard to Act 250.

This report was completed on December 29, 2023, by Christopher Lamm, Madeleine Levesque, and Kendall Turney under the supervision of VLRS Director, Professor Anthony “Jack” Gierzynski, and Dr. Jonathan “Doc” Bradley in response to a request from Representative Lisa Hango

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