

Consultants-Engineers Focus Group Discussion Takeaways August 17, 2023

Governance

- Key concern around lack of consistency among District Coordinators, especially with respect to standards or deeming an application complete or JOs, and whether they use collaborative/ problem-solving approach with applicants.
 - Results in lack of predictability and significant delay.
 - Feeling that District Coordinators are overburdened, and some are afraid of making mistakes and experience decision paralysis
 - Also concerns that District Coordinators are required to fill an unintended role in guiding the hearings process, given relative lack of experience and expertise of Commission Chairs.
 - Concern around lack of coordination and communication between District Coordinators and ANR
 - Suggestions to improve resourcing, guidance and unifying standards (e.g., a checklist for application completeness) for District Coordinators, and centralized oversight/review within NRB (e.g., centralized legal review of completeness decisions).
- Interest in building operational efficiencies in the review process, e.g., has the online process increased efficiency? What else could be improved?
- Concurrence around benefits of informal Commission hearings and an interest in more professional/capable Commission chairs
 - Informality and accessibility are key to the process's legitimacy, which helps clients in the long run
 - Commission chairs struggle with appropriately weighing evidence for permit conditions – what is necessary, what is based in science/best practices and what isn't.
- Concurrence on need for appropriate resourcing but concerns around increasing fees
 - Fees can be a significant cost that gets passed on and impact affordability
 - Construction costs have tripled in recent years
 - Suggestion that certain projects where a permit has already been issued previously should be treated differently with respect to fees, due to relative simplicity of the review

Jurisdiction

- Critical resources
 - Suggestion that any jurisdiction over critical natural resources must be very clear and predictable in advance (e.g., based on accurate and accepted maps), and not be discoverable only through an expert walking the property.
 - Concerns around quality of ANR mapping regarding contiguous forests

- Designations and exemptions
 - If we do a new designation system with exemptions, question around what happens to projects that already received an Act 250 permit, so jurisdiction already exists
 - Concern around time and cost of municipalities applying for an exemption, especially small towns
 - Concerns around equity for small towns that don't meet designation criteria but want to build
 - With growth areas, concern that we might designate the wrong areas and unintentionally inhibit growth where we want it.
 - Need to consider where/how to encourage working lands projects that will not be in designated centers, e.g., quarries
 - For different tiers/geographies, could consider different performance standards within the criteria, rather than full exemption or eliminating criteria
 - Suggestion that Act 250 is not the main driver holding up development in certain areas. It's a bigger problem.
- Redundancies
 - Seen as a significant issue: sense that they have to continuously prove the same case over and over, and system is open to abuse by people who want to halt development
 - A lot of Act 250 is redundant with ANR permitting programs
 - Criteria 6, 7, 8, 9 and 10 are not redundant.
- Follow-Up
 - Provide link to Capability and Development Plan
 - Provide information on current designated areas
 - Provide information on stakeholder focus groups