

ACT 250 NOTICE
APPLICATION 4C0436-32A PREHEARING CONFERENCE
10 V.S.A. §§ 6001 - 6111

On August 21, 2020, Bolton Valley Resort filed an Act 250 application for a project generally described as the construction of approximately 7.2 miles of new lift-served mountain bike trails at Bolton Valley Resort. The project is located at Bolton Valley Access Road in Bolton, Vermont. The application was deemed complete on March 26, 2021. This project will be evaluated by the District 4 Environmental Commission in accordance with the 10 environmental criteria of 10 V.S.A., § 6086(a).

Pursuant to Act 250 Rules 16 and 20, the Commission is convening a telephonic Prehearing Conference. A Prehearing Conference, in summary, has narrow goals and is designed to identify the parties and the issues. The Prehearing Conference will be followed by the issuance of a Prehearing Conference Report and Order (“PHCRO”) which will prescribe the informational filing requirements, the preliminary party status rulings, and the scheduling of the merits hearing at a later date.

Note to Prospective Parties: Pursuant to Vermont statute and Act 250 Rules, any person seeking to participate as a party to this proceeding **MUST** make such a party status request “on or before the first prehearing conference.” Accordingly, all prospective parties are obligated to log in or call into the Prehearing Conference scheduled below, or to file a written party status petition in advance to the Commission at NRB.Act250Essex@vermont.gov. **Failure to timely appear on the Prehearing Conference call or video conference call, or to timely file a written request by the date of the Prehearing Conference, thereafter bars a person from participating as a party in the proceeding, and any such person will thereafter lack legal standing to appeal any decision on this matter made by the District Commission.** Due to the coronavirus (COVID-19) State of Emergency, all prospective parties are asked to supply an email address, a street address, and a mailing address to the District Commission by email (NRB.Act250Essex@vermont.gov) for receiving service of notices on the proceedings.

A Prehearing Conference is hereby scheduled to convene:

Date: April 14, 2021

Time: 2:30PM via Microsoft Teams (see below)

There will be no site visit associated with the Prehearing Conference.

Prehearing Conference Instructions: Due to the coronavirus (COVID-19), this Prehearing Conference will necessarily be conducted **remotely** via **Microsoft Teams video conferencing software**. To receive a Microsoft Teams invitation via email, please e-mail the District Coordinator (rachel.lomonaco@vermont.gov) by no later than April 12, 2021, at 4:30 PM. If you are unable to participate using the Microsoft Teams platform, you may still call in to the conference with the following information:

- **Dial:** 802-828-7667
- **Enter Conference ID:** 683 929 546#

Prehearing Conference Preliminary Agenda:

1. 2:15 PM: Conference line will be available to dial in by phone or sign in via Microsoft Teams.
2. 2:30 PM: Call to order by the Chair.
3. Attendance.
4. Applicant to provide brief overview of the application.
5. Preliminary party status and friends of the commission determinations.
6. Summary of preliminary issues and criteria involved.
7. Identify evidence, documents, witnesses, stipulations, and other offers of proof to be presented at a hearing by any party.
8. Discuss schedule for future site visit and proceedings.
9. Recess.

The following persons or organizations may participate in the hearing for this project:

1. **Statutory parties:** The municipality, the municipal planning commission, the regional planning commission, any adjacent municipality, municipal planning commission or regional planning commission if the project lands are located on a town boundary, and affected state agencies are entitled to party status.
2. **Adjoining property owners and others:** May participate as parties to the extent that they have a particularized interest that may be affected by the proposed project under the Act 250 Criteria.
3. **Non-party participants:** The District Commission, on its own motion or by petition, may allow others to participate in the hearing without being accorded party status.

Due to the coronavirus (COVID-19) State of Emergency, and the complications associated with live hearings, parties may waive their right to a live hearing, and instead agree to a process that allows for pre-filing written cross examination and rebuttal documents.

If you plan on participating in the Prehearing Conference on behalf of a group or organization, please submit the following to NRB.Act250Essex@vermont.gov: 1) a written description of the organization, its purposes, and the nature of its membership (T.10, § 6085(c)(2)(B)); 2) documentation that prior to the date of the Prehearing Conference, you were duly authorized to speak for the organization; and 3) documentation that the organization has articulated a position with respect to the Project's impacts under specific Act 250 Criteria.

If you would like further information regarding participation in this Prehearing Conference, please contact the District Coordinator (rachel.lomonaco@vermont.gov) by no later than April 12, 2021 at 4:30 PM. If you have a disability for which you need accommodation in order to participate in this process (including participating in a public hearing, if one is held), please notify us as soon as possible, in order to allow us as much time as possible to accommodate your needs.

The members sitting on the District Commission for this project are: Thomas A. Little, Chair, Monique Gilbert and Pam Loranger.

If you feel that any of the District Commission members listed above may have a conflict of interest, or if there is any other reason why a member should be disqualified from sitting on this case, please contact the District Coordinator as soon as possible, and by no later than prior to the date of the first

hearing or Prehearing Conference.

A copy of the application and plans for this project are available for review online at the Natural Resources Board web site (<http://nrb.vermont.gov>) by clicking on "Act 250 Database" and entering project number 4C0436-32A

Dated this 29th day of March, 2021.

By: /s/Rachel Lomonaco
Rachel Lomonaco, District Coordinator
111 West Street
Essex Junction, VT 05452
802-879-5658
rachel.lomonaco@vermont.gov

CERTIFICATE OF SERVICE

I hereby certify on this 29th day of March 2021, a copy of the foregoing ACT 250 APPLICATION NOTICE AND PREHEARING CONFERENCE #4C0436-32A, 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

BVR, LLC
c/o Lindsay DesLauriers
4302 Bolton Access Road
Bolton, VT 05477
Imdboltonvalley@gmail.com

Peter Smiar, VHB
40 IDX Drive, Building 100, Suite 200
South Burlington, VT 05403
psmiar@vhb.com

Amy Grover, Town Clerk
Chair, Selectboard/Chair, Planning Commission
Town of Bolton
3045 Theodore Roosevelt Highway
Waterbury, VT 05676
clerkbolton@gmavt.net

Chittenden County Regional Planning Commission
c/o Charlie Baker, Exec. Dir.
Regina Mahony, Planning Program Manager
110 West Canal Street, Suite 202
Winooski, VT 05404
permitting@ccrpcvt.org

Elizabeth Lord, Land Use Attorney
Agency of Natural Resources
1 National Life Drive, Davis 2
Montpelier, VT 05602-3901
anr.act250@vermont.gov

Barry Murphy/Vt. Dept. of Public Service
112 State Street, Drawer 20
Montpelier, VT 05620-2601
barry.murphy@vermont.gov
psd.vtdps@vermont.gov

Craig Keller/Jeff Ramsey/Christopher Clow
VTrans Policy, Planning & Research Bureau
Barre City Place
219 N. Main Street
Barre, VT 05641
aot.act250@vermont.gov

Vt. Agency of Agriculture, Food & Markets
116 State Street, Drawer 20
Montpelier, VT 05620-2901
AGR.Act250@vermont.gov

Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620
scott.dillon@vermont.gov; james.duggan@vermont.gov
accd.projectreview@vermont.gov

FOR YOUR INFORMATION

District #4 Environmental Commission
Thomas Little, Chair
Monique Gilbert/Pam Loranger
111 West Street
Essex Junction, VT 05452

Linda Bullard/Department of Libraries
109 State Street
Montpelier, VT 05609-0601
linda.bullard@vermont.gov

NRCS, District Conservationist
Natural Resources Conservation Service
68 Catamount Park, Ste. B
Middlebury, VT 05753
marybeth.whitten@vt.usda.gov

Winooski NRCD Office
617 Comstock Road, Suite 1
Berlin, VT 05602
whiterivernrcd@gmail.com

Ethan Tapper, County Forester/FPR
John Gobeille & Toni Mikula/ANR-Dept. of Fish & Wildlife
111 West Street
Essex Junction, VT 05452
ethan.tapper@vermont.gov; john.gobeille@vermont.gov
toni.mikula@vermont.gov

Seven Days/Classified Ad Section
255 South Champlain Street, PO Box 1164
Burlington, VT 05402
classifieds@sevendaysvt.com

Green Mountain Power Corporation
c/o Kim Jones
163 Acorn Lane
Colchester, VT 05446
kim.jones@greenmountainpower.com

Vermont Gas Systems
PO Box 467
Burlington, VT 05402
efficiency@vermontgas.com

Efficiency Vermont
128 Lakeside Ave., Suite 401
Burlington, VT 05401
pics@veic.org

Michael Barsotti, Water Quality Director
Champlain Water District
403 Queen City Park Road
South Burlington, VT 05403
mike.barsotti@champlainwater.org

ADJOINING LANDOWNERS

Available via:
https://anrweb.vt.gov/PubDocs/ANR/Planning/4C0436-32A/Application%20Documents/005a%20Bolton%20MB%20Trails%20Adjoinder%20List%202021_03_18.pdf

Dated at Essex Junction, Vermont, this 29th day of March, 2021.

/s/Christine Commo
Natural Resources Board Technician
879-5614
christine.commo@vermont.gov