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State of Vermont
DISTRICT #5 ENVIRONMENTAL COMMISSION
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November 30, 2006

Bryant Watson, Executive Director
Vermont Association of Snow Travelers
26 VAST Lane - Berlin
Barre Vermont 05641

Re: Lamoille Valley Rail Trail: Determination on Act 250 Jurisdiction

Dear Bryant:

This letter is filed consistent with the content of an article in the November 29, 2006 Times-Argus concerning the proposed Lamoille Valley Rail Trail and the December 7, 2006 deadline for public comments on this project. My purpose in writing is to comment that a jurisdictional determination has yet to be made with respect to whether a land use permit will be required under Act 250 for the development.

Initial comments in this regard were provided by this office in an October 12, 2005 memorandum to VAST counsel L. Brooke Dingledine. A second communication was made in the form of a letter dated February 17, 2006 to you and Dan Peterson at the Agency of Transportation. That letter referenced a request for a jurisdictional determination from East Hardwick residents Robert MacLeod and Katherine Scarlott.

This office received a response dated February 24, 2006 from your office indicating that it was premature to determine Act 250 jurisdiction pending execution of a lease between the Agency of Transportation and VAST and the development of engineering and plans.

In October of this year, this office was in contact with Trini Brassard at the Agency of Transportation based upon information that the AOT-VAST lease had been executed. Ms. Brassard informed us that Dan Peterson at the Agency of Transportation would be pursuing construction details and that VAST had been authorized to retain engineering services.

Relatedly, this office has had contacts with Barry Cahoon from the Agency of Natural Resources who has inquired about any necessary permitting along this trail route for flood plain restoration work under the terms of a memorandum of agreement between the Agency

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of Natural Resources and Agency of Transportation. Our most recent conversation was on November 7, 2006 and I conveyed concern that it was difficult to discern how certain aspects of the proposed flood plain restoration work should not be viewed as initial physical actions related to the proposed trail project.

In closing, as I am sure you agree, it is most important that a timely jurisdictional determination is made so that undue delay does not result for project planning and development. In order for a jurisdictional determination to be made, it will be necessary to allow for adequate assessment of relevant facts, a site visit and an opportunity for input from interested persons.

Please do not hesitate to call with any questions or if I may be of assistance.

Sincerely,



Edward Stanak
District Coordinator

cc: Trini Brassard, Agency of Transportation
Dan Peterson, Agency of Transportation
Barry Cahoon, Agency of Natural Resources
Katherine Scarlott
L. Brooke Dingedine, Esq.
Geoffrey Green, District 6 Coordinator
Kirsten Sultan, District 7 Coordinator

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