

DECLARATORY RULING NO. 69 FOR REFERENCE ONLY.

POLICY ON RELOCATION AND RECONSTRUCTION OF FOOTPATHS ABOVE 2,500 FEET ELEVATION

1. Normal maintenance and improvement of footpaths, including reconstruction, do not require a permit: normal maintenance, replacement or reconstruction of an existing shelter related to and principally for the use of users of footpaths above 2,500 feet in elevation do not require a permit.

2. An application for relocation of an existing footpath above 2,500 feet elevation will be processed under Rule 21 of the Rules of the Board as a minor development if the application includes:

- a. a U.S. geodetic map or the equivalent depicting as accurately as possible the location of the path to be relocated and the proposed path;
- b. designation of a person under whose supervision the relocation work will be undertaken. The qualifications of such person to supervise the work shall be specified and shall include training or experience in fields relative to soils, soil erosion and control, vegetation, trail construction and forestry;
- c. certification that the proposed relocation has been reviewed by the Agency of Environmental Conservation under the criteria of Act 250 and a statement of the Agency that it has no objections to the proposed relocation.

3. Relocation of a path necessitated by reason of an emergency may be undertaken at any time provided that the person undertaking the work notifies the District Commission for the region in which the work

is to be conducted and the Environmental Agency; and as soon as practical files with the District Commission a statement of the nature and purpose of the work performed and such other materials that accurately describe the location and character of the work.

4. The relocation, expansion or construction of a shelter or facility related thereto, such as a sanitary facility above 2,500 feet in elevation, requires a permit.

5. This policy is not to be interpreted as limiting jurisdiction of Act 250 over development above 2,500 feet in elevation as provided for in 10 VSA §6001(3).

Adopted by the Environmental Board October 8, 1975.