

State of Vermont



LAND USE PERMIT AMENDMENT

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| CASE NO | 5L1529 | LAWS/REGULATIONS INVOLVED |
| APPLICANT | Vermont Mountain Bike Association | 10 V.S.A., §§ 6001 - 6093 |
| ADDRESS | PO Box 569 Waterbury Vermont 05676 | (Act 250) |

The District 5 Environmental Commission hereby issues Land Use Permit #5L1529, pursuant to the authority vested in it by 10 V.S.A., §§ 6001-6093. This permit applies to the lands identified in the land records of the Town of Stowe, Vermont, as the subject of deeds to Trapp Family Lodge, Inc. and the Town of Stowe, the Permittee as Grantee.

This permit specifically authorizes the construction and use of a network of approximately 27 miles of trails to be located within a corridor passing through the Trapp Family Lodge, Sterling Town Forest and McCutcheon Town Forest tracts located in the Town of Stowe, Vermont.

The project is subject to Act 250 jurisdiction pursuant to 10 V.S.A. 6001(3)(A)(I). Pursuant to Environmental Board Declaratory Ruling #385 (Stonybrook Condominium Homeowners Association), the District Commission limited jurisdiction to the portions of the tracts through which the recreation trails pass.

The Permittee, and its assigns and successors in interest, are obligated by this permit to complete, operate and maintain the project as approved by the District Environmental Commission in accordance with the following conditions:

1. Representatives of the State of Vermont shall have access to the property covered by this permit, at reasonable times, for the purpose of ascertaining compliance with Vermont environmental and health statutes and regulations and with this permit.
2. The project shall be completed, operated and maintained in accordance with exhibits 1-13 on file with the District Environmental Commission and the conditions of this permit.
3. No changes shall be made in the design or use of this project without the written approval of the District Coordinator or the District Environmental Commission, whichever is appropriate under the Natural Resources Board Rules.
4. The District Environmental Commission maintains continuing jurisdiction during the lifetime of the permit and may periodically require that the permit holder file an affidavit certifying that the project is being completed, operated and maintained in accordance with the terms of the permit, as provided by 10 V.S.A., Chapter 151 and the rules of the Natural Resources Board.
5. The conditions of this permit and the land uses permitted herein shall run with the land and are binding upon and enforceable against the Permittee and all assigns and successors in interest.

6. The Permittee, and all assigns and successors in interest, shall comply with the exhibits for erosion control. The Permittee shall prevent the transport of any sediment beyond that area necessary for construction approved herein. All erosion control devices shall be periodically cleaned, replaced and maintained until vegetation is permanently established on all slopes and disturbed areas. The Commission reserves the right to schedule hearings and site inspections to review erosion control and to evaluate and impose additional conditions with respect to erosion control as it deems necessary.
7. In addition to conformance with all erosion control conditions, the Permittee shall not cause, permit or allow the discharge of waste material into any surface waters. Compliance with the requirements of this condition does not absolve the Permittee from compliance with 10 V.S.A., Chapter 47, Vermont's Water Pollution Control Law.
8. In order to mitigate potential impacts on the deer necessary wildlife habitat present on the Trapp Family parcel and in the Macutchan Forest, the Permittee will close trails to mountain bike use annually from December 1 to April 15.
9. Pursuant to 10 V.S.A. § 6090(b), this permit is hereby issued for an indefinite term, as long as there is compliance with the conditions herein.
10. Notwithstanding any other provision herein, this permit shall expire three years from the date of issuance if the Permittee has not commenced construction and made substantial progress toward completion within the three year period in accordance with 10 V.S.A. Section 6091(b).
11. All site work and construction, including landscaping shall be completed in accordance with the approved plans by October 1, 2014, unless an extension of this date is approved in writing by the District Environmental Commission. Such requests to extend must be filed prior to the deadline and approval may be granted without public hearing.
12. Failure to comply with all of the above conditions may be grounds for permit revocation pursuant to 10 V.S.A., § 6027(g).

Dated at Barre, Vermont, this 25th day of June, 2010.

By /s/ Karl Johnson
Karl Johnson, Chair
District 5 Environmental Commission

Members participating in this decision:
Burt McIntire
Brad Towne

The Permittee and/or any party may file a motion to alter with the District Commission within 15 days from the date of this decision, pursuant to Natural Resources Board Rule 31(A). Decisions on minor applications may be appealed only if a hearing was held by the District Environmental Commission. Please note that there are certain limitations on the right to appeal. See 10 V.S.A. § 8504(k). Any appeal of this decision must be filed with the clerk of the Environmental Court within 30 days of the date of issuance, pursuant to 10 V.S.A. Chapter 220.

The Notice of Appeal must include all information required by Rule 5(b)(3) of the Vermont Rules for Environmental Court Proceedings (VRECP). The appellant must also serve a copy of the

Notice of Appeal on the Natural Resources Board, National Life Records Center Building, Drawer 20, Montpelier, VT 05620-3201, and on other parties in accordance with Rule 5(b)(4)(B) of the VRECP. For further information, see the Vermont Rules for Environmental Court Proceedings, available on line at www.vermontjudiciary.org. The address for the Environmental Court is: Environmental Court, 2418 Airport Road, Suite 1, Barre, VT 05641-8701 (Tel: 802-828-1660)