

Coordinators Enforcement and Compliance Protocol

(Effective July 2008; Revised October 2012)

District Environmental Coordinators and Assistant District Environmental Coordinators (Coordinators) play an important role in Act 250 enforcement. These protocols clarify certain procedures to coordinate efforts, save time, and improve the effectiveness of Act 250 enforcement.

Notices of Alleged Violations (NOAVs)

- [NOAV letters](#) and other communications putting a person on notice of an alleged violation issued by Coordinators are an important means of ensuring compliance with the program and providing validity to permits already issued.
- It is important to note that NOAV letters cannot include penalties, but further enforcement action may include penalties. Consequently, Coordinators cannot give any assurance or promise to an alleged violator that the resolution of an NOAV or other request for compliance will preclude any enforcement action.
- A person's full compliance history is critical to effective enforcement. Please send a courtesy copy of each NOAV (or a record of other communication putting a person on notice of a violation) with the Land Use Panel, by emailing the NOAV or notice of communication to the enforcement attorney. Also, please update the enforcement attorney via email if the matter has been resolved, or if there is any other change in status.

Investigation Requests

- In order to preserve the attorney-client protections, all requests for investigations by the Permit Compliance Officer (PCO) or an Agency of Natural Resources Environmental Enforcement Officer (EEO) shall be made to the enforcement attorney. The attorney will then make the request of the PCO or EEO.
- Please provide information such as the a brief description of the violation, the property location, the owners' name and address, and any related Act 250 Permit number(s). Coordinators may also choose to complete and email a [Referral Form](#).

As-Built Referrals

Any development commenced or subdivision created without a Land Use Permit in violation of Act 250, or material change made to permitted projects without a permit amendment in violation of Act 250 Rule 34(A), is referred to as an "as-built." The following as-built referral protocol ensures equitable and consistent enforcement action on as-builts across the state, and develops a stronger record for potential future enforcement actions.

- When a Coordinator receives an application for an as-built, or otherwise learns

about an as-built, please consult with the enforcement attorney to discuss whether or not enforcement should be pursued. In preparation for discussion with the enforcement attorney please email the attorney any pertinent information as described under investigation requests or complete a [Referral Form](#).

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