

NATURAL RESOURCES BOARD
Minutes of the Monthly Meeting of the Board
TUESDAY, February 14, 2016
10:00 am

Location of Meeting:

NRB – Dewey Building
1 National Life Drive
Montpelier, Vermont 05620-3201

Present at Meeting:

Board Members

Diane Snelling, Chair
Dominic Cloud, Member (by teleconference)
William Boyd Davies, Esq., Member (by teleconference)
Martha (Marty) Illick, Member (by teleconference)
Don Sargent, Member (by teleconference)

Staff

Lou Borie, Business Process Director
Gregory Boulbol, General Counsel
Aaron Brondyke, Enforcement Officer
Peter Gill, Associate General Counsel
Kimberley Lashua, Business Director
Elexandra Arthers, Legal Technician

Members of the Public

Kate McCarthy, VNRC

Absent from Meeting:

Alexandra Pastor, Project Manager

The Natural Resources Board meeting was called to order at 10:02 AM on February 14, 2017 at NRB – Dewey Building- by Diane Snelling.

I. Approval of the Minutes

Bill Davies made a motion to approve the minutes of the October 11, 2016 meeting, with the following corrections:

- On page 4, Last sentence of Executive Session, add the word “was” between “revised” and “unanimously so the sentence results as below:
“The motion was seconded by Don, with a correction noted by Marty that she is recused from the LaBerge vote, and the motion as revised was unanimously approved.”
- Change the roman numeral on “Other Business” from VII to VIII
It now reads- **VIII. Other Business**

Dominic seconded the motion and the Board unanimously approved the motion in a 5-0 roll call vote:

Diane Snelling – Yes
Bill Davies – Yes
Marty Illick – Yes
Dominic Cloud – Yes
Don Sargent – Yes

II. Opportunity for Public Comment on Non-Agenda Items

The Board received no comments on non-agenda items.

III. NRB, Office, and Budget Updates

Annual Report – The NRB staff has been working to prepare the Annual Report, due tomorrow, February 15, 2017. The budget this year is level funded and we have received feedback from the Department of Finance on plan details. The Board will receive copies of the Annual Report tomorrow.

IV. Legislative/Policy updates

Greg, Peter and Diane updated the Board on active legislative and policy matters as follows:

Act 171 (Forest Integrity) – The Act 171 Forest Integrity Study Committee Report includes a recommendation from Diane to consider establishing a Joint Legislative Committee, with an Advisory Board, to be convened as a new Commission on the Landscape- for a term of three years. The Committee would have the charge to engage in strong public education and outreach, and to comprehensively review Act 250, and other permitting, to better produce the outcomes Vermonters want.

Act 174 (Appeal Procedure- Energy Compliance Determinations) –Under the statute the NRB hears appeals of the Department of Public Service energy compliance determinations. Peter Gill has drafted an appeals process, and asked the Board for input and comments, in writing. Marty Illick offered positive comments on the draft, and Bill Davies offered two edits. The draft is under review by various state agencies at the moment and the Board will discuss this matter at the next meeting.

H.45 (9(L)) – This bill proposes to amend the settlement patterns criterion of Act 250 (10 V.S.A. chapter 151), known as Criterion 9L. It was noted that this bill contemplates changes to 9(L) that allows applicant's a "town approval" to meet the criteria. This Bill does not delete the definition of strip development.

H.209 (Permit reform and 9(L)) – An act relating to land use and environmental permit processing. Bill Davies expressed concern with H.209; specifically, in the

deletion of the definition of strip development in 9(L). He further expressed concern that both H.209 and H.45 stand to weaken the effectiveness of Act 250. This notion was reiterated by Marty.

H.233 (Forest Integrity) – This bill adds a potential trigger for Act 250 jurisdiction related to defined forest blocks.

These bills are all in the relatively early stages of adoption. Further discussion will follow as necessary at future board meetings.

V. Appeals (Summary Discussion/ Status)

Greg and Peter gave general status updates to the Board on active enforcement and appellate matters as follows: Mathez, Mt. Snow, Costco SW JO, Gerald Scott, Daniel Clay, Long Associates, Dearborn, and Divergent Diamond Interchange.

VI. Executive Session

Bill made a motion to go into executive session in accordance with 1 V.S.A. Section 313(a)(1) and (6) to discuss attorney-client privileged documents and civil actions by the State where premature public knowledge would clearly place the Board at a substantial disadvantage, with the added specification of further discussing the Mathez, Mt. Snow, Costco SW JO, Gerald Scott, Daniel Clay, Long Associates, Dearborn, and Divergent Diamond Interchange appeals, as well as the Mountain Top and Long Trail Enforcement matters. Dominic seconded the motion, and the motion was unanimously approved by the Board in a 5-0 roll call vote:

Diane Snelling – Yes
Bill Davies – Yes
Marty Illick – Yes
Dominic Cloud – Yes
Don Sargent – Yes

The Board went into executive session at 10:30AM. The Board came out of executive session at 10:57AM.

Bill made a motion to ratify the Chair's decision to enter the Board's appearance in the Mathez, Mt. Snow, Costco, Gerald Scott, Daniel Clay, Long Associates, Dearborn, and Divergent Diamond Interchange appeals. The motion was seconded by Marty and the motion was unanimously approved by the Board in a 5-0 roll call vote:

Diane Snelling – Yes
Bill Davies – Yes
Marty Illick – Yes
Dominic Cloud – Yes
Don Sargent – Yes

VII. Other Business

Dominic expressed an interest in examining the role of the Natural Resources Board. The Board as a whole agreed, and this will be a main topic of discussion at the Board's next meeting.

Bill Davies made a motion to adjourn the meeting. Marty Illick seconded the motion and the Board unanimously approved the motion in a 5-0 roll call vote:

Diane Snelling – Yes
Bill Davies – Yes
Marty Illick – Yes
Dominic Cloud – Yes
Don Sargent – Yes