



**NATURAL RESOURCES BOARD**  
Dewey Building  
National Life Drive  
Montpelier, VT 05620-3201

**NATURAL RESOURCES BOARD MEETING**  
**TUESDAY, April 12, 2016**  
**9:00 am**

**PRESENT**

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

**ABSENT**

Gregory Boulbol, General Counsel

**STAFF**

Lou Borie, Executive Director  
Peter Gill, Associate General Counsel  
Aaron Brondyke, Permit Compliance Officer  
Kimberley Lashua, Administration Manager  
Alexandra Pastor, Program Technician  
Jessie Davignon, Legal Technician

**GUEST**

Barry Murphy, Energy Efficiency Program Specialist, Department of Public Service

The Vermont Natural Resources Board convened at 9:04 a.m. at the Dewey Building Conference Room, Dewey Conference Room, National Life Drive, Montpelier, Vermont, Chair Diane Snelling presiding.

**Approval of the Minutes**

A motion to approve the minutes of the Tuesday, March 8, 2016 meeting was made by Bill Davies, with the following corrections:

- On page 2, under "Staff," add a comma after "March" and before "Thursday."
- On page 2, under "Staff," change "Operations" to "Appropriations" twice.
- On page 3, under "Legislative update," paragraph 2, change "proposed ... is subjected to" to "proposes ... subject to."
- On page 3, under "Legislative update," last paragraph, change "an appeal" to "a repeal."

The motion was seconded by Marty Illick and it was unanimously approved by the Board.



**Rescind Master Permit Policy & Procedure (replaced by Rule 21 adopted 12/4/2015)**

The NRB (at the time, known as the Environmental Board) adopted the Master Permit Policy and Procedure and accompanying Guidance Document, in March 2000. The Policy and Procedure have been superseded by Rule 21 and the Guidance is out-of-date. Both the Master Permit Policy and Procedure and the Guidance Document should be rescinded and the Board should consider whether a new Guidance Document should be adopted to provide additional guidance on implementing Rule 21.

Bill Davies made a motion to rescind the current Policy and Procedure and Guidance Document. This was seconded by Don Sargent., The motion was unanimously approved by the Board.

This topic will be added to the agenda for the Board's next meeting (May 10, 2016) with Lou Borie and Peter Gill providing a progress update to the Board at that time regarding the need for a revised procedure document.

**Public Service Board proposed Rule 5.100, draft comment letter**

The Board reviewed a proposed comment letter and redlined draft of Public Service Board Rule 5.100. The proposed comments and redlined draft, in short, requested that the PSB rule 5.100 include provisions that require applicants to provide the NRB with notice of proposed net-metered projects located on lands already subject to an Act 250 Land Use Permit.

Bill Davies made a motion to authorize the filing of the two documents with the PSB. The motion was seconded by Marty Illick, with an amendment requesting three edits to the proposed rule as follows: (1) first page, second paragraph, fifth line from the bottom delete "an", (2) second page, top paragraph, fifth line add "are", and (3) delete of the Board signatures on the last page of the document, and signed by the NRB Chair rather than the Board. The Board unanimously passed the amended motion.

**Action on Pending Appeals and Enforcement Matters**

Bill Davies 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. Don Sargent seconded the motion and it was unanimously approved by the Board.

### **Review of Draft 9F (Energy Conservation) Procedure**

Pete Gill provided the Board with background on the stakeholder process leading up to the proposed Criterion 9F Procedure and Commercial Stretch Guidance. Although notice was provided, no stakeholders attended the meeting. Barry Murphy, from the Public Service Department, provided information regarding the Commercial Stretch Guidance and reviewed comments received by Efficiency Vermont. The Board requested the Chair contact Efficiency Vermont to discuss their concerns with the proposed procedure and Commercial Stretch Guidance.

Chair Snelling will follow up with the Board. This topic will be added to the agenda for the Board's next regularly scheduled meeting (May 10, 2016) for further review and discussion.

### **Office/Budget Updates:**

#### *Budget:*

Lou Borie indicated that the NRB budget for FY 2017 is 2.1% lower overall than FY 2016 and the General Fund portion is down by 5%. Because both House and Senate Appropriations Committees are pleased with our budgets as drafted, we anticipate our budget will be approved without any changes. For the current fiscal year (FY 17), we are on track with our budget and our revenue is on target.

#### *Staff/appointment updates:*

There are several updates from the Springfield office. Susan Precourt is retiring at the end of April, creating a vacancy for which we will begin recruiting shortly. The Act 250 Specialist position has been successfully filled by Kimberli Lutchko, originally with the Department of Environmental Conservation.

In Montpelier, we welcome newly appointed NRB Chair Diane Snelling. She will continue Jon Groveman's efforts on encouraging two-way communication between the main office and the district offices, making use of our new technology Skype Business. She will also build on her close relationship with the legislature to promote the needs of the NRB and possibly expand the NRB budget to hire more legal and/or enforcement staff in the legislative year to come. Delegation of authority from the Natural Resources Board to the Chair has already been approved by the Board and it does not require additional Board action at this time to include Chair Diane Snelling.

Diane is also working with the Governor's Office for the appointment of new commissioners to fill vacancies, for reappointment of current commissioners, and alternates whose terms have expired.

*Other business:*

Records Management System and Policy update:

This topic will be on the agenda for at least the next two Board Meetings (May 10 and June 14, 2016). The NRB is working with the Vermont State Archives & Records Administration to produce a records retention policy and manual. One of the archivists will be invited to our next Board meeting to introduce concepts in record retention and help us update our current record retention policy. Kimberley Lashua will present the Board with a draft NRB archiving policy and manual when ready. The archiving policy will keep in mind the overarching goal of becoming a "paperless" organization. The revised archiving policy will also take account of the auto-conversion of any current digital archive files (PDF, etc.) to any new format/file types developed in the future which are then considered the new standard in truly permanent archives. Springfield is the pilot project for our organization in the paperless workflow.

6086b. – Interim Procedure:

Lou notified the Board that the 6086b Downtown Findings Interim Procedure no longer applies because Rule 22 "Designated Downtown Development District Findings & Conclusions" has been adopted. The Board will warn this topic for the next regularly scheduled Board meeting (May 10, 2016) when it will consider whether it needs to formally rescind the Interim Procedure.

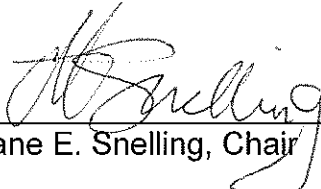
NOAVs:

Pete Gill updated the Board that the staff no longer intend on posting Notice of Alleged Violations (NOAVs) on the Board's website because the process takes away from valuable staff time and has not proven as an effective deterrent. This topic will be on the agenda for our next regularly scheduled Board meeting (May 10, 2016).

**Adjourn**

At 10:57 a.m., Bill Davies made a motion to adjourn, which was seconded by Don Sargent and unanimously approved by the Board.

Respectfully submitted,

  
Diane E. Snelling, Chair

Approved by the Board at its May 10, 2016 meeting.

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