



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING TUESDAY, July 14, 2020 11:00 am

Board Members Present by Microsoft Teams:

Diane B. Snelling, Chair; Martha (Marty) Illick, Vice Chair; Brad Aldrich, Member; Don Turner, Member

ABSENT

Steve Larrabee, Member

Staff by Microsoft Teams:

Gregory Boulbol, General Counsel; Kimberley Lashua, Business Director; Evan Meenan, Associate General Counsel; Katie Emerson, Legal Technician; Paige Bryer, Legal Intern; Michaela Stickney, Enforcement & Compliance Officer; Katharine Haan, Enforcement & Compliance Officer

The Vermont Natural Resources Board convened at 11:02 a.m. via Microsoft Teams, Chair Diane B. Snelling presiding.

I. 11:05 a.m. Welcome and Introductions

The meeting began with a question from the board regarding Act 250 hearings. There is a concern that hearings are being delayed. This is not the case, district commissions are open to have either remote or in-person hearings. Most commissions have had prehearing conferences and the applicants have elected to wait on a live, in-person, hearing. More details regarding hearings during the Executive Order can be found in latest Act 250 Notice of Emergency Response [statement](#) on the website.

Mr. Evan Meenan remarked that one barrier to in-person meeting has been acquiring the necessary personal protective equipment, but we are making progress on that front. Note the offices are still closed to the public at this time.

II. 11:07 a.m. Opportunity for public to comment and agenda and non-agenda items.

Chair Snelling offered the opportunity for public comment, no members of the public were present.

Mr. Greg Boulbol introduced Katharine Haan, our new enforcement and compliance officer.

III. 11:08 a.m. Review and action on Minutes of June 9, 2020

A motion to approve the minutes of the Tuesday, June 9, 2020 meeting was made by Ms. Marty Illick and seconded by Mr. Don Turner and approved unanimously.



IV. 11:10 a.m. NRB office and budget updates

Ms. Kimberley Lashua informed the Board that since the last meeting we have received instruction to produce a restatement of the FY21 budget with 5% reduction of General Funds. As a reminder the NRB budget is comprised of 80% general fund, 20% special fund; and personnel makes up the largest portion of the overall budget.

The Administration has given us Internal Service Funds targets for making reductions, but additional cuts totaling \$32,348 will need to be made in general fund spending. Ms. Lashua recommends making reductions in all major operating expense categories. We will possibly reduce all reliance on general fund for some areas. These changes may require changes to our operations, but they will not hinder our ability to do business or provide services.

Office Update:

District 1 & 8 Coordinator, Bill Burke is retiring after 27 years with the NRB. His last day is this Friday. We are going to reclassify Kim Lutchko's position to make it a Coordinator position. Ms. Lutchko currently works in Rutland office as an Act 250 Permit Specialist (a hybrid of coordinator and technician position). Until the reclassification is finalized, State Coordinator Aaron Brondyke will work with Ms. Lutchko on any decisions that require coordinator involvement. As with all vacancies, Mr. Burke's position will be reviewed. The state is currently in a hiring freeze for all types of positions including replacements.

V. 11:20 a.m. Discussion regarding Act 250 legislative initiatives

Mr. Boulbol reviewed that an Act 250 bill was passed out of the House and portions of bill were taken up by the senate in a housing bill. The senate was looking at changes to the following subjects: trails, exemptions in designated downtowns and neighborhood development areas, and forest products manufacturers. There was also a new version of the old road rule – a linear foot threshold of roads or combination of roads that would trigger jurisdiction. The senate brought the housing bill to floor with many amendments. It was asked to lie; it will have to be called up to revisit in August.

As part of the online database and application project, a minor change to notice procedures was included in the House bill. It was not taken up by the senate, so the NRB will need to draft a standalone technical correction bill so that the board's processes are compliant with the statute once the online database and application is up and running.

VI. 11:35 a.m. Criterion 9 (F) Procedure

Mr. Boulbol gave an update on renewable energy guidelines. Earlier this year the Board voted to not update the CBES stretch guidelines. By default, the only guidelines in effect will be the baseline CBES. We had to update the procedures to reflect the absence of commercial stretch guidelines.

For background information, procedures and guidelines don't go through the public rigor that statutes and rules go through. Procedures are only binding on the Board. Because there will no longer be commercial stretch guidelines, projects can no longer rely on a presumption of

compliance by meeting the stretch guidelines (for commercial projects). The burden of determining compliance with criteria 9F will fall on district commissions.

We have circulated the draft procedure with the Public Service Department to get feedback to make sure we aren't missing anything. Hope to review feedback in the next couple of days and vote at next month's meeting or have a special meeting. a special meeting would only be needed if we need to quickly change templates because of September 1st roll out date of new CBES.

Chair Snelling commented that in the past the Board has not had an August meeting, if there is no August meeting, we would need a special meeting (likely brief).

VII. 11:45 p.m. Adjourn

At 11:46 a.m., Ms. Marty Illick made a motion to adjourn, seconded by Mr. Brad Aldrich, and unanimously approved by the Board.