



NATURAL RESOURCES BOARD

Dewey Building
National Life Drive
Montpelier, VT 05620-3201

NATURAL RESOURCES BOARD MEETING

Tuesday, August 12, 2014

DRAFT MINUTES

PRESENT

Ronald A. Shems, Esq., Chair
William Boyd Davies, Esq., Member
Don Sargent, Member
Marty Illick, Member
Charles Haynes, Alternate Member

STAFF

Lou Borie, Executive Director
Melanie Kehne, General Counsel
Peter Gill, Associate General Counsel
Greg Boulbol, Associate General Counsel
Kimberley Lashua, Administration Manager
Donna Seckington, Administrative Secretary

The Vermont Natural Resources Board convened at approximately 9:36 a.m. on Tuesday, August 12, 2014 at the Dewey Building Conference Room, National Life Drive, Montpelier, Vermont, Chair Ron Shems presiding. Chair Shems welcomed everyone to the meeting.

1. Approval of Minutes

Bill Davies moved to approve the minutes of the June 10, 2014 meeting, with an administrative correction as noted. The motion was seconded by Don Sargent and unanimously approved by the Board. Chuck Haynes abstained.

2. Office and Budget Updates

Lou Borie gave a brief budget update. The Administration has announced a rescission due to a downgraded revenue forecast. All agencies are required to submit a plan to reduce General Fund appropriations by 4%. NRB has submitted a plan to reduce its General Fund appropriation by \$33,111 (4%). Copies of the plan were shared with the Board and there was a brief discussion. No action was taken.

3. Act 145 Memorandum of Understanding (MOU) Discussion



Greg Boulbol and Ron Shems gave an overview of the preliminary draft Memorandum of Understanding with the Vermont Agency of Transportation. The MOU is needed to implement Act 145, which took effect July 1, 2014. It is a work in progress

4. Criterion 9(F) – NRB Energy Code Comments

Bill Davies moved to ratify the Chair's decision to file comments with the Department of Public Service on August 5, 2014 on the proposed Energy Code Updates. The Motion was seconded by Marty Illick and unanimously approved by the Board.

5. Criterion 9(L) – Discussion and possible adoption of Guidance Document

Discussion continues on implementing Criterion 9(L), with staff, and with Board and Commission members. The spring Commission trainings on Criterion 9(L) provided a lot of information, so Ron Shems, Lou Borie and Melanie Kehne have been meeting separately with District Commissions to follow up. To provide policy direction on issues of infill, Ron Shems drafted a Guidance memorandum for staff earlier this summer. This memo has been revised and reformatted as an NRB Guidance document. The Board reviewed the draft and suggested revisions. The goal is to adopt the Guidance quickly, to assist Commissions and staff. The Board can revised and readopt if needed, before revision for adoption as a more formal Procedure. In addition, the Board will look at possible Act 250 Rule provisions to clarify Criterion 9(L) issues.

Bill Davies moved to approve the adoption of revised Criterion 9(L) Guidance, as may be further revised by the Chair to incorporate further Board and staff suggestions, to take effect on August 15, 2014. The Motion was seconded by Chuck Haynes and unanimously approved by the Board.

6. Rulemaking and Policy

- **Act 250 Rules – possible revisions**
- **Master Permit Policy – review and update**

Work continues on possible Act 250 Rule revisions. To economize on rulemaking costs, the current plan is to include the rules required by the Act 199 Master Plan update in the overall Act 250 Rules package. Act 199 requires that rulemaking commence by January 1, 2015.



Lou Borie gave an update on the Act 199 Master Plan review. Input has been solicited from staff and agency partners. Outreach will continue with other stakeholders.

7. Appeals, enforcement, litigation and attorney-client privileged or work product memoranda (Executive Session).

Don Sargent made a motion to go into executive session in accordance with 1 V.S.A. Sec. 313 (a)(1) for discussion of privileged documents and civil actions by the State where premature public knowledge would clearly place the Board at a substantial disadvantage. Chuck Haynes seconded the motion, which was approved 5-0. The Board went into executive session at approximately 10:23 a.m.

8. Action on Pending Appeals

The Board came out of executive session at approximately 10:44 a.m. and took action as follows:

Re: *Smugglers' Notch Management Company, Ltd, No. 84-6-14*

Bill Davies made a motion to ratify the Chair's decision to participate in this appeal. Marty Illick seconded this motion, and it was approved unanimously.

Re: *Treetop Development Company, No. 77-6-14*

Bill Davies made a motion to participate in this appeal, ratifying the prior entry of appearance. Marty Illick seconded this motion, and it was approved unanimously.

9. Opportunity for public comment on non-agenda items

There were no public comments.

10. Other Business

Kimberley Lashua briefly discussed distribution of meeting materials to NRB members. Paper copies vs. non-paper. She invited members of the Board to decline a paper packet in the spirit of cost savings, if they were comfortable using SharePoint exclusively. Details to be worked out for the next meeting.



At approximately 10:56 a.m. Marty Illick moved to adjourn. Chuck Haynes seconded the motion, and it was unanimously approved by the Board.

Respectfully submitted,

Ronald A. Shems, Esq., Chair

Approved by the Board at its _____ meeting.

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