



## NATURAL RESOURCES BOARD

10 Baldwin Street  
Montpelier, VT 05633-3201

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### NATURAL RESOURCES BOARD MEETING

Tuesday, May 9, 2023, at 9:00 am

Board Members present in person or by Microsoft Teams:

Sabina Haskell, Chair  
Brad Aldrich, Vice Chair  
Steve Larrabee, Member  
Don Turner, Member  
Andrew Collier, Member

Board Members not present:

None

Staff present in person or by Microsoft Teams:

Peter Gill, Executive Director  
Alison Stone, General Counsel  
Jenny Ronis, Associate General Counsel  
Aaron Brondyke, State Coordinator  
Christopher Kinnick, Enforcement and Compliance Officer  
Rachel Lomonaco, Business Director

Members of the Public:

None

The Vermont Natural Resources Board convened at 9:01 a.m. via Microsoft Teams, Chair Sabina Haskell presiding.

**I. 9:01 a.m. Welcome and Introductions**

Chair Haskell welcomed those in attendance.

**II. 9:02 a.m. Opportunity for public to comment and agenda and non-agenda items**

Chair Haskell offered the public the opportunity to comment. No members of the public were present.

**III. 9:03 a.m. Review and action on minutes of March 14, 2023**

A motion to approve the minutes of the Tuesday, March 14, 2023 meeting was made by Mr. Aldrich, seconded by Mr. Turner and approved by those members in attendance of the March 14, 2023 meeting as follows.

Sabina Haskell - Yes  
Brad Aldrich - Yes



Steve Larrabee - Yes  
Don Turner - Yes  
Andrew Collier – Abstain

**IV. 9:04 a.m. Discussion regarding Act 250 legislative initiatives**

Chair Haskell provided a legislative update on S.100, an act relating to housing opportunities made for everyone. S.100 proposes changes to how residential projects would be treated in Act 250 including new proposed exemptions for residential projects. This bill is currently in the House. The House Committee on Natural Resources, Fish and Wildlife recently asked for additional information regarding priority housing project exemptions.

Executive Director Peter Gill provided an overview of the testimony provided on May 8, 2023 to the Senate Committee on Natural Resources and Energy regarding a proposal to exempt certain utility line projects from Act 250 through 2026.

Chair Haskell provided an update on the NRB legislative study required by Act 182 of 2022. The NRB will be awarded \$200,000.00 to hire a facilitator for this study to help facilitate conversations with stakeholders. The study will be focused on location-based jurisdiction, the Capability and Development Plan, governance of the NRB and fees. In addition, it's likely that the study topics could be broadened this legislative session. A request for bids has gone out to several potential facilitators.

Chair Haskell also provided an update that the environmental justice work is likely to be delayed. Chair Haskell will keep the Board apprised of this work as it moves forward.

Executive Director Peter Gill provided an update that we have requested a technical correction in S.100 and the big bill to clarify that the Act 250 application fee cap of \$165,000.00 applies on a per-application basis rather than on a per-project basis in accordance with longstanding practice and a recent ruling from the Superior Court Environmental Division.

**V. 9:16 a.m. NRB office and budget updates**

Business Director Rachel Lomonaco gave a budget update. The NRB was awarded a Pay Act contribution recently and the NRB has received over \$2M in fees this fiscal year. The FY2023 budget indicates that we should receive approximately \$2.5M in fees and there is likely to be a shortfall in revenue this fiscal year.

**VI. 9:18 a.m. Discussion of appeals, enforcement, and attorney-client memoranda.**

General Counsel Alison Stone provided an update on enforcement cases. Our enforcement team has opened 47 investigations this year, 12 of which have become enforcement cases. This year, 7 notices of alleged violation, 2 citations and 2 assurances of discontinuance have been issued.

General Counsel Alison Stone and Associate General Counsel Jenny Ronis provided updates on appeal cases. There are currently 19 active appeal cases and 5 additional cases that were closed this year. Ms. Stone and Ms. Ronis recently spent 5 days in trial for the Burton case, and the Sugar Mountain Holding case is scheduled for trial beginning on May 11, 2023. Several new appeals were received in the past few weeks.

**VII. 9:34 a.m. NRB office and budget updates**

Executive Director Peter Gill included some updates on policy or guidance initiatives including: (a) guidance on how to apply 10 V.S.A. Section 6001(3)(E) to clarify what portion of a tract is jurisdictional, (b) guidance for district commission Chairs on fee waiver requests for projects that have been previously reviewed, (c) guidance to the Board, staff and commission on *ex parte* communications, and (d) guidance on the chain of communication for media and testimony requests. Mr. Gill indicated that Mr. Brondyke is also working on updates to the Act 250 application and application guide.

State Coordinator Aaron Brondyke provided an overview of the presentation made to the Windham Regional Planning Commission and Windham County municipal officials on May 1, 2023. The event was well attended, and participants provided good feedback on the information offered.

**VIII. 9:44 a.m. Executive Session**

A motion to find that premature disclosure of information would clearly place the Board at a substantial disadvantage and to enter executive session for the purposes of discussing this information was made by Mr. Larabee, seconded by Mr. Aldrich and approved unanimously by the Board except for Mr. Collier who left the meeting just prior to the executive session.

A motion to leave executive session was made by Mr. Aldrich, seconded by Mr. Larabee and approved unanimously by the Board members present.

**IX. 9:53 a.m. Adjourn**

At 9:53 a.m. a motion to adjourn was made by Mr. Turner, seconded by Mr. Aldrich and approved as follows.

Sabina Haskell - Yes

Brad Aldrich - Yes

Steve Larrabee - Yes

Don Turner – Yes

Andrew Collier - Not present