



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING **Tuesday, September 8, 2023, at 9:00 am**

Board Members present in person or by Microsoft Teams:

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

Board Members not present:

None

Staff present in person or by Microsoft Teams:

Alison Stone, General Counsel
Jenny Ronis, Associate General Counsel
Peter Gill, Executive Director
Aaron Brondyke, State Coordinator
Christopher Kinnick, Enforcement and Compliance Officer
Madeline Cotter, Legal Technician
Stephanie Gile, District 2 Coordinator
Rachel Lomonaco, Business Director

Members of the Public:

None

The Vermont Natural Resources Board (NRB) convened at 9:02 a.m. via Microsoft Teams, Chair Sabina Haskell presiding.

I. 9:02 a.m. Welcome and Introductions

Chair Haskell welcomed those in attendance.

II. 9:03 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. 9:11 a.m. Review and action on minutes of August 8, 2023

A motion to approve the minutes of the Tuesday, August 8, 2023 meeting was made by Mr. Turner, seconded by Mr. Aldrich, and approved by the members that attended the August 8, 2023 meeting as follows.



Sabina Haskell - Yes
Brad Aldrich - Yes
Steve Larrabee – Abstain
Don Turner - Yes
Andrew Collier – Yes

IV. 9:05 a.m. NRB office and budget updates

Chair Haskell provided an update on the FY25 budget timeline. Budget instructions were just received, and we have started those conversations. A draft budget is due in October.

Chair Haskell included that the Act 182 study on ‘the necessary improvements to Act 250’ is ongoing. The steering committee and stakeholder groups continue to meet and minutes for those meetings are available on the NRB website. There is consensus around changing the structure of the Board to provide for robust rule making. There is some consensus around tiers of jurisdiction including areas where growth would be incentivized (Tier 1), rural or suburban areas (Tier 2) and significant natural resources areas (Tier 3). The details of these proposals will matter and everyone in the process is working very hard. In addition, there have already been conversations with members of the House Natural Resources and Energy Committee on the progress of the Act 182 study. The legislature is interesting in taking up Act 250 again next session.

Chair Haskell also provided an update that the interagency environmental justice panel. Our next task is to draft a community engagement plan to focus on ways that we can reach various groups throughout Vermont. Implementation of the plan could require statute updates through legislative action and/or rule updates.

Executive Director Peter Gill included that we have drafted updated guidance on Act 47, or the HOME Act (S.100). The updated guidance document will be on our website shortly. It was created to provide clarity on areas where jurisdictional triggers changed from 10 to 24 units, the “4=1 provision” for the purpose of unit count, and changes to priority housing project thresholds. If a person wants to use a HOME Act jurisdictional exemption, there are requirements to receive a jurisdictional opinion and complete the project by a certain date. The recent updates clarify that if a project meets existing thresholds prior to the Home Act, a jurisdictional opinion and project completion deadline do not apply. So far, we have only received one jurisdictional opinion request that related to the HOME Act jurisdictional exemption.

Executive Director Peter Gill provided an update on ARPA project tracking. To date, there are 332 ARPA projects that have received ARPA grant disbursements. Our staff have reached out to 141 of those ARPA grant recipients to make them aware that an Act 250 permit may be required.

Approximately 56 of those projects do not require an Act 250 permit and 7 Act 250 permits have been issued for ARPA-funded projects to date.¹

Executive Director Peter Gill provided an update on flood response related to the July 2023 severe storm. To date, there are 23 projects that have requested use of Executive Order #03-23 and Addendum #1 of Executive Order #03-23 to waive certain land use permit conditions and Act 250 permitting requirements. Those projects will have to come into full compliance with land use permit requirements by no later than October 15, 2023 and report compliance to the Board by November 15, 2023. We will provide reminders to those folks soon to remind them of the timeline.

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

General Counsel Alison Stone and Associate General Counsel Jenny Ronis provided updates on appeal cases. There are 23 pending appeal cases. The legal staff has been sharing a list of those cases with the coordinators and that list can be circulated to the Board in the future if there is interest. Ms. Stone and Ms. Ronis provided updates that the Sugar Mountain Holdings case was appealed to the Supreme Court. In the Burton case, the Environmental Court made a ruling on a request to reconsider the decision asking parties for additional information on permit conditions that should be included. In the Victory Hill Trails case, NRB legal and enforcement staff made a site visit recently to the project area. In the Peacefield case, an appeal was made on a recent jurisdictional determination. No enforcement updates were made.

A motion to find that premature disclosure of information would clearly place the Board at a substantial disadvantage and to enter into executive session for the purposes of discussing this information was made by Mr. Turner, seconded by Mr. Collier and approved unanimously by the Board.

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

VI. 9:47 a.m. Adjourn

At 9:47 a.m. a motion to adjourn was made by Mr. Aldrich, seconded by Mr. Turner, and approved as follows.

Sabina Haskell - Yes
Brad Aldrich - Yes
Steve Larrabee – Yes
Don Turner – Yes
Andrew Collier - Yes

¹ Post-meeting research indicated that the Board's ARPA tracking database contained some errors. Staff will update the Board with accurate numbers.