



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING **Tuesday, November 14, 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

Board Members not present:

Steve Larrabee, Member

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
Michaela Stickney, Enforcement and Compliance Officer
Madeline Cotter, Legal Technician
Rachel Lomonaco, Business Director

Members of the Public:

None

The Vermont Natural Resources Board (NRB) 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.

Mr. Turner asked for an update on the Necessary Updates on Act 250. Chair Haskell said a draft report will be circulated to the Steering Committee and Board.



III. 9:05 a.m. Review and action on minutes of September 8, 2023

A motion to approve the minutes of the Tuesday, September 8, 2023, meeting was made by Chair Haskell, and seconded by Mr. Collier by the members that attended the September 8, 2023 meeting as follows.

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

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

District 4 technician, Adriene Katz, started last Monday. She is a librarian by training and has worked in the Shelburne museum archival program. She is also a Vermont State Libraries board member. A training will be held next Monday for Adriene and new District 5 commissioner, Don Marsh.

The NRB was awarded a \$500,000 grant via the American Rescue Plan Act (ARPA) to move forward with scanning our Land Use Permit files, starting in District 4 and District 7. Additionally, the NRB received a one-time appropriation of \$1 million last year to keep the project moving forward. Staff continue to organize files in preparation of sending them to the vendor. We executed a contract with Xerox, and this week we are shipping out a few boxes in a pilot project to test the process. The goal is to make our files publicly available to all, and to permanently preserve our records in a digital format. At the end of the project the files will be sent to Vermont State Archives and Records Administration (VSARA) for permanent retainment.

The NRB will be meeting with staff at the Vermont Department of Finance and Management to talk about our budget. We are requesting a budget adjustment of about \$120,000. Act 47 (S.100) exempted fees for some housing development. Looking to FY2025, looking for 6% increase in our general fund appropriation plus the \$120,000 for those 3 year limited exemptions in Act 47 (S.100).

We are continuing to track ARPA projects and funds. 19 permits for ARPA funded projects have been issued. NRB staff are tracking a total of 362 projects utilizing ARPA funds. Not all of those projects will be Act 250 jurisdictional, and we are working through those determinations. The initial phase was collecting contact information for those projects and then reaching out to those individuals about the potential need for permitting. At present, we have reached out to about two-thirds of those project managers. This work is being done in batches as it often results in

requests for Jurisdictional Opinions from coordinators. This work has greatly increased the number of Jurisdictional Opinions being issued in all districts.

The Executive Order for Emergency Flood Response was extended to December 15, 2023. Properties need to be stabilized and then final reclamation will be done in the spring.

To comply with the mandates of the environmental justice law, we have a button on our main page and an email inbox to field and report complaints and their resolutions.

V. 9:19 a.m. Act 250 Necessary Updates study report

We have finished stakeholder and steering committee meetings. Currently, our consultants are drafting a report and working on the structure of that report for ease of reading. The Steering Committee process resulted in several recommendations, which are currently being documented in a draft report. The draft report will likely recommend partitioning the landscape into 3 or more tiers within which different jurisdictional thresholds would apply. The steering committee did not reach consensus on changes to the appeals process.

VI. 9:34 a.m. Discussion of appeals, enforcement, and attorney-client memoranda.

Attorneys Stone and Ronis provided a status report for the following environmental court appeals: Peacefield Farm (23-ENV-00093), O'Brien Farm Road (22-ENV-00061), Divided Sky (22-ENV-00119), and the various Costco Dockets (22-ENV-00084 & 20-3-20 Vtec).

In addition, the Supreme Court will consider the Sugar Mountain appeal (23-AP-239) over the next several months without oral argument. A Supreme Court hearing on the Burton appeal (23-AP-315) is expected sometime in the spring.

Enforcement Officers Stickney and Kinnick report on recent enforcement matters in the towns of Manchester, Stamford, and Rutland.

VII. 9:51 a.m. Adjourn

At 9:51 a.m. a motion to adjourn was made by Mr. Collier, seconded by Mr. Aldrich, and approved as follows.

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