



NATURAL RESOURCES BOARD

Dewey Building
National Life Drive
Montpelier, VT 05620-3201

NATURAL RESOURCES BOARD MEETING

Tuesday, August 12, 2014

MINUTES

PRESENT

Ronald A. Shems, Esq., Chair
William Boyd Davies, Esq., Member
Marty Illick, Member
Don Sargent, Member
Elizabeth Wilkel, Member

STAFF

Lou Borie, Executive Director
Melanie Kehne, General Counsel
Peter Gill, Associate General Counsel
Greg Boulbol, Associate General Counsel
Aaron Brondyke, Permit Compliance Officer
Kimberley Lashua, Administration Manager
Karen Dupont, Administrative Secretary

ALSO ATTENDING

Catherine Gjessing, General Counsel, Department of Fish and Wildlife
Roxann Steelman, Intern, Department of Fish and Wildlife
Jake Brown, Vermont Natural Resources Council

The Vermont Natural Resources Board convened at approximately 9:33 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 and did formal introductions of Catherine Gjessing, General Counsel, Department of Fish and Wildlife and Roxann Steelman, Intern for Department of Fish and Wildlife.

1. Approval of Minutes

Bill Davies moved to approve the minutes of the August 12, 2014 meeting as printed. The motion was seconded by Elizabeth Wilkel and unanimously approved by the Board.



2. Threatened and Endangered Species

Catherine Gjessing, General Counsel, Department of Fish and Wildlife provided a presentation regarding proposed endangered species statutory amendments being proposed by the Department of Fish and Wildlife.

3. Opportunity for public comment on non-agenda items

There were no public comments.

4. Office and Budget Updates

Lou Borie gave a brief budget update. NRB submitted a plan to reduce its General Fund appropriation by \$33,111 (4%). The Administration will allow NRB to use Special Funds instead of General Funds to achieve this target.

Kimberley Lashua advised that the first round of RFR's have been reviewed and most were approved, so most NRB Technicians are now pay grade 21.

Kimberley Lashua also advised the members of the Annual Training which is scheduled for November 7, 2014 to be held at the Green Mountain Inn, Stowe, Vermont and requested that they save the date.

Ron Shems advised the members of a staff retreat to be held Friday, September 12, 2014 at the Kingsland Bay State Park and encouraged the members to attend.

5. Fee Bill Discussion

Lou Borie provided an overview of the fee bill and advised that the staff would be putting together a proposal. Ron Shems indicated that collecting a fee for the JO Reconsideration Requests might be a possibility.

6. Criterion 9(B) – Update and Discussion

Lou Borie gave an overview of the changes made last legislative session, and identified differences between the mitigation statute and Criterion 9(B) with regard to designated center references. A technical fix may be required next session.

Ron Shems noted that there may be substantive legislation on Criterion 9(B) as well. He also reviewed the results of a spreadsheet created by Edward Hasen,



Summer Intern, regarding Prime Agriculture Soils and Land Use Permits. Ron Shems will email a copy of the spreadsheet to each of NRB members for their review.

7. Criterion 9(L) – Update and Discussion

Melanie Kehne provided an overview of the updated Criterion 9(L) Guidance, which is effective August 25, 2014, and is posted on the Board's website. She and Ron Shems reviewed the changes made in response to comments received since the Board last met.

Bill Davies moved to re-approve the adoption of revised Criterion 9(L) Guidance. The Motion was seconded by Don Sargent and unanimously approved by the Board.

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

Bill Davies 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. Elizabeth Wilkel seconded the motion, which was approved 5-0. The Board went into executive session at approximately 11:15 a.m. The Board invited into executive session its legal staff, Executive Director, Permit Compliance Officer, Administration Manager and Administrative Secretary.

9. Action on Pending Appeals

The Board came out of executive session at approximately 11:30 a.m. and took action as follows:

RE: Agri-Mark, Inc., LUP # 5W0887-8, Docket No. 122-8-14 Vtec

Bill Davies made a motion to participate in this appeal. Elizabeth Wilkel seconded this motion, and it was approved unanimously.

RE: Hinesburg Hannaford, LUP 4C0654-14, Docket No. 113-8-14 Vtec

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



**RE: Newton, Donald and Joyce, LUP 3R1080, Docket No. 127-8-14
Vtec**

Bill Davies made a motion to participate in this appeal. Elizabeth Wilkel seconded this motion, and it was approved unanimously.

RE: Route 5 Motor Sports Realty, Inc. and Andrew Jones, JO # 3-166

Bill Davies made a motion to participate in this appeal. Elizabeth Wilkel seconded this motion, and it was approved unanimously.

10. Other Business - none

At approximately 11: 35 a.m. Marty Illick moved to adjourn. Don Sargent 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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