



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING TUESDAY, October 13, 2020 11:00 am

Board Members Present Via Teams:

Diane B. Snelling, Chair; Brad Aldrich, Member; Andrew Collier, Member, Steve Larrabee, Member; Don Turner, Member

Staff Present via Teams:

Gregory Boulbol, General Counsel; Kimberley Lashua, Business Director; Evan Meenan, Associate General Counsel; Aaron Brondyke, State Coordinator; Katie Emerson, Legal Technician

Public:

Jamie Fidel, VNRC

The Vermont Natural Resources Board convened at 11:02 a.m. via Microsoft Teams, Chair Diane B. Snelling presiding.

I. 11:02 a.m. Welcome and Introductions

Attendees on the phone introduced themselves.

II. 11:03 a.m. Opportunity for public to comment and agenda and non-agenda items.

Chair Snelling offered the public the opportunity to make comments on agenda and non-agenda items. No comments were offered.

III. 11:05 a.m. Review and action on Minutes of July 14, 2020, July 28, 2020, and September 8, 2020

A motion to approve the minutes of the Tuesday, July 14, 2020 meeting was made by Brad Aldrich and seconded by Steve Larrabee and approved unanimously with Andrew Collier and Steve Larrabee abstaining because they did not attend the July 14, 2020 meeting.

Regarding the minutes of July 28, 2020, Chair Snelling proposed the following changes: Correct a typo in the attendance line and to reword paragraph one to clarify the Board's decision not to update the commercial stretch guidelines because the new base



Commercial Building Energy Standards are more stringent than the previous Stretch Guidelines.

A motion to approve the minutes (as corrected) of the July 28, 2020 meeting was made by Steve Larrabee and seconded by Brad Aldrich and approved unanimously with Andrew Collier and Don Turner abstaining because they did not attend the July 28, 2020 meeting.

A motion to approve the minutes of the September 8, 2020 meeting was made by Andrew Collier and seconded by Brad Aldrich and approved unanimously. Don Turner and Steve Larrabee abstained because they were not present at the September meeting.

IV. 11:15 a.m. NRB office and budget updates

Business Director, Kimberley Lashua reminded the Board that the NRB has received COVID-19 relief funding to digitize files. Ms. Lashua indicated that she is finalizing paperwork for vendor bidding process and the person filling the temporary position is starting this week. This project must be finished by end of calendar year.

Mr. Gregory Boulbol added that the scanning project is focused on files related to the pandemic such as hospitals and community health centers. Right now, the only files that are fully available online are projects since 2016, all others are still in paper form. The project will allow us to create a process to standardize a procedure for scanning files. Hopefully in the future when we might have another funding opportunity to continue this work.

Ms. Lashua reported that the IT (database) project work is continuing. The NRB will continue to train staff and then invite stakeholders to experience the system by submitting test applications.

Regarding the budget, we have received information that instructions for FY22 will be coming soon. At this time last year, we had already submitted our first draft of our budget. The delay is due to changes in budget planning due to COVID. We will update the board when we have more information to share.

COVID update –

NRB/Act 250 is continuing to work remotely, with some essential work occurring in the office. Based on the state provisions for safety, the occupancy limit is 25% of capacity. We are waiting for a current determination of occupancy. All Districts are very busy.

V. Discussion regarding Act 250 legislative initiatives

Mr. Greg Boulbol gave a brief history of Act250 revision process over the past three years. The House Bill (H.926) passed at the very beginning of COVID in early March and crossed over to the Senate where it was cut down to only two substantive changes – addition of criteria to look at forest blocks and connecting habitat and language to clarify trails. The second addition included directions for ANR to develop a new regulatory scheme for trails. The Governor vetoed the bill and issued an executive order regarding trails. The executive order requires the Board- by either rule making or other guidance -to clarify certain issues regarding trails. These issues include jurisdictional triggers and involved land which were discussed in the previous legislative sessions.

The executive order also invited the NRB to delay certain decisions regarding jurisdictional questions regarding trails until such time the work in the executive order is complete.

Chair Snelling and Mr. Boulbol met with Julie Moore about possible proposed changes for next year. It is likely that the structure of the Board will be addressed with the goal of more consistent decisions regarding impacts. Conversations are starting about what might be feasible, the starting point will be the contents of the Act 47 report.

VI. Legal Updates

Mr. Evan Meenan gave updates on two appeal cases. There is a pending appeal of a JO that found the Victory Hills Trails Network was jurisdictional. Pursuant to the Governor's executive order, both the Board and Victory Hills Trails (and Kingdom Trails) have filed a joint motion to stay the pending appeal to until March 2021 (the date picked because that is when ANR is supposed to have finished their guidance recommendations regarding trails regulation).

The second case of note was the Founders Hall appeal. St. Michaels College proposed demolishing Founders Hall, a very old historic building that cannot economically be rehabilitated. An alumna from Massachusetts attempted to obtain party status, and appealed the case up to the Supreme Court, which affirmed the district commission's decision to deny party status.

VII. 11:30 a.m. Adjourn

At 11:31 a.m., Brad Aldrich made a motion to adjourn, seconded by Steve Larrabee, and unanimously approved by the Board.