



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING

Tuesday, January 9, 2024, 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:

Annette Smith – Vermonters for a Clean Environment, John Brabant - Vermonters for a Clean Environment

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. 9:05 a.m. Opportunity for public to comment and agenda and non-agenda items

Chair Haskell offered the public the opportunity to comment.

John Brabant is listening in today and interested in substantial changes potential in this legislative session.

Annette Smith has a question about a provision in draft legislation about forest blocks, that calls on the NRB to do rule making. Ms. Smith asks, has the NRB ever done rulemaking, and given that



this legislation has a timeframe for when it's to be completed, can you explain what the rule-making process looks like at the NRB. Chair Haskell said the NRB does have rule-making authority. Attorney Ronis gave an overview that we follow the Administrative Procedures Act (APA) for our rule-making process. Ms. Smith shared her opinion that rulemaking isn't necessary, is not sure why it's in the legislation and where it came from. Ms. Smith suggests that as the NRB presents to the House and Senate committee that the NRB explore why rulemaking is necessary.

Ms. Smith had additional comments about the Necessary Updates to Act 250 legislative report. While the draft legislation would reduce the necessary funding for the program, it is a massive cost-shifting to the municipalities. NRB is playing an important role in enforcement and would like to see more action on compliance.

Mr. Brabant has comments about his experience on the Calais Selectboard about litigation the town is involved in, and the burden and cost associated with that. Concerned about seeing settlements on cases where there is a violation of the law. Enforcement and compliance aren't budgeted for at the municipal level.

III. 9:34 a.m. Review and action on minutes of November 14, 2023

A motion to approve the minutes of the Tuesday, November 14, 2023, meeting was made by Mr. Aldrich, and seconded by Mr. Collier by the members that attended the November 14, 2023, meeting as follows.

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

IV. 9:35 a.m. NRB office and budget updates

Chair Haskell offered that there is a potential change of space for our Rutland district office coming in the spring.

Business Director Lomonaco provided the following update: NRB FY25 budget was submitted. NRB also submitted a budget adjustment request for FY24 due to anticipated application fee reductions resulting from the HOME Act. The NRB was awarded the budget adjustment which will be reflected in our FY24 budget.

NRB submitted a fee report to the Joint Fiscal Office as well as several House and Senate committees in December 2023. That report itemized NRB special fund revenue streams under different statutory provisions for the last 5 fiscal years FY19-FY23. This was a required study under Act 78 of 2023..

The NRB scanning project reached a milestone, shipping out the first 110 boxes from our D4 office yesterday to be digitized. It is great to see this project moving forward.. The second shipment of records is scheduled for later this year.

V. 9:41 a.m. Reports

The Necessary Updates to Act 250 legislative study report, a recording of the public meeting, and public comments/feedback received is available on our website.

Representative Sheldon introduced H.687 Act 250 omnibus bill.

A housing bill will be introduced today by a tri-partisan group of legislators that has some potential impact on Act 250. There will be a webinar on this later this week. More updates to come after Governors press conference.

VI. 9:45 a.m. Discussion of appeals, enforcement, and attorney-client memoranda.

Supreme Court appeals, one has been withdrawn and the other has asked for more time to file briefs.

Attorney Stone filed a reply to a motion for summary judgment in an appeal on a PHP designation.

Attorney Ronis is working on a reply in the Costco case.

Attorney Stone and Enforcement Officer Kinnick have a civil citation hearing scheduled for the end of the month.

Attorney Ronis provided 2023 litigation statistics.

Enforcement Officer Stickney gave an update on penalties assessed against respondents in two cases. Both cases involved Indiana Bat habitat.

VII. 9:56am Executive Director Update

The NRB has started working on the annual report and will have more to update at the next meeting.

ARPA is moving along; we have been actively reaching out to folks in advance of projects starting and have contacted almost 90% of the current list.

The Storm Recovery Executive Order will expire next week and individuals affected have been notified.

Two projects are currently utilizing the provisions in the HOME Act.

An index of procedures and guidance documents is available on our website. This is a requirement of the APA.

VIII. 10:01 a.m. Adjourn

At 10:01 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 – absent

Don Turner – Yes

Andrew Collier - Yes