



NATURAL RESOURCES BOARD

10 Baldwin Street
Montpelier, VT 05633-3201

NATURAL RESOURCES BOARD MEETING

Tuesday, May 14, 2024, at 9:00 am

Board Members present in person or by Microsoft Teams:

Sabina Haskell, Chair
Brad Aldrich, Vice Chair
Steve Larrabee, Member

Board Members not present:

Don Turner, Member
Andrew Collier, 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
Madeline Cotter, Legal Technician
Rachel Lomonaco, Business Director

Members of the Public:

Stephen Box

The Vermont Natural Resources Board (NRB) convened at 9:03 a.m. via Microsoft Teams, Chair Sabina Haskell presiding.

I. 9:03 a.m. Welcome and Introductions

Chair Haskell welcomed those in attendance.

II. 9:04 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 provided comments. No non-agenda items were raised.

III. 9:05 a.m. Review and action on minutes of March 12, 2024

A motion to approve the minutes of the Tuesday, March 12, 2024, meeting was made by Mr. Aldrich and seconded by Mr. Larrabee. The members that attended the March 12, 2024, meeting voted as follows.

Sabina Haskell - Yes
Brad Aldrich - Yes
Steve Larrabee – Yes



Don Turner - absent
Andrew Collier – absent

IV. 9:06 a.m. NRB office and budget updates

Business Director Lomonaco provided an update on the scanning project in District 4 and District 7. We've received some preliminary scans back from the vendor and anticipate moving forward with the bulk of the scanning by the vendor.

State Coordinator Brondyke provided an update on a new online Jurisdictional Opinion (JO) request form. We are working with ANR to integrate the JO request form into the ANR Permit Navigator. The goal is to make it easier for the public to understand what permits they need and when they need them.

We have a new District 5 commissioner, and 2 new alternates that will be trained later this week.

V. 9:09 a.m. Legislation

We were closely following H. 687 throughout the session, and it passed late Friday night. The bill includes many changes to the program and the law. The bill calls for a 5-person full-time professional Land Use Review Board that would replace the current NRB. The goal is to have the new Board seated by January 2025. There was debate throughout the session about the Board hearing appeals. This was postponed until a study is completed on this topic.

Location-based jurisdiction using a tier system was passed. This is tied to the future land use mapping by the Regional Planning Commissions. There is some updated designation work from the Agency of Commerce & Community Development. There will be rulemaking around the tiers. There are interim exemptions for housing until 2027 which will give the Board time to make the exemptions permanent.

Mr. Aldrich had a question about whether the Governor would veto the bill.

Additionally, how did the legislature fund the new board?

The new FY 2025 budget includes an additional \$1.3 million for the NRB (\$400,000 for one half-year of compensation for the new full-time Board, and \$900,000 to fill an anticipated gap in NRB revenues that will result from the Legislature's proposed exemption of Act 250 jurisdiction over certain housing projects).

VI. 9:21 am Executive Director Update

Executive Director Peter Gill provided an update on the Executive Order for the Severe Storm 2023 Recovery. The deadline for reclamation is tomorrow, May 15, 2024. We appreciate the work of the operators to repair our municipal infrastructure.

We have 480 ARPA projects we are monitoring. 195 projects are non-jurisdictional, 42 projects have been determined to be jurisdictional. We have 156 projects pending jurisdictional determinations as we await more information from project planners and

applicants. We have 34 ARPA projects that have received permits. This number has been increasing recently, signaling a new phase in implementation of this project. We have reached out to about 90% of potential applicants.

VII. 9:23 a.m. Discussion of appeals, enforcement, and attorney-client memoranda.

Attorney Stone provided an update on legal cases. Our most recent appeal is of a permit denial. The permit was denied under Criterion 1(D) Flood ways. A second appeal was of a Jurisdictional Opinion that said the project did need a permit.

We have a handful of Supreme Court appeals pending. The Attorney General's office represents the NRB in these cases. Oral arguments are scheduled for the end of May in two cases. These can be viewed on the Supreme Court YouTube channel. A third Supreme Court appeal is pending but has not been scheduled for oral arguments. Finally, the multiple Costco dockets were appealed to the Supreme Court.

VIII. 9:28 a.m. Adjourn

At 9:28 a.m. a motion to adjourn was made by Mr. Larabee, seconded by Ms. Haskell, and approved as follows.

Sabina Haskell - Yes

Brad Aldrich – Call dropped

Steve Larrabee – Yes

Don Turner – absent

Andrew Collier - absent