

Good afternoon and thank you again for the opportunity to provide feedback on H.687. For the record, I am Sabina Haskell, chair of the Natural Resources Board.

My comments today focus on the subject of the NRB's governance, which is central to both H.687 and the NRB's study recommendations, as well as to the "necessary updates to the Act 250 program" and general improvements in our organization's operations.

Let me begin by saying we all agree that the NRB will benefit from a professional board. It was a unanimous consensus point in our report and it will be the starting point and backbone in taking the next steps that are outlined in H.687 and NRB report.

We agree that a professional board with part-time paid members and a full-time chair should have the qualifications and background laid out in H.687: environmental science, natural resources law and policy, land use planning, community planning, or environmental justice.

And we agree that the board should be comprised of professionals from different counties.

Who and how the nominating committee is comprised can be straightforward. As an aside, I was a member of the Cannabis Control Board nominating committee with Reps. Gannon, Pearson and Ancel as well as Senator White and Anson Tebbetts. We were up and running quickly and reviewing candidates and meeting regularly before we began the interviewing process.

The long and short of it is, we had consensus on who we wanted to interview, who we thought should be considered and who was eventually offered the Board positions. No friction, no disagreements and unanimous backing of the candidates. That has been my experience in other hiring

situations as well. At the NRB, we needed to hire 12 people over the course of last year. That's basically half our staff. We worked together as interviewing teams and had the same successful outcomes.

I don't believe that one of the Executive Branch members needs to be from the Department of Human Resources; they are on call and ready to help whenever personnel policy questions arise. I think it may be more helpful to include someone from one of the agencies that more routinely works with the NRB and Act 250, but, of course, that will be up to the Governor.

Where we do differ on governance is when it comes to appeals. In previous testimony, I suggested that if that is the goal, it should be postponed until the other "necessary updates to the Act 250 program" are implemented and the Board has an opportunity to establish itself and its goals for staff and commissions.

Hearing appeals at the outset is putting the cart before the horse in my opinion.

The implementation of the framework and properly defining the tiers will take time and the Board needs to put its attention to that first. And to creating oversight capabilities and guidance to staff and commissions.

If the Board's first duties are to transition to hearing appeals, they will create a firewall within the organization that will slow down everything else you are trying to accomplish.

I don't have a crystal ball, but I believe with proper implementation of tiers of jurisdiction and instituting the review procedures for municipalities and future land-use mapping, appeals won't be the issue. If the public and applicants understand – up front – where and how the process works, I

believe there will be fewer appeals. As Rep. Bongartz has put it, proactive planning makes the process run better.

Circling back again to something I just said, I respectfully request that H.687 refrain from over-defining and over-directing how the tiers will operate.

Some sideboards may be appropriate, as in forest fragmentation and habitat corridors. But how and what is in Tier 3 is part of the mapping, science and public engagement process. And it is intended to be a counterbalance to Tier 1, not a sprawling regulation of the state that could affect the economic livelihood of our rural communities.

Let the Board and the RPCs and ACCD integrate and create the process first. Let these folks do the public outreach and bottoms up planning we back in our report and that you have expressed support for. That will ultimately lead to a statewide consistent process that makes for productive, proactive land use planning.

How would that timeframe work? I'll outline the steps here, but I am being vague on dates because I know Rep. Bongartz has his technical corrections bill in for the HOME Act, including changes in sunsets of exemptions.

But the concept is that there should be a straight transition from Housing exemptions in last year's HOME Act and those in the H.719/Be Home bill legislation this year so there are no gaps in land-use planning and Act 250 changes.

Passing updates to the Act 250 law and passing housing legislation are not an either-or. It's a yes-and. Just as my experience with the Cannabis Control Nominating Board and our Steering Committee consensus report, we can find common ground and move forward on multiple, complementary and parallel fronts.

And to address the concerns that have been raised that this will become an “exemptions only” opportunity and let the additional protections wait – that is not the recommendation of the NRB report. Other witnesses have been very clear that this is a package proposal to be implemented together in unison. H.687 is clear on that as we were.

So here’s the order to how we see H.687 should be implemented:

First the Board is selected and seated.

Next, it works with designation and mapping teams as well as other stakeholders to create the timelines and processes for implementation.

The board will also use this time to establish a new level of guidance and oversight of the NRB’s operations and working with staff and commissions.

Next, the board returns to the Legislature with its plans for rulemaking or statute changes for the Tiers concepts/locations and certification process.

After that, the new tiers program rolls out, the Housing exemptions in last year’s HOME Act and this year’s housing legislation will sunset and Tiers oversight begins, with the appropriate outreach, training and guidance required.

A year later, the Board provides a status update report to the Legislature. How’d the new framework actually work in the first year? Successes and challenges. Data. Tweaks needed?

Then the Board undertakes an in-depth review of Act 250 updates, duties and responsibilities of staff, commissions and the board itself and adjusts as needed, including whether to hear appeals.

While we’re discussing appeals, I’d like to share some data with you. We average 11 appeals a year over the last 6 years, from a low of 6 in 2021 and 13 in 2023 – six JOs, six permits, and 1 permit denial.

We closed 15 cases in 2023 with an average time of just over a year from initial application date and from the date of appeal to the Environmental

Division of just over six months, or 196 days. Are there outliers? Yes. Is that OK? No.

But I believe a professional board will be able to provide the supervisory oversight internally to eliminate most of the NRB-related time delays. And the new mapping and tiers of jurisdiction should decrease other regulatory delays.

Before closing, a couple more thoughts about governance that were part of your Legislative charge: Staffing and Fees.

Our permanent staff numbers 25; we have 3 limited service, ARPA funded positions through the end of 2025. One is the Executive Director, which you call for making a permanent position. We agree. We also ask that the 2 district coordinators be made permanent as well. The amount of work and changes and re-writing of guidance and increased interaction with applicants with the Act 250 changes being contemplated as well as the over 400 ARPA projects will be significant. There will also undoubtedly be some new responsibilities associated with Tier 1A and Tier 1B exemptions and how to ensure that they are being implemented correctly.

All of this will have significant budgetary consequences and I can delve into that today or come back later. But the bottom line is that with funding coming 80 percent from fees and exemptions decreasing that fund as well as additional costs from a professional board and additional staff, we will need to address a sustainable revenue stream.

If we want Act 250 to sustain our landscapes, we will need to address sustainable funding to make that happen.