

Sunset Advisory Commission Meeting Notes

Thurs., Oct. 21, 2020

See [agenda](#)

Members present (all): Gannon, White, Collamore, Krauss, LaClair, Zeller

Staff present: Julie Tucker, Commission Assistant; Michael O'Grady, Deputy Chief Counsel; BAW

BAW: Review of notes from last meeting.

Boards and Commissions Registry; Tanya Marshall, State Archivist: see [testimony](#)

- Has been able to complete a dataset for the State's boards and commissions that includes:
 - Enabling law
 - Agency to which they're attached
 - Appointment of chair
 - Appointment type (ex: *ex officio* or specific appointment)
 - Term duration, cycle, term limits
 - Appointment authority and whether Senate consent is required
- Now working through accuracies
 - Potential to streamline language in law; there may be amendments for SAC to recommend
- Approx. 240 boards and commissions
 - Based on SAC spreadsheet, plus a staff member who monitors SAC meetings
 - Registry will be able to track amendments to board laws via VSARA's tracking of acts
 - VSARA may want to work with Leg. Counsel and Leg. IT to help sync systems of tracking
- Over 2,000 seats on the State's boards and commissions
- Using MN Sec. of State's website as a model (246 boards; 3,580 members)
- Hoping to absorb cost into current budget. Has been able to make progress with existing resources: VSARA added a systems developer that can help with Registry, and VSARA's workload lightened b/c Dept. of Health is now doing its own birth and death records
- M. Krauss: Thoughts on what the Registry should include:
 - Concern as to whether the Registry is citizen-focused, such as providing vacancies on boards in which citizens may be interested.
 - Capturing data on use of Registry (ex.: number of hits).
 - Flagging upcoming expiring terms/need for reappointment.
 - Duplication in people who serve on multiple boards.

- T. Marshall: Registry will be designed to have both an administrative and citizen focus. However, statute provides limited requirements, and VSARA is working with existing resources.
- BAW note: Via [2019, No. 61](#), Sec. 2, the Registry requirement is scheduled to take effect on Jan. 1, 2023.
- *M. Krauss requests that SAC revisit Registry at its meetings next year.*

9:45 AM ANR; DEC; **Connecticut River Watershed Advisory Commission**

- Enabling law: [10 V.S.A. § 1193](#)
- #79 on spreadsheet
- *Witnesses:* Neil Kamman and Chris Campany; *see* [testimony](#)
 - There may have been a misfire in DEC's prior questionnaire response, which conflicted with the Commission's. A prior DEC draft was submitted at SAC's last meeting, instead of the updated draft.
 - For ex., the prior DEC draft referred to Commission documents not being posted online, but they were subsequently posted.
 - N. Kamman and C. Campany jointly discussed and prepared DEC's revised response.
 - The Commission's jurisdiction may cover more ground than just DEC; therefore, Commission intends to work with DEC in making additional agency connections/interactions.
 - They wouldn't recommend statutory amendments now, although they may want to codify in law the funding stream to the Commission.
 - J. White: Perhaps ask that committees of jurisdiction and Appropriations committees review and define the funding stream for the Commission
 - C. Campany requests advice on what the committees of jurisdiction should be for notice of the Commission's perspectives.
 - SAC discusses that there may be multiple committees of jurisdiction.
 - Commission may provide recommendations on Act 250 issues, but it does not have authority over Act 250 issues.
 - However, in C. Campany's 10 years, the Commission has never weighed in on Act 250 issues.
- R. LaClair and J. White note the disconnect between DEC's original response and its revised one.
 - J. White: Better communication between DEC and the Commission appears necessary and there should be focus on the relationship.
 - B. Collamore echoes this.
 - C. Campany advised that although the Commission's reporting had been done, at the time of DEC's original response, it had not been posted online, so that was a basis for that DEC criticism in its original response.
 - He also stated Commission will ensure that it will submit its report to the Leg. via the usual Leg. submission method, rather than

directly to the committees. That should help provide more notice of the Commission's activities.

- *J. White requests that SAC review this Commission again next year.*
- **SAC recommendation: MAINTAIN, but send letters to committees of jurisdiction re: establishing funding stream**

10:15 AM ANR; DF&W; Commissioner Louis Porter; see [links to each response on SAC webpage](#)

- **Connecticut River Atlantic Salmon Commission**

- Enabling law: [10 V.S.A. § 4654](#); see also [10 V.S.A. ch. 112](#) (Compact for State and Federal Membership in the Connecticut River Atlantic Salmon Commission) generally
- #92 on spreadsheet
- Witness testimony:
 - Important to enable cooperation in fishing salmon in the CT River; now includes other species of fish
 - Reduction in federal participation in salmon management makes VT's participation more important
 - Dept. wants to maintain as is
- J. Gannon: Since it's no longer only about salmon, should there be a recommendation to Congress to change the name?
 - *Witness response:* Does not think so; still a focus on salmon

- **Endangered Species Committee**

- Enabling law: [10 V.S.A. § 5404](#)
- #93 on spreadsheet
- Witness testimony:
 - Provides advice to Sec. of ANR, but DF&W staffs it
 - Provides advice on management of endangered species
 - Dept. recommends that it be maintained
- M. Krauss asks about species being able to be de-listed from endangered. What is ratio of adding vs. delisting?
 - *Witness:* Great question. Hunted species in seasons tend to do better than endangered ones, partly due to the funding and support of public (b/c species are utilized). They do de-list species, but it is correct that they are added faster than they are removed; due in part to climate change and that it's easier to damage the prognosis of these species rather than improve. Birds are doing better (ex: loons, eagles). Significant progress is being made for some species.
- M. Krauss: Endangered species impact other programs and activities and may do so to a disadvantage. Does Committee have a plan to address that? Blaming on climate is not going to solve the problem.
 - *Witness:* No doubt about that. Do you list species d/t status in environment, or do you do so b/c you have a plan? You do so for

both. Thinks there is value to listing species, even if a state does not have a great ability to impact that status, so that people are aware of it. Most of the species listed in VT come with a plan as to how VT can impact the species numbers in our State.

- M. Krauss: As Chair as Act 250 District Comm'n #5, there is often a request for testimony on the list of endangered species, which impacts Act 250 applications.
 - *Witness:* Yes, but that extends beyond endangered species.

- ***Fish and Wildlife Board***

- Enabling law: [10 V.S.A. § 4041](#)
- #87 on spreadsheet
- Witness testimony:
 - Sets all hunting, fishing, trapping regulations in the State.
 - One member from each county; acts on DF&W's recommendations; determines lengths of seasons, means of taking, etc.
 - Meets regularly
 - Dept provides staffing to the Board
 - Annual regulation review; in addition, reviews larger issues
 - Board is important and manages its tasks well
- J. White notes that this Board is fairly controversial; she gets more comments about this than any other board. Some feel the Board is one-sided in its focus (being pro-hunting).
 - *Witness:* It is pro-hunting; that's its charge; and that is also the Dept's focus. For those who have concerns, they miss the boat a bit b/c they want Board to curtail hunting and trapping. However, the Leg. determines whether there should be hunting or trapping, and then the Board carries that out. Opponents should be having this discussion in the Leg. (for ex.: bear hunting; hunting with hounds); the Board is just carrying out the hunting policies established by the Leg. Therefore, it does not seem to make sense to have someone opposed to trapping if the Leg. permits trapping and Board is supposed to regulate it.
- M. Krass: He read LCAR's recent letter to committees of jurisdiction re: the Board. In his community, there is an active group of people who oppose hunting and fishing but do not have many resources and advocate for changes to the membership of the Board.
- M. O'Grady notes that Board charge extends beyond regulating hunting and fishing; it also includes maintaining and managing species.
- J. White believes that if there should be changes to Board membership, that should happen in committees of jurisdiction. Does not feel that SAC is the appropriate forum.

- ***Green Mountain Conservation Camp Endowment Fund Committee***

- Enabling law: [10 V.S.A. § 4049b](#); *see also* the Green Mountain Conservation Camp Endowment Fund set forth in [10 V.S.A. § 4049a](#)
- #88 on spreadsheet

- Witness testimony:
 - Group of people that discusses how to spend funds for the Fund; purchases small pieces of equipment for summer camps (1,000 attendees/year; some with scholarships)
 - Helpful and useful committee that should be retained.
- ***Interstate Wildlife Violator Compact – Board of Compact Administrators***
 - Enabling law: [10 V.S.A. § 4451\(Art. VII\)\(a\)](#); *see also* [10 V.S.A. ch. 108](#) (Interstate Wildlife Violator Compact) generally
 - #91 on spreadsheet
 - Witness testimony:
 - VT’s participation in a multi-state entity that ensures that if you lose your hunting or fishing license in one state, you will lose it in the other participating states
 - “obviously important”
 - Fairly low cost of participating in this compact; Dept. wants it to continue
- ***Migratory Waterfowl Advisory Committee***
 - Enabling law: [10 V.S.A. § 4277\(f\)](#)
 - #89 on spreadsheet
 - Witness testimony:
 - Hunters and others purchase duck stamps; \$ goes to fund to maintain wetlands. Volunteers on this Committee provide advice on how to spend that duck stamp \$.
 - Dept. works well with the Committee; they are helpful
 - Duck stamp funding can be used to fill in the gaps of projects
- ***Champion Land Transaction Citizen Advisory Council***
 - Enabling law: [10 V.S.A. ch. 156](#)
 - #95 on spreadsheet
 - *See also* [E.O. No. 10-29](#) (West Mountain Wildlife Management Area (WMWMA)), which generally ordered that the WMWMA – which was acquired by the State as part of the Champion Land deal – be managed by DFP&R as a wildlife management area and which in Order #8 created the Citizen Oversight Council – with the same membership as the Champion Land Transaction Citizen Advisory Council – to assist in implementing the E.O. and provisions of the Champion Land transaction
 - Witness testimony:
 - Statutorily created when Champion Lands were purchased and there was discussion (battle) over the future of those lands, how they’d be managed, etc. Council was created as a forum for those discussions. Has not met in many years.
 - However, *does not recommend repeal*: 1) Completely cost-free; 2) There may be an issue of significance that occurs in the future that may necessitate the convening of this Council
 - B. Collamore: What is status of members?

- *Witness:* Not sure; Council would likely need to be reconstituted if it's needed again. Advises there is a broad representation of members on this Council.
- R. LaClair expresses concerns with keeping a board around that has not met in 20 years; thinks it should be disbanded; other entities may be able to serve in this capacity.
- M. Krauss notes that SAC's focus is to determine if it's still necessary and that there must be justification for their continued operation.
- S. Zeller agrees with R. LaClair and M. Krauss that Council does not appear to be necessary since it has not met anytime recently.

SAC Recommendation on all DF&W boards: MAINTAIN ALL, except REPEAL the Champion Land Transaction Citizen Advisory Council.

- SAC discusses that if the Comm'r wants to maintain the Champion Lands Council, the Comm'r and/or stakeholders can raise their concerns with committees of jurisdiction.

SAC approves the draft letters to committees of jurisdiction re: Commission on Women and Trails and Greenways Council with these changes:

- Both are from SAC, not Co-Chairs
- Trails and Greenways Council letter should have Senate Ag added as a recipient

J. White updates SAC that she advised the Senate Ed Chair that SAC had discussed including the provisions of [2020, S.166 As Passed Senate](#) (reforming State Board of Education) in the 2021 SAC bill, and that the Ed Chair agreed with that proposal.

- Those amendments are currently in the SAC bill draft

11:15AM ANR; DEC; New England Interstate Water Pollution Control Commission; Susan Sullivan; see [testimony](#)

- Enabling law: [10 V.S.A. § 1372](#); see also [10 V.S.A. ch. 47, subchs. 3 and 4](#) (New England Interstate Water Pollution Control Compact; Compact Provisions) generally
- #80 on spreadsheet
- Witness testimony:
 - Receives federal funds to manage NE waters.
 - Several projects in the CT River area.
 - Does not have as active of a relationship with the CT River Watershed Advisory Committee as it has had in the past.
 - This Commission focuses on water pollution.
 - 100% recommends keeping the Commission.
- **SAC recommendation: MAINTAIN**

11:30AM ANR; DEC; **Ground Water Coordinating Committee; Kasey Kathan; see [testimony](#)**

- Enabling law: [10 V.S.A. § 1392\(c\)](#)
- #81 on spreadsheet
- Witness testimony:
 - Good participation; broad representation
 - It provides great information
 - The Leg. in the 2018 Sp. Sess. boards and commissions bill merged into this Committee the Well Water Advisory Committee
 - A core group of 20 people participate; the Committee would have more value if more members participated
- **SAC recommendation: MAINTAIN**

11:45AM ANR; DEC; **Connecticut River Valley Flood Control Commission; Gary Moore; see [testimony](#)**

- Enabling law: [10 V.S.A. § 1153](#); *see also* [10 V.S.A. ch. 45, subchs. 1 and 2](#) (Connecticut River Flood Control Compact; Compact Provisions) generally
- #78 on spreadsheet
- Witness testimony:
 - Has been in existence since the 1950s
 - Witness is a long-time member over multiple gubernatorial reappointments
 - No per diems; only reimbursement of expenses
 - West River and Ball River Dam are the biggest recent issues
 - Has been working with federal and State resources to address this issue; Tropical Storm Irene exacerbated the floodwaters that go into the dam
 - Their engineers believe there should be changes to the outflow
 - The Commission can only disburse the funds they have
 - The acts VT takes to manage dams provides benefits to the states downstream
 - Enabling laws allows the Commission to provide reimbursement for lost tax revenues; however, the tax rates are not at 2020 levels
 - J. White asks how the Leg. and Admin can address this issue
 - Witness advises that he has approached two Governors to attempt to address \$ losses to the State via the Board of Arbitration provided for in the Compact (*see* last par. of § 1156 of Commission subchapter).
- J. Gannon points out that the tax losses are currently assessed under rates frozen since 1982, even though that by its law, each year, the Commission is supposed to assess the loss of taxes to VT and NH
- S. Zeller reviews reports re: tax losses; they show the loss is approx.. \$34k, with individual towns having losses of approx.. \$5-10k. However, those were at the 1982 rates

- M. Krauss:
 - The Commission should annually report to the tax committees on these tax losses
 - SAC should request that the tax committees review the tax losses
- J. White expresses concern about how aggressive SAC is in pursuing the tax loss issue; does not want SAC action to negatively impact the Commission because it is important
- R. LaClair wonders if the purpose of this Commission could be handled by other existing entities
- J. White, S. Zeller, and M. Krauss express that flood control is important and that maintaining the Commission is a relatively small cost to the State.
- G. Moore advises that the Commission has been working closely with the congressional delegation.
- J. Gannon expresses concern about the tax losses being frozen at 1982 rates and the statutory authority of the Commission to do that.
- *J. White suggests that the tax/finance and gov ops committees review the issue of these tax payments ; cc: Sec. of Admin*
 - SAC agrees
- **SAC recommendation: MAINTAIN**

Next meeting: Boards re: Dept of Public Safety, Center for Crime Victim Services, and Military Department