

January 18, 2022

## Testimony Before Vermont House Committee on Natural Resources

1. Thank you for the invitation to speak with you regarding House 492. I am Tim Taylor and for the past **11** years I have been Chair of the District 3 Environmental Commission.
2. I wanted to make myself **available** to you today in order that you might ask a Commissioner questions about his/her views on the proposed changes in this bill.
3. I have prepared a few thoughts which I would like to mention and then be available for questions.
4. Over the past 10 years the District 3 Commission has issued over **200** permits. Of the decisions, only 3 have been appealed to the E. Court. One of these went to the VT. Supreme Court, B&M Realty. One was settled by the NRB. And one is pending. During this time, the Commission has denied **10** applications. **I've often wondered why folks feel Act 250 needs dramatic change.**
5. I do support H492 as it relates to establishing the Environmental Review Board (ERB) to hear appeals of Jurisdictional Opinions and District Commission decisions. I believe it will create a **stronger connection** between Montpelier and the District Commissions. The ERB will be the ones reviewing, de novo, the District decisions instead of settling or compromising them. District Commissions may not always agree with the ERB decisions but we will no longer feel that tension when the NRB chooses to disregard our decision and reverses course and settles a case rather than support our decision.
6. The ERB decisions will **strengthen the consistency** of decision making between Districts. The 5 member board who come from different backgrounds will strengthen the decision by bringing their different expertises into the deliberation. District Commissions will look to ERB decisions for guidance in future cases in a way that just hasn't occurred with E court decisions. The strength of E notes as a tool for guidance still lies primarily in the defunct Environmental Board decisions.
7. As a result of the **judicial nominating procedure**, political interference from Montpelier would be lessened. It is not uncommon for pressure from the Executive branch to find its way to a District Commission hearing. This interference should be reduced because the Chair of the ERB will no longer be appointed solely by the Governor.
8. I am not a big fan of the Pre Application Hearing. It will most likely only slow the process down and increase costs to the applicant. However, as long as it is **optional** and the

decision as to whether to hold such a hearing is left to the District Commission, then I guess it is fine.

9. While I am a supporter of the Environmental Review Board, I feel once again, the Committee is overlooking those who do most of the **heavy lifting** i.e. the District Coordinators, NRB Technician and the District Commissioners. While a hearing may take several hours, perhaps even all day, the bill ignores the time it takes to prepare for a hearing and the time it takes to deliberate and write the decision. The last two applications before us have taken well over 80 hours of my time. Remember, we are compensated only for our hearing days. And that is ok. I have long since stop filing for compensation.
10. However, the Coordinators are **grossly understaffed**. When I began my tenure as Chair, District 2 & 3 shared an office of 5: 2 District Coordinators, 1 Assistant Coordinator and 2 NRB Technicians. Today, there are 2 Coordinators and 1 NRB Technician. Instead of placing an office in each District as proposed, keep the offices as they are and use the savings to hire more help for the District Commissions.