



## NATURAL RESOURCES BOARD

10 Baldwin Street  
Montpelier, Vermont 05633-3201

### Budgetary calculations associated with H.492:

Position	JFO fiscal note	NRB
4 part-time ERB members	\$300,000	\$669,798 (includes benefit calculation)
1-2 staff attorneys	\$105,000 per attorney	\$129,000 per attorney (staff attorney III)
Executive director	\$160,000	\$160,000
Increased per diems	\$20,000	\$20,000
Other misc. operating	\$25,000	\$25,000
Other misc. costs (travel, mileage, expert witnesses, etc.)		\$30,000
Longer term: additional district staff/offices (Currently, 5 district offices serve the 9 district commissions.)		\$123,000 per district coordinator \$72,000 per district technician

We see several significant challenges to the proposed structure in H.492, regarding budgeting, staffing, supervision/consistency:

- H. 492 calls (in Sec. 13) for an additional \$384,000 in FY 23 for four part-time board members, an additional attorney, and “operating costs required to implement the appeals process established in this act.” The bill also increases the per diem and contemplates the potential creation of several more district offices and personnel to staff them in the longer term.
- The Joint Fiscal Office suggests an additional \$615,000 will be needed in later years. We believe the price tag is even higher.
- Using the Public Utility Commission as a model, its 2 part-time commissioners this fiscal year are paid \$111,633 annually. While the salary for these members is calculated for a two-thirds time position (26.4 hours per week), the commissioners’ hours fluctuate depending on the project.
- The part-time PUC commissioners also receive benefits, which brings the compensation package to approximately \$167,500 per position.
- It would be appropriate to use the same pay scale for the new four part-time Environmental Review Board members as Act 250 projects require similar professional backgrounds to appropriately hear and adjudicate complicated major Act 250 appeals as the PUC commissioners bring to their regulatory hearings.



- Under the former Environmental Board, there were additional attorneys on the NRB staff. Again, using the PUC as a model, there are 7 attorneys on staff at the PUC as compared to 2 currently at the NRB, the general counsel and an associate general counsel. (The NRB is actively recruiting for an associate general counsel.)
- If H.492 is adopted, it would require at least one additional attorney, if not two, to maintain the required legal separation between district commission decisions and Environmental Review Board appeals.
- Additionally, H.492 calls for an executive director position to oversee and supervise the Act 250 staff as well as provide administrative support to the Environmental Review Board. That position, a pay grade 31, is currently not utilized at NRB, and so would require additional funding that is not in the NRB's current budget.
- There are other associated costs, including increasing per diems for district commissioners, related travel and mileage reimbursements for the ERB to hear cases locally, associated costs with a nominating committee and potentially hiring expert witnesses for appeal cases.

The Natural Resources Board is primarily funded through Act 250 fees, which are deposited in the Act 250 Permit special fund. The Board also receives some General Fund annually. Fee revenues and General Fund appropriations have not kept up with the cost to operate the Board. The Act 250 Permit fund has been in a deficit since the end of fiscal year 2019. The new costs from this bill would exacerbate the special fund deficit in future years without 1) additional ongoing General Fund support, or 2) fee increases. However, fee increases alone would not address the entirety of the funding need.