

**From:** Allen, Susan [Susan.Allen@state.vt.us]  
**Sent:** Tuesday, December 30, 2014 1:41 PM  
**To:** EXE - SrStaff  
**Subject:** CONF: Info from today's land use meeting (just FYI)

1. ANR continues to push – and the entire group agrees – for the ‘on the record’ changes to DEC permitting. Clarifying that this is NOT large-scale Act 250 change, but narrow in scope. CLF will flatly oppose it, but the other environmental groups are supportive. A very small group of developers, those who like to beat the system by dragging out the process, will oppose it, but most like Ernie Pomerleau support it (per Pat, who does support it). Liz, do we need to run this by Gov again for his OK?

Deb is unhappy that Ron Shems appears to be meeting with interest groups on this; she wants Ron to step down. It’s unclear if, in fact, Ron is even doing that. Deb will reach out to Ron directly when he returned from France on Jan. 6.

2. Forest fragmentation report is coming out, and requires a menu of policy options. Report will show increased fragmentation. Sue has asked for a draft; Sue is meeting with Mike Snyder early next week to talk about this and other forest issues. Gov isn’t quite on the same page as Snyder on fragmentation, so I’ll pay close attention to the commissioner’s ideas here.
3. Universal agreement that we need to step up public education on TMDL. Lawmakers are beginning to ask questions of several folks – ANR, ACCD, even AG. Some misinformation, such as the rumor that we’re going to impose our impervious surface fees beyond the Champlain Basin in out years -- not true. They will put together basic talking points for all.
4. DPS plans to impose an application fee on Act 248 projects. None now. They have been working with utilities and the renewable energy community, and so far there’s not strong disapproval. Will keep you posted on this.
5. There will be a legislative move to provide a wetlands exemption for solar projects (similar to what now exists for Agriculture). Deb does not believe this will actually move forward in legislature. Regardless, DPS is working with developers to expedite the Act 248/wetlands permitting, so hopefully the legislative fix won’t even be needed.
6. ANR will move forward with tracking Vermont’s endangered species list with the federal list. The big change will be that the state list involves only species; the federal list also includes habitat. For example, in Vermont the frog is on the list, but under the change the frog’s habitat might also be included. This won’t affect many folks except utilities whose lines run in some delicate areas. Deb’s staff has been working quietly with the utilities so hopefully this won’t blow up.
7. ACCD plans to make small changes to designated downtowns language – not controversial; housekeeping.
8. There is some grumbling about 9L changes from last session (strip development), especially in Rutland where a developer is trying to do a project off Route 7. The reality is that of the 150 or so permits involving 9L, two withdrew and one is still perking but complaining. The new law is

actually working pretty well. Talking points will be developed and distributed; a Shumlin admin team is meeting with the Rutland delegation to discuss, as well.

9. AOT briefed us on the issue of \$4.9 million to remove the causeway. Chris Cole is still pondering this issue, but believe the best thing is to let the Legislature decide the issue. He said there's no 'win' here ... regardless of the decision, no one will be happy. He welcomes other thinking (Pat, Deb agreed with Chris, just fyi.)
10. Ron Shems is not happy with ANR for possibly putting fees on his fee bill; worried Deb's fees will sink the bill. Again, Deb will talk to Ron.
11. AOT is adding four projects to their capital list that involve proportional share. Project at I89-Exit 19 in St. Albans has local RPC support and moving forward; roundabout in Middlebury on Exchange Street is getting a little problematic; Two Northeast Kingdom projects – both near the new Wal-Mart location – lack local support. This matters because failure to get RPC sign off means last-in project (Wal-Mart in Northeast Kingdom; cider place in Middlebury) pay the full cost for the changes. Pat volunteered ACCD staff to help AOT work with the local folks to move these forward toward a good resolution. We'll get updated at next meeting.