

Bulletin & Legislative Update

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At Session Midpoint, A Promising Start

With the election of Peter Shumlin to the governor's office, VNRC is looking forward to an era of new possibilities for the economic and environmental future of Vermont.

Through his statements to the public and through his appointments to critical agencies and departments, Gov. Shumlin is sending promising signals that his will be an administration

Inside:
*See updates
on VNRC's
legislative work*

that understands that a healthy environment is crucial to the Vermont "brand" and therefore to attracting capital, entrepreneurs, and jobs to the Green Mountain State.

We have hit the mid-point of the legislative session and VNRC has been busy working with lawmakers, as well as key members of the administration, on a range of critical issues. Check out the details inside!



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The Vermont Natural Resources Council, Inc., is a nonprofit environmental organization founded in 1963 to protect and restore Vermont's natural resources and environment through research, education, collaboration, and advocacy.

VNRC is the Vermont affiliate of the National Wildlife Federation.

VNRC membership includes a subscription to the *Bulletin* and the *Vermont Environmental Report*. For an individual membership, send \$35.00 to VNRC.

Environmental Permitting: Time to Look at an Overhaul

VNRC believes it's time for the state of Vermont to consider a comprehensive consolidation and restructuring of the environmental permitting system. This year, VNRC is educating lawmakers and others about a plan that has been proposed both in the House and the Senate.

Vermont's environmental permitting system has, over time, become cumbersome, time consuming and costly for regular citizens as well as developers, and it's become clear that the system needs a significant overhaul.

"We should always be looking for ways to make government function better and more efficiently, and it's clear the current environmental permitting system is not working well for anybody. That's why key lawmakers, in collaboration with VNRC, have developed a plan that maintains our strong environmental standards, but increases predictability,

consistency, transparency and fairness in the permitting system, while working toward a one-stop-shop for environmental permits," said Brian Shupe, who directs VNRC's Sustainable Communities Program. "Consolidating certain environmental permitting functions has the added benefit of saving the state money, which is more critical than ever these days."

Lawmakers have introduced legislation in both the House and Senate that would create a new, consolidated environmental permitting entity that combines the Vermont Environmental Court, the Vermont Natural Resources Board and the environmental permitting functions of the Department of Environmental Conservation. The new office would be known as the Vermont Department of Environmental Quality or DEQ. The DEQ will be administered by a three or five-person professional board

called the Environmental Council.

Developers would get permits — like air, water and solid waste permits, for example — from this new department. Appeals — including technical environmental permitting decisions, District Commission Act 250 decisions, municipal zoning decisions, growth center and village neighborhood designation decisions and determinations of municipal and regional plan conformance with state statutes — would go to the Environmental Council. A separate, fully staffed, enforcement office would be established with greater independence than the current DEC enforcement division.

VNRC will be taking opportunities in the coming weeks under the Golden Dome to explain the problems in the existing permitting system, and outline the details of the proposal for change.

For further information



Wayne Fawbush

about this proposal, please contact VNRC's Sustainable Communities Director Brian Shupe at bshupe@vnrc.org

VNRC Supports Bill to Encourage Vermont Renewables

VNRC is optimistic about several pieces of energy legislation making their way through the State House.

H.56, the "Vermont Energy Act of 2011," has changed dramatically since being introduced at the start of the session. While several forward-looking provisions were stripped from the bill, like expanding Vermont's successful standard offer provision, important elements remain that will help bring more in-state renewable energy projects on line.

The bill:

- **Increases the net metering cap to 500kW and expands the per-utility cumulative net metering cap from the current 2% to 4%.** Removing the cap will allow Vermonters to move forward needed — and much desired — net metering projects to help Vermont meet our energy needs.

- **Creates a statewide solar incentive.** The bill establishes a statewide solar net metering rate at 20 cents per kWh, meaning a utility will credit customers a solar adder on top of the highest residential rate. This provision is modeled after Green Mountain Power's "Solar GMP" program. GMP has offered this type of incentive to develop solar for a while, offering an additional 6 cent incentive to customers on top of the residential rate of 14 cents (equaling 20 cents). This kind of incentive will help more Vermonters go solar, foster our energy independence and create jobs.
- **Funds the Clean Energy Development Fund.** Small grants from the Clean Energy Development Fund have helped countless schools, towns and homeowners install local, renewable energy. Unfortunately, the remaining money in the fund is about to run out. A provision in H.56 would create a Clean Energy Support Charge at \$0.55 across all electrical consumer rate classes — residential, commercial and industrial. While VNRC is very supportive of a

Biomass Work Continues

For over a year, VNRC has served on a special committee charged with examining ways to promote biomass energy generation while maintaining the health of our forests. In early February the group, known as the BioE Group, issued an interim report, with a final report due next year. The work of the BioE group should help lawmakers and policy makers to understand biomass as an energy source and help develop policies to promote properly-scaled, sustainable development of biomass in Vermont while ensuring that forest resources are properly protected through mechanisms like procurement or harvesting guidelines. VNRC looks forward to continuing to serve on the BioE Group and work with lawmakers on the issue over the coming months.



predictable and sustainable funding stream for the CEDF, this mechanism falls far short of raising the dollars needed to make the fund whole. It will raise \$2.3 million annually instead of the needed \$6 million. It also fails to tie the charge to energy consumption (per kWh) and puts working class Vermonters on the hook to pay the same amount as big businesses.

Earlier this session, H.56 had contained language that would have weakened efficiency standards for biomass development through existing incentive programs for renewable energy. In particular, a section of H.56 included a mandate for utilities to purchase power from the electricity generation from wood without the

50% efficiency standard that currently exists in law. VNRC and a coalition of other organizations opposed this provision, and encouraged lawmakers to wait until the BioE group (see above) issues its final report later this year in order to make informed policy on woody biomass development. VNRC will continue to advocate for the efficient use of our forest resources for energy, especially when there are incentives offered through public policy.

Besides H.56, the Legislature is considering two other energy bills that VNRC supports.

One is H.155, which would fix the PACE (Property Assessed Clean Energy) program that was passed last year. The PACE program allows Vermonters, with the help of their municipality,



Protecting Wildlife for All Vermonters

On the wildlife front, VNRC is supporting lawmakers in their work to assure that Vermont's wildlife is clearly designated as a public trust resource. A bill, H.91, is moving through the legislature. It would clarify that all Vermonters own our wildlife.

In 2008, VNRC actively supported action to declare Vermont's groundwater to be a public trust resource. Under state law, VNRC believes that our wildlife, which like water should be managed for the benefit of all of us, must be afforded the same protection from privatization as our water supplies.



Gustave Verdecchia

Supporting Public Participation in Environmental Enforcement

VNRC is supporting proposed legislation to increase the ability of citizens to participate in environmental enforcement proceedings.

The bill, H.258, would allow a 20-day period after the Agency of Natural Resources finalizes enforcement actions against violators during which citizens could comment on the proposed settlement and request a hearing, granted at the discretion of the Environmental Court.

The bill, which was drafted by the Agency of Natural Resources would only apply to entities already determined to have violated environmental laws.

"This bill would allow Vermonters not only to know about the environmental penalties proposed to be levied on polluters, but would also allow them to comment on those penalties," said Kim Greenwood, VNRC's water program director. "This bill is a good step toward increased transparency in government and will give citizens a more direct stake in protecting Vermont's natural resources."



to capitalize upfront energy renovations to their homes or businesses. Homeowners then pay back those investments through the energy savings generated over time through a special assessment on their property tax bill.

Dozens of Vermont communities have expressed a sincere interest in advancing this program,

including approximately 40 communities which have signed on to participate in VEIC's "Quick Start" program. Making much-needed, strategic fixes to Vermont's existing enabling legislation, as H.155 does, will help Vermonters overcome the hurdles federal mortgage backers have raised and allow the promising

program to move ahead.

The second bill, H.57, is a "time of sale" energy disclosure for home sales. Currently, there is no requirement that sellers disclose energy information about the properties they are selling. While currently stalled in the Legislature, this bill would help Vermonters make more informed, smarter

decisions when buying a home and foster the kinds of energy-saving investments needed to tighten up Vermont's leaky, old housing stock.

For more information about energy legislation, contact Johanna Miller, VNRC's Energy Program Director at jmiller@vnrc.org.

Shumlin Administration Appointments Promising

Earlier this year, Gov. Peter Shumlin made promising appointments to key environmental and energy agencies.

“Gov. Shumlin’s appointments send strong signals that he understands that our natural resources and a clean energy

Deb Markowitz – Secretary of the Agency of Natural Resources (former Secretary of State and Democratic candidate for governor.)

Chris Recchia – Deputy Secretary of the Agency of Natural Resources (former director of the Biomass Energy Resource Center.)

David Mears – Commissioner of the Department of Environmental Conservation (former director of Vermont Law School’s Environmental Law and Land Use clinics.)

Michael Snyder – Commissioner of the Department of Forest, Parks and Recreation (former Chittenden County Forester.)

Patrick Berry – Commissioner of the Department of Fish and Wildlife (former government affairs officer for Vermont Law School and VNRC policy director.)

future are essential to the economic and environmental well-being of Vermont, including our invaluable Vermont brand,” said Elizabeth Courtney, VNRC’s executive director.

Here is a rundown of some of the appointees:

Elizabeth Miller – Commissioner of the Department of Public Service (attorney formerly in private practice.)

Noelle MacKay — Commissioner of the Department of Economic, Housing and Community Affairs (former director of Smart Growth Vermont).

Brian Searles — Secretary of the Agency of Transportation (former director of the Burlington International Airport).

Chuck Ross — Secretary of the Agency of Agriculture (former Chief-of-Staff for Senator Patrick Leahy)

Lawrence Miller — Secretary of the Agency of Commerce and Community Development (founder of Otter Creek Brewery and former CEO of Danforth Pewter.)

Ron Shems – Chair of the Natural Resources Board (formerly a partner in the law firm Shems Dunkiel Raubvogel & Saunders.)

A Modest Step for Water Quality

VNRC has been testifying in support of H.26, a bill to restrict the sale of nutrient-containing fertilizers for non-agricultural uses. Nitrogen and phosphorous runoff into Vermont’s waterways is a leading cause of algae blooms, especially in Lake Champlain.

“Other states have passed similar legislation, and it makes sense for Vermont to do the same, given the pollution challenges facing Lake Champlain,” said Kim Greenwood, VNRC’s water program director.

The bill, which has passed the House and is awaiting action in the Senate, would restrict the sale and unnecessary use of both phosphorous- and nitrogen-containing fertilizers.

The bill requires retailers who sell fertilizer to display non-phosphorous containing fertilizer separately from that which contains phosphorus and post a sign warning of the water quality threats of phosphorous and outlining the restrictions on its use.

People who “knowingly and intentionally” violate the new law would be subject to a fine.



Blake Gardner

VNRC to Help Protect, Expand Bottle Bill

VNRC will be supporting efforts to expand Vermont's bottle bill and at the same time begin to consider a more extensive recycling system based on producer responsibility.

Vermont's bottle redemption law is our state's most successful recycling program. Today, Vermont recycles 85 percent of all carbonated beverage containers, while states without bottle bills recycle, on average, only 24 percent of their carbonated beverage containers. Requiring a refundable deposit on beverage containers provides a financial incentive for consumers to return those containers for recycling.

Despite the success of Vermont's bottle recycling program, the beverage industry is suggesting that the bottle law is redundant with other recycling programs.

However, there is no reason to fix something that is already working. Instead of eliminating the bottle bill, VNRC is urging lawmakers to build on the success of the current bottle recycling system updating the program to include water bottles and other non-carbonated beverages and allowing the State

rather than the beverage industry to retain unclaimed deposits.

Additionally, we will encourage the establishment of an extended producer responsibility (EPR) framework program that allows our Agency of Natural Resources to require manufacturers of other kinds of products (i.e. paint, printed materials, packaging, etc.) to share in the responsibility of collecting and recycling their discarded products.



VNRC Urging Adoption of Policies for “Complete Streets”

This year, with the support of VNRC, AARP Vermont and others, the Legislature is taking up a so-called “complete streets” bill (H. 198) to promote diverse transportation options for all Vermonters.

The bill would require VTrans – the state’s transportation agency – to better accommodate bike lanes, sidewalks, cross walks and traffic calming into road and highway upgrade projects. A goal of the bill is to make these improvements a part of reconstruction projects, which is more cost-effective than building bicycle, pedestrian and transit facilities as stand-alone projects. The bill has an “opt-out”

provision for projects in which accommodating multiple modes of transit would be cost-prohibitive or unnecessary.

According to the National Complete Streets Coalition, roads lacking provisions for walkers and bikers are dangerous, represent missed opportunities for commerce, and are costly to communities and ecosystems:

- A review of bicyclist safety studies found that well-designed bicycle-specific infrastructure tends to reduce injury and crash risk. On-road bicycle lanes reduced these rates by about 50 percent.
- A comparison of the United States with Germany and the Netherlands — where

pedestrian, bike and car shared streets are common — found that bicyclist and pedestrian death rates are two to six times higher in the United States.

- Boulder, Colo., is creating a network of complete streets, with over 350 miles of dedicated bike facilities, paved shoulders and a comprehensive transit network. Between 1990 and 2003, fewer people in the city drove alone, more people bicycled, and transit trips grew by a staggering 500 percent — with a net reduction in annual CO₂ emissions of half a million pounds.

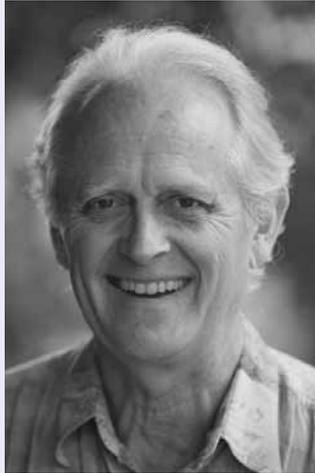
For more information about the Vermont complete streets legislation, please contact Brian Shupe, VNRC’s Deputy Director, at 802-223-2328.



Steve Holmes and Jon Groveman Depart VNRC

Two talented professionals with extraordinarily deep knowledge of land use and environmental policy in Vermont have recently left VNRC and moved on to other pursuits.

Steve Holmes retired January 1. Holmes is well-known for his encyclopedic knowledge of Vermont planning and land use laws and policies and Vermont government generally, and has held various posts at VNRC over the years, including acting director, deputy director, and sustainable communities director. Holmes remains on contract for special projects with VNRC for at least the next several months.



Steve Holmes

Jon Groveman, who served as VNRC's water program director/general counsel, was appointed to serve as general counsel at the Vermont Agency of Natural Resources. Among other things, Groveman is well known for his work



Jon Groveman

on water protection policy, including helping advocate for the declaration of Vermont's groundwater as a public trust resource.

"VNRC will miss the exceptional talent, institutional knowledge and good humor of Steve and Jon," said Elizabeth Courtney, VNRC's executive director. "We wish them well."

Photos by Blake Gardner

KEEPING FORESTS FOR THE FUTURE: PLANNING A LEGACY FOR YOUR WOODLANDS

Your land is important to you! As a good steward you need to consider how to manage your land keeping long-term financial and resource goals in mind. Join us to explore options for planning the future of your land. Learn to initiate family conversations about current and future ownership, estate planning, conservation options, and tools to carry the process forward.

- Peter Forbes speaking on the connection between people, the land and the future.
- Landowner panel discussing their experiences in implementing a variety of estate planning strategies.
- Panel of experts (lawyers, conservationists, financial planners) discussing concrete options for landowners to keep their woodlands intact over generations.
- Keynote Speaker Catherine Mater linking forest health and human health on America's private woodlands.
- Interactive break-out sessions offering guidance on family conversations, implementing conservation and estate planning strategies, setting up cooperative forests, and more.

**Saturday,
April 30th, 2011
Lake Morey Inn
Fairlee, VT**

How will you pass your land on to the next generation?

Details at: www.vnrc.org/forest/landowner-summit
or contact: Lisa Sausville (802) 388-3880 lisa@vtcoverts.org



Funding provided by USDA Forest Service, Northeastern Area State and Private Forestry

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Mikayla McDonald Named VNRC's Legislative Intern

VNRC welcomes Mikayla McDonald as our 2011 legislative intern. Recently graduated from the University of Vermont with a B.S. in Natural Resource Planning, Mikayla has a passion for environmental policy at the local, state, national and international level.

As a leader of UVM's student environmental organization, a senator with the Student Government Association, and an intern at UVM's Office of Sustainability, Mikayla worked to enhance the university's sustainability efforts and promote student environmental literacy. She has worked with and interned for a number of organizations including the City of Burlington, the U.S. Department of Energy, and the Kohala Center of Hawai'i.

Last legislative session Mikayla completed a mentorship with Rep. Sarah Edwards of Brattleboro, which focused on Vermont renewable energy issues.

"It's exciting working with legislators and other non-governmental organizations," Mikayla said, "to advance VNRC's priorities in the legislature. I am especially looking forward to working on energy efficiency and conservation, renewable energy generation, environmental permitting consolidation, and environmental policies that generally benefit Vermonters and their ability to enjoy the unparalleled natural beauty of this state."

"We are lucky to have Mikayla," said Jake Brown, VNRC's

communications director. "The fact that she spent time at the State House last year allowed her to hit the ground running this year."

If you have not met Mikayla already, please don't hesitate to say "hi" to her in the halls.



Mikayla McDonald