



Common Sense Solutions for a Changing Vermont

Dear Members, Activists,
and Friends,

Cautious. Thoughtful. Smart.

That's how VNRC would describe the legislature's handling of energy and conservation initiatives this year, the first of the 2011-2012 biennium.

"Were lawmakers doing big and bold things this year on energy and the environment? Not so much," said Elizabeth Courtney, VNRC's executive director. "Were they making wise, targeted changes that will help Vermont? You bet."

Lawmakers focused largely on a few big initiatives that drew most of their attention, including a health care reform package, a jobs bill and the budget.

Still, there were strong advances on policies that will help protect Vermont's environment and grow a clean energy economy. VNRC tracked dozens of bills and actively supported several of them.

Here's a rundown:

Energy: Lawmakers passed H.56 — the Vermont Energy Act of 2011 — which became a package of many positive initiatives that focus largely on expanding opportunities for moving small-scale solar projects forward in Vermont and making strategic changes to the clean energy financing program, often referred to as PACE. Specifically, the bill expands opportunities for net metering; creates a financial incentive to encourage more net metered solar energy; provides funding for the Clean Energy Development Fund; and makes strategic, much-needed changes the 2009 PACE law — which helps property owners get access to upfront capital to install renewable energy projects, or do efficiency improvements — so that the law can be more widely implemented. "Vermonters are serious about weaning our state off of fossil fuels and moving towards a clean energy economy and this bill takes another solid step forward towards that goal," said VNRC's Energy Program Director Johanna Miller. Part of the reason lawmakers took a measured approach on the energy front is that they are awaiting the development of a comprehensive statewide energy plan, slated to be complete this fall. That plan is expected to serve as a solid foundation for more aggressive and far-reaching policy-making on energy and climate change issues next year.

VNRC is also taking an active role in the formulation of that plan. Click [here](#) for more information about energy legislation.

Permit restructuring: In a significant success for VNRC, the legislature this year passed a joint resolution, J.R.H. 19, urging the Shumlin Administration to examine the state's environmental permitting regime and come back with suggestions for improvement. For several years, VNRC has been advocating for changes to the permitting system to increase citizen participation, make the process more transparent and fair while maintaining Vermont's high environmental standards. Although VNRC would have preferred that lawmakers passed legislation that VNRC helped develop to make specific changes to the permitting process, we were heartened that even before the legislature wrapped up its work this year, the Shumlin administration was moving ahead — in large part at the urging of VNRC — to develop a plan to get public input from around the state this summer on the permitting system. VNRC will be fully engaged in this process, and passing legislation next year to implement changes will be a high priority for VNRC.

Complete Streets: VNRC, AARP Vermont, Smart Growth Vermont and other organizations worked together with key lawmakers to enact the "complete streets" bill. The legislation, H.198, requires that the state and municipalities design roads for all users, including pedestrians, bicyclists, and public transit users. "The legislature deserves a lot of credit for passing this law, because complete streets transportation policy will assure that Vermonters have more options for getting around. This is good for a host of reasons, including our environment, the vitality of our communities, and our physical health," said Brian Shupe, VNRC's deputy director.

Phosphorous: In the water arena, VNRC helped advance a modest but solid bill, H.26, designed to reduce the flow of algae-spawning phosphorous and nitrogen into our waterways, including Lake Champlain. The final measure, which ended up getting hammered out in a conference committee at the end of the session, will ban the use of phosphorous- and nitrogen-containing fertilizers in the state. "While this ban won't clean up the lake by itself, it will be a part of the solution," said Kim Greenwood, VNRC's water program director.

Wildlife: VNRC actively promoted H.91, a bill that among other things affirmatively declares wildlife to be a public trust resource. The bill was triggered by a last minute legislative move last year to spare the life of an orphaned moose, known as "Pete," who was living in a game ranch in Irasburg. This year's legislation not only saved Pete, but also affirmed that "the fish and wildlife of Vermont are held in trust by the state for the benefit of the citizens of Vermont and shall not be reduced to private ownership," according to the language of the bill.

Some bills made it through one chamber of the Legislature, and will likely be considered next year.

Current Use: The House passed a bill, H.237, that would have put the Use Value Appraisal program, also known as Current Use, on a more sustainable path. In addition to creating a study to address numerous issues regarding the health of the program, the bill would have increased the amount of the "land use change tax" that landowners pay if they develop their land. For years VNRC has supported an increase in the development penalty because it is not effective in prohibiting short-term enrollment, or parking, of land that is intended to be developed. VNRC, as part of the Current Use Tax Coalition, supported many aspects of the bill that passed the House. The Coalition did suggest a slightly modified approach for tiering the development penalty based on the number of years enrolled, but in the end, the "bill was an important step in building the financial stability to the program," according to Jamey Fidel, VNRC's Forest Program Director. We expect the bill will be taken up next year, and VNRC will be tracking it closely. Also, this year as part of the Miscellaneous Tax Bill (H.436), lawmakers passed a provision that slightly increases the transfer tax for land enrolled in Current Use that is sold but remains in the program. The new rate will now match the rate charged for non Current Use land when it's sold. The new revenue will fund the electronic administration of the Current Use Program, a move that VNRC and the Coalition supported.

Citizen Access in Enforcement: VNRC testified in support of another measure that passed the House but will have to wait for next year to be heard in the Senate. The bill, H.258, opens up to more citizen participation the process of environmental enforcement actions carried out by the Agency of Natural Resources. VNRC supported the efforts of the Conservation Law Foundation and the Agency of Natural Resources both of whom pushed hard for the passage of this bill. "We are pleased that Senate leadership has said the full Senate will be taking the bill up next year," said Kim Greenwood, VNRC's water program director.

Lake Champlain: Toward the end of the session, VNRC testified on a bill, H.343, that would utilize legislative authority to implement a number of additional measures to speed up the cleanup of our great Lake. We expect to work on this bill over the summer months with other interested parties in preparation for the legislature taking it up again in January of 2012.

And the bad stuff . . .

As always, initiatives popped up this year that VNRC believes would have set Vermont back. Teaming up with our environmental and clean energy partners, we fought against them, successfully.

For instance, VNRC testified against a proposal that would have carved-out a financial incentive to a large-scale biomass plant (without any accompanying requirements for meeting efficiency or forest health standards); we defended Vermont's successful bottle recycling law; and we stood up for smart and reasonable protection of waters that accumulate in disused rock quarries.

As in many past years, this year we served as the eyes and ears — and the voice — for our members (you!) in the legislature. A dedicated presence at the State House is not without cost, but as Vermont's leading statewide conservation organization, we believe it's critical. We cannot do it without your help.

Many thanks for all you do!

The VNRC Team

Note: To read the final version of bills lawmakers passed this year, click [here](#) and then plug in the bill number.

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