



Special Mid-Year Report on the Legislature

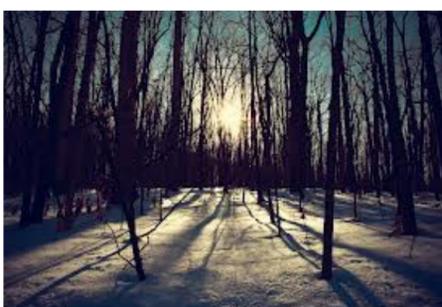


Action will kick up again in the halls of the State House next week when lawmakers return from the town meeting break. We're almost halfway through the legislative year, with crossover – the official date by which bills must pass from one chamber to the other – set for March 15.

Below is a mid-year update on environmental, energy and community development legislation VNRC has been tracking. And remember, lawmakers need to hear from Vermonters like you – please make your voice heard by [contacting your legislators](#). And as always, thanks for all you do and please be in [touch](#)!

Current Use, Working Lands, and Smart Growth

The Legislature is moving to make positive changes to the Current Use program through H.329. The House Ways and Means Committee voted 8-2 to increase the penalty paid by landowners who take their land out of the program to develop it. The committee also voted to create consistent guidelines to appraise conserved land, and to study the formula for reimbursing municipalities for lands that are enrolled in Current Use. The Current Use Tax Coalition, a diverse group of parties of which VNRC is a member, has for several years supported increasing the land use change tax to, first, discourage would-be developers from gaming the system and "parking" land temporarily before developing it, and second, to assure the program is on firm financial footing well into the future. In the coming weeks, the bill will head to the full House, and then it moves to the Senate where the development penalty will continue to be debated.



VNRC, again as part of a coalition, is also supporting additional funding – known as the 5 x 3 initiative – to earmark \$5 million over each of the next three years for the successful Working Land Enterprise Fund (WELF) established last year. This fund helps support the infrastructure on which Vermont's farm and forest economy relies in order to help value-added enterprises grow. VNRC is also tracking and has offered testimony on H.9, a statewide land use planning bill. The bill remains under review in the House Natural Resources and Energy Committee.

Another bill moving through the process would help promote sustainable forestland management. H.151 passed the House and is now being considered by the Senate. The bill would amend a portion of the energy bill from last year to provide the Commissioner of Forests, Parks, and Recreation with more time to develop voluntary harvesting guidelines to help ensure long-term forest health and sustainability, as well as procurement policies for state agencies and departments and biomass electricity generating facilities in Vermont.

Finally, VNRC is working with the Department of Housing and Community Development and other stakeholders on proposed legislation, H.377, related to increasing housing stock around our downtown and village centers – an exciting smart growth opportunity that stands to help us reduce energy use, increase housing affordability, and support downtown businesses. VNRC wants to be sure that any new incentives for development around designated downtowns and village centers carefully consider irreplaceable natural resources within those areas before promoting development there.

Water Quality Protection: Working for Clean Lakes and Ponds

In the water arena, lawmakers are discussing a bill to keep pollution out of lakes and ponds across the state. H.223 is currently under discussion in the House Fish, Wildlife and Water Resources Committee. This legislation, which is still undergoing some revisions, is under attack from some people who believe it is more restrictive than it really is. *(Please consider attending an important public hearing on this legislation set for Tuesday, March 12 from 6-8 at the State House. For more detailed information on the bill, or to learn how you can testify at the public hearing, please contact [Kim Greenwood](#)).*



The Agency of Natural Resources, VNRC, the Federation of Vermont Lakes and Ponds, the Lake Champlain Committee, Lake Champlain International, the Conservation Law Foundation and Vermont lakeshore property owners have all spoken in favor of this bill to bring common-sense and flexible protections for our lakes and ponds closer to the levels of our New England neighbors.

The bill sets up a regulatory program establishing a shoreline protection zone (see picture here) along the edges of lakes and ponds in order to prevent phosphorus, silt and other pollutants that cause algal blooms and other growth from running into lakes. Such vegetated shorelines are more resilient to flooding, as well. Maine, New Hampshire, and Wisconsin among other states have similar programs in place.

Kim Greenwood, VNRC's water program director, has noted that the tab for cleaning up already-polluted Lake Champlain after-the-fact only keeps growing, and to leave Vermont's other lakes vulnerable to the same fate would be irresponsible.

On Energy and Climate Action, It's Busy on Several Fronts

The House and Senate have been working hard on three energy-related bills over the past few weeks.

One bill, S.30, relates to renewable electricity generation and is expected to be voted on by the full Senate in the coming days. The House Natural Resources and Energy Committee is considering a bill, H.216, that would help Vermonters reduce the increasingly high cost of heating their homes and businesses. And a third measure, H.27, would clarify Act 250 jurisdiction over oil pipelines. That bill is being considered in the House Fish, Wildlife and Water Resources Committee and in the Senate Natural Resources and Energy Committee.

The Senate renewables bill, S.30, adds new regulatory oversight to the development of renewable energy projects, including wind energy. This bill no longer includes a moratorium on large-scale wind, but it does make significant changes to how Vermont regulates energy development. Among other things, it allows towns – through their town or regional plans – to prohibit any electricity generation facility larger than 500kW, even before any analysis is done on the environmental impact or a given project's potential benefit.



VNRC has concerns about S.30 for several reasons, including the fact that there is currently a rigorous and thoughtful process underway through the Energy Generation Siting Policy Commission to examine how electricity generation facilities are sited and developed in Vermont. We believe S.30 gets too far in front of that process and includes broad changes that could have unintended consequences. The work of the commission should be the basis for any action the state takes to address valid concerns and improve the process.

The heating efficiency bill, H.216, would direct the public service board to provide for the "coordinated" development, implementation, and monitoring of cost effective efficiency and conservation programs for heating homes and businesses. In his budget address, Gov. Shumlin suggested taxing "break-open" tickets to fund this program but, to date, lawmakers have not identified a secure, sufficient and sustainable funding source. Despite the significant cost savings, carbon reduction and comfort benefits of heating efficiency, it's uncertain whether lawmakers will make the needed commitment. This all comes on the heels of the release of a "thermal efficiency task force" report, issued by a diverse group of parties, which clearly outlined the reasons for these programs, and some potential funding mechanisms for the Legislature to act upon. VNRC served on the task force, and very strongly supports a more robust state commitment to heating efficiency programs. We are working to advance this legislation, and the stable and sufficient funding needed.

And finally, the oil pipeline legislation under consideration could potentially strengthen Vermont's regulatory oversight, as the state faces a likely proposal from Canadian and American oil companies to reverse the flow of existing pipelines to ship dirty tar sands oil from Alberta through Vermont's Northeast Kingdom to Portland, Maine. VNRC supports any effort to strengthen the state's hand in regulating the potential transport of tar sands across Vermont. Find out more about this issue and VNRC's perspective on it [here](#).

In Related Town Meeting News: "Thumbs Down" on Tar Sands

Twenty-nine towns across Vermont approved resolutions at Town Meeting opposing the shipment of tar sands oil through the Green Mountain State. This result sends a strong signal that Vermonters do not want to facilitate the development and shipment of this dirty, dangerous and climate-killing type of oil. Read more about this important [news](#).

