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But A Few Disappointments, Too . . . Good S

May 2014 E-News - Special Legislative Wrap Up



Lawmakers wrapped up their work for 2014 last weekend, and overall, the news is good! From VNRC's perspective, legislators made several very important gains on the environmental, smart growth, and energy fronts. They put in place new protections for shorelands, provisions to promote better development outside Vermont's downtowns, and they gave a boost to solar power.

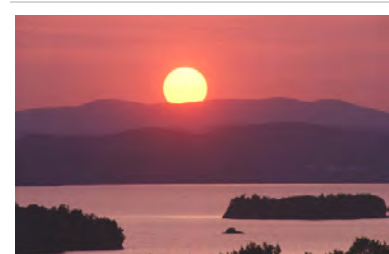
Most of VNRC's efforts on key issues led to progress, but we also needed to play defense on a bill that – while well-intentioned – would have granted too much discretion to district Act 250 commissions to decide when to allow the development on

Vermont's best agricultural soils. In response to the opposition, the Senate scrapped the controversial portions of the bill, H.448, and passed some needed improvements to the definition of primary agricultural soils.

There were disappointments, too: the Senate once again failed to come to agreement on a bill to strengthen the Current Use program, failed to raise more money for low-income Vermonters to make their homes more efficient, and – lacking support from the Shumlin administration – did not take meaningful action on Lake Champlain cleanup leaving serious conversation for another year.

See below for details, and as always [contact us](#) with questions and thoughts any time.

Shorelands Passes after Two Years of Testimony, Debate, and Public Hearings



A top priority for VNRC over the past two years, lawmakers gave final approval to a shorelands protection bill, [H.526](#). The measure now heads to Gov. Shumlin's desk.

Throughout 2013, VNRC and our partners, including Conservation Law Foundation, the Lake Champlain Committee, the Vermont Chapter of the Sierra Club, and many other Vermonters, spent countless hours on this bill both in the legislature and during the summer when lawmakers took the idea around the state for public input. VNRC staff spent a great deal of time last summer and fall educating key lawmakers on the importance of shoreland buffers, and motivating our members to attend the public hearings to speak out on behalf of healthy, clean water. This year the final push was on – and with your help we made it across the finish line.

The bill creates a new permitting program administered by the Department of Environmental Conservation – or towns if they have similar standards – for permitting of certain types of development along the shores of Vermont's lakes and ponds. The bill includes standards to minimize clearing of vegetation close to lakeshores in order to help protect the water quality and habitat. It also offers flexibility for landowners who have smaller lots. [Here is the final language of the bill.](#)

Downtowns Supported, and Strip Development Curbed Under H.823



Lawmakers approved additional Act 250 protections for areas outside of our settled downtowns and village centers. This, too, has been a big priority for VNRC for several years.

The bill, H.823, promotes downtown development while, for the first time in Act 250's history, also addresses sprawling strip development outside of our existing downtowns and villages. This is key because it will help reinforce well-planned development in good locations – the compact, often historic centers already served by services like water, sewer and sidewalks. This bill does not prevent development

outside downtowns and villages, but it does specify how that development should occur, and ensures that our existing commercial strips are reinvigorated, not abandoned. The bill also updates Act 250 Criterion 5 (transportation) to facilitate better pedestrian, bicycle and transit access to new development. The current Criterion 5 deals primarily with traffic congestion, rather than looking at all modes of transportation.

A complementary bill, H.809, was passed earlier in the session and improves the state's Growth Center designation program – a program to help communities target future growth in well-designed, compact locations that provide access to housing, transportation options, jobs, and services. Please email VNRC's [Kate McCarthy](#) for details on the final language of these bills.

New Measure Should Unleash Pent-up Demand for Small-Scale Renewable Energy



Vermont's popular solar energy incentive program got a big boost this year with VNRC's help. On a brilliantly sunny April day, Governor Shumlin signed into law [H.702](#). (See photo at left.) The bill expands the state's successful net metering program and also makes it easier to build solar energy projects on capped landfills. The measure once again opens the doors for Vermont homeowners, businesses, communities and farmers to go solar, save money over time, feed clean energy back onto the grid, and be part of the state's clean energy future. You can read a summary of the bill [here](#).

Another important energy bill S.202, moves Vermont's energy efficiency work towards an overall "total energy" focus. Specifically, it authorizes Efficiency Vermont and Burlington Electric Department to provide incentives for new, efficient electric heating technologies such as air source heat pumps. What S.202 recognizes is that in some cases, it may make sense to use more electricity, if that is going to offset the use of less-efficient, more-polluting energy sources such as heating oil or propane. The new program would likely go into effect in early 2015. In the meantime, you can still learn a lot about this exciting new way to reduce energy costs and greenhouse gas emissions [here](#). You can also read more detail on legislative action on the energy front this year [here](#).

Lawmakers Call for Forest Fragmentation Report; Add Flexibility to Current Use



A central focus of VNRC's forest work for many years has been the threat posed by continued fragmentation of our forests due to development – an issue well documented by research conducted by VNRC in recent years. Lawmakers took up the issue this year, and have directed state officials to study it further, and come back to the State House with recommendations for legislation to help protect the integrity of forestlands and preserve large blocks of continuous forest land. While VNRC would have preferred more substantive action on the issue this year, we look forward to engaging next year on any proposed legislation to curb forest fragmentation.

Also under legislation passed this year, the Commissioner of Forests, Parks, and Recreation will now have greater flexibility to allow landowners to enroll ecologically significant treatment areas (ESTAs) in the Current Use program. Previously, there was a cap on the amount of productive forestland that a landowner could enroll as an ESTA. The legislation eliminates that cap. This means that more habitat for rare or threatened species, forested wetlands, vernal pools, natural communities of statewide significance, riparian areas, and old forests will now be able to be enrolled in the program. This is a welcome improvement, especially since only 1,000 acres out of 1.8 million acres of forestland enrolled in Current Use have been enrolled as ESTAs to date.

And There's More Good Stuff . . .



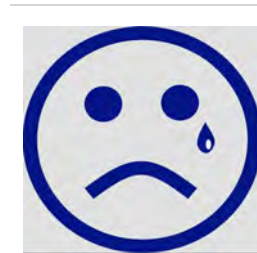
Lawmakers took an important step to protect Vermont families by creating a new program at the Department of Health that will, first, create a list of chemicals of concern to children's health. Next, it will require companies to tell the state if they're using those harmful chemicals in children's products – and the state will publish that information so parents and others will have better information on where toxins are being used. Finally, the bill authorizes the department to ultimately require labels or restrict dangerous chemicals in children's products. This legislation is a significant victory for the Vermont Conservation Voters (VCV) who played a leadership role in moving the bill. (VNRC and VCV entered into a strategic partnership last year and VCV worked with VNRC on several issues this year.)

Lawmakers approved for the third year in a row sufficient funding for the Working Lands Initiative that's supporting the businesses on which our land-based economy depend, and two positions were made permanent to support the program. VNRC has been a core member of the Working Lands Coalition, led by the Vermont Council on Rural Development. Legislators also approved an increase in the Vermont Housing and Conservation Board's (VHCB) budget. VHCB is the 26 year old program that invests in affordable housing, predominantly in smart growth locations, and in the conservation of the state's farm and forest land and natural areas.

Also with regard to the state spending, it should be noted that this year's transportation budget includes approximately \$20 million for upgrading rail lines from Rutland to Burlington – a step toward greater reliance on rail to ship freight in and out of Vermont, as well as progress toward extending the Ethan Allen Amtrak line to Burlington.

Finally, we want to applaud the good work of the Vermont Right to Know GMOs coalition and lawmakers for enacting the first in-the-nation GMO labeling law that will inform Vermonters whether they are purchasing foods that contain genetically modified organisms.

But There Were a Few Disappointments, As Well . . .

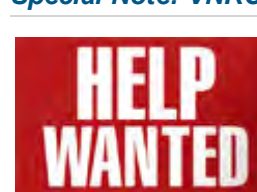


On the down side, lawmakers failed – for yet another year – to pass meaningful legislation that would have helped curb abuses in the Current Use program and at the same time put the program on firm financial footing. Over the past several years, the House passed legislation that would have increased the penalty for withdrawing land and developing it; this year, the Senate took significant testimony on the issue and moved a bill through several committees but in the end did not approve final legislation because they could not agree, by the time the Legislature adjourned, on how to increase the penalty. [Read more about VNRC's recent legislative work on Current Use](#) and a [news account of the failure of lawmakers to pass the bill](#).

Also, unfortunately, the legislature failed to take action to keep the low-income weatherization adequately funded. Without the \$2 million needed for FY 2015 – from an appropriation or a half-percent increase to the existing Gross Receipts Tax – it's unclear what the ramifications will be for the successful, but backlogged, program. It's likely the state will be much harder pressed – without a real commitment to funding the program soon – to meet its goal of retrofitting 20,000 low income homes by 2020. And, of course tightening up our homes and buildings is one of Vermont's most powerful greenhouse gas reduction strategies.

Lawmakers also did not pass legislation to seriously advance cleanup of Lake Champlain, despite increasing pressure from EPA to do so. To be fair to the Legislature, it should be noted that the Shumlin administration is still negotiating a cleanup plan with EPA and has insisted on delaying the identification of funding sources and clean-up priorities until later this year. We expect this issue will be front and center next year under the Golden Dome.

Special Note: VNRC Seeks Membership and Outreach Coordinator



VNRC has an exciting opportunity for a qualified individual in our Montpelier office. We are seeking a Membership & Outreach Coordinator to help us coordinate fundraising appeals and direct mail campaigns, maintain membership database, and oversee membership and gift processing and assist with communications efforts both online and in print. Duties also include engaging with VNRC members and partners and representing VNRC in a variety of public settings. Find details, and how to apply on our [website](#).

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[VNRC's Mission](#)

Through research, education, collaboration and advocacy, VNRC protects and enhances Vermont's natural environments, vibrant communities, productive working landscapes, rural character and unique sense of place, and prepares the state for future challenges and opportunities.