Is Vermont Losing the Green Game?
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VNRC membership includes a subscription to the Bulletin and the Vermont Environmental Report magazine (both published twice annually). Join VNRC in protecting Vermont with your membership of $35.

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Many Vermonters, and many Americans, think of the Green Mountain State as a leader in the ‘green’ revolution. In this edition of the Vermont Environmental Report, VNRC explores an important question: Is Vermont still the environmental trendsetter it was back in the 1970s and 1980s?

Unfortunately, VNRC didn’t have to look far to find less-than-satisfying answers to this question. In our cover story, author Will Lindner highlights several forward-looking ‘green’ initiatives in neighboring New Hampshire that make Vermont’s environmental ethic seem far less vibrant in comparison.

From a further-reaching ‘use value’ forest and farmland protection program to a decade-long commitment to groundwater protection; from ambitious efficiency and renewable energy initiatives to progressive state-level planning practices, our ‘live free or die’ neighbor offers Vermont a powerful contrast against which to self reflect. Are we truly as green as we say?

At the risk of sounding heretical, VNRC, an organization founded by farmers and foresters who believed that our land was our greatest economic asset, needs only to look at the beleaguered history of Act 250 to answer that question with sincere disappointment.

One of the hallmarks of Vermont’s era of environmental awareness and action in the 70s and 80s was the passage of Act 250, Vermont’s Land Use and Development Law. Then, Act 250 was a national model, a visionary and comprehensive tool designed to look at a development project’s potential impacts on a broad cross-section of natural and cultural resources, including water sources, wastewater facilities, highways, schools, municipal services, historic places, aesthetics, wildlife habitat, agriculture and forestry soils, impacts of growth and costs of scattered development, energy conservation and compliance with town and regional plans.

After four decades at work, however, Act 250 has been eroded so severely that its ability to achieve its original goals has almost been nullified. The landmark law was crafted to help achieve what many hold dear about Vermont: unique, walkable communities surrounded by rural, working countryside. But entering middle age, Act 250’s effectiveness is at risk.

Many Vermonters are either too young or too new to the state to have witnessed the early years of rolling out the law. Many lack the direct knowledge of the benefits to the economy and the environment that resulted in the early days of its implementation. Many are only familiar with the Act 250 lore. And the mythology associated with Act 250 can be very misleading. Some believe that Act 250 is highly effective in curbing sprawl. Others believe it is bad for economic growth. Both ideas are incorrect. But of this we can be sure: Act 250 is failing to meet its original goal of helping Vermont communities grow in a way that balances the best practices of the past with the changing needs of the future.

The law is now out of date. It is ill-equipped to deal with the impacts associated with climate change and energy security. It has suffered numerous blows to its integrity through exemption after exemption. And it now offers little opportunity for Vermonters — like those farmers, foresters, and concerned citizens who helped conceptualize the law — to participate in important community development decisions.

While forward-looking, Act 250 was clearly a tool of its time. Its authors were focused on the worthy cause of curbing rampant, reckless development of Vermont’s forests and farmland, spawned by the opening of the interstate highway system. Climate change was not a concept on any of its authors’ radar screens. But the world has changed significantly in these last 40 years.

One could look at many of the 10 criteria to tell the story of how Act 250 hasn’t, but could, evolve with the times. Take, for instance, criterion 5, the “traffic congestion” criterion. This criterion requires an applicant to demonstrate a project’s ability to accommodate increased congestion, most often by adding more driving lanes or utilizing traffic signals at intersections. In an era of $4 a gallon gas and a warmer world, tailoring communities primarily to the single-occupancy vehicle makes little sense. Yet those criteria still guide our policies and shape our communities. Vermont needs an Act 250 for the 21st century — a law that helps address today’s needs. In criterion 5, that means traffic considerations that help reduce vehicle miles traveled and foster low carbon, public transportation alternatives.

Unfortunately, Act 250 never had the opportunity to work as it should, to demonstrate...
its possibility. The exemptions started right away. Two years after its passage, the Legislature cut “the capability and development plan” provision in the law, which is a map of the natural resources of the state. Eliminating that fundamental element of information created a slippery slope upon which Vermont never regained its balance. There have been regular exemptions made ever since, most recently for so-called affordable housing — defined to mean that 15 percent of the homes in a given project initially sell for less than $233,000, with no restriction on subsequent sales nor on the sales price of the other 85 percent of the project’s homes. These Act 250-exempt developments may proceed without any state consideration of the impact on important natural resources, fragile areas or prime agricultural soils.

Amendments made in 2005 changed the threshold for citizen participation in Act 250 cases to a measure of the citizen’s “particularized interest” in any given criterion. The interpretation of that measure by the current administration is making it more difficult for citizens today to participate in Act 250 permit proceedings than at any time in the law’s history. Citizens who live near a proposed Windsor housing project, for example, have been denied standing in the Act 250 case involving primary agricultural soils.

In the case, the Natural Resources Board argued that only a person who has an ownership interest in the property itself could participate on issues related to primary agricultural soils. In essence, the NRB was arguing that even people who live adjacent to, or in the immediate vicinity of the project could not have standing. The Environmental Court rejected this extreme anti-citizen argument by the NRB, but still limited the types of neighbors who could have standing to those that live in the immediate neighborhood where the project is proposed. This puts Vermonters who care about protecting farmland and feeding our families with locally grown food, out in the cold.

These are challenging times, marked by skyrocketing fuel costs, surging food prices and a world increasingly threatened by the brutal vagaries of climate change. Vermont, and the world, must utilize the best tools possible to meet those challenges: tools like Act 250. VNRC is committed to working shoulder-to-shoulder with our members and other concerned Vermonters to find solutions. By building on our historic environmental accomplishments and our formidable land stewardship legacy, Vermont can reclaim its title as the nation’s environmental trendsetter. And the world, and we, will be better for it.

VNRC in the Media

By Jake Brown

Getting the word out to the public about conservation and energy issues is one way VNRC measures its success.

Over the past year, reporters have tapped our staff repeatedly in their coverage of the issues, and VNRC has appeared in media outlets locally and nationally scores of times. Journalists from the Vermont media as well as national news outlets like the New York Times, Fox Television, The Christian Science Monitor, and the Boston Globe — have turned to VNRC’s experts for analysis and context as they examine important environmental, energy and community development issues.

Last year, for example, VNRC helped usher into law a strong groundwater protection bill, garnering significant media attention locally and nationally.

The media also covered legislation VNRC championed that was later enacted into law, to increase the ability for landowners to enroll important ecological land in the Current Use program.

VNRC was often a source in stories related to the Governor’s Commission on Climate Change. In November and December of last year, the media carried two op-eds from VNRC’s executive director and commission member Elizabeth Courtney. One outlined VNRC’s interpretation of the commission’s findings, which were in sharp contrast to the governor’s, and the other urged the state to address climate change, noting that an investment in efficiency can yield at least a three-fold payback.

In the land use arena, Fox 44 Television last spring interviewed Steve Holmes, VNRC’s deputy director, on camera as part of a story about the proposed St Albans Wal-Mart. Part of the story went like this: “VNRC is not anti-Wal-Mart,” Holmes said. “We just happen to be opposed to this store at that location and that size.”

The press also focused hard on VNRC’s recent report, “Illegal and Unchecked: How ANR is Failing to Protect Vermont’s Lakes and Streams.” In a March 12 editorial, the Burlington Free Press half-jokingly suggested that VNRC’s staff scientist Kim Greenwood, the author of the report, should take over the work of the Agency of Natural Resources. Here’s part of what the Burlington Free Press editors wrote: “...If the department is understaffed again and unable to inspect construction sites, maybe the state should hire Greenwood and the Vermont Natural Resources Council to do the work they’re already doing.”

VNRC works hard to ensure important Vermont conservation stories get told and we encourage you to do the same. Get to know your local newspaper, radio, and TV reporters, and send them news ideas. Offer your insights and opinions in letters to the editor and op-eds. And, as always, if you need help or advice, please contact Jake Brown or Johanna Miller at VNRC at 802-223-2328 or visit www.vnrc.org and click on “Take Action” for tips.

Jake Brown is VNRC’s communications director.
**Are We Resting on Our Laurels?**

*By Pat Parenteau, Professor of Law and Senior Counsel, Environment and Natural Resources Law Clinic, Vermont Law School*

According to *Forbes* magazine, Vermont is still the “greenest” state in the Union as measured by its low carbon footprint, bucolic landscape, and relatively clean air and water. Vermonters can certainly be proud of the number of hybrids on the roads and LEED-certified green buildings sprouting up around the state. But given the enormous challenge of climate change, not to mention other environmental problems that remain unresolved, it is fair to ask: is Vermont living up to its reputation as a trend-setter on environmental protection? There are signs the commitment to environmental excellence is not as strong as advertised.

Take energy efficiency for example. Thanks to Efficiency Vermont, the nation’s first “efficiency utility,” the state has managed to hold its energy demand stable over the past several years. But with adequate funding, EVT could actually begin to reduce energy demand and buy precious time for renewable sources like solar and wind and biomass to expand and displace less environmentally sound sources of electricity. Countless studies show that investments in building insulation, lighting and heating systems, and industrial equipment quickly pay for themselves many times over (the current payback ratio is 4 to 1 and that’s before oil went to $130 a barrel). These investments also create good jobs and keep money circulating in state instead of lining the pockets of the oil companies. Funding EVT is a no-brainer in terms of both fiscal and environmental policy. Yet, the 2008 Legislature, under threat of another gubernatorial veto, provided only a third of the funding EVT could use.

Or take land use. The transportation sector accounts for 47 percent of Vermont’s carbon dioxide emissions, by far the most common greenhouse gas, according to the Vermont Department of Public Service. Vermonters’ driving habits are no different than the average American. Even though Vermont is fighting for tougher fuel efficiency standards against the combined forces of the auto industry and the Bush Administration, the state is not doing enough to combat sprawl and expand transportation alternatives to lessen reliance on the automobile. Act 250 was a landmark law for its time but it is woefully out of date, and it is being nibbled to death with exemptions. Instead of strengthening Act 250 with smart growth provisions calling for compact development around town centers the Legislature opted to exempt large housing developments from the permit requirements. This will lead to more vehicle miles traveled and a larger carbon footprint.

Or take water quality. As the audit of the governor’s “Clean and Clear Action Plan” showed, progress on the cleanup of Lake Champlain has been, to say the least, disappointing. In fact, water quality in the northern bays is considerably worse than it was 20 years ago when Governor Madeleine Kunin signed the agreement with New York and Quebec pledging restoration of the lake. Beach closings are now a regular occurrence and outbreaks of toxic blue-green algae have increased. The problem is excess phosphorus and nitrogen and the sources are well known: stormwater, dairy farms, and sewage treatment plants. In 2007, the Legislature took a major step forward by enacting a law requiring the major municipal sewage plants to be upgraded. In 2008, the Legislature, under pressure from the Vermont League of Cities and Towns and the Agency of Natural Resources, repealed that law and replaced it with — surprise! — more studies. The first rule of environmental law is that those who are responsible for pollution should pay their fair share to clean it up. Given the state’s poor track record on environmental enforcement, and the open hostility towards public participation in permitting and enforcement cases, this rule no longer seems to apply in Vermont. Wishful thinking will not clean up Lake Champlain any more than it will reduce energy demand or get people to drive fewer miles to work and shopping.

The one bright spot that occurred in the last legislative session was the passage of a bill declaring groundwater to be a public trust resource and creating a new permit program to regulate excessive groundwater pumping. VNRC played a key role in getting this bill through the Legislature and to the governor’s desk. But even as we celebrate this achievement we are reminded that this new law simply brings Vermont up to speed with the rest of the New England states, including our neighbor across the Connecticut. New Hampshire used to be thought of as Vermont’s poor cousin when it came to environmental protection. Now we find ourselves playing catch-up.
Population of Vermont: 623,908
New Hampshire: 1,314,895

Average per capita income, Vermont: $32,717
New Hampshire: $37,768

Acres of national forest, Vermont: 398,529
New Hampshire: 734,798

Acres of land in the current use program, Vermont: 2,000,000 acres
(Approximately one third the state’s land area)
New Hampshire: 2,900,000 acres
(Approximately half the state’s land area.)

Approximate number of hunters in Vermont (resident and non-resident): 73,000
New Hampshire: 61,000

Approximate number of anglers in Vermont (resident and non-resident): 114,000
New Hampshire: 230,000

Approximate number of “wildlife watchers” in Vermont (resident and non-resident): 468,000
New Hampshire: 710,000

Salary, governor of Vermont: $150,051
Governor of New Hampshire: $108,990

Total number of state legislators in Vermont (House and Senate): 180
New Hampshire: 424

Population density (people per square mile), Vermont: 67.2
New Hampshire: 146.7
Washington, DC: 8,966

Total renewable power generated in Vermont (thousand kilowatt hours): 1,968,575
New Hampshire in 2006: 2,275,311

Bridges structurally deficient in Vermont (per 10,000 people): 7.9
New Hampshire: 2.8

Number of shopping malls in Vermont (per 1,000 people): 0.188 (total 117)
New Hampshire: 0.183 (total 240)

Compiled by VNRC and Robb Kidd
“Roundtable” Focuses on Forests, Climate Change

VNRC continues to convene the Forest Roundtable to discuss issues affecting Vermont’s woodlands, including the increasingly clear link between climate change and forest policy. VNRC created the Forest Roundtable more than two years ago to tackle the issue of parcelization and forest fragmentation and a diverse number of participants helped write a final report with 27 recommendations for addressing this critical issue. The Roundtable continues to meet and is now beginning to discuss a quickly emerging policy area: the role Vermont’s forests will play in responding to climate change and meeting the state’s energy needs.

It is clear that forests will play a big role in Vermont’s energy future. More and more communities, town energy committees and households are looking to Vermont’s forestland for fuel. Simultaneously, people recognize the need to keep Vermont’s countryside forested as a carbon sink. Recently, the report of the Governor’s Commission on Climate Change found that keeping Vermont’s forests as forests, i.e. reducing the conversion of our forestland to non-forest uses, would be one of the best ways Vermont could reduce its “carbon footprint.” The commission found that, of all 38 policies they endorsed, stemming the conversion of Vermont’s forests to developed land by 50 percent by 2028 would be the single most effective way to reduce Vermont’s contribution to climate change.

The Forest Roundtable is serving an important role by facilitating a proactive discussion about how to tap Vermont’s forest resources for fuel, store carbon, support a strong durable wood products industry and keep them healthy and whole for wildlife habitat. As convener of the Roundtable, VNRC believes the ideas and strategies put forward by this diverse group will be useful in informing discussions in the Legislature and across Vermont to develop sustainable, strong and balanced policies to address climate change and energy challenges. To track the progress of the Forest Roundtable, or to participate in upcoming meetings, go to http://svr3.acornhost.com/~vnrcorg/ft/

For Energy and Climate Challenges, Planning is Key

With energy prices soaring and the reality of climate change upon us, preparing for the future has never been more critical. Vermont has an important and, as of today, largely untapped opportunity to plan for an energy-constrained world.

At the local, regional and state level, Vermonters can help design a more reliable, affordable and independent energy future. That starts in large degree by laying the foundation for greater investment in renewable energy, innovative transportation projects, and conservation and efficiency programs. In short, it starts with planning.

Most Vermont communities and regions have adopted plans to guide development and investments in roads and public facilities. Only in the past 20 years, however, have have those towns and regions choosing to adopt plans been required to include an energy element.

Having an energy component in local plans gives Vermont municipalities more opportunity to support energy efficiency and conservation, transportation alternatives, renewable generation (such as installing biomass heating for schools), green building codes, land use design techniques that reduce automobile dependency and more. Regional planning offers these benefits, too, and can allow for better sharing of energy opportunities across municipal lines.

State Energy Plan Offers Great Opportunity... But Public Input Needed!

In May, the state released its public draft of the Vermont Comprehensive Energy Plan. Unfortunately, despite the urgent need for bold thinking to address energy challenges facing the state, the draft fails to chart a new course for Vermont. It stands in sharp contrast to the 1998 energy plan, which offered more ambitious and forward-looking strategies to develop transportation alternatives, foster compact development and catalyze renewable energy generation. Perhaps the greatest failure of the current plan is the degree to which it has backtracked from its 1998 goal to replace the increasingly troubled Vermont Yankee facility.

As the overarching energy planning tool for the state, the plan represents an important opportunity to help shape the state’s energy future at this crucial time. The Department of Public Service has set a series of public meetings across Vermont this fall. Don’t miss a rare chance to help cement innovative efficiency, renewable energy, transportation, and land use initiatives across the state. Read a copy of the plan, find out the public meeting schedule and make your voice heard by commenting on the plan! Visit the Department of Public Service’s web site for all the details — http://publicservice.vermont.gov.
Despite the significant potential to address the challenge of climate change, reduce energy consumption and save money through planning, more towns and regions could take advantage of the opportunity by developing comprehensive, forward-looking energy plans.

VNRC, with its planning experience, is helping to lead on the issue.

With gas prices topping $4 a gallon this summer, and food prices rising dramatically, the impetus for action has intensified. More Vermonters are changing their individual behaviors and lifestyles. What greater numbers of Vermonters are realizing is they can have a more significant, long-term impact by making thoughtful changes at the community, regional and state level.

The growing number of active town energy committees creates a relatively new opportunity to jump-start energy planning. To take advantage of this opportunity, VNRC has been working closely with our partners in the Vermont Energy and Climate Action Network and putting our 45-years of land use planning expertise to work in a more focused way in this arena.

In late June, VNRC co-convened a working session that brought town and regional planners and energy committee members together to help chart a path for improving local energy planning in Vermont. The primary goals of that session, and of VNRC and our VECAN partners, was to identify the best planning practices, ascertain the needs of local communities, and, ultimately, to prepare an up-to-date planning manual that will provide local planners with the tools, techniques and ideas to create meaningful and effective energy plans.

This event was the first of several state, regional and one-on-one technical support activities VNRC is organizing to take advantage of the power of planning in our rapidly changing world. Stay tuned for future developments. And be sure to stay in touch. Through our work in VECAN, or our ability to provide direct, hands-on planning support, VNRC can help your community prepare the land use and energy plans that begin to tackle the challenge before us with the fortitude and forethought required. Contact VNRC’s Johanna Miller or Brian Shupe at 802-223-2328 to find out more.

**VNRC Keeps up Pressure on Big Box Projects**

The sprawl, traffic congestion, stormwater pollution, and loss of valuable agricultural soils triggered by oversized, poorly sited ‘big box’ stores keeps VNRC engaged in several proposals across Vermont and we continue to press for better solutions to minimize the impact these stores could have on Vermont’s downtowns and natural resources. Here is a brief rundown of where things stand.

**St. Albans Wal-Mart**

In St. Albans, VNRC is working on several fronts to halt the construction of an out-of-scale Wal-Mart proposed for a farm field two miles outside of the city. VNRC is involved in the Act 250 process, as well as in the local zoning and the Agency of Natural Resources stormwater permitting processes.

After more than two years of hearings and deliberation, the District Environmental Commission has granted an Act 250 permit for the store. VNRC and other parties, including our local partners Northwest Citizens for Responsible Growth, asked the commission to reconsider the decision because of its potential to worsen stormwater discharges from the site, economically hurt St. Albans city, increase traffic congestion, and speed the loss of agricultural land. The commission rejected VNRC’s motion, and we have appealed the permit to the Vermont Environmental Court. Besides the Act 250 appeal, VNRC has also appealed — on behalf of the citizens group — the local zoning permit for the store, as well as the Agency of Natural Resources stormwater operating and construction permits. The five appeals have been consolidated into one proceeding before the Environmental Court, and a schedule is being worked out between the court and the various parties. The trial is expected to begin in the spring of 2009.

**Bennington Wal-Mart**

Contending that doubling the size of an existing Wal-Mart in Bennington could have adverse impacts on the city’s thriving downtown, mobility and natural resources, VNRC and a local citizens group got involved in the local zoning and Act 250 permit processes.

Previously, VNRC, on behalf Citizens for Greater Bennington, appealed to the Environmental Court a local zoning permit that was granted for the store. The court ordered mediation to see if the parties could resolve their differences. A preliminary result of that mediation was the completion earlier this year of an independent, fiscal and economic analysis of the impacts of the store,
which indicated there would be an adverse impact on 10 to 15 percent of downtown businesses. The analysis, paid for by the developer of Wal-Mart with input from VNRC, will be considered in the Act 250 process. Although VNRC, Wal-Mart and the town sat down with a mediator this summer, the groups were unable to reach agreement on possible changes to the size and design of the store. The Act 250 process, which is expected to focus on concerns with traffic, fiscal and economic impact and site design, is expected to begin soon.

**Berlin Home Depot**

In Central Vermont this past spring, VNRC was instrumental in raising concerns about a proposed Home Depot store in Berlin, roughly halfway between Montpelier and Barre. The store had received local approval in the summer of 2007. In December, VNRC and Preservation Trust of Vermont (PTV) along with a local group Citizens for Community and Local Prosperity (CCLP), the cities of Montpelier and Barre and others raised concerns over the potential economically damaging impact the store might have on neighboring downtowns.

In a surprise move on the eve of an Act 250 hearing on April 1, 2008, (no April Fool’s Day joke) Home Depot withdrew its proposal. Home Depot apparently has no plans, at least in the near future, for a store in that location.

**VNRC Challenges Williston Growth Center**

Late last year, VNRC appealed the designation of the Williston “growth center” — the first growth center application granted by the state. Though one of the most ardent supporters of the new growth center law, VNRC challenged the Williston designation because of failures in the designation process.

In this case, last-minute changes by state officials to determine Williston’s growth center boundary upended what had been a good, open process to determine a reasonable growth center boundary for Williston. Unfortunately, the end result was a growth boundary that violates the purpose of the new law.

The process began with the town of Williston, led by its town planner, spending months preparing an application for the growth center in and around Tafts Corners. The town held a public hearing and then a state board — the Growth Center Planning Coordination Group — held three meetings on the issue. The town, the planning coordination group, and non-profit groups including VNRC, Smart Growth Vermont and the Preservation Trust of Vermont had all worked hard to hammer out an agreement that met the goals of the town and the state.

The planning coordination group then sent a proposed growth center plan to a higher board, known as the Expanded Downtown Board, for final approval.

But then, suddenly, the Expanded Downtown Board changed course and included in the growth center some properties that do not comply with the law’s growth center criteria. The new boundaries include the existing Wal-Mart and Home Depot stores as well as other undeveloped property in Tafts Corners slated for more automobile-dependent big box stores.

VNRC appealed the decision to the Vermont Supreme Court, which ruled that it did not have jurisdiction to decide the case. In the wake of that decision, VNRC is exploring ways to assure that the state is accountable to the public when implementing the growth center law.

This controversy is important because the growth center law, enacted in 2006, was not intended to give out tax and other financial incentives to promote Wal-Mart or other big box development that is single-use, scattered and auto-dependent, as this Williston growth center does.

The idea behind the growth center law is to channel development — using incentives — into compact centers, thereby discouraging scattered development across Vermont’s irreplaceable and increasingly important farm and forestland.

**VNRC, Partners Focus on Wildlife Crossings**

VNRC, the National Wildlife Federation, the Vermont Department of Fish and Wildlife and the Agency of Transportation are working together to help keep wildlife moving freely in the state. Called *Critical Paths for Wildlife*, the goal of the project is to prioritize important north-south wildlife road crossings and implement strategies to make them wildlife-friendly. Such efforts may include habitat conservatism and roadside improvements such as barrier removal.

The project will help implement Vermont’s Wildlife Action Plan, which highlights the impacts of roads on wildlife habitat, and identifies the need to prioritize road-crossing areas in Vermont. The organizations will identify 10 to 20 important areas by analyzing data and verifying areas on-the-ground where there are bottlenecks and spots...
where animals can’t easily cross roads. The partners will then develop ways to make it easier for wildlife to travel through these areas.

The wildlife plan identifies several species as “Species of Greatest Conservation Need” that require safe road crossings to move within their core habitat. They include lynx, bobcat, black bear, marten, Jefferson salamander, blue-spotted salamander, eastern rat snake, and western chorus frog. Working to improve safe road crossings will also help species migrate to higher elevations in response to climate change.

The project is being conducted with a grant from the Wildlife Conservation Society through its Wildlife Action Opportunities Fund. Support to establish the Wildlife Action Opportunities Fund was provided by the Doris Duke Charitable Foundation.

Helping Communities Conserve Forestland, Wildlife Habitat

Communities across Vermont are struggling to promote growth while balancing impacts to rural resources like productive forestland, critical wildlife habitat, important water resources, and recreational areas. Recently, VNRC has been helping communities respond to increasing levels of forest fragmentation – the breaking up of forestland into smaller and smaller pieces – by developing strategies to conserve forestland and wildlife habitat while promoting growth in appropriate areas.

For instance, VNRC worked intensively with the town of Reading to reduce forest fragmentation in the heavily forested community. VNRC, along with Smart Growth Vermont, the Southern Windsor Regional Planning Commission, Reading Planning Commission, and Vermont Department of Fish and Wildlife, convened several community values forums to collect input and develop recommendations for the town. VNRC recently submitted a final report to the Reading planning commission that includes a comprehensive list of strategies and specific recommendations for revising the town plan and zoning bylaws to address forest fragmentation. This work has been supported, in part, by a municipal planning grant through the Department of Community Affairs.

VNRC has also been helping several other communities with wildlife habitat conservation. As part of the Forests, Wildlife, Communities project, VNRC is working with the Mad River Valley Planning District to develop strategies for conserving forested wildlife habitat in the Mad River Valley. This effort is part of a larger project with Audubon Vermont, Vermont Coverts, the Northern Forest Alliance, and the state Department of Fish and Wildlife to help implement Vermont’s Wildlife Action Plan by reducing forest fragmentation in core forest blocks in Vermont. Like the Critical Paths for Wildlife project, the Forests, Wildlife, Communities project is being conducted with a grant from the Wildlife Conservation Society through its Wildlife Action Opportunities Fund, which was established with support from the Doris Duke Charitable Foundation.

If you would like more information on ways VNRC can assist your town please contact Jamey Fidel or Brian Shupe at 802-223-2328.

Continuing the Fight for Wetlands

VNRC continues to work hard to assure Vermont’s wetlands are well protected, and is the only statewide environmental group serving on the Water Resources Panel’s investigation into updating Vermont’s wetland laws.

The panel has been charged with investigating how to update Vermont’s regulation of wetlands — those areas that are crucial for water filtration, wildlife habitat, and flood control, among other things. The panel has hired a mediator to continue the conversation, and VNRC is optimistic that a good proposal for updating the state’s wetland regulatory program is likely.

VNRC Reaches Settlement in Key Wetland Case

In August, VNRC settled a potentially precedent-setting case in Environmental Court regarding the development...
of a single-family home in the buffer of the Northshore wetland in Burlington. By settling the case, VNRC helped to ensure that development in protective buffers of Class One wetlands will not become established policy in the state.

The protective status of Class One wetlands came into play when a new house was proposed next to the boundary of the sensitive Northshore wetland. In 2001, VNRC had successfully petitioned the Water Resources Board to provide the wetland with the highest level of protection in the state: Class One status with a 300-foot buffer to safeguard wildlife and migratory bird habitat.

The integrity of this wildlife buffer, however, was challenged when the Agency of Natural Resources and the Burlington Development Review Board approved a new home 20 feet from the wetland, well within the 300-foot protective buffer. VNRC and interested people in Burlington appealed to the Environmental Court voicing concerns over impacts to wildlife and wildlife habitat. VNRC also argued that the approval of the house would establish new precedent that development could be allowed in the most sensitive wetland buffers in the state.

By settling the case, the parties were able to clarify that the unique circumstances of this development, such as the fact that the project was infill on an existing lawn where a previous camp had been built, would in no way establish precedent that additional homes could be built in the buffer of the Northshore wetland, or any other Class One buffer in the state. Furthermore, VNRC was able to secure additional conditions ensuring the protection of the wetland and wildlife habitat.

In addition, the settlement agreement clarifies that the area in and around the Northshore wetland has reached, or is close to reaching, the maximum amount of development that can occur without harming wildlife. This means that the wetland and buffer are hopefully all but protected from any additional development. In the future, VNRC will continue our campaign to watchdog harmful development proposals and fight for the protection of the most sensitive wetland buffers in the state.

Stormwater Revisited

VNRC is participating in the latest effort by ANR to clean up waterways in Vermont polluted by stormwater runoff. In 2004, VNRC was instrumental in passing legislation that requires ANR to develop clean-up plans (known as Total Maximum Daily Load, or TMDL plans) for Vermont’s rivers, streams and ponds that have been polluted by stormwater runoff. Since then, ANR has developed several TMDLs, but has not implemented these clean-up plans. Meanwhile, the agency has granted additional permits to allow runoff into these impaired waters, with each permit adding even more pollution to the already impaired waters.

ANR has promised for more than a year that they would issue the general permits implementing the TMDLs soon, but have yet to do so. To move that process forward, the Legislature this year passed a bill requiring ANR to convene a group of interested parties to help craft a proposed general permit prior to the 2009 legislative session. VNRC is pleased that ANR is finally taking steps to adopt these permits, and we will work to ensure that the permits are swift, comprehensive and effective in their approach to cleaning up Vermont’s polluted waters.

Committee to Study Act 250 and Rural Sprawl

VNRC has been appointed to a study committee that VNRC hopes will result in recommended changes to key Act 250 criteria to better manage rural sprawl and protect the economic vitality of Vermont’s downtowns. The committee is to evaluate several criteria related to transportation, scattered development and rural growth, and offer suggestions to improve the criteria.

This study, while needed and long overdue, is the result of an unfortunate change made to H.863 after the Vermont House passed the bill. The House-passed version of the bill included corrections to those Act 250 criteria that have been ineffective in preventing both rampant strip development along the state’s highways and poorly designed residential subdivisions that devour farmland.

Opponents to this improvement to Act 250 widely and loudly mischaracterized the effect of these elements of the bill, and the Senate eliminated them from the measure. As an alternative, lawmakers agreed to create a study committee to explore how Act 250 can better address these important land use issues. By participating on this study committee, VNRC will continue advocating for changes that protect the state’s working landscape and natural resources.
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As the greenest state in the nation, Vermont takes great offense at the comments of a regional EPA staffer who . . . suggests we lack the policies and practices to protect and improve our natural resources.”

So wrote an indignant Vermont Governor James Douglas last spring, after the U.S. Environmental Protection Agency suggested that his “Clean and Clear” program took an errant approach to reducing pollution in Lake Champlain. The EPA’s criticism, Douglas complained, was “another indication of [the agency’s] unwillingness to provide effective national leadership on environmental issues.”
Vermont, in fact, has not had an easy time of it, environmentally speaking, for several years. Facing the expiration of its major power contracts—deadlines that grow more imminent as each year slips away—state leaders have not been able to agree on a plan for the long-range provision of electric power that would safeguard the environment. VNRC has documented chronic inattention by the Agency of Natural Resources to violations of stormwater regulations and the Clean Water Act at construction sites. An acrimonious dispute has surfaced over operations at two commercial composting facilities, with complex environmental implications. And the feds think the governor’s Clean and Clear program is a bust.

Yet despite these issues, Douglas was quoting virtual folk wisdom when he eulogized Vermont as “the greenest state in the nation.”

Well, it is, isn’t it? Didn’t we kick the billboards out in 1968 and ban non-returnable bottles in 1972? Didn’t we create Act 250, the most progressive statewide development-control law in the U.S., in 1970? Isn’t the very word “Vermont” synonymous with purity—green hills, white snow, and clean air?

Or is this all a chimera?

When Mark Lorenzo arrived in Vermont to work for the National Wildlife Federation (NWF) he was quickly disillusioned. “I found that Vermont seemed to be coasting on a reputation that far exceeded the actual [regulatory] standards I found in practice,” says Lorenzo.

VNRC Director Elizabeth Courtney agrees that some of Vermont’s environmental statutes need to be strengthened. “We have been very heavily involved in the effort to do so and have realized some important successes,” says Courtney.

“But just as critical as laws on the books is the conviction and the assertiveness of state leaders,” she adds. “A state with mediocre environmental laws can make progress if its leaders are committed to the cause, and a state with good laws can see conditions decline if leaders are inattentive or indifferent. With the challenges of today, what we need in Vermont are both good laws and committed leaders.”

It’s also true that laws are evolutionary. Some of our signature programs have been bypassed by other states. For example, our Use Value Appraisal Program (known as Current Use) was created in 1978 offering property tax relief to farm and forest landowners if they would register their property and keep it out of development. Approximately a third of Vermont’s land area...
A carefully considered statewide energy plan that provides guidance in where and how Vermont launches wind and other renewable energy projects is long overdue.

is enrolled. But across the Connecticut River in New Hampshire – which, like Vermont, has a landmass of around six million acres – a comparable program protects 51 percent of the state. Forests, which preserve ecological diversity and mitigate atmospheric carbon, are particularly important, yet some 60 percent of Vermont’s eligible forest acreage is not enrolled in Current Use.

NWF’s Mark Lorenzo says that’s a telling statistic. “To me,” says Lorenzo, “a forest-conservation program with less than half the [eligible] land enrolled has issues meeting the needs of the public.”

Similarly, while Vermont groups have fought pitched battles against pollution in this brook or at that ski resort, states like New Hampshire were developing comprehensive groundwater-protection laws, defending the resource we depend on for life. Vermont has finally done the same, with the passage this year of Senate Bill 304 (the Groundwater Withdrawal Permit bill). But we were followers, not leaders. Other states in our neighborhood beat us by a decade.

Perhaps most significant, though, is that the world is now at our doorstep. Climate change, the corporate privatization of natural resources, and diminishing fossil fuels represent challenges that must be addressed at the state level no less than regionally, nationally, and internationally. In some respects Vermont continues to lead the way: our state’s “energy efficiency utility,” Efficiency Vermont (EVT), is praised everywhere for its effectiveness helping homes and businesses reduce their electricity consumption; Vermont also relies less than most states on greenhouse gas-producing energy sources, due in large part to the state’s long-term contract with Hydro Quebec. However, while wind is the fastest-growing energy resource in Europe and the U.S., Vermont lags behind in bringing projects online. A carefully considered statewide energy plan that provides guidance in where and how Vermont launches wind and other renewable energy projects is long overdue.

With fuel and food prices at record highs and climate change upon us, there has never been greater need for serious community planning to help us consolidate services, jobs, and life’s necessities. Vermont was in the forefront of such efforts. Yet according to VNRC Sustainable Communities Program Director Brian Shupe, the best-laid plans of Act 200 have never come to fruition and planning initiatives are chronically underfunded. Over in New Hampshire new planning programs have the strong backing of the governor and Legislature.

Then there are areas where no one yet has the answers. Heading this list is transportation planning. Creating public transportation that serves lifestyles in rural Northern New England is puzzle enough, but the challenge is exacerbated by strip development and poorly conceived land-use patterns that encourage dependence on the
automobile — Vermont’s largest producer of greenhouse gases.

“I think transportation is a looming disaster for Northern New England,” says Shupe. “Act 250 addresses traffic congestion by requiring stop lights and turning lanes; it has not been effective in the more important realm of mitigating our over-reliance on the single-occupancy vehicle.”

In other words, our famous development-control law is out of date. What you hear about in the Statehouse are efforts to carve out exceptions to its requirements, especially in relation to housing. Very little is heard about adapting Act 250 to the critical environmental challenges of the 21st century, including climate change and dwindling oil supplies.

So is Vermont still “the greenest state in the nation?” Really, we’d better hope not. But we can learn from other states, including New Hampshire – and other states can learn from us. It’s becoming clear that “it takes a village” to save a planet.

**Forests and Current Use**

“My friends who are Vermont chauvinists like to say Vermont is so green,” says Jane Difley, president of the Society for the Protection of New Hampshire’s Forests. “But Vermont doesn’t have to deal with Boston. What drives development in New Hampshire is not some difference between Vermont and New Hampshire. It’s Boston.”

Difley speaks as a former professional forester in Vermont, and also as a former executive director of VNRC (1994-1996). Her view is that Current Use programs are a hedge, but not a guarantee, against environmentally harmful development.

“When the development value of land reaches a certain point, Current Use stops making a difference,” Difley says. “But it really is, from the Forest Society’s perspective, the first tool in our kit when it comes to land protection. It’s not a perfect tool, but it has done a lot to promote conservation in New Hampshire.”

The same is true of Vermont’s program. But the greater percentage of land enrolled in New Hampshire indicates that its version of Current Use may be more attractive to landholders than ours. Certainly the entry requirements are easier: the minimum enrollment there is 10 contiguous acres, compared to 25 contiguous acres in Vermont. Nor are New Hampshire’s minimum-acreage requirements absolute; wetlands need not reach the 10-acre minimum, and the program accepts small tracts of land that are managed for wildlife and open space.

“Also, undeveloped land actively devoted to agricultural or horticultural production that generates at least $2,500 in crop revenue a year can be enrolled,” says Donna Robie, executive director of SPACE (New Hampshire’s Statewide Program of Action to Conserve our Environment), an advocacy nonprofit that defends and promotes Current Use. “So you could have three acres [in production] and qualify.”

One of the most significant differences is that Vermont has required Current Use landowners to devise forest-management plans, in consultation with professional foresters, that include prescribed cutting. New Hampshire encourages management plans by providing larger tax reductions for lands in its “Stewardship Program,” but it does not require them. Proponents of Vermont’s program credit strict management requirements with improving the condition of the state’s privately owned forests; others contend that Vermont’s program does not sufficiently recognize other important reasons people may have for managing and protecting their woodlands – a factor, they believe, which may discourage some people from participating.

VNRC’s forest and biodiversity program director, Jamey Fidel, says timber-management plans created under the guidance of professional foresters definitely bring expertise to bear on the health of our forests. But he says that along with timber-management plans, a more comprehensive forest-management approach could bring a greater percentage of the state’s lands under protection.

The good news is that 2008 was a big year for Vermont’s program. Fidel participated on a Use
Value Appraisal Task Force that designed several important Current Use reforms – and Vermont’s legislators unanimously passed the bill. For the first time, “sensitive ecological areas” will qualify for protection – which means that rare natural communities, threatened and endangered species habitat, tree-shaded riparian buffers, vernal pools, old-growth forests, and other sensitive areas including some wildlife habitat, may potentially fit (within limits) under the law’s protective umbrella. Previously, such “sensitive areas” had to be excluded from Current Use acreage unless they were harvested in conformance with a timber-management plan, potentially compromising their integrity.

In addition, changes to the program will now allow unlimited enrollment of many types of wetlands that are nonproductive for forestry but valuable for wildlife and maintaining water quality.

The law is new, and it remains for the state Department of Forests, Parks and Recreation to put its provisions into practice. But Fidel is encouraged.

“Bringing ecological areas into the program is the signature gain in this bill,” says Fidel. “The goal is to enroll more of these sensitive areas, while maintaining productive forests that benefit our rural economy and the rural character of the state. With these improvements we’re finally catching up to the broader goals of New Hampshire’s program and better meeting the needs of the public in Vermont.”

Crafting this reform required compromises among diverse stakeholders. But the trend toward increased parcelization, and therefore forest fragmentation, presents threats they all recognize. Fragmentation can ultimately destroy habitat; parcelization – dividing the land among a larger number of property owners – creates tracts too small and inconvenient for loggers to harvest with sustainable practices, and creates holdings that don’t qualify for Current Use enrollment.

“Working on this bill was really rewarding,” says Fidel. “We came up with strategic improvements that benefit forests, landowners, conservationists, and the forest-products industry. It showed that in Vermont the forest community can tackle important challenges, which we need to do to have healthy forests and a healthy forest economy.”

**Groundwater**

While they were catching up to New Hampshire in the Current Use arena, perhaps it seemed to lawmakers like an opportune time to catch up on another issue as well: groundwater protection. Vermont did so with the passage of Senate Bill 304 last spring.

Groundwater is a truly vital resource: it sustains the human race as our drinking water. But our groundwater supplies – stored in subterranean aquifers and cleansed and filtered by natural processes – have dwindled or become contaminated in places. Plus, there is a new threat: consumer demand for bottled drinking water, which results nationwide in voluminous withdrawals for commercial purposes.

Most states have some form of law that requires at least a review of large groundwater withdrawals. But until recently Vermont’s statutes failed to demand reporting from large-scale users, meaning that the state had no base-level understanding of who was withdrawing our groundwater, at what rate, and for what purpose. Thus there was no effective bar against depletion or contamination. Our statutes failed to put public and community interests in groundwater above corporate, private interests.

That changed with the Legislature’s passage of S.304, which declares groundwater to be a public-trust resource and sets up a permitting program for large withdrawals.

“This was a significant accomplishment for the state,” says VNRC Water Program Director Jon Groveman. “It plugged a potentially dangerous gap in our water-protection laws. With passage of this law the Legislature has helped safeguard our drinking-water supplies for the generations that will follow us.”

Wonderful as that is, New Hampshire has had a similar law – including the public trust designation – on its books for nearly 10 years. Vermont’s law is much like New Hampshire’s: the threshold for triggering a permit requirement (withdrawals of
57,600 gallons per day) is identical, both laws have a reporting requirement, and both are designed to make sure that pumping water out of the ground does not draw down nearby rivers, lakes, wetlands, or neighbors’ wells.

Passage of S.304 brought to fruition a campaign VNRC undertook in 2005, after water-supply problems cropping up around the state brought VNRC’s attention to the fact that Vermont exercised no controls or oversight to protect this life-sustaining resource. The success of the bill was therefore particularly rewarding for VNRC, and several Vermont legislators have said that the Groundwater Withdrawal Permit bill may come to be seen as one of the most significant achievements of the 2008 session.

Yet all this time the solution to our groundwater problem lay just across the river, where New Hampshire took these steps years ago.

“They say imitation is the sincerest form of flattery,” VNRC Communications Director Jake Brown says wryly. “We admire you, New Hampshire.”

**Energy efficiency, and renewables**

Here’s an area where Vermont’s reputation for progressive environmental policy seems secure. Sort of.

The big feather in our cap is Efficiency Vermont (EVT), which was founded in 2000 and is supported by an energy-efficiency charge on Vermonters’ electric bills. Under the principle that the cheapest kilowatt-hour is the kWh you don’t purchase, EVT from 2000 to 2006 helped Vermonters “not purchase” 318 million kWh, cutting the state’s electricity growth rate by two-thirds.

“That’s the biggest benefit, in terms of energy efficiency, that Vermont has over New Hampshire,” says Erika Staaf of Environment New Hampshire (ENH), a statewide advocacy organization based in Concord. “New Hampshire has nothing like that.” (It does have state-monitored efficiency programs run by the utilities, which are financed by a systems-benefit charge on ratepayers’ bills.)

Unfortunately, though, efficiency doesn’t end with electricity, and Vermont – which along with Maine has the oldest housing stock in the nation – is no “Shining City on the Hill” when it comes to conserving other fuels. The 2008 Legislature achieved another success by passing the Vermont Energy Efficiency and Affordability Act, which Gov. Douglas signed into law on March 19. Far-reaching and multi-faceted, the bill creates a fund to finance efficiency programs for “heating and process fuels.” The goal is to help Vermonters reduce their consumption of those fuels, alleviating potentially serious economic pressures on people struggling to heat their homes.

Yet this success came only after a protracted battle between the Legislature and the governor’s office, which included a gubernatorial veto in 2007 because the Douglas Administration opposed assigning these duties to Efficiency Vermont, and opposed altering the existing tax agreement with Vermont Yankee (two provisions of the earlier bill). Thus, a full year was lost – and potentially more, as the 2008 bill left unanswered how, and by whom, these critical services are to be delivered.

Meanwhile, the electrical demand that states can’t eliminate through efficiency must be satisfied. With fossil fuels increasingly presenting cost and environmental burdens, states are looking more seriously at renewable (“green”) options. In New Hampshire green-power advocates are excited about the RPS (Renewable Portfolio Standard) requirement passed into law in 2007, which moves utilities along a path to provide 24 percent of their power from renewable sources by 2025. Vermont has not taken that route; instead, it passed legislation in 2005 creating SPEED (Sustainably Priced Energy Enterprise Development), a program that gives utilities until 2012 to prove that they can meet their growth demand through renewable sources. If they can’t, RPS could be in Vermont’s future, too. (This year the Legislature set an additional goal – that 20 percent of retail electricity in Vermont should be provided by renewables by 2017 – but it is not legally binding.)

New Hampshire’s challenges regarding renewables are greater than Vermont’s. The largest
part of that state’s electricity comes from nuclear and coal-burning facilities, and while utilities are starting to turn to biomass, methane, and hydroelectricity, New Hampshire’s transmission system is inadequate for transporting the power from such sources to the southern tier where the demand is greatest. Vermont has no coal power overtly in its mix (although all New England utilities supplement their contracted power with generic wholesale electricity from the New England grid), and several utilities here generate some portion of their power via alternative means, from “cow power” to woodchips to landfill methane.

Curiously, the two states are the last in the region to host utility-scale wind farms (a statement that somewhat unfairly ignores Green Mountain Power’s 10-year-old Searsburg turbines, though they truly are “quaint” by today’s standards). Now it looks like Vermont will be dead last, because a 12-turbine, 24-megawatt (MW) wind farm in Lempster, N.H., has received its final permits and begun construction.

“They got support from the town itself, which was the key,” explains ENH’s Erika Staaf.

On our side of the river, the town of Sheffield, Vermont, also supported development of a wind farm – a 40-MW, 16-turbine project proposed by First Wind. In August 2007 it became the first commercial wind project since Searsburg to win a Certificate of Public Good from the Public Service Board. But, due to litigation, ground has not been broken, and identifying appropriate areas for wind development in Vermont continues to be a challenge.

“The state’s inability to formulate and execute a comprehensive plan to move Vermont toward an independent, renewable energy future is troubling,” notes VNRC’s outreach director and energy program coordinator, Johanna Miller. “More and more concerned citizens, town energy committees, municipalities, entrepreneurs and innovative utilities are looking for Vermont to lead at this important time.”

Planning

When Act 200 was enacted in 1988 its purpose was to enable citizens to, in effect, design their state’s evolution rather than ceding that power to arbitrary, unguided commercialism. Known as the Growth Management Act, Act 200 envisioned a bottom-up process with citizens planning the development of their communities, regional commissions coordinating those inputs from the municipalities, and state agencies creating their own plans guided in part by the values thus conveyed by the people.

These were quality-of-life issues. The Act’s stated goals included “plan[ning] development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside,” “provid[ing] a strong and diverse economy [with] rewarding job opportunities,” and “maintain[ing] the quality of air, water, wildlife and land resources.”

Twenty years later there is greater urgency. Things that in 1988 were inconvenient or dispiriting – like long commutes to work, jobs disappearing in small towns, sprawl enveloping larger towns – have become socially, economically, and environmentally destructive. Energy costs and climate change demand that we reconsider how we are living in Vermont and prepare for an altered future.

That’s called planning. And according to VNRC’s Brian Shupe, Act 200 or no, Vermont has not done a good job of it.

“We have good laws on the books,” says Shupe, “but they do not yield good results if they are poorly administered or the state lacks leadership on growth and development.”

Lack of commitment to those “laws on the books” has been a longstanding problem.

“The Vermont Housing and Conservation Fund is nationally recognized for developing affordable housing and conserving farm and forestland with...
high ecological and recreational value,” says Shupe. “It was created in the Kunin Administration, funded by a percentage of the property transfer tax – which was intended to insulate it from politics and be a self-sustaining revenue source. But the first time a budget crunch came along the Legislature gave the fund only a small fraction of the revenues generated by that tax. And that’s been consistent, through the Snelling and Dean administrations.”

It must be said, though, that the system has worked. Despite funding at levels below the statutory formula, VHCB-supported projects have built more than 8,500 housing units for working Vermonters and conserved some 370,000 acres of farm and forest lands.

In 2008 Gov. Douglas again sought deep cuts in VHCB’s budget. In the end, the Legislature was able to level-fund it, but as Shupe points out, “level funding buys less land and builds fewer houses each year.”

This institutional resistance seems to extend to planning and conservation efforts in general. “Despite requirements of Act 200, state agencies do not prepare long-range plans and Vermont lacks a statewide development plan,” says Shupe. “By contrast, since 2003 New Hampshire has required a state plan to be adopted every four years.”

New Hampshire comes late to development planning, but it comes with enthusiasm. It has created a new Office of Energy and Planning (the linkage is not coincidental) that provides information and guidance on matters as diverse as wind energy and the principles of smart growth.

Here in Vermont, Shupe and other advocates worry about planning programs being abused. Williston was first out of the gate to request designation under a 2006 Growth Center Program that encourages targeted growth outside of traditional business and residential districts but mandates smart-growth practices (such as compact, mixed-use, pedestrian-oriented development). VNRC, the Preservation Trust of Vermont, and Smart Growth Vermont worked with Williston planners to identify boundaries that would address concerns about the size of the growth center. However, the state board responsible for designating growth centers expanded those boundaries to encompass nearby big-box stores that clearly do not meet smart-growth criteria.

Like all new laws, the Growth Center Program will become further defined as state agencies implement it in the context of real projects. VNRC will remain vigilant in pointing out loopholes...

**CLIMATE CHANGE: WE’RE IN IT TOGETHER**

New Hampshire and Vermont, along with four other states and five Canadian provinces, are signatories to the Climate Change Action Plan of 2001, drafted by The Conference of New England Governors and Eastern Canadian Premiers (NEG/ECP). The Conference produced a statement of the severity of the problem, its specific threats to this region of the continent, and a goal:

“Over the long term, anthropogenic greenhouse gas emissions must be reduced to levels that no longer pose a dangerous threat to the climate,” the plan stated. “The best science available . . . indicates that attaining this goal will require reductions in GHG emissions of approximately 75 [percent] to 85 [percent] below current levels.” The plan sets short-term, mid-term, and long-term goals, the first being to reduce regional emissions to the level of 1990 emissions by 2010 – a date that is nearly upon us.

Annual report cards, published by “partners” in each state, are not very encouraging. In New Hampshire the reporting partner is Environment New Hampshire (ENH); in Vermont it is VPIRG. The 2007 Report Card concluded that “progress has been made” overall, but none of the states or provinces are on track to meet the 2010 emissions-reduction target.

Erika Staaf of ENH gave her state a C- for 2007 (grades are reached using a formula repeated by all participants). The Renewable Portfolio Standard the New Hampshire Legislature passed last year pulled the grade up, as did the state’s establishment of a GHG emissions inventory. In Vermont, VPIRG settled on a grade of C. VPIRG’s James Moore cited Vermont’s involvement, since 2005, in the Regional Greenhouse Gas Initiative (a program to generate revenues to be invested in renewables and energy efficiency), which New Hampshire did not join until this spring. Moore also cited the Public Service Board’s approval of the Sheffield wind farm, and the successful court fight to protect Vermont’s clean car standards from an auto industry challenge. “Improvements needed” included “an economy-wide cap on global warming pollution that is in line with what eminent scientists have indicated is necessary to stabilize the climate.”

The steps prescribed at the state-government level are fairly uniform. Complying with the NEG/ECP Action Plan, both Vermont and New Hampshire convened climate change task forces to establish priorities for their emission-reduction campaigns (those efforts are ongoing in both states). They created climate registries to inventory and track GHG emissions. They have adopted appliance-efficiency standards, and revisited residential and commercial building codes for both retrofits and new construction.

These and other efforts are in their early stages and it’s too soon to judge their success. Perhaps it is comforting, in the face of this global emergency, to contemplate that the individual states and provinces don’t have to invent solutions on their own; they can follow a template which they are creating together.

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Energy costs and climate change demand that we reconsider how we are living in Vermont and prepare for an altered future. That’s called planning. And Act 200 or no, we have not done a good job of it.

that undermine the law and seeking redress in the Legislature if necessary. VNRC supports the concept of a state-level office of planning, like New Hampshire’s, which helps translate good policies from the page to the land.

Making peace

Speaking in May to an audience of Washington Electric Cooperative members in Barre, storyteller and humorist Willem Lange described his migration last year from Etna, New Hampshire, to East Montpelier, Vermont. Lange compared the states in terms of their people, their customs, and their geography, and at one point held his two forefingers up beside each other, one pointing to the floor and the other to the ceiling, to describe the states’ inverted shapes.

“One of them is upside down!” he quipped. True – and it has long been the tradition in both states (one the “Live Free or Die” state, the other proclaiming “Freedom and Unity”) to see the other as the errant one.

But now the stakes are too high for that. “It may be hard for us to admit that our greenest-in-the-land label might not be so true anymore,” says VNRC’s Elizabeth Courtney. “But this is what educators call ‘a teachable moment.’ It reveals that we have to collectively reinvigorate the vision and leadership that put Vermont on the green map in the first place. That’s vital to everything Vermont stands for: its beauty, its productivity, and its lifestyle. We urgently need to start living a present that’s worthy of our past.”
“Big Box Swindle” Lays Bare the Hidden Costs of Big Box Retailers

By Kim Greenwood

At VNRC, we think a lot about big box stores, and Stacy Mitchell’s book Big Box Swindle (Beacon Press) nails the reasons why. From climate change to water quality to forest land destruction to sustainable communities and vibrant downtowns, Mitchell’s book exposes all of the hidden costs of the big boxes such as Wal-Mart, Home Depot, Barnes and Noble, Borders and Lowes.

Mitchell’s book is chock full of startling statistics. Here are a few examples:

- Nationally, Wal-Mart captures one out of every 10 dollars that consumers spend in stores.
- From 1990 to 2000, approximately 5,000 independent hardware stores closed and were replaced by 1,500 combined Lowe’s and Home Depot stores.
- When money is spent locally, more than one-half of every dollar stays in the state. In contrast, just one third of every dollar stays in the state when spent at a big box retailer.
- Every square foot of shopping space in a big box store requires three to four square feet of parking space. These massive parking lots contribute to water pollution as dirty water washes off parking lots and into lakes, rivers and streams.

Big Box Swindle is divided into two parts. In the first part, Mitchell methodically breaks down every illusion the public has about mega-retailers. One by one, she blows apart the assumptions about big box stores. She tackles taxes, jobs, low prices and more, exposing the myths using examples from a variety of states. Even with all of these statistics, the book remains wonderfully readable.

The second part of the book provides a surprisingly hopeful ending detailing the recent rise of independent merchants in many areas, providing enough examples to inspire the most seasoned cynic. Sometimes it’s easy to feel overwhelmed by the pervasiveness of big boxes. This book documents the struggles of independent stores in a way that helps the reader understand just how important their dollars are to these independent businesses and to our communities.

Here in Vermont, support for our downtowns and local businesses is generally solid, and has a long tradition. It is often accompanied by a distaste for mega-retailers who send their profits out of state. Witness the quick mobilization of lots of Vermonters to create a group, Citizens for Community and Local Prosperity, in response to a recent proposal (since abandoned) for a Home Depot in Berlin. Look at the Northwest Citizens for Responsible Growth who tackle, among other issues, the proposed Wal-Mart in St. Albans. Citizens are questioning big boxes in Vermont and across the country. This book explains why.

The book is far more than a rote critique of the ills of large-scale commercial development: it’s well written, well researched and reads like the best of summertime novels. The history of large retailers, their astounding emergence onto the American shopping scene, and their hugely negative impacts will surprise the reader and bring perspective to our current situation. We haven’t always lived in a world of big-boxes. It just seems that way.

As a scientist, I appreciate the research and the historical context. As a reader, I appreciate the writing style. And as a citizen, I appreciate that this book provides information, hope and color in the monochrome world of mega-retailers.

Kim Greenwood is VNRC’s staff scientist.

VNRCP recently visited Lynn Levine at her home in Dummerston. Excerpts of a several hour, wide-ranging conversation — some of which was conducted during a walk on her new, self-guided forest trail — are below.

What’s happening with our forests in Vermont?

I am worried about the fragmentation and parcelization of Vermont’s forests, the breaking up of the forests into ever-smaller chunks. I looked at an old map of Dummerston recently, and it is amazing how over the last couple of decades, we have pushed back up into the forest, and built houses deep into the woods. In the future, I think Vermont will have forests, but they will be split into lots of smaller and smaller sizes unless we do something now to halt the trend. The work that VNRC has done on parcelization as part of the Forest Roundtable is crucially important as we try to understand this phenomenon.

Education on this issue is important, and zoning can help with parcelization — we are talking now in Dummerston about a minimum lot size of 27 acres for rural zoning, instead of the current 10 acres. That would make rural parcels big enough to get into the current use program because the minimum size for forested parcels is 25 acres.

And I think conservation easements are going to be more critical in forestry in the future. And of course, Vermont wouldn’t be Vermont without the current use program. And when land is transferred, from one generation to the next, or is sold, current use acts as a stabilizing force. If landowners don’t know about the program already, it helps introduce the idea that land can be carefully managed under the guidance of a forester. It also helps to discourage people from selling their forests for lots, or stripping land of its timber.
What about your career?

I was the first woman consulting forester in New England. I started 30 years ago. I currently work on private forestland, about 20,000 acres in all, throughout Windham County with a focus on long-term forest stewardship. My business is involved in all aspects from assessing a forest, writing plans and implementing them, which often leads to marking trees to be harvested, and overseeing the harvesting. Another big component of my work is environmental education. I have taken thousands of people into the forest to learn from the forest. Three major focuses have been owl walks, tracking and orienteering. I’ve done these workshops for over 10 years at Mt. Snow, Adams Farm, and Southern Vermont Natural History Museum and many other places. I have taught workshops and college courses on forest ecology and created curriculum for the Vermont Institute of Natural Sciences on Environmental Citizenship for 5-7 graders so they can make a difference in their environment. I’m presently creating interpretive nature trails in Newfane and Brattleboro with funds from the Vermont State Urban and Community Forestry Program and am steeped in writing a children’s tracking mystery to be called “Snow Secrets.”

How do you see your role as a forester?

I see myself both as an advocate for the landowner and the logger, as well as the forest itself. I serve as a mediator sometimes, when different members of families who own land want to do different things. For instance when one sibling wants the land to stay the way it is and another wants it to be a financial resource. I have to be a good listener, both to the landowner and the land.

You practice forestry in New Hampshire as well as Vermont. What’s different in New Hampshire?

New Hampshire takes its forest resource very seriously. In New Hampshire they license foresters. By doing this, in New Hampshire they are saying that the forest resource is important enough to have licensed professionals managing it. In Vermont there is no licensing requirement. Another example: New Hampshire has a tiered approach for its current use program where landowners can enroll in different categories such as wildlife or forestry. New Hampshire also requires a permit to cut within 50 feet of a perennial stream or wetland.

What about the future?

I worry about the increased demand we may put on the forest because of our need for biomass fuel. At this point, even if we decided to take more wood from our forests for fuel, in Vermont we simply don’t have enough measures in place to be sure it’s done right, to protect the resource. And our forests can help us with climate change, because they are carbon sinks. But there is debate over the best way to manage forests so they most effectively store the most carbon. And, of course, I worry about our aging population of loggers. If there are no loggers, our rural heritage and forest economy is diminished.

And finally, soils are the basis of all healthy forests. We need, more than anything, to protect our soils if we are to have a bright future for our forests. Most importantly, to protect our future forests, each of us must take responsibility to share our love of the forest with as many adults and children as we can. That means taking people into the woods, the only real way to help people grow their feelings for the forest. After all, we need the forest; the forest doesn’t need us.

Heading to the Woods? Take Levine’s Book to Track the Critters

Lynn Levine has written several books, including Working with Your Woodland, first published in 1992. Her latest work, Mammal Tracks and Scat: Life-Size Tracking Guide® is a handy waterproof year-round field guide, with life-size illustrations. It is designed to be carried through brush, bramble and snow banks, and emerge unscarred. It uses a novel three-step process to identify tracks and scat of 29 different animals that are commonly encountered in the field.

The guide is co-authored by Levine and Martha Mitchell, an illustrator and naturalist and costs $19.95 plus shipping and handling.

To order Mammal Tracks and Scat: Life-Size Tracking Guide, go to Heartwoodpress.com or try your area independent bookstore. For group discounts, call (802) 254-4717 or email forester.levine@gmail.com.
VNRC is proud to have hosted the first formal gubernatorial debate of the 2008 election, focused on the critical topics of Vermont’s environment, energy future, food and farming. Despite torrential rain nearly 400 Vermonters turned out and packed the open-air pavilion on July 20 at Waitsfield’s Lareau Farm.

Republican incumbent Jim Douglas, Democrat Gaye Symington and Independent Anthony Pollina jabbed and counter jabbed in the lively debate, sparring over topics from Vermont’s energy future and the health of Lake Champlain to food security and strengthening the viability of Vermont’s family farms. Thorp.

“It was abundantly clear that evening that Vermonters want strong and visionary leadership on the environment, climate change and growing a strong local foods economy during these challenging times,” said Elizabeth Courtney, VNRC’s executive director. “The intensifying burden on Vermonters to heat their homes and pay increasingly expensive food bills made the subjects addressed in this first debate even more timely and important.”

VNRC was proud to co-host this important conversation with the American Flatbread Company and Vermont Localvores. Just before the debate began, VNRC held its 44th Annual Meeting where we honored several lawmakers who played key roles last session to advance bills on climate change, groundwater protection and current use. The honorees included Reps Alison Clarkson (D), David Deen (D), and David Zuckerman (P) as well as Sens. Diane Snelling (R) and Ginny Lyons (D).

“Celebrating the leadership of a bipartisan group of lawmakers at the Annual Meeting really set the tone for the night,” said Jake Brown, VNRC’s Communications Director and Legislative Liaison. “Vermont needs more people like these, who work to protect Vermont’s environment, advance a clean, renewable energy future and support entrepreneurial agriculture.”

At the annual meeting, VNRC honored several lawmakers for their dedication to conservation work. From left to right are: Sen. Diane Snelling, Rep. Alison Clarkson, Sen. Ginny Lyons, VNRC executive director Elizabeth Courtney, Rep. David Zuckerman (with daughter Addie) and Rep. David Deen.

Senator Bill Doyle talks at the annual meeting with VNRC member Ann Day.

Gubernatorial candidates prepare for the July 20th debate. From left are incumbent Governor James Douglas, Independent candidate Anthony Pollina, Democrat Gaye Symington, and, at the microphone, VNRC’s executive director Elizabeth Courtney.
Over the past several months VNRC has had the pleasure of working with several talented and committed interns.

This past spring, Melanie Fenzel and Amy Vaden, both Vermont Law School J.D. students, performed essential legal research and writing for a number of cases that VNRC has been involved in. They handled research on planning strategies for wildlife habitat protection, biomass energy in Vermont and the region, and the legality of converting public trails to private subdivision driveways.

Brenda Luciano, another VLS law student, as well as Janice Chan, a VLS masters student, spent the summer with VNRC. Brenda, recipient of the VNRC’s Mollie Beattie internship for 2008, helped conduct legal research on several VNRC cases involving wildlife habitat in Vermont, including our efforts to protect the wildlife rich Northshore wetland in Burlington from development and our participation in the Searsburg wind project. Janice worked with a variety of VNRC staff on research on biomass and wetlands issues.

We are grateful for the important help we receive from interns and if you know of anyone who would be interested in an internship at VNRC, please contact us at 802-223-2328.
SAVE THE DATE!

Saturday, November 15th • Environmental Action 2008
Vermont Technical College, Randolph, Vermont

Join hundreds of Vermonters for a day of inspiration, training and networking as we work together to create healthy, sustainable communities.

Conference topics include:
• Creating our Clean Energy Future
• Protecting our Families and Communities from Toxics
• Building a Strong Local Food Economy
• Planning to Address Climate Change
• And much more in 24 topical and skill-building workshops!

Keynote Speaker:
Ecologist & Writer Sandra Steingraber
Steingraber is a former biology professor at prominent universities and author of the highly acclaimed Living Downstream: An Ecologist Looks at Cancer and the Environment. Her work has helped inspire and grow a movement, as well as raise awareness of the environmental and toxic hazards that threaten our children and ourselves.

Hosted by:
New England Grassroots Environment Fund, Toxics Action Center, Vermont Alliance of Conservation Voters, Vermont Natural Resources Council, and Vermont Public Interest Research Group

Registration:
$50 for cosponsoring groups (includes two entries and a table). Individuals are $30 pre-paid and $35 at the door. Scholarships are available. Breakfast, a reception, and childcare are included.

For more information or to register, visit www.vtenvironmentalaction.org or call 802-223-2328.