



50 years of Environmental Stewardship



Vermont Natural Resources Council:

50 Years of Environmental Stewardship



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Vermont Natural Resources Council: 50 Years of Environmental Stewardship

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Acknowledgments

This VNRC history would not have been possible without the help of our Board Chair, Kinny Perot, and many other board members, staff members, and friends of VNRC, past and present.

Marion MacDonald, VNRC's Staff Editor during the 1980's contributed to this text. Her work is shown in italics in the first three chapters.

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An Introduction

from

Elizabeth Courtney, Executive Director 1997-2011

In 2013 Vermont Natural Resources Council will celebrate a milestone event—50 years of protecting and restoring Vermont’s natural resources—educating, inspiring and activating thousands of Vermonters to champion all that we love about our beautiful state.

We’re marking our 50th anniversary by bringing Vermonters together to envision a better future, and to establish a lasting legacy. As VNRC works to raise awareness, spark dialogue and set policies that protect our forests, farms, waters and communities, we celebrate our anniversary and pledge to continue to protect Vermont’s natural heritage and promote responsible development over the next 50 years.

This publication is a sample of the best of our accomplishments and ongoing initiatives.



MAY 11, 1961

CONSTRUCTION OF
WILLISTON SECTION
OF INTERSTATE



JULY 11, 1962



OCTOBER 11, 1964

“We’re on the verge of the greatest development Vermont has ever seen.”

–Senator George Aiken, on the opening of the Putney section of Interstate highway in 1961

“Sooner or later we’re going to end up as all asphalt and concrete.”

–Theron Boyd, dairy farmer, from VNRC’s 1971 film *So Goes Vermont*

The Tumultuous 1960s - A Decade of Change and the Co-Inventors of an Important Idea

Challenges

* Natural Resources Threatened – VNRC founded by farmers and foresters

* Rapid Growth Overtakes Vermont– VNRC urges Governor Deane Davis to create an Environmental Control Commission (Gibb Commission) and advocates passage of state planning and billboard laws.

* Vermont Yankee Proposed – VNRC advocates public health.

* Public Education Needed – Audio-visual program on natural resources and conservation created



* Volunteer amateurs need help - VNRC hires first paid professional staff.

The year 1963 was captured in song in Bob Dylan's *The Times They Are A-Changin'*. Rachel Carson's landmark book, *Silent Spring*, drawing attention to the long-term effects of pesticide misuse and calling for a new way for humankind to view the natural world, had been published the year before.

The Interstate Highway system had been working its way through Vermont for 5 years, but was still 20 years from completion. Phil Hoff had just taken office as the first Democrat elected Governor of Vermont in 108 years. And a growing number of people in Vermont were talking about the changing face of the state and how best to protect its natural resources.

In the Spring 1984 edition of the *Vermont Environmental Report* celebrating VNRC's 20th anniversary, then editor Marion MacDonald took us back to those heady days when VNRC took root in her article "The First Twenty Years":

Getting answers to questions about how – and why – VNRC began is a lot like researching the origin of the universe. There are so many different theories that one is left with the conclusion that it was just one of those ideas whose time had come.

VNRC's first chairman, Richard M. Brett of Woodstock, recalls discussing the idea with Lucy Bugbee, Hub Vogelmann and the late Dr. James Marvin. Belmont Pitkin and Goddard College founder Royce "Tim" Pitkin had similar ideas, along with Forests and Parks commissioner Perry Merrill.

As VNRC pillar Jim Wilkinson says, "There was ferment in the state to get some kind of organization started." Some of that ferment was distilled and capped at a statewide conference on "Natural Resources in Transition" at Goddard College, February 25-26, 1963. The conference program included an "inventory" of the state's resources by the Vermont commissioners of Agriculture, Forests and Parks, Water Resources and the State Geologist, as well as discussions of the impact of technology on agriculture and

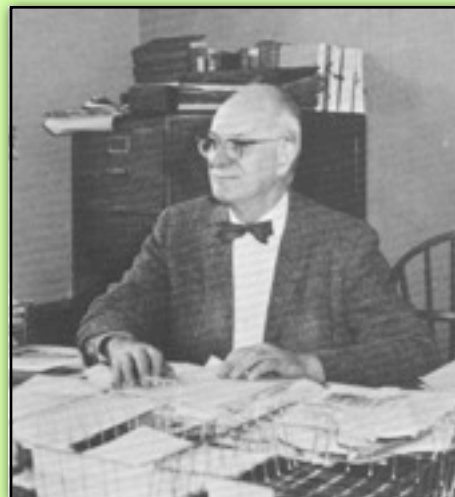
"From that time (1925) on until the present day, the State of Vermont has acquired nearly 170,000 acres of forest land in Vermont. Perry Merrill's name has been associated with nearly all recreational and forestry developments in our state. Perry may well be called the 'Father of Vermont State parks,' for it was under his guidance that the Civilian Conservation Corps built the beautiful areas which both in-staters and out-of-staters now enjoy. It was in no small way due to his aiding and abetting, cajoling and urging, that Vermont is now noted for its excellent ski areas. His was one of the first cries in the wilderness for conservation – and conservation education. School children are still reaping the benefits of his earlier wisdom."

—George David Aiken

"Even with his long and very effective years in Vermont government, Perry Merrill in the early 1960s saw the need for an effective citizen conservation organization. Perry Merrill truly was a visionary person. VNRC shares, and is grateful for, Perry's conservation ideals and vision."

—Bren Whittaker

Perry Merrill



transportation and the need for long range planning for resource management and development.

According to a June 14, 1963, letter to participants from conference chairman Sam Ogden, "The idea of a Resources Council was proposed early in the conference by Mr. Robert Fish, Jr., a trustee of the Vermont Nature Conservancy. At a later session the idea was further explored by Mr. Fred Sargent, agricultural economist at the University of Vermont. At the final session the conference voted unanimously to establish a committee to formulate a proposal for a Vermont Resources Council..."

The conference appointed a six-member ad hoc committee chaired by Ogden which drew up plans and bylaws for the new organization and presented them to a meeting at Goddard on June 27, 1963. An organizational meeting was held the following day, and a press release dated June 29, 1963, proclaims that:

"I always loved Vermont, and anything that I saw work in other places, I wanted to apply to Vermont. I was sure that her beauty was so great that people once experiencing it would want to return again and again. I wanted people to be able to swim in her lakes, canoe in her rivers, camp in her forests and drive through her hills and valleys. And especially I wanted to know that her natural resources would be developed in a way that would preserve them for future generations. I have been fortunate indeed to see much of that dream come true."

—Perry Merrill

The Tumultuous 1960s - A Decade of Change and the Co-Inventors of an Important Idea

The Vermont Natural Resources Council was organized yesterday at Burlington. The objectives of the council are:

- 1. To educate the public in regard to the interrelationship of our soils, waters, plants and animals, their effect on man and man's effect on them;*
- 2. To promote wise use and preservation of natural resources to the benefit of Vermont citizens;*
- 3. To provide a means for representing all interested individuals and organizations, and to present their representations to the public.*

*Temporary officers were elected, including: chairman, Sam Ogden; vice-chairman, Belmont Pitkin; and secretary-treasurer, **Perry Merrill**. At a meeting later that summer, permanent officers were elected and Dick Brett replaced Sam Ogden as president.*

The question of "how" VNRC was formed has at least one other variation. The following is an excerpt from Perry Merrill's 1984 Autobiography, *The Making of a Forester: An Autobiographical History*, page 99.

"After some preliminary study, the Vermont Natural Resources Council was organized on May 3, 1963 at a meeting in the Department of Forests and Parks. **James Marvin** acted as temporary chairman and I served as clerk. A proposed constitution and by-laws were drawn up and adopted. At the annual meeting, a board of... directors was elected. Members included Frederick Sargent, George Davis, Belmont Pitkin, Samuel Ogden, Robert Nash, Robert Proctor, Paul Heald, Marion Smith, Marion Hardy, Richard

"To run down the list of Dr. Marvin's many contributions to the University of Vermont, to the State, to the birth and growth of the conservation movement here is to face a life that was rich, almost prodigious, in its achievement. Dr. Marvin was a pioneering figure in the early days of the Vermont Natural Resources Council. He was Professor Emeritus and past Chairman of the Department of Botany at UVM. He was founder and Director of the Proctor Maple Research Farm at UVM. He was an authority on maple research and plant physiology. He was a Trustee and first Director of the Vermont Chapter of The Nature Conservancy. He was a Director of the Conservation Society of Southern Vermont. For six years up until his death, he was a member of the Vermont State Environmental Board."

Dr. James Marvin



—Nat Frothingham

"Jim was pragmatic. He understood the way people thought, how far you could move them in a certain direction. He was not objectionable. The result was that Jim was appreciated on all sides. He was a tremendous force."

—Hub Vogelmann

Brett, Lucy Bugbee and myself. Each of these directors was chosen to represent some organization interested in the protection and conservation of Vermont's natural resources."

It appears that this May 3, 1963 meeting may have been the precursor ("six-member ad hoc committee") to the June 27th and June 28th meetings. The minutes of the 1st meeting of the Vermont Natural Resources Council on June 28th in the Home Economics Building at the University of Vermont were signed by Perry Merrill, Secretary.

The minutes reflect that temporary officers elected were: Chairman Samuel Ogden; Vice Chairman, Belmont Pitkin; Secretary-Treasurer, Perry H. Merrill. Other directors (in addition to the officers) elected were: Frederic O. Sargent; George Davis; Fritz Wiessner; James Marvin; Robert Fish; Robert Proctor; Paul Heald; Marion Smith; Marion Hardy; John Morphy; Richard Brett; Lucy Bugbee.

VNRC Board of Directors Meeting circa 1967.

Foreground clockwise: beginning with Bernice Burnham, unidentified man, Peg Garland, unidentified woman, unidentified man, John Stevens (under map), Dick Brett, Justin Brande, unidentified man, Perry Merrill, unidentified man, and James Marvin.



The Tumultuous 1960s - A Decade of Change and the Co-Inventors of an Important Idea

“... business manager of the New York Public Library from 1947 until his retirement in 1953. He was treasurer and general manager of the Macmillan Company before World War II, during which he served in the Army Air Corps. In 1953 he moved to Vermont, where he set up an experimental woodlot – a tree farm with habitats for wild life – at Hawk’s Hill in East Barnard. He was a trustee of the Vermont Natural Resources Council, among other conservation organizations.”

–The New York Times

“A latter-day pioneer... he was not daunted by the slow pace of growing trees from seed and sought no short cuts. The best of the environmental laws we have today are like the trees grown from the seeds that Richard Brett planted. Richard Brett, banker, publisher, businessman, writer, forester, and co-founder of VNRC, died this fall at the age of 86. He leaves with us the inspiration of his dedicated advocacy for a comprehensive approach to land use.”

–The Barre-Montpelier Times Argus

Dick Brett



The following excerpt is from VNRC’s 20-year history from our 1984 V.E.R:

Don Quixote

The founding of VNRC predated by several years a floodtide of environmental awareness that reached its crest with "Earth Day" in 1970. VNRC's founders were ahead of their time, and their ideas and methods seem unorthodox to a generation of environmentalists steeped in the tradition of cost-benefit analysis, impact assessment and mitigation. Yet because of the times – and because of who they were – those early members of VNRC won the support of Vermont's political leaders and were in no small way responsible for the state's remarkable achievements in water quality protection and land use regulation in the late 1960s and early 1970s.

*"It was very informal, a seat-of-the-pants kind of thing," according to the gentleman who usually wore the pants in those years. **Dick Brett**, now 81, served as the Council's chairman, newsletter editor and financier from 1963 to 1967.*

"We got our point of view across by inviting people to visit sites, writing newspaper articles, getting newspapers to review our projects, and buttonholing key people to explain to them what we thought – quite often in private," Brett recalls.

When the Army Corps of Engineers proposed a flood control dam which would have destroyed an important wetland at Victory, VNRC sent a bus-load of environmentalists to investigate. Council members were instrumental in organizing local opposition to this and a similar project on the

“[Dick Brett] was an old fashioned conservationist...one of the father’s of the conservation movement in Vermont...a real gift to Vermont.”

–Bill Stetson



Hub Vogelmann

White River in Gaysville. They also worked closely with state agencies to help formulate the state's position.

*An all-volunteer organization with no staff or office, the scope of VNRC's activities was determined by the abilities and interests of its principal volunteers. Fortunately, those volunteers included the late Dr. James Marvin, who founded UVM's Proctor Maple Research Laboratory, UVM Botanist **Hub Vogelmann**, whose field of expertise is alpine vegetation, and **Lucy Bugbee**, whom Dick Brett claims was "so well-known that if you wrote a letter to*

'Lucy-Vermont,' she'd get it."

Another of VNRC's principal areas of concern in the mid-1960s was construction of the Vermont Yankee nuclear power plant in Vernon. News Notes, the Council's first newsletter, reported that VNRC testified at the early commissioning hearings as well as meetings privately with utility officials.

St. George

By the late 1960s, second-home development was proceeding at a frenzied pace – especially in southern Vermont. Among the more spectacular development

*"It's mostly in saving the beauty of Vermont that I care about."
–Lucy Bugbee*

Lucy Bugbee



"Mrs. Bugbee helped found the Vermont Natural Resources Council, the state's leading environmental protection organization. 'I feel every Vermonter should belong to and support that group.' The conservationist worked successfully to protect valuable rare wildflowers and for changes in highway construction plans which threatened important wild life areas. 'I think I was always very bashful about speaking, but somewhere or other, after you've gone around with your pictures hundreds of times, you get used to speaking your mind,' she said at the age of 96, not long before she died. One of Mrs. Bugbee's preservation victories, a twelve acre bog in Northeastern Vermont, was named in her honor. She also worked to create a sanctuary for more than a hundred varieties of wildflowers and ferns at her home, where hundreds of ecologists and horticulturalists have studied, including students and professors from nearby Dartmouth College."

–from "Vermonters"

"Mrs. Lucy Bugbee, a renowned naturalist who conducted nature tours, was responsible for awakening my intense interest in 'natural areas' such as bogs, wild flowers growing in natural settings and stands of old growth forest."

–Perry Merrill

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schemes of the late 60s and 70s were a 20,000-acre second-home development in the Stratton-Winhall area, a dam on the Mad River to create a 21-acre lake for a private residential development in Waitsfield, a 625-acre "Wildlife Wonderland" (complete with zebras, camels, exotic birds and a miniature railroad) in Weston and Mount Holly, and a Holiday Inn in the heart of Montpelier.

In February, 1969, VNRC chairman **Justin Brande** wrote to newly-elected Governor Deane C. Davis urging him to establish an "Environmental quality commission" to "study and advise the government and citizens of the state on the trends and directions of our use of the environment" and to "recommend what changes should be made to ensure reasonable prospects for the survival of the state and its citizens."

Brande reported in a February 21

memo to VNRC members that Davis' reaction to his letter had been "very favorable," and on May 14, 1969, Davis created the 17-member Environmental Control Commission and its 29-member advisory committee. VNRC members were well-represented on both bodies.



Justin Brande

The commission, chaired by Representative Arthur Gibb, met regularly from May 1969, to March 1970. Its report to the Governor, dated January 19, 1970, recommended as a basic goal "the preparation of a comprehensive land use plan for the state of Vermont to be undertaken as soon as practical and completed within a period of one year." Other recommendations included a ban on development above 2500 feet in elevation, regulation of the sale, production and use of pesticides, a long list of regulatory and legislative changes concerning the state's water resources, and creation of a state agency with

primary responsibility for natural resources and environmental control.

Most of the commission's suggestions were translated into proposed legislation which swept through the Vermont General Assembly in the historic session of 1970.

VNRC's transition from an all-volunteer group to an organization with a paid professional staff, permanent offices and considerable political clout occurred within a few weeks of the introduction of Act 250.

In November, 1969, the VNRC board authorized the employment of Justin Brande as executive director for a four-month period, stipulating that "further employment depends upon raising sufficient funds to carry on the program." The Council rented a two-room office on the second floor of 97 State Street in Montpelier and opened for business in December, 1969.

VNRC Chairman **Peg Garland** expressed the new confidence – and responsibilities – of Vermont environmentalists in the February, 1970 News Notes:



VNRC's First Office in 1969
97 State Street, Montpelier

"It is indeed strange for conservationists to adjust to their new public image. After years of being Don Quixote, we suddenly find ourselves as St. George. The windmills are now dragons! Let us hope that with the assistance of an aroused public we will be able to slay our dragons!"



Peg Garland

Growing Pains

By 1968, VNRC's membership was at 450 and growing. So was the Council's bank account. At the time of the 1968 annual meeting, VNRC had more than \$4000 in cash and savings. No longer a shoestring operation, the Council could say "yes" to proposals like Duncan

Campbell's audio-visual program, a slide show on natural resources and conservation combined with promotional brochures which brought in \$2000 and 112 new members by April 1969.

In 1969, the National Wildlife Federation recognized the promise of the new organization by selecting it as its Vermont affiliate.

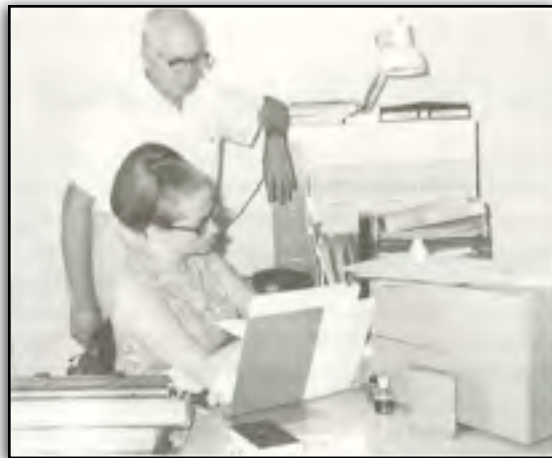
But along with rapid progress, VNRC experienced the inevitable growing pains as it became clear to the Council's founders and supporters that they did not always share the same vision of the structure and goals of VNRC.

Many of the founders saw VNRC as a kind of federation of Vermont conservation organizations which would allow them to pool information and resources and to speak with one voice on the important issues of the day. In this camp was Fred Sargent, professor of agricultural economics at UVM, who argued in an editorial in the October 13, 1966, Burlington Free Press that the Council's board should include direct representation of major interest groups

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and organizations, and that VNRC should systematically survey its members before speaking on their behalf.

The Vermont Camping Association echoed Sargent's sentiments in a letter dated November 26, 1966, complaining that VNRC was not fulfilling its stated intention of providing a central clearing place of ideas from all member groups.



Nancy Hutchinson and Perry Merrill
check VNRC's books

While some members felt the Council had strayed too far from the role of educator and information-giver, others felt that the times demanded that VNRC become more involved in directly influencing legislation and public policy, and that doing so meant becoming a "professional" organization with a paid staff and permanent offices.

Peg Garland and Jonathan Brownell spearheaded the drive for a paid, professional staff, and while this represented a completely new direction for the Council, Dick Brett concedes that it was necessary.

"Jonathan Brownell realized that there had to be a wider, more professional, more skillful approach than we had been using," says Brett. "Ours was strictly amateur."

Daily Life in 1963

World Population	3.2 billion
U.S. Population	189.2 million
Vermont Population	~405,000
Average Cost of a New House	\$12,650
Average Annual Family Income	\$6,998
Gas per Gallon	29¢
Average Cost of a New Car	\$3,233
Cost of a First Class Stamp	5¢
Year-end Close Dow Jones Industrial Average	762

The following persons, with the organizations they represented, were present at the June 28, 1963, organization meeting of VNRC (Samuel Ogden of Landgrove served as temporary Chairman):

Belmont Pitkin, Plainfield, *Goddard College*;
Frederick O. Sargent, Shelburne, *University of Vermont*;
Mrs. Oliver R. Eastman, Oakledge, Burlington, *Green Mountain Audubon Society*;
Ruth A. Hesselgrave, Middlebury, *Middlebury Garden Club*;
Mrs. Laurence P. Howe, Burlington, *Green Mountain Audubon Society*;
Mrs. K.S. Field, Vergennes, *Vermont Bird Club*;
Mrs. Beatrice Guyett, Ferrisburg, *Vermont Bird Club*;
Mrs. C.E. Brown, Essex Junction, *Vermont Federation of Womens' Club* (sic);
Mrs. Perry H. Merrill, Montpelier, *Montpelier Womens' Club*;
Mrs. Samuel Ogden, Landgrove;
Marion Smith, Burlington, *Vermont Botanical Club*;
H.W. Vogelmann, Jericho, *Nature Conservancy*;

R.D. Deemer, Rutland, *U.S. Forest Service*;
John Morphy, Rochester, *Vermont Nature Conservancy*;
Paul Heald, South Burlington, *Green Mountain Audubon Society*;
Robert Spear, Winooski, *Green Mountain Audubon Society*;
Leopold A. Charette, Burlington, *University of Vermont*;
Fritz Wiessner, Stowe, *Nature Conservancy*;
Robert Fish, Randolph Center, *Vermont Forests and Farmland Foundation*;
Reinhold Thieme,
Montpelier, *Vermont Water Resources*;
Marion Hardy, Shaftsbury, *Green Mountain Club*;
James Marvin, South Burlington, *Vermont Nature Conservancy*;
Perry H. Merrill, Montpelier, *Vermont Forests and Parks*.



VNRC's original logo

MINUTES OF MEETING OF
VERMONT NATURAL RESOURCES COUNCIL

June 28, 1963 - 3:00

Home Economics Building, University of Vermont
Burlington, Vermont

An organization meeting of the Vermont Natural Resources Council was held at the Home Economics Building of the University of Vermont, Burlington, Vermont, at 3:00 P.M. on June 29th, 1963. Samuel Ogden served as temporary chairman and Perry H. Merrill as clerk.

The following persons, with the organization they represented, were present: Belmont Pitkin, Plainfield, Goddard College; Frederic O. Sargent, Shelburne, University of Vermont; Mrs. Oliver R. Eastman, Oakledge, Burlington, Green Mountain Audubon Society; Ruth A. Hesselgrave, Middlebury, Middlebury Garden Club; Mrs. Laurence P. Howe, Burlington, Green Mountain Audubon Society; Mrs. K. S. Field, Vergennes, Vermont Bird Club; Mrs. Beatrice Guyett, Ferrisburg, Vermont Bird Club; Mrs. C. E. Brown, Essex Junction, Vermont Federation of Womens' Club; Mrs. Perry H. Merrill, Montpelier, Montpelier Womens' Club; Mrs. Samuel Ogden, Landgrove; Marion Smith, Burlington, Vermont Botanical Club; H. W. Vogelmann, Jericho, Nature Conservancy; R. D. Deemer, Rutland, U. S. Forest Service; John Morphy, Rochester, Vermont Nature Conservancy; Paul Heald, South Burlington, Green Mountain Audubon Society; Robert Spear, Winooski, Green Mountain Audubon; Leopold A. Charette, Burlington, University of Vermont; Fritz Wiessner, Stowe, Nature Conservancy; Robert Fish, Randolph Center, Vermont Forests and Farmland Foundation; Reinhold Thieme, Montpelier, Vermont Water Resources; Marion Hardy, Shaftsbury, Green Mountain Club; James Marvin, South Burlington, Vermont Nature Conservancy; Perry H. Merrill, Montpelier, Vermont Forests and Parks.

The Chairman explained the purpose of the meeting after which a proposed set of by-laws was unanimously adopted.

A nominating committee appointed by the presiding officer brought in a list of names for directors which were elected as follows: Frederic Sargent, George Davis, Belmont Pitkin, Samuel Ogden, Perry Merrill, Fritz Wiessner, James Marvin, Robert Fish, Robert Proctor, Paul Heald, Marion Smith, Marion Hardy, John Morphy, Richard Brett, Lucy Bugbee.

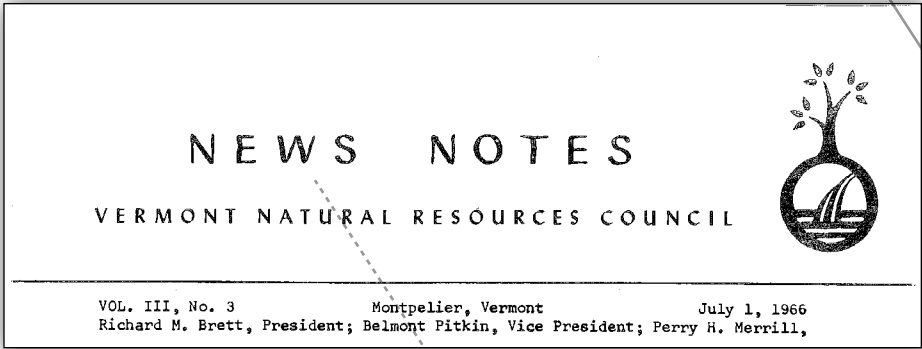
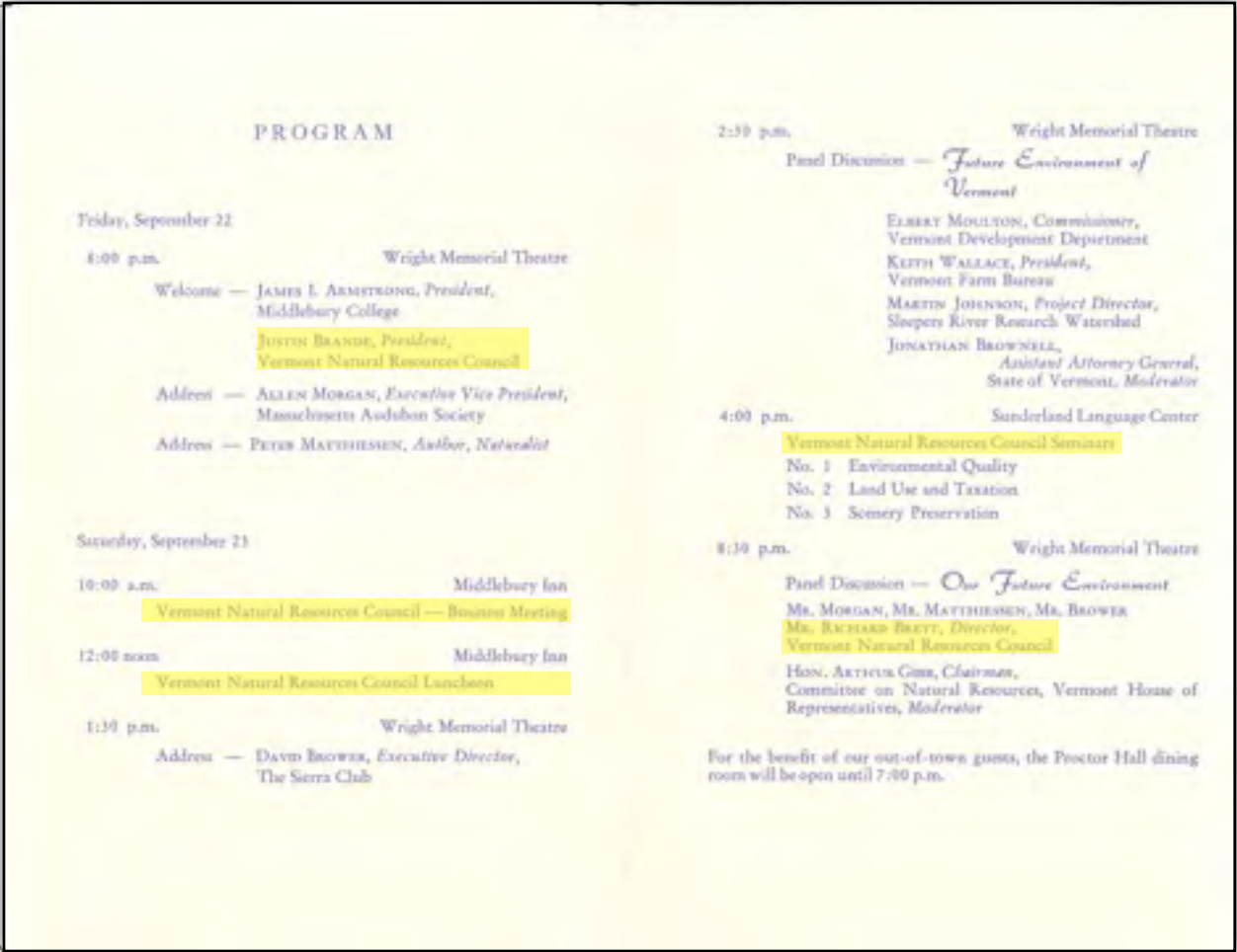
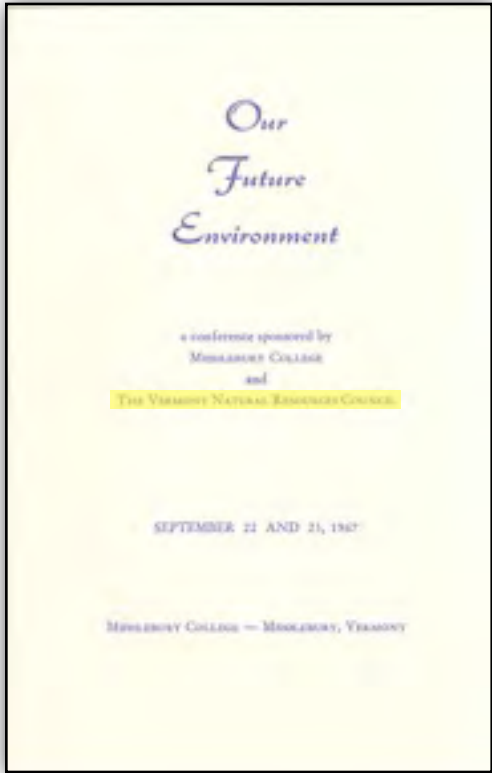
A meeting of the Board of Directors was held at the home of James Marvin and the following temporary officers were elected: Samuel Ogden, Chairman, Belmont Pitkin, Vice Chairman; Perry H. Merrill, Secretary-Treasurer.

It was voted to hold the next meeting of the Directors on July 11th at 2:00 P.M. at the Office of the Department of Forests and Parks.

A banquet was held at 6:00 P.M. at the Old Board at which Joseph Kaylor, Assistant Director of the Bureau of Outdoor Recreation, gave a very interesting talk on the aims of the Bureau.

PHM:M


Perry H. Merrill-Secretary



1963

VNRC Founded

VNRC's 1st News Notes

1964

Last 3 VT Towns Receive Electricity

1965

VNRC's 1st Legislative Bulletin

VNRC's 1st Annual Meeting

1966

VT Legislature Begins Using Population to Calculate Representation

Martin Luther King's "I Have a Dream" speech

John F. Kennedy Assassinated

Clean Air Act Passed

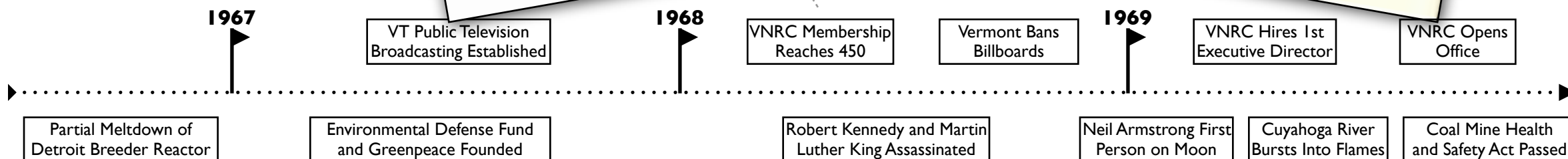
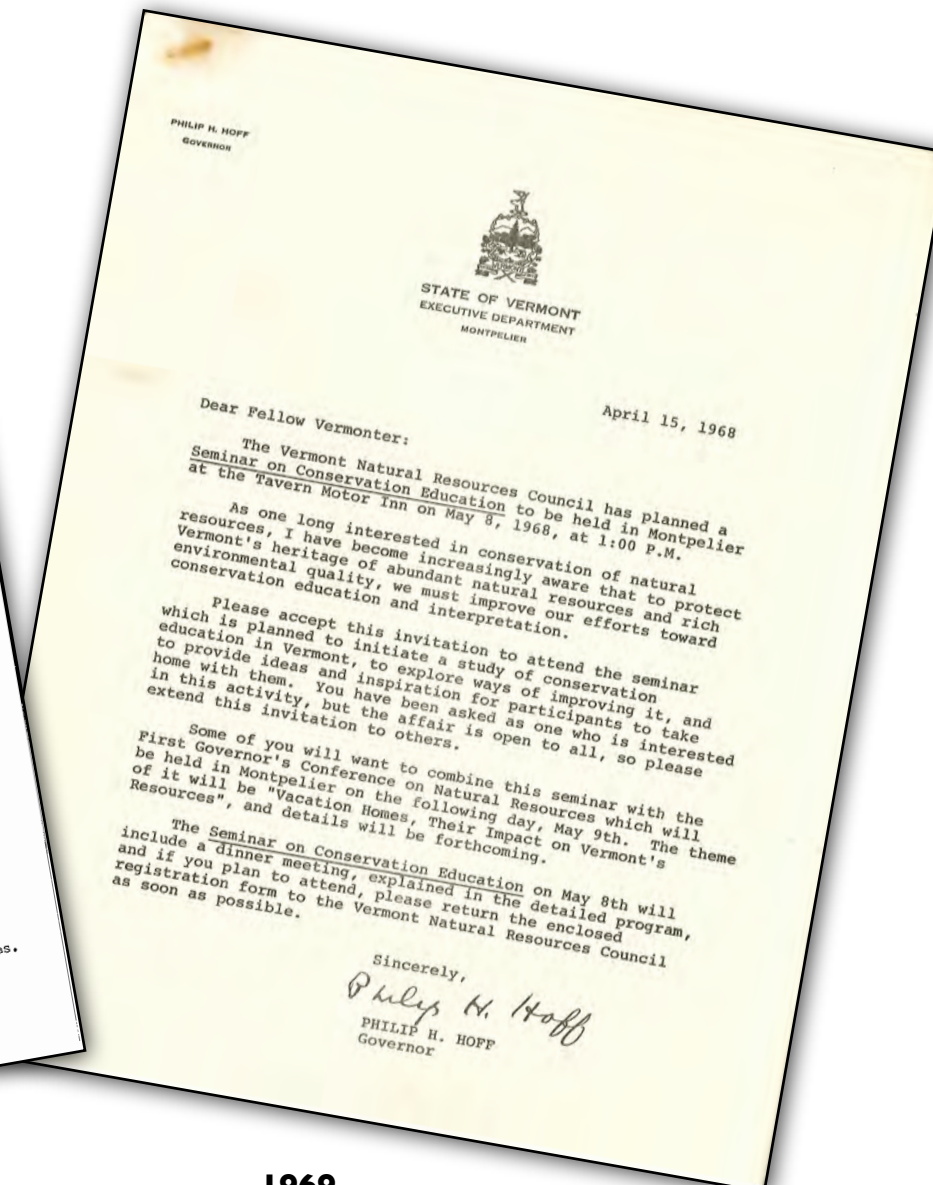
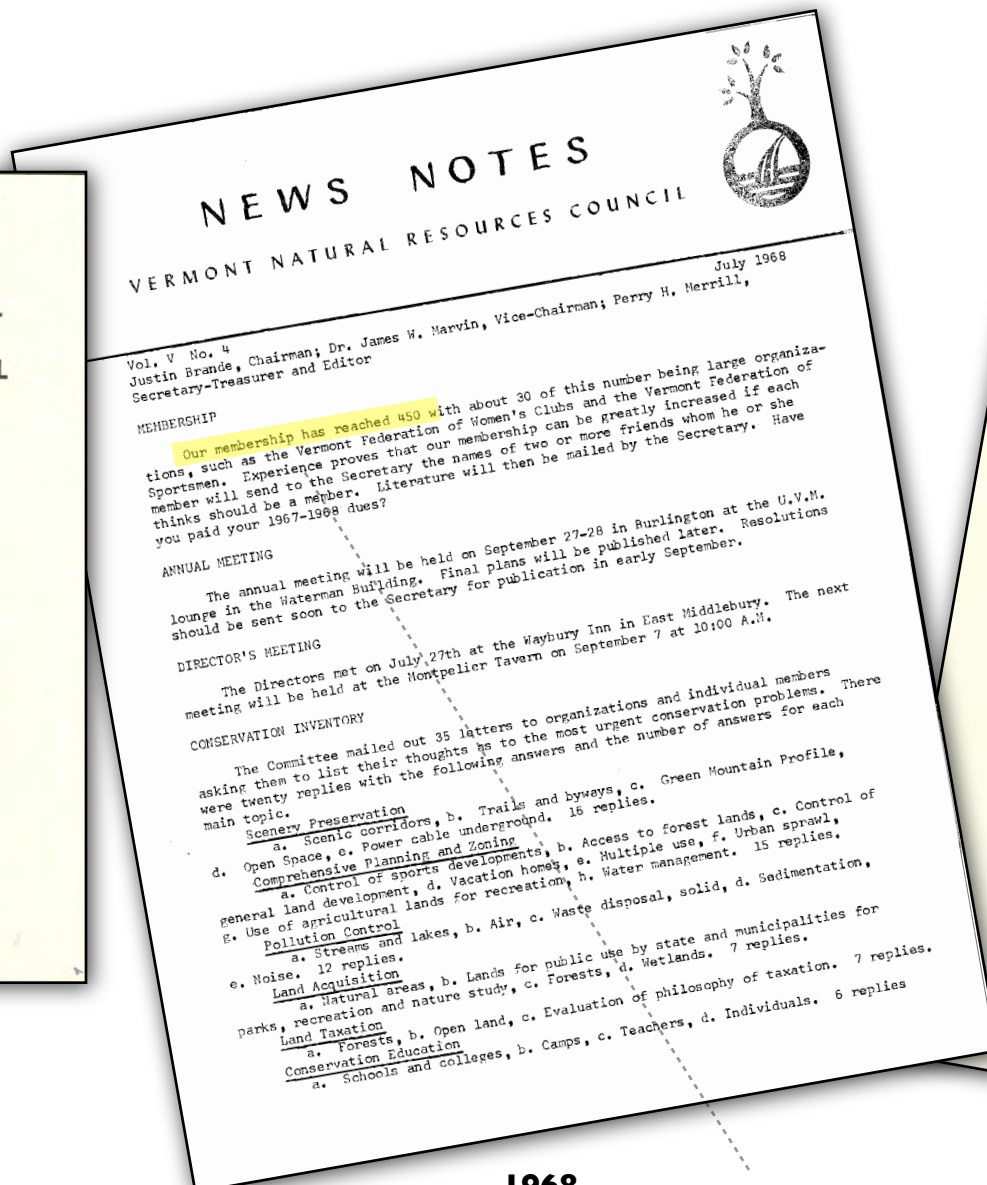
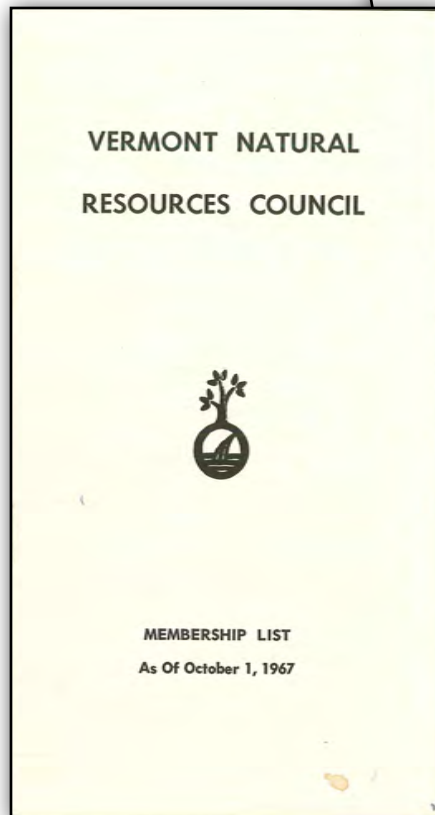
Civil Rights Act Passed

Beatles First Visit to U.S.

Medicare Enacted

U.S. Troops Arrive in Vietnam

Ground Broken on World Trade Center





“They’re talkin’ 500 condominiums and 2000 single houses.... City folks say they’ve bought here to get out of the city, they don’t want it built up that way.... It’ll be pretty crowded. Well, it’s a money game I guess.... Folks got a big pocket full of money, but what’ll that amount to? That’ll go. Money doesn’t amount to much.”

-Theron Boyd in “So Goes Vermont”

The 1970s - AN EPIC Era

Challenges

- * Rapid Growth Continues – VNRC works for passage of Vermont’s pioneering development control law (Act 250) and establishes EPIC program to help implement Act 250.
- * Unchecked Development leads to Water Pollution – VNRC educates legislators on need for tough water quality law - Act 252.
- * Concern for protection of environment heightens – VNRC advocates passage of legislation creating Agency of Environmental Conservation.
- * Farm and forest land development increases – VNRC lays foundation for Current Use Program and creation of Ottauquechee Regional Land Trust (now Vermont Land Trust) and Lake Champlain Islands Trust.
- * Legal and administrative assistance requested by citizens and other groups - VNRC establishes

Environmental Law Service and represents citizens in the Pyramid Mall Act 250 case.

The following excerpt, slightly modified, is from VNRC’s Spring and Summer 1984 editions of the *Vermont Environmental Report* celebrating VNRC’s 20th anniversary, written by then editor Marion MacDonald:

The EPIC Era

Environmentalists had very little time to adjust to their new role before the dragons came charging over the hill. The ink was barely dry on Act 250 when the predictable reaction set in.

Signs of the mounting opposition to Vermont's environmental laws materialized as early as 1971. Critics blamed a 40% drop in non-residential construction in 1971 on Vermont's environmental laws, and Frank Snyder, president of Stratton Mountain Corporation and head of the National Ski Areas Association complained that Act 250 had stopped Stratton "dead in our tracks."

Dispelling some of the confusion and ill-will about Act 250 was the goal of VNRC's first major public education program.

In November, 1970, Justin Brande resigned and the Council began the search for a new executive director.

About the same time, a steering committee headed by Peg Garland began aggressively pursuing public and private grants to fund the Council's activities. In the spring of 1971, VNRC received a \$15,000 grant from the New England Regional Commission to conduct a natural areas inventory, and in June of the same year it was awarded a \$120,000 grant from the Ford Foundation for "a research and communication program focused on Vermont's new environmental laws."

The Environmental Planning and Information Center - EPIC for short – was directed by Arthur Ristau and designed to stimulate public participation in preparation of the Land Use and Development Plan mandated by Act 250.

EPIC conducted a public opinion survey to determine interest in and awareness of environmental laws in Vermont as well as countless meetings with selectmen, legislators and community leaders. Audio-visual productions included PSAs, public television programs, several studies and conferences and VNRC's famous slide-tape show, "So Goes Vermont."



Arthur Ristau (2008)

Ristau assumed editorship of the Council's newsletter, which was renamed the Vermont Environmental

Report. Also initiated during this period were the "Green Papers" – 2-4 page reports on environmental topics which were often folded into the VER.

The Ford Foundation grant ended in April 1973, but EPIC kept itself alive with another big grant – \$132,000 from the National Science Foundation.

"The EPIC project was one of the more successful experiments in public/private cooperation," according to State Planning Director Leonard Wilson, and Peg Garland credits it with paving the way for the adoption of the Capability and Development Plan which was signed into law in December, 1972.



The long-awaited State Land Use Plan was introduced into the Legislature in 1974, but the time was far from ripe. It was soundly defeated in 1974 and again in 1975, and in 1984, the language authorizing a state land use plan was deleted from Act 250.

After operating without an executive director for six months, the Council hired Seward Weber on June 14, 1971. Weber, who... served as VNRC's director for 13 years, has perhaps determined the course of the Council's development more than any other individual.



Seward Weber

The 1970s - AN EPIC Era

During the EPIC era, VNRC's activities were focused on Act 250 and the development of the proposed state land use plan, but it remained active in other areas as well. VNRC testified at hearings on clean air legislation, pesticide regulation and designation of portions of the Green Mountain National Forest as wilderness areas.

In 1970, the Council's board of directors voted to intervene as a party in proceedings before the Public Service Board concerning Vermont Yankee nuclear power plant. VNRC chairman Peg Garland explained in a September, 1970, press release that "The evidence presented by the Conservation Society of Southern Vermont clearly demonstrated that the level of release of radioactive material permissible under the AEC standards is far too high," and that "the board... decided to intervene in order to emphasize the statewide impact of the issues raised in the case."

The resulting lawsuit escalated into a Supreme Court challenge to the constitutionality of the Atomic Energy Act. In 1972 VNRC joined the Conservation Society of Southern Vermont and several other environmental

groups in charging that the Atomic Energy Commission was required to both promote and regulate nuclear power – an inherently inconsistent charge for a public agency. The case was still in litigation when Congress voted to split the functions of AEC into the Nuclear Regulatory Commission and the Energy Research and Development Administration.

Meanwhile back in Vermont, VNRC and CSSV contested Vermont Yankee's application for a "certificate of public good" from the Public Service Board. Vermont Yankee eventually signed an agreement stipulating that it would submit to state standards for radiation emissions even though they were 10 times stricter than federal standards.

Governor Deane. C. Davis' retirement in 1973 marked the end of an era. During his tenure as governor, the Vermont Legislature passed the Land Use and Development Law (Act 250) and the Water Pollution Control Act, adopted and expanded subdivision regulations, authorized state regulation of the sale and use of pesticides and created the Vermont Agency of Environmental Conservation.

Meanwhile, the Vermont Natural Resources Council grew from a handful of concerned citizens to a professional organization with a staff of five and more than 1500 members.

In September, 1972, VNRC moved from its headquarters at 97 State Street to new offices at 26 State Street, and in January, 1973, Arthur Williams replaced Arthur Ristau as editor of the Vermont Environmental report.

In a February 1973 "Farewell to Deane Davis" Williams wrote that "The best



26 State Street
(2010 Photo)

way we can thank our former Governor for his efforts to preserve the Vermont quality of life is to make sure that his work is continued.”



Deane Davis (with Warner Shedd, Bernice Burnham (seated), and Peg Garland)

That was VNRC's mission as it began its second decade of service to the environment and the state of Vermont.

In 1972, when the Environmental Planning Information Center (EPIC) was in high gear, VNRC had as many as 5 full-or part-time employees. A year later, it was a different world. Project EPIC came to an end along with lion's share of VNRC's operating revenues. Deane Davis was no longer Governor, and the Northeast was bearing the brunt of the Arab Oil Crisis and the nationwide economic recession.

VNRC “celebrated” its 10th anniversary with a fundraiser in Woodstock, and the VER reported that the council had relied heavily on its savings in 1973 to stay in the black.

“My overriding memory is of how bad our financial situation was. It was gruesome!” recalls former board chairman David Marvin. Marvin, chairman of VNRC from 1976 to 1978, made financial solvency his top priority.

Former VNRC attorney Darby Bradley

has equally vivid memories of those years. He had given up a legal practice and sold his house in Seattle to become the Council's first assistant director, but the subject was doom at Bradley's first meeting with the VNRC Board of Directors in September, 1974.

“The board had established a policy long before that when the assets of the organization got down to

\$5000, there would be an automatic self-destruct,” says Bradley, “and the \$5000 would be used to wrap up the affairs of the organization and go out of business. At that meeting, I think we were five weeks away from hitting the floor.”

The meeting broke up and Bradley returned to his office only to discover a letter from the Internal Revenue Service announcing its intention to rescind the Council's status as a tax-exempt 501(c)(3) organization on the grounds that a “substantial” part of VNRC's activities during 1972



David Marvin

The 1970s - AN EPIC Era

consisted of “advocating the enactment of legislation.”

A New Agenda

Somehow, through a combination of good financial management and sheer determination, VNRC weathered the storm. The struggle to defend VNRC’s claim to tax-exempt status ended in victory in June, 1975, and a “futures committee” began work on a long range plan for the Council that would narrow the scope of its activities and make better use of its limited resources.

Efforts to obtain grants for special projects began to pay off in 1974 when the Conservation Law Foundation underwrote an environmental law conference cosponsored by VNRC and the State Planning Office. Over one-quarter of all attorneys admitted to practice in Vermont attended the day-long conference in Montpelier which was designed to “acquaint attorneys with the laws affecting land



development in Vermont.” A compendium of those laws assembled for the conference was institutionalized later as the Environmental Law Manual, which VNRC published from 1975-1981.

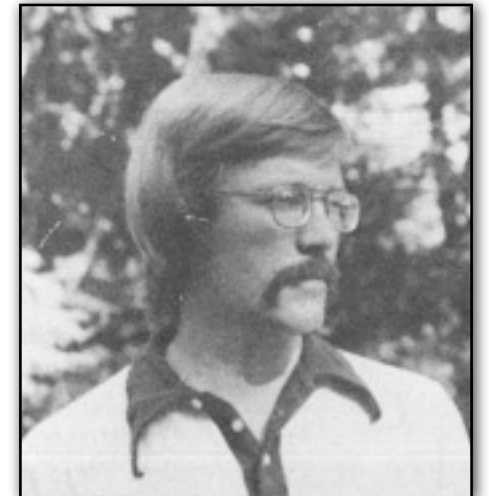
VNRC received a second grant from CLF of New England in 1975 to help develop an open space preservation program for the Town of Hartland. In response to a request for assistance from the board of

selectmen, Darby Bradley and VNRC chairman Jonathan Brownell designed four different open space protection programs involving various combinations of tax incentives and conservation easements. But even these modest proposals were too much for the voters of Hartland, who rejected them by a 2-1 margin in May 1976. Interviews with local residents revealed concern that their taxes would rise, that they would lose their right to dispose of their land as they saw fit, a general suspicion of government interference, and a

sense that the whole scheme amounted to “a lot of outsiders trying to cram something down our throats.”

Bradley terms the Hartland project a “major defeat” but credits it with laying the foundation for two alternative methods of open space conservation – land trusts and the current use tax program.

In 1977, VNRC helped launch the Ottauquechee Regional Land Trust and the Lake Champlain Islands Trust. Both organizations protect open lands by negotiating individual agreements with private landowners.



Darby Bradley

These were just two of the many times VNRC has provided significant legal

and administrative assistance to other environmental groups. The arrangement was formalized in 1976 with the establishment of the Environmental Law Service, administered by VNRC attorney Darby Bradley.

VNRC also took the lead in organizing the Fair Tax and Equal Education Coalition, which included such diverse groups as the Vermont Hotel-Motel Association, the Farm Bureau, VNRC, the Vermont Federation of Women's Clubs, the Vermont Association of Snow Travelers, the Vermont Timberland Owners' Association and the Vermont Federation of Sportmen's Clubs, among others.

The goal of the coalition, in the words of VNRC executive director Seward Weber, was "to convince the Legislature that a broad spectrum of Vermonters – not just land-owners – had a stake in maintaining open space in Vermont." They succeeded. In 1978, the coalition won legislative approval for the current use tax program, which allows farm- and forestland to be taxed on the basis of productive value rather than fair market value.

Out of the Woods

In the mid-1970s, energy attained equal footing with land use and development control as an urgent environmental issue. Many New Englanders looked at the untapped potential of Vermont's forests as a partial answer to the region's energy woes.

The Council was well prepared for the surge of interest in wood energy and scientific forest management. Early board members included many individuals with a strong background in forestry, and VNRC became the Vermont sponsor of the American Tree Farm program in 1972.

The September, 1975, VER summarized a report by the Governor's Task Force on Wood Energy, which concluded that development of a large-scale wood industry could provide up to 25% of Vermont's power and home-heating fuel requirements.

VNRC commissioned its own study of "Vermont's Forest Resource: Current Conditions, Trends and Policy Recommendations" by summer intern Richard

Cowart in 1975. Wood energy was also the topic of a panel discussion at the Council's 1975 annual meeting.

In the summers of 1976-1978 VNRC sponsored a series of forest management workshops around the state in conjunction with the Vermont Department of Forest and Parks.

The Council also collaborated on an experimental logging operation using whole-tree harvesting equipment in Duxbury, Vermont, in 1977-1978.

On the demand side of the energy equation, VNRC clashed repeatedly with state and federal officials in



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the mid-1970s over highway construction and “improvement” projects.

The first skirmish involved a proposed “East-West” highway” connecting Albany, New York with the New Hampshire coast via southern Vermont. According to the 1972 Activity Report, “The Council ...helped the New England Regional Commission conclude that the cost of an East-West highway through northern New England would not be justified” and “provided leadership in...alerting the state to the economic and environmental problems involved in this proposal.”

VNRC took on two highway projects in 1974. The Council obtained a declaratory ruling from the Environmental Board requiring the town of Peru to obtain an Act 250 permit before making major improvements in Forest Highway No. 3. But the ruling was overturned on technical grounds by the Vermont Supreme Court.

The Council also went to court to try to enjoin construction of the Route 2 Sleeper River interchange and its connecting spur to I-91 in St. Johnsbury. The

Council argued that the highway interchange was “environmentally destructive and unnecessary” as well as a possible harbinger of a four-lane highway between St. Johnsbury and Montpelier.

In December, 1974, the U.S. Second Circuit Court of Appeals ruled against VNRC. According to the VER, “The Court found that there was a violation of the National Environmental Policy Act (NEPA), but declined to halt construction since much of the projects had already been completed.”

Another of VNRC’s principal activities in the mid-1970s was the natural areas project. This program began in 1973 when the Council, with the aid of a grant from the New England Regional Commission, identified and catalogued nearly 1000 important natural areas. In 1975 Robert Klein joined the VNRC staff. Working with a committee of naturalists, Klein refined the list of natural areas and pinpointed 64 most important sites. The project continued through 1977 with an exploration of various methods of protecting the sites through easement, covenants, land trusts and zoning. Klein

also produced a slide/tape show entitled, “Natural Areas: Saving a Precious Resource,” and collaborated with VNRC attorney Darby Bradley on “Charitable Gifts of Land,” a guide to state and federal tax incentives for land conservation.



Robert Klein

Out of the Closet

There was another major change of direction in 1976, when the Federal Tax Reform Act eased restrictions on lobbying by tax-exempt nonprofit organizations. For the first time, VNRC could openly promote

environmental legislation. It did so with considerable vigor, hiring its first full-time lobbyist in 1977 and joining six other environmental groups in sponsoring a weekly legislative alert in 1977-1978.

The collective effort paid handsome dividends. The Vermont Legislature enacted a ban on phosphates in household detergents and a scenic roads bill in 1977, and in 1978 it adopted the current use tax program and established a register of natural areas to be maintained by the Agency of Environmental Conservation.

VNRC's educational activities also blossomed in 1977. VER editor Nat Frothingham inaugurated a biweekly newspaper column entitled "This Side of the Mountain." With assistance from the National Wildlife Federation, VNRC produced and distributed 25,000 copies of "Bottles and Cans: The Story of the Vermont Deposit Law" to counter widespread misinformation about Vermont's

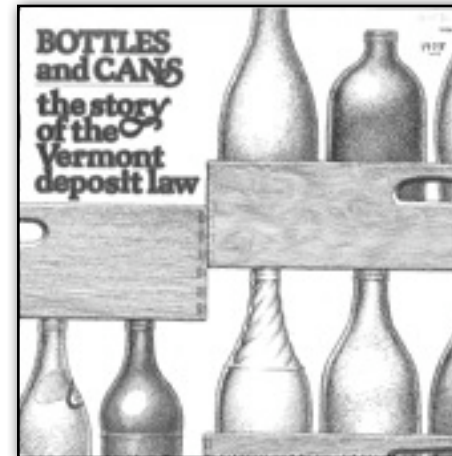


Nat Frothingham

experience with container deposit legislation.

1977 was the first year of the Council's Sewage Planning Project. A \$23,000 grant from the Vermont "208" water quality program enabled project director Michele Frome to prepare two handbooks on rural sewage treatment in Vermont – a catalog of sewage treatment alternatives and a community planning guide.

The project continued in 1979-1980 under the direction of Mary Hooper. Hooper secured more than \$50,000 in grants for an educational program designed to help municipal officials analyze and solve rural sewage treatment problems. She also produced several publications, a series of workshops and a slide/tape



show aptly titled, "Between a Rock and a Hard Place: Sewage Planning in Vermont."

VNRC's Environmental Law Service, in conjunction with the Vermont Law School and the Vermont Bar Association, sponsored another environmental law conference in 1978. The conference became an annual event for many years.

Other educational activities in 1979-1980 included publications on wetlands, the relationship between local property taxation and land-use decision, and the deer herd.

The late 70s were busy and productive years for the Council, but with increased activity came added administrative and financial obligations.

"By 1979, we were so overburdened with other things to do that membership had slipped to less than 1000," reported executive director Seward Weber. In 1979,

The 1970s - AN EPIC Era

the Council hired Central Vermont Community College administrator and dairy farmer Don Hooper as assistant director. Hooper's mission was to boost the Council's membership and improve its information and communications programs. By 1981, membership had tripled, and it remained stable at around 3000 members during the 1980s.

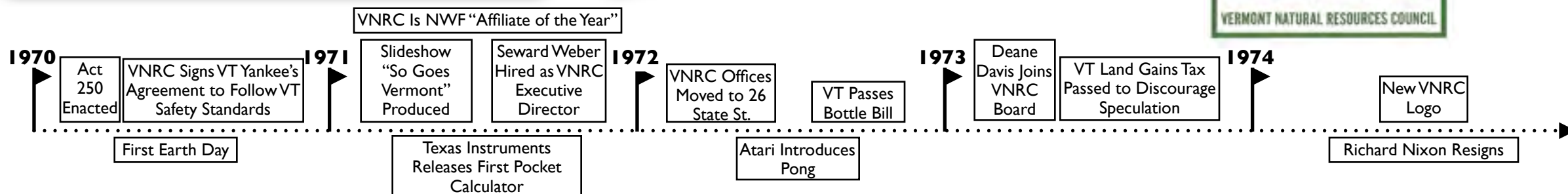
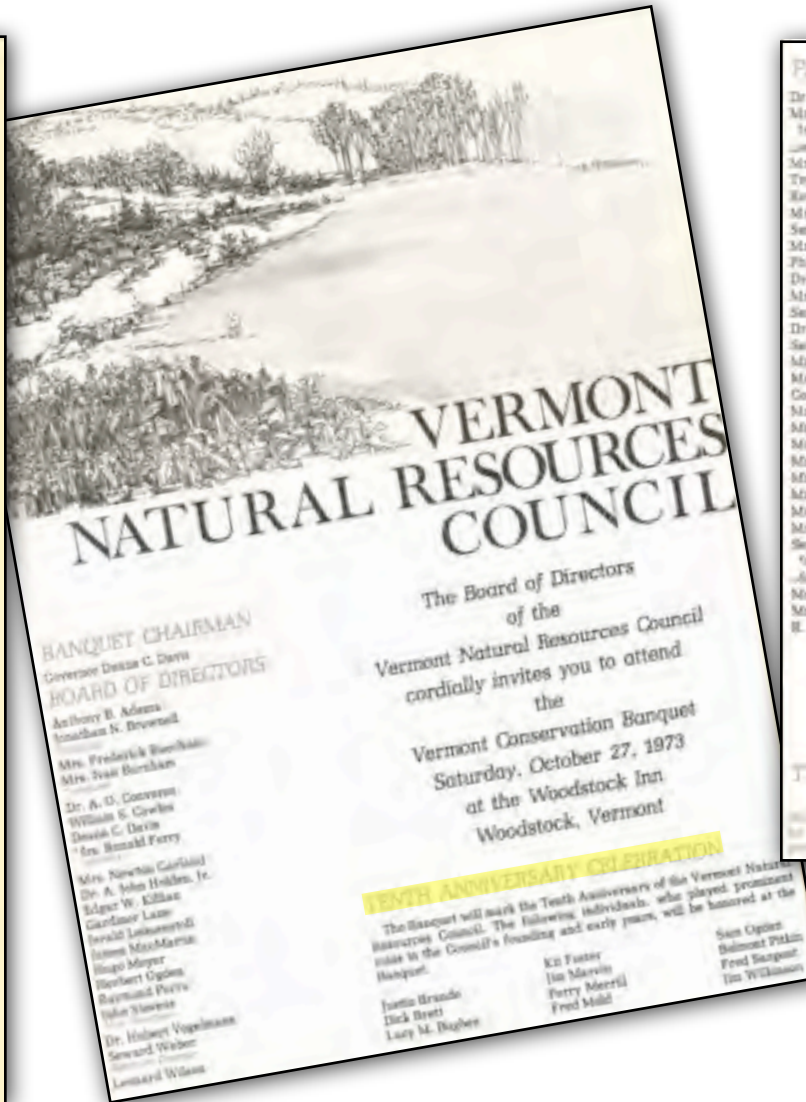
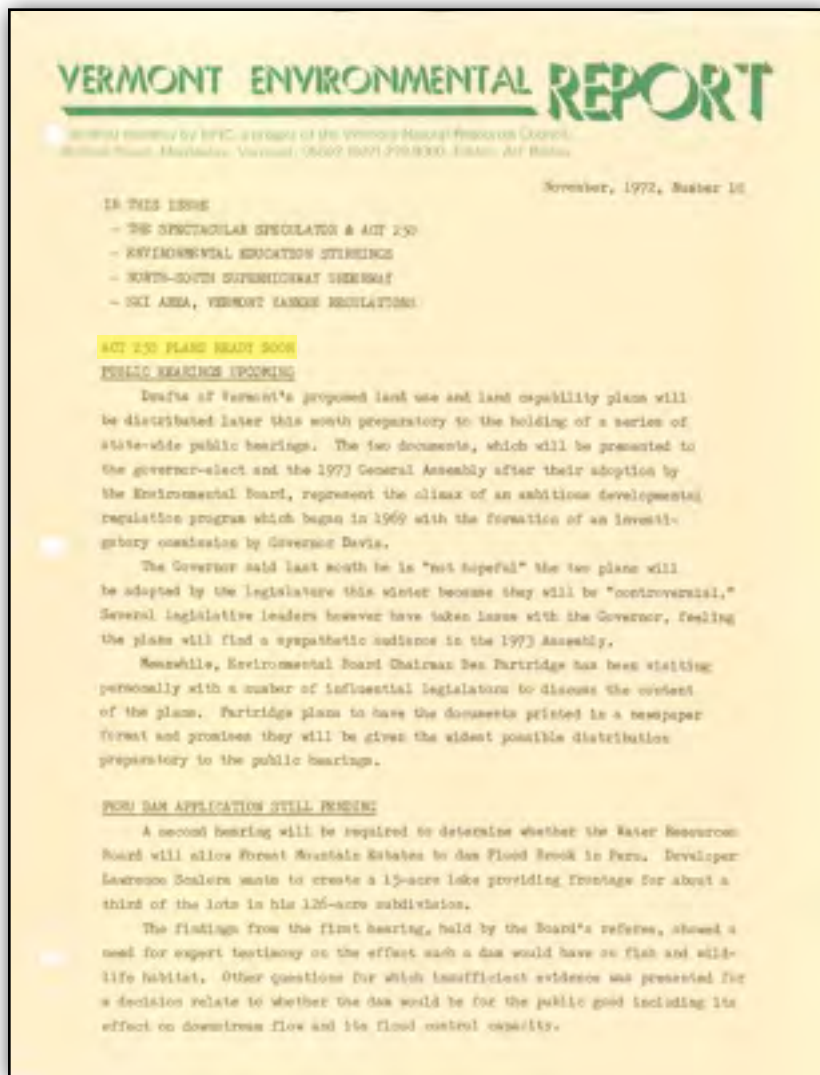


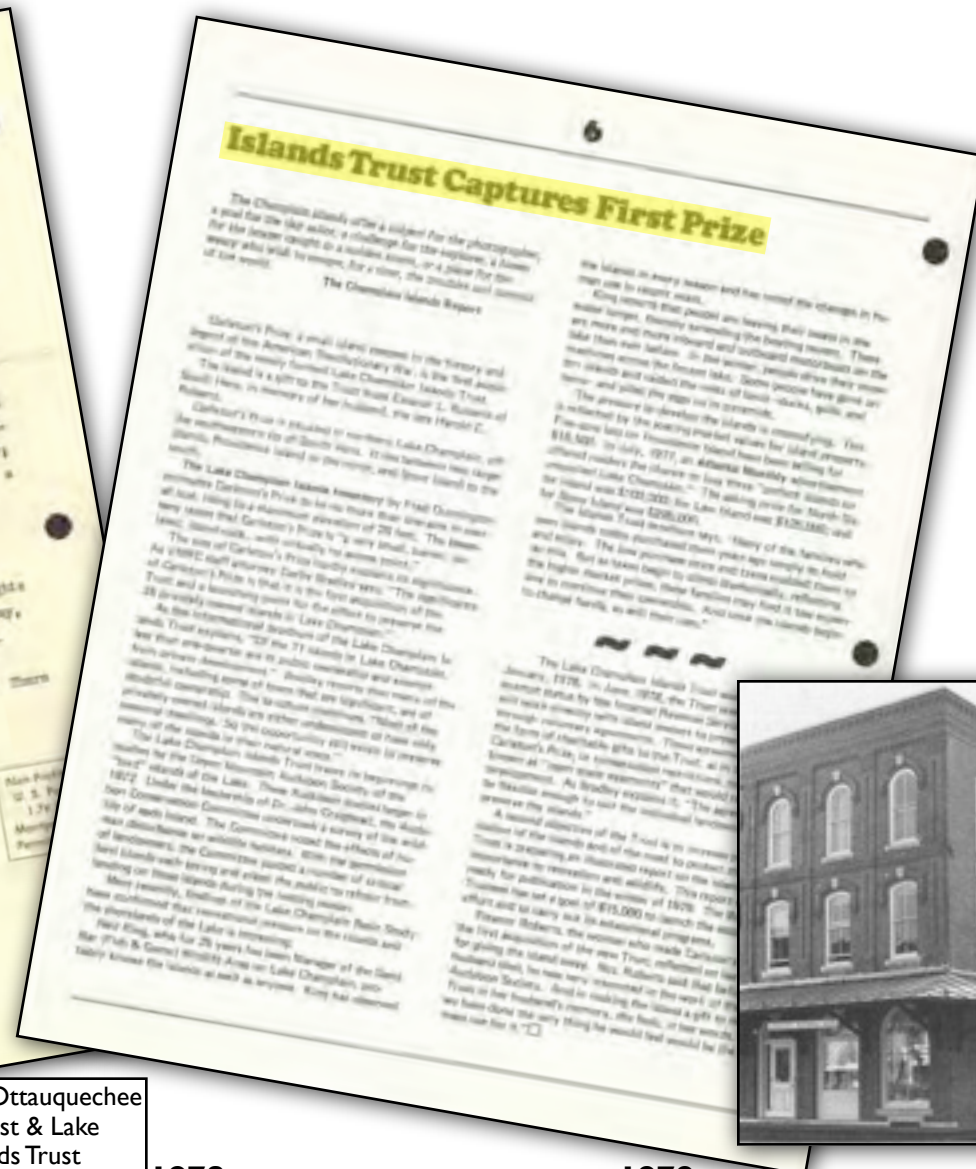
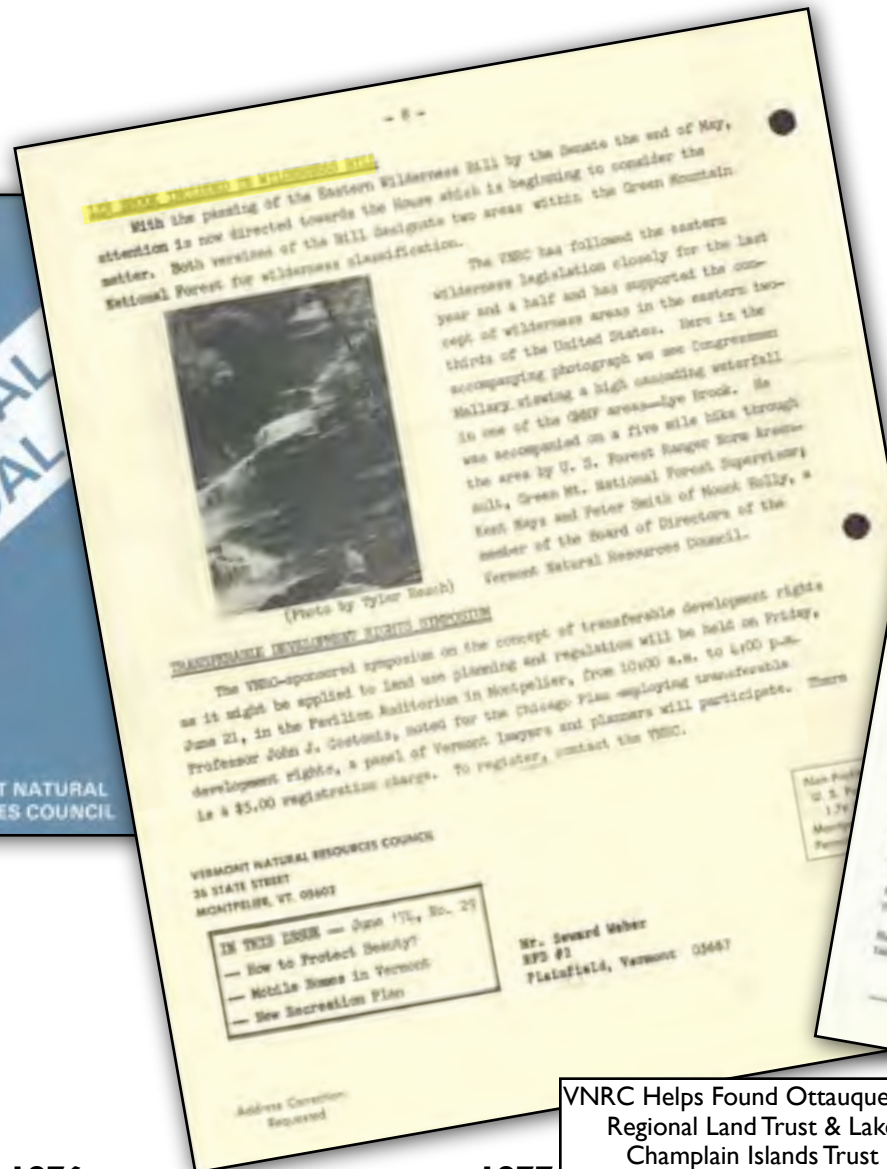
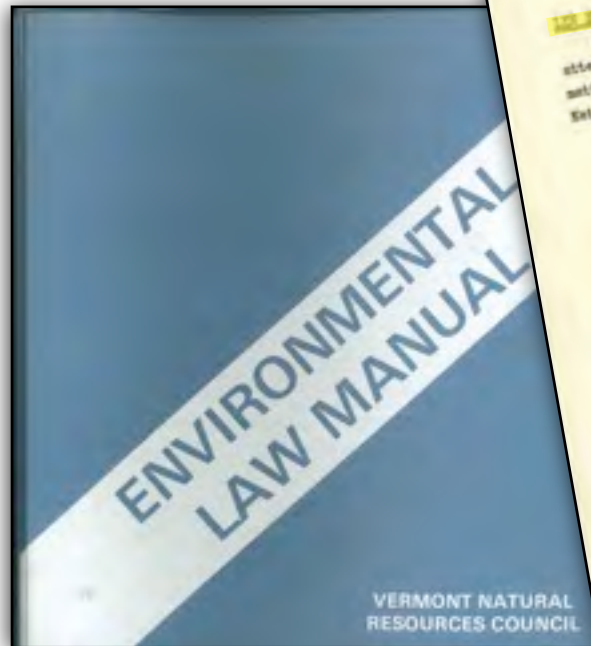
Don Hooper

for lobbying. The two shared this activity into the early 1980s.

Another major breakthrough occurred in 1978, when a \$250,000 gift to the Council became the basis of a permanent endowment fund. The endowment provided a measure of continuity and stability as well as some relief from the constant pressure of economic brinksmanship.

Hooper's assistance with the day to day operations of the Council freed Weber to devote more time to legislative lobbying and other issue-related work. In time, Hooper himself showed considerable aptitude





1975

First VT Environmental Law Manual Published By VNRC

Microsoft Founded
Vietnam War Ends

1976

VT's First Two Wilderness Areas Designated: Bristol Cliffs and Lye Brook

Federal Tax Reform Act Allows Groups Like VNRC to Lobby

1977

VNRC Helps Found Ottawaquechee Regional Land Trust & Lake Champlain Islands Trust

VT Law Passed to Protect Scenic Roads

First Mass Market Personal Computers Launched

Pyramid Mall Proposed

1978

Current Use Law Passed

Small Pox Eradicated

1979

VNRC Moves to the Old Depot at 7 Main Street

Three Mile Island Nuclear Plant Accident



“What’s happening [at Killington] is a scale of development Vermont has never had to contend with before.”

-Don Hooper



The Laws That Roared

**A status report on the
implementation of Vermont's
new conservation laws (1985-88)**

The mid-1980's were unprecedented in Vermont legislative history for their successes in environmental protection. Growth management and planning, solid and hazardous waste management, water quality protection in areas including rivers, wetlands, groundwater and more, were all the targets of key legislation.

But the job doesn't stop when the bills are passed. In fact, it's only begun. Rules, enforcement, budget allocations and citizen involvement will all be needed to make sure that Vermont's environmental laws aren't only roaring, but have a real bite.



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The 1980s - The Laws that Roared

Challenges

* Proposed policies coming out of Washington could harm Vermont's environment – VNRC leads in protecting Green Mountain National Forest and other natural resource areas.

* Growth threatens farms, forestland, lakes and streams – VNRC works for passage of unprecedented number of environmental laws and helps to implement them as detailed in "The Laws That Roared."

* Ski area growth - conversion of ski areas to four-season, destination resorts and second home development – VNRC participates in growing number of Act 250 cases protecting bear habitat such as Parker's Gore and high elevation streams.

* Growing concern over high elevation forests – VNRC begins to educate public about acid rain and climate change.

* VNRC feels growth pressures as well - VNRC finds a home of its own on 9 Bailey Avenue, Montpelier and opens Southern Vermont office in Manchester.

The following excerpt, slightly modified, is from VNRC's Summer 1984 edition of the *Vermont Environmental Report* celebrating VNRC's 20th anniversary, written by then editor Marion MacDonald:



Marion MacDonald

The Issues of the Eighties

A cornfield in Williston was the scene of the major environmental confrontation of the mid-1970s. In 1977, the Pyramid Companies of Dewitt, New York, requested an Act 250 permit for an 82-store shopping

mall at the junction of Routes 2 and 2A, about six miles east of Burlington.

As Nat Frothingham wrote in the July, 1977 VER, "Act 250 has been tested before, but never quite in this way, with an application of this size and complexity."

Concerned that the economic and environmental impacts on surrounding communities would not receive adequate consideration, VNRC filed for party status. The request was denied, but VNRC's Environmental Law Service represented a coalition of citizens' groups opposed to the mall.

In October, 1978, the District Environmental Commission rejected Pyramid's bid for an Act 250 permit, but litigation would continue for four more years before the developer finally withdrew its application. Vermont courts eventually upheld the district commission's decision, but the case severely taxed the financial and personnel resources of state and local government.

VNRC participated in a similar legal battle in Berlin, Vermont, beginning in 1979. Two shopping malls were proposed for central Vermont, either one of which would contain more retail space than the shopping districts of nearby Barre or Montpelier. But the Berlin case never acquired the momentum of the Williston controversy.

"I don't think people felt in their guts that the Berlin Mall was going to hurt the way the Pyramid Mall would have hurt," was Darby Bradley's assessment. After four years of litigation, Developers Diversified of Cleveland, Ohio won state approval for a 280,000-square-foot mall in Berlin.

The two mall lawsuits were typical of the issues that would absorb the Council's attention in the 1980s. Not only would the Council face larger and more powerful opponents such as the Pyramid Corporation, but the issues themselves would become increasingly complex.

"The field of operations shifted from the streets to the board rooms, committee rooms and legislative cloak rooms," says VNRC's Don Hooper, "and the citizen

activists of the 70s gave way to environmental lawyers and lobbyists."

By the early 1980s, for instance, it was obvious that the so-called "alternative" energies came with their own set of environmental impacts. The consequences of a boom in hydroelectric power development was the theme of a December, 1980, conference sponsored by VNRC and the Vermont Public Service Board. Environmentalists have also become more cautious about development of Vermont's wood energy resources. As Vice-chairman of the Forest Resource Advisory Council, VNRC attorney Darby Bradley helped draft a proposed state forest resource plan emphasizing management of Vermont's forests for wildlife and recreation as well as sustained yield of high-quality timber. Bradley also testified on behalf of VNRC at technical hearings on the Burlington Electric Department's proposed 50-megawatt wood-fired power plant and helped persuade the Public Service Board to establish strict controls over wood chip harvesting operations and to retain continuing jurisdiction over the plant.

Farmland conservation has also taken on a new importance in the 1980s. Sustained economic recession and the energy crisis have made it clear that conservation of productive farmland is essential not only for aesthetic and scenic values but for the New England region's economic survival.

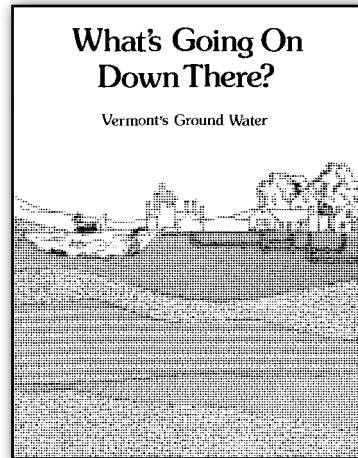
Farmland protection was the principal motive for VNRC's involvement in a legal challenge to completion of I-93 east of St. Johnsbury. When the Vermont Agency of Transportation announced plans in the fall of 1980 to complete the 11-mile super-highway to the New Hampshire border, VNRC joined two Vermont farm organizations and several local farmers in a lawsuit to enjoin construction, arguing that the new highway was unnecessary and that the Agency failed to adequately consider the effects of bisecting three substantial dairy farms. But construction proceeded while the case was in court and was nearly finished in June 1981, when the Second Circuit Court of Appeals denied VNRC's motion.

In the 1970s, Vermont made great strides in cleaning up its lakes and streams. Similar protection for

The 1980s - The Laws that Roared

ground water is one of the major issues of the 1980s. The Vermont Agency of Environmental Conservation completed a state ground water protection strategy for Vermont in 1983, and in 1981 VNRC published a series of articles and a 16-page handbook entitled, "What's Going on Down There? – Vermont's Ground Water" under a grant from the Environmental Protection Agency. But the issue of subsurface waste disposal and ground water contamination did not attract widespread public attention until the state discovered chemical contamination in three domestic wells in Williamstown in 1983.

VNRC remains very active in lobbying at both the state and federal level, but the Legislature has been less receptive to environmental initiatives in the years since the Reagan Administration came to power.



Much of VNRC's legislative activities have been devoted to holding on to the gains of the late 60s and early 70s rather than advocating new programs. On the plus side were bills requiring legislative review and Act 250 approval for uranium mining in Vermont in 1980 and authorizing the Secretary of the Agency of Environmental Conservation to compile a list of threatened and endangered species in 1982. And in the spring of 1984, after four years of hard lobbying, the Council achieved its goal of eliminating the so-called "10-acre loophole" which exempted large-lot developments from Act 250 review.

Environmental organizations in the 1980s were faced both with heavier workloads and reduced means. Federal grants through EPA, the New England Regional Commission, the National Demonstration Water Project and other federally-funded programs all but disappeared, greatly increasing competition for private foundation money. At the same time, tax cuts for upper-income taxpayers removed an important incentive for charitable giving.

With far less grant money and fewer large contributors, nonprofit organizations like VNRC needed to capture – and keep – many more members and small contributors.

VNRC succeeded at this as well as any organization, more than doubling its membership between 1980 and 1983. But the price was a larger percentage of staff time and resources devoted to membership development and fundraising at the expense of legislative lobbying, educational activities and other program work.

Meanwhile, there were indications that a strong VNRC was more important than ever before.

Instead of a single large opponent such as Pyramid Mall, VNRC was contending with the statewide trend toward conversion of Vermont ski areas to four-



season “destination resorts.” In the ski towns of Stowe, Warren, Fayston, Waitsfield, Sherburne and Mendon, second-home development was proceeding at a pace unequalled since pre-Act 250 days. A steady stream of permit applications tested the limits of Vermont’s water quality regulations and demonstrated the futility of case-by-case review under Act 250.

“What we’re seeing is the breakdown of regulations that were designed for simpler times,” said VNRC chair Mollie Beattie of Grafton. “We have to adjust to a whole new scale of development, and to learn to balance regional impacts with the religion of local control.”

What else was on VNRC’s agenda as it began its third decade? Beattie hoped the Council would take the lead in articulating and promoting a positive vision of what Vermont should be economically, environmentally, and socially. This vision served as a yardstick for public policy and agency decision-making as well as guiding VNRC’s own activities.

“We are constantly making decisions about the quality of Vermont in quantitative terms because that’s what Act 250 calls for,” said Beattie. “At some point, we will have to come out and say what our vision of Vermont is and argue for it for its own sake.”

Washington Woes

The early to mid 1980s saw an increased interest by VNRC in environmental policy changes coming from Washington. During the 1960s and 1970s, VNRC was more oriented to Vermont issues. However, as it became clear to the VNRC Board and staff that there were significant threats to Vermont’s environment from the policies and actions coming out of the new Reagan White House, more time and energy were devoted to making Vermont’s voice heard on the national scene.

In the January/February 1982 VER, Seward Weber wrote: “Frontal assaults on the Clean Air Act and other important environmental laws may be stymied in Congress, so the Reagan Administration is stepping up its attack on other fronts: destroying resource conservation programs through

personnel and budget reductions. Nowhere is this more apparent than at the U.S. Environmental Protection Agency”

Earlier in 1981 VNRC’s Board had: “... approved a resolution calling upon President Reagan to discharge Secretary of the Interior James Watt and replace him with a Secretary...who by professional training, experience and philosophy is qualified to manage the nation’s heritage and natural resources.”



Carl Reidel faults Interior Secretary James Watt’s policies at the “Watt Go Ohm’ Dinner in Castleton (1982)

The 1980s - The Laws that Roared

The stage was set for an alternative to the appearance of Secretary Watt in Vermont. The April 17, 1982 gathering, billed as the “Watt Luck Supper”, sponsored by VNRC, The Lake Champlain Committee, National Wildlife Federation, Vermont Sierra Club, and Vermont Audubon Council drew a larger crowd and more press coverage than Watt himself.

Kent Shaw of Middlebury’s The Valley Voice wrote on April 20: “Castleton State College was the host Saturday night for some 600 Vermonters who came from hometowns as distant as Brattleboro and St. Johnsbury for dinner, and for an evening of song, story and speech intended to register stinging disapproval of the policies and presence in the state of U. S. Interior Secretary James Watt.”

“Watt Go Ohm” won the prize for the name by which the event would be remembered: the prize - a Butterball turkey, won by Dartmouth Professor Walter Stockmeyer. Master of Ceremonies Dick Hathaway added: “I want you to know there’s no symbolism in this.”

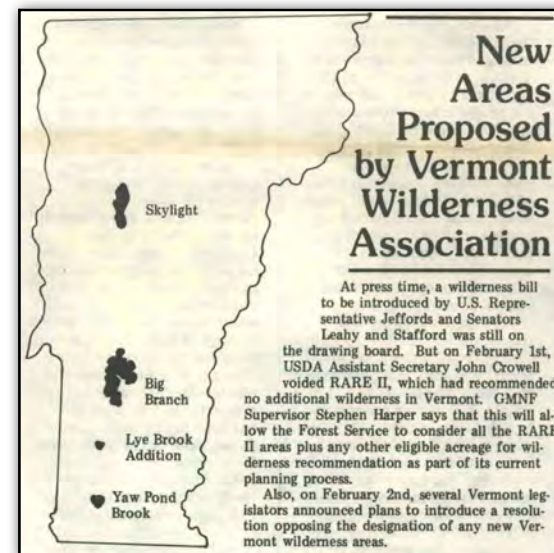
Candy Page of the Burlington Free Press captured the flavor: “...an enthusiastic protest against the policies of the Reagan administration.....Although the message was serious, the mood through most of the Saturday evening was light-hearted as Watt was made the butt of humorous songs and puns on his name. The gathering looked like a cross between a family reunion and a pep rally as elderly women in neatly tailored suits and long-haired mothers with small babies joined to sing ‘This Land Is Your Land,’ a kind of anthem of the environmental movement.”

Tom Slayton’s piece in the Times-Argus/Rutland Sunday Herald, covering the Republican party fundraiser at Killington where Watt spoke, noted: “The Watt dinner itself was so sparsely attended, party officials barred reporters from entering the banquet hall, an unprecedented

event in Vermont political dinners.”

Protecting Forests

Keeping watch over national forest lands in Vermont during the Watt era: “...the Board said there should be no wind generation or other energy development on Green Mountain National Forest (GMNF) lands until a revision of the overall Forest Plan has been completed.”



Also in 1982, VNRC, Vermont Wilderness Association, Vermont Group of the Sierra Club, Vermont Audubon Council, Wilderness Society and Conservation Law Foundation appealed the U.S. Forest Service decision that permits leasing the majority of the GMNF for petroleum exploration.

In 1983, VNRC supported designation of an additional 65,000 acres of wilderness in the

Green Mountain National Forest. Commenting in the January/February 1984 VER: "Board member William Uptegrove, an active member of the Vermont Wilderness Association, commended the Council for the work it has done in the last year or so to promote the Vermont wilderness bill. He said that every time he heard of a meeting or decision that promoted the cause of wilderness or brought the opposing factions together, it was clear that VNRC had played a major role."

During this period, VNRC devoted a good deal of time to educating Vermonters about the impacts of acid rain on Vermont's high elevation forests and lakes. Anne Winchester's January/February 1980 VER cover story reported on the early results of Hub Vogelmann's UVM research team which found: "... 1) acidity of rainfall ranged from pH 3- 4; 2) increase in heavy metals in soils on Camel's Hump; 3) red spruce have declined by 50 % since 1965." Writing in the May/June 1981 VER cover story, Jeanne Keller said: "Acid rain is another problem of great importance to Vermont. It affects our soils, water, buildings and aquatic life. The Clean air Act does not adequately

address this issue and Congress must come to grips with it during the current debate."

But VNRC and friends also found time to celebrate with the Vermont Heritage Festival at Bent Hill Settlement in Waitsfield, held in successive Augusts from 1981-1983, each year gaining in attendance and donations. As reported in the September/October 1981 VER: "The August 29th VNRC fundraiser was organized by Carolynne and Gregory Schipa of Weather Hill Restoration with the aid of a generous donation from Vermont Castings. Over 600 people turned out for the event. The main event was an auction conducted by Dick Hathaway."

Big Issues – Big Changes

VNRC tackled many problems as the 80s progressed. The November/December 1982 VER article "Vermont's Toughest Environmental Issue" bestowed that title on: "...health of our farms – over acid rain , energy, forest management."

One of the principal tools at Vermont's disposal for protecting farms and forests was, and still is, the

current use program. VNRC Board member Jim Wilkinson was Chairman and legislative spokesperson for the Current Use Tax Coalition. As "...champion and chief defender of the current use program...he's probably contributed more to common sense land management than just about anybody I know," said VNRC operations director Don Hooper in the January/February 1984 VER.

In the first half of the decade the staff duo of Seward Weber and Darby Bradley, who had worked together from the early 70s and had seen VNRC through some of its roughest periods, moved on to other pursuits: Darby leaving in 1982 to work for the Ottauquechee Regional Land Trust (soon to become the Vermont Land Trust) and Seward in 1984 to become Executive Director of the Mohonk Preserve, a 6,000 acre natural area along the Shawangunk Ridge in New Paltz, New York.

At the fall 1984 VNRC 20th Anniversary Celebration at Vermont Technical College, VNRC Chairperson Mollie Beattie praised Seward for "directing VNRC's growth from seedling to full flower," and presented a

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Mollie Beattie

hoe and a spade to the man “whose green thumb has kept a whole state verdant.”

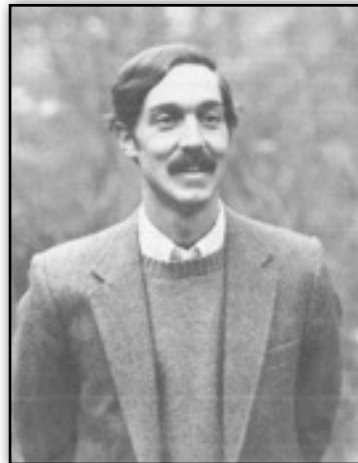
The event also featured Dick Hathaway as emcee, talks by Lt. Governor Peter Smith and Carl Reidel, attendance by gubernatorial candidate Madeleine Kunin, Senator Art Gibb, and other legislators and hopeful candidates, and

introductions of former VNRC directors and chairs, charter members and life members: Perry Merrill, Dick Brett, Justin Brande, Kit Foster, Hugo Meyer, Bernice Burnham, Dave Marvin, Bill Eddy, Sylvia Ferry, Jonathan Brownell, David Firestone, Patsy Highberg, Jim Wilkinson, John Holden, Deane Davis, and Paul Heald.

Deane Davis gave a memorable speech, highlighted by his counseling attendees: “Teach the people first, and the legislature will follow.”

Dick McCormack premiered “One With the Land,” a song he composed in honor of VNRC’s 20th anniversary.

Don Hooper also left VNRC in 1984, to run for the legislature, after serving as VNRC’s Assistant Director, Operations Director and Acting Director, during Seward’s Richard Mellon Fellowship at Yale. Don went on to win a seat in the Vermont House and in 1992 was elected Vermont Secretary of State.



Lou Borie

Lou Borie followed Seward Weber as Executive Director from fall 1984 to fall 1985. Lou led VNRC during this period of significant staff changes,



Susan Clark

Parks and Recreation. Carl Reidel followed Mollie as Chair.

VNRC Finds a Home

Monty Fischer took the reins in October 1985 and helped the Council find a permanent office headquarters with the purchase of the home on 9 Bailey Avenue in 1986. Reflecting on the move in 2008 Monty had this to say: “It was a very successful move for the organization to really get out from under the monthly rent check and put the same amount of money into the purchase of a building, and giving us a whole other identity. We got a computer

including the hiring of Eric Palola, as Acting Operations Director, and then Associate Director, and Susan Clark, replacing Kathleen Bond as Editor. In addition, Chair Mollie Beattie stepped down upon her appointment by Governor Kunin to the post of Commissioner of Forest,

system - a wired... Apple system, a Mac system, which was actually – back then it was pretty primitive – I don’t know where those monitors are, but they’re probably in a museum at this point.”

Monty led VNRC for just under three years, but this was a heady time for the environmental movement in Vermont. He reminisced: “And with the leadership in state government, and the legislature, and the executive office, and the VNRC had a terrific board of directors and some great staff, and really feeling its oats if you will – hiring people like Eric Palola and others who were doing legislative work - we were able to get between 25 and 40 pieces of legislation over that three year period – major pieces of legislation, the one most prominent of many was the Housing and Conservation effort, the partnership



VNRC’s Present Home in 1985
9 Bailey Avenue, Montpelier

that has yielded such incredible dividends for the state over the last twenty years.”

It was during this period that VNRC partnered with the Conservation Law Foundation, and their first attorney in Vermont, Lew Milford, took up residence at VNRC offices.

Monty said: “You could just see the stakes were being raised in Vermont, not that they hadn’t

been high, but we had Act 250 back in the 70s, and the land use plan, but we could feel the change coming that we couldn’t always do business with a look in the eye and a handshake across the table – you know – stakeholder stuff. Occasionally, you had to bring the stick out. So that was the role CLF was brought here to do.”

Monty also spoke of growing VNRC in another direction: “The other thing we did which I was quite proud to be part of was that we merged with the Conservation Society of Southern Vermont. Our feeling was if you want to do anything, go south and work with the part of the state that was having a lot of development pressure and all that; there were a lot of supporters of VNRC down there, and the organization could serve the population better down there than it had in the past. So we worked with them, and that allowed us to open an office in Manchester.”



Monty Fischer

Monty moved on from VNRC in the fall of 1988 to become Legislative Director for newly-elected U.S. Representative Peter Smith.

The Laws That Roared

VNRC began to step up its work in the statehouse during the mid 1980s. As reported in the November/December 1983 VER: “At its fall meeting, the Board

The 1980s - The Laws that Roared

of Directors of the VNRC voted to raise \$10,000 for an endowment to support an annual environmental internship. This special addition to VNRC's existing endowment would honor the late Maurice "Red" Arnold, by creating a living memorial to a dedicated conservationist and conscientious legislator, who served for many years on VNRC's Board of Directors. The internship would be for a college or graduate student who would assist the Council's lobbying activities."

"During the 1984 legislative session VNRC was the only state environmental group with a full-time presence in the legislature." Coordinated by Don Hooper and Margy Erdman with interns Sally Sweitzer and Eric Palola. " (Spring 1984 VER)

The "Red" Arnold Internship became fully



Eric Palola

operational in 1985 with the hiring of Peter Lavigne as the first "Red" Arnold Intern. – (Winter/Spring 85 VER)

Writing in the Fall 1989 VER Eric Palola noted: "Between 1985 and 1988 water protection was a focal point of lobbying for VNRC. During these years, lawmakers passed critical bills addressing groundwater, underground storage tanks, wetlands, rivers protection, reclassification and more."

The Special Fold-Out section called "The Laws That Roared" in the Spring 1989 edition of the VER captured the sweep of the changes: "The mid-1980s were unprecedented in Vermont legislative history for their successes in environmental protection. Growth management and planning, solid and hazardous waste management, water quality protection in areas including rivers, wetlands, groundwater and more, were all targets of key legislation."

"But the job doesn't stop when the bills are passed. In fact, it's only begun. Rules, enforcement, budget

allocations and citizen involvement will all be needed to make sure that Vermont's environmental laws aren't only roaring, but have a real bite."

To be sure, implementation of these and other laws would set VNRC's agenda into the 1990s and beyond. VNRC would devote considerable staff time and resources to implementing the new laws including: Act 200, the state's growth management law; Act 78, the solid waste law; bottle bill expansion; the Vermont Housing and Conservation Trust Fund; the Outstanding Resource Water (ORW) designation process; river and stream and groundwater reclassifications; Act 250 participation and enforcement; indirect discharges into high-elevation waterways; septage and sludge disposal; and tax law to clamp down on corporate land speculators.

Moving Mountains

Ski area growth would continue to be a high priority for VNRC throughout the 1980s and 1990s. Most of the major ski areas were in a period of rapid expansion that included new lifts and trails and extensive development of destination resorts and

second homes. VNRC was part of a coalition of ten Vermont conservation groups calling for a regional growth management plan to deal with the cumulative impacts of destination resorts.

VNRC also worked closely with several local partners on a variety of fronts aimed at managing growth and minimizing the environmental impact particularly to upland streams and wildlife habitat in these ski area communities.

In 1982, VNRC teamed up with “RIPPLE”(Regional Impact Pure Water Protective League) to challenge development proposals by the Mount Mansfield Corporation and Trapp Family Lodge that would impact brooks and streams in Stowe with sewage disposal from the various condominium and other commercial projects.

Responding to development of Stratton’s Master Plan the Stratton Area Citizen’s Committee, with assistance from VNRC, was able to convince the Water Resources Board in 1989 to reclassify Kidder

Brook from Class B to Class A, the first such designation in Vermont.

In 1986 and 1987 VNRC also participated with NWF in the landmark Act 250 case of Southview, a residential development proposed on the Stratton-Jamaica town line. The State Environmental Board ruled in favor of protecting deer habitat and turned down the proposal.

Perhaps because of the massive size of its development proposals, no ski area garnered as much attention from VNRC as Killington. “What’s



Construction at Killington Ski Area

happening in Sherburne is a scale of development Vermont has never had to contend with before,” according to VNRC Operations Director Don Hooper in summer 1984.

From 1985 to 1988 VNRC, the Connecticut River Watershed Council, and the Natural Resources Defense Council battled in Act 250 and federal court to protect the Ottauquechee River and to prevent Killington Ltd. and Sunrise Corp. from using land-spray irrigation for sewage disposal without a federal discharge permit. A 1988 court settlement resulted in compliance with the law.

The reclassification of the Ottauquechee from B to C was also a major issue, as the Town of Sherburne sought to downgrade the river for direct discharge of treated sewage from new development. Working with the six other members of the Ottauquechee Coalition, VNRC was able to reverse the Water Resources Board’s reclassification in Superior Court. However, the Supreme Court upheld the WRB’s decision. Rob Woolmington, the Bennington attorney who represented environmentalists in the case, said

The 1980s - The Laws that Roared

that the Supreme Court's decision shows: "...the court will defer heavily to the findings of an administrative board, whether or not the findings offer an environmentally strong result."

Development pressures at Killington and other ski areas were so intense during the mid-1980s that VNRC devoted back-to-back editions of the VER to the issue: Summer 1984 - "Coming Soon...to a Ski Area Near You!" and Fall 1984 - "New Fountains in our Mountains." Both editions covered the growing use of land-spray application of treated sewage effluent, including for snowmaking on ski trails. The Fall edition also included a letter from Preston Leete Smith, President and CEO of the Sherburne Corporation critical of VNRC's coverage of Killington condominium development, ("When will the misinformation, character assassinations and half-truths end?") and a response letter from VNRC Chair Mollie Beattie, ("In this controversy VNRC, too, has been often slandered



as a proponent of no further growth in Vermont, despite our long history of support for diversified, sustainable economic growth.")

Killington also caught the attention of the national media over its plans to use treated sewage for snowmaking. TIME Magazine's October 21, 1985 story, "Vermont: Impure as the Driven Snow", noted: "The proposal has set off a battle between environmentalists and resort owners. One bumper sticker reads, 'KILLINGTON: WHERE THE AFFLUENT MEET THE EFFLUENT'." The article went on to say: "Killington has filed a libel suit against the Barre-Montpelier Times Argus newspaper for publishing a cartoon showing two skiers riding a ski lift carrying toilet plungers instead of ski poles. The caption: "Uh oh, looks like the snowmaking machines are clogged again."

One of the longest and most contentious battles of the 1980s, carrying over into the 1990s, was over

Parker's Gore. In 1986, the Killington ski area applied for an Act 250 permit to construct a snowmaking pond in Mendon in a remote area known as Parker's Gore East. As the Act 250 hearings progressed, it became apparent that Parker's Gore was home to black bears, which had left significant beech stands with the tell-tale scarring that indicated the area was a critical food source for them. Over the next several years, VNRC and Friends of Parker's Gore and the Shrewsbury Land Trust, both led by Nancy Bell, fought for protection of Parker's Gore and the bears. Their struggle was rewarded in 1990 with the Environmental Board's denial of permits to develop in Parker's Gore. Friends of Parker's Gore, VNRC and other parties negotiated into the 1990s over a potential merger of Killington and Pico ski areas that would have included protection of Parker's Gore in the deal. Killington and



Pico eventually merged after Les Otten's American Skiing Company bought Killington in 1996. But, it was not until 1997 that the Friend's of Parker's Gore, Killington and the state of Vermont came together on an agreement that included a swap of state-owned land in the Killington Basin, in which the ski area could grow, in exchange for thousands of acres in Parker's Gore that would remain permanently protected.

Another victory for the bears was cheered by VNRC in 1991, after three years of work by the Southern Vermont office in the 180-unit Tamarack resort (aka Salmon Hole) project in Stratton and Jamaica. The District 2 Environmental Commission denied an Act 250 permit for the development noting its: "location in remote lands, in the middle of a bear travel corridor and spring feeding area present insurmountable obstacles."

Growing Pains II

For the latter part of the 1980s a major focus for VNRC was on the state's growth and development. In 1985 VNRC worked closely with Richard Cowart who

was directing the Growth Areas Research Project (GARP) at Vermont Law School's Environmental Law Center. GARP studied the rate and patterns of growth in Vermont and offered recommendations for better managing the rapid growth that was occurring.

In the Summer 1985 VER Cowart wrote: "The population increase between 1960 and 1980 was greater than that for any similar period since the state's initial agricultural settlement between 1790 and 1830. Vermont's population grew by 14% in the 1960s, and another 15% in the 1970s. Current estimates project a population increase of another 20% to 28% by the year 2001." Cowart also identified a major issue: "Cumulative impact problems can be explained by the simple phrase, 'things add up'. Development effects that are acceptable in small doses become unmanageable or undesirable when many small doses add up to large impacts."



Speaking in Manchester at the December 1985, 8th Annual Environmental Law Conference sponsored by VNRC and Vermont Law School, Ian McHarg and David Brower challenged participants to use the tools we have to better plan for growth.

At the January 1986, 4th Annual Environmental Breakfast sponsored by VNRC and other environmental groups, Governor Madeleine Kunin, noting that cooperation was at the root of

environmental successes the previous year, addressed growth management, deemed to be among the top three state environmental issues: the others were water resource protection and solid waste disposal.

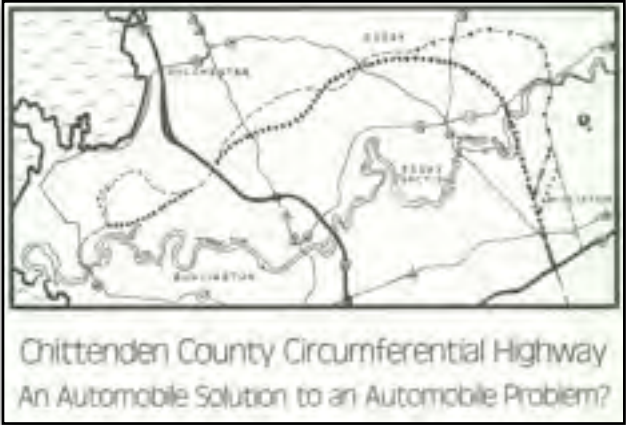
Feature VER articles in 1986 such as "Parcellizing Vermont" reported on a new VNRC study showing that corporate land speculators were purchasing, subdividing, and re-selling Vermont property quickly and quietly with no environmental review.

The 1980s - The Laws that Roared

A related article by the Daniels brothers, Robert and Thomas, natives of Burlington and both university professors specializing in taxation and planning respectively, showed how land speculators were able to avoid a big tax bite in Vermont.

The question of whether or not the Chittenden County Circumferential Highway ("The Circ") was needed was the focus of another 1986 VER story.

In 1987 Madeleine Kunin appointed a 12-member Governor's Commission on Vermont's Future (also known as the Costle Commission after its Chair Douglas Costle, Dean of the Vermont Law School), to study Vermonters' attitudes on growth and development and to suggest guidelines and mechanisms for facing Vermont's development future. VNRC staff and board were very



active in the eleven hearings held around the state that drew thousands of Vermonters. As Monty Fischer noted in the winter of 1987 as the hearings concluded: "VNRC has been working for many years toward stronger growth management and planning legislation. We look forward to hearing the Governor's Commission's recommendations, and are optimistic that the Commission will help speed that process along."

The Commission's report released in January 1988 recommended addressing growth through policy changes in planning, agriculture, the property tax and strengthening the housing and conservation trust fund.

Governor Kunin's "State of the State" address was devoted entirely to the issue of growth management and planning. The House responded with a special Committee on Growth and Vermont's Future, and



together with their counterparts in the Senate, used the Commission's report as a template for most of what became Act 200, passed in the spring of 1988.

VNRC continued to play a role in the implementation of Act 200 through publication of a newspaper

format "Vermont Growth Management News" in 1988 and 1989. VNRC also created an Environmental Action Center, headed by Peg Elmer, who had formerly worked as a staff assistant to ANR Secretary Jonathan Lash and had helped staff the Costle Commission. One of the main focuses of the Action Center was to provide citizens with



the tools to participate in the Act 200 planning process and to assist the many local Citizens for Responsible Growth groups that were working on development issues in their communities.

The Champlain Pipeline was making headlines during this period, and VNRC testified in 1989 before the PSB and FERC that "...the pipeline should not be permitted unless the need for new gas supplies is proved both for Vermont and New England..."

The late 1980s saw more significant staff changes at VNRC. In addition to Monty Fischer's leaving and the establishment of the Southern Vermont office in 1988, staffed by Associate Director Seth Bongartz and Marcy Mahr, Ned Farquhar joined VNRC's staff as Associate Director in summer 1988. Ned took over for Eric Palola, who left VNRC to attend graduate school. Board member, Dick Mixer, filled in as Acting Executive Director after Monty left. Tom Miner became Executive Director in summer 1989.



Dick Mixer

Jim Shallow joined the staff in 1989 to work in the Environmental Action Center.

As the 1980s wound down, VNRC was engaged in several high profile issues, including several malls: Pyramid Mall and Maple Tree Place – Part II; and Hartland Crossing. VNRC, the Appalachian Trail Conference and others TC protested the U.S. Park service giving Killington an easement for ski lifts/trails to criss-cross the Appalachian Trail.

The southern Vermont office was tackling the 435-unit Salmon Hole resort proposal in Stratton and Jamaica; spearheading the state's first ORW designation for the Battenkill; tracking the proposed Rutland Mall; and litigating the Lake Bomoseen drawdown.

VNRC lost one of its biggest supporters, with the death of founder Dick Brett in fall 1989. At the annual meeting held in the House Chambers at the close of the September

16 Conservation Celebration, VNRC Chair Patsy Highberg recalled her long-time friendship with Brett: "Dick Brett lived the principles that he advocated for the protection of natural resources."



Vermont Conservation Celebration

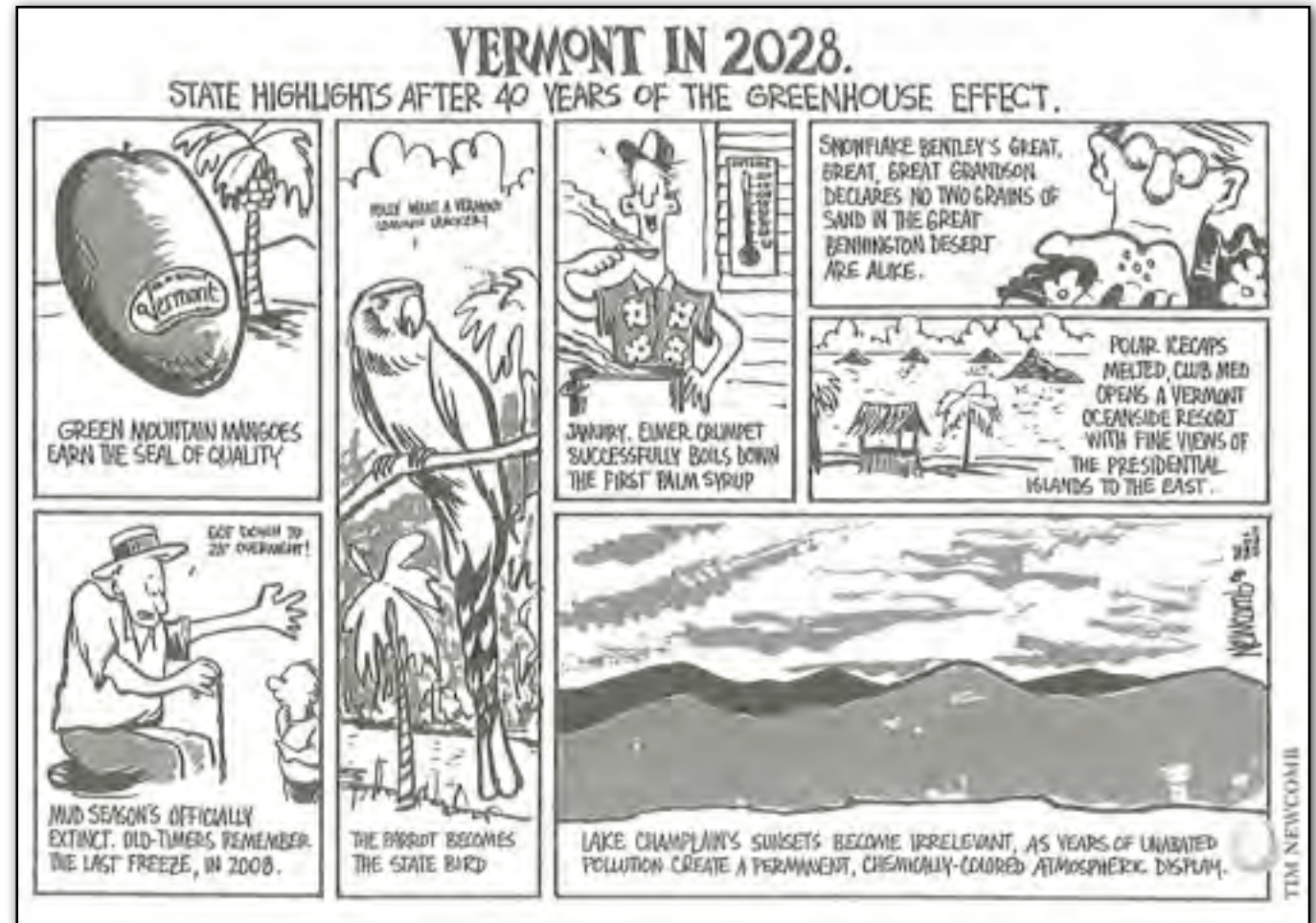
Earlier in the day the Vermont Conservation Celebration, organized as a grand finale for VNRC's 25th Anniversary, with the assistance of Dan Lindner of "Banjo Dan and the Mid-nite Plowboys" fame, welcomed over 2,000 people to the statehouse lawn for over 40 workshops, booths and exhibits sponsored by the event's 80 co-sponsoring

The 1980s - The Laws that Roared

organizations, entertainment for all ages and a keynote address by Governor Kunin.

In the final Vermont Environmental Report of the 1980s meteorologist (and former VNRC Board member) Mark Breen set the stage for what would become a major focus for VNRC in the decades to come: “Billowing larger and larger on our horizon are the effects of humans’ continuing destruction of the environment. The “greenhouse effect’, warming the earth through excess carbon dioxide and other heat-trapping gases, could result in more desert, less arable land, and less water. It is dramatically evident that pollution, deforestation, ozone depletion, and possible climate change bespeak human failure to meet our stewardship obligation.”

Tim Newcomb’s cartoon, “Vermont in 2028: State Highlights After 40 Years of The Greenhouse Effect,” also appeared in this fall 1989 edition, putting an exclamation point on the 1980s and the work that lay ahead for VNRC.





VERMONT HERITAGE FESTIVAL

Saturday, Aug. 28 11am to 6pm.
 Waitsfield, on the common of historic Bent Hill Settlement

NOON AUCTION of contributed art, crafts, merchandise and services
 Displays and demonstrations of early American crafts and tools
 Music, entertainment, lunch and beverages befitting a FESTIVAL!

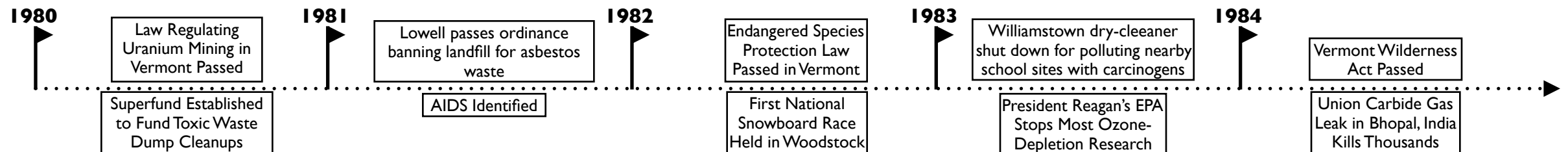
VERMONT NATURAL RESOURCES COUNCIL

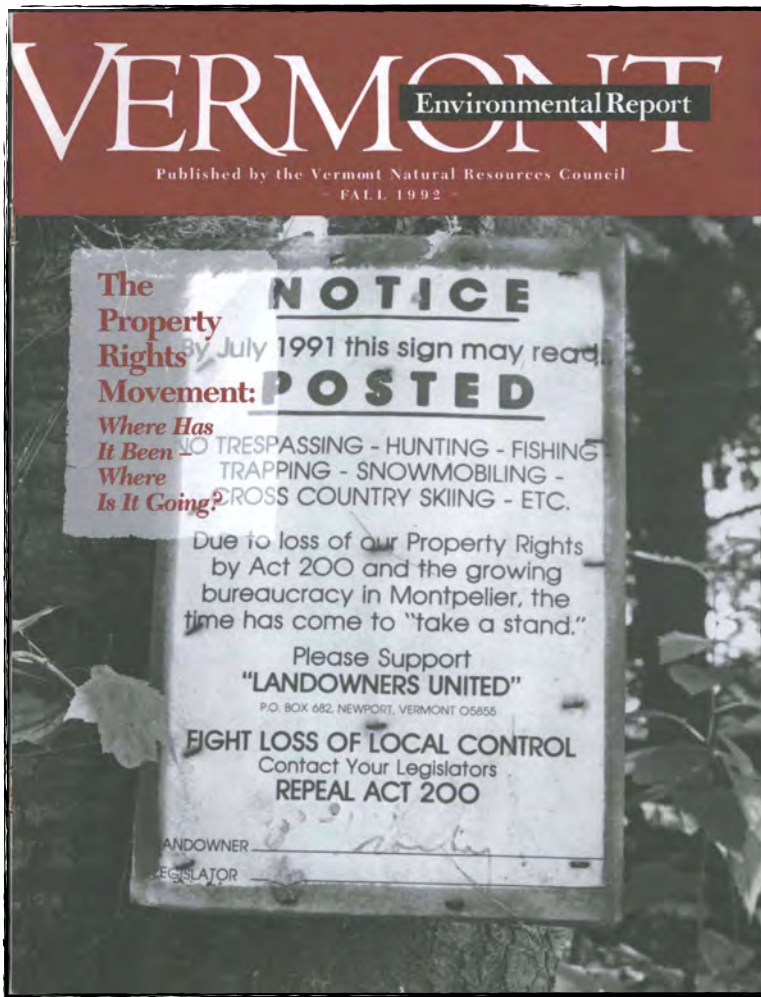
THE COUNCIL

Banquet Celebrates VNRC's "20th"

VNRC's 20th Anniversary Celebration was held at the Bent Hill Settlement in Waitsfield on Saturday, August 28. The event was a highly successful and enjoyable occasion, with many guests attending. The banquet was held at the Bent Hill Settlement, and the evening was a great success. The VNRC's 20th Anniversary Celebration was a memorable event, and the Council is proud to have reached this milestone. The evening was a great success, and the VNRC is proud to have reached this milestone. The evening was a great success, and the VNRC is proud to have reached this milestone.

Peter Lavigne is the first to fill VNRC's Maurice "Red" Arnold Memorial Legislative Internship. "Red" Arnold, a former VNRC director and state legislator, died suddenly in 1983. The internship scholarship was created by VNRC's board to honor Arnold's accomplishments and devotion to promoting sound environmental policy and legislation. Peter comes to us during his third year at Vermont Law School. A graduate of VLS's Environmental Law Doctor Master's program, Peter has a varied background including positions as a history teacher, political organizer, writer and editor for several magazines and newspapers, as well as an outdoor leader and emergency medical technician. As VNRC's only full-time paid intern, Peter has been coordinating the Council's legislative tracking, and representing the VNRC at several legislative hearings. His interests include Act 250, destination-driven development, and other growth-management issues, and he acts as liaison between the Council and VLS's G.A.R.P. research group (see Vermont Perspectives, this issue).





“Act 200 and Act 250 had some rough going but were preserved in the end.”

-Steve Holmes



“We question whether the scale and fit of these massive proposals are appropriate for the Green Mountains.”

-Elizabeth Courtney



VNRC's Steve Holmes (left) surveys the Clyde River dam shortly after the first blast in 1996, the first time in the nation's history a dam was removed for environmental reasons.

The 1990s – It’s the Economy...and the Environment

Challenges

- * Economic and political conditions in Vermont cause backlash against environmental laws – VNRC leads effort to protect Act 200, Act 250, and other laws.
- * Ski area expansion continues – VNRC intervenes in Act 250 proceedings and advocates review of cumulative impacts and sound planning principles.
- * Competing uses of the public waters proposed by ski areas, utilities and developers threaten aquatic ecosystems – VNRC intervenes in water withdrawal and dam relicensing cases and works with citizens to designate and reclassify special water resources.
- * Wal-Mart proposals threaten Vermont’s communities and environment – VNRC and partners succeed in stopping or scaling down most proposals.
- * Forest resources are threatened by heavy clear-cutting, aerial spraying of herbicides, and large scale timber land sale – VNRC sounds the alarm alerting

decision makers and helps with passage of key legislation protecting forest lands.

Act 200 Backlash

By 1990 there had been pressure building from a property rights group for repeal of Act 200, the growth management law passed in 1988. The boiling point came on Town Meeting Day 1990. Citizens for Property Rights (CPR) and others were able to get almost half of Vermont’s communities (122 towns) to vote on whether to support Act 200. Ninety-two voted no, 14 said yes, and 16 votes were tabled. Although the votes were non-binding, the legislature responded with amendments that did weaken the law.

In the spring 1990 VER, VNRC Land Use Associate Peg Elmer said: “Clearly, people were trying to send a message. Some people may have been making an



Peg Elmer

anti-Montpelier vote, others were anti-regulation, and many were simply responding to misinformation.”

VNRC at that time was helping spearhead “an effort to clear up misconceptions about the law,” wrote VER editor Susan Clark. “VNRC staff spoke at many forums around the state, and distributed thousands of VNRC *Growth Management News* publications explaining Act 200 and planning. VNRC also helped organize Green Mountain Citizens for Planning, a group of farmers, businesspeople and other interested citizens who support local planning.”

VNRC Action Center Assistant Jim Shallow assessed the difficulties of countering the property rights misinformation campaign: “Our volunteers going door-to-door were astounded by people’s



Jim Shallow

misperception about Act 200. We had one woman tell us she was all for local planning, but she couldn't support Act 200 because it said you couldn't own firearms! Another man told us Act 200 said he couldn't put up a clothesline in his yard. And CPR's own literature stated, 'If you want to cut two acres of your farm land so your son or daughter can build a house on it – forget it. Act 200 plans don't like that idea.' It's unbelievable the baloney these folks put out"

VNRC Deputy Director Steve Holmes, who at the time was Vermont's Commissioner of Housing and Community Affairs and whose department was overseeing implementation of most of Act 200, recalled the time:

"The 1990 town meetings period was one of the toughest and most challenging of my career. It was a real roller coaster ride in the months leading up to and after Town Meeting Day. On that day, I witnessed the low of Governor Kunin having to wait out a vote by the Duxbury Town Meeting on whether or not she would even be allowed to speak (a preliminary no

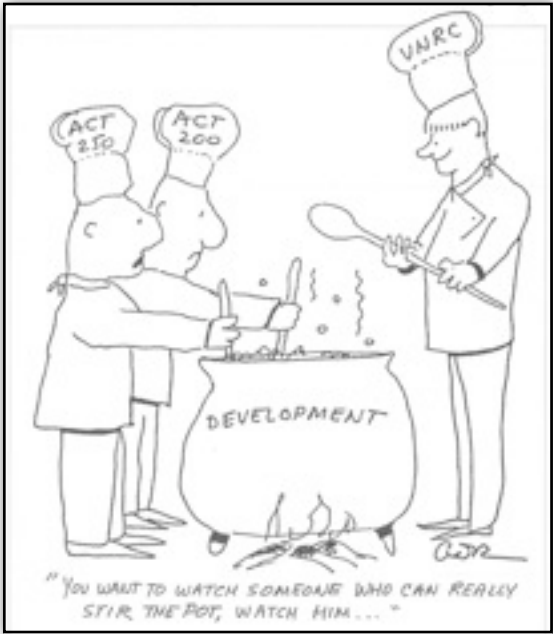


Steve Holmes

vote was later reversed so she did get to speak) and the high of voting along with fellow townspeople in a record town meeting turnout in East Montpelier to support Act 200."

"It was immeasurably reassuring to have allies like VNRC with Ned, Peg and Jim helping to rally citizens in support of the law," added Holmes.

Even former Governor Deane Davis "made a rare public statement supporting the law," wrote Susan Clark. Davis '...criticized Act 200 opponents for using scare tactics and noted,' I think people are getting scared of a shadow. Nearly 20 years of watching Act 250 has strengthened my belief in the need for long-range land use planning in Vermont. I do not believe it trespasses unreasonably on the rights of local



towns, the owners of land, or the rights of local citizens.' "

The efforts to repeal Act 200 came to a head in January 1992 at a public hearing of the House and Senate Natural Resources and Energy Committees at Vermont Technical College in Randolph attended by

The 1990s – It's the Economy...and the Environment



Ned Farquhar

over 1000 people. Although the opposition crowd, many bussed in to the event, was boisterous, the majority of those testifying, including

VNRC's Ned Farquhar, supported the law. Among those speaking in support was former Governor Deane Davis' top aide, as well as former Governor Madeleine Kunin's Secretary of Development and Community Affairs, Elbert G. ("Al") Moulton who said: "Good community planning is the first step in economic development, and economic development, in turn, is the encouragement and creation of the best possible new jobs for our fellow Vermonters."

Recalling the event in 2010, VNRC's Deputy Director Steve Holmes said: "In the years I've worked at VNRC, I have never seen such a major organizing

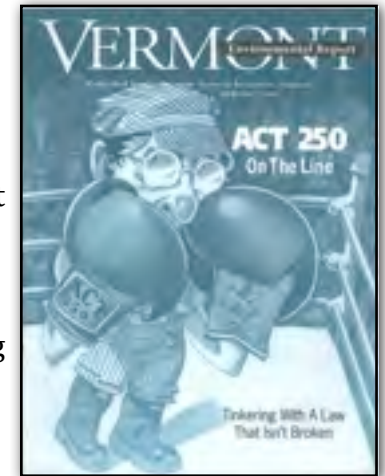
effort for one hearing. We were able to interest over 300 people in coming out to the hearing on a cold night, and around 100 signed up to testify, many more than the opposition. I think that gave the legislature what it needed to save the law."

Property rights groups continued to press for repeal of Act 200 into the mid 1990s, but with VNRC's work on the ground with citizens around the state, weakening amendments failed in 1994 and 1995 when Governor Howard Dean vetoed the bills. After the House sustained Governor Dean's veto in 1995, the threats to the substance of Act 200 nearly evaporated, although funding for planning continued to suffer, as the legislature used some of the proceeds of the property transfer tax increase initiated in 1988 (dedicated originally for planning and the Housing and Conservation Trust Fund) for the General Fund.

Act 250 On the Line

Lieutenant Governor Howard Dean became Governor in the summer of 1991 upon the death of Governor Richard Snelling, who was barely into the eighth

month of his second tenure as Vermont's chief executive. The new governor found himself grappling with state budget problems - and the Vermont ripple effects of an early 1990s U. S. recession that were helping to fuel assaults on environmental policies like Act 250 and Act 200 - but Dean stayed fairly close to the playbook Governor Snelling had adopted for keeping the state's economy on an even keel.



During the economic downturn, there were several calls for "streamlining" Act 250 to make it easier for business. The Spring 1993 VER cover story, *Act 250 on the Line*, noted the emergence of a group with a legislative lobbying war chest of up to \$250,000 calling itself the Vermont Environmental Council, whose goal was to make significant changes in Act 250 primarily by making it harder for citizens to

participate in the Act 250 process and appeal Act 250 decisions. The legislature had several Act 250 amendments before both chambers, and the pro-business Senate was embarking on an unusually slow and confrontational, year-long confirmation of five members of the Environmental Board. The Dean administration also had several proposals to change Act 250, many of which VNRC agreed with. “Still, in general, tinkering with Act 250 continues to create the impression that it’s the law that’s the problem, when they should be working on other issues, particularly the permitting process at the Agency of Natural Resources,” said VNRC’s Executive Director Ned Farquhar.

Some critics of the Dean administration during this period have suggested that part of the hostility toward Act 250 and the Environmental Board may have stemmed from his criticism of the Board in the C & S Grocery decision in Brattleboro. After the

Board granted the permit with conditions to mitigate diesel emissions from heavy truck traffic, C & S executives threatened to move to New Hampshire, prompting Dean to publicly censure the Board.

Dean also railed against conservation groups at a January 1993 press conference as reported in the Spring 1993 VER: “We need those environmental laws, but it’s getting increasingly more difficult to defend those environmental laws when the permit

and appeal process is used in the way it is now being used by those who don’t believe Sugarbush should have snowmaking.” He was referring to the VNRC-led coalition which did not in fact oppose Sugarbush ski area’s water withdrawal for snow making, but did oppose withdrawal levels that threatened fish habitat.

The issue of environmental regulation and balancing economic development and environmental protection was the subject of several analyses and conferences during this period, as Vermonters grappled with defining sustainability.

VNRC convened a roundtable of business leaders and environmental advocates showcased in its Spring/Summer 1994 VER, *The Economy and the Environment: Working Together to Sustain Vermont*. Participants included: John Ewing; Patricia Moulton-



Roundtable on *The Economy and the Environment*

The 1990s – It’s the Economy...and the Environment

Powden; Leigh Seddon; Pat Heffernan; William Shouldice IV; Allison Hooper; Steven Terry; and Jane Difley. “What the group found was not division but common ground,” reported VER editor Allen Gilbert.

Earlier, VNRC had become aware of the work of Stephen M. Meyer, Professor in Political Science at MIT, through his October 5, 1992 paper, “Environmentalism and Economic Prosperity: Testing the Environmental Impact Hypothesis” in which he concluded: “ The benefits of environmental protection are obvious and demonstrable. It is clear from the data and analyses presented in this report that the states can pursue environmental quality without fear of impeding economic prosperity.”

Professor Meyer further tailored his research to Vermont and New Hampshire in his March 29, 1993, paper, “Environmental Protection and Economic Development in New England”, at the New Hampshire State Senate, Economic Development Summit: “In fact there is at least some reason to speculate that the more extensive planning required by Act 250 actually may have contributed to

lessening the overall impact of the recession on Vermont’s construction, real estate, and banking industry.”

In the fall 1995, Meyer spoke in a panel moderated by Middlebury College professor Steven Rockefeller at the VNRC/Vermont Law School Environmental Law Center co-sponsored 16th annual environmental law conference which focused on the concerns about the effects on environmental quality in the Contract with America proposed by U.S. House Speaker Newt Gingrich. Meyer’s main points: Vermont’s strong environmental policies have not imposed observable economic burdens; and Vermont’s economic health equals or exceeds that of its regional competitors.

The *Financial Times* of London, in its October 28, 1992 headline story, “A Tale of Two States,” compared Vermont favorably to New Hampshire in its ability to better weather the economic downturn.

VNRC Board member and former Chair of the Senate Natural Resources and Energy Committee George Little noted: “Since the act (Act 250) passed, there’s

always been very low-level disapproval of any sort of regulation, and I think that builds up in a bad economy. I look at Act 250 as a long-range affair. You have to guard this law, which has really worked very well.”

“From my first year at VNRC until well into the 1990s, VNRC devoted a significant part of its annual budget and staff resources to defending environmental laws, most notably Act 250 and Act 200. There really was no let up from one year to the next, “ added VNRC Deputy Director Steve Holmes, who doubled as VNRC’s point person in the legislature for most of the decade.

A review of the publications and events tells part of the story.

So Goes Vermont, John Karol’s classic multi-media slide show for VNRC’s EPIC project was made into a video in 1992.

Act 250: A Positive Economic Force for Vermont, VNRC’s report on Act 250’s effect on the state’s

economy was published in 1992.

Made in Vermont: The Dividends of Act 250 – A 20-minute video filmed for VNRC by Michael Sacca showing how Act 250 benefits Vermont, was released in 1993.

The Valuable Role of Citizens in Act 250 prepared for VNRC by Geordie Vining in 1994 and updated by Mateo Kehler in 1999 demonstrated how citizen involvement breathes life into Act 250.

These and *Act 250 Facts* brochures, talking points and other materials were used extensively by VNRC in a series of “living room meetings” held around the state in 1993 and 1994 to rally citizens in support of Act 250.

The law itself wasn’t the only thing on the chopping block. Republicans in the Senate saw an opportunity to strike a blow to the effectiveness of Act 250 through its administration. Beginning in

1993, the Senate Natural Resources and Energy Committee, under its Chair Tom McCauley, held confirmation hearings on five members of the Environmental Board nominated by Governor Dean: Chair Elizabeth Courtney (who would become VNRC’s Executive Director in 1997); Ferdinand (“Nundy”) Bongartz; Terry Ehrich; Sam Lloyd; and Steve Wright. A vote of the Senate on January 19, 1994, confirmed only Lloyd and Wright. The others were rejected.

Over the next month, new VNRC Executive Director Jane Difley and Deputy Director Steve Holmes met with Governor Dean and urged him to stand by his nominees. “The board has been fair and impartial when its record of decisions is reviewed,” Holmes said in the Winter



Jane Difley

1994 *Bulletin*, “The Senate placed itself in the awkward position of second-guessing the board’s decisions without looking at the facts.”

“This is a volunteer board,” VNRC said in a letter to all senators, Governor Dean, and Lt. Governor Barbara Snelling. “Subjecting these individuals to a tortuous confirmation process hurt the Vermont tradition of volunteer service to the state.”



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Dean decided to reappoint Courtney, Bongartz and Ehrich setting the stage for a second vote by the Senate on February 22. The weeks before the vote saw a flurry of news stories, editorials, op-eds, cartoons and letters to the editors, some characterizing the Senate's actions as "environmental McCarthyism" or a "witchhunt".

After this deeply divisive and sometimes bitter battle, the Senate (with Lt. Governor Snelling casting the tie-breaking vote on two of the nominees) voted to reject all three. Sitting in the Senate Chamber that day just a few feet to the right of the podium, Holmes remembered, "You could have heard a pin drop as Lt. Governor Snelling paused for what seemed like several moments before casting the vote on Elizabeth Courtney. This

vote set the tone for what would be a long, and partisan session which didn't adjourn until June 12."

VNRC's Winter and Summer 1994 *Bulletins* both featured the Environmental Board confirmation process as cover stories, the latter publishing the photos of all senators and the Lt. Governor and their votes on the cover.

Citizen participation in Act 250 continued on the front burner in 1995, as the Environmental Board held summer hearings around the state on rule changes that would limit the role of citizens in Act 250 hearings and give more weight to Agency of Natural Resources permits in Act 250. In the summer 1995 *Bulletin*, "Mary Ashcroft, a VNRC Board member from Rutland and former chair

of the District 1 Environmental Commission, said of the rules: 'I don't see that there is a problem...If it ain't broke, don't fix it.' " The Environmental Board ultimately decided not to weaken citizen rights in Act 250. But development interests led by the Vermont Ski Areas Association, the Homebuilders and the Chamber of Commerce continued to push for a variety of changes to streamline Act 250 throughout the 1990s.

Moving Mountains II

In addition to Killington, VNRC's Southern Vermont office focused considerable attention on Stratton Corporation's Sunbowl project in the early 1990s. The Sunbowl project, as originally proposed by Stratton, was an enormous addition to the resort's existing facilities. It called for construction of 498 units of residential second homes, a new 18-hole golf



course and clubhouse, swimming and tennis club, and parking for 300 additional cars at the club and Sunbowl base. It was a massive proposal spread out over 1,000 acres and involving bear habitat and the watershed of Kidder Brook, the first stream to be designated Class A in the State of Vermont.

The District 2 Environmental Commission in 1993 heeded the advice of the coalition that included VNRC, Stratton Area Citizens Committee, Conservation Society of Southern Vermont, Friends of the Winhall River and the Stratton Mountain Freeholders, in granting a permit for only first-stage development of 58 residential units and limited golf course expansion to only five holes, primarily because of the potential impacts of the larger proposal on stormwater discharges and water supply.

“This is a clear victory for the environment and for the coalition of citizen groups who brought forth valuable evidence used by the commission in making its decision,”

“The modern ski industry, now planning four-season resorts, could bring cities the size of Rutland onto Vermont’s highest mountain peaks.”
-Elizabeth Courtney

said Steve Holmes who had been Southern Vermont Program Director during the Act 250 hearings.

VNRC’s participation in the Act 250 case involving Mt. Snow’s application to construct a 2.8 mile long pipeline to transport water from Haystack Mountain was less rewarding. The District 2 Environmental Commission awarded Mt. Snow the Act 250 permit, after VNRC had argued the permit would allow excessive withdrawals from Cold Brook. The permit did, however, require Mt. Snow to come back with a resort master plan, including the Deerfield Ridge Interconnect (ski trails connecting the two resorts), whenever Mt. Snow files an application “of any magnitude.” Subsequently, the Deerfield Ridge Interconnect was abandoned and has not resurfaced to date.

VNRC engagement in natural resource issues at ski resorts continued throughout the decade. Elizabeth Courtney’s “Inside Word” titled “Who’s Planning Vermont” in the December 1998 VER edition” The

Future: What Will Vermont Look Like Apres Ski?” brings the issue into focus: “The modern ski industry, now planning four-season resorts, could bring cities the size of Rutland onto Vermont’s highest mountain peaks. We must exercise extraordinary sensitivity to the scale of these developments and to their potential negative impacts on our land and water resources in these pristine mountain areas.”



“We are working to insure that ski areas in Vermont are required to submit Master Plans for public review. The lessons learned and processes created through review of these multi-phased development plans will guide consideration of large-scale plans in the future. VNRC is advocating for review of cumulative impacts, appropriate long-range review and sound planning principles,” Courtney continued.

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Elizabeth Courtney

"We question whether the scale and fit of these massive proposals are appropriate for the Green Mountains."

"This winter and into next spring, Vermonters will be asked to consider mountain resort proposals without reference to a strategy, standards, or criteria for evaluating the

cumulative effects of these individual projects on the environment. From Haystack-Mt. Snow to Stratton, from Okemo to Killington-Pico and from Sugarbush to Stowe, there will be significant new issues arising from dramatic increases in: real estate development, number of vehicles on our roads, waste water discharges, air emissions and other byproducts of new growth. Not one of these impacts is being addressed or monitored comprehensively by any state or local government," wrote Courtney.

As the new millennium approached, VNRC was involved in several ski area development reviews.

VNRC was a party in the Killington Master Plan Act 250 proceedings, having appealed a District 1 Environmental Commission decision to the Environmental Board. The main issues on appeal were Act 250 criteria for scattered growth and rural growth areas. As proposed, the full development would host 30,000 people and include 1,350 new hotel rooms, 2,015 hotel suites, 825 town houses, 80 single family homes, 230,000 square feet of commercial space, 118,000 square feet of indoor recreational and public gathering space, and expansion of alpine skiing infrastructure.

VNRC and the Stratton Area Citizens Committee (SACC) were parties in the Act 250 proceedings on the Stratton Master Plan. The Stratton Corporation was seeking approval for 724 "hotel-like" units, 574 condominium units, 21 single-family homes and 30,000 square feet of commercial space, new lifts, trails and snowmaking. The resort already hosted four hotels, over 700 condominiums, 281 single-

family homes and 81,000 square feet of commercial space. VNRC and SACC asked the District 2 Environmental Commission to reconsider its decision to grant a permit subject to preparation of a Water Quality Remediation Plan. VNRC and SACC argued that the waters must be cleaned up before any permits can be issued.

VNRC also joined with the Conservation Law Foundation, RIPPLE (a Stowe conservation group), and VPIRG in the Stowe Mountain Master Planning Process before the District 5 Environmental Commission. The Master Plan called for Spruce Peak development to include 486 condominium and hotel units, 57,000 square feet of retail space, a new Spruce Base Lodge, 20,000 square foot health club, and 18-hole golf course, and an additional 115 hotel units and 30 residential subdivision lots. Major concerns were water quality, black bear habitat in the proposed golf course area, traffic, aesthetics and growth issues.

Although development at these ski areas continued, VNRC and its partners were able to gain a foothold in

the development review process and help effect changes in the plans, including downsizing of the scope of parts of the projects, that will protect natural resources. Careful monitoring of the build-out these projects was anticipated to extend well into the future.

A River Runs Through It

Water withdrawal from rivers and streams for snowmaking became one of the most publicized and controversial issues of the 1990s, and VNRC was in the thick of things. The struggle in the Mad River Valley over Sugarbush’s water withdrawal plans epitomized the challenges Vermont faced over this issue.

The summer 1993 *Bulletin* cover announced: “History is Made: An Environment/Economy Win for



Mad River”. “VNRC and three other conservation groups reached agreement with the Sugarbush ski area in mid-May on a plan that will both protect the Mad River and allow the resort to proceed with plans to expand its snowmaking capacity. “

“ ‘This agreement protects one of the most beautiful rivers in Vermont and sets strong precedent for future river withdrawals,’ said VNRC Director Ned Farquhar. Farquhar, VNRC Water Director Chris Kilian, and VNRC Board member Doug Racine met for eight weeks of negotiations with Sugarbush officials. The mediated sessions had been encouraged by Agency of Natural Resources Secretary Chuck Clarke after it appeared the two sides would end up in a lengthy court fight.”

“At issue was how much water Sugarbush could withdraw from the Mad River to make more snow to cover more trails.”

“The conservation groups – VNRC, the Vermont Federation of Sportsmen’s Clubs, Vermont Trout Unlimited, and the Vermont Sierra Club – said no

withdrawals below the February median flow of the river should be allowed. To do so would hurt fish in the river and undercut its aquatic health.”

“In the somewhat contentious atmosphere leading up to the negotiated settlement, the groups were portrayed by some as trying to push aside thousands of jobs in favor of unreasonable environmental demands. In January Gov. Howard Dean accused the groups of ‘scorched earth’ tactics.”

“ ‘The issue wasn’t jobs vs. the environment, though,’ Farquhar said. ‘It was the fair, judicious use of natural resources under consistent ANR process, toward building an economy that benefits a wide range of varied interests.’ ”

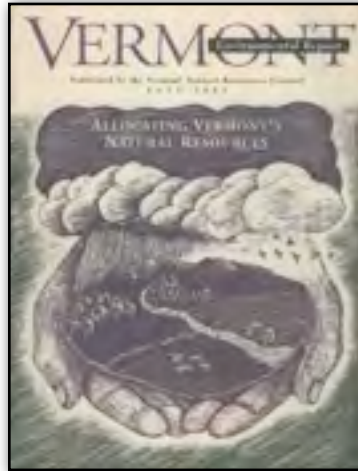
“ ‘The agreement confirms what most Vermonters know,’ Farquhar said. ‘Resource protection doesn’t hurt the economy.’ “

Will Lindner, former editor at the [Barre-Montpelier Times-Argus](#) and one of VNRC’s most prolific writers for close to two decades beginning in the early

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1990s, focused on Sugarbush in his cover story for the Fall 1993 VER, *Resource Allocation: Environmental Success Breeds Difficult Challenges*

“When Sugarbush ski area of Warren came to agreement with VNRC and three other conservation organizations over a plan to pump water from the Mad River for snowmaking, it was the culmination of a dialogue that had been by turns, divisive and creative over a two-year period. The final accord was more than an accommodation with the ski resort designed to maintain the ecological integrity of the valley waterway; conservationists and state agency officials alike hope it was the first brick in a new framework for the future setting out consistent evaluation of the needs of businesses and the environmental impacts of their proposals.”



“Yet one seasoned observer looked to the past to understand the Sugarbush affair. The fracas that divided the valley, that put officials at odds with their technical staff, and that inflamed the litany holding economic and environmental interests are mutually exclusive, was the predictable result of progress on the environmental front that he had watched for decades.”

Lindner was referring to Bren Whittaker, VNRC's Northern Forest Project Field Director and former Agency of Environmental Conservation Secretary in the Snelling administration. It was Whittaker's first press conference in 1978 when Governor Snelling introduced the new appointee to reporters asking



Bren Whittaker

about the environmental challenges Vermont faced.

“ ‘What I said’ he recalled, ‘was that we had made major progress to that point in cleaning up the water, and were making progress cleaning up the air and managing the forests of the state. Vermont was getting its natural resources into very good shape. So I saw on the horizon that the next big issue would be allocation between competing good uses for those resources. Of course, we had no idea, at that time, about (snow-making proposals from) Sugarbush and Killington, of bear habitat...But with every step we made, the resources were getting more and more attractive. And the more successful we are in Vermont and the nation in cleaning up our resources, the more coveted they become and the more the issue becomes allocation. ‘ ”

Outstanding Waters

In 1991, the Water Resources Board granted the Battenkill designation as Vermont's first Outstanding Resource Water. “After working on the project for two and a half years, VNRC and Trout Unlimited are elated by the Board's unanimous decision,” said

Marcy Mahr, VNRC's Southern Vermont Program Director. That same year citizen groups were also successful in receiving ORW designation for the Poultney River in Poultney and Fair Haven and Pike's Falls on Ball Mountain Brook in Jamaica.

Following the success in 1989 with Kidder Brook, VNRC continued to work with local citizens to designate more Class A waters. In 1991, VNRC's Diane Newton, working with Friends of Cobb Brook and the towns of Jamaica and Windham were successful in achieving Class A for Cobb Brook.

That same year, the Friends of the Winhall River with assistance from VNRC and attorney Bill Roper, who would later chair VNRC, secured Class A designation for the upper eight miles of the Winhall. The Water Resources Board, however, left the lower three miles classified "B".

In 1996 VNRC and activists in Wilmington and Dover were successful in upgrading a portion of Cold Brook in Dover from class B to A.

In 1992, the Water Resources Board voted unanimously to classify Dorset Marsh Vermont's first Class 1 wetland. VNRC worked with the Dorset Citizens for Responsible Growth to create the protection, which included a 100-foot buffer zone.

Vermont: The Last Frontier... for Wal-Mart



One of VNRC's highest profile issues in the 1990s was the work it did in limiting the impact of big box stores like Wal-Mart on Vermont's communities and environment. By the mid-1990s Vermont was the only state in the country that did not have a Wal-Mart within its borders. As Wal-Mart made its move

on Vermont, VNRC and others undertook a major statewide education and advocacy campaign, including producing the Ann Cousins film *Back Against the Wal*, narrated by Ron Powers. Through a partnership with Preservation Trust of Vermont and several local groups around the state, VNRC helped to channel most of the Wal-Mart proposals into existing buildings in Bennington, Rutland and Berlin that were an appropriate scale for the community. VNRC actually supported the Rutland Wal-Mart in the Act 250 process as being both a good size and location to complement the adjacent downtown and avoid sprawl. The only exception was a new Wal-Mart built at Taft Corners in Williston.

The epicenter of the statewide campaign to have big box stores develop on Vermont's terms, not vice versa, was a cornfield in St Albans where in 1993 Wal-Mart wanted to build a new store.

"Wal-Mart Permit Denied: Supreme Court Upholds E-Board Decision" announced the October 1997 VER back cover story which summarized the struggle.

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"On August 29, 1997, the Vermont Supreme Court handed down its long-awaited decision upholding the Vermont Environmental Board's 1994 denial of an Act 250 land use permit for a Wal-Mart in Saint Albans Town two mile outside the city of St. Albans."

"In essence, the Court said that Act 250 decisions must consider the fiscal and economic effects of a development. The Environmental Board was correct to evaluate the 'financial capacity' of communities in the region that are affected by the project."

"In Wal-Mart's case, VNRC was able to demonstrate to the satisfaction of the Environmental Board and the Supreme Court that the 100,000 square foot giant would have an adverse effect on retail business in surrounding communities, which in turn would erode those communities' tax base."

"VNRC was a party at the Environmental Board level, after having been denied party status by the District Environmental Commission, and was an amicus before the Supreme Court."

"The case is also significant because the Court said that a secondary growth study – as required by the Board but which Wal-Mart did not do – was an appropriate request for the Board to make to determine if undue burden would be placed on local governments."

"VNRC contended that "spin off" strip commercial, sprawl development such as fast-food places, gas stations and convenience stores induced by the presence of Wal-Mart would locate in the vicinity. This secondary growth would impose costs on the community to accommodate additional traffic and to provide infrastructure for water supply, sewage and stormwater disposal."

"Steve Holmes, VNRC's Deputy Director for Policy, and coordinator of VNRC's effort, said. 'We're very

happy with the Court's decision. This is an important case that should give a boost to efforts to revitalize Vermont's downtown areas and strengthen our communities.' "



Chris Kilian and Mark Naud

"Holmes had high praise for the dedicated team that worked on the case over the four years since Wal-Mart first applied for an Act 250 permit in the summer of 1993: Bill Roper, VNRC's outside counsel before the Board and the Court; Christopher Kilian, VNRC staff counsel; Mark Naud, VNRC Law Clerk; John Finn, leader of Franklin/Grand Isle Citizens for Downtown Preservation; the Citizen's attorney, Frank Murray; Beth Humstone and Tom Muller, key experts for VNRC and the Citizens on fiscal and economic impact; and Paul Bruhn, Preservation Trust of Vermont."

Frank Murray, reminiscing with Steve Holmes in 2010, said that John Finn was so excited about the Environmental Board's decision two days before Christmas 1994, that John said "I'm going to put that in my stocking this year."

The postscript to this phase of the St. Albans Wal-Mart had Wal-Mart dropping the project. Fast forward to 2004 and a new application for a larger Wal-Mart on the same cornfield. The next chapter will cover Wal-Mart Round II.

Water Over (and Through) the Dam

The relicensing of dams by the Federal Energy Regulatory Commission (FERC) presented Vermont with a rare once-in-50 year chance to address the water quality impacts of these dams over the first half of the century. Rehabilitating Vermont's rivers and streams through the FERC relicensing process was a major thrust of VNRC's water program in the 1990s.

"Right now we have a window of opportunity to affect hundreds of miles of rivers that have been impacted for 80 years," said VNRC Water Program Director Chris Kilian in the Spring/Summer 1995 VER edition, *Water: At the Confluence of Public Health and Environmental Protection*.

The lead story in that edition by Matthew Witten, "Dams and the Revival of River Life", notes: " In a sense, this opportunity dares us to remember how full of life Vermont's streams once were, and to

demand that utilities make the effort to revive our rivers. Although hydropower facilities have become accepted parts of the landscape, their effect is marked. There are many dams in Vermont that severely damage fish habitat in our streams and rivers, and several that erased some of the most beautiful cascades and waterfalls that our state once had to offer."

The story goes on to list the major

effects of dams in two basic categories: those above and those below the dam. Among the upstream impacts are reservoir or impoundment changes such as "drawdowns" to generate electricity, which unnaturally warm or cool the water, cause buildup of sediment, and disturb fish and wildlife habitats. Downstream impacts from the practice of water storage and release can sometimes completely de-water riverbeds and then produce a scouring effect devastating to stream habitat when water is released.

Roughly one quarter of Vermont's sixty plus hydroelectric dams were up for FERC and state relicensing during this period, and VNRC had a hand in the decision making on most of them. What follows is a sampling of some of the higher profile cases in which VNRC and countless other local groups and citizens were involved.

The Clyde River flows through some of the wildest land in Vermont roughly 34 miles from Island Pond into Lake Memphremagog. Home to native brook



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trout, the Clyde once boasted a fabled wild landlocked salmon run each fall and spring.

A dam known as Newport #11 built by Citizen's Utility Company ended the runs in 1957. VNRC, Northeast Kingdom Chapter of Trout Unlimited, and the Derby and Essex/Orleans Rod and Gun clubs fought for over four years to have the dam removed and to restore the spawning habitat to its natural state.

On May 1, 1994, "the river decided its own fate", noted Chris Kilian, when heavy rains cut into the bank that abutted the Newport #11 dam, breaching the dam and allowing the Clyde to flow naturally for the first time in 37 years. The rest of the job of removing Newport #11 was begun, after FERC recommendation, with a dynamite blast in June 1996, marking the first time in the nation's history that a dam was removed for environmental reasons.

Kilian was recognized for his work in spearheading the effort to restore the Clyde with the National Wildlife Federation's Charlie Shaw Conservation



Removal of Newport #11 Dam on Clyde River Begins Partnership Award at NWF's 1998 annual meeting in Washington, D.C.

Over five years of work on the Deerfield River paid off for VNRC and Vermont's natural resources, as was reported in the March 1997 VER back cover story: "16,000 Acres of Forest and Shore Lands Protected in Southern Vermont." The February 26, 1997 Rutland Herald reported: "...the VNRC has won permanent development protection for the thousands of acres of New England Power land that surround the two

hydroelectric dams, which are located in the towns of Whitingham, Wilmington, Searsburg, and Somerset."

The VER story went on: "With the stroke of a pen, VNRC has completed one of the largest land protection agreements in recent Vermont history, assuring protection of the headwaters of the Deerfield River for future generations."

"At a press conference on February 26, 1997, Gov. Howard Dean, flanked by VNRC Acting Executive Director Steve Holmes, New England Power Company Vice President Lawrence Bailey, and Agency of Natural Resources Secretary Barbara Ripley announced the settlement between VNRC and NEPCO by which the power company has agreed to permanent conservation easements on 16,000 acres around Somerset and Harriman Reservoirs and other Deerfield shore lands, and VNRC will drop its appeal of a state water quality certificate necessary for relicensing the project."

Holmes noted: "Our objectives have been to permanently protect the land and to improve water



Press Conference Announcing Protection of 16,000 Acres of Forest and Shore Lands on Deerfield River. Left to Right: Lawrence E. Bailey, Vice President and Director of Generation Operations for New England Power Company; Gov. Dean; Barbara Ripley, Secretary of the Agency of Natural Resources; and Steve Holmes, VNRC Acting Executive Director.

quality. We now have protected forever 16,000 acres of near wilderness land, and we have set the stage for stabilizing water levels in Somerset Reservoir and returning natural river flows to the Deerfield headwaters.”

“Chris Kilian and I have been working on this project since 1991, when we both started at VNRC. Without Chris’s hard work and professionalism on the legal

and technical aspects of the case, I don’t think we would have gotten so far,” concluded Holmes.

Another major milestone in the dam relicensing arena was reported in the Winter 1999 VER story: “Agreement Will Restore Lamoille River.”

The story began: “In August 1998, after more than five years of litigation, VNRC entered into a settlement agreement with Central Vermont Public Service Corporation, Trout Unlimited- Central Vermont Chapter, and the Vermont Agency of Natural Resources which paves the way for restoration of the lower Lamoille River”

“At issue in the litigation has been the continued operation of four hydroelectric dams owned by CVPS. The four dams affect habitat and water quality in more than 30 miles of the river.”

“The agreement guarantees that... the river will be restored,” according to Chris Kilian.

“Most importantly, VNRC will be completing an assessment of the need for removal of the Peterson dam to restore fish habitat,” continued the story.

“The Peterson Dam is located at the mouth of the river and has eliminated critical spawning habitat for many fish including walleye and endangered lake sturgeon,” said Kim Kendall, VNRC Staff Scientist. “We will be looking at whether the dam meets water quality standards and opportunities to restore river habitat.”



Kim Kendall

“This agreement refocuses the discussion on restoring clean water and ends litigation over procedural and preliminary questions,” said VNRC Executive Director Elizabeth Courtney.

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The Forests and the Trees

In the early 1990s VNRC took the first steps in restructuring the policy staff around the 3 to 4 basic program areas that have for the most part remained our bread and butter until the present day: water, land use, forests and energy. In 1991 Jim Shallow became the Forests, Wildlife and Public Land Program Director.

The Forest Program received another boost with the addition in 1992 of Bren Whittaker: forester, former Vermont Secretary of Environmental Conservation, former VNRC Board member and a list of other life experiences too numerous to list here. One of these however, was as a member of the Northern Forest Lands Council, so his appointment to become VNRC's Northern Forest Project Field Director based out of his Northeast Kingdom home in Brunswick was a perfect match.

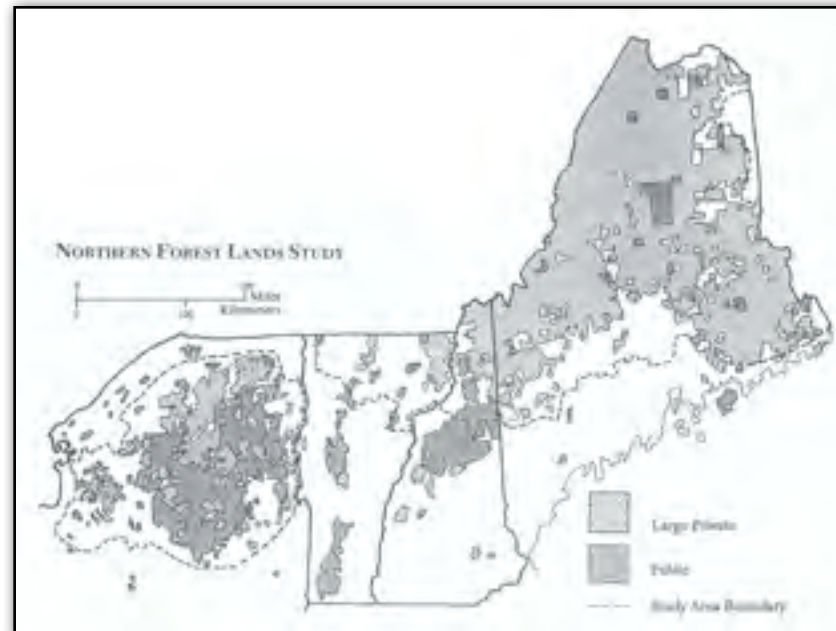
The VNRC Board too had forestry as a long suit, echoing the days of Perry Merrill, Dick Brett, Jim Marvin and Jim Wilkinson. Mollie Beattie, a forester, member of the Northern Forest Lands

Council, and recently Commissioner of Forest, Parks and Recreation and Deputy Secretary of the Vermont Agency of Natural Resources, was on the Board. She would go on to become the first woman Director of the U.S. Fish and Wildlife Service (the agency where Rachel Carson had worked) before her untimely death in 1996. Her good friend Jane Difley, who

would become the first woman elected President of the Society of American Foresters and later the Executive Director of VNRC, was on the Board. After leaving VNRC in 1996, Jane became the first woman, and only the fourth since 1901, President of the Society for the Protection of New Hampshire Forests.

All this firepower was put to good use as the congressionally authorized Northern Forest Lands Council (NFLC) began the task of finding ways to sustain the 26 million-acre forest of northern New York, Vermont, New Hampshire and Maine, following the publication of the 1989 Northern Forest Lands Study which concluded that unless the citizens of the region could create an economy that satisfied local needs: "...the pattern of unbroken forests will be broken, with wooded subdivisions and roadside sprawl spreading into the working landscape."

In her story for the Winter 1992 VER, Kathleen Hentcy reported: "VNRC launched its Northern Forest Protection Project to jump-start Vermont's response to the study, while ensuring protection of



important environmental resources. The VNRC project seeks to bring landowners, conservationists, and the timber industry together to work toward developing a sustainable forest products industry in the region.”

VNRC and sixteen other groups also agreed to form the Northern Forest Land Alliance in 1991 (which grew into the Northern Forest Alliance with 27 members by 1992) to coordinate conservation community efforts in the region.

The NFLC delivered its final recommendations in 1994 after dozens of hearings and “listening sessions” that followed on the initial draft of its proposals. During the latter years of the process, VNRC convened its own “living room meetings” in the Northeast Kingdom and workshops around the state to acquaint citizens with the work of the NFLC and to better gauge their needs and aspirations.

Bren Whittaker, referring to the NFLC’s work, noted in the Spring/Summer 1994 VER: “Even though

there is a great divergence of viewpoints, this process was a real coming-together.”

As reported in the Fall 1994 VER, some of the major issues addressed in the Council’s 37 recommendations were: “the need for tax reform related to property ownership and inheritance, support of forest-based economies, and strengthening programs for public land acquisition.”

Perhaps presaging future events in Vermont’s northern forests both Jim Shallow and Bren Whittaker zeroed in on key elements in the NFLC recommendations.

Shallow noted: “Property tax reform is a serious problem if we want to have open

and productive land in Vermont. And the Council acknowledged that each state should address ongoing forestry practices in light of whether they are sustainable. I think that’s important, because in Vermont we still have people saying it’s not an issue even though we’ve had clear-cutting on thousands of acres.”

He was speaking from first-hand knowledge gained in VNRC’s summer 1994 study of the logging history in four Northeast Kingdom towns. For example, the study showed that in the town of Concord 38% of the forest had been clear-cut in the past 15 years.

Whittaker, agreeing with Shallow’s assessment, said that the NFLC added three themes after receiving public input.



A Vermont Clear-cut

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"Among them were forest practices on both public and private land. Property taxes and the current high prices for timber are temptations to clear-cutting." The other themes were to pay closer attention to the link between forest practices and water quality and to put more emphasis on education in schools and in forestry practices in the field.

Picking up the baton, recommending individual state action, handed over by the NFLC, the legislature in 1995 revived the Forest Resources Advisory Council (FRAC), chaired by former VNRC staff member Darby Bradley. VNRC's Jim Shallow and Bren Whittaker worked closely with FRAC and acknowledge its critical role in bringing people together around legislative proposals.

Foremost among the forestry legislation passed in the banner year of 1997 were: a clear-cutting bill; and a bill prohibiting the spraying of herbicides for forestry purposes.

The major headline issue of 1997 was property tax reform as laid out in Act 60. This too had

implications for forestry and other land uses. As Will Lindner noted in his 1997 Legislative Review in the October 1997 VER: "Environmental concerns were a quiet but important part of the tax reform debate. Testimony to the fact is the inclusion of the Current Use program within the Equal Education Opportunity Act." He noted that the law increased the penalty for withdrawing from current use and that protections were extended to conservation – oriented non- profits.



Jim Shallow at a Current Use Rally

The so-called "heavy cutting" law regulates clear-cutting on parcels 40 acres or more. This controversial law was passed, over the objections of some property rights activists, in large measure due to the response from citizens in the NFLC and FRAC hearings, who spoke of the growing clear cutting, not just in the Northeast Kingdom, but in other parts of Vermont.

The second major environmental law to pass in 1997 banned aerial and ground application (e.g. from truck-mounted tanks) of herbicides on forests. The ban actually stemmed from an incident in the summer of 1995 when Bren Whittaker caught wind of a permit that had been granted by the Department of Agriculture to Boise Cascade for aerial spraying of herbicide almost literally in Bren's back yard in Brunswick. Soon calls were flooding the Governor's hotline, and Governor Dean urged Boise Cascade to postpone its plans to spray, to which Boise agreed. But there was still uncertainty in the air as the legislature asked FRAC to consider the issue over the next year. Whittaker reflected in June 1997: "FRAC

heard from proponents early in the debate saying (spraying is) no big deal, that it's been done in Maine and New Hampshire and everything's fine. But then they began hearing from others including people in Nova Scotia, New Brunswick, and Maine that it's not so fine. The public input on that issue was remarkable."



View of the Worchester Mountains

Jim Shallow explained another VNRC forestry program initiative in the Spring 1991 VER: "VNRC's Worchester Mountains Project, aimed at protecting valuable open space through the combined use of

landowner incentives and promotion of natural resource-based businesses can be a model for other regions interested in sustainable economies that don't degrade our resources."

Commenting on the Worchester Mountains Study in the Winter 1992 VER, Shallow said: "We hope to combine this information with conservation strategies to help the landowners and the town conserve this valuable resource."

In 1998 and 1999 one of VNRC's top legislative priorities was protection of the Champion International lands encompassing 139,000 acres in the Northeast Kingdom. The Vermont lands were part of a larger 300,000-acre deal involving New Hampshire and New York, brokered by the national land conservation organization, the Conservation Fund. The 1999 legislature appropriated \$4.5 million, which enabled the complex transaction by which 48,000 acres will be owned by the public and 85,000 acres will be in private ownership. The U.S. Fish and Wildlife Service was to acquire 25,000 acres

in the lower Nulhegan basin to add to the Silvio O. Conte Wildlife Reserve. The other 23,000 acres of public land was to be transferred in fee to the State of Vermont after purchase and transfer from a private foundation. The \$4.5 million appropriation was used by the Vermont Housing and Conservation Board (VHCB) to purchase conservation and public access easements on the 85,000 acres to be sold to private investors. Ultimately, the Vermont Land Trust and the VHCB would hold the easements on the private and state lands.

VNRC's role in the Champion debate was to make sure that in any legislation, natural resource protection received as much attention as working forests and public recreational access. In large measure this was achieved, however VNRC and others took a further measure, petitioning to have the Nulhegan watershed designated Outstanding Resource Waters and the Nulhegan waters reclassified from B to A. Sensing that there were going to be snags in achieving these designations, the coalition of which VNRC was a part, decided to strike a deal with the Agency of Natural Resources which

The 1990s – It's the Economy...and the Environment

agreed to conduct a critical water quality assessment in the Nulhegan in exchange for withdrawal of the petitions until the assessment is completed.

"The agreement reflects our mutual interest in protecting the least developed watershed in Vermont. We are pleased to be moving toward a less adversarial process for protecting the exceptional water quality of the Nulhegan, at a time when all Vermonters should be celebrating the mosaic of reserves and working forest on the former Champion Lands," said Elizabeth Courtney, VNRC's Executive Director in the December 1999 VER.

In 2000, ANR's study confirmed VNRC's 1998 analysis indicating the Nulhegan Basin is Vermont's most ecologically intact watershed.

Comings and Goings

After thirteen years under the leadership of one Executive Director, Seward Weber, the next thirteen years would see no less than nine individuals holding, and sometimes holding on to, the reins. In the 1980s Lou Borie, Monty Fischer, Dick Mixer and

Tom Miner had their turns.

Between 1990 and 1997, the Council looked first to Sarah Muskens and Ned Farquhar to co-direct in 1990. Ned became Executive Director later that year, and continued until 1993, with a period in 1992 where Steve Holmes was Acting Executive Director. Jan Difley assumed the post in 1994 and served until 1996. Holmes again served as Acting Executive Director until Elizabeth Courtney was hired in 1997. "At times it was a wild ride," observed Steve Holmes. "One year in the early 1990s, we were way into our line of credit. And it became more difficult to raise money from some of the foundations until they could see that VNRC had settled on a course. Fortunately the key program staff hung together for most of the decade, and Elizabeth has brought a lot of stability to the organization."

Bill and Betsey Uptegrove received the VNRC Leadership Award for 1990, for their work protecting water quality in the upper West River

Valley. Chair Patsy Highberg called them "citizen superheroes." Patsy was a VNRC superhero herself for her generous support and having served on VNRC's Board a total of twelve years from 1985 to 1997.

Sarah Muyskens of Burlington chaired VNRC from 1991 to 1992. In 1992, Ned Farquhar and Sarah Muyskens were appointed to the Governor's Council of Environmental Advisors. Sarah also chaired the Conservation Communications Group beginning in 1993, which worked to send a positive message to the public about the links between environmental conservation and the economy during a period of anti-environment and property rights activism.



Betsey and Bill Uptegrove

Bill Roper, VNRC chair in 1993, stepped down to become special legal counsel to VNRC in the Supreme Court appeal by Wal-Mart of the Environmental Board's denial of an Act 250 permit in the town of St. Albans.

Hollis Burbank-Hammarlund chaired VNRC from 1994 to 1997 and helped guide the organization through several staff transitions. She later became VNRC's Development Director. Hollis had earlier been a planner with the Windham Regional Commission.



Hollis Burbank-Hammarlund

Attorney Mary Ashcroft was VNRC's chair from 1998 to 2000. Mary had formerly served in the Vermont House of Representatives and later chaired the District 1

Environmental Commission. Her Act 250 experience was invaluable as VNRC worked on myriad changes to the law.

Susan Clark continued as Editor of VNRC's publications until spring 1992. Susan was followed by Allen Gilbert and his colleagues at Press Kit, including Andrew Nemethy, Sarah Brock, and Will Lindner, who helped produce the VER and Bulletin until 1995. Sue Higby edited the publications beginning with the Spring/Summer 1995 VER "Water" edition in which the cover design was changed to give the VER and the Bulletin similar layouts with the "VNRC" clearly displayed on the left margin. With this edition, Tim Newcomb began his long run as designer of the publications. Stephanie Mueller became editor with the December 1998 VER and continued until the December 2006 VER. Pat Berry edited the VNRC Bulletins from

2003 to 2006. Jake Brown has been editor since then.

Following the death of Mollie Beattie in 1996, several of Mollie's friends discussed a way to honor her many years of service to VNRC, the state and the nation.



Stephanie Mueller

Jane Difley, Karen Meyer, Beth Humstone, Steve Holmes and Mollie's husband Rick Schwolsky all thought the idea of a perpetual VNRC internship in one of our policy areas would be a good way to remember Mollie and nurture future conservation leaders. The Vermont Community Foundation and support from many donors made it possible. "The sadness surrounding the loss of our friend and colleague has given way to hope that the things she cared about so deeply will be carried on through the newly created Mollie Beattie Policy Internship," Holmes wrote in

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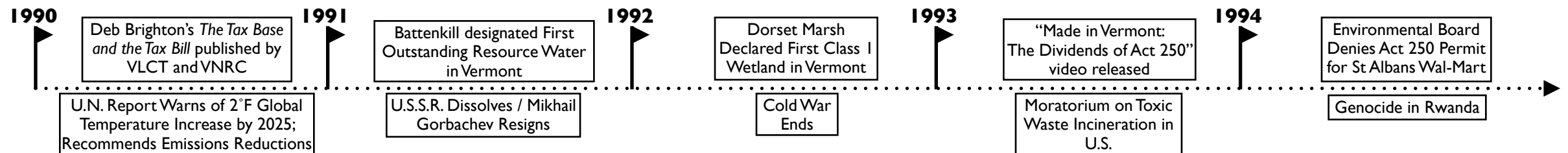
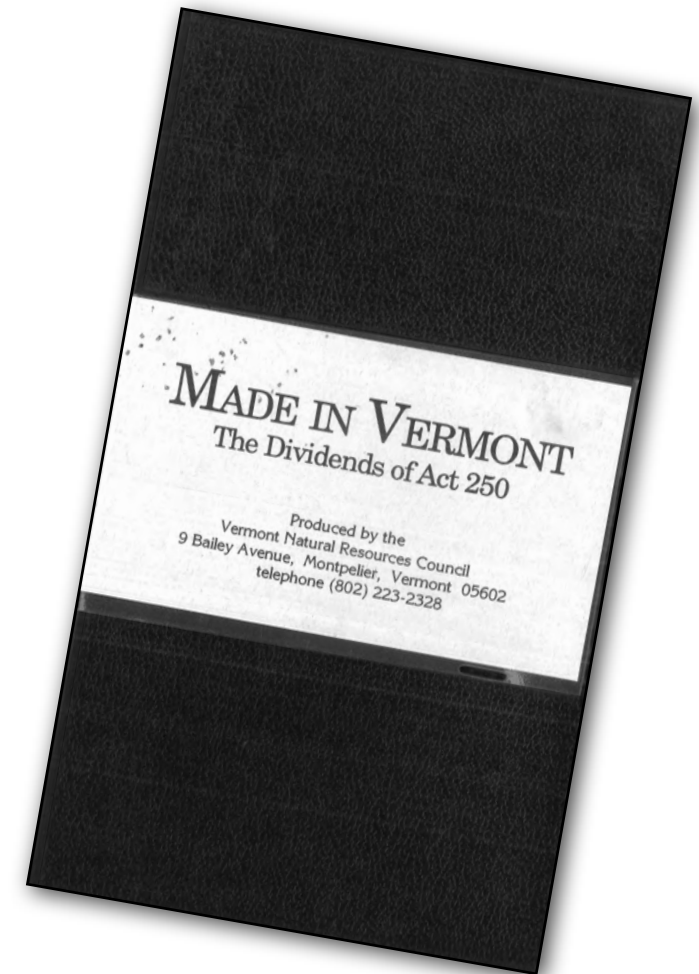
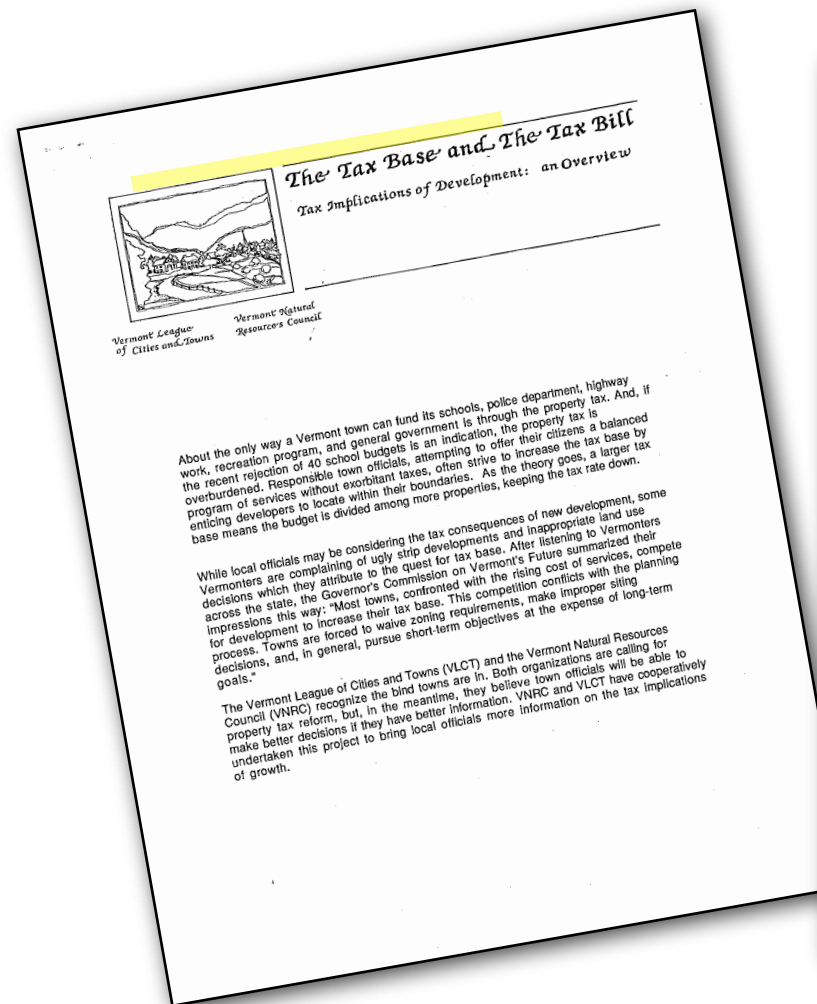
Mollie Beattie in the Field

March 1997. Kim Kendall became the first Mollie Beattie Intern in the summer of 1997. Following a path Mollie would have walked, Kim conducted research on forestry practices, and worked with foresters and ecologists to assemble tree-harvesting rules from other states to be used in helping Vermont implement the newly-adopted heavy cutting law. At the conclusion of her internship, Kim became VNRC's staff scientist.



Brian Mohr / EmberPhoto

Vermont's Green Mountains





1995

VNRC Gets First E-mail

Underwater Nuclear Testing By France Widely Condemned

1996

Clyde River Dam Removed Setting National Precedent

Jazz Great Ella Fitzgerald Dies

1997

Vermont Supreme Court Upholds Environmental Board's St Albans Wal-Mart Decision

Congress Fails to Ratify Kyoto Protocol – Adopted by 121 Nations – for Reducing CO₂ Emissions

1998

VNRC Launches Website

Vermont Bill Sets National Precedent for Disposal of Products Containing Mercury

Google Founded

1999

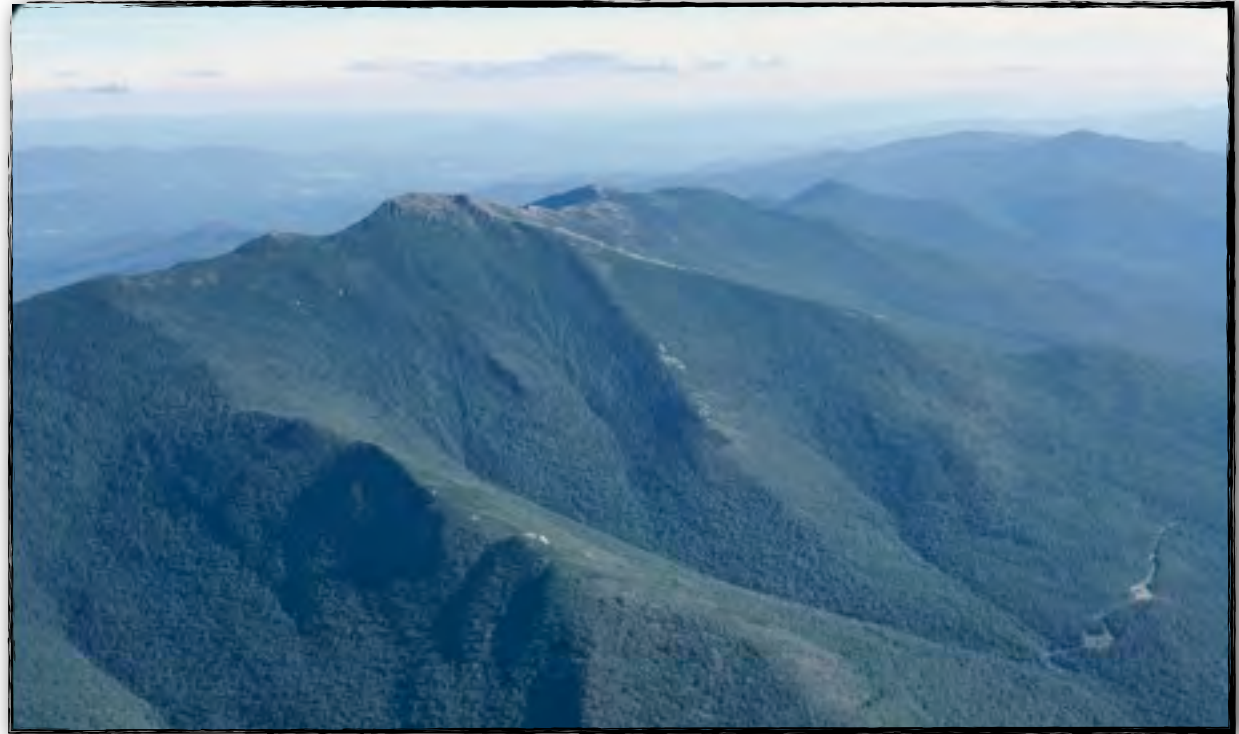
Champion Lands in Northeast Kingdom Protected

World Population Exceeds Six Billion



Labor Day 2006 in Vermont produced “...the largest demonstration against climate change yet in this country.”

-Bill McKibben



Green Mountain Range



Wind Turbines in Sheffield

The Third Millennium: Coming of Age in the 21st Century Amidst New Challenges

Challenges

* Climate Change looms as threat to Vermont's economy and environment – VNRC makes climate change its Number 1 issue overarching all program areas.

* Clean, Safe, Renewable Energy & Energy Efficiency seen as essential component in addressing climate change – VNRC steps up energy program and assists communities to implement energy strategies.

* Forest Fragmentation: The Silent Sprawl and Threats to Wildlife Habitat – VNRC helps establish Forest Roundtable and undertakes measures to protect forests.

* Groundwater Protection: The Water Bottling Scare – VNRC leads citizen activists across Vermont in establishing groundwater as a public trust and other legislation protecting groundwater resources.

* Facing a Shrinking Economy – VNRC fights for sound environmental policies amidst calls for decreased regulation as Vermont and the nation face the worst recession since the Great Depression.



Elizabeth Courtney and Bill McKibben

The Game Changer - Climate Change

Addressing the crowd in Burlington's Battery Park on Labor Day 2006, Executive Director Elizabeth Courtney called on Vermonters to help carry the momentum from this powerful event forward, encouraging people to "think of this march as the first step, not the last step...the

very first step in a marathon for our grandchildren."

The "powerful event" was a five-day Labor Day weekend walk from Ripton to Burlington, in which hundreds of entrepreneurs, businesses, farmers, sugar-makers, scholars and concerned citizens joined noted author Bill McKibben, to raise awareness about global warming.

VNRC and several other organizations helped organize the climate action march about which McKibben wrote in his September 4th on-line diary for Grist: "When we finally got to the rally site on the Lake Champlain waterfront, there were more than a thousand people protesting global warming -- the largest political rally in the state in recent memory, and perhaps the largest demonstration against climate change yet in the country."

Almost two decades had passed since publication of McKibben's first book in 1989 "The End of Nature," "regarded as the first book for a general audience about climate change." Interestingly, VNRC's 25th anniversary issue of the Vermont Environmental

Report published in Fall 1989, addressed climate change with an article by former VNRC Board member and meteorologist Mark Breen, host of VPR's "Eye on the Sky" weather program and a cartoon by Tim Newcomb titled "Vermont in 2028: State Highlights After 40 Years of the Greenhouse Effect."

The Labor Day 2006 march was seen by McKibben, VNRC and others as a catalyst for substantive state and federal action to move toward a clean energy future. Each of the candidates for Vermont's highest state and federal political offices, except Governor Douglas, added their signature to a pledge to help combat climate change.

This was not the first time that VNRC had collaborated with McKibben, and it would not be the last. Bill helped VNRC celebrate its 40th anniversary in 2003, as one in a series of guest speakers throughout the year that also included, Amory Lovins, Francis



Amory Lovins, Elizabeth Courtney,
and Dale Guldbrandsen

Moore Lappe, and poets Grace Paley, Galway Kinnell, Jay Parini and Ellen Bryant Voigt.

For its part, VNRC marked its 40th Anniversary by calling on all Vermonters to do their part in helping to counter global climate change. Elizabeth Courtney, in the opening paragraph of "The Inside Word" in the Summer 2003 VER, said: "In 1963 we could hardly have conceived of the internet, a world-

wide web, or a global economy, let alone the threat of global climate change." The article is accompanied by a photo of Elizabeth presenting 79 towns' energy resolutions to Governor Douglas. The Town Meeting Day statewide initiative was spearheaded by VNRC and Southern Vermonters for a Fair



Elizabeth Courtney and
Governor Jim Douglas

Economy and Environmental Protection, asking local, state, and federal leaders to: "promote policies of renewable energy and energy efficiency as a way of combating global warming and making Vermont more energy independent."

VNRC devoted the cover and much of the January 2007 Bulletin and Legislative Update to "Confronting Climate Change." New VER Editor Jake Brown explained in his cover story: "As we wrestle with the effects of a warming world, which is virtually undisputed at this time to be human-

caused, we at VNRC stand ready with all hands on deck to help solve this monumental challenge. We are marrying our roots in conservation with new, locally-based



Jake Brown

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and innovative solutions to tackle climate change. Conservation is at the very heart of the battle to combat global warming and ensure that Vermont's traditions like sugaring, skiing, sliding, and snowmobiling do not become extinct."

"The climate change crisis represents the most important and comprehensive challenge we have faced. Global climate change is occurring, and every Vermonter will experience its impacts on the quality of life for which Vermont is justifiably famous."
—Elizabeth Courtney, speaking in 2010

Following on the success of the Labor Day 2006 march, McKibben and a talented band of Middlebury

80 percent by 2050."

"Across Vermont, over 70 events took place. VNRC, in collaboration with... the National Wildlife Federation, the Association of Vermont Recyclers and Vermont Public Interest Research group, hosted an event in Montpelier. About 200 people turned out for the Montpelier Step It Up launch at the iconic

students and graduates launched "Step It Up" on April 14, 2007. As noted in the Summer 2007 VER: "More than 1,400 rallies took place in every state in the nation. At each, participants called out in one unified voice: "Step It Up, Congress. Cut carbon emissions

Morse Farm...attendees marched two miles down to the steps of the Vermont State House, There another 100 people joined the event to watch U.S. Senator Bernie Sanders and Vermont Senate President Pro Tem Peter Shumlin make a commitment to 80 percent carbon reductions."

And as highlighted in the back cover story of the Winter 2008 VER:

"Enthusiasm Intensifies for 'Stepping Up' Energy Work In Vermont," VNRC co-convened the second climate action rally on the Statehouse steps on November 3, 2007. The nearly 200 Vermonters called for state action on climate change, which had fallen short, while hundreds of simultaneous events across the nation sought action from Congress.



Step It Up Climate Change Rally

Elizabeth Courtney's "The Inside Word" ("Climate Change: Its About Affordability") in the same issue captured some of the frustration with the lack of progress on climate change:

"Over the past year and a half, I represented VNRC on the Governor's Commission on Climate Change as the principal voice for the conservation community. Five other commissioners and I worked together to frame a strategy to address the challenges of a warming planet.

"In late October, we released our report to the governor, with several overarching recommendations that will serve three primary functions: to reduce Vermont's carbon footprint, to build our 'green economy' and to save Vermonters money.

"And the bottom line we stressed, ironically, is that Vermonters cannot afford to ignore the threat of climate change.

"What's the irony?

"The very day we released our climate commission report the governor released the findings from his summer-long listening tour. As a result, the governor declared affordability to be at the top of his agenda and climate change barely registered on the radar. Too bad the governor fails to see the relationship between affordability and climate change."

Beginning in 2008 Elizabeth also wrote several "Weekly Planet" columns for the Times-Argus/Rutland Herald addressing the issue of climate change and the continuing inaction. In October 2008, marking the 1st anniversary of the release of the Governor's Climate Change Commission's report her column, "Vermont Let's Get Serious About Climate Change," lamented: "Some of you might be wondering what ever became of the document that recommended 38 policy options designed to reduce Vermont's carbon emissions 50 per cent by 2028... I've been wondering that too. The intent was that the Vermont Legislature, the administrations' various agencies and the public and private sectors – informed by state and national experts – would

implement the policies put forward by the commission. My fear is that the bulk of the recommendations may end up on a shelf collecting dust."

She noted that the only progress to date was the creation of an all-fuels utility and the naming of individuals to serve on the "Vermont Climate Collaborative," a research, innovation and technology transfer partnership of UVM, government and the private sector. The former, contained in the sweeping Vermont Energy and Affordability Act, came after a two-year battle between the Governor and the Legislature, including a veto in 2007. Renewable energy initiatives had really sprung from the work of a Renewable Energy Coalition of which VNRC was a part, and renewable energy businesses, collaborating with the Vermont Legislature, rather than the executive branch for much of the aughts, beginning with a concerted multi-year effort to pass a bill which, in 2003, gave a boost to energy efficiency and renewables.

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Indeed, throughout most of the decade, the Douglas administration seemed to track with the policies of the Bush administration when it came to the environment, energy and climate change. Deny or deflect the problems and do nothing.

VNRC covered the malaise emanating from Washington and Montpelier in the Spring 2004 VER, "Is Washington Tearing Vermont's Environment Apart?" and Fall 2008 VER, "Is Vermont Losing the Green Game?"

In the 2004 article titled "How the President's Environmental Policies Are Hurting Vermont," Vermont Law School professor of law, Pat Parenteau noted: "...the White House persists in claiming the science is still 'too uncertain' to take action (on climate change)." And in Will Lindner's feature piece in the same issue, "Not a Pretty



Picture: Rolling Back Three Decades of Environmental Progress," Senator Patrick Leahy had these words: "We can no longer look the other way as the rest of the world moves ahead while the current administration ignores global warming."

In his 2008 article, "A Tale of Two States: What Vermont Conservationists Can Learn from New Hampshire," Will Lindner began:

" '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 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."

Mind you, this is the Bush administration's EPA – not some conservation group - taking the Douglas administration to the woodshed. Ouch!

Out of Inaction Come Citizens In Action

Despite the state and federal inertia, citizens across the state, the nation and around the world were not sitting on their hands. VNRC Outreach Director and Energy Program Co-Director, Johanna Miller, in her "I Believe" piece for the Sunday November 1, 2009 Burlington Free Press noted: "Just last weekend, on Oct. 24, the world



witnessed the largest unified environmental demonstration ever in the International Day of Climate Action. In more than 180 countries and 5,200 events, people catapulted one number – 350 – into the public sphere to raise broad public awareness, set the number as the essential benchmark and instigate needed political action to achieve this climate-stabilizing imperative.” She was referring to the goal of reducing the amount of carbon dioxide in the atmosphere to 350 parts per million (from the 2009 level of 389 ppm), the goal set by leading climate scientists as the safe upper limit and adopted by “Vermont’s own climate crusader,” Bill McKibben and his 350.org team, the event’s lead organizers.

VNRC co-hosted a “350” event featuring Bernie Sanders with NRG Systems, Green Mountain Coffee Roasters and National Wildlife Federation.

Johanna’s perspective on the power of people to effect change also spoke of the growing number of town energy committees that VNRC was helping to get off the ground. At that time, there were nearly 90

mostly grassroots groups in Vermont engaged in a wide range of local projects from installing solar panels and weatherizing schools to drafting long-range energy plans.

This grassroots activism can be attributed in large measure to the work of the Vermont Energy and Climate Action Network (VECAN), a collaborative of statewide and member-based organizations whose goal is to start and strengthen town energy committees. VECAN, formed in 2005, includes: VNRC; Community Climate Action; New England Grassroots Environmental Fund; Sustainable Energy Resource Group; Vermont Energy Investment Corporation; and Vermont Sierra Club. The VECAN website, launched in 2008 and “hosted on the only 100% solar power hosting service,” offers assistance to local energy groups in their efforts: “to save energy, reduce greenhouse gas emissions and advance renewable energy projects.” Through its work with VECAN, VNRC has worked with town energy committees and municipalities to strengthen the “Energy” chapter of town and regional plans, and has helped organize and sustain committees and

targeted campaigns, including engagement important legislative efforts and other technical assistance.

VECAN holds an Annual Community and Energy Climate Action Conference for citizens across Vermont to learn how communities “can take action to increase energy efficiency and renewable energy use for municipal governments, businesses, and residents. Workshops include: Community Renewables; Biomass Energy; Local Energy Projects in Vermont and many more.

VECAN has also produced the “Town Energy and Climate Action Guide” with step-by-step information to help communities in establishing and sustaining town energy committees.

VECAN’s website highlights a number of projects and initiatives that communities have undertaken including: biofuels for town and school vehicles; biomass in public schools; community weatherization projects; compact fluorescent lighting campaigns; and more.

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Paralleling the grassroots activism, VNRC also helped with passage of strong renewable energy legislation in 2009. As explained in the Fall 2009 VER, Energy and Climate Action Update: “Vermont is now the first state in the nation to have enabled ‘a standard offer contract’, otherwise known as a ‘feed in tariff’ for renewable energy development. The goal of the standard offer is to spur more renewable energy in Vermont by requiring utilities to pay renewable energy generators a higher price for their clean, green power.”

The article by VNRC’s Energy Team – Johanna Miller and Brian Shupe – continued: “Another promising provision in Act 45 allows cities and towns to establish ‘clean energy assessment districts’” (also dubbed PACE for “property



Brian Shupe

assessed clean energy”). Backed by the bonding authority of their municipality, Vermonters who live in towns that have created these districts can choose to borrow funds to make energy improvements – like better insulating their homes or installing solar panels on their roofs – and repay that through a special ‘assessment’ tacked onto their property tax bill. The assessment is paid back over time – a maximum of 20 years – through the energy savings of the project.”

Unfortunately the grassroots activism on climate change in Vermont and elsewhere has not produced results at the global or national level. The failure to reach any meaningful agreement on climate change action at the Copenhagen Climate Summit in December 2009 was followed by the U.S. Congress’s shelving a climate change bill in the summer of 2010.

The work in the trenches continues – now with a heightened sense of urgency spiked with a dollop of anger – as Bill McKibben rallied the climate action troops in support of “10-10-10” the “Global Work

Party,” a massive one-day world-wide demonstration on October 10, 2010, installing solar panels, planting community gardens, laying out bike paths and more, in his August 5, 2010 post to the internet:

“I wrote the first book for a general audience on global warming back in 1989, and I’ve spent the subsequent 21 years working on the issue. I’m a mild-mannered guy, a Methodist Sunday School teacher. Not quick to anger. So what I want to say is: this is fucked up. The time has come to get mad, and then to get busy.”

Elizabeth Courtney’s article, “The Secret to a Long Life,” in the October 17, 2010 Sunday Times Argus-Rutland Herald, referring to the seven stages that one may go through “in accepting the reality of a tragic



Elizabeth Courtney

loss or devastating prognosis,” drew an analogy between her own illness and what she referred to as “earth’s disease”:

“I think that we Americans must simply be in the stunned shock or the denial phase of grieving the reality of climate change. If we are experiencing a grief cycle, the next phase—which should hopefully happen soon on a collective level and is already in full swing amongst certain populations—is anger.

“Anger counteracts the lethargy of shock and denial. Anger can boot us onto a path to acceptance and hope and help us to address reality head on.

“But here we are, trying to ignore the inevitable, while what we need is simply to get ticked off. We need an energized movement...

“We simply cannot afford to be engaged in D.C. politics and Congressional gridlock, and we must not tolerate inaction from our leaders in Vermont.”

Anyone Interested in a (Vermont) “Yankee Swap”?

On another major energy issue, the Vermont legislature took a major step closer toward closing Vermont Yankee. As detailed by Jake Brown in the Spring 2010 VNRC “Bulletin and Legislative Update”:

“Just before town meeting, Vermont Senators, in a bipartisan, 26-4 vote, made it clear what they thought about VY: The nuclear plant is too old to keep running safely and the plant’s owners, Entergy Louisiana, simply can’t be trusted.

“In order to get a license to operate from Vermont regulators, Vermont Yankee needs a green light from the full Legislature before the current license expires in 2012. These days, that’s looking doubtful, and for good reason.

“The vote came on the heels of revelations VY officials misled state regulators about the existence of underground pipes, pipes that subsequently began leaking radioactive tritium into the groundwater and, likely, the Connecticut River.

“VNRC’s interest and expertise in groundwater – designated a public trust resource by the Legislature in 2008 – prompted us to intervene in the legal debate over relicensing. In February (2010) VNRC filed a petition (with) the Public Service Board on the Vermont Yankee groundwater issue.”

In the February 10, 2010 Times Argus story, “VNRC Jumps Into Yankee Tritium Crisis,” VNRC Attorney Jon Groveman said that groundwater is a state resource: “...held in trust for the common good of all Vermonters. VNRC is deeply concerned that this radioactive material could contaminate drinking water supplies of neighboring communities as well as the Connecticut River. Polluting the groundwater – it’s not OK.



Jon Groveman

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Vermont Yankees does not own the groundwater under the reactor.”

Parlez Vous “Renewable”?

VNRC ended up supporting a bill passed in 2010 that enabled Vermont to move toward more renewable development through measures such as: extending a business solar credit, easing interconnections for renewable projects, and consolidating appeals of renewable projects.

However, there was a big hitch to our support, as Jake Brown explained in the Spring 2010 “Bulletin and Legislative Update”: “...we strongly oppose one section of the legislation that would declare energy coming from very large hydroelectric facilities like Hydro Quebec to be ‘renewable’. Vermont’s policy has been that large hydro should not be classified as renewable because of the extensive environmental and social impacts associated with such development. Until we more clearly understand the impacts, both pro and con, of such a shift, VNRC will oppose this provision.”

Blowin’ in the Wind

As the early years of the new millennium unfolded, wind energy developers led the push in Vermont to find alternative sources of energy for the future. VNRC had supported the first Searsburg Wind Project in the mid-1990s, a modest six-megawatt project that generates enough power for 2,000 Vermont families.

Yet, as noted in the Summer 2003 VER: “Within the last year, Vermont has seen an unprecedented interest in developing wind farms on some of our mountaintops. As an advocate for the protection of our natural resources and development of new renewable energy sources, VNRC has had to make some hard choices. Likewise, the state, regions and communities will also have to make some difficult decisions in the next few years. However, we believe that wind energy facilities can be developed in Vermont in a way that fits the Vermont landscape and enhances our quality of life.”

With at least a half dozen wind proposals in the works, VNRC took the initiative in Fall 2003 to help facilitate the Windham Foundation’s Grafton Conference on “Wind Power and Ridgeline Development.” Assembling wind power developers, wind power opponents, utility executives, state regulators, legislators, regional planners, local officials, environmentalists, and others, the conference was able to advance several recommendations to improve the siting process for wind facilities.

In 2004, VNRC developed a list of criteria to guide its decision making on future wind projects on state and private land.

In the latter part of the decade VNRC’s Jamey Fidel participated in the process leading up to and including the Public Service Board’s approval of the 30 megawatt Deerfield Wind Project in Searsburg and Readsboro, adjacent to



Wind Turbine in Searsburg

Green Mountain Power's existing Searsburg wind farm.. While the project is a boon to in-state wind development, our main concern was the project's impact on bear habitat. Although the Board agreed with VNRC that the bear habitat was important, the mitigation requirement fell short of our goal.

Forest Challenges: The Roundtable and Others Respond

The cover photo of VNRC's Spring 2006 VER, "Prime Vermont Forestland-12 Parcels," showed a wooded ridge-top area subdivided in bold red lines. It zeroed in on the growing problem recognized by property owners like Peter Upton, interviewed for the feature article on land parcelization written by Will Lindner: 'I don't want to see my 200 acres chopped up. That's what's happening all over the state. I don't want to see



Jamey Fidel

Vermont become some other place I wouldn't want to live."

In 2006, VNRC's Jamey Fidel led the way in the formation of the Forest Roundtable to foster dialogue and collaboration around forest issues with over 60 diverse participants including foresters, the forest products industry, conservation groups, Agency of Natural Resources, woodlands organizations, planners, landowners, municipal officials, and others.

As explained in the Winter 2006-2007 VER: "The Roundtable is designed to address issues that relate to parcelization and fragmentation including trends in the real estate market, forestland valuation, property tax policy, land use and conservation planning, family and estate planning, landowner incentive programs such as the Current Use Program, and the viability of the forest products industry."

The Forest Roundtable issued a report in 2007 on parcelization and forest fragmentation. Twenty-seven recommendations for addressing troubling

Vermont Coverts Honors Jamey Fidel

In 2007, Jamey Fidel was honored by Vermont Coverts with its only award for a non-Coverts member. Citing his work directing the Roundtable and his efforts working with towns to address fragmentation and parcelization, the organization noted Jamey's: "... commitment to building a broad-based consensus around strategies that balance the many values and uses of Vermont's magnificent forest lands."

trends in our forests are broken into four areas: tax policy; conservation planning; conservation and stewardship; and support for the forest products industry.

With encouragement from VNRC and the Roundtable, the Vermont legislature in 2009 created the Biomass Energy Development Working (BioE) Group, which made recommendations on how to develop and enhance the state's biomass industry while maintaining forest health.

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VNRC and others also took steps to address renewable energy in a sustainable manner. These included holding forums around the state in the summer of 2010 to hear what Vermonters had to say about using more of the state's woody biomass to help meet future energy demands.

VNRC was also instrumental in the formation of partnerships and collaborations to bring parties together to affect conservation. Prime examples have included: the Forests, Wildlife, Communities Project to help communities with forest stewardship; Critical Paths for Wildlife Project to better conserve key wild life crossings along the Green Mountain Corridor; the Northern Forest Alliance Caucus, and others.

Fighting Forest Land Fragmentation

In tandem with its work leading the Forest Roundtable, VNRC took important actions that furthered its



forestry goals. As part of VNRC's Forest and Habitat Fragmentation Campaign, VNRC represented six landowners in Halifax who filed legal paper work to challenge forest land fragmentation through subdivision in the town. As reported in the September 7, 2007, posted article on VNRC's web site: "A recent ruling by a state court that two backcountry trails in the Town of Halifax could not be reclassified to public roads will have important implications for the rural southern Vermont community and other towns working to control sprawl. The decision will help make rural lands along trails, which include significant wildlife habitat, working forests and recreational opportunities, less vulnerable to development."

"The ruling in Halifax sets an important legal precedent. In the decision, Judge John P. Wesley of Windham County Superior Court agreed with VNRC that state law bars trails from serving as frontage for development in Vermont. State law requires frontage along a

public road to develop a home."

VNRC's forest program director and legal counsel, Jamey Fidel, had this to say about the outcome: "This is an important case in the sense that there is a legal standard that towns must follow when upgrading trails to roads to allow for more development. The reclassification must be in the 'public good, convenience, and necessity of the inhabitants of the town'. This means looking at the environmental impacts of reclassifying roads, and whether it is in the town's best interest."

"We expect this ruling will become even more important as towns consider what to do when they discover ancient roads," Fidel added.

In another arm of its comprehensive campaign to address forest fragmentation in Vermont, VNRC developed a technical assistance program to assist municipal bodies in promoting regulatory and non-regulatory strategies to conserve forest and wildlife habitat. The program got underway in 2007 with

assistance to the town of Reading and has expanded to several other communities.

Make Way for the Bears... and Other Wildlife

Earlier, VNRC was instrumental in safeguarding critical bear habitat in Stratton and Jamaica. In our November 8, 2005, web site posting, we noted: “VNRC successfully halted a plan by Central Vermont Public Service (CVPS) to build a new utility line through a regionally important black bear travel corridor known as the “Sage Hill Corridor” in Stratton and Jamaica. CVPS was seeking an Act 250 permit from the District 2 Environmental Commission to build approximately 4,800 feet of utility line to access a house site in the center of the bear travel corridor.”



“VNRC joined several other parties including the Stratton Area Citizens Committee and the Windham Regional Commission to oppose the construction of the utility line through the black bear habitat. Both the Vermont Department of Fish and Wildlife and the Environmental Commission had previously recognized in the 1990s Sunbowl project (in which VNRC was a party) that the travel corridor is of statewide importance and is ‘distinctly decisive’ to the survival of bears that use it.”

As a participant in the Green Mountain National Forest Plan revision of 2006:

“VNRC... advocated for a final plan that balances the availability of land for wildlife management, diverse recreational opportunities, timber and wilderness designations,” according to Jamey Fidel, “...overall, the final forest plan offers a mixed bag of management designations and decisions.”

The “mixed bag” included one disappointment: the allowance for ATV trail corridors on parts of the GMNF. VNRC also worked on the issue of use of state lands for ATV corridors during the late 2000s,

successfully thwarting a Douglas administration attempt to open the door to widespread ATV access. The door was officially shut in the spring of 2011, but as of the fall of 2012, ANR had proposed using a licensing system to allow ATVs on certain state lands.

The GMNF Plan did include numerous special area designations including the Moosalamoo Recreation and Education Area and did provide for wilderness areas, although not as much as had been recommended by VNRC as part of a proposal from the Vermont Wilderness Association.

Shortly after publication of the plan, Vermont’s congressional delegation introduced the Wilderness Act of 2006 to permanently protect 48,161 acres as new wilderness. Later that year, after a concerted effort by VNRC and other conservation groups working with Senators Jeffords and Leahy and Congressman Sanders, the bill passed designating 42,000 acres of wilderness in Vermont including the Moosalamoo National Recreation Area near Middlebury.

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VNRC was also part of two successful national lawsuits in collaboration with Earthjustice and other groups that put the brakes on misguided Bush administration national forest policies.

As reported by VNRC in April 2007: “ (The) federal court judge sided with VNRC and other environmental groups, who filed suit over the Forest Service’s 2005 forest planning regulations (and ruled) that the regulations violated the Endangered Species Act, the National Environmental Policy Act, and the Administrative Procedures Act.

“This is great news for wildlife,” said Jamey Fidel. He also added that the Green Mountain National Forest Plan was recently completed using the 1982 forest planning guidelines, which contained better wildlife protection than under the Bush administration proposal. VNRC had been a key participant in that process, urging the most protective standards.

The second court decision in 2009 struck down attempts by the outgoing Bush Administration to weaken wildlife protections through the forest

planning process. A federal court overturned rules issued in April 2008 that had repealed National Forest Management Act mandatory management protections intended to guarantee viable populations of all wildlife species in national forests.

Fidel noted in the Fall 2009 VER that: “The effect of the ruling in Vermont is that important safeguards will continue to be maintained on the Green Mountain National Forest.”

Champion Lands Redux

The debate over the Northeast Kingdom’s 133,000 acres of Champion Lands protected in 1999, flared up again in the early 2000s. The bone of contention focused on the use of the West Mountain Wildlife Management Area (WMWMA), a 22,000-acre parcel owned by the State of Vermont, and particularly, a 12,500-acre parcel known as a Special Treatment Area (STA), known for its high ecological values. Anti-Champion forces led by industrial timber interests, camp owners

and some in the hunting and fishing community sought to open the STA for logging, even though the remaining 9,500 acres in the WMWMA were being actively managed or logged for game management. VNRC found itself in the middle of a two-year struggle, involving the Legislature and the Governor over preserving the historical uses in the STA, which included hunting, fishing, trapping and snowmobiling. In the end, VNRC took comfort in the fact that the STA will remain off-limits to logging.



Nulhegan River

Current Use – Ups and Downs

Throughout much of the decade VNRC continued its support for the Current Use program: fighting to keep the program strong in tough budget years and working to improve it to allow for the enrollment of ecologically sensitive areas. It was not always easy. In 2002, the legislature settled on a hard-fought compromise, as part of a much larger “horse trade,” which makes it easier to withdraw from the program by reducing the penalty after ten years of enrollment.

In Will Lindner’s 2006 VER feature article he interviewed VNRC’s Jamey Fidel: “Current Use has been on the books for nearly 30 years, but we are still seeing troubling trends regarding parcelization and loss of habitat. We need to understand if Current Use is working to its fullest potential,” Fidel said.

After an independent study and legislative task force looked at various policy options, one of the responses to improving Current Use came in 2008, when the legislature passed, with VNRC’s support, a bill that streamlined the program in a variety of ways and increased “flexibility to enroll sensitive

ecological areas, like wetlands, rare natural communities, and potentially additional areas such as critical wildlife habitat, vernal pools and riparian buffers.”

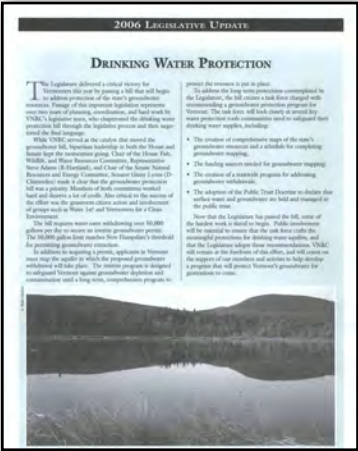
It was different story in 2010, as Governor Douglas vetoed a bill supported by VNRC and others that would have toughened the penalties for withdrawing from the program. Long-time defender of the program and former VNRC staff attorney Darby Bradley noted in the May 14, 2010, Times-Argus: “The purpose is to deter short-term enrollment. When you have a law that allows you to, in certain circumstances, break even in less than a year...it’s a misuse of the law. We felt that without that change in the land use change tax, eventually public support for current use will erode because of perceived abuses.” The bill would also have generated \$1.6 million for a depleted General Fund with a one-time \$128 fee for landowners enrolled in the program.

Water, Water, Everywhere...

Vermont’s drinking water was a top VNRC priority for much of the decade, and we helped score

legislative wins in furthering groundwater protection in 2006, 2007 and 2008.

The May 2006 VNRC Bulletin noted: “Passage of this important legislation represents over two years of planning, coordination, and hard work by VNRC’s legislative team, who chaperoned the drinking water protection bill through the legislative process and then negotiated the final language.”



VNRC credited the grassroots citizen action and involvement of groups like Water 1st and VermonTERS for a Clean Environment for the success of the initiative. One of the principle concerns noted in Will Lindner’s article for the fall 2005 VER article, “What Lies Beneath,” was over the growing number of commercial water bottling facilities coming to

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Vermont, withdrawing water from the watershed, transporting it to a distant bottling plant, and leaving a diminished quantity of water available to replenish the aquifer.

The bill required water users to get an interim groundwater permit if they withdrew over 50,000 gallons a day and to map the groundwater aquifer where the withdrawal would occur.

The bill also created a task force to recommend a groundwater protection program for Vermont. The task force was charged with looking at several tools to help communities protect drinking water supplies including: creation of maps of groundwater resources; funding for the groundwater mapping; creation of a permanent statewide program for addressing groundwater withdrawals; and the adoption of the Public Trust Doctrine for groundwater resources, in addition to the state's surface waters, which were already held and managed in the public trust.

The groundwater mapping was a key target for VNRC and the task force. Although the legislature in 1985 had ordered the Agency of Natural Resources, no money had been earmarked to complete the job. The legislature in 2007 came through with a \$300,000 appropriation to get the mapping underway.

"Groundwater protection has been a top priority issue for VNRC, and this legislation, particularly the money to get things rolling, is great news for Vermonters," said Jon Groveman, VNRC's water program director, in the Summer 2007 Bulletin.

The bill passed overwhelmingly by the legislature in 2008 completed the groundwater "hat trick" for VNRC. The big-ticket item was the passage of language declaring Vermont's groundwater to be a public trust resource. The bill also set up a permitting program for large-scale commercial and industrial water withdrawals of over 57,600 gallons per day.

In the Spring 2008 Bulletin, VNRC's point person on groundwater protection, Jon Groveman reported:

"Lawmakers plugged a gaping hole in Vermont's water protection laws with this bill, and future generations of Vermonters will be glad they did."

Stormy Waters

Earlier in the decade VNRC's stormwater team of Water Program Director and General Counsel, Kelly Lowry, and Communications Director, Patrick Berry, played a

major role in the Legislature's passage of stormwater bills in the 2000 and 2002 legislative sessions. As reported in the 2002 Bulletin & Legislative Update, VNRC had pushed for legislation "that would improve the treatment and cleanup of stormwater runoff...the toxic brew of salt, sediment, oil, and



Patrick Berry

pesticides in rain and melting snow that runs off of parking lots, rooftops, and roads...” The product of these two sessions was one of the bright spots - one that held the promise of significant improvement in the water quality of Vermont’s lakes and streams - in an otherwise dim period for new environmental policy.

During the implementation of the law, it became clear that enforcement was lacking. Beginning in 2005, VNRC staff scientist Kim Kendall, began to document some of the problems in an investigation of stormwater runoff at construction sites at Jay Peak ski resort. As reported by Candace Page in an April 18, 2007, Burlington Free Press article: “A VNRC scientist sent the agency photographs of chocolate-colored water pouring off the site and into the river.”

But only after prodding from VNRC, the Agency of Natural Resources began to take enforcement action against the resort, dragging its feet for several years on imposing a fine, finally levying a fine that only amounted to a slap on the wrist – and giving the wrong message to polluters.

Kim Greenwood, VNRC staff scientist since 2006, commenting in the Summer 2007 VER said: “Jay Peak was nonchalant on stormwater pollution control, and contamination of Vermont’s waterways was the unfortunate result. Jay was warned multiple times that their sediment control measures were inadequate.”

During the summer of 2007, Kim’s on-the-ground review revealed that various residential and commercial projects around Vermont were routinely violating the federal Clean Water Act and ANR was not bringing enforcement actions. She documented her findings in the 2008 report: “Unchecked and Illegal: How ANR is Failing to Protect Vermont’s Lakes and Streams.”



Kim Greenwood

The problem hit the editorial page of the Burlington Free Press in its March 12, 2008, “Editorial: Why No Enforcement of Stormwater Permits?,” which began: “Curiously, the new vigor with which Montpelier’s environmental watchdogs are pursuing enforcement – which ensnared farmers and the compost operation on Burlington’s Intervale – failed to include stormwater permits for construction sites.

“Instead of site visits, the state has focused on projects with higher risks of environmental damage based on their risk levels. But Kim Greenwood, staff scientist for the Vermont Natural Resources Council, counters that the risk levels are reported by the construction companies themselves, with 90 percent of projects deemed low-risk.

“The council said the state has fined only two developers for stormwater permit violations in the past eight years. Yet Greenwood, a former staff member of the Agency of Natural Resources, found only one among 29 construction sites she visited in compliance with its stormwater permit.

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“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.”

Jay Peak wasn’t the only ski area causing water quality problems for Vermont. VNRC also kept a careful eye on master plan development at Stratton Mountain and Stowe Mountain Resort. VNRC and the Stratton Area Citizens Committee were the driving force behind a provision in Stratton’s Act 250 master permit that requires a remediation plan under which the corporation must comply with water quality improvement targets and restore streams before proceeding with new development projects on the mountain. VNRC and SACC have had to be vigilant throughout the decade to ensure that Stratton follows the required clean-up plan. The results have shown that damage to the streams can be remediated, and the approach used at Stratton can be a model for stream restoration and protection elsewhere.

The Stowe Mountain Resort master plan construction spanned much of the decade, and VNRC, as one of the interested parties, was kept busy holding SMR’s feet to the fire on avoiding water quality degradation to the several streams impacted by construction of commercial and residential development, snowmaking lake, and golf course as part of the massive Spruce Peak base-area project.

“Septic Issue Finally Unclogged”

So proclaimed the Summer 2002 VER Perspective on what had been a nearly nine-year struggle to overhaul the way that on-site sewage disposal is managed in Vermont.

“VNRC was instrumental in including language to insure that the use of alternative and innovative systems could move forward with sufficient safeguards in place.”

These safeguards that were important to VNRC included limiting alternative septic systems to slope less than 20%, requiring planning and zoning in towns as a prerequisite to use of alternative systems,

and completing of groundwater mapping by 2007. There have been difficulties in implementing some of these provisions, but VNRC has continued to keep a watchful eye on the program as a member of a technical advisory committee.

“The ultimate horse trade” to enable alternative systems, however, was the elimination of the “10-acre loop-hole,” which had allowed any septic systems to be built on lots over 10 acres without oversight or permits. Under the new law, ANR was given universal jurisdiction over all on-site sewage disposal systems. If it works, as intended, the law should protect the public health, groundwater and other drinking water supplies and lead to better land use, because it no longer makes any sense to create land consumptive 10-acre lots or larger just to avoid state review.

Protecting Wetlands

Throughout the decade, VNRC sought extra protection for Vermont’s wetlands and waters. The Northshore Wetland on Lake Champlain in Burlington became the state’s second Class 1

wetland in September 2000, thanks to VNRC's successful effort to have it reclassified. The wetland is surrounded by a 300 buffer zone needed to protect migratory waterfowl and other wildlife.

A petition for Class 1 designation for the Tinmouth Channel Wetland Complex followed in 2001. Guided by VNRC's Water Program Director Kelly

Lowry (who also doubled as the Forest Program Director after Job Heintz) and assisted by an active citizenry, town officials and the local land trust, the Class 1 was granted by the Water Resources Board in December 2001, becoming only the third in the state. VNRC led the way in all



Northshore Wetland

three Class 1 classifications.

In 2009-2010, VNRC was a lead advocate for stronger wetlands law and subsequent new wetland rules adopted by the Agency of Natural Resources. The rules will ensure that wetlands not on official wetlands maps are placed on the maps to protect the wetlands from development.

Lake Champlain and Beyond

Like many other Vermont organizations that year, VNRC's Fall 2009 issue of the VER - "Lake

Champlain: What's at Stake? - celebrated the 400th anniversary of Samuel De Champlain's "discovery" of the lake that bears his name. While acknowledging the gifts of this marvelous resource, articles by Elizabeth Courtney and Will Lindner also sought to illuminate the troubles - primarily linked to what we do on the land within the watershed - and approaches to "Giving Back to Lake Champlain," the title of Elizabeth's

"Inside Word.

"The rain and snow melt that drains off the roofs of buildings, roadways and over lawns and earth into the rivers and stream that feed Lake Champlain... carries with it the unintended consequences of the lifestyles of over three quarters of Vermonters - phosphorus overloads, silt, salt, pesticides, herbicides, petrochemicals, pharmaceuticals and these pollutants end up in Lake Champlain," noted Courtney. "(H)ow we live on the land in Vermont



Kelly Lowry



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plays a prominent role in water quality,” and suggesting as a way to give back to the lake,” ...we need only to conserve and responsibly manage Vermont’s forests and farmland, carefully plan for compact, efficient and low impact development and be cognizant of what we put – even inadvertently – into the lake.”

Will’s feature article noted how much of VNRC’s work has direct impacts on the water quality of the lake., citing the stormwater, wetlands, and septic waste disposal work of VNRC’s water program staff Jon Groveman and Kim Greenwood, and the recent successes in forging the tough St Albans Wal-Mart stormwater agreement, expanding state protection from development for wetlands, and fighting off septic rules that would have resulted in lake pollution.

In the summer of 2010, VNRC’s Jon Groveman worked with citizens in East Montpelier and Plainfield to protect the Coburn Road swimming hole along the Winooski River in East Montpelier from

being filled by the State Agency of Transportation as part of the Route 2 expansion.

It took VNRC and other groups four years, but a mercury bill finally passed in 2005. The law banned certain types of mercury-containing products, enhanced mercury labeling, and increased efforts to abate mercury pollution from dental offices.

Perception Reform and Act 250

The Tim Newcomb cartoon on the cover of the June 2004 “Bulletin and Legislative Update” marked a sea change in Act 250. Governor Jim Douglas waves goodbye to the Environmental Board and Water Resources Board as they sail away on makeshift wooden rafts.

Since taking office, Douglas had taken every opportunity to complain about how Vermont’s permit process was bad for economic development in the

state. In the wake of the early 2000s recession and the September 11th attacks, the Douglas Administration and the Republican-controlled House of Representatives proposed several changes in state environmental permitting programs to make it easier for developers to build in Vermont and harder for citizens to participate in Act 250.

The issue came to a head in 2004, with the passage of the so-called “Permit Reform Bill.” Following two years of contentious debate, the legislature delivered a mixed bag of changes to state and local permitting, which some labeled “perception reform” because the fix mainly addressed perceived, rather than real, problems.

One bright spot in the bill allowed citizens and environmental groups to appeal Act 250 decisions to Supreme Court. Prior to the change, these parties were precluded from taking an



appeal beyond the Environmental Board. Now they could appeal District Environmental Commission decisions to Environmental Court and then to the Supreme Court.

Another positive change was the reorganization of state planning law to make it more user-friendly. The law was also strengthened to require that bylaws conform to the town plan.

However, as the cartoon illustrated, the Environmental Board and the Water Resources Board were effectively eliminated. Their role as appellate bodies in the permit process was eliminated. They would continue, in a diminished capacity as the Land Use Panel and the Water Resources Panel of a new Natural Resources Board, but their function would be limited to administration and rulemaking.



The Environmental Court was expanded with another judge and supporting staff, but, with only two judges and far less staff than was recommended by the Court Administrator, VNRC and others argued that the Court was not up to the task it was given of hearing the many new appeals that would be coming its way.

In fact, VNRC and others had argued for a professional board along the lines of the Public Service Board to replace the Environmental and Water Resources boards. Our June 2004 Bulletin notes: "We're not sure anybody except lawyers wins under this model: not applicants; not developers; not landowners; not citizens. It's going to be more expensive and take more time to go through the appeals process." And Senator Vincent Illuzzi's remarks (coincidentally on Earth Day, April 22, 2004) were also captured in the Bulletin: "I expect

that this bill will set the stage for...a substantial empowerment of the judiciary, and the exclusion of non-lawyers from the process unless they have lawyers."

Senator Illuzzi's words have seemed prophetic in recent years as some high profile cases have reached the Environmental Court. Steve Holmes noted: "In the St. Albans Wal-Mart case, as many as a dozen lawyers, and at least as many experts, have participated in local and Act 250 hearings and the Environmental Court trial. However, citizen voices are almost non-existent in these proceedings."

One seemingly innocuous provision in the "permit reform bill" requires potential parties to show they have a "particularized interest" in the outcome of the proceedings. In at least two Act 250 cases in which VNRC has been involved, Morgan Meadows in Windsor and Wal-Mart in Bennington, lawyers for the developers have argued against citizens and VNRC gaining party status because they did not have a "particularized interest." These both landed in Environmental Court, causing delay and expense for

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all parties and sending a chilling message to those who had always viewed Act 250, as Governor Deane Davis had, as a citizen-oriented process: “...the rights of the public had to be heard where major developments were to be,” said Davis in 1989.”

In the last few years VNRC renewed its quest for a professional board with an initiative to consolidate the permitting functions of the Environmental Court, Natural Resources Board, and the Department of Environmental Conservation. “Chief among VNRC’s concerns is the fact that, increasingly, citizens are being shut out of the environmental permitting process,” wrote Jake Brown in the Spring 2010 Bulletin.

VNRC also advocated revamping the criteria to meet the challenges of the 21st century. As Elizabeth Courtney noted in the Fall 2008 VER: “The law is now out of date. It is ill-equipped to deal with the

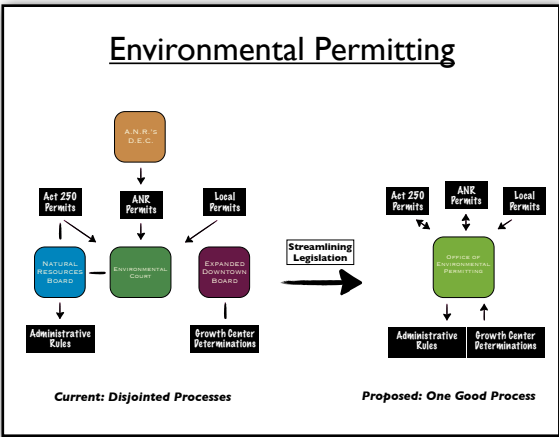
impacts associated with climate change and energy security.” VNRC advanced legislative proposals to change criteria to address this concern as well as transportation and sprawl.

The Consequences of a Shrinking Economy

Vermont was spared the worst effects of the Great Recession of the late aughts, brought on by the subprime housing mortgage crisis that caused the failure of many U.S. financial institutions, leading to the U.S. automobile industry crisis and contributing to a global financial crisis.

VPR’s John Dillon pointed to another possible reason in a February 5, 2008 story on the increase in Vermont bank foreclosures in which Tom Candon, the state’s chief banking regulator, said that Vermont had not seen as much of a problem as in other states and that Act 250 deserved some of the credit because it had slowed the development of speculative development projects. Candon said: “The state’s environmental laws have limited our strip developments, housing developments, which have been causing problems in the Floridas, Californias, Arizonas, for instance.”

But this did not stop the Douglas Administration from using the recession, and the ruse of circumventing environmental laws to quickly spend federal stimulus money, to try to scuttle the laws and institutions that Vermont has to protect the environment. Using shop-worn arguments that Vermont’s environmental permitting process represented a “culture of no,” the governor sought legislation to roll back Act 250 and made significant cuts in the Agency of Natural Resources budget,



Vermont Public Radio’s series called “Hitting Home: The Recession and Vermont”: reported on August 17, 2009, that Vermont was one of only two states that didn’t have any banks that took bailout money from the federal government. Montana was the other. One reason is Vermont banks are so small.

decimating key staff and severely hampering its ability to do its job protecting Vermont's environment.

In standing up to the Administration's wayward legislative proposal, VNRC's Jake Brown said in the Spring 2009 Bulletin and Legislative Update: "We are painfully aware of what relaxing regulations meant to Wall Street, and by extension, Main Street and our own pocketbooks. Vermont needs to maintain a commitment to our environmental protections that will continue to help insulate Vermont from the major economic turmoil that has pummeled other states."

Reflecting on the economy and implications for VNRC, Elizabeth Courtney noted in 2010: "In the mid 1990's the country was in a recession from which Vermont and other states were slow to recover. Consequently, when I became Executive Director in September 1997, VNRC's cash flow was less than impressive. But we were blessed with an endowment from Hugo Meyer that allowed us to make substantial improvements to our crumbling building,

a block down Baldwin Street from the State House. Several years into my tenure, Peter Zilliacus left the organization \$800,000 to insure that we always had an attorney on staff. In 2008 we decided to create another endowment. The irony is that the kick-off date for our Fund for the Future Campaign was planned for October 2008, just days after the collapse of the housing bubble and the sharp fall in the stock market. What was to become known as the Great Recession not only put a cramp in the campaign but had a significant impact on our operating budget. The ensuing couple of years proved challenging for the organization, with some work force reductions."

Getting Smarter

Concerned with ever increasing examples of sprawl and poorly planned growth chewing up Vermont's landscape, a group of nine organizations (soon to become ten) in 2003 launched the Vermont Smart Growth Collaborative (VSGC). Founders included: VNRC, The Vermont Forum on Sprawl (later Smart Growth Vermont), Preservation Trust of Vermont, Conservation Law Foundation, Vermont Public

Interest Research Group, Vermont Businesses for Social Responsibility, Housing Vermont, Association of Vermont Conservation Commissions, and Friends of the Earth. The Vermont Bicycle and Pedestrian Coalition joined at a later date.

Convened and administered by Smart Growth Vermont, the Collaborative promoted a vision of growth and decision making that supported smart growth principles – encouraging growth in community centers while maintaining the rural working landscape and protecting Vermont's



Downtown Bristol

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environmental quality. It offered workshops and technical assistance on smart growth planning tools and strategies for communities and citizens. VSGC engaged in legislative initiatives such as the growth center bill and analyzed state budget expenditures, through its Smart Growth Scorecard, to determine if state funds were being used in a way that contributed to smart growth or to sprawl. The group also created a Housing Endorsement Program to recognize exemplary development projects that adhere to smart growth principles. VSGC members weighed in on high profile projects like the Chittenden County Circumferential Highway (“The CIRC”) and Wal-Mart proposals.

Smart Growth Vermont merged with VNRC as part of our Sustainable Communities Program in July 2011, strengthening VNRC’s focus on community development and smart growth issues.

Although the Collaborative’s role had diminished prior to the merger due mainly to funding cutbacks, VNRC and several other member

organizations continued to work together on key smart growth issues.

Way to Grow!

For over twenty years, Vermont had been struggling with the growth center concept, with several studies to show for it, but no legislation that squarely addressed it. That all changed in 2006 when as reported in the May 2006 Bulletin:

“After years of hard work, Vermont now has some new tools to fight sprawl. On the last day of the 2006 session, the General Assembly passed the Growth Centers Bill, S. 142, to encourage development in appropriate areas while ensuring protection of

valuable farmland and other rural resources. This groundbreaking initiative has been at the forefront of VNRC’s legislative agenda for the past two years.”

To be sure, it had been two years of persistent effort for VNRC with a Joint House-Senate Working Group on Growth Centers and many stakeholders, but the results prompted VNRC’s Executive Director Elizabeth Courtney to remark: “This hard fought bill heralds the long-awaited marriage of planning and regulation in Vermont. With it we’ll see communities much more clearly defining guidelines for development in Vermont.”

VNRC’s Steve Holmes added: “The Growth Center Bill is a fitting companion to Act 200, Act 250, and the Downtown Law. There are very few states today who can claim such a comprehensive growth management program.”

Key provisions of the bill included:

A meaningful description of growth centers that will focus new development in designated



Downtown Montpelier

downtowns, village centers and new town centers, and land adjacent to these three areas;

A requirement that growth center planning be in accordance with smart growth principles designed to avoid sprawl and strip development;

An Expanded Downtown Development Board to assist with land use and community planning issues in the growth center designation process;

A package of regulatory and financial incentives within growth centers;

A growth center designation process that ensures that growth centers are appropriately sized and that proper planning and zoning tools are in place.

The appropriate sizing of growth centers has proven to be an elusive goal ever since the program began the implementation phase. The very first growth center application from the Town of Williston was challenged by VNRC and other members of the Vermont Smart Growth Collaborative as being too

big. Although the town scaled it down, the Expanded Downtown Development Board increased it in its final decision.

In 2007, VNRC appealed the decision to the Vermont Supreme Court. The Court subsequently ruled it did not have jurisdiction to decide the case. The law continues to be problematic in this respect, because there is no appeal provision spelled out. Other communities have since received growth center designations that appear to be overly large and not in strict conformance with the law.

VNRC sought, and achieved, some amendments to the law in 2010 that should result in better designations in the future in line with smart growth principles.

Wal-Mart Round II

Not satisfied with only four stores in Vermont, Wal-Mart returned to the state beginning in 2003 with proposals in St. Albans, Bennington and Derby, and amid rumors swirling about stores in several other towns. The Bennington proposal would expand the

existing Wal-Mart from 50,000 to 112,000 square feet. VNRC worked with Citizens For a Greater Bennington since 2005 in the local and Act 250 permit processes and represented CFGB in both of these venues and in appeals filed in Environmental Court. The goal has been to scale down the size and find a site closer to the downtown, if Wal-Mart expands in Bennington. In Derby, VNRC has also tracked since 2005 the proposal by J.L. Davis (the same developer who did the Williston Wal-Mart and has proposed the St. Albans Wal-Mart) for a 150,000 square foot Wal-Mart.

As part of its statewide big-box campaign, VNRC, the Preservation Trust of Vermont and other state and local partners have helped to educate policy makers at the state, regional and local levels about the adverse impacts of overly large national discount stores. Through 2010, our efforts had helped thwart proposals for big box stores such as: Home Depot in Berlin in 2008, and Lowe's in Derby and St. Albans in 2009. In the last case, Lowe's abruptly pulled out of St. Albans, but not before VNRC's water program team had scored a victory of sorts by getting the

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company to agree to a stormwater plan which could be used as precedent – in tandem with a similar requirement in the St. Albans Wal-Mart case - to set a very high bar for other developments.

By far the most contentious, and longest running, battle to date has been over the St. Albans Wal-Mart proposal. It was profiled by Jake Brown in the Fall 2009 VER and excerpted here:

“The battle over a proposed Wal-Mart in a cornfield outside of downtown St Albans continues in Environmental Court and after an intense, three-day

trial this past summer in St Albans, both sides continue to file legal papers. A decision in the case is still months away.

The 16-year St Albans Wal-Mart fight may be the longest-running battle against Wal-Mart anywhere in the country, according to a recent [Boston Globe](#) story on the controversy.

The debate over Wal-Mart in St Albans, as well as VNRC’s participation, dates back to the early 1990s

when the Environmental Board denied Wal-Mart a permit to build a 100,000 sq. ft. store.

Then, in 2004 Wal-Mart applied for local permits to construct a bigger, 160,000-square-foot store on the same site. At that time, VNRC, along with a local citizens group and the Preservation Trust of Vermont, suggested a more reasonable, less damaging solution: a smaller, downtown store. But Wal-Mart wouldn’t entertain the idea and pursued its out-of-town big box plan. The citizens, with the help



Proposed site of Wal-Mart in St. Albans

of VNRC, decided to draw a line in the sand, opposing what would be a poorly sited, oversized store.

‘A courageous and dogged group of neighbors who want to see downtown St. Albans prosper into the future and who don’t want irreplaceable cropland paved have worked with VNRC for years on this,’ said Jon Groveman (in the [Boston Globe](#)) the VNRC attorney who is handling the case. ‘This has truly been a ‘David v. Goliath’ fight. It’s a testament to these amazing citizens that they have persisted in this fight for what they, and we, believe is right.’ “

During the trial, VNRC and the citizens group Northwest Citizens for Responsible Growth, argued that Wal-Mart’s studies of the economic impact were based on inaccurate assumptions and a flawed economic model that failed to consider the sprawl that Wal-Mart will attract. VNRC also argued that Wal-Mart should have performed a more meaningful and accurate analysis of traffic impacts, one that would take into account factors such as backups of vehicles at traffic lights. Finally, VNRC argued that the store’s destruction of prime agricultural soils would

violate Act 250 and would not conform to the 2006 Growth Center law, which VNRC fought hard for, and that the Wal-Mart would be incompatible with a local working farm – the Hudak Farm – which is located a third of a mile from the proposed big box store.

Like other large developers, Wal-Mart is required to get Agency of Natural Resources stormwater permits outlining how they would deal with erosion and sedimentation during construction and long-term rain and snow runoff from the roof and parking lot should the store get built. VNRC laid out specific demands for stormwater protection to Wal-Mart, and the retailer met them. The result is an unprecedented agreement that legally protects the water quality in nearby streams, which run into Lake Champlain, should the store ever be

constructed.

‘The Wal-Mart stormwater settlement is a model,’ said Groveman. ‘It is stringent and protective, and VNRC considers this a major success not only in this case but for water quality across Vermont.’

Despite the lengthy, expensive, complicated and controversial process — and despite important victories like the stormwater settlement — VNRC remains committed to stopping this shortsighted idea.

‘It’s a line in the sand that means something very real for our state. And there’s a better way to provide the affordable goods people are clamoring for without the high costs this store will exact,’ noted VNRC’s Deputy Director Steve Holmes. ‘We support development that



Wal-Mart team photo (left to right): Kim Greenwood, Brian Shupe, Betty Finn, Jon Groveman, Markell Ripps, Steve Holmes

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complements, not erodes a community's character, boosts the local economy and protects and enhances Vermont's working landscape. This project is the antithesis of that. And we continue to fight for that reason."

In January 2010, the Environmental Court ruled in Wal-Mart's favor. But the Court's decision was so fraught with errors that VNRC asked the court to amend its decision. After several months the Court corrected many of its errors, but refused to change its decision.

The Court erred in initially finding that the Hudak Farm is located only in Swanton. In fact the Hudak Farm has 69 acres in the Town of St Albans. Although the Court later corrected the factual errors, the Court reached the flawed conclusion that the applicant Wal-Mart need not focus on the compatibility of the proposed Wal-Mart with the Hudak Farm. The Town of St Albans Subdivision Bylaws requires that an applicant prove that a project is compatible with adjacent uses - especially agriculture. The applicant did not analyze the compatibility of the proposed

Wal-Mart with the adjacent Hudak Farm. The applicant has the burden of proof to satisfy the town bylaws.

"The Court has overlooked the obligation of the applicant to demonstrate that it will not jeopardize the existence of well-established local farm operations," according to VNRC's Deputy Director Steve Holmes.

On June 1, 2010, VNRC, Hudak Farm and Northwest Citizens for Responsible Growth filed an appeal with the Vermont Supreme Court. In addition to the compatibility with agriculture, other issues on appeal included: conflicts of interest; secondary growth; and the legal doctrine, res judicata, which VNRC believes precludes building a Wal-Mart in the same location that was turned down by the Supreme Court in 1997.

Unfortunately, the 2011 Supreme Court did not agree with VNRC. The August 2011 ruling gave a green light to Wal-Mart despite the Court's finding that VNRC's due process rights were violated because of

the bias against VNRC and the citizens demonstrated by the chair of the local development review board. In the end, though, VNRC was precluded from filing an appeal on that basis because the statute of limitations had expired.

Remembering VNRC Heroes

Former VNRC staff and board member Susan Clark remembered VNRC's first executive director Justin Brande in the Summer 2000 VER: "VNRC has lost one of its oldest and best friends this spring with the passing of Justin Brande. Justin's natural resource protection work knew no bounds; indeed one colleague recently remarked that most professional environmentalists in Vermont owed thanks to Justin for founding their organizations."



Justin Brande and Susan Clark

And in his memories of Justin, reprinted from the Sunday Rutland Herald-Times Argus, former VNRC chair, Carl Reidel noted: “I’m confident now that I know the secret of Vermont. It’s people like Justin Brande... Never a traitor to his beliefs, Justin taught me and many others by example the deeper meanings of personal integrity.”

Former VNRC Board member and benefactor, Peter Zilliagus, who passed away in March 2001, was remembered by Steve Holmes in the Summer 2001 VER:

“Where I came to know Peter best was in his deep love for Vermont and its natural resources and his lifelong commitment to citizen activism. In the late sixties, as a town official in Dover and as a member of the Windham Regional

Commission, Peter was at ‘ground zero’ in the debate over uncontrolled growth and environmentally damaging development that led Governor Deane Davis to visit the unplanned second-home developments that were proliferating in Dover and Wilmington. An early advocate for the initiatives that led to Act 250, Peter was tapped by Davis in 1970 to be the first Chairman of the District 2 Environmental Commission, a post he held for seven years.

“Throughout the 1990s...he was unfailing in his commitment to strengthening the law and a citizen’s right to fair hearings. As a former Act 250 administrator, his words were some of the most powerful testimony before legislative committees and Environmental Board hearings.”



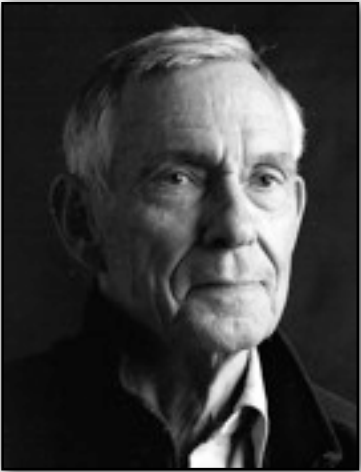
Peter Zilliagus and Senator Jim Jeffords

named “The Zilliagus Room,” and the Peter Zilliagus Award for Environmental Achievement honor Peter’s contributions to VNRC.

Seward Weber passed away on January 2, 2007 at the age of 78. Elizabeth Courtney’s “In Memory of Seward Weber – A Pledge to Keep Up the Volume” appeared in the January 2007 Bulletin and is excerpted here:

“I grew to appreciate Seward’s supportive and passionate coaching and his straightforward advice. And with just those qualities, he delivered his last lesson to me.

“On December 21st, the longest night of the year, Susan and Seward had invited me and some other friends to dinner in honor of Susan’s birthday and



Seward Weber

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the solstice. After some lively conversation ranging from children's books to the environment, Seward excused himself from the table to retire to his bedroom to rest. We were right in the middle of a heated debate over global warming, an issue to which Seward had dedicated himself over the past couple years. I knew he didn't want to leave the conversation. I stood up to hug him goodnight. And as we embraced, he held me tight and whispered in my ear, 'Keep up the volume, I want to hear you all upstairs.'

"His last words keep coming back to me, as more than a passing personal request. I think of those words now more as an appeal to all of us...and so I say, Seward, I can assure you, we will keep up the volume."

The Annual Seward Weber Lecture Series honors Seward's life.

The Terry Ehrich Film Series honors the memory of Terry Ehrich, former VNRC Board member, Environmental Board member and publisher of

Hemmings Motor News in Bennington until his death in January 2002.

VNRC also marked the passing of Art Gibb in November 2005, George Little in February 2009, Frank Hatch in April 2010, and former VNRC Chair Carl Reidel on November 3rd, 2011. Art, as Chair of the House Natural Resources and Energy Committee, led the committee appointed by Governor Deane Davis that drafted the proposal that would become Act 250 in 1970. George was a staunch advocate for the environment as Chair of the Senate Natural Resources and Energy Committee and late a valued VNRC board member. Frank and his family have been strong and consistent supporters of VNRC since its earliest years.



Terry Ehrich

VNRC's New Millennium Leaders

Mark Naud chaired VNRC from 2001 to 2002. Mark had been a VNRC law clerk, working with Chris Kilian in the 1990s on the successful case against the first St. Albans Wal-Mart and water program cases. When VNRC was looking for a location for its Burlington office in 1998, Mark offered space in his building on 87 College Street. Mark also hosted a number of VNRC retreats at his Sand Bar Inn on the shore of Lake Champlain in South Hero.

Dale Guldbrandsen was VNRC's Chair from late 2002 to 2006. Dale was an organizational consultant from Manchester who worked throughout the United States. His talents were put to good use at VNRC where he oversaw changes to the governance structure and the development of a strategic plan.

Carolyn Kehler chaired VNRC from 2006 to 2010. Carolyn represented Pomfret, Barnard, Quechee, and West Hartford as a state representative from



Carolyn Kehler

1992-2000. She served as Director of State Affairs for the Vermont Student Assistance Corporation from 2000 to 2005. She holds a strong belief in the connectedness of human life and nature.

Kinny Perot joined the VNRC Board in 2007 and has served as Chair since October 2010. Kinny has been President of Friends of the Mad River since its founding in 1991. She represented the towns of Granville, Fayston, Warren and Waitsfield in the General Assembly from 2000 to 2004. She has also served her community as a Warren Selectboard member and as Warren representative to the Mad River Valley Planning District.

In 2009 VNRC established an Advisory Committee to “bring broad and extensive additional expertise to the

organization.” The Advisory Committee included: Maude Barlow, internationally acclaimed advocate for clean and plentiful water; Bill McKibben, author, environmental activist and founder of the “350.org” international climate campaign; Will Raap, Founder of Gardener’s Supply and the Intervale Center; and Gus Speth, former Administrator of the U.N. Development Programme, founder of the World Resources Institute and co-founder of the Natural Resources Defense Council.

At the 2011 Annual Meeting Elizabeth Courtney stepped down as Executive Director after 14 years to become VNRC’s Legacy Project Director. She handed over the reins to Brian Shupe who had been VNRC’s Deputy Director and Sustainable Communities Program Director. Kate McCarthy joined VNRC in the latter position shortly after.



Kinny Perot

VNRC Events and Innovations

Beginning in 2000, with the three-way contest between Governor Howard

Dean, Ruth Dwyer, and Anthony Pollina, VNRC has sponsored its gubernatorial debate on the environment every two years. VNRC has chosen to “piggy-back” these popular events with its annual meeting, and attendance has been well into the several hundreds for each.

VNRC and other groups host an annual Citizen Action Day, usually in February during the legislative session, to educate Vermonters on the pressing environmental issues and lobbying techniques and bring them face-to-face with their legislators in the State House. Similarly, the annual fall Environmental Action

Conference has been successful in bringing together large numbers of Vermonters “for a day of inspiration,



Environmental Action Conference Graphic

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skill building and networking to help create healthy, sustainable communities in Vermont."

"VNRC Across Vermont" - summer hikes, paddling trips, panels and forums – organized by Matteo Burani brought lots of Vermonters together to explore, learn and have some fun.

In 2006, VNRC began to publish the Vermont Environmental Index in most editions of the VER. The index, modeled after the index in Harper's Magazine, notes particular trends in Vermont such as: number of Vermont organic farms in 1996 – 150 and in 2006-400 or square feet of Wal-Mart stores in Vermont 1994 – 0 and in 2006 – 295,000.

The Vermont Fair Tax Coalition also co-sponsored with Vermont Law School a major statewide conference in December 2000, "Are Green Taxes a Solution for Pollution?" Led by VNRC, the Coalition

played a significant role in passage of renewable energy, downtown development and other legislative initiatives with tax policy provisions.



One of the top priorities of the Coalition was achieved in 2002 with the elimination of the sales tax exemption for non-agricultural use of pesticides and fertilizers. Prior to 2002, there was no sales tax on these products, thus, in addition to the farmers for which the exemption was originally intended, commercial lawn applicators, golf courses, ski areas, industrial interests, and homeowners benefited. Under the legislation, farmers continue to be exempted from the tax, but all other sales are subject to the tax.

VNRC partnered with the Vermont League of Cities and Towns to produce "The Land Use- Property Tax Connection in 2002. The report, prepared by Deb Brighton and Brenda Hausauer, updated an earlier

VNRC/VLCT study "The Tax Base and the Tax Bill, and provided helpful information to Vermont communities on the tax implications of growth and land conservation.

From Dispatches to Twitters, What Next...?

It's no surprise to anyone that the way we get information has changed dramatically in the new millennium, and even more so in the past 3-4 years. In general, there has been a strong migration to electronic means of communication. These digital communications tools have taken several forms, many of which VNRC has utilized and with which we are continually experimenting. It is unclear how this transition will "sugar off" but VNRC anticipates that an active digital communications strategy for non-profit organizations like VNRC is going to be key now and in the future.

In addition to our traditional paper communications products, like the VER, Legislative Bulletin and twice-yearly appeals, VNRC is now using additional, digital tools to communicate with our members, allies, the media and the public generally. For example, in 2008,

VNRC began to use short video clips (called Dispatches from the Statehouse) to communicate messages on VNRC's web site relating to our legislative advocacy and other topics. In 2009, our staff and VNRC itself stepped up the use of Facebook to communicate about our positions on issues, our events, and key news coverage relating to energy and the environment. In 2010, began using the "Twitter" messaging system to send bursts of short pieces of information to our members, businesses, state government officials, lawmakers, other advocates, and the press.

Communications Director, Jake Brown said: "We expect this broad and exciting digital trend to continue, and we are fully engaged in it. While we see great potential in the digital tools, we also believe that VNRC should continue to communicate via traditional, paper-based means, as well."



 **jake brown**
jakevnrc

What is scarier than the Halloween ghosts & goblins? A drafty house losing heat all winter!
<http://bit.ly/drTq0i> #VT
7 days ago

The saga of Pete the Moose continues.
<http://bit.ly/9cUEGC>
8 days ago

Who doesn't love "Wild" and "Scenic"? Grt films, silnt auc, food. Tmrnw, Main Street Landing, VNRC.
<http://bit.ly/9OmFE1>
8 days ago

My colleague Brian Shupe strikes again! It's about time we *planned* our energy future.
<http://bit.ly/bzCZxK>
10 days ago



VERMONT NATURAL RESOURCES COUNCIL

VERMONT'S ENVIRONMENTAL GUARDIAN SINCE 1963



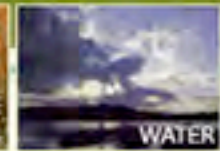
ENERGY



FOREST



SUSTAINABLE
COMMUNITIES



WATER

[Click here to Join VNRC today!](#)

Welcome to Vermont's leading statewide environmental organization dedicated to protecting our natural resources and environment through research, education and advocacy.

Van Jones to Inspire, Entertain at VNRC's 50th, September 22



In case you haven't heard, acclaimed author and social and environmental activist Van Jones will join VNRC at its 50th anniversary celebration as keynote speaker September 22 at Shelburne Farms. We hope you can join us! Jones is president and co-founder of Rebuild the Dream, a platform for bottom-up, people-powered innovations to help fix the U.S. economy. "I look forward to coming to the Green Mountain State this fall...[more](#)

☀ New Website for Energy and Climate Action Network



The Vermont Energy and Climate Action Network, VECAN, recently introduced its new and improved web site -- www.vecan.net. The goal of the new site is to feature all of the great work that Vermont's motivated and growing network of community energy committees are doing across the state. The site is intended to serve as a one-stop-shop clearinghouse

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Support protection of Vermont's environment by [joining VNRC today.](#)



[ACTION ALERTS](#)

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VNRC's 50th Anniversary
Celebration with Van
Jones

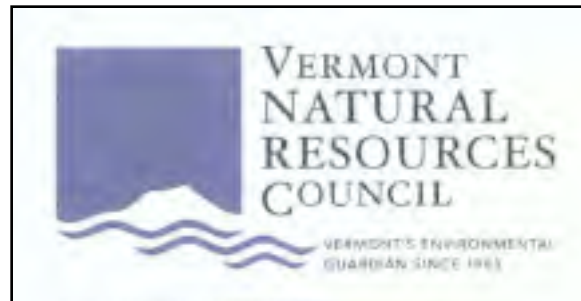
Municipal Planning for
Groundwater Protection:
Act 199 and Local Options for
Groundwater Management



VNRC



VNRC logo 1998-2002



VNRC logo 2002



VNRC logo 2003



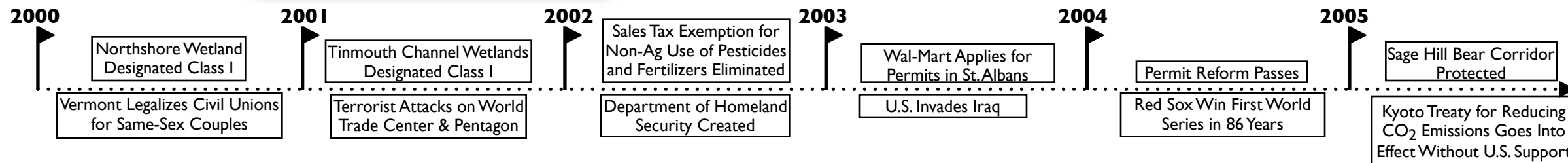
VNRC logo 2004-2006



PROTECTING BEAR HABITAT

Over the winter, VNRC successfully halted a plan by Central Vermont Public Service Corporation (CVPS) to build a new utility line through a regionally important black bear travel corridor known as the “Sage Hill Corridor” in Stratton and Jamaica. VNRC joined several other parties, including the Stratton Area Citizens Committee and the Windham Regional Planning Commission, to oppose the 4,800-foot utility line, which would have been built through the center of the bear travel corridor.

In the early 1990s, VNRC secured protection for the Sage Hill Corridor as mitigation for a major residential development by the Stratton Corporation called the Sun Bowl project. In the Act 250 proceeding for that project, both the Vermont Department of Fish and Wildlife and the District 2 Environmental Commission recognized





VNRC logo 2006-present



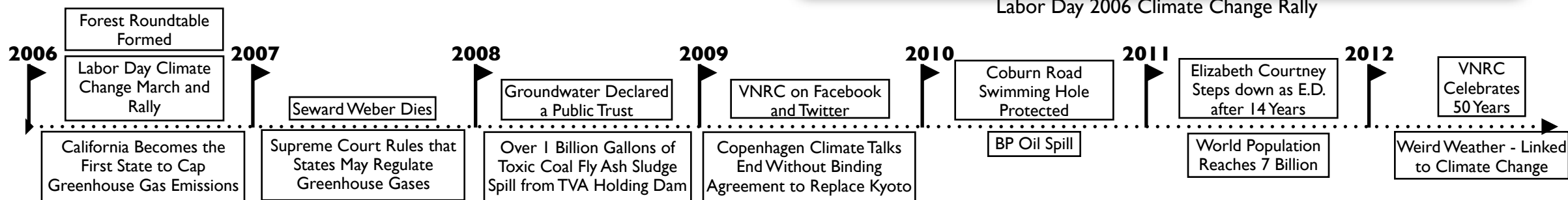
VNRC logo
50th Anniversary

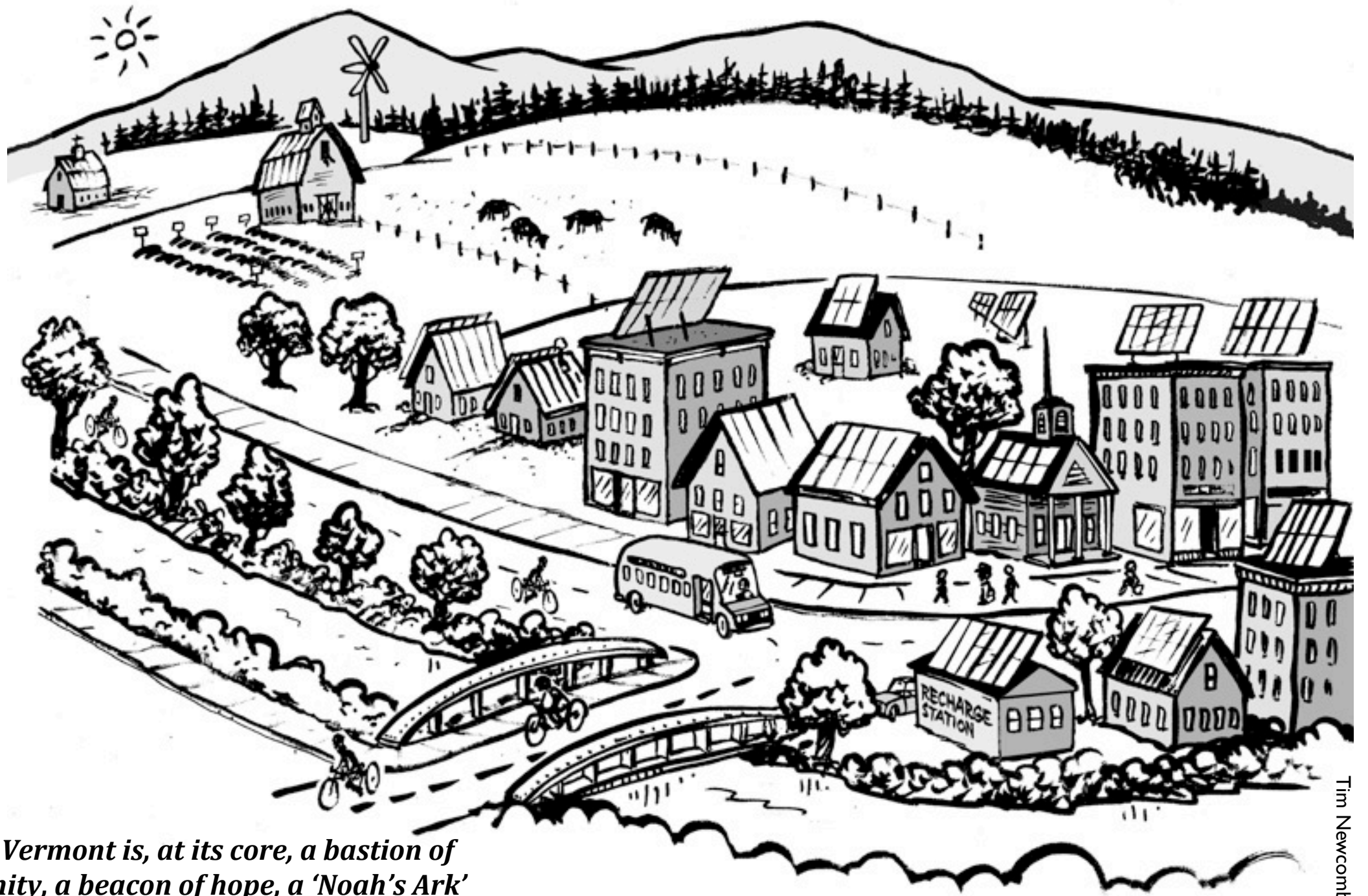


Forest Roundtable Meeting



Labor Day 2006 Climate Change Rally





Tim Newcomb

"I believe that Vermont is, at its core, a bastion of health and sanity, a beacon of hope, a 'Noah's Ark' for the 21st century."

-Elizabeth Courtney

Voices from the Past – Visions for the Future

Between 2008 and 2012 several people were interviewed and asked to comment on what they saw as VNRC's role since its founding in 1963. What have been the organization's contributions to and value to the state of Vermont? How can VNRC be of value in the future – over the next fifty years?

Virtually all of those interviewed had ties to VNRC in one form or another since its earliest days. Presented here are the highlights of some very in-depth perspectives, rich in Vermont and VNRC lore, that reveal a good deal about the growth of the state's environmental movement.

The interviews were conducted and edited by Stephen Holmes.

Mary Ashcroft – Attorney / State Representative (1980-1982) / VNRC Board



Mary Ashcroft

Chair (1998-2000)

What VNRC really has going for it is its longevity. It's a very reasoned voice. It's not to say that it won't take some really exciting controversial positions, but it's reasoned, it's highly respected, it has good science behind what it does, and it's that coalition – it really is a council – if we can even strengthen the council part of it.

Vermont's a really special place, and VNRC and others always need to be there to remind us of that. That's where I see a very strong use of the past history of VNRC to remind us of what we need to protect and take care of.

Darby Bradley – Vermont Land Trust, Former President / VNRC Assistant Director & Staff Attorney (1974-1982)

I happen to think that Vermont is a place where in the end a lot more gets



Darby Bradley

accomplished through collaboration and negotiation than through litigation. Again, there are times where strategically you have to draw the line in the sand. But you can do it in a way that maintains, keeps the doors open to other interest groups in society and government, so you can still do that other kind of work.

So if I were to look at the long term of where can VNRC have the greatest impact, I think its greatest

impact can be on collaborative relationships – building off of common ground and addressing disagreements with some understanding and respect. Which is hard to do in a litigation context or a public hearing if you haven't worked things out ahead of time. It's just the nature of things.

Maybe it's a bit pollyannaish, but I continue to feel as I did with my first days in Vermont that it's a place, because of its size and accessibility to

people, that we can deal on a person to person basis rather than an institution to institution basis, and I think that's essential.

Hollis Burbank-Hammarlund – Non-Profit Executive and Land Planner / VNRC Board Chair (1994-1997)

I look at VNRC very much the way I look at ...the Natural Resources Defense Council. Really - willing to take a stand, wanting to do the hard work, willing to put their reputation on the line, willing to go to court.

I think that fighting the good fight is a role for VNRC. And, you know, being the activist, taking on the tough cases that others won't. And I think that's a necessary role. I think it becomes more difficult with



Hollis Burbank-Hammarlund

different environmental organizations all competing for limited dollars in the state. So, VNRC's got a great niche in policy leadership work and I think that's a good role for them.

Susan Clark – VPR Commentator / Former VNRC Board Member and Vice Chair (2001-2003) / VER Editor (1985-1992)

I like the idea that you have to look at the environment and economy and social issues - that you can't think about the environment as isolated, and your readers and members can't either, and they won't, and neither will the legislators. So it seems to me that it would make sense for VNRC to always be talking about the balance of those three.

It's actually that the environment holds it all, and inside that you can talk about social issues, and



Susan Clark

inside that in the tiny center is economy. But you can't have an economy without social fabric, and you can't have either an economy or social fabric without air to breathe and water to drink.

I think that VNRC has the stature and the history and the gravitas to be the voice that says: "Well yes, we do care about the social issues. That's why the Housing & Conservation Trust Fund is important. And we do care about these economic issues, and that's why we're doing the work in the northern forest to make sure that loggers there will still have work there but do it in an environmental way. Yes, we care about all these things, but we need to remember that in the end the environment is our home. This is our home, for everybody who is here. So this is the bottom line. You know, there is no bottom line below this line." And to be the voice that says that is a role for VNRC.

Voices from the Past – Visions for the Future

Elizabeth Courtney –
VNRC Executive Director
(1997-2011)

There are those today who believe that human life on earth is unsustainable if we continue to live our lives as though our resources were infinite.

As for me, I believe that Vermont has the resources to sustain life during the age of climate change and over-consumption, and the strength of character to carry us into a new age where we will have learned to live within our ecological limits. I believe that we are in, as Bill McKibben puts it, “our almost-but-not-quite-finally hopeless-predicament.” I believe in the “not-quite-finally hopeless” part.

I believe that Vermont is, at its core, a bastion of health and sanity, a beacon of hope, a “Noah’s Ark” for the 21st Century.



Elizabeth Courtney

In an age of globalization, Vermont, ironically, is leading a movement toward localization. With paralysis at all levels of government, local actions are the stage upon which the policies of tomorrow are being established today.

What we have been building over the decades in Vermont, with vision persistence and hope, looks a lot like an ark. And in this global world of interconnectedness, a good idea travels fast. I believe

that if we continue to lead, it is very possible that there will be many a “Noah’s Ark”, as we learn to live sustainably on this beautiful, little planet.

Jane Difley – Society for
the Protection of New
Hampshire Forests,
President / VNRC Executive



Jane Difley

Director (1994-1996)

I think VNRC has both the power and the wherewithal to perhaps be more of a convener, which sometimes has to temper your advocacy.

It’s not that I think VNRC hasn’t accomplished a lot by sticking to its guns and being on point, because it has.

VNRC does have a proud history and has accomplished a lot in Vermont. After 50 years, you’ve got plenty of years to say: “...we’re an institution of this state.” Your history should never hinder looking to the future and what you’re going to do, and what needs to be done, but it’s a firm foundation on which you can stand to do that. And I don’t think it was part of the culture of the organization when I was there. And I think it’s something that VNRC has to be very proud of.

Monty Fischer – The Center for an Agricultural Economy, Executive Director / VNRC Executive Director (1985-1988)

Always celebrate the victories of the past - what worked in the past? (But) you don't want to be a prisoner of the past.

The people that have gone before were smart people, just like the people there today are smart people on the staff and the board. They fought campaigns or did things that had success and resonated, and it's always important to recognize that and to take strength from that and think about it in today's world.

I think the legacy of VNRC is that it has changed over the years based upon the situations, which is why VNRC has succeeded for fifty years. It's figured out



Monty Fischer

what's important but it's stayed true to its roots – you know, it still cares about forestland, it still cares about ag land, but it cares about land use. And now it cares about climate change and other external factors, which we have to deal with in the state, though we're part of a bigger region. Recognizing the energy situation for example. You can't always measure the impact of VNRC, but it's there.

The sub-context is partnerships. It's really important these days to think who you're allying yourselves with to get the job done.

There may be partnerships tomorrow that VNRC may not have thought about because the world is changing so much around us. I don't know what they are right now, but that's a fun thing to think about, and let's just REALLY get weird about it – think outside the box. Where are the partnerships of the future?

Nat Frothingham – The Bridge, Newspaper Editor & Publisher / VER Editor (1975-1978)

I didn't feel that the council was as global in the early days as I would have liked it to be, and I think it has become more global – its vision is now more comprehensive.



Nat Frothingham

We haven't really reached out to main street the way we need to. I think the environmental movement is still in the head, largely abstract, still largely a projection of someone who went to college. I think we really need to find ways to reach out to people who do all sorts of work, people who work on highways, people who build bridges, people who farm. We need to make contact with, and listen to, and involve and communicate with, folks throughout our society who may or may not be high school or college graduates. I'm not certain how we're going to

Voices from the Past – Visions for the Future

do that, but we need to do that. It's a great big problem in fact. We are still talking to each other.

Dale Guldbrandsen

One goal at VNRC during the next decade should be to strongly reframe the environmental message. Environmental protection provides the vision for building a future far better than our present. Environmentalists represent the politics of the present and future, while those who oppose protecting the environment represent the politics of the past.

Environmental protection provides the path to prosperity through clean power, green building, public transportation, recycling and retrofitting; it provides the new jobs to power the economic engine



Dale Guldbrandsen

of the future. Environmental protection provides security in a world that is vulnerable to dependency on fossil fuels; it provides health to people who are vulnerable to industrial food and disease; and it provides a lifestyle that is the "new cool".

Educating the public, and partnering with business and other organizations to achieve this goal should be our direction for the future.

Stephen Holmes - Worked for VNRC from 1991-2011 as Southern Vermont Program Director; Sustainable Communities Program Director; Deputy Director; Acting Executive Director; and Consultant.

I used to envision a day when environmentalists in Vermont would be out of work; a day when we didn't even have to use the term.



Stephen Holmes

Sustainable would have been sustained; protecting the environment would be second nature to all Vermonters. That day may still come, but it is hard to see it happening in the next 50 years.

VNRC's presence will be necessary as Vermont grows, inevitably and with increasing pressure on its natural resources. Connecting people and the places in which they live will be critical. Though technology has, and will continue to change the methods of communication, VNRC would be well-served to preserve the experience of face-to-face contact with the citizenry.

VNRC's greatest strengths over the past 50 years have been the trust it has inspired and its consistent ability to speak truth to power. These will continue to anchor its contributions in the future.

Don Hooper – National Wildlife Federation, Regional Representative / Vermont Secretary of State (1993-1995) / State Representative (1985-1993) / VNRC Assistant Director & Operations Director (1979-1984)



Don Hooper

So the future I would say – cling tenaciously to your good reputation because you can't get it back very easily.

I think you need to continue to do your state stuff better than anybody, because you're really indispensable. You're the only ones who are really trustworthy.

I think VNRC has gotten more politically sophisticated over the years.

I think VNRC has won its credibility the hard way, just by doing it day in and day out, in a non-flamboyant, non-risky way... did their homework... didn't jump off any cliffs. And then I think if there's anything that VNRC ought to do better in the next 50 years, take a little more credit for what it is you've achieved. What you've spawned. And why you're the shortstop. You're the key infielder for conservation. We've probably got 30 groups, half of them out of Montpelier now, and most of them all in some indirect way owe their credibility, their ability to raise their funds and all that stuff, to VNRC kind of blazing the trail... setting the standard and doing it right.

If an issue as big as global warming for example is going to succeed we can't get too far out ahead of the public. The public is not going to be sympathetic to a whole bunch of new lifestyle changes and restrictions and regulations and spending that they don't see as necessary unless there's a public education campaign that goes with it, and if we polarize the issue by being too insistent, or too far out in front, or too bad about our rhetoric, or too

elitist in a way; that elitism drives working people nuts.

I believe that VNRC on some of these other issues has always had that notion that you've got to work in concert with what the most reasonable, thoughtful parts of society are thinking and doing and work with them. And to the extent that you forget that that's your base, I think you end up being in peril of polarizing the issue, and then I don't think we win because mostly we govern from the center, even in Vermont.

I'd say do more of what you're doing and crow about it a little more. I think you're maybe a little too self-effacing as the premier land and water advocate for the future of Vermont.

Carolyn Kehler – State Representative (1992-2000) / VNRC Board Chair (2007-2010)



Carolyn Kehler

Voices from the Past – Visions for the Future

I think the world has really, really changed, and - looking at VNRC – I think we're going to solve the problems by having good rules, but I think the problems are going to have to be solved almost individually... It makes a difference if I turn my heat down... It makes a difference if I just go to town one day a week as opposed to three days a week.

And we have our own language but we don't speak the foreign language yet. And I think that's part of the challenge.

And I think also part of the challenge going forward is the vision. We need to have a conversation about the next hundred years, about what that vision is. It's going to be around food, and it's going to be around energy and it's going to be about strong communities and a healthy environment. I think we still have to ask the question for the economy, is it going to enhance or sustain the environment? And get that into everybody's head.

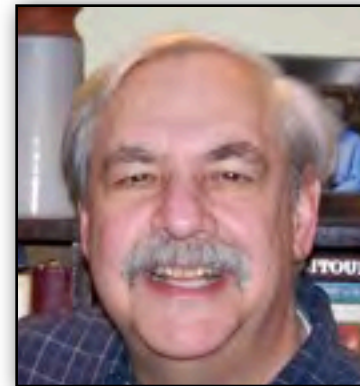
We have to figure out what does VNRC do? I think everything's popping up like wildflowers and weeds.

Everybody wants to do something. I feel very strongly that whatever VNRC does, that they shouldn't jeopardize their relationships and their work in the legislature. It has to add onto that, because I think if we lose that I don't think there's anybody else. And I think that the education has to be collaborative, you know, with whatever it is. You pick who the partners are.

I think our answers are in technology. We really have got to learn how to use the technology.

If you pick good people and let them do their work that's a management style that can be very successful.

Mark Lapping - Muskie School of Public Service - University of Southern Maine, Executive Director and Distinguished Professor of Public Policy and Management / VNRC Board Chair (1979-1980)



Mark Lapping

I think there's a very significant tie between poverty, hunger and local agriculture. And I think that's got to be better understood and better supported.

And to the extent that local food systems can be harnessed to help feed people that would be a pretty significant undertaking ...The environmental movement has to be joined up with social justice. To the extent that it remains isolated from social justice issues, I think the environmental movement will utterly fail in really grasping hold of issues related to climate control, energy, so forth and so on. And I know this brings an environmental organization perhaps into a less comfortable realm, but nonetheless justice and equity issues are central to the success of environmental measures – pure and simple

I think power, energy, transportation - they're all a piece. I'd maintain a focus on land quality and land use.

I don't think there are many more important issues for now and in the future than the quality of water. Water will be the trump card of the future. Of that I have absolutely no doubt.

We are seeing wars literally over resources. They're happening. And one of the key resources, if not THE key resource, will be fresh water.

David Marvin – Butternut Mountain Farm, Owner / VNRC Board Chair (1976-1978)

I've always believed that growth is really something that's important and it's probably ingrained in human nature, but it is measured all wrong. It's not about bigger in terms of more stuff and more money and more people, but it's about quality and that Vermont has this opportunity to show how that can happen. We don't



David Marvin

need more of those things; we just need to have more assurance that what we value about this place gets better rather than worse, and that's where our growth needs to come from.

I thought when I first went to work at VNRC that we could see a future when what we had to produce and offer in Vermont would be valuable to the world again. When our heritage, our skills, our work ethic and our land and water -- we have abundant free water - and pretty good soil, when you move the rocks away from it - and a decent amount of sunshine --someday the world would really come to value what we had here, not just for its beauty and... as a place to live but because these are precious resources for all time. And I think we might get there.

So in terms of work on the ground I think for me, the roots of the organization are still incredibly important and provide a great anchor, and the working landscape is a place where we can make a big difference in balancing the needs of the working

landscape with the needs of human and natural communities.

I can't imagine living a life without a connection to nature. So I think we need to find ways to have classic Vermont villages and rural landscape -- it's precious, it's what we all value.

I'd like to say that it was a tremendous opportunity for me and a gift really for me to be involved WHEN I was and HOW I was, and it's been fun to watch it and stay in touch over the years and to see how many offspring there are in many ways. So, I guess that's about it. We're very fortunate that there were people before my time that really cared enough to put this all together.

Art Ristau – Former Vermont Secretary of Administration / VER Editor (1971-1972)



Art Ristau

Voices from the Past – Visions for the Future

You know, the VNRC is almost sanctified – it's holy bread as far as Vermont public policy is concerned. It's in a very, very enviable position.

I think it's been a terrific force.

You have to get the hunting and fishing community engaged. They're the ones that really ought to be the voices and the advocates for conservation, for land use, for pollution control.

Mark Schroeder – Former VNRC Board Member and Treasurer (1989-1990 & 1997-1999)

Act 250 should remain one of the core issues of the future.

(VNRC) has been totally crucial in Act 250 and has been very strong and



Mark Schroeder

steadfast in maintaining the basic core of Act 250.

It wouldn't have survived without VNRC, you know?

Warner Shedd – National Wildlife Federation Regional Executive (1969-1990)

I think probably foremost is your legislative advocacy – that has been very potent and very important and it's helped get a lot of good legislation passed and bad legislation stopped, or at least watered down a lot so it's not terribly destructive. That's probably number one.

Your legal work, which is also very important, is also unfortunately necessary. That's the second thing.



Warner Shedd

I think the third thing is education... in the broad sense of trying to educate the public about what is happening, what the concerns are, what the needs are.

Looking into the future, I don't see any reason to think that you won't need to do those (three) things then. You can become stronger, you can become better funded, you can have more staff, all of those things. You could have maybe even a bigger presence in the Statehouse than you do now.

Anyhow, I'm happy to testify if anything comes up or you really need me.

Brian Shupe – VNRC Executive Director (2011-present)

Vermont is different than most other states in many



Brian Shupe

ways because of its scale. Our communities – even our largest cities – require daily interaction with our neighbors. This is also true of our institutions. Most of our local governments are run primarily by volunteers, and our representatives in Montpelier can't (and seldom try to) avoid regular interaction with their constituents. Citizens can influence, if not control, the levers of power on many matters of public policy in Vermont.

Scale is not only important to the state's social and political structure, but to Vermont's physical character as well. Our communities were designed for people, not automobiles (although, unfortunately, that original intention has been increasingly neglected). The natural world is readily accessible and integrated into our communities, and food production remains up-front and personal to many Vermonters, who literally know where at least some of their food comes from.

Because of the scale of our institutions, most issues cannot be addressed from an attitude of us versus them: collaboration is important. Our partnerships

with local and state governments and other non-profit organizations have defined much of our work, and VNRC should continue to work through partnerships to achieve shared goals.

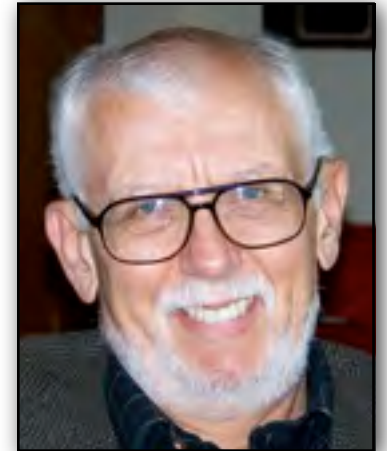
VNRC has not, however, allowed collaboration to come at the expense of principle. Some of VNRC's defining moments have involved opposing misguided plans and defending Vermont – its communities, small businesses, and natural resources – from change and development proposals that are out of scale with the state.

In the coming years, two external factors will shape VNRC's work, and they both relate to scale. First, the external pressures to transform Vermont into Anywhere USA have been constant since VNRC was founded, and are supported by ever increasing financial support from both inside and outside the state. The big-box phenomenon and associated strip development outside traditional centers is one example of that. At the same time, peak oil and climate change will require the state to rethink whether bigger is better. Ultimately, we may not

have a choice but to build upon the Vermont scale that will continue to function as Anywhere USA fails. VNRC will play a key role in continuing to defend the state from out of scale change, preferably through collaboration with many partners, and will help transition the state to a time where such fights will no longer be necessary.

Tom Slayton – Author, VPR Commentator, Former Editor [Vermont Life](#) magazine / VNRC contributing writer

If you start with research as your foundation, if you have scientific facts, economic facts at your disposal, there's a lot of disinformation that's put out about environmental issues and having good facts and sound information, good authorities you can go to, is enormously important. I can see VNRC



Tom Slayton

Voices from the Past – Visions for the Future

in the future performing that function in cooperation with other environmental groups.

VNRC can help establish the groundwork for (environmental decisions) by education: I think that's a hugely important thing. You can help build a constituency for the environmental issues of the coming decades, the coming half-century and century.

People love Vermont; they love it deeply and yet they need to connect with it in some way, and they need to make a living. I think by educating people about the subtleties of the issues, the enormous richness of the environment that exists here in Vermont, and the real practical benefits – whether it's long-term economic value or watershed protection, or whatever – the preservation of Vermont's character is intangible but it's also very real in economic value. And educating people about those facts can build a constituency that can help you advocate and make a real difference in the statehouse and around the state.

I'm glad VNRC has existed and I think it's made an enormous difference, and I hope it has an active and vigorous life in the next 50 years. And I hope we can keep Vermont green and beautiful and have more days like today.

Bill Stetson –
Businessman, film
producer, environmental
policy advisor



Bill Stetson

Those early Board members before VNRC had an infrastructure, had a staff or anything, could talk so well across the aisle - some were Republicans, but some were new Democrats, who were going through the transformation of leaving behind the old Republican party, and they got along so well with Deane Davis.

You look at the people on that board who worked together: Perry Merrill, Justin Brande, Dick Brett - they were just amazing leaders.

They didn't do it as elitists, they did it as true conservationists. You know, that's why Vermont is such an important resource. And it's too bad they couldn't convince more of the ski areas.

You've (VNRC's) been involved in all the major (environmental) legislation - and the creation of the entire movement.

So it becomes the history, it becomes the history of the laws... it becomes a really great tool. All the institutions will use it.

Bill Uptegrove -
Environmental Activist /
VNRC Board Member
(1985-1990)



Bill Uptegrove

When we had technical

questions, or needed political support, we often turned to the VNRC for help of that sort. Over the years, it's meant a lot to us.

I also think that for us, and probably all over the state, the environmental bulletins have been extremely valuable. I think that some wonderful information has been put out for general consumption on environmental matters in the VNRC bulletin.

Hub Vogelmann –
Professor Emeritus of
Botany, UVM / VNRC
Founder and Board
Member

I think the truly pressing issues are global warming, energy, and water. All three of those are important. The climate change is probably the most serious of all of them because it's



Hub Vogelmann

creeping up on us, and we don't know all the repercussions and spin-offs of this. Just for example, one of our graduate students at UVM went back and looked at the data we had on Camel's Hump - most of it was gathered in 1964-65. And he went back, and between 1965 and 1995, the hardwood forest has moved upslope 400 feet. And that is a huge difference. Now, what that means in terms of forestry practices. It's entered our state, the climate is changing, and it's going to have an impact on agriculture – we've already had to change the life zone, the USDA has moved us into a warmer climatic zone – this was a couple years ago. The maple industry is affected - it used to be that sugaring started the first week of March. It was around Town Meeting Day when they started to tap the trees. They're tapping them now in February, it's moved up a week to ten days, and it's also shortened it. And the time you stop tapping the trees, it's about a week shorter than it used to be, so it's all being compressed. These are the kinds of things that are happening, and we don't know all the other repercussions of this warming. Things like insect populations, what's it going to do to those? More

mosquitoes, black flies, whatever. Because this warming trend has tremendous ramifications.

I think VNRC has a very good reputation and a good track record on addressing these issues. And the constant pressure that VNRC can put on the legislature, that's how you make it happen. Push, push, push. And so that's what I see. My concern is that we don't try and do too much. I worry because there are all these problems that keep arising, and if you take on too much you diminish your resources, and you can't do everything.

Bren Whittaker – Former
Secretary, Vermont Agency
of Environmental
Conservation / former
VNRC Board Member, VNRC
Northern Forest Project
Field Director (1992-1996)

My understanding is that
VNRC has still not reached
the average working



Bren Whittaker

Vermonters. A mark, I won't even say a failure, of the whole environmental movement is that it still could be termed elitist. And we all struggle with this. We want to reach out, and I'm so pleased VNRC ... (has) tried to work with the fish and game, the hook and bullet people. VNRC has been a magnet to gather the forces – thank god – who care about Vermont in that sense.

I think one thing in the future, on the environmental front - which is everything today - VNRC can be that responsible one; keep citing the facts, what do the studies show.

Instead of talk radio or right-wing religion, where you can say anything and it becomes a fact, at times the non-dramatic work of VNRC in upholding what do the numbers and facts show us is so key. And it's a long, painful process, but in the long run it's got to be. Keep at it, and do it responsibly, and in the end it turns out.

Even the most hostile member of the Fish and Game Committee sees you have credibility. That is just golden.

Steve Wright – National Wildlife Federation, former Regional Representative / former Vermont Commissioner of Fish and Wildlife

I want to see VNRC devoting more resources and more energy to building an educated populace.



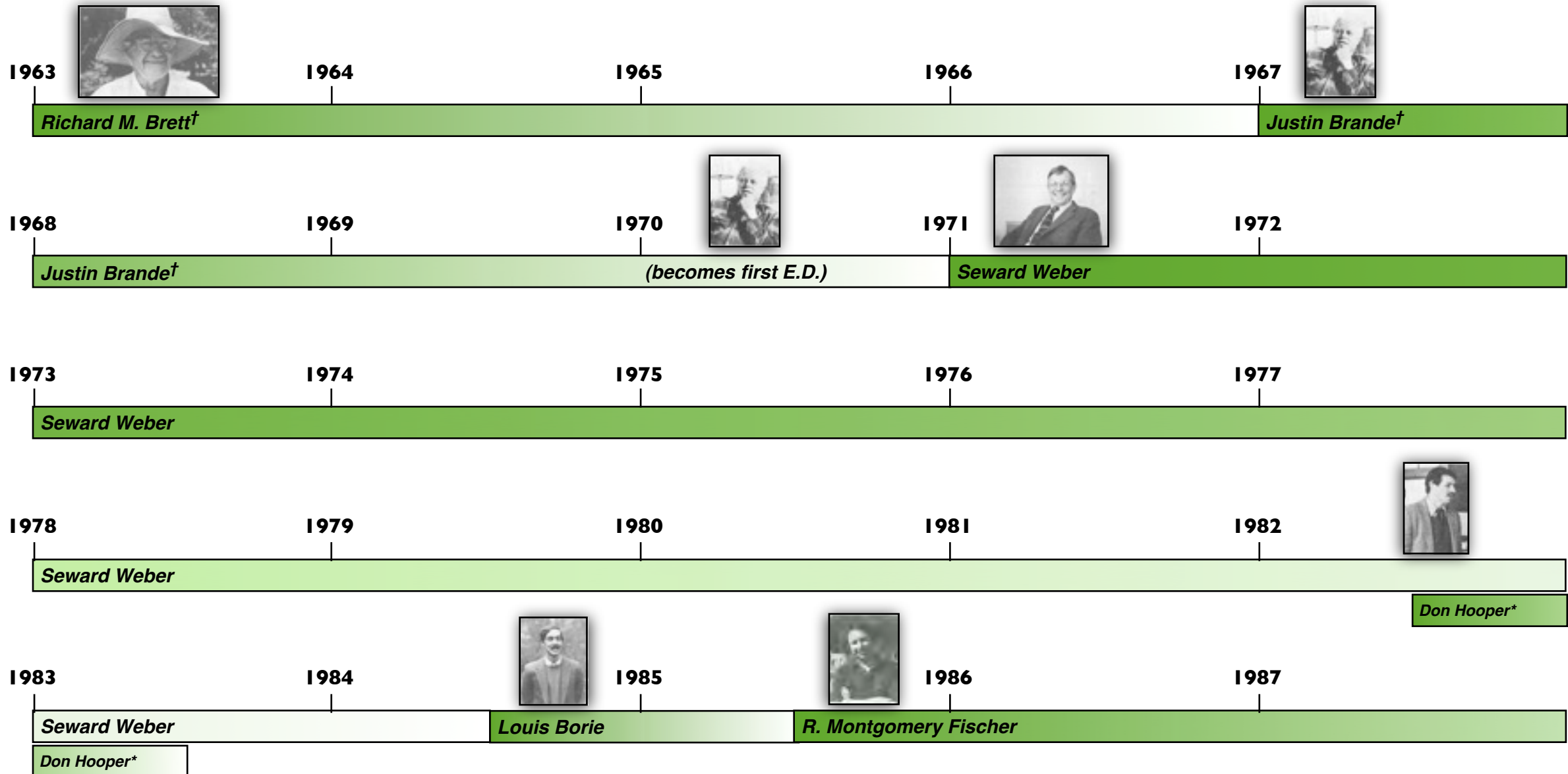
Steve Wright

One of the things that I find in my interactions with people, whether I meet them on the ski trail or I meet them on the trout stream, or I meet them wherever, is that they are almost always without fail fascinated by fish and wildlife resources. Fascinated by the sighting of a mink or a moose, of a wood duck or a woodcock. Doesn't matter. Trout, or

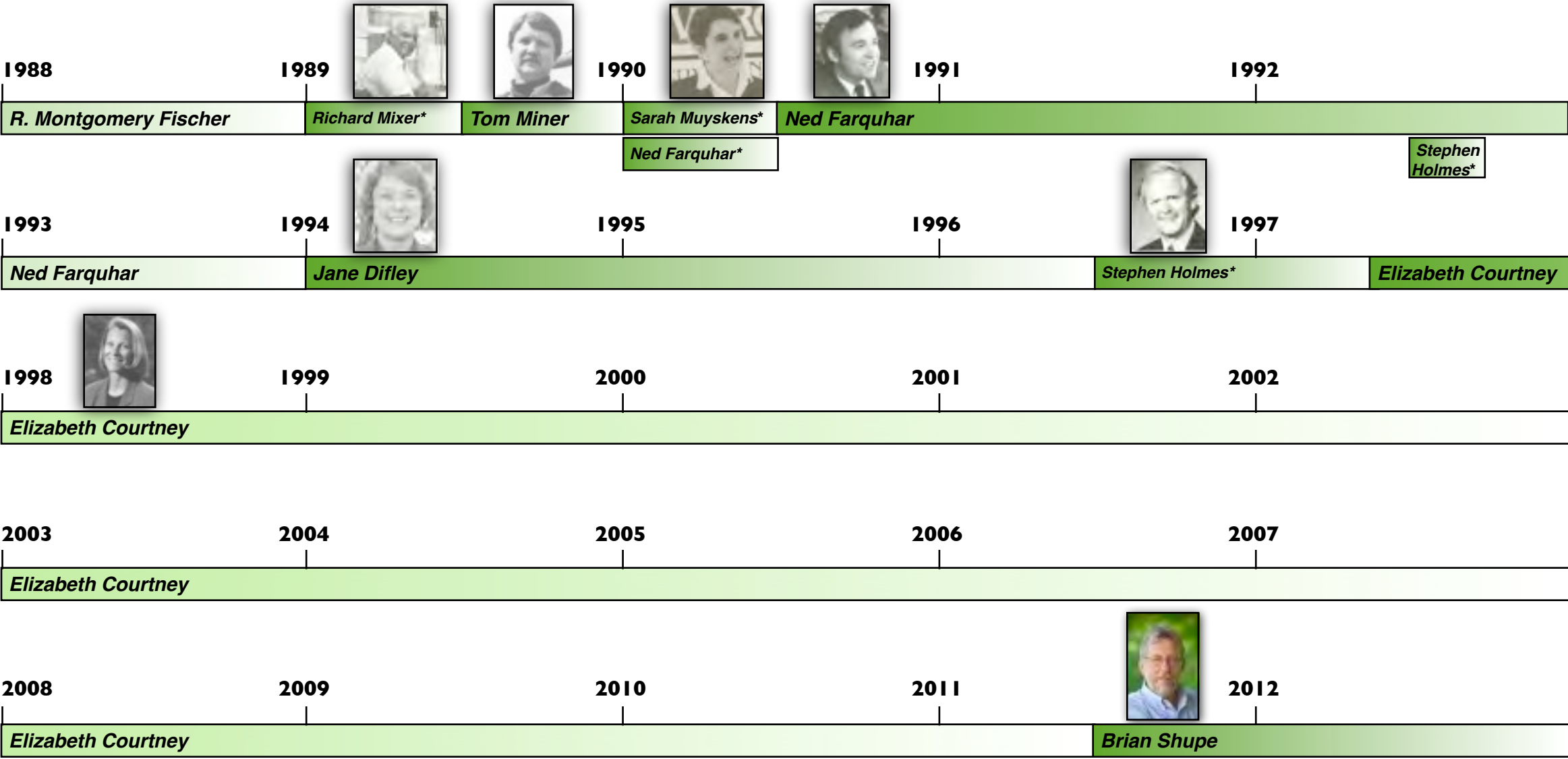
a chipmunk, it doesn't matter. Especially children. And I'd love to see the organization begin building that educational context better.

I see it as adding a public face to VNRC, and removing that notion that so many people have that VNRC is part of government.

VNRC Executive Directors



†: Chair (before E.D. established)
* Acting Executive Director



VNRC Officers

CHAIR	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
	Richard M. Brett ^{1,2,3}				Justin Brande			Peg Garland		Jonathan Brownell			David R. Marvin			Mark Lapping		Carl Reidel		Edward W. Cronin	Mollie Beattie	Carl Reidel	Sarabelle Hitchner	Richard Mixer	
VICE CHAIR	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
	Belmont Pitkin				James E. Wilkinson	James W. Marvin	Peg Garland	James W. Marvin	Jonathan Brownell		John Stevens	A. O. Converse		Carl Reidel		Hugo Meyer	Edward W. Cronin Jr.			Mollie Beattie		Sarabelle Hitchner		H. Kenneth Gayer	Jean Flack
SECRETARY	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
	Perry H. Merrill										Sylvia Ferry	Seward Weber													Louis Borie
TREASURER	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987
	Perry H. Merrill								James E. Wilkinson	Bernice Burnham		Hugo Meyer				A. John Holden, Jr.			Robert Klein	H. Kenneth Gayer			Richard Mixer	Sarabelle Hitchner	

Note: Years indicated represent service for a majority of that year. Actual service may extend into another year.
1. James Marvin (Temporary – May 3, 1963); 2. Samuel Ogden (Temporary – June 28, 1963) 3. Richard Brett (First Permanent – Summer 1963)

1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Richard Mixer	Patsy Highberg ⁴		Sarah Muyskens	William Roper		Hollis Burbank-Hammarlund				Mary Ashcroft			Mark Naud			Dale Guldbrandsen			Carolyn Kehler				Kinny Perot	

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1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Patsy Highberg	Patsy Highberg *	Thomas Rawls	John Nutting	William Roper	Katherine M. Vose	John Lippincott			Mary Ashcroft	Leonard Wilson	Mark Naud			Susan Clark		Virginia Rasch			Stark Biddle			Perez Ehrich		
Jean Flack	Richard Mixer																							

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1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
R. Montgomery Fischer	Richard Mixer	Ned Farquhar	Margaret Laggis	John Lippincott	Sarah Muyskens	Mary Ashcroft			George Little	Paul Bruhn	Gail Byers-Freidin		Dale Guldbrandsen	Mark Naud			Seward Weber			Julie Wolcott				Megan Camp
	Tom Miner																							

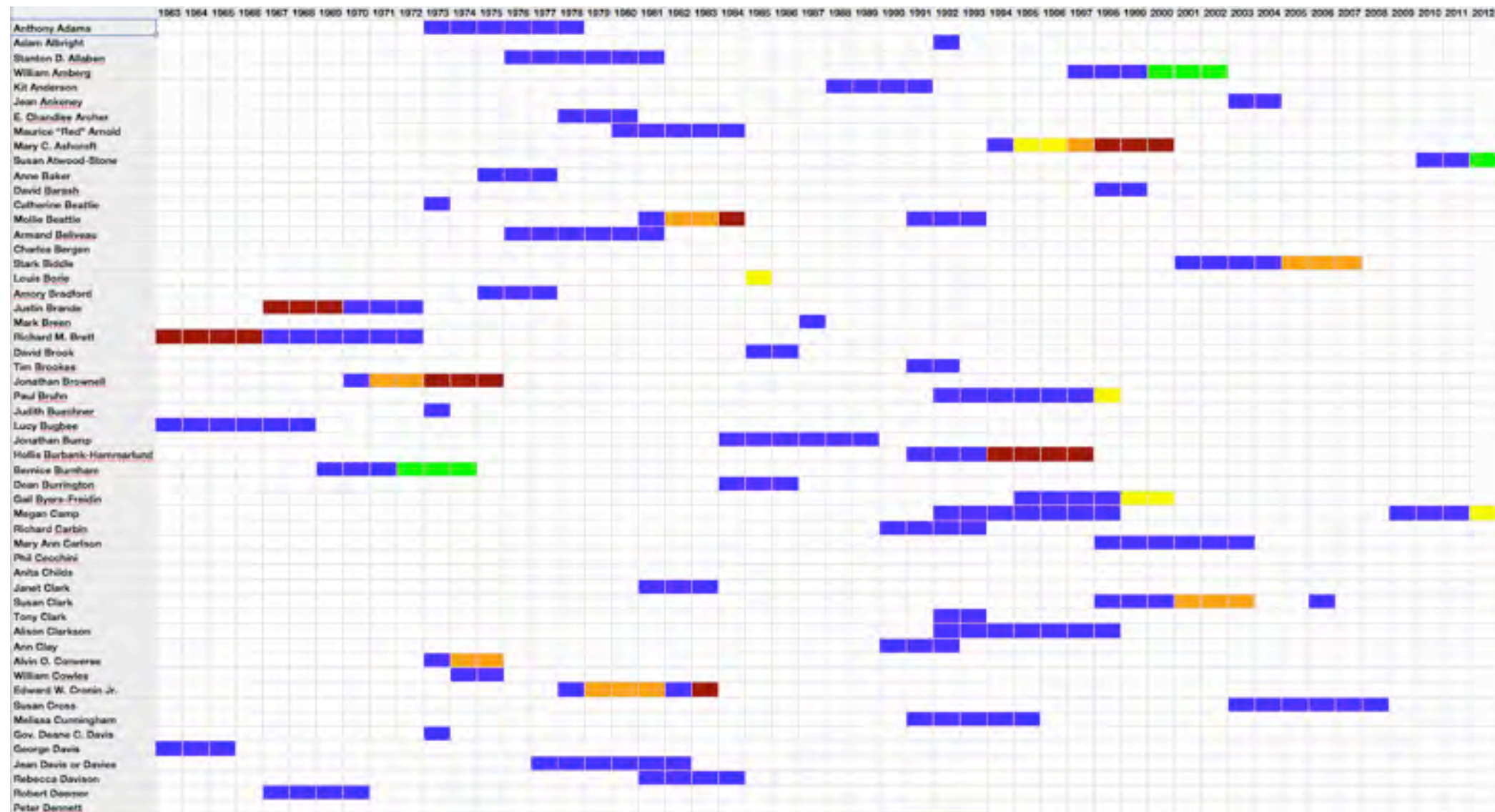
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1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Sarabelle Hitchner	Mark Schroeder	Roberta MacDonald	Peter Stein	Sarah Muyskens		John Lippincott				Mark Schroeder			Bill Amberg			Matthew Huntington	John Nutting			Robert Fiske Jr.				Susie Atwood -Stone
		Sarah Muyskens																						

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4. Acting Chair First Half of 1989

VNRC Board Members



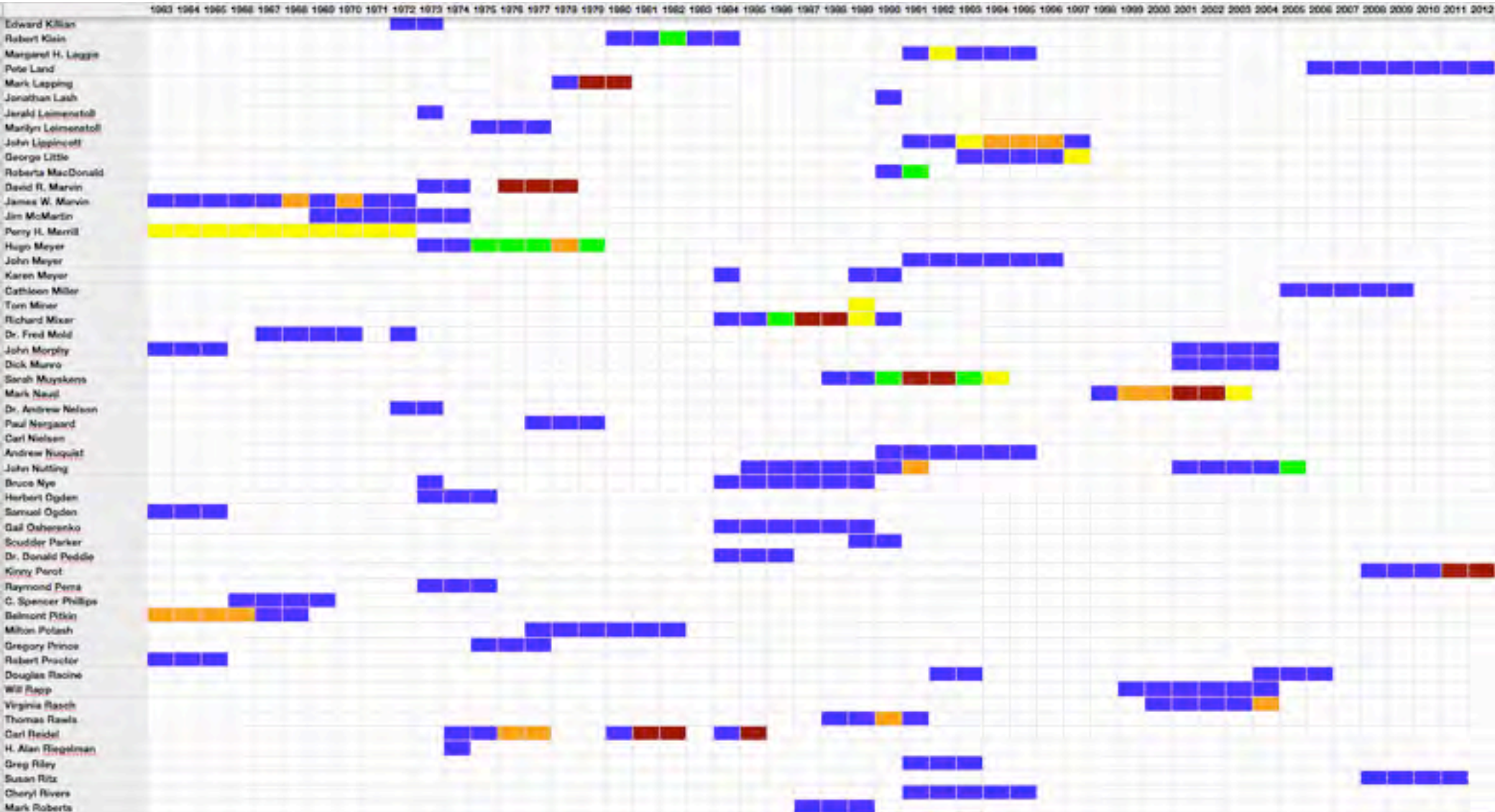
We were unable to determine the terms of the following founding board members: George Davis; Robert Fish; Marion Hardy; Paul Heald; John Morphy; Robert Nash; Samuel Ogden; Robert Proctor; Marion Smith; and Fritz Wiessner. We have attempted to faithfully represent the names of all former Board members. The records over fifty years are not complete and we apologize for any errors or omissions.

The Board members listed here are shown in the year for which they were elected. They may have actually served briefly in the previous year.

Chair: ■ Vice-Chair: ■ Secretary: ■ Treasurer: ■ Board Member: ■



VNRC Board Members (continued)





VNRC Staff Members: We have attempted to faithfully represent the names of all former paid full and part-time staff. The records over fifty years are not complete and we apologize for any errors or omissions.

Sue Baird Pat Berry Kathleen Bond Seth Bongartz Lou Borie Darby Bradley Justin Brande Jake Brown Matteo Burani Jane Burchard Bernice Burnham Susan Clark Katherine Clark Andrea Colnes Elizabeth Courtney Debra Crespin Stephen Crowley Joyce Cusimano Deb Daniels Rebecca Davison Jane Difley Bridgid Dunne Peg Elmer Ned Farquhar	Jamey Fidel R. Montgomery Fischer Nadell Fishman Jimmy Fordham Pam Fowler Dorothy H. Fredrickson Marie Frohlich Michele Frome Nat Frothingham Dinsmore Fulton Tom Gilbert Tina Gray-Rand Kim Greenwood Ruth Ann Greuling Jon Groveman Hollis Hammarlund Dave Hazelett Job Heintz Sue Higby Stephen Holmes Don Hooper Mary Shattuck Hooper Nancy H. Hutchinson Kim Kendall	Chris Kilian Gordon (Toby) Knox, Jr. Cherie Langer Kelly Lowry Marion MacDonald Marcy Mahr Kathryn Mathieson Kate McCarthy C. Mead McCoy III Karen McInnes Linda McKone Stacie McNary Shelly McSweeney Johanna Miller Nancy Miller Tom Miner Richard A. Mixer Lucy Morini Mary Morrison Stephanie Mueller Sarah Muyskens Diane Newton Jim Northup John Odum	Nina Otter Eric Palola Sylvia Plumb Donna Pollard Jennifer Ramming Arthur Ristau Jim Shallow James Sharp Rebecca Sheppard Brian Shupe Lisa Smith Julie Sperling Shari Stahl Jeannette T. Stebbins Sylvia Stewart Katy Taylor Erin Lee Tittel Alison Trowbridge Seward Weber Brendan Whittaker Arthur Williams Enid Wonacott
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VERs and Bulletins

VNRC Minutes

Interview List

Mary Ashcroft – 9/28/09
Darby Bradley - 9/18/08 and 10/22/08
Hollis Burbank-Hammarlund - 4/24/09
Susan Clark-10/29/08
Elizabeth Courtney – 6/16/09 and 9/4/12
Jane Difley - 11/24/08
Monty Fischer -11/06/08
Nat Frothingham – 9/25/08
Stephen Holmes – 5/11/12
Don Hooper – 1/26/09 & 1/30/09
Carolyn Kehler - 11/20/08
Mark Lapping – 1/29/10

Dave Marvin – 2/4/10
Art Ristau – 9/25/08
Mark Schroeder – 11/11/09
Warner Shedd – 2/17/10
Brian Shupe – 9/12/12
Tom Slayton – 9/11/08
Bill Stetson – 1/8/10
Bill & Betsey Uptegrove – 8/13/08
Hub Vogelmann – 9/18/08 and 9/29/08
Bren Whittaker – 9/12/08
Art Williams – 9/19/08
Steve Wright – 1/22/09



Brian Mohr / EmberPhoto

Vermont's Working Landscape in View of Camel's Hump

VNRC Projects Through the Years

This map depicts some of the more significant issues that VNRC has been involved with over the past five decades. Space limitations do not allow us to indicate the many other environmental policy, research and education initiatives; legal cases; and special projects that are also part of VNRC's history.

ID	Date	Page	Project
1	1960s	6	Victory Flood Control Dam Stopped - Wetlands Saved
2	1996	60	Clyde River Restored
3	2005-2007	87	Jay Peak Water Quality Problems Uncovered
4	1999	65	Champion Lands Protected
5	1993-2011	57, 95	St. Albans Wal-Mart Challenged
6	1995	64	Aerial Spraying of Herbicides in Northeast Kingdom Halted
7	1977	20	Lake Champlain Islands Trust - VNRC helps found
8	1998	61	Lamoille River Water Quality Restored at Peterson Dam
9	1994-1997	63	Clear Cutting in Concord Leads to Heavy Cutting Law
10	Late 1990s	88	Stowe Mountain Resort Master Plan Revised
11	2000	88	North Shore Wetlands Protected
12	1990s-2000s	94	Circumferential Highway Challenged
13	2010	90	Coburn Road Swimming Hole Preserved
14	1960s-2000s	Various	Act 250, Act 200, Current Use, Groundwater and Scores of Other Environmental Laws Passed
15	1993	49, 55	Sugarbush - Mad River Water Withdrawal Limited
16	2006	83	Moosalamoo National Recreation Area Created
17	2006	83	Green Mountain National Forest Plan Revised
18	1977	20	Ottauquechee Regional Land Trust (later Vermont Land Trust) Formed
19	1990	38	Parker's Gore Bear Habitat Protected
20	1985-1988	37	Ottauquechee River Protected

ID	Date	Page	Project
21	Late 1990s	54	Killington Master Plan Revised
22	1991	57	Poultney River Designated Class A
23	2001	89	Tinmouth Channel Designated Class 1 Wetland
24	1991	57	Pike's Falls Protected
25	1991		Salmon Hole/Tamarack Development Defeated
26	1993	83	Bears Protected at Stratton Mountain; Stratton Sun Bowl and Master Plan Challenged and Revised
27	2005	83	Sage Hill Bear Corridor Protected
28	1992	57	Dorset Marsh Designated 1st Class 1 Wetland in Vermont
29	1991	57	Cobb Brook Designated Class A
30	1991	57	Winhall River Receives Partial Class A Designation
31	1989	53	Kidder Brook Receives First Class A Designation in Vermont
32	1991	56	Battenkill Designated 1st Outstanding Resource Water in Vermont
33	1997	60	Deerfield River Land and Water Quality Protected
34	1996	57	Cold Brook Receives Partial Class A Designation
35	2005-2012	57, 95	Bennington Wal-Mart Stalled
36	1972	22	East-West Highway Defeated
37	2007	82	Halifax Forests Protected
38	1960s, 1970s, 2010-2012	7, 18, 79	Vermont Yankee Challenged
39	1989	41	Champlain Pipeline Stopped
40	Late 2000s	83	Proposal to Open State Lands to ATVs Reversed

Locations of VNRC Projects Through the Years

