

VERMONT ENVIRONMENTAL ^{Weber}REPORT

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SPECIAL LEGISLATIVE ISSUE

PROPOSED LAND ACQUISITION PLAN GIVES SHORELANDS HIGH PRIORITY

Shorelands have high priority under a proposed public land acquisition plan being considered by the Senate Natural Resources Committee. Lakes and ponds over 20 acres including Lake Champlain would get particular attention.

The plan, drafted by the Environmental Conservation Agency, calls for purchases of additional public land in four categories:

1. natural areas noted for scenic, ecological, geological or wilderness value;
2. areas providing access to other state land, especially bodies of water;
3. additions to existing holdings which would make them more usable;
4. new areas, especially for water recreation and in parts of Vermont in which there are few state-owned lands.

A \$5 million bond issue is proposed to fund the plan over a five-year period. Of this \$500,000 would go for natural areas, \$400,000 to improve access, and \$2 million each to new areas and rounding out existing areas.

Bills to purchase Spruce Mtn. and Plymbsbury are also before the legislature, but environmental officials are urging that the plan is a better approach than panic buying. Both areas might well fit in the category of rounding out existing holdings. The plan also requires, however, that the planning process be well-established in towns in which the state buys land. Two of the towns in which the Spruce Mountain tract is located do not now have any plans.

LEGISLATIVE INFORMATION TELEPHONE SERVICE

The Vermont Natural Resources Council through its project EPIC has instituted a telephone information service on environmental legislation. For an up-to-the-minute status report on important legislation, call 223-2320. This information will serve as a useful adjunct to the legislative coverage contained in the report.

SPECIAL HOUSE COMMITTEE STUDIES
CAPABILITY AND DEVELOPMENT PLAN

By a 79-64 vote the House directed Speaker Walter L. Kennedy to create a special Committee on Natural Resources to review the proposed Land Capability and Development Plan. The move, Kennedy indicated, was aimed at speeding consideration of the document which has been rewritten into bill form. It had earlier been suggested that the plan be considered by as many as five individual House Committees.

The special committee is made up of two members from each of seven committees: Agriculture, Appropriations, Commerce, Government Operations, Judiciary, Natural Resources, and Ways and Means. The group has been instructed to submit its recommendations by mid-February. The plan is expected to be considered separately by the Ways and Means and Appropriations Committees before coming to a vote in the House.

PROPERTY TAX RELIEF IN TROUBLE

H.155, the Governor's bill to offer tax relief to some sixty-five thousand Vermonters and to curb land speculation by imposing a special capital gains tax on land sales has run into trouble in the House Ways and Means Committee.

At this time it appears that the bill will be reported out with some tax relief provisions but only to the extent made possible by funds available from revenue sharing and economic growth.

Early in January, committee members who were skeptical about the capital gains provision had their doubts confirmed by administration tax commissioner, Robert Lathrop, who testified in favor of substituting a property transfer tax for the capital gains provision.

On January 18, the committee held a public hearing which brought out surprisingly little opposition from those who might be expected to be most vocal on the graduated capital gains provision.

At the end of January, defeated gubernatorial candidate Luther F. Hackett sent a letter to key legislators asking them to work against the tax relief plan. Hackett argued that the \$13.4 million needed to pay for the plan would take needed money away from state aid to education.

Early in February, Governor Salmon fired off a letter to Ways and Means Committee Chairman, Peter Giuliani, stating that he was shocked by the lack of action taken on his priority legislation. He asked that the measure be reported out of committee in some form so that its merits could be debated. The legislation, which has now become entwined in political overtones, has yet to be considered by House Appropriations and Senate Committees.

LEGISLATIVE LOG

BILLS ACTED ON...
NUMBER/SPONSOR

H-19 Hebard	To classify Lakes Caspian and Willoughby as "B" waters was amended by the House Committee on Natural Resources to include all waters not used exclusively for public water supply prior to July 1, 1971. The bill as amended passed both chambers. It grew out of a controversy last summer when the Health Department banned recreational activity on some areas of the lakes named on the original bill because they were class "A" waters. By statute, recreation is not allowed on class "A" water. Class "B" waters are suitable for recreation. They may be used for drinking only after treatment.
H-29 Collins	On calendar for action, <u>adverse</u> . This bill would provide \$50,000.00 in matching funds to municipalities for preservation of historic sites.
H-108 Cutts	Passed House. Extends from five to six years the period in which previously enacted zoning ordinances must conform with the provisions of the Municipal Planning and Development Act.
H-216 Committee on Natural Re- sources	Passed House. In Senate Natural Resources Committee. Provides for extension of interim zoning on a one year basis for a total of three years. Supporters noted a number of interim zoning ordinances will expire on March 1, leaving towns open to unrestricted development.

BILLS IN COMMITTEE

For details on House Bills 1 through 132 and Senate Bills 1 through 14 refer to January, 1973 Report.

	<u>PURPOSE</u>	<u>COMMITTEE</u>
H-8	Increase in real estate transfer tax.	Ways & Means
H-12	Fix property value by contract.	Mun. Corp.
H-22	Securing of loads of trucks.	Withdrawn
H-28	Reclamation and recycling centers.	Nat. Res.
H-33	Purchase of Huntington Gorge.	Nat. Res.
H-35	Property appraised at use prescribed by local zoning.	Ways & Means
H-41	Appraises forest land according to present use.	Ways & Means
H-39	Relates to amendment or proposal of repeal to planning commission.	Mun. Corp.

<u>NUMBER/SPONSOR</u>	<u>PURPOSE</u>	<u>COMMITTEE</u>
H-44	Appraising fair market value of property.	Ways & Means
H-51	Establishes a State Board of Appraisal.	Ways & Means
H-55	Taking deer without antlers.	Fish & Game
H-68	Establishes a Vermont State Power Authority.	Commerce
H-88	A system for state appraisal of property and tax exemption.	Ways & Means
H-93	Defines "fair market value" of real estate.	Judiciary
H-100	Designates flood hazard areas.	Nat. Res.
H-104	Accelerates the state soil survey.	Appropriations
H-107	Camels Hump Forest Reserve.	Nat. Res.
H-112	Includes <u>mobile homes</u> in the definition of real property under property transfer tax.	Ways & Means
H-120	Postpones shoreland zoning.	Nat. Res.
H-128	Multiple use of municipal forests.	Nat. Res.
H-129	Licensing of septic tank installation.	Gen. & Mil. Aff.
H-116	Licensing authority of well drillers.	Health & Welfare
H-132	Untravelled public highways.	Mun. Corp.
H-146 Agency of Environmental Conservation	Prohibits the sale of <u>mobile homes</u> which do not satisfy minimum acceptable <u>construction standards</u> .	Gen. & Mil. Aff.
H-150 Conlin	Increases <u>litter levy</u> on beverage containers and extends date for ban on nonreturnable beverage containers.	Nat. Res.
H-155 Exec. Dept.	Provides property tax relief and imposes tax on gains of sale of property (<u>Governor's tax relief plan</u>).	Ways & Means
H-156 Foster	Provides for designation and preservation of " <u>scenic roads</u> ."	Highways
H-157 Cohen	Requires municipal and county governments to adopt bylaws containing provisions for <u>mobile</u> and <u>low-income housing</u> .	Gen. & Mil. Aff.
H-163 Garfield	Appropriates money to UVM for the purpose of conducting a <u>study of the bio-gas or methane process</u> of garbage disposal.	Nat. Res.
H-175 Esposito	Relates to reconstruction of <u>U.S. 7</u> and construction of four-lane highway from Rutland to Bethel.	Highways
H-183 A.of E.C.	Expands enforcement powers of Secretary of Agency of Environmental Conservation.	Nat. Res.

<u>NUMBER/SPONSOR</u>	<u>PURPOSE</u>	<u>COMMITTEE</u>
H-185 Burns	Simplifies the <u>filing requirements</u> imposed upon an applicant for a <u>subdivision or development permit</u> .	Gov't Oper.
H-194 A.of E.C.	Relates to appeals from determinations of Water Resources Board.	Judiciary
H-195 A.of E.C.	Designates as <u>Class A waters</u> only those waters used exclusively for <u>public water supply</u> prior to July 1, 1971. (Incorporated in H-19).	Nat. Res.
H-210 Peake	Reduces notice requirements for a <u>development permit</u> under \$25,000.00 and provides that an applicant may consolidate his application for all related permits into one application.	Gov't Oper.
H-218 Candon	Requires <u>one year's residence</u> in the state for obtaining a <u>real estate salesman's license</u> .	Commerce
H-225 Lloyd	Provides for a one-time <u>tax on</u> homes built or or purchased as <u>second homes</u> .	Ways & Means
H-241 A.of E.C.	Adopts regulations relating to action to be taken in emergency situations caused by the <u>spillage of oil</u> or other hazardous substances.	Nat. Res.
H-243 A.of E.C.	Requires permits for construction of dams.	Nat. Res.
H-252 Korngiebel	Provides for <u>purchase</u> of <u>Plymbsbury</u> tract by State of Vermont.	Nat. Res.
H-263 McLeod	Establishes a state <u>land acquisition</u> fund for the purchase of interests in land by public agencies with revenues provided by a five percent tax on ski lift tickets.	Ways & Means
H-272 Morse	Permits the Environmental Conservation Agency to <u>purchase undeveloped land</u> .	Appropriations
H-274 Hamilton	Requires corporations with property valuations over \$100,000.00 to assume the costs of reclamation and legal fees resulting from violations of the state's <u>water pollution laws</u> .	Nat. Res.
H-275 Steventon	Requires a <u>permit for alterations to streams</u> having a drainage area of five square miles or more.	Nat. Res.
H-276 Cutts	Changes the name of the Environmental Board and District Environmental Commissions to the <u>Land Use Board</u> and District Land Use Commissions and clarifies the definition of development to eliminate any acreage requirements.	Nat. Res.
S-1	Unorganized towns and gores.	Gov't Oper.
S-2	Purchase of Spruce Mountain.	Nat. Res.
S-3	Sets up separate administrative district for Addison.	Gen. & Mil. Aff.

<u>NUMBER/SPONSOR</u>	<u>PURPOSE</u>	<u>COMMITTEE</u>
S-7	Assesses farmlands on basis of agricultural value.	Agriculture
S-12	Assesses real property at current use.	Agriculture
S-14	Eliminates unit cost electricity differential.	Finance.
S-17 Gibb	To reduce litter and to promote means of effective <u>solid waste management</u> by exacting levy of four mills on each dollar of gross revenues received from the sale of certain consumer products.	Nat. Res.
S-18 Ogden	Prohibits the highway board from purchasing rights-of-way for a four-lane highway on routes designated for construction of two lanes.	Highways & Bridges
S-21 Buckley	Provides state aid to towns which vote to appraise all taxable property in the town by <u>utilizing expert appraisers</u> .	Finance
S-23 Buckley	Imposes litter levy on all containers and eliminates the requirement that all beverage containers be made returnable.	Nat. Res.
S-28 Gibb	Provides that <u>recycling centers</u> are in conformity with existing statutes regulating the disposal of rubbish, garbage and junked cars.	Nat. Res.
S-29 Buckley	<u>Exempts</u> from taxation the <u>first \$10,000.00</u> of appraised value of all <u>owner occupied dwellings</u> and farms.	Finance
S-30 Ogden	Relates to acquisition of an option to purchase land by a public agency.	Gov't Oper.
S-32 Gibb	Prohibits certain disposable milk containers.	Nat. Res.
S-36 Ogden	Permits the erection of small <u>directional signs</u> for directional purposes only, at specified locations.	Highway Traffic
S-40 Ogden	Assists in the development of <u>rail transportation systems</u> .	Finance
S-45 Morse	Prohibits the phasing out of individual camp lot leases on state-owned lands under the Department of Forests & Parks.	Nat. Res.
S-49 Gibb	Establishes <u>bicycle routes</u> in the state.	Highway Traffic
S-69 Dept. of Highways	Provides for the acquisition of <u>utility corridors</u> utilizing highway rights-of-way.	Highways & Bridges
S-81 Exec. Dept.	Provides an annual salary of \$22,000.00 for the chairman of the environmental board.	Gov't Oper.

ENVIRONMENTAL NEWS HIGHLIGHTS DURING JANUARY INCLUDED...

MONTPELIER - Environmental Secretary, Martin Johnson, has set up "one window shopping". Applications for development will be divided into three categories according to complexity. One would be made up of those requiring little or no technical review which could be granted or denied in a short time. However, he made it clear that one stop shopping that has been requested by developers is really not possible because of the heavy involvement of local planning commissions in Act 250 decisions.

RUTLAND - In the two year history of the Rutland District Environmental Commission, 108 applications for land-use permits have been handled. One was rejected, ten are pending, and two approvals are being appealed. Most of the permits granted in '72 reflected the pressure for residential housing, a booming recreation industry, and general commercial expansion.

TOPSHAM - 3,100 acres in Topsham, Groton, and Orange will soon change hands for \$350,000. According to a Times-Argus report, the future owners plan to hold the land for the six-month capital gains period then sell to the state, or the highest bidder who will allow them to keep stumpage rights. Purchasers of the parcel, which is adjacent to Spruce Mountain, said that a ski development or Disney World type of operation would most closely suit their own plans.

JOHNSON, RISTAU NAMED
TO ENVIRONMENTAL POSTS

Governor Thomas P. Salmon filled two top state environmental posts in January. Martin Johnson, Commissioner of Water Resources since 1970, heads the Agency of Environmental Conservation for the new administration. Arthur Ristau, former Director of the EPIC project for the Vermont Natural Resources Council, replaces Benjamin Partridge as State Planning Director.

Several other changes have been made within the Environmental Agency so far. Secretary Johnson's predecessor, Robert B. Williams, is currently serving as legislative liaison. John Ponsetto, former Assistant Attorney General for environmental affairs, will coordinate the agency's permit program as Chief of the Protection Division.

CHANGES AT VNRC

Jonathan Brownell, a lawyer from Calais, began a one-year term as Chairman of the Council in January. He replaces Mrs. Newton C. Garland. Other officers are John Stevens, Saxtons River, vice chairman; Sylvia Ferry, Montpelier, secretary; and Bernice Burnham, Waterbury, treasurer. Nancy Hutchinson has assumed the administrative responsibilities for the Ford Foundation Project.

NEW EDITOR OF VER

Arthur Williams of Fayston takes over as editor of the Vermont Environmental Report with this issue. He is a former member of the Vermont Legislature and was program director of the Council on the Arts.

EDITORIAL

DEANE C. DAVIS

Governor Deane C. Davis's farewell address to the 1973 General Assembly focused on environmental issues, particularly the Land Capability and Development Plan, which he had just signed as one of his last official acts as Governor. He closed his remarks with these words, "We must not lose the momentum which has already accomplished so much toward saving for our children the values which we call the Vermont quality of life."

It is no exaggeration to say that during the administration of Governor Davis more significant environmental legislation was introduced and enacted than in the combined administrations of all previous governors - Act 250 put Vermont first in the nation in the field of land use planning.

Governor Davis's strong and energetic attitude in the pursuit of legislation that would help preserve Vermont has brought our state to a point where we now have a clear choice between saving the Vermont quality of life or going the route of so many other states. Without Governor Davis's sincere conviction that strong and urgent measures were needed to protect the air, water, and land of the state, the choice we have today may not have been available.

The best 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.

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Address Correction
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