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VERMONT ENVIRONMENTAL REPORT

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February, 1974, Number 25

STREAMS DAMAGED FROM FLOOD RELIEF PROGRAM

Will there be fishing this spring on the Stony Brook at Stockbridge or on Camp Brook at Bethel? It is still too early to tell, but John Claussen, Fish Biologist for the Fish and Game Department, and other professionals like him concede that many miles of rivers and streams were harmed by actions taken in the aftermath of the 1973 Flood.

Was this action necessary and what harm was done? To answer the first question, it is important to look at the procedure followed by officials in the wake of the flood. Shortly after the waters subsided, the U. S. Army Corps of Engineers and officials of the Federal Disaster Assistance Agency (FDAA) moved into the state to offer technical and financial services to individuals and communities sustaining flood damage. Stream restoration, one phase of the flood relief program, was specifically directed at restoring the streams to their pre-flood condition as rapidly as possible.

This was an emergency program and did not cover permanent bank stabilization with the importation of rip-rap. In many instances, pre-flood condition meant an unstable position to begin with, thus returning the streams to that condition was unsound and a waste of money. In spite of the fact that damaged areas were inspected by Corps personnel and state and local officials before the allocation of funds, it is apparent that projects were not supervised because of diffused responsibility. This is where the harm was done.

State fish biologists did not have the authority, nor did the Department of Fish and Game have the personnel, to supervise the many restoration projects. The Corps of Engineers and FDAA verified damage claims but were not responsible for overseeing the work. As a result, typical procedure called for the operator of a bulldozer being given the latitude to channel a stream according to his interpretation of Federal and State guidelines. With state gravel removal regulations suspended, the operator went to work scooping out gravel and boulders and piling them up on the stream banks. This resulted in a tragic loss of cover so vital to fish life and miles of aesthetically pleasing streams became straight, shallow channels with unstable banks.

William Jacobus, President of Trout Unlimited, said that there was little his organization could do to halt the operations since stream alteration permit procedures had been waived in the emergency. Jacobus said that many land owners were furious when they saw the results of the flood relief projects bordering their property. The general consensus was that more damage to fishing was done in that cleanup than in the previous 20 years.

Was the action necessary? Who is to blame? Was it the Corps for pouring in money without adequate supervision? Was it the Agency of Environmental Conservation for waiving stream alteration permits and suspending gravel removal guidelines? Was it local officials for not insisting on careful supervision of projects in their towns? It appears that the blame must be shared. The action was not necessary; streams could have been carefully and permanently restored with time and a wiser use of funds.

An encouraging note comes from biologist Claussen who indicated that water has a way of undoing what man has done. Already streams have begun to repair themselves, meandering around the pastures, pushing up the boulders, and forming dark pools where trout like to hide.

TOWNSCAPE PROJECT

The VNRC has embarked upon a project that will help conserve the visual quality of Vermont cities, towns and villages. Aided by grants from the Vermont Bicentennial Commission and a private foundation, the Council will utilize the services of VISION, INC., architectural and planning firm, of Cambridge, Massachusetts. The project will develop in two or three demonstration communities techniques for resurrecting the special character of downtown commercial areas to their original design.

The program will involve architects and designers in the "art of townscape." That is, the revival of the harmonious relationships between the buildings and open spaces that formulate the downtown area so they can again be perceived as a unity. In addition, the objectives of townscape include removing or redesigning store fronts and signs which will reveal the original architectural fabric of the commercial blocks.

The Council believes this project, which will enhance Vermont's man-made environment, is a worthy adjunct to its conservation efforts in the natural environment.

In rural Vermont, perhaps more than elsewhere, the distinction between the natural and the man-made is a tenuous one. The beauty of the state, which is so important to its economic health, lies in its hamlets as well as its hills.

ENVIRONMENTAL APPOINTMENT

Secretary Johnson has announced the appointment of E. Bradford Walker, of Montpelier, as new Director of Forests for the State. Mr. Walker is a graduate of Yale University and the Yale Forest School. He has been chief of Forest Pest Control and an Assistant State Forester.

CORRECTION

The January VER article, "Ski Areas Face Crisis" attributed ski area energy consumption figures to a Development and Community Affairs publication, instead it came from the Vermont Ski Area Association office. (See January VER)

LEGISLATIVE LOG

February 9, 1974

BILLS IN HOUSE COMMITTEES

Natural Resources

- H-156 *Designation and preservation of scenic roads.
H-275 *Permit required to alter large streams.
H-276 *Name change of Environmental Board and District Commissions.
H-282 *Regulates development to control soil erosion.
H-353 Prohibits the sale of pop-top cans.
Baker
H-371 *Exempts small municipalities from landfill requirements.
H-382 Gives the Secretary of Environmental Conservation the authority to remove
Hamilton obstructions from streams.
H-416 *Creates a litter levy on all non-refillable containers of one cent and
lowers the mandatory deposit on refillable containers to two cents.
Revenue raised by the levy is to be used in anti-litter campaign.
H-441 *Approval of General Assembly for nuclear power plants.
S-36 *Permits erection of small directional signs.
S-99 *Solid waste plan and promotion of recycling.

Appropriations

- H-163 *Money for UVM study of methane gas from garbage.
S-49 *Establishes bicycle routes, using highway fund money.

Fish and Game

- H-436 *Prohibits trapping of fur-bearing animals, except beaver.

Highways

- H-355 *Construction and improvement of state highways under Act 250.
J.R.S. 26 *Joint Resolution to conduct an inquiry into all aspects of the highway
program.

Municipal Corporations

- H-100 *Flood hazard areas and flood plain zoning.
H-281 *Restricts construction near state highways, and prohibits construction
unless off-highway parking is provided.
H-358 *State acquisition of land in municipalities.
H-500 Provides for the denial of a land use permit in those cases which would
Hewitt & result in a noise level above an acceptable safe standard and which would
Lloyd adversely affect the existing pattern of life in the town.

Judiciary

- H-363 *Interim zoning regulations.
H-388 *Penalties for violation of Board of Health subdivision regulations.

Ways and Means

- H-421 Provides that state land may be taxed by towns at its full value.
Giard
- H-423 Levies a purchase and use tax on new motor vehicles based on their fuel
Powell consumption rate.
- H-517 Enacts a plan of property tax relief for open and farm land.
O'Connor

Commerce

- H-440 Requires public utilities to provide a minimum specified amount of
Powell & electricity at a fixed reasonable rate to full-time state residents to
Lloyd assure power for basic necessities and encourage energy conservation.
- H-480 Provides for state acquisition of VELCO, and transfers to it responsi-
Burns bility for comprehensive long-range planning and forecasting of Vermont's
electrical energy needs.

Government Operations

- H-469 Creates a Transportation Advisory Board to devise a ten year transportation
Kunin plan.
- H516 Merges the highway fund into the general fund of the state.
DeBonis
- H-524 Requires insulation of buildings according to a set of standards deter-
Powell & mined by the Public Service Board and prohibits the sale of energy to
Parker owners of buildings if they do not comply.
- S-145 *Independent Fish and Game Agency.
- S-192 Grants emergency powers to the governor during the "energy crisis."
Alden

General & Military Affairs

- J.R.H. 62 Directs that after the completion of the Interstate, the Highway Department
Allen shall not plan or build any new four lane, limited access highways, but
shall concentrate solely on improvement of existing roads.

PASSED HOUSE

- H-404 *Creates trapping seasons for fisher, coyote, fox and coydog.

BILLS IN SENATE COMMITTEES

Natural Resources

- S-23 *Litter levy on all containers and eliminates labeling of returnable
containers.
- S-28 *Recycling centers and existing waste disposal statutes.
- S-98 *Regulation of snowmobiles and motorboats to the Dept. of Fish and Game.
- S-101 *Snowmobile regulation, noise levels and using private and state land.
- S-102 *Prohibits surface mining of copper.
- S-143 *Zoning laws cannot distinguish between mobile and conventional homes.
- S-146 *Rules for control of pollution must be approved by General Assembly.
- S-169 *Establishes a maximum level of phosphorus in household cleaning products.
Please note, the summary of this bill in the January VER was incorrect.
- H-150 *Last year's anti-bottle ban legislation.
- H-352 *Removal of junk vehicles from view.

Appropriations

- S-190 Creates the Agency of Transportation, which would have responsibility for the planning, regulation and all other matters relating to transportation.
- S-202 Creates a Bicentennial Transportation Authority responsible for developing an integrated transportation system which would be used to commemorate the 200th anniversary of our nation.

Highways and Bridges

- S-164 *Prohibits construction or planning of four lane highways.

Finance

- S-195 Establishes a Vermont Railroad Corporation to provide rail service in Vermont.

Government Operations

- S-155 *Extends time period for hearings on zoning bylaw revisions.

Judiciary

- S-194 Allows appeal of decision on the constitutionality of a zoning ordinance to be appealed in county court and the state supreme court.

PASSED BOTH HOUSES, ORDERED TO LIE IN SENATE

- S-69 *Highway rights-of-way as utility corridors.

ADOPTED SENATE

- S.R. 14 Resolution declaring that towns be allowed to spend state highway funds on either construction or maintenance of roads, or any combination of the two.

WIT HDRAWN

- S-18 *Acquisition of four lane rights-of-way on two lane routes.
- H-272 *Allows Agency of Environmental Conservation to buy undeveloped land.
- * Denotes bills summarized in previous issues.

LEGISLATIVE NOTES

Evidence of declining popular interest in the environment, increasing concern with the economy and a mistrust of state power are combining to make the 1974 legislative session a discouraging one for environmentalists. Attorney Jonathan Brownell has submitted a draft of the Land Use Plan in bill form to the House Natural Resources Committee, which he believes will meet the requirements of Act 250, and be acceptable to the General Assembly. — The shoreland zoning bill, H-120, has been amended to eliminate the state's power to adopt shoreland zoning for municipalities that do not do so by 1976. The amendment leaves shoreland zoning decisions up to individual towns. A desire to have similar surgery done on the Floodplain zoning bill, H-100, and concern over effects the bill might have on industries in floodplains, were the major reasons the bill was sent to Municipal Corporations committee for rewriting.

The energy crisis has produced a flurry of energy-related legislation (see Legislative Log), many of which appear to have a good chance of passing.

VNRC OFFICERS ELECTED

On January 24, 1974 the VNRC Board of Directors met in Rutland. The highlights of the first meeting of the year were the election of officers and the adoption of the 1974 budget.

Elected to a second term as Chairman was Jonathan N. Brownell of Calais. Brownell is a Montpelier attorney active in environmental affairs in Vermont and elsewhere. He is a member of the Board of Directors of the National Audubon Society and is National Affairs Committee Chairman of the National Wildlife Federation.

Dr. A. O. Converse was elected Vice-Chairman replacing John Stevens who resigned from the Board last year. Dr. Converse, a resident of Norwich, is Associate Professor of Engineering at the Thayer School of Engineering at Dartmouth College. His specialty is environmental analysis.

Reelected as Treasurer, was Bernice (Mrs. Ivan) Burnham of Waterbury. Mrs. Burnham is a member of the Waterbury Conservation Commission and serves as Chairman of the National Wildlife Week in Vermont. Seward Weber, the Council's Executive Director, was elected Secretary.

In a related action, two new members were elected to the Board of Directors. They are Dr. Carl Reidel of Burlington and H. Alan Riegelman of Grand Isle.

Dr. Reidel, Director of UVM's Environmental Program, holds his advanced degree in Natural Resource Policy from the University of Minnesota. He was a postdoctoral scholar at Harvard in 1971-1972. Prior to that, he served as Assistant Director at the Center of Environmental Studies, William's College and taught forestry at the University of Minnesota. Dr. Reidel served for nine years with the U. S. Forest Service.

Mr. Riegelman was educated at Dartmouth College and served for fifteen years with the General Electric Company and the General Learning Corporation of New York City. Since 1970 he has owned and managed a dairy farm in Grand Isle and has been involved in other business ventures. He is also a Board Member of the Lake Champlain Committee.

The Board adopted a \$59,000 operating budget for 1974. While the Council relied heavily on its savings in 1973 to stay in the black, there was hope expressed at the meeting that the Council's members and friends would provide increased contributions to support the Council's 1974 activities. Each member has been asked by Chairman Brownell not only to renew his or her membership, but also to enroll at least one new member in the Council this year.

CONSERVATION AWARD

Mr. and Mrs. Thomas Foster of Bennington will receive the 1973 Governor's Award for their outstanding contribution to conservation in Vermont. The annual award was established in 1970 by the Conservation Society of Southern Vermont.

REGULATIONS GOVERNING WATER CLASSIFICATION AND CONTROL OF QUALITY

On December 20, 1973, the Vermont Water Resources Board adopted new Regulations Governing Water Classification and Control of Quality to supersede the regulations which had been in effect since May of 1971. The new rules became effective on January 28, 1974.

A major new thrust of the revised rules prohibits any new discharges into waters that are upstream of a municipal discharge. The regulations state: "There shall be no new or increased discharges into upland streams of any treated or untreated domestic, sanitary, commercial or industrial wastes nor shall there be a new or increased discharge of any other wastes which would degrade in any respect the quality of the receiving waters after the date of adoption of these rules." The regulations go on to require that any such discharges already in existence as of the date of adoption of these rules must be treated by using offstream disposal techniques, or when that is not technically feasible, "by such methods as may be required and approved by the Secretary (of the Agency of Environmental Conservation) to prevent or adequately reduce the degradation of water quality in such upland streams."

Under previous standards adopted by the Board, similar restrictions applied only to "pristine streams and tributaries" which included streams which flow above an elevation above sea level of 1,500 feet or at a rate of flow of less than one and one-half cubic feet per second at any elevation.

The regulations also govern such things as color and turbidity levels; the discharge of settleable solids, oils, grease and scum; and the discharge of wastes which contain chemical or radiological constituents.

Copies of the new standards can be obtained by writing to the Vermont Water Resources Board, Agency of Environmental Conservation, Montpelier, Vermont, 05602.

PSB RECEIVES SCIENCE GRANT

The National Science Foundation has awarded \$440,000 to the Vermont Public Service Board to conduct a three year study of a consumer oriented load management system. Dr. A. O. Converse is a principal investigator in this project. (See Jan. VER)

EPA NEWS SERVICE

EPA has a 24 hour, 7 day news report via telephone, toll free call 800-631-1976.

PUBLICATIONS

A review of Vermont's Land Use Plan and Act 250 may be obtained by writing State Planning Office, Pavilion Building, Montpelier, Vermont, 05602.

VER QUESTIONNAIRE RESULTS

A special thanks is in order for the over 150 Council members who took the time to complete and return the questionnaire published in the January Vermont Environmental Report. The editor and contributing writers to the Council's monthly newsletter appreciate the many comments and suggestions made by the respondents to the survey printed in the VER and distributed at the Council's Annual Meeting in December.

Results of the survey show that of those who responded most read each issue and find the quality of the Report either excellent or good. Almost everyone returning the questionnaire considers the Report an important part of their membership. By a margin of almost two to one, a monthly newsletter is desired more than a quarterly or bimonthly publication. Most readers indicated a preference for a combination of news of Council activities, the Legislative Log and environmental highlights. More respondents like short articles than in-depth news stories; however, a significant number of people want an assortment of both length articles.

Again, our thanks for the many helpful and informative comments made by interested Council members. If you have not returned your questionnaire but would like to register your feelings, we would welcome your comments.

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**VERMONT NATURAL RESOURCES COUNCIL
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Address Correction
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