

VERMONT ENVIRONMENTAL REPORT

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WHAT FATE FOR LAND USE PLAN?

Vermont's State Land Use Plan, mandated by Act 250 for adoption in 1974, has traveled a hostile and uncertain path throughout the legislative session. The plan and accompanying maps as originally adopted by the Environmental Board and approved by the Governor designated that all state land be placed into a standard classification system of urban, village, rural, natural resource, conservation, roadside and shoreline areas, with density and use guidelines provided for each. This plan was repeatedly watered down in legislative revisions requested by House Natural Resources Committee.

The version finally considered by the Committee at the public hearing on February 26th lacked several major provisions from the original form, including provisions for local plans to be deemed in conformance with the State Land Use Plan and for local governments with approved plans to assume direct jurisdiction over all lands except the state-administered conservation areas. In addition, the Committee's proposal postponed delineation of rural, village and urban areas for a year.

Following the hostile reaction against the plan at the February 26th public hearing, a majority of the committee favored rejecting the entire plan for this year. Since that time, the Environmental Board has requested another year to work on the State Land Use Plan, acknowledging shortcomings in the plan and the need for greater public input and support. In contrast, Committee Chairman Royal Cutts favors adoption of a plan calling for land use maps to be prepared and adopted by towns by 1975 and then incorporated into regional and state land use plans. At this time, however, further action has been postponed and remains indefinite.

LEGISLATIVE PROGRESS

Shoreland Zoning Approved by Both Chambers

H-120 as revised by the Senate has been passed by both houses and sent on to the Governor. As altered, it shifts zoning authority from the state to the municipalities, giving towns until July 1976 to adopt shoreland zoning bylaws, while providing no penalties or state authority to impose zoning should they fail to do so. It is hoped that the requirement for annual town-by-town progress reports from the Agency of Environmental Conservation to the legislature will keep the zoning process underway.

Response to Energy Crisis Slow

S-192, the bill granting temporary emergency powers to the Governor during the "energy crisis" until March 1975, was passed by both chambers in a different form and currently remains in conference committee. Meanwhile, H-67 providing permanent emergency powers to the Governor has passed the House with the provision that approval from the General Assembly is required for all proposed emergency actions.

Bottle Ban Upheld by House

H-353, regarding the regulation of containers, was amended by the House to improve the existing bottle regulation and to promote the use of reusable containers. Following the Oregon law, the version as passed places a 2¢ deposit on certified, uniform refillable containers and maintains the present 5¢ deposit on throwaways. In addition, the bill bans metal containers with detachable "flip-top" openers as of 1975. The House also added a provision allowing grocers to limit the hours during which they make deposit refunds. The House chose this version over an alternative amendment, lobbied for heavily by beer bottlers and others, which would have placed a 2¢ levy on all nonreturnable containers and effectively repealed the mandatory bottle deposit law.

Floodplain Zoning Passes House

H-100, relating to Flood Hazard Area Management, has passed the House and been sent on to the Senate. Like the Shoreland Zoning bill, this version as revised transfers authority to develop floodplain zoning and issue permits for construction within flood hazard areas from the state to the localities. The bill gives towns until July 1, 1976 to adopt floodplain zoning; should they fail to do so, then the State's Agency of Environmental Conservation will step in and impose zoning.

Transportation Agency Advances

S-190, creating a Transportation Agency has been considered by the Senate, but final action has not yet been taken. The bill as written would combine all existing departments and boards involving transportation, including the Aeronautics, Rail, Bus and Waterways, Highways and Motor Vehicles, along with a single advisory board.

Increased Possibility to Protect Farmland

H-12, intended to facilitate property tax stabilization contracts with farmers under Title 24, Section 2741 VSA by requiring a simple majority vote rather than a two-thirds vote by municipalities, is presently in a conference committee to resolve differences between versions passed by House and Senate.

UPDATING THE "LEGISLATIVE LOG" IN FEBRUARY'S VER

Bills receiving adverse Committee reports

H-440, Lifeline Service of Electrical Power, reforming electric rates to provide electricity to residential users at relatively lower costs and encourage power conservation - House Commerce Committee.

H-335, requiring Act 250 permits for six major highway construction projects planned prior to Act 250's effective date in 1970 - House Highways Committee.

H-281, restricting construction near state highways - House Municipal Corporations.

H-441, requiring specific approval by the Legislature for any nuclear fission power plants to be built in Vermont - tabled by House Natural Resources Committee.

Withdrawn

H-500, establishing noise standards for Act 250 permits, withdrawn from the House Natural Resources Committee on the grounds of insufficient information available.

Important Bills to Watch

S-99, establishing a statewide solid waste plan and promoting recycling - in House Natural Resources Committee, favored by the Agency of Environmental Conservation.

JRS-26, Joint Resolution to conduct an inquiry into all aspects of the highway program - in House Highway Committee, may have a good chance for passage.

H-517, tax relief for open space with tax credits based on household income level and reimbursements to the towns - House Ways and Means Committee.

H-482, amending Chapter 91 planning and development law, may extend the permanent zoning deadline to 1975 and strengthen regional planning commissions - House Municipal Corporations Committee.

VNRC PARTICIPATES IN WATER QUALITY TRAINING INSTITUTE

Seward Weber, VNRC Executive Director, attended the three day Water Quality Training Institute in Boston, February 7-9, sponsored by the Environmental Protection Agency and the Conservation Foundation of Washington, D. C. This meeting, attended by approximately seventy people from the six New England states, was designed to provide citizen environmentalists with an understanding of the Federal Water Pollution Control Act of 1972. Others in attendance from Vermont were Richard Axelrod, Richard Farrar, Emma-Lou Gale, Peg Garland, Sally Greene and Denning Miller.

The 1972 amendments, as the Act is referred to, is unusual in that it contains a strong mandate for public participation in all decisions, actions, plans and programs initiated under the law.

WATER QUALITY (cont.)

Participants in the Institute were impressed by the complexity and specificity of the law and, disconcertingly, by the apparent inability of the Federal and State Governments to implement it with the precision and speed necessary to achieve the goals of the act.

At the conclusion of the Institute it was announced that the EPA wants to fund institutes on the operation of the act in each of the New England states and it is the hope of the Vermont delegation, which attended the Boston meeting, that this can be accomplished so that more Vermonters can gain an understanding of the Federal Water Pollution Control Act of 1972 and its potential for improving the quality of Vermont's waters.

PUBLIC SEES SEWAGE AS CHIEF PROBLEM

Sewage treatment comes first, industrial air pollution control second and solid waste improvement third among environmental problems the public thinks most important and is most willing to spend money on.

This ranking appeared in an opinion survey made last year by EPA's Office of Public Affairs. More than 3,000 adults were interviewed across the nation concerning their opinions about the environment, their willingness to pay to improve it, and their attitudes toward enforcement of anti-pollution laws. Interviewers, not surprisingly, found household income level a key indication of willingness to pay to improve the environment.

VERMONT TOWNS VOTE ON ZONING AT MARCH 5 MEETING

The following towns have accepted or rejected permanent zoning at town meetings on March 5.

| <u>Accepted</u> | <u>Rejected</u> |
|-----------------|-----------------|
| Georgia | Fayston |
| Plainfield | Lincoln |
| Pownal | Warren |
| Rochester | |
| Shoreham | |
| Weathersfield | |

This list was obtained from regional planning commissions. If it is not complete, we would appreciate hearing from you on any additions or corrections.

SUNSHINE AND ITS USES AN ALTERNATIVE TO FOSSIL FUELS

HUD is designing a program to demonstrate the feasibility of residential utilization of solar energy as a competitive alternative to fossil fuels. Conservative preliminary estimates suggest that solar energy utilization could reduce residential fuel oil requirements by 72 per cent in the Baltimore-Washington area. Solar energy does not appear to have environmental problems associated with its use, although a complete technology assessment has not been made. The major problems in applying solar energy to the residential sector are institutional, and it is these problems which are the primary focus of the HUD program. Objectives of the HUD program will be to demonstrate consumer acceptance and hence mortgagability of homes which look "peculiar," and to measure energy savings from solar power.

A NEW GROUP EMERGES

An organization calling itself "Balanced View" which claims to be an association to provide nonpartisan research on the impact of environmental legislation on Vermont's economy has held several organizational meetings during February. The organization has advertised frequently in order to attract people to the meetings and involve them as members.

Apparently, the group is attracting moderate citizens who wish to undertake unbiased research to determine the economic impact of such legislation as the special capital gains tax on land sales and the proposed Land Use Plan, and more militant conservatives who want the organization to deal with a whole range of political, social and economic issues as well as take a strong anti-environmental stand similar to that of the Landowners Steering Committee.

At this time, the organizers of Balanced View are confident that a moderate position will prevail and claim that they are interested in seeing the economy and the environment in harmony.

DEVELOPMENT SLOWS DOWN

Environmental Board Chairman Schuyler Jackson reports that apparently the energy crisis, plus other factors including winter weather, have slowed Act 250 applications to a trickle. District Commissions statewide report application volume is way down.

ACT 250 CONTAINS ENERGY CONSERVATION PROVISIONS

In a staff memorandum late last year, Secretary Johnson spelled out what action his agency and district environmental commissions can take to help alleviate the present energy shortage.

ACT 250 (cont.)

Johnson said that the present energy crisis confronts the people of the state with serious shortages of electricity and oil and with the possibility of rationing and even the unavailability of these energy resources.

He noted that while the current energy shortage has caused an acute awareness of a present need to conserve energy, Act 250 in fact establishes a permanent state policy of energy conservation and planning for the distribution of electricity based on reasonable projections of population and economic growth.

The Secretary's message to agency staff authorized the establishment of standards for planning and design of subdivisions and developments including standards for installation of insulation, lighting, and signing. The directive states that the applicant for a 250 Permit must bear the burden of proving that subdivision or development is planned and designed to reflect principles of energy conservation and incorporate the best available technology for the efficient use or recovery of energy.

The memorandum also states that the Agency shall require each applicant for an Act 250 Land Use Permit whose projects will use electrical energy to prove, with the best evidence available, the following:

- (a) That electricity is available or will be available when the development is completed.
- (b) That electric service that is provided is done so in accordance with a plan, and that the plan is based on a projection of reasonable population increase and economic growth.
- (c) That the development will not place an excessive or uneconomic demand on electrical facilities involved.

District commissions are currently using a short form provisions guideline on energy conservation in screening applications. A more permanent and detailed criteria is in the process of being drafted.

COUNCIL DOES NOT SUPPORT MISSISQUOI CLASSIFICATION

The VNRC announced that it does not support wilderness classification for Shad Island or other portions of the Missisquoi National Wildlife Refuge at the northern end of Lake Champlain at this time. In a letter to Richard Griffith, Regional Director of the Bureau of Sport Fisheries and Wildlife, Seward Weber explained that the organization's Executive Committee believes that the future of the Refuge must be viewed in terms of decisions yet to be made concerning the control of the water level of Lake Champlain. Wildlife values in the Champlain Basin are of great importance and will become more important as development encroaches on existing wetlands and other

MISSISQUOI CLASSIFICATION (cont.)

wildlife habitat on the lake. The Council, therefore, believes that the importance of the Missisquoi Refuge will increase in the years ahead and therefore anticipate the need for more intensive management of the Refuge in the future. This will be particularly true if the Lake level is artificially controlled as a result of the construction of a dam on the Richelieu River. Weber in his letter indicated, therefore, that the Bureau of Sport Fisheries and Wildlife must be allowed the flexibility to construct retention dikes and undertake other management practices which would be precluded by Wilderness classification.

GOVERNOR PROCLAIMS WILDLIFE WEEK



E. Warner Shedd, Jr.
Northeast Regional Executive
National Wildlife Federation

Mrs. Bernice Burnham
Chairman, Vermont Wildlife Week

Seward Weber
VNRC, Executive Director

Governor Thomas Salmon

Governor Salmon proclaimed the week of March 17-24, as National Wildlife Week. In making his proclamation, the Governor called on citizens who care about wildlife to support the efforts of the National Wildlife Federation in protecting the survival of animals across America on the official list of endangered species. With the proclamation signing, Vermont joined the National Wildlife Federation in setting aside the week of the 17th for the concern and support of wildlife conservation.

ONE STOP SHOPPING GETS BOOST

The State Environmental Conservation Agency moved a step ahead in initiating "one stop shopping" for land use permits. As of March 1, the Agency directed that all applications for land use permits and health regulation permits for subdivisions, public buildings, mobile homes and travel trailers and tenting areas will be filed with the seven district coordinators, rather than in Montpelier.

The next phase of the operation will occur April 1. The coordinators will be joined by district environmental engineers and county foresters at five of the seven regional offices.

EDITORIAL

LAND USE HEARING

The night of Tuesday, February 26th, was a lonely one for the handful of architects and representatives of conservation and public interest groups who testified in favor of the proposed State Land Use Bill. They stood pretty much by themselves against a well organized opposition that gave little quarter to anyone connected with the environment and any legislation related to the environment.

What the House Natural Resources Committee needed that evening was a relevant discussion of the merits of the proposed Plan. What they got was thunderous opposition to any environmental legislation. Even though this type of opposition might not influence many committee votes, it cannot but help to cause previously committed members to doubt the strength of their cause.

Where were the environmental organizations, local planning groups, and individuals who had previously supported strong land use regulations? Was there too little in the proposed legislation to support with conviction? Did they feel that their testimony would fall on unsympathetic ears? Whatever the reasons, the proponents of a Land Use Plan did not turn out and the evening belonged to the opposition. If nothing else the opposition could take heart in the exaggeration of their cause and the ensuing publicity.

At this time when the environment is under great pressure because of a reversal in economic conditions, it is important for those who believe in a concept to support it in principle even if efforts to implement it are not perfect. This type of critical support leads to constructive legislation.

All of us supporting strong environmental legislation owe a vote of thanks to those who confronted the hostile atmosphere of that evening to testify constructively on H-529.

VERMONT NATURAL RESOURCES COUNCIL
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