

# VERMONT ENVIRONMENTAL REPORT

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UNIVERSITY OF VERMONT  
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## ENVIRONMENTAL LEGISLATION AT THE CLOSE OF THE 1974 GENERAL ASSEMBLY

— Michele Frome

The 1974 Vermont General Assembly considered a wide range of proposals directed at environmental problems, but few managed to pass. According to Governor Salmon, "We failed for the first time in years to enact any significant environmental legislation—and attempts were made to dismantle what we now have."

In the end, however, the Legislature rejected efforts to weaken existing environmental laws. Moreover, while most environmental proposals failed to become law, their presence in the legislative hopper signified recognition that important environmental problems still exist and require solution.

### Land Use

After considering numerous versions of the land use plan and revisions thereof, the 1974 Legislature failed to adopt a plan. Instead, it adopted JRH-82 creating a 13 member committee, representing the Legislature, the Environmental Board, and local and regional planning commissions, to make recommendations for state land use planning to the 1975 General Assembly.

Legislation was passed calling for local adoption of flood plain zoning (H-100) and shoreland zoning (H-120) by 1976, but providing no state authority for enforcement. Both acts require the Agency of Environmental Conservation to identify critical areas and provide sample bylaws and annual status reports as incentives for compliance.

In addition, several minor actions were taken to increase local options for land use control, including the following:

S-209: requires an Act 250 permit for the auction of land subdivided into five or more lots of over 10 acres.

H-12: permits towns to enter into tax stabilization contracts with farmers by majority, rather than two-thirds, vote.

H-482: amendments to the Municipal Planning and Development Act, including: exempting towns with certified subdivision bylaws from state subdivision regulation requirements, preventing the issuance of permits under zoning bylaws while amendments to those bylaws are being considered; providing for appeal from planning commission decisions.

H-487: extends the deadline for conformance of zoning ordinances with the Municipal Planning and Development Act.

S-1: permits creation of a planning commission to serve six unorganized towns and gores in Essex County.

Other changes in land use related state laws include:

H-388: allows penalties for subdivision violations to be less than the previously fixed \$1,000.

H-504: exempts a dwelling and up to five acres, or more than five acres if required by local zoning, from the Vermont land gains tax. Previously, only a dwelling and one acre were exempted.

### Transportation

Two major administration proposals aimed at shifting emphasis away from highways toward integrated transportation planning--creating a State Transportation Agency and merging the Highway Fund with General Funds--failed to pass. Instead, the Legislature adopted the following limited transportation measures:

H-469: creates interdepartmental transportation advisory board to prepare a ten year transportation plan for presentation to the 1975 General Assembly.

S-49: authorizes expenditure of highway funds for the creation and maintenance of bicycle routes, provides condemnation powers for bicycle routes, and directs the Agency of Environmental Conservation to finance a bicycle study for the state.

S-195: directs the Public Service Board to prepare a state rail transportation plan, and empowers the PSB to acquire rail facilities and to receive federal railroad funds.

S-202: creates a bicentennial transportation committee.

### Energy and Power

In response to the energy crisis, in the final week of the session, the Legislature adopted three energy-related bills:

S-192: grants emergency energy powers to the Governor until March 1975, with veto power held by the Joint Fiscal Committee of the General Assembly.

H-276: permits burning natural wood for fuel except when emissions violate federal air quality standards.

H-163: appropriates \$5,000 for a UVM study of methane gas processed from animal waste disposal.

Major proposals related to electric power--including H-440, the "lifeline" bill providing lower electricity rates for small residential users and H-480 and H-534 to increase state control over the electric power industry--were rejected. H-441 requiring legislative approval of additional nuclear power plants in Vermont also failed to pass.

### Solid Waste

Vermont's bottle deposit law remains unchanged this year. Due to procedural difficulties, the Senate failed to consider House-passed H-353, to ban flip-top cans and encourage the use of refillable bottles. Meanwhile, S-99, establishing a statewide solid waste plan and creating pilot recycling programs, died in the House Appropriations Committee.

### Other

Other minor legislation of environmental interest to be adopted include:

H-282: finances a pilot on-site sewage program in the Ottaquechee and White River natural resource conservation districts.

H-29: provides state matching funds for municipal preservation and restoration of historic sites and structures.

### REPRESENTATIVE SAM LLOYD: A PERSONAL PERSPECTIVE

Representative Samuel Lloyd, a Democrat from Weston having served his first term in the Vermont General Assembly, distinguished himself this year as a strong proponent of returnable bottle legislation and a challenger of the powerful bottler, brewer and glass manufacturer lobbies.

Under his leadership, the House passed the so-called "Lloyd Amendment," to strengthen the existing bottle regulation (see Legislative Summary, page 1).

As a member of the House Natural Resources Committee, Lloyd was involved with major environmental achievements of the committee during the past session, including Flood Plain Zoning, Shoreland Zoning, and the Solid Waste Plan.

Regarding the Committee's failure to pass a State Land Use Plan this year, Lloyd feels that a well prepared land use plan could have passed. The biggest mistake with the defeated plan, Lloyd reasons, was trying to impose an impossible one year deadline for its preparation. Lloyd is optimistic that a land use plan can be adopted if developed gradually, with the maps prepared "from the bottom up."

Lloyd feels it is unrealistic for state laws dealing with environmental planning to mandate compliance. Having been involved with local planning in Weston himself, Lloyd thinks that relying on local responsibility and control while providing state guidelines may well be the best solution to environmental problems.

From his perspective, Lloyd identified a current "anti-environment" sentiment stemming from two sources: 1) a fear of energy-economy troubles bringing hard times to Vermont, and 2) an initial reaction against the increased bureaucracy resulting from laws such as Act 250. Lloyd is confident, however, that the public sentiment in Vermont continues to favor environmental objectives such as land use planning and solid waste recycling.

### PUBLICATIONS

"Lesser Known Parks," 92 lesser known and uncrowded National Park areas in 34 states. Free by writing to: Office of Information, National Park Service, Department of Interior, Washington, D. C., 20240.

"EPA Citizens Bulletin," EPA action decisions. Free by writing to: U. S. EPA, Washington, D. C., 20460.

CONSERVANCY MAKES LARGEST VERMONT ACQUISITION

The Nature Conservancy announced the purchase of 3,100 acres in the towns of Orange, Topsham and Groton from Chaloux Properties of Barre, Vermont. The Conservancy paid \$360,000 for the land.

The Chaloux property had substantial second home development potential in the southeast portion of the property. Acquisition of this large tract, which abuts Groton State Forest and the Spruce Mountain Land, which is under development pressure, will further insure the protection of the southern end of the Orange Mountain Range. Davis Cherington, Vermont Field Representative for the Conservancy, said that his organization will manage the land for the immediate future, but that eventual ownership by the Agency of Environmental Conservation is a possibility. Cherington said the area is ideally suited for non-intensive recreational uses such as hunting, fishing, hiking as well as long term timber management.

The Nature Conservancy is the only national, non-profit environmental organization which devotes its resources solely to the preservation of environmentally significant land. Projects of the organization and its Vermont Chapter during the last three years have resulted in the preservation of approximately 15,000 acres throughout Vermont.

GRASS-ROOTS SENTIMENT FOR ENVIRONMENTAL CONTROLS

A poll taken at March 5 Town Meetings by Senator William Doyle revealed strong grass-roots sentiment for protecting Vermont's environment. This is particularly interesting in light of the fact that the Legislature turned away from strong environmental controls this year. The Land Use Plan, in particular, was a victim of an anti-environmental mood.

Results of approximately 7,000 returns from 14 Vermont counties have been tabulated. Answers to questions pertaining to the environment have been converted to percentages and listed below:

1. Should highway funds be spent upon improving alternate forms of transportation?

----- 63 Yes 35 No 10 Undecided -----

2. Do you favor statewide land use regulations?

----- 52 Yes 36 No 12 Undecided -----

3. Should the bottle law be repealed?

----- 31 Yes 61 No 8 Undecided -----

4. Do you support the Vermont Capital Gains Tax on land sales?

----- 50 Yes 28 No 22 Undecided -----

5. Do you favor construction of additional nuclear plants in Vermont?

----- 44 Yes 41 No 26 Undecided -----

### AIKEN PLAYS KEY ROLE IN EASTERN WILDERNESS BILL

The Eastern Omnibus Wilderness Bill, S-316 (see December 1973 VER) continues to be studied by the Senate Agricultural Committee, of which Vermont's Senator George Aiken is the ranking Republican member, preparatory to being reported to the Senate. As presently written, the bill would designate 18 new wilderness areas in the eastern U. S. (east of the 100th meridian), including two in the Green Mountain National Forest, and 37 new study areas for wilderness consideration.

Aiken will play a key role in the deliberations of the Agriculture Committee which expects to put finishing touches on the bill at a meeting scheduled for April 24. Wilderness supporters are urging that the present bill be reported out of committee without weakening changes. Vermonters have an unusual opportunity to influence a vital piece of conservation legislation.

Meanwhile, the House Subcommittee on Public Lands has begun consideration of identical legislation in the form of H. R. 13455.

### NATIONAL LAND USE LEGISLATION SUFFERS IN CONGRESS

The National Land Use Planning Act of 1974, H. R. 10294, suffered a serious setback in February when the House Rules Committee voted to postpone indefinitely sending the bill to the House floor. Congressional supporters of the bill, however, hope to reverse the unexpected decision.

The bill, if passed, would provide grant money for up to eight years to Vermont and other eligible states which are implementing some form of land use planning process. To qualify, a state must regulate land uses of "more than local concern." The Act 250 process clearly meets the requirements of the bill, and the Federal funding would be a needed shot-in-the-arm for Vermont's planning process. While providing Federal guidelines, the bill would not create additional Federal authority over state and local planning.

The national land use policy act, first introduced by Senator Henry Jackson (D-Wash.) in 1971 and sponsored in the House by Representative Morris Udall (D-Ariz.), passed the Senate and the House Interior Committee by wide margins. Opponent Representative Sam Steiger and the U. S. Chamber of Commerce then undertook the successful campaign to stop the bill in the House Rules Committee.

Udall and other House supporters are hopeful that the Rules Committee, chaired by Representative Ray Madden (D-Ind.), will reconsider its action after further Interior Committee hearings are held later this month to provide an opportunity for opponents of the bill to be heard. It is hoped that proponents, including Governor Salmon, will appear also at these hearings so that the Committee and Congress will be aware that there is still strong popular support for the legislation.

### WILDLIFE WONDERLAND MERRY-GO-ROUND

In 1973, a group of businessmen headed by a veterinarian, James Kinsey, from Manchester, purchased 625 acres on Route 155 in the towns of Mt. Holly and Weston across the road from Green Mountain National Forest. The project was described to selectmen and planning commissions of the two towns as a roadside zoo and amusement park to be called "Wildlife Wonderland." The animals would be caged and would include American bison, llamas, camels, various African antelope, zebras, European fallow deer, various birds and possibly eventually lions, tigers, giraffes, and various primates. There would also be a miniature railroad and, eventually, a merry-go-round.

Only 65 acres would be intensely developed and all of that in Mt. Holly. Therefore, only an interim zoning permit from Mt. Holly would be required. This, after several heated town meetings, the developer received. The remaining 560 acres would include ski touring trails beside which food would be placed, despite strong objections from the Fish and Game Department, in hopes of attracting wintering native deer to the area. The Department is also concerned about possible escapes and potential disease transmission to native animals.

At the developer's request, Act 250 hearings before the Rutland District Environmental Commission were begun in August on criteria 9 & 10 dealing with land capability for development. The Commission found in the developer's favor, and in November criteria 9 & 10 were appealed to the State Environmental Board by the Agency of Environmental Conservation, the Weston Planning Commission and an adjacent land owner.

While criteria 9 & 10 were being appealed, the developer requested the District Commission to hear testimony on criteria 1-8. Despite an Attorney General's opinion that this was improper, the Commission agreed to the request. Meanwhile the Environmental Board decided that it would not issue a ruling of criteria 9 & 10 until it had heard testimony on criteria 1-8. District Commission hearings on criteria 1-8 were concluded late last month and a ruling is expected within 20 days.

### PUBLICATIONS

"Environment Media Guide," a directory of environmental books and films containing 40 pages. Send \$2.50 to: Environmental Information Center, Inc., Media Services Department, 124 East 39th Street, New York, NY, 10016.

"Miles Per Gallon," a list of test results on all 74 cars and light trucks tested by EPA. Free by writing to: Fuel Economy, Office of Public Affairs, U. S. Environmental Protection Agency, Washington, D. C., 20460.

Environmental Materials, a complete list of environmental and educational materials with over 100 illustrated pages. Send \$2.00 to Environmental and Educational materials, Dowling, MI, 49050.

INVITATION TO STATEWIDE WORKSHOP ON WATER POLLUTION CONTROL

A statewide conference on the Federal Water Pollution Control Act Amendments of 1972 and public participation in enforcement of this law in Vermont will be held on Saturday, June 1, in the Snowshed at Killington Ski Area. Sponsored by a coalition of Vermont organizations and coordinated by VNRC, the conference is open to the public. Invitations will be extended to members of Vermont conservation, civic, business and professional groups, except members of VNRC who are being invited through this VER announcement.

The conference has been planned as a working forum to deal with possible arrangements for ongoing citizen input in Vermont's water pollution control program. The workshop will cover: (a) opportunities and realities of the Federal Water Pollution Control Act, (b) Vermont's peculiar problems of water quality maintenance and how they are being handled, (c) what needs to be done, and (d) how citizens and citizen groups can participate in the administration of the program. Participants will include: Gordon Pyper, Commissioner of Water Resources for Vermont; Reginald LaRosa, Director of the Environmental Engineering Division of the Agency of Environmental Conservation; Richard Axelrod, Bennington Attorney; William Cowles, Lake Champlain Committee and Jeffery Miller, Director of the Enforcement Division of EPA, Region I.

The workshop will begin at 9:00 a.m. and conclude at 3:30 p.m. Lunch will be available at an approximate cost of \$2.50. All VNRC members are invited; RSVP requested by May 15. Please use the form below to register for the conference. Additional blanks are available from the VNRC.

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(Clip here and mail)

VERMONT WATER QUALITY WORKSHOP — Reply Form

Please Return to:

Vermont Clean Water Coalition  
c/o Vermont Natural Resources Council  
26 State Street  
Montpelier, VT 05602

- ( ) I will attend the conference on June 1 at Killington
- ( ) I (will, will not) purchase lunch.

\_\_\_\_\_  
Name (Please Print)

\_\_\_\_\_  
Address

\_\_\_\_\_  
Affiliation, if any

KNOX RESIGNS VNRC POSITION

Gordon (Toby) Knox has resigned his position as VNRC program associate to manage Congressman Richard Mallary's campaign for election to the U. S. Senate. Knox, who joined the Council in 1972, will continue his association with the VNRC as a member of its Finance Committee. In commenting on his resignation, Seward Weber, the Council's Executive Director, said that Knox's departure would be keenly felt because of the major contribution he had made to the Council's membership and fund raising programs. He added, however, "Every member of the Council who knows Toby and has worked with him, wishes him great success in the challenge that Congressman Mallary has set for him." Weber said further, "Judging from the impetus that Toby Knox has given to the work of the VNRC, I can predict a bright future for the Congressman."

Knox started with the Council as a part-time fund raiser and for a year spent the balance of his energy in similar work for the Massachusetts Wildlife Federation. In the spring of 1973 he began working full-time for the VNRC devoting himself, in addition to fund raising, to membership and other organizational aspects of the Council's programs.

REMINDERS

Energy Conference—"Atoms or Alternatives?" April 20 at Murdough Center, Dartmouth College, Hanover, New Hampshire. 9:00 a.m. to 4:00 p.m.

Mark your calendar now! VNRC Second Annual Vermont Conservation Banquet, October 19, 1974, Woodstock Inn.

**VERMONT NATURAL RESOURCES COUNCIL  
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