

VERMONT ENVIRONMENTAL REPORT

Published monthly by The Vermont Natural Resources Council, a non-profit citizens' conservation organization supported by membership dues and contributions. 26 State Street, Montpelier, Vermont 05602 (802), 223-2328 Chairman, Jonathan Brownell, Executive Director, Seward Weber, Editor, Arthur Williams

January, 1975, Number 35

VNRC ANNUAL MEETING RATED HIGHLY SUCCESSFUL

Almost 100 members of the Vermont Natural Resources Council attended its annual meeting December 7 at the Middlebury Inn. Afterwards many of them praised the meeting as interesting and informative. The morning was devoted to a review of 1974 activities, election of new directors, amending the bylaws and discussing priority activities for 1975.

1974 projects and activities included natural areas protection, townscape improvement projects in Windsor and Bellows Falls, land preservation and support of The Nature Conservancy, highway litigation -- Route 2 and Forest Highway #3 in Peru -- transferable development rights conference and water quality conference, the environmental leaflet series, the



FOUR NEWLY ELECTED DIRECTORS
MEET IN MIDDLEBURY

(l to r) Gregory Prince, Thetford; Amory Bradford, Manchester Center; A. John Holden, Jr., E. Montpelier and Peter Smith, Belmont.

Vermont Tree Farm program and testimony given by the VNRC on various environmental issues throughout the year (a summary of 1974 projects and activities is available upon request).

At-large directors elected include: Amory Bradford, Manchester; William Cowles, Shelburne; A. John Holden, Jr., East Montpelier; Peter Smith, Belmont; Marilyn Leimenstoll, Shelburne and Carl Reidel, Burlington. New members elected as representatives of member organizations were: Anne Baker, Charlotte, representing the Lake Champlain Committee; Gregory Prince, Thetford, representing the Vermont Institute of Natural Science and Allen Smith, Newfane, representing the Appalachian Mountain Club.

A number of bylaw amendments were adopted, the most important of which authorized the establishment of an executive committee to act in behalf of the board of directors between regular board meetings.

The discussion of 1975 priorities suggested that the members in attendance wanted the VNRC to spend time on environmental education and highway development.

The luncheon program was a question and answer session involving state officials who manage the state's environmental activities. They were: John Farmer, Commissioner of Economic Development; John Gray, Commissioner of Highways; Ed Kehoe, Commissioner of Fish and Game; Gordon Pyper, Commissioner of Water Resources; Arthur Ristau, Director of State Planning; Ben Scotch, Deputy Attorney General and James Wilkinson, Deputy Commissioner of Forests and Parks.

Questions were many and touched on a variety of topics including stream alterations following the 1973 flood, highway planning, the future of the wood products industry in Vermont, open space taxation and the regulation of exotic animal species in the state.

OPEN SPACE TAX COALITION FORMED

A Coalition of land owner and land user groups has organized to lobby in the 1975 General Assembly for some kind of open space tax relief. Making up the Coalition are the Vermont State Farm Bureau, the Vermont Association of Snow Travelers, the Vermont Timberland Owner's Association, the Vermont Tree Farm Committee, Vermont Tomorrow, the Vermont Maple Sugar Makers Association, the Vermont Federation of Sportsmen's Clubs and a number of interested individuals. A steering committee is coordinating the coalition's efforts and raising funds.

Gregory Belcher, Chairman of the Vermont Tree Farm Committee, in commenting about the Coalition's efforts said recently, "For more than a decade various groups have attempted to convince the General Assembly of the need for property tax reform as a way of encouraging productive use of the land. These efforts have been unsuccessful and we feel one of the reasons is because the reform effort has been fragmented. Our effort this year involves groups representing tens of thousands of Vermonters all of whom have a stake in maintaining open space in Vermont. This way we feel the Legislature may recognize that the preservation of open space through tax reform is desired by more than those owning property in Vermont."

The Open Space Tax Coalition is analyzing various tax bills which will be introduced during the 1975 General Assembly to determine which one, if any, should receive Coalition support. Some of these bills are referred to in the Legislative Log carried in another part of this newsletter.

LAWYERS' CONFERENCE DRAWS FULL HOUSE

Over one-quarter of all attorneys admitted to practice in Vermont convened in Montpelier on December 13 to attend a day-long environmental law conference put on by VNRC. The crowd, which included some consulting engineers and regional planners,

filled the Pavilion Auditorium to overflowing. Many people there thought that the conference was very successful, and urged VNRC to continue sponsoring such workshops.

The purpose of the conference was to acquaint attorneys with the laws affecting land development in Vermont. A study completed last year by the VNRC indicated that few attorneys had much experience with or knowledge of Act 250 or with the State's other environmental laws.

The sixteen conference panelists including attorneys, Environmental District Commission members and Coordinators, regional planners, state officials, and a developer, all had extensive experience working with Act 250. They stressed the practical techniques of procedure and advocacy which should be used under these laws.

The conference was made possible through a grant from the Conservation Law Foundation of New England, and was cosponsored by the State Planning Office and Vermont Bar Association. Anyone who would like more information about the Foundation may contact the VNRC office.

A manual summarizing each of Vermont's major environmental statutes and regulations was prepared for the conference. VNRC plans to make the manual available to others, and to keep it up-to-date. The cost of the manual and up-dating service will be announced in the February VER. Any member wishing to obtain a copy may order it then.

BICYCLE PAMPHLET AVAILABLE

"Bicycle and Pedestrian Facilities in the Federal-aid Highway Program," is a guide to those organizations interested in encouraging the development of bicycle and pedestrian pathways along Federal-aid highway routes.

Copies of this pamphlet may be purchased for 45 cents each from the Superintendent of Documents, U. S. Government Printing Office, Washington, D. C., 20402. Refer to stock number: 5001-0082.

COURT RULES ON HIGHWAY CASES

On December 11, the U. S. Court of Appeals for the Second Circuit ruled that the Federal Highway Administration must prepare an environmental impact statement for the entire Route 7 project. This \$2 billion expressway is proposed to run from Norwalk, Connecticut, to Burlington, Vermont.

The suit was brought by the Conservation Society of Southern Vermont and other environmentalists against a section of the proposed new Route 7 in the Bennington area. They charged that the FHA was trying to avoid considering the environmental impact of the entire project by building the highway bit by bit. Now the 20-mile stretch between Bennington and Manchester cannot proceed until an impact statement has been prepared for the entire 280 miles of road.

At the same time the Appeals Court also ruled against the Vermont Natural Resources Council in its suit involving the Sleepers River interchange on I-91 in St. Johnsbury. This litigation involved many of the same legal issues as the Route 7 case. The Court found that there was a violation of the National Environmental Policy Act (NEPA), but declined to halt construction since much of the project had already been completed.

L.C.C. SPONSORS EUTROPHICATION LEAFLET

The latest of VNRC's environmental issues leaflets has just been printed. It is entitled "Eutrophication: The Aging of a Lake." Because of the widespread public interest in this subject, we are including a copy with this issue of the VER.

Our members should note that publication of this leaflet was sponsored by the Lake Champlain Committee. The Council would like to express its thanks to the Lake Champlain Committee for this support. If other VNRC members would like to sponsor a leaflet, the cost of writing, printing and distributing 3,000 leaflets is approximately \$300.00.

Additional copies of the Eutrophication leaflet, as well as "Scenic Road Preservation" and "The Importance of Wetlands," are available upon request.

HIGHLIGHTS

Montpelier - Applications for state development permits have dropped considerably during the past year indicating a significant decrease in development, both large and small. State officials administering Act 250 reported in December that both the number of new development applications and the size of the projects have fallen off. Figures for October 1973 to October 1974 showed 375 development applications were made to district commissions around the state. In the preceding October 1972-73 period, there were more than 500 applications. The tight economy has put a pinch on the vacation-recreation construction industry which was flourishing several years ago. Environmental Agency spokesmen state categorically that the drop in construction and development is related to the economy and has nothing to do with Act 250.

Waitsfield - Leonard Wilson, VNRC board member has resigned from the State Environmental Board to direct a national study of state planning.

Townshend - A group dedicated to "preserving the quality of life in Vermont" may recommend to the Legislature that a state land use plan be enacted to protect eight different aspects of the environment. The new group, Citizens for a Better Vermont was formed recently in the Wilmington area, partly in response to other southeastern Vermont groups that have vowed to weaken or eliminate Act 250.

Chester - Chester selectmen voted to rescind their approval of a State Highway Department bypass around the village. The action came when a number of people showed up at the board meeting and urged the selectmen to withdraw that support for the proposed bypass which was defeated in a town referendum.

1975 LEGISLATIVE LOG

Environmentally related legislation introduced to date.

<u>BILL</u> <u>NUMBER</u>	<u>PURPOSE</u>	<u>SPONSOR</u>
<u>SENATE</u>		
S-1	To allow the Commissioner of Forests and Parks to sell or exchange land under his jurisdiction with approval of the joint fiscal committee when the Legislature is not in session.	Gibb
S-2	To provide for the taxation of land for agricultural use only. (Same bill failed to pass 1973 Legislature.)	Gibb
S-3	To allow municipalities to condemn property for bicycle routes using same procedure as highway condemnation.	Gibb
S-23	To provide that municipal zoning regulations may not distinguish between conventional homes and mobile homes. (Failed to pass 1973 Legislature.)	Ogden
S-29	To encourage experimentation with development of alternative sources of energy by providing a town, if it so votes, to exempt real and personal property used for the production, but not sale, of energy from property taxes.	Doyle
<u>HOUSE</u>		
H-3	To exempt directional signs for state owned historic properties from regulation.	Conlin
H-4	To prohibit sale of metal containers with detachable tops and prohibit the use of plastic rings as means of packaging beverage containers for sale.	Baker
H-7	To allow a town to require a referendum approval of certain proposed land developments.	Lawrence
H-22	To merge highway fund into general fund. (Introduced in last session, failed to pass.)	Caracciola
H-23	To provide access to landlocked property when condemning property for highway use.	Caracciola
H-24	To provide facilities for adequate maintenance when condemning property for highway use.	Caracciola
H-26	To allow auction sales of private lands and repeal 10 VSA 6001(a).	Vance
H-27	To require that zoning regulations contain provisions relating to a structure's distance from the highway right-of-way, and off-highway parking and service areas (no structures permitted within 100 feet of center line of a state highway).	Graf

Legislation continued

<u>NUMBER</u>	<u>PURPOSE</u>	<u>SPONSOR</u>
H-28	To limit landowners rights on property taken by highway condemnation.	Graf
H-31	To allow persons 65 or older to take game from vehicle not on a public highway.	Lawrence
H-35	To require the Department of Water Resources to survey all lakes and ponds in order to determine level of eutrophication.	Morse
H-37	To provide that lands devoted to farming be specifically classified as such and taxed according to their productive use as operating farms. (Towns would be reimbursed for tax loss from special capital gain tax fund from deferred taxes.) Previously submitted.	Carse
H-69	To provide for appointment of energy conservation officers and to adopt regulations on insulation of buildings and prohibit sale of fuel to owners of buildings which do not comply with regulations.	Powell
H-75	To exempt water systems serving less than 200 households, the water from which is not used for human consumption, from the Department of Health regulations.	Daniel and King
H-77	To provide that all nonagricultural uses of pesticides be subject to approval of the Commissioner of Health.	Stone
H-79	To provide for a purchase and use tax on motor vehicles based on fuel consumption rate of motor vehicle.	Powell
No #	To set a maximum appraisal value for conservation land, farm land, forest land and homestead open land of 20% of fair market value in the town grand list and in the equalized grand list.	Hoyt
H-89	To exempt from property transfer tax transfers of land to conservation organizations to preserve open space; and to exempt from the land gains tax transfers to the State of Vermont by charitable organizations.	Hoyt
H-96	To provide for the planning and designation of bicycle routes.	Christowe and Webb

For additional information on Legislation, write or call
Vermont Natural Resources Council, 26 State Street, Montpelier,
223-2328.

The VNRC needs a volunteer for approximately 20 hours during January and early February to reorganize its library files. Pleasant working conditions, appreciative staff. Anyone interested please call Seward Weber, 223-2328.

CRUCIAL YEAR FOR STATE'S SKI INDUSTRY

The January 74, Vermont Environmental Report featured an article on the state's ski industry in the middle of a gas crisis and in the aftermath of a disastrous Christmas-New Year's holiday. The article focused on the problems facing the industry and whether or not it could survive another bad year.

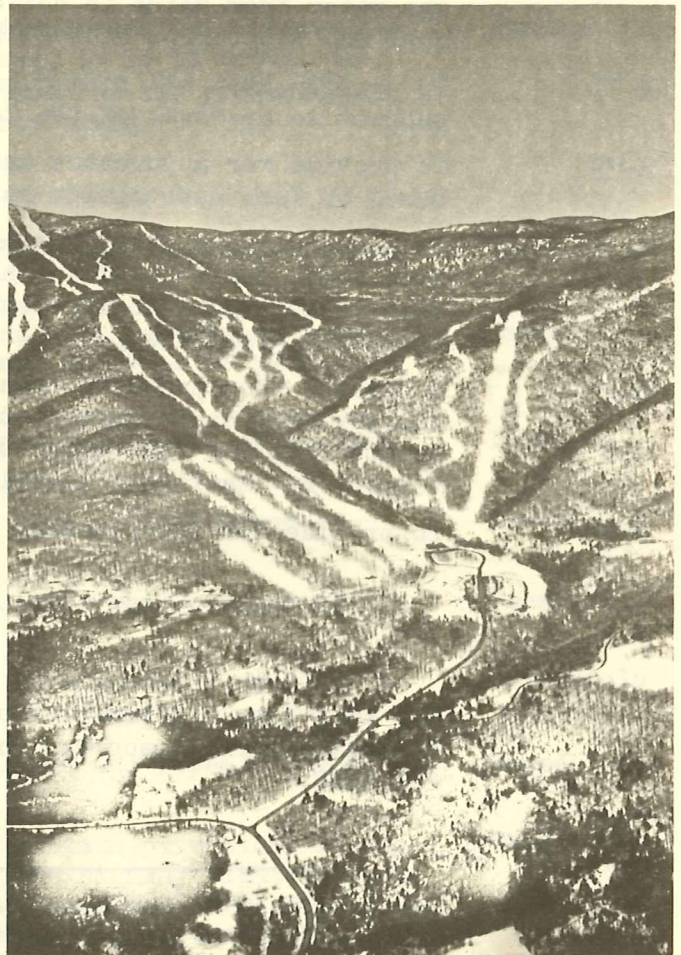
Last year's poor season is now old news, but surprisingly enough all of Vermont's major ski areas are open with a good Christmas-New Year's week under their belts thanks to the snow that fell Christmas morning -- a most welcome present to area operators.

Although all areas are open, two disastrous seasons have taken their toll; Glen Ellen of Fayston declared bankruptcy last summer and is now operating for the winter under a special arrangement with its former owner, Walton Elliott; Mt. Snow in Dover is in critical financial shape as is Mt. Ascutney in Windsor. Magic Mountain in South Londonderry and Haystack in East Dover have experienced serious environmental problems because of inadequate waste treatment facilities and have been forbidden by the state to sell land until the conditions are rectified -- Haystack is also facing foreclosure from actions of a Florida based mortgage investment concern. The list goes on with varying degrees of financial precariousness.

This year even with good snow, there is the recession and the possibility of proposals that may discourage automobile travel. Although the industry confronts serious problems, Joe Parkinson, Executive Director of the Vermont Ski Areas Association, states that the ski industry does not need a sensational year to survive; the areas just need a normal season to put them back on their feet. On the plus side for Vermont, Parkinson notes that the once attractive European ski trip has lost much of its appeal due to sharply rising prices on the Continent. Also, existing areas should benefit from the fact that no new areas have been built in the last few years.

Parkinson said that all areas now have more flexible programs than in the past with ski packages better arranged to allow maximum convenience. And he noted that should there be another gas crisis, many areas have coordinated mass transit programs utilizing airlines and bus service to insure portal to portal transportation.

A healthy ski industry compatible with Vermont's environment is vital to the state's economy. The industry working with state and local governments has been able to overcome a number of serious environmental problems, most of them related to rapid expansion in the late sixties and early seventies, but a good, or as Parkinson says, just a normal ski season is necessary to the welfare of the state's winter recreation business.



GLEN ELLEN SKI AREA

ENVIRONMENTALISTS SUCCESSFUL IN ELECTIONS

Despite predictions of a backlash against the environmental movement at the polls, candidates favoring protection of the environment fared surprisingly well in November elections, both in Vermont and nationally. Ever since the on-set of the Arab oil embargo 15 months ago, environmental laws have been blamed as a major contributor to the energy crisis and the economic recession.

Prodevelopment groups like the Green Mountain Boys seemed to have gained strength in Vermont. It was widely believed that a strong stand in favor of environmental protection would be a political liability in the November election.

Quite the opposite occurred. In Vermont there were about a dozen legislative races which were generally regarded as pitting pro-environmental against pro-development candidates. In all but one of those races, the "environmentalist" won.

The notable exception was the defeat of Arthur Jones, former chairman of the Senate Natural Resources Committee, by Melvin Mandigo of Glover. However, in an upset victory, the chairman of the House Natural Resources Committee Royal Cutts retained his seat running as an independent, after losing to the Green Mountain Boys candidate Bruce White in the Republican primary. Representative

Sam Lloyd, another target of the pro-development group, also won reelection by a substantial margin.

On the national level, eight members of Congress who were on the so-called "Dirty Dozen" list were defeated. A ninth member of that list, Sam Steiger of Arizona, won a narrow victory. The "Dirty Dozen" list was compiled by the Washington lobbying organization, Environmental Action, and included the names of those members of Congress who possessed strong anti-environmental voting records.

VNRC UNDERTAKES OPEN SPACE PROGRAM

The Council has received a grant from the Conservation Law Foundation of New England to help develop an open space preservation program for the Town of Hartland, Vermont.

A team of planners, computer operators and attorneys has been assembled for this project. VNRC's Chairman Jonathan Brownell and Assistant Director Darby Bradley will be doing the legal work. The alternative approaches to open space preservation developed will be made available to other Vermont towns as models.

ANNUAL MEETING MINUTES AVAILABLE

Copies of the annual meeting minutes, the new bylaws and the 1974 activity list are available upon request.

VNRC MEMBERSHIP FORM

Enclosed are my dues for \$_____ for 1975
VNRC membership. () New; () Renewal

Enclosed is my additional contribution of
\$_____ to support VNRC program.

Student	\$ 5.00	Non-profit Org.	\$15.00
Individual	7.50	Associate	25.00
Family	10.00	Business	50.00

Name: _____

Address: _____

ZIP _____

The following persons would be
interested in learning of the
Council's activities.
(Please print)

1. Name: _____

Address: _____

2. Name: _____

Address: _____

____ You may mention my name: _____

WILDLIFE WONDERLAND CHALLENGES ACT 250

In the Nov./Dec. issue of the VERMONT ENVIRONMENTAL REPORT, we reported that the Environmental Board denied a permit for construction of the Wildlife Wonderland project in Mt. Holly and Weston, and that the developer had appealed to the Vermont Supreme Court.

Since then we have obtained a copy of the Notice of Appeal. It appears from this Notice that the developer is not only seeking reversal of the Environmental Board's decision, but is challenging the constitutionality of Act 250 itself.

Because Act 250 is Vermont's basic environmental law and because a judicial overturning of that statute could pose a severe threat to Vermont, VNRC considers the Wildlife Wonderland case extremely important, and it will, therefore, petition the Supreme Court for permission to file a brief as amicus curiae in support of Act 250's constitutionality.

We will keep VNRC's members posted on developments in this case in future issues of the VER.

VERMONT WILDERNESS AREA DESIGNATED

The 93 Congress acting in the closing days of the session rushed to passage the Eastern Wilderness Act (S-3433) which included the establishment of two wilderness areas in the Green Mountain National Forest -- Lye Brook and Bristol Cliffs.

These areas, located in Bennington and Addison Counties respectively, are 14,300 acres and 6,500 acres in size. They are among 16 such areas designated in the Act. One New Hampshire area, "Presidential Range - Dry River" (20,380 acres) was also included.

The enactment of this bill establishes the concept of eastern wilderness -- public lands with wilderness character but not necessarily untouched by man and therefore pristine pure -- as valid and desirable even though not in conformance with the definition contained in the Wilderness Act of 1964.

NEED HELP?

If your conservation organization is short of help it may be worth your while to check with the Office of Manpower Services, 52 State Street, Montpelier, (828-3355), to see whether you are eligible for subsidized employees under provisions of the Comprehensive Employment and Training Act.

If you are eligible, CETA can pay the salary of secretarial or executive help up to one year. Priority for subsidized employment will be given to prospective employers who can make a definite commitment to hire after one year, or give some assurance that the person will be hired if economic conditions warrant it.

VERMONT NATURAL RESOURCES COUNCIL
26 STATE STREET
MONTPELIER, VT. 05602

Non-Profit Org.
U. S. Postage
PAID
Montpelier, Vt.
Permit No. 285

IN THIS ISSUE - Jan. '75, No. 35

- ANNUAL MEETING
- LAW CONFERENCE SUCCESSFUL
- HIGHWAY CASES
- LEGISLATIVE LOG

Green Mountain Chapter Society
of American Foresters
c/o William P. Hall, Sec/Treas
Box 121
Essex Jct., Vt. 05452

Address Correction
Requested