

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

April, 1975, Number 38

VNRC PROPOSES NATURAL AREAS STUDY

VNRC's Executive Director, Seward Weber, and Environmental Agency's Planning Director, Edward Koenemann, are developing a six-month project that would continue the Council's active role in the protection of natural areas throughout Vermont. The proposed project will be a collaborative effort between VNRC and the Agency of Environmental Conservation.

In 1973, VNRC directed a Natural Areas Inventory. Working with the support of the New England Regional Commission and the U. S. Army Corps of Engineers, the Council identified and catalogued approximately 1000 natural areas in the state. Now this information needs to be analyzed further as a way of providing protection to selected sites and to larger natural systems.

The natural areas project is estimated to cost \$19,000. State and federal funds would support three-fourths of the cost. The Environmental Agency hopes to include this project as part of its annual Bureau of Outdoor Recreation (BOR) planning grant. VNRC will seek the balance of needed funds from individuals and foundations between now and June 15th, when the project is scheduled to begin.

In describing the project, Weber outlined the following objectives: 1) to determine acquisition priorities for known natural areas; 2) to create a state registry of natural areas; 3) to formulate management guidelines for natural areas on publicly-owned lands; 4) to advise the state Environmental Board and the Environmental District Commissions on natural areas in the context of Act 250 implementation; 5) to advise state agencies on how their programs relate to natural areas, and 6) to advise municipalities on how natural

area protection can be incorporated into local planning and zoning.

VER readers interested in this project are invited to get in touch with Seward Weber.

PASSAGE OF H. 127 SCORES "NUCLEAR FIRST" FOR VERMONT

A bill that requires legislative approval for further nuclear plant construction in Vermont has cleared both houses of the General Assembly by decisive majorities and has been signed by Governor Salmon. Vermont thus becomes the first state in the nation to place a decision on future nuclear plant construction in the hands of its state legislature.

Last year a similar bill went down to defeat. This year was different. The general public was aware of the issue. During last fall's political campaigns legislators got a taste of the public sentiment. When the legislature gathered in January, there were many new faces. Over in the Senate a new Energy Committee had been formed. When H. 127 won approval in the House, the Senate Energy Committee was able to give it prompt attention.

Larry Keyes, a spokesman for Vermont Yankee, summed up the importance of this bill to the power industry when he said: "The real significance of this bill is not what it does in Vermont, but what it could mean nationally." The national repercussions could be enormous. Nine state legislatures are considering comparable action. In California, a petition drive has gathered 430,000 signatures to put a nuclear moratorium measure before voters next fall. Scott Skinner of VPIRG sees passage of this bill giving the legislature authority to review nuclear plant construction as a "mighty step forward" inasmuch as Vermont is a rural conservative state.

VNRC is the Vermont affiliate of the National Wildlife Federation.

INTERVIEW: TONY SCOVILLE ON VERMONT
SELF-SUFFICIENCY

Anthony Scoville is a familiar figure to VNRC members. He worked with Arthur Ristau in 1972 at the Environmental Planning Information Center (EPIC). He believes in the value of polling and polling results and he directed the National Science Foundation Citizen Participation Project for VNRC at a time when assessing citizen response to Act 250 and subsequent land-use proposals was important.

Last fall he worked on the reelection campaign of former Attorney General, Kimberly Cheney. The campaign took him across the state. His conversations with people convinced him that the public was becoming responsive to a need for greater self-sufficiency. After the campaign, Scoville talked to Environmental Secretary Martin Johnson. Johnson confirmed what Scoville suspected: people in state government are just too busy confronting day-to-day problems to get a long-range view of things.

On March 1st Tony Scoville started work at the Agency of Environmental Conservation. He occupies a ten-foot square office on the fourth floor of the Agency. He is being employed under a Comprehensive Employment and Training Act (CETA) program grant and is acting as a kind of special assistant to Martin Johnson.

Scoville is working on a big problem. He sees our current economic problems as part of a long-term decline. "Vermont has got to become more self-sufficient," he asserts. This will mean diversifying our agriculture, exploring alternative sources of energy and moving away from our dependence on the tourist industry.

Scoville's immediate objective is to develop a grant proposal. He is looking at our future needs. He is not interested in money to write another long report that gets put on a shelf somewhere and forgotten. He sees the need to develop demonstration projects. Several ideas occur to him immediately: a serious study of our forest resources and the amount of fuelwood that can be successfully harvested

on an annual basis; the development of local agricultural produce and a local marketing system; the need to investigate solar energy; and what he calls "a structural map" of the state's economy.

He is looking for a substantial piece of money and hopes that some of it may come from the foundations; other money may come from federal agencies.

Will his efforts duplicate the function of existing governmental bodies like the Department of Agriculture, the Department of Development and Community Affairs, or the Public Service Board? Scoville doesn't think so. He doesn't see traditional governmental institutions as being involved in long-term planning. They are too mired down in current problems. Nor does he see his own work as necessarily being tied to the Agency of Environmental Conservation. It is just a place to begin.

One of the chief features of his planning proposal will be public education. "We are talking about a major change in the way people lead their lives," Scoville explains. "I wouldn't be surprised if public education didn't take up one-third of the money." He would like to find ways of reaching people with new ideas, perhaps a quarterly newsletter that goes out to all the people of this state.

What about the conventional press? Doesn't it meet this need? "No," he replies. "The conventional press is dedicated to catching a story as it breaks." Presumably the conventional press is less interested in exploring long-range issues.

Scoville was emphatic about the need for public participation. "We have got to find out what people think." He is looking for ideas to work into his planning proposal. What he senses in government is a lack of direction. "There are real problems in dumping 30 billion dollars into the oil-producing countries every year." Our alternative is to adapt. He sees the need to break away from a system that has made "size" an end in itself. He sees the possibility of a society emerging in Vermont that is more labor intensive and that embraces intermediate technology. He

VERMONT SELF-SUFFICIENCY (cont.)

admits to having been influenced by Schumacher's book Small is Beautiful. When energy was cheap it was easy to imagine that a machine could do every job and should. Now we are going to have to ask ourselves, "What jobs can best be done by machines, and what jobs can best be done by people?"

Scoville has cut out a big piece of work for himself. He will be putting together a formal proposal by the beginning of July. He is looking for help from university people, from various governmental departments and private citizens. The idea of self-sufficiency does not make him gloomy about the future. The world has fixed resources. We have to recognize that. A self-sufficient economy will be more adaptable and human life will become more satisfying.

IS THE BALD EAGLE NESTING AGAIN IN VERMONT?

James Stewart of Fish and Game has been coordinating an inventory of the bald eagle in Vermont since 1960 as part of a National Audubon project. The bald eagle used to nest here. Then came the indiscriminate use of pesticides such as DDT. Birds of prey are at the top of the food chain. They accumulate toxic chemicals at dangerous levels. The effect of such chemicals in the bald eagle led to a weakening of the shells of eggs in the nest. Bald eagle populations declined.

There have been no reports of eagles nesting in Vermont since recording began in 1960. The use of pesticides has dropped off recently. Is the national bird nesting here again? The bald eagle is a fish-eating bird and there are what Stewart calls "active eagle areas" over Lake Champlain and along the tributaries of the Connecticut River.

The immature bald eagle is brown with some white markings. The mature bird is easy to spot with a white head and tail. Bird watchers can help. Make a careful note of the following items in recording your observations: (1) How many birds? (2) Mature or immature? (3) What town?

(4) Date of observation? (5) What was the bird doing: flying, perching, or on the ground? Please report observations to James Stewart, Fish and Game Department, Agency of Environmental Conservation, Montpelier, Vermont, 05602.

GREEN MOUNTAIN CLUB RANGER PROGRAM EXPANDED

Vermont Forests and Parks Director, Rodney Barber, has announced a new agreement with the Green Mountain Club (GMC) to provide a comprehensive summer ranger service on Camel's Hump and Mt. Mansfield. Under this agreement, the GMC will receive \$4,500 to be contributed in equal thirds by the University of Vermont, the Mt. Mansfield Corporation and the Agency of Environmental Conservation.

Last year thousands of hikers climbed to the summit of Camel's Hump. GMC rangers were there to meet them, assist them and offer advice. One clear aim of the ranger program is to protect the fragile arctic-alpine vegetation on the summit. Officials at Forest and Parks fear that this vegetation could be destroyed by the sheer impact of human numbers.

This coming summer the GMC will take over ranger responsibilities on Mt. Mansfield; this has formerly been a function of Forests & Parks personnel. Rangers will take up their duties as soon as weather permits, but no later than June 1st.

FACT SHEET ON THE FISHER AVAILABLE

VRNC members can write for a four-page, illustrated fact sheet on the FISHER, a native fur-bearing animal. The fisher is an animal in the weasel family and one of the few natural predators of the porcupine in Vermont. The Fish and Game publication describes the fisher, its natural habitat, its decline in numbers, its recent reintroduction and current management practices. Single copies of FISHER: A NATIVE FUR-BEARER IN VERMONT can be obtained by sending a legal-size, stamped self-addressed envelope to the Vermont Fish and Game Department, Agency of Environmental Conservation, Montpelier, Vermont, 05602.

LEGISLATIVE LOG

(Continued from last month's VER)

The following bills with major environmental impact and joint resolutions have been introduced during March and, in some cases (marked by an *), bills we inadvertently failed to report in earlier VER's.

<u>No. and Sponsor</u>	<u>Purpose</u>	<u>Committee</u>
*S. 124 Hewitt	To provide for denial of a land use permit when the new project will result in unreasonable noise.	Senate Natural Resources
*H. 163 Graf	To provide for designation of highways as "scenic roads."	House Transportation
*H. 228 Lloyd	To provide for standardization of containers and use of refillable containers.	House Natural Resources
H. 374 Ashe	To provide for state control of non-ionizing as well as ionizing radiation.	House Health & Welfare
H. 383	The House Natural Resources Committee version of a land use plan.	House Natural Resources
H. 402	To provide uniformity in property taxation.	House Ways & Means
H. 407	To establish a department of energy planning.	House Govern. Operations
H. 414	To enact a ten year transportation plan	House Transportation
H. 415 Allen	To provide for reconstruction of parts of Route 7 and Route 2.	Not yet referred
* JRH. 8 Rosenstreich	To adopt transportation policies recommended by the Transportation Advisory Board as state policy.	
JRH. 16 Christowe	To establish a joint legislative committee to study energy conservation.	
JRH. 10 Chaloux	To provide for improvement and repair of existing Route 2 between Montpelier and St. Johnsbury.	
JRH. 17 Doyle	To establish a commission to study independent, reliable and safe energy sources.	

PROGRESS OF ENVIRONMENTALLY-IMPORTANT BILLS

Bill No. (See Leg. Log in pre- vious VER's)	In Comm. as re- ported in the Leg. Log	In Comm. other than that reported in Leg. Log	Amend- ment pro- posed	House Action	Senate Action	With- drawn	In Con- ference Comm.	Signed by Gov.
H. 22			X	-				
H. 72						X		
H. 79						X		
H. 89		SJ	X	+				
H. 96	X		X					
H. 127				+	+			X
H. 134		HA	X					
H. 139			X	+				
H. 163			X					
H. 228		HW&M	X					
H. 276			X	+				
H. 383	X		X					
H. 402		HA						
S. 66		HNR	X		+			
S. 74		SGO						
All other bills listed in Leg. Log	X							

SJ - Senate Judiciary HA - House Appropriations HW&M - House Ways and Means
HNR - House Natural Resources SGO - Senate Government Operations

SALMON DRAWS ATTENTION TO FOOD PROBLEMS

On March 19th the Governor delivered a speech in Rutland calling for the creation of an Emergency Commission on Food. The Commission whose members are yet to be named will consider the high cost of food in Vermont and ways to reassert the importance of local food production.

On March 24th Governor Salmon signed a proclamation calling for a "Vermont Food Day" observance on April 17th. In his proclamation Governor Salmon drew attention to the following problems that call for citizen response: (1) record food prices; (2) the malnutrition of older Vermonters

and Vermonters on fixed incomes; (3) Vermont's dependence on out-of-state food supplies for 90% of the food that people consume; (4) serious health problems resulting from poor diets; (5) the decline of the small, independent Vermont family farm; (6) the economic concentration of wealth in the food marketing system; and (7) the high demands for American food on the world market, population growth, hunger and famine overseas.

VNRC TAX STATUS UNCHANGED

No further word has been received from the IRS; contributions continue to be tax deductible.

ROUTE 2, ROUTE 7 CASES MOVE TO CONGRESS,
SUPREME COURT

Two major developments have taken place in the Route 2 and 7 cases. Last fall, as a result of lawsuits filed by VNRC and the Conservation Society of Southern Vermont, the Second Circuit Court of Appeals decided that environmental impact statements had to be prepared by the Federal Highway Administration rather than by the respective state highway departments. Moreover, the circuit court ruled that these statements had to apply to the entire highway project, and not merely that section proposed for immediate construction. In the Route 7 case, this means that the Bennington Belt-line cannot be built until an impact statement is prepared for the entire Route 7 corridor, from Connecticut north to Burlington.

The Federal Highway Administration is appealing the lower court ruling to the United States Supreme Court. The federal highway body contends that it does not have the necessary personnel to prepare impact statements for every highway project throughout the country. It has to delegate this authority. A number of circuit courts have allowed such delegation.

The U. S. Supreme Court has not yet indicated that it will agree to hear the appeal. In the meantime, legislation has been introduced in Congress that would effectively overturn the Second Circuit Court decision. The surface transportation subcommittee of the House Public Works Committee held hearings last month. It is expected that a bill allowing delegation of environmental impact statements will be reported out of committee in the near future.

Passage of this bill in the House of Representatives appears likely although a stiffer fight is expected in the Senate. Sen. Robert Stafford (R. Vt.) who is chairman of the Senate Public Works subcommittee on highways, will cast a key vote on this issue.

VNRC members will be kept informed of further developments as they occur.

VNRC, SIERRA CLUB TO PROTECT ACT 250

VNRC and the Sierra Club have undertaken a joint effort to protect Act 250 from constitutional challenge in the Wildlife Wonderland case. The two environmental organizations will file a brief, together with a motion for standing as amicus curiae (friend of the court) in the Vermont State Supreme Court later this month.

Wildlife Wonderland is an exotic animal farm proposed for the Mt. Holly/Weston area. The developer was denied an Act 250 permit by the State Environmental Board. The Board ruled that there was a reasonable probability that the development would result in undue air and water pollution, would cause unreasonable soil erosion, highway congestion, and have an undue adverse impact on the natural and scenic beauty of the area.

Wildlife Wonderland has appealed this decision to the Vermont Supreme Court. In its brief, filed last month, Wildlife Wonderland has argued that Act 250, particularly the criterion relating to scenic beauty, constitutes a taking of private property without compensation. VNRC and the Sierra Club will argue that the protection of aesthetic values is a reasonable use of governmental "police powers."

VNRC and the Sierra Club are sharing the costs of this legal effort to defend Act 250. This is the first time that the state's major environmental law has faced constitutional challenge. We are asking members who care strongly about defending Act 250 to make a contribution, in any amount, to the cost of this effort.

"LAST-STAND FARMER" TO BE RELEASED

Richard Brick, a Chelsea, Vermont filmmaker, is completing a 28-minute film that describes the life, work and hard times of a Central Vermont hill farmer. Brick's film is entitled, "Last-Stand Farmer." It will be released no later than April 15th and will be available to the public for showing without charge through the Film Department of the Department of Libraries. (continued on next page)

"LAST STAND FARMER" (cont.)

Production costs for the film were supported by a grant from the Vermont Council on the Arts and a \$20,000 grant from the Vermont Council on the Humanities and Public Issues. For further information on "Last-Stand Farmer" write the Vermont Council on the Humanities and Public Issues, Hyde Park, Vermont, 05655, or get in touch with the Film Department of the Department of Libraries, Montpelier, 05602.

INTERNATIONAL JOINT COMMISSION RULES ON LAKE CHAMPLAIN

Should water levels in Lake Champlain be regulated? There is divided opinion on the subject. Most Canadian, particularly Canadian farmers, favor the idea; some Americans do not. Americans fear that a lowering of water levels could damage marshlands that surround the lake. These wetlands are invaluable for fish production and as a wildlife habitat.

Because the water-level controversy involves Canadian and American waters, the International Joint Commission (IJC) was asked to arbitrate. Last month, after two years of study, IJC released its report. It indicates that one promising alternative is the construction of a flood control dam on the Richelieu River at St. Jean, Quebec. This dam could be operated in such a way that controls would only be activated during periods of high water.

In what has been interpreted as a ruling favorable to American concerns for wetland preservation, the IJC will require extensive studies to assess the environmental impact of the proposed flood control project. The IJC wants to know what will happen to wetlands if water levels are lowered during the spring run-off.

The IJC decision was welcomed by environmentalists and government officials in Vermont and New York who opposed a flood control project without an environmental impact study. Now attention has turned to an omission in the IJC report. The report made no mention of a need to institute floodplain management along the Richelieu River should the dam be built. VNRC and the Lake Champlain Committee have urged that floodplain management be an integral part of any flood control project in order to prevent further encroachment by residential and commercial uses which inevitably occur when people perceive the floodplain has been made safe from further flooding.

The Canadian government is expected to file an application with the IJC to construct the St. Jean dam while the environmental studies are underway. Public hearings on any application will probably not take place for at least six months.

Three of every four acres of Vermont land are forested. The most heavily-forested of Vermont's fourteen counties is Essex, 93%; the least are Addison and Chittenden, at 57%.

VNRC MEMBERSHIP FORM

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

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

Name: _____

Address: _____

_____ ZIP _____

— Please accept my additional contribution of \$ _____ for VNRC projects.

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

Name: _____

Address: _____

_____ ZIP _____

Name: _____

Address: _____

_____ ZIP _____

You may use my name: () Yes () No

PROTECTION FOR SMALL STREAMS?

Small streams have a special ecological function: they provide a breeding habitat for trout, land locked salmon and smelt; they provide a refuge for fish during the hot summer months. Nationally, there is increasing concern about the effects of stream disturbance caused by such activities as dredging, channelization, relocation, streambank stabilization and highway construction. Here in Vermont these concerns became evident after the devastating floods of July, 1973 and the subsequent repair operations.

Under existing legislation there is a permit procedure in effect that applies to proposed stream alterations. This legislation only affects larger streams, streams with a drainage area of 10 square miles or greater. This permit procedure has tended to control rather than deny the issuance of permits. Now the Agency of Environmental Conservation is calling for a re-examination of existing statutes that affect stream alteration.

In the first place, Agency officials would like to close a loophole that allows landowners to maintain their streambanks according to their own vision of what is proper. Agency personnel want to see permits required for all streambank alterations, since many people may not be aware of some of the indirect effects of what they propose to do.

Secondly, the Agency is concerned about the limits placed on its role in challenging stream disturbances. As the law reads presently, only an aggrieved downstream party can obtain an injunction to halt stream disturbances until the potential effects have been assessed. Some Agency people feel that the state should have the power of "injunctive relief" since it has a general responsibility for water resources.

The third issue is the most controversial. Under existing legislation only relatively large streams are protected by the permit procedure. Some Fish and Game people are challenging this idea. They want even the smallest streams to be protected by a permit procedure. Comparable laws to protect streams of all sizes are on the books in Maine, New Hampshire and New York.

There are some objections to the idea of amending Vermont's stream protection laws. Some people fear the growing power of the state and that the permit procedures may be abused.

Other objections come from the Agency itself. Money is tight. Water Resources personnel have a full work load and borrowing additional help would be difficult without additional money.

A bill (S.66) has been introduced that addresses some of these problems. This bill has been passed by the Senate and is now in the House Natural Resources Committee.

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

IN THIS ISSUE - April, '75, No. 38

- VT SELF-SUFFICIENCY: INTERVIEW WITH A. SCOVILLE
- LEGISLATIVE ACTION, "NUCLEAR FIRST"
- VNRC PROPOSES STUDY OF NATURAL AREAS

REMEMBER: RENEW YOUR VNRC MEMBERSHIP

fit Org.
ostage
ID
lier, Vt.
No. 285

Address Correction
Requested