

# Vermont Environmental Report

PUBLISHED MONTHLY BY THE VERMONT NATURAL RESOURCES COUNCIL, A NON-PROFIT CITIZENS' CONSERVATION ORGANIZATION SUPPORTED BY MEMBERSHIP DUES AND CONTRIBUTIONS. VNRC, 26 STATE STREET, MONTPELIER, VERMONT, 05602; (802) 223-2328. CHAIRMAN: DAVID R. MARVIN; EXECUTIVE DIRECTOR: SEWARD WEBER; EDITOR: NATHANIEL FROTHINGHAM.

## The Appalachian Trail and Private Land: A Conflict in Land Use?

The Appalachian Trail, a scenic mountain trail, follows the Appalachian Mountains from Georgia to Maine. In Vermont, it shares the path of Vermont's Long Trail from the Massachusetts border to a point just west of Gifford Woods on Route 100, a distance of 90 miles. There, the Appalachian Trail leaves the Long Trail and heads east, entering New Hampshire at Hanover. The Long Trail continues north up the Green Mountain crests to the Canadian border.

Increasing popularity and use of the Appalachian Trail is causing two basic problems for the private landowners over whose land the Trail passes.

The first problem is coping with the increasing numbers of hikers who use the Trail. Hikers, according to some estimates, have increased threefold since the sixties. Aside from literally wearing out the Trail in places (with subsequent erosion damage), some of these hikers have very different attitudes from the rather small group of dedicated hikers who used the Trail in past decades. Some of them are not as aware that the Trail exists in large part because of the generosity of landowners who have volunteered the use of their land. Many of today's hikers are day trippers, not really hikers on a long trip, but casual picnickers and partiers. More hikers, too, means more pressure on the clubs who caretaker the Trail to provide copious shelters, signs, and blaze-marks, with sometimes unfortunate consequences for the landowner.

The National Trails System Act of 1968, with its provision for National Scenic Trails, has created the other problem for landowners. The Appalachian Trail was the first trail set aside as a National Scenic Trail, and the Act provides for Federal acquisition of a corridor 200 feet wide along the Trail where it passes over private land to ensure its natural quality. The government has taken no action in placing restrictions on the use to which the private land in question may be put. The money to pay for these purchases is not now available and may never be, but some of the potentially affected landowners feel deeply threatened by the National Trails System Act. They feel that their simple act of trust back in the 1920's and 1930's—their agreement (or the agreement of those before them) with the Appalachian Trail Conference clubs to allow the Trail to cross their land—has been betrayed by an accumulation of public demands and regulations they never foresaw.

Mr. J. J. Johnston's land lies to the east of Route 12, just north of Woodstock, and it carries a full mile of the Appalachian Trail. Mr. Johnston is a forester and a maple-sugar maker; he manages his forestland well. He is proud of his work and of his land, and he expects his children to manage his land as he did. He likes the Trail too and wants it to remain on his land, unlike his neighbor to the east who, because of the threat of Federal restrictions, wants to remove the Trail entirely. Mr. Johnston wants the Trail, provided



he can resolve the problems he feels he clearly has with it.

He says the club in charge of trail maintenance in his area has damaged a number of his trees. They have attached numerous signs to trees along the Trail with large spikes and lag screws. This can ruin the trees for commercial timber. They have cut down trees to make bridges over wet spots. And they have been slow to heed his requests for signs on posts instead of on his trees. He thinks communication has been bad, and he has the feeling the club is trying to tell him what to do with his land. And he reports increasing problems with day trippers parking in his driveway.

But to Mr. Johnston, his big problem is the threat of eventual Federal restrictions on his land. He reasons that he would lose 25 acres, many of them timbered, and he doesn't think he can afford that. While he understands the value of the Trail and enjoys most of the hikers he meets, he hears only silence from his government on his rights in the matter. "All they do is talk about protecting the Trail and controlling use of it. But what about the private landowner?"

Larry Van Meter is the Executive Director of The Green Mountain Club, the hiking club that developed the Long Trail in Vermont and now maintains it. Mr. Van Meter says that his club has been working on solutions to the problems Mr. Johnston and other Trail landowners are experiencing. The first thing the GMC did was join the State of Vermont in a successful effort to keep the Long Trail off the National Scenic Trails list.

While that move will not work for the Appalachian

Trail, voluntary licensing agreements with landowners might. Mr. Van Meter says the Green Mountain Club has found these agreements excellent ways to open up communications and establish cooperation with landowners: "The agreement is basically one in which the landowner agrees to permit hikers to use the Trail and to restrain from logging or use of motor vehicles unnecessarily within 100 feet of the Trail. In return, the GMC agrees to cover the landowner from any liability and to attempt to control camping patterns in the given area. The agreements are renewable every five years." Of course, the agreements need to be tailored to reflect the land-use requirements of the individual landowner: Mr. Johnston's need to cut some trees in the Trail area, for example.

Also, Mr. Van Meter says a GMC education program aimed at making Trail users understand the basics of trail use and hiking protocol (including awareness of landowners' rights) has borne fruit.

It would seem that the Appalachian Trail Conference or an appropriate government agency could undertake to educate not only the hiking public but also the landowners on the problems overuse and uncooperative attitudes create for any trail system in today's crowded conditions. As a solution to this vexing conflict of land-use demands over the Appalachian Trail corridor, voluntary licensing agreements have an even chance of effecting a working compromise between the hikers' and the landowners' land-use needs, they are infinitely cheaper than a Federal acquisition program and indeed, in the long run, they may be the only solution should the landowners organize and decide to fight Federal acquisition.

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## New Lobbying Rules Enacted

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When President Ford signed the 1976 Tax Reform Act early this month, the rules restricting lobbying by educational, charitable, and scientific organizations were substantially changed. Until now, organizations like VNRC could not devote a "substantial" part of their activities to attempting to influence legislation. Technically, these are called 501(c)(3) organizations, contributions to which are tax deductible.

Under the new law, the restrictions against legislative activity are greatly loosened up. A 501(c)(3) organization can spend approximately 16% of its budget for the purpose of influencing legislation. Of this amount, one-quarter (or 4% of the total budget) can be used for "grass roots" activities. Grass roots activities are attempts to influence legislation by efforts to affect public opinion.

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Should an organization exceed these spending limits, it must pay a tax on the excess. However, if it exceeds the limits by more than 150% and does so often, it is in danger of losing its tax-exempt status.

An example will help clarify these rules: suppose a 501(c)(3) organization has an annual budget of \$50,000 for its "exempt expenditures," i.e., educational, charitable, and research activities. It may then spend a total of \$10,000 for lobbying. Of this amount, \$2,500 may be spent for grass roots activities.

If the organization spends \$15,000 for lobbying (150% rule), it must pay a 25% tax on \$5,000. Similarly, if it spends \$3,750 on grass roots activities, it will pay a 25% tax on \$1,250. If it exceeds either the \$15,000 or the \$3,750 amount very often, the organization loses its tax exempt status completely.

The advantage of these new rules is that they clarify

the situation. In the past, 501(c)(3) organizations have tended to stay out of legislative matters completely for fear that the Internal Revenue Service would find that the activity was "substantial." This will no longer be the case.

**Two warnings:** First, in order for the new law to apply, the organization must make an **election**. This will be done by filing a form with the IRS. If the election is not made, the old rules continue to apply, but with some important modifications. Any organization that contemplates getting involved in legislation in any way should make the election.

Second, the new tax bill is extremely complex. The reader should recognize that the above explanation is oversimplified. If you would like further information about the law, please contact Darby Bradley at VNRC.

## ENVIRONMENT NEWS

The U. S. Environmental Protection Agency, New England Regional Office, Boston, is publishing a monthly magazine, **Environment News**. This publication carries, in brief fashion, a wide range of reports on EPA studies and legislation, as well as short notes on regional environmental programs, books, and publications. This publication is available free of charge simply by asking for it in writing. Send your name, address, and zip code to: Public Affairs Division, U. S. Environmental Protection Agency, 2203 John F. Kennedy Federal Building, Boston, Massachusetts 02203.

## BOTTLE BILL INITIATIVES

The returnable-bottle issue is warming up. Recently, the U. S. Environmental Protection Agency announced that it is requiring returnable bottles at federal institutions in the USA. More important, Maine, Massachusetts, Michigan, and Colorado have bottle-bill referenda on their voting rosters November 2nd. The voters in those states will decide on initiatives that would put compulsory deposits on drink containers.

If Massachusetts and Michigan vote for the initiatives (in favor of deposits), it is quite possible national legislation will eventually follow. Naturally, the pro-throwaway businesses are preparing for a big fight since they view these referenda as a showdown.

## VERMONT REPORT

On October 4th, Vermont Educational TV began a new half-hour interview—dialogue program called **Vermont Report**. The series covers topics of interest to Vermonters, Monday through Friday at 7:30 p.m. Jack Barry hosts **Vermont Report**, which has both live and taped programs. The producer, Peter Hartberg, seeks a varied content and promises a number of programs on Vermont's environmental issues. Soon to come will be several programs on nuclear power in Vermont.

## ENERGY FORUM

**Vermont Tomorrow**, Vermont's citizen action group, is co-sponsoring an energy forum along with the State Energy Office and the Vermont League of Cities and Towns. **Energy Forum '76** will take place at 8:30 a.m., November 6th at the Randolph Union High School, Randolph. Its focus will be a new state law which gives people a chance for involvement in community energy development.

## CHANGE OF ADDRESS

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## Vermont's New Industry: Woodstove Manufacture

Recently, we undertook a casual survey of the firms engaged in woodstove manufacture in Vermont. Since our time and money didn't permit a rigorous investigation of manufacturers in Vermont, it's likely that we've omitted several who should be listed. We hope our list, however incomplete, may interest our members who are exploring wood as an alternate source of energy.

Certainly the burning of wood as a fuel makes sense: as far as we now know, wood-burning is immensely less polluting than oil or coal burning. The polluting villain released by oil and coal combustion is sulphur dioxide. Wood releases negligible amounts of this gas when burned. And, as we have all learned since 1973, wood is an infinitely more renewable resource than oil.

Woodstove making is once again an industry for Vermont. When the Sam Daniels Company of Hardwick ceased business in Spring of 1970, that marked the end of the first era of woodstove production in Vermont. Clearly, we have entered another, with no less than eight entries on our list, all of them in business since 1974.

While it is true that stovemaking, strictly speaking, is new all over again in Vermont, both Bellway Manufacturing and Sam Daniels Company can lay claim to a fund of past experience. Perley Bell of Bellway Manufacturing was a salesman-dealer for Riteway wood heaters of Virginia for many years and, over 15 years ago, began perfecting his simple, rugged line of wood furnaces inspired by his dissatisfaction with Riteway's design.

The Sam Daniels Company, revived July, 1975, in Montpelier by Elwyn Daniels, the founder's grandson, can claim a tradition of over sixty years in the production of its large wood furnace. As Elwyn told us, "We make them exactly the way my grandfather did. Nothing has been changed."

We found great variation in stove sizes and materials. Stove construction material ranges from stainless steel to cast iron to soapstone. The stoves themselves run from small space heaters to furnace systems capable of heating a large house. Interesting people are making these stoves. A few examples: Eddy Epstein of Damsite Dynamite is a sculptor who has had many years' experience welding and heating with wood. Larry Gay of L. W. Gay Stoveworks, is a writer, a teacher, and a physicist. He's researched and written extensively about stoves and their design.

Aside from newness, another characteristic of these businesses is their smallness and unpretentiousness. None of them employs more than a handful of people, few have dealers or a distribution system, and, in most cases, the proprietor is the inventor, the chief assembler, and the salesman. An impression gained from our survey is one of creative beginnings with lots of enthusiasm and sincerity of purpose.

Of all the words on wood burning we heard during our visits, those we liked best were designer Newton Lee's when he remarked, "People expect wood to act like oil. Turn it on, turn it off. That's because people are lazy and don't want to handle wood. Once wood



starts burning, it either burns or goes out. You can't shut it off like oil in a burner. And that's where the trouble starts, because once you smother a fire, you've got creosote problems."

We have the impression that modern stove makers in Vermont and elsewhere are trying to achieve (through airtight design and various draft schemes) slow burning of wood, essentially in an attempt to emulate the maintenance-free character of oil-burning. As Newton Lee has found, there is a conflict inherent in the way wood burns and the way people want it to burn. Slow burning creates creosote problems. A researcher of stove efficiency, Jay Shelton of Williams College, confirms that he's seen no stove yet that does not cause creosote problems when burned steadily at a low rate over a long period of time.

Below is our partial list of current stove makers in Vermont.

1. Bellway Manufacturing  
Grafton, Vermont 05146  
802-843-2432  
**Founded:** 1973  
**Proprietor:** Perley C. Bell  
**Stove type, design, and construction:** Heavy-duty, large wood furnaces. The furnaces use a crossdraft design with a secondary combustion chamber. Because of careful study and trial and error work, these stoves do not need the complex internal plumbing and blowers that Riteway employs for similar effect. They are constructed entirely of steel plate that varies from 1 inch to 1/8 inch thick.  
**Models and price range:** About 12 models, ranging in price from \$595 to \$3,000. Direct factory sales.
2. Conserv-o-matic of Vermont  
Box 116  
Worcester, Vermont 05682  
802-223-3119  
**Founded:** Not established, but two years of development and research.  
**Proprietor:** Newton Lee  
**Stove type, design, and construction:** Heavy-duty large furnace of updraft design with the unique feature (patent pending) of a hollow cast-iron grate so designed as to permit a blower to force air through its tubes. Construction is of steel plate ranging from 3/16 inch diamond

plate to 1/2 inch plate, and of cast iron for the grate, door, and door frame.

**Special remarks:** Newton Lee's Conserv-o-matic of Vermont is not yet a business. He has designed and built a prototype furnace and uses it to heat his large modern house and his water. He is currently seeking financial backing and business advice.

3. Damsite Dynamite Stove Company  
RD 3  
Montpelier, Vermont 05602  
802-223-7139  
**Founded:** 1975  
**Proprietor:** Edward Epstein  
**Stove type, design, and construction:** Airtight, horizontal-draft type of stove with secondary air inlets and combustion chambers. This stove has a unique double-baffle design to aid secondary combustion of volatiles. Construction is of heavy steel plate varying from about 1/8 inch thick to 1/4 inch boiler plate.  
**Models and price range:** Eight models including a cookstove and a sauna stove, with a price range from \$135 to \$325. Direct factory sales.
4. Sam Daniels Company  
Box 868  
Montpelier, Vermont 05602  
**Founded:** 1975  
**Proprietor:** Elwyn Daniels, Jr.  
**Stove type, design, and construction:** This company is a revival of the original Sam Daniels Company of Hardwick. It offers a complete line of wood furnaces, identical in construction and quality to the original furnaces. These furnaces employ an updraft design with flame travel lengthened by two heat drums on the top. Construction is of cast iron and heavy plate steel.  
**Models and price range:** About six models, all furnaces. The largest holds 5-foot logs. Prices start around \$1,065. Direct factory sales, some dealers.
5. L. W. Gay Stoveworks  
Marlboro, Vermont 05344  
802-257-0180  
**Founded:** 1974  
**Proprietor:** Larry Gay  
**Stove type, design, and construction:** Norwegian-type box stove. The design has a baffle to in-



crease flame path. A unique series of stoves by virtue of construction. This company believes in the slow even heat of European-type stone stoves. Accordingly, though of steel construction, two models have substantial soapstone sides. The other models are built entirely of steel (as opposed to the enameled cast iron of the Norwegian stoves).

**Models and price range:** Four models: large and small of steel construction and large and small with soapstone sides. Also a sauna stove. Price range: \$195 to \$365. Direct factory sales with some dealers.

6. Vermont Castings, Inc.  
Box 126, Prince Street  
Randolph, Vermont 05060  
802-728-3355  
**Founded:** 1974

**Proprietor:** Vermont Castings, Inc.

**Stove type, design, and construction:** Parlor stove of the horizontal draft type with a complex secondary air combustion system. This stove has doors that can open to convert the stove into an open fire and a special ground, cast-iron cooking griddle. Construction is entirely of cast iron.

**Models and price range:** One model, the Defiant parlor stove, with an approximate price of \$495.

7. Vermont Iron Stove Works  
Warren, Vermont 05674  
802-496-2907

**Founded:** 1975

**Proprietor:** Richard Travers

**Stove type, design, and construction:** Barrel type. This company offers a barrel stove lined with firebrick. Each end of the barrel is capped with a cast-iron piece. Barrel construction is of 1/8 inch steel plate. Unusual features are an elm tree decoration in the front casting and a special heat-proof glass viewing window in the door. Construction includes solid brass rods and finials.

**Models and price range:** One model, the Elm, costs about \$300. Direct factory sales.

8. Vermont Woodstove Company  
307 Elm Street  
Bennington, Vermont 05201  
802-442-3985  
**Founded:** 1975

**Proprietors:** Ed Frasier and John Cadwallader

**Stove type, design, and construction:** Downdraft type stove. This design incorporates the principle of forcing the volatile gases that normally escape unburned back down through the hot coals to burn and then out the bottom of the stove. Construction is of steel plate and stainless steel (grates and parts of the firebox).

**Models and price range:** Two models with an approximate price of \$330 to \$550. Direct factory sales and some dealers.

## VNRC 1976 Annual Meeting

The awesome rainstorm on Saturday, October 9 may have reduced attendance at the annual VNRC meeting at Lake Dunmore, but a double-barrel woodstove and an open fire and the cozy atmosphere in the Main Lodge at Camp Keewaydin warmed the members who did brave the storm.

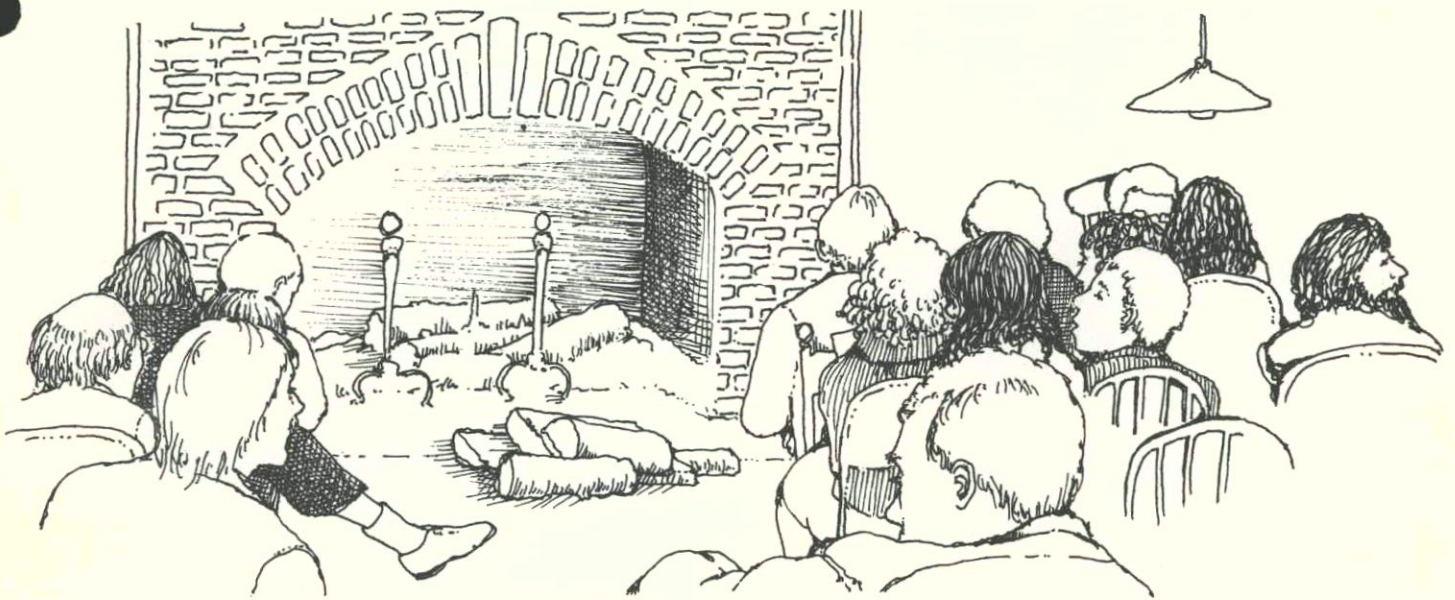
Chairman David Marvin directed the morning business meeting, listing and briefly describing Council projects over the past nine months.

- Inauguration of Phase III of the Natural Areas Project. Fund raising for the project has yielded most of the \$20,000 budget. Robert Klein is directing the project whose goal is to

protect Vermont's outstanding natural areas using such tactics as easements, deed covenants, and acquisition.

- An Environmental Law Center proposal which has a \$5,500 pledge from the Conservation Law Center on a matching basis. Darby Bradley, VNRC Counsel, is the administrator.
- The realization of VNRC-sponsored Forest Management Workshops in which professional foresters counsel owners of woodland in management techniques. The workshops are popular and more will be held throughout the state next spring.
- An attractive change in the VER format.





- A decision to use select media to pursue aggressively a stronger voice in environmental education work. In August, the Board of Directors tabled a proposal for a VNRC monthly environmental newspaper and planned instead a media program which would use a radio program and a weekly newspaper column.
- Finally, a watch-dog project to monitor progress and development of the whole-tree harvesting movement in northern New England. The Council feels concern about the threat of improper harvesting management associated with the new harvesting system.

Marvin called on Darby Bradley and Robert Klein to elaborate on the particular project each directs.

Bradley, as coordinator of the as yet unrealized Environmental Law Center, announced a \$5,500 fund offered by the Conservation Law Foundation of New England, provided the sum is matched dollar-for-dollar. The Law Center, which would provide legal services and advice in issues involving environmental law, has already been approached by the Green Mountain Chapter of the Audubon Society for assistance in setting aside the Champlain Islands as a conservation area.

With the publication in March, 1976, of the Natural Areas Technical Report, Director Robert Klein completed Phase II of the Vermont Natural Areas Project. In Phase III, Klein explained, the project will undertake to protect privately owned natural areas in a three-part program of public education, planning-commission workshops, and individual landowner

assistance. Educational materials, as planned, will include a slide-tape presentation; collected case histories of preserved natural areas; a booklet on tax laws pertaining to land gifts, and reference materials regarding identification and protection of natural areas. Planning-commission workshops will assist interested regional and local commissions in forming and implementing protection plans as features of town plans.

Chairman Marvin revealed that VNRC has applied to the National Science Foundation for funding of a two-year evaluation study of Act 250. If the proposal is accepted, project director and staff would begin work in January, 1977. The National Science Foundation is seriously considering the Council's proposal.

#### 1976 VNRC MEMBERSHIP FORM

Enclosed are my dues of \$ \_\_\_\_\_

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\_\_\_\_\_ ZIP \_\_\_\_\_

Student/Limited Income .....	\$ 5.00
Individual .....	\$10.00
Family .....	\$12.50
Non-Profit Organization .....	\$15.00
Associate .....	\$25.00
Business .....	\$50.00





The meeting broke for lunch and was resumed as a public candidates' forum for Vermont's candidates for Governor, U. S. House, and U. S. Senate. Moderator Carl Reidel invited the eight guests to describe and discuss their political intentions for environmental legislation in Vermont, if elected. All the candidates for these offices attended. They were: Mr. John A. Burgess, Ms. Stella Hackel, Congressman James Jeffords, Ms. Nancy Kaufman, Governor Thomas Salmon, Mr. Bernard Sanders, Mr. Richard Snelling, and Senator Robert Stafford.

Elections were held for the new VNRC Board of Directors. Chosen from the at-large nominees were: William Eddy from Sutton; David R. Marvin from Johnson; Milton Potash from Burlington; John M. Shuell from Peru; and Johannes von Trapp from Stowe. Elected from nominees representing member organizations were Jean Davies from Pittsford of the Vermont Camping Association and Paul L. Nergaard from Putney of the Southern Vermont Sierra Club.

Darby Bradley proposed a resolution that VNRC withdraw its application for 501(c)(4) tax status which allows tax-exempt organizations to engage in legislative lobbying and keep its 501(c)(3) tax status.

On October 4, 1976, the President signed the Tax Reform Act of 1976 which will allow organizations such as VNRC to lobby without formally changing their tax status. Members voted unanimously to approve Bradley's resolution.

VNRC Vice-Chairman Carl Reidel reported on findings of a six-month study by the Futures Committee to determine the focus of VNRC interests over the next few years. The Committee has determined that the Council should concentrate its efforts on land-use policy issues and land-based resource conservation with an ultimate goal of developing a "land ethic" among Vermonters.

The meeting adjourned in mid-afternoon.

#### EDITOR'S NOTE

Jim Wallace is editor for this month's **VER**. He has taken over the job from Editor Nat Frothingham, who is on leave in Maine this month to study with John Cole, editor of **The Maine Times**. Nat returns to his **VER** editorship next month.

Illustrations by Barbara Carter

# VNRC

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