

Vermont Environmental Report

Champlain-Richelieu Flood Control Dam Faces Stiff Opposition in Vermont

Over the past six weeks, skepticism, if not outright opposition, has been growing in Vermont in response to a proposed \$16 million flood control structure on the Richelieu River at St. Jean, Quebec.

A proposal to construct a gated water control dam was a principal recommendation of an international study team report to the Canadian-American International Joint Commission (IJC). This international study team, known as the International Champlain-Richelieu Board, began its studies in May 1975. In December 1977 the Board completed its work and submitted its findings and recommendations. The report of the International Champlain-Richelieu Board runs to several volumes of text and cost \$2 million to prepare.

The International Joint Commission is presently reviewing the findings and recommendations of the study team report. Sometime in the next several months the International Joint Commission will decide whether or not to accept the recommendations of the international study team, including the principal recommendation to construct a \$16 million flood control dam. Should the IJC accept this recommendation, the fate of the flood control structure will still have to be decided in Ottawa and Washington D.C. in the appropriations process.

The first high Vermont official to break silence in response to the proposed flood control structure was outgoing Environmental Secretary Martin Johnson. On February 28 Johnson recorded his opposition to the flood control structure. According to a Times-Argus report of March 2, "Johnson said that nothing more than the dredging of some sediment deposits that may have built up at the outflow of Lake Champlain could be allowed. He said that any further tampering with the big lake would greatly endanger the 30,000

acres of wetlands that lie along the lake's shore mostly in Vermont. The wetlands are the breeding ground for much of the life in and around the lake." Johnson was quoted by the Times-Argus as saying, "I don't want to see our wetlands destroyed for flood plain development."

On March 29, Congressman James Jeffords, fresh from a meeting with Martin Johnson, expressed his opposition to the proposed flood control structure. Jeffords said that the flood control dam would be destructive to the environment of Lake Champlain and the environment of Vermont.

Vermont's two U.S. Senators, Robert Stafford and Patrick Leahy have both expressed reservations about the wisdom of building the proposed flood control structure. Neither Stafford nor Leahy are as yet willing to go as far as to announce their outright opposition to the project.

Victor Maerki of Senator Stafford's Washington D.C. office said that Stafford is skeptical about any solution to the flooding problems on the Lake and the Richelieu River that provides a remedy for Canadians but which might hurt Vermont. Said Maerki, "The Senator is not going to vote for any appropriation for the American share in building the flood control dam if the project is opposed by the State of Vermont."

Senator Leahy told the VER, "So far there has been nothing to convince me of the value of the flood control dam." Leahy reiterated this point in saying, "I have stated time and time again that I have never been convinced of the need for this dam."

Senator Leahy is a member of the Senate Appropriations Committee. He wants to be sure that he has gathered enough information both pro and con to make an

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effective presentation before the Appropriations Committee. Doug Racine of Senator Leahy's office has been an observer at deliberations of the Lake Champlain Committee in Burlington and has been gathering information on both sides of the issue. In discussing a possible strategy for defeating the \$16 million dam, Leahy said that if the American government is to be involved in financing the project, one place to stop it would be the Senate Appropriations Committee. Leahy is the only Senator from New England on the Senate Appropriations Committee and he feels that his recommendation will carry a great deal of weight with other Committee members. "I have a lot of credibility there," Leahy said. "If you have taken the time to study the issue, most of the Senators on the Appropriations Committee will listen."

Here in Vermont, on April 1, the last day of the 1978 Session, a strongly-worded resolution that asks the International Joint Commission to "give careful consideration to a system of flood control which will employ exclusively non-structural methods" passed both houses of the Assembly.

On Friday, April 7, John Gray of Governor Snelling's office reported that the Governor is still considering the merits and demerits of the proposed flood control dam. Gray said that the Governor is still seeking advice on the subject before making up his mind on the issue.

In Burlington a panel of scientists is studying the formal report of the International Champlain-Richelieu

Board for the Lake Champlain Committee. This panel of experts is combing through the several background studies that were prepared in advance of the final report. The Lake Champlain Committee will issue a statement of its position on the flood control dam by the end of April.

The Board of Directors of the Vermont Natural Resources Council will meet to consider its position on the proposed dam on April 26.

Looking ahead, a series of public hearings have been scheduled by the International Joint Commission for the week beginning Monday, June 5.

The hearings before the IJC will be as follows:

Tuesday, June 6, 2:00 p.m. and 7:30 p.m., Marsh Life Science Building, Burlington

Wednesday, June 7, 2:00 p.m. and 7:30 p.m., Holiday Inn, Plattsburgh

Thursday, June 8, 2:00 p.m. and 7:30 p.m., St. Jean City Hall, St. Jean, Quebec

For further information on these hearings or to seek advice in preparing testimony before the International Joint Commission, write Anne Riegelman, Executive Director, Lake Champlain Committee, 80 St. Paul Street, Burlington, Vermont, 05401, or call (802) 658-2119.

• IS, WHEREAS, WHEREAS, WHEREAS, WHEREAS •

Text of the Joint (House & Senate) Resolution on the proposed Champlain-Richelieu flood control dam.

WHEREAS, the International Joint Commission is studying methods of regulating the water level of Lake Champlain involving Canada and the United States, and

WHEREAS, the lake and its tributaries constitute a highly sensitive aquatic system with a complex of plant and aquatic organisms requiring the dynamic force of natural variation, and,

WHEREAS, preliminary studies have shown that regulation should recognize the necessity for natural variations in the lake level in order that the natural balance of the lake may be maintained for the benefit of its aquatic and environmental stability, now therefore be it resolved by the Senate and House of Representatives:

That the International Joint Commission is urged to give careful consideration to a system of flood control which will employ exclusively non-structural methods and the implementation of flood plain management in order to assure that the dynamic aquatic system of Lake Champlain is maintained...

At their spring meeting on Wednesday, April 26, at 1:00 p.m. the VNRC Board of Directors will be formulating its position on the Report of the International Champlain-Richelieu Board. The VNRC Board meeting will be held at the offices of the UVM Environmental Program at 153 South Prospect Street in Burlington and VNRC members are invited to attend and participate.

Solar Extravaganza May 3-9



Business people, environmental groups, and citizens across Vermont are laying plans for a program of public events to celebrate "Sun Day" on Wednesday, May 3, and in the week that follows.

The U.S. Congress and President Carter in Washington D.C. and the Vermont General Assembly and Governor Snelling in Montpelier have designated Wednesday, May 3, as "Sun Day."

In the words of the Congressional resolution passed by both houses and signed President Carter, the purpose of "Sun Day" is to set aside a day "devoted to a celebration of all solar technologies and to demonstrate the potential of the sun in meeting the nation's energy needs."

Here in Vermont the "Sun Day" observance is being coordinated by Bill Powell who is working out of the office of Congressman James Jeffords in Montpelier.

Powell defines the purpose of "Sun Day" in Vermont as an effort "to demonstrate the availability and viability of solar energy in all its forms." Powell goes on to explain that solar energy is not just power from the sun, but all forms of renewable energy, including wind power, biomass, and hydropower.

Powell uses a figure of speech drawn from economics in describing his concern for the present way that Americans are consuming energy. He sees the nation as eating into its "capital" by the consumption of fixed supplies of fossil fuels. Wouldn't it more more sensible, he asks, to use our "income" potential represented by the flow of renewable sources from solar energy?

Powell identifies some of the events that will be of general interest, planned for Wednesday, May 3, and the days that follow.

On Wednesday, May 3, a "Sun Day" celebration will be kicked off at noon by music from "Coco and the Lonesome Road Band." One feature of the event will be a mock trial conducted by Benson Scotch (Assistant Attorney General). Scotch will arrive on his bicycle, don his magistrate's attire and proceed to read off an indictment against the "Clouds" that have been blocking the sun in Vermont. Organizers want to puncture the belief that cloud cover over the Green Mountain State will prevent the development and employment of solar energy.

On Friday evening, May 5, Congressman James Jeffords will be the principal speaker at St. Paul's Cathedral in Burlington.

There will be a "Sun Fair '78" on Saturday, May 6 at the Redstone Campus of the University of Vermont. "Sun Fair '78" will open at 10:00 a.m. and close at 6:00 p.m.. "Sun Fair '78" will be a smaller edition of the "Toward Tomorrow Fair" that has been held over the past two summers at the University of Massachusetts at Amherst. The Fair will feature demonstrations of solar equipment, exhibitions by businesses involved in solar energy from Vermont, New Hampshire and New York State, and workshops open to the public on solar installation, energy conservation and the use of wood as a source of energy.

Bill Painter, Executive Director of the Conservation Society of Southern Vermont in Townshend, sends word of a pot-luck supper that CSSV will be organizing on Saturday evening, May 6, at 6:00 p.m. at the Townshend Town Hall. Jim Stiles, who manages Friends of the Sun, in Brattleboro, an alternative energy store, will present a slide show and discuss practical solar options and energy conservation.

State Coordinator of "Sun Day" Bill Powell hopes that the various observances throughout Vermont will demonstrate broad public support for solar energy. Powell is concerned at the failure of Congress and the Carter Administration to adequately finance the research and development of solar energy.

A recent issue of the "Friends of the Earth" publication, **Not Man Apart**, substantiates Powell's concerns. **Not Man Apart** reports that the research and development (R&D) for solar energy will receive even less of the federal budget in fiscal year 1979 than it is due to receive in fiscal 1978. Solar R&D will get \$390 million in the 1978 budget; in the fiscal 1979 budget that figure is cut to \$373 million. At the same time, the nuclear research budget will remain four and a half times as large as the solar budget and the fossil fuel research budget will increase from \$846 million to \$924 million.

"Solar energy is not a panacea, not a cure-all," Powell cautions. But he is encouraged by the recent passage of legislation by the Vermont General Assembly that for the first time has extended tax credits to Vermonters who are willing to invest in alternative energy.

The "Sun Day" observance in Vermont is being supported by a wide range of business and environmental groups, including, Vermont Tomorrow, the Vermont

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Public Interest Research Group, VNRC, the Friends of the Earth, the State Energy Office, the Solar Association of Vermont, Northern Design, and Circus Studios of Waitsfield. These are just a few of the participating organizations.

For further information on the "Sun Day" observance and for the phone numbers of regional coordinators throughout the state, write, Bill Powell, Vermont SunDay, Room 222, Federal Building, State Street, Montpelier, Vermont, 05602, or call, (802) 223-5273.

Regional Planning: The Chief Lesson of Pyramid Mall

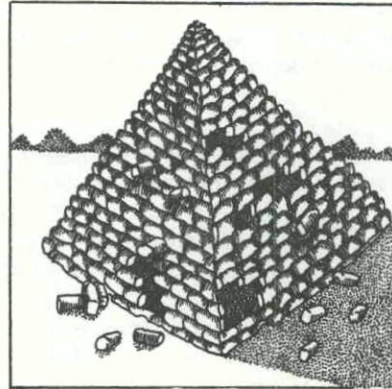


Illustration by Wendy Edelson

In last month's VER, VNRC Staff Attorney, Darby Bradley, speculated for the first time on the possible outcome of the Pyramid Company's application to build a \$10 million, 80-store, enclosed shopping center on 67 acres of semi-rural land in Williston.

Now, as the hearing process before the District No. 4 Environmental Commission comes to a close, and as the Commission begins to sift through the hundreds of pages of notes, exhibits and transcripts that were presented as evidence, Bradley ponders the lesson this landmark test of Act 250.

Regardless of the final decision, -- the Pyramid case demonstrates that Act 250 is capable of achieving its purpose, namely, to allow a District Commission to assess, on the basis of factual information, the probable impact of a proposed development.

This is why Act 250 has succeeded in this case.

Act 250 has succeeded in this case because the State of Vermont, the Chittenden County Regional Planning Commission, the City of Burlington, and other participants, were willing to develop the necessary technical information. It has succeeded because the Commissioners were willing to spend hundreds of hours attending hearings, reading reports, and digesting the complexities of market forecasting, traffic simulation, erosion and stormwater pollution abatement, heating and cooling efficiencies, and the fiscal impacts of a development the size of Pyramid on neighboring communities.

It was frequently the Commissioners themselves who asked the most perceptive and penetrating questions of the witnesses from both sides. In my judgement, Vermont truly owes a debt of gratitude to Commissioners Duncan Brown, Helen Lawrence and Isaac Stokes for their efforts.

But the careful application of Act 250 in the Pyramid case has not been without a price.

Already Act 250 officials in Montpelier are voicing concern that it may be difficult to attract capable people to serve on district environmental commissions. The personal sacrifices in the Pyramid case were very great.

Hundreds of thousands of dollars have been spent by the State of Vermont on this case. The Pyramid Company has spent \$2 million. Thousands of man-hours have been spent by state, regional and local employees and officials. These government servants have been diverted from other important responsibilities. Few people involved in the Pyramid case feel that the same effort would, or could, be made again. Yet, even if the mall is turned down, the same market forces which attracted Pyramid still exist. Unless we learn from the case, it seems inevitable that we will face the same threat again.

The real lesson, then, of the Pyramid case is that Vermont must rethink and revitalize the planning component of Act 250. Had there been an adequate plan stating where a development of the magnitude of a Pyramid Mall should or should not be located, this proceeding would have been greatly simplified, and hours of time would have been saved.

Proposals for a land use plan were "shot down" several years ago amid cries of "local control." Yet the adverse impacts of a Pyramid Mall fall primarily upon the region. Traffic congestion, air pollution, loss of tax base, and increased consumption of electrical power, are all legitimate regional concerns. It is true that Williston landowners would probably benefit financially from a mall. Is it then realistic to expect that the local planning process can adequately address and protect regional concerns?

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I am not suggesting that we dust off the old State land use plans, or give regional planning commissions veto power over developments which only marginally affect the region. What I am suggesting is that the regional planning process be used to decide where developments with significant impacts upon a region should be located and what size these developments should be. There are many factors which must be weighed in making these choices: capacity of the transportation system to handle increased volumes, availability of housing and schools, and capital investment plans. These considerations can best be weighed within the framework of a regional planning process, not in the case-by-case approach of Act 250.

If regional planning commissions are to be given authority to rule on the location and size of significant developments, they should be both responsive and responsible to the people of the region. Commissioners are presently appointed by

local boards of selectmen. It has been suggested that a regional "Council of Government" composed of selectmen-representatives be established to review the work of the commissioners and adopt a regional plan. Such a Council would also lead to greater contact between municipalities with the possibility of better cooperation and coordination among towns in addressing common regional problems other than planning.

The important point is that Vermont should reassess regional planning. This summer the Snelling Administration plans to examine the role of regional planning commissions and regional plans. I hope the Administration will take a hard look at the lessons of Pyramid Mall. Unless the regional planning process is strengthened, -- the education afforded by the Pyramid Mall experience, indeed the time, money and effort expended in the permit hearing process, will be largely lost.

As the VER goes to press, we have received the following helpful letter from Raymond P. Perra of Brattleboro, Vermont:

The March issue of the Vermont Environmental Report again refers to Pyramid Mall as "the largest commercial development ever to come before Act 250 review."

In April, 1974, Winhall Trust applied to District Environmental Commission No. 2 for a 250 permit to construct an inn and conference center on the Stratton Mountain access road in Winhall. If cost of the project is a measure of size, this application was the largest: its estimated cost was \$12 million. Construction plans included a conference center to accommodate 400 to 450 people, a 351-room hotel with a 300-seat dining room, and an inside parking garage with 291 car and 4 bus spaces.

The application was denied by District Environmental Commission No. 2. On appeal to Bennington Superior Court, the permit was granted in January 1976. To the best of my knowledge, no construction has ever taken place.

Garden Club Members Honored for Land Conservation

Garden club participants in Vermont have been honored for their work in support of the American Land Trust. The American Land Trust is a two-year bicentennial campaign by private citizens to assist The Nature Conservancy in saving natural areas in each of the fifty United States.

The achievement of Vermont garden club members was explained by Lorraine A. Sayward, Vermont Chairman of the American Land Trust effort. Mrs. Sayward reports that the National Council of State Garden Clubs has a total membership of 365,000 persons. There are only 1,185 garden club members in Vermont. What garden club members in Vermont lack in numbers, says Mrs. Sayward, is more than made up by their enthusiasm. So successful have Vermont garden club participants been both in promoting the Land Trust program and in raising money for specific land preservation projects that the Vermont Federation received the Damroth Foundation State Award in 1977.

Already some 54 scenic acres in Rutland County with unusual geologic formations have been set aside. Now the garden clubs in Vermont and The Nature Conservancy are working on a second project. The Conservancy is raising money to purchase Franklin Bog near the Canadian border in northwestern Vermont. The money that is currently being sought will be used to purchase Franklin Bog and as an endowment. The endowment will be used by the Vermont Chapter of The Nature Conservancy to cover the cost of property taxes and whatever signs are needed. Franklin Bog will be the third preserve in Vermont which is owned and managed by the Vermont Chapter of The Conservancy.

Mrs. Sayward emphasizes that anyone who wants to make a contribution to the fund-raising drive to save Franklin Bog can do so by sending a check payable to "The Nature Conservancy" and addressed to Dr. Hub Vogelmann, Chairman of the Vermont Chapter, care of the Botany Department, University of Vermont, Burlington, Vermont, 05401.

Governor Snelling has designated Saturday, April 29 as Green Up Day in Vermont. For further information, write the State Green Up Day Coordinator, C. Franklin Scribner, Agency of Transportation, Montpelier, Vermont, 05602, or call, (802) 828-2778.

1978 End-of-Session Report

<u>Number & Sponsor</u>	<u>Purpose of the Bill</u>	<u>End-of-Session Status Report</u>
H.361 (Hoyt)	To assess farm and forest land at current use value rather than fair market value with state reimbursements to municipalities for lost property tax revenues.	PASSED
H.294 (Ketcham)	To reorganize the Public Service Board with independent planning, regulatory, advocacy and adjudicatory functions.	Died in Committee
H.683 (Field, Bonnet)	To prohibit the cost of construction work in progress from being charged to electric utility customers in their rates.	Died in Committee
H.8 (Carse)	To establish a fragile areas inventory and a state register of such areas.	PASSED
S.59 (Gibb)	To drop the state land use plan provision from Act 250 and to substitute a land management plan.	Died in Committee
H.549 (Zampieri, Hutchinson)	To enable the Vermont Agency of Transportation to regulate transportation of hazardous materials. Regulations will not supercede local or municipal ordinances.	PASSED
H.555 (Just)	To provide income tax credits to Vermont citizens for alternative energy systems which employ the use of renewable resources, ie, wind, solar, wood and hydro. (not for wood stoves)	PASSED
H.298 (Carse, Lloyd)	To create a forest resource advisory council and appropriate \$124,000 for an assessment of the State's forest resource.	PASSED
H.489 (Carse, Bartholomew)	To protect public water supplies from contamination due to road salt.	Died in Committee
H.604 (Zampieri)	To limit the user fee of a household connected to a public sewer system to \$150.00.	PASSED
H.66 (Hoffman)	To tax cars that consume excessive amounts of gasoline based on EPA mileage estimates.	Died in Committee
H.405 (Stone)	To require that all deposit bottles be "truly refillable" so that they meet manufacturers specifications and can be refilled.	Died in Committee
H.708 (Field, Bonnet)	To protect consumers against the cost of decommissioning of the nuclear power plant at Vernon.	Died in Committee

H.492 (Foster)	To study Vermont wetlands through mapping and inventory procedures. To restrict the use of wetlands where appropriate.	Died in Committee
H.68 (Stanion)	To prevent utilities from charging consumers for utility lobbying and political advertising.	PASSED
H.322 (Hoyt)	To legalize use of easements by conservation and historic groups.	PASSED
S.77 (Scott)	To permit towns to jointly own and operate municipal electric plants.	Died in Committee
JRH 77 House Natural Resources Committee	To urge the International Joint Commission to study the feasibility of non-structural solutions to alleviate problems of flooding along the shore of Lake Champlain and in the Richelieu River flood plain.	PASSED
H.499 (Hoyt)	To increase the acreage exemption under the land gains tax.	PASSED
H.64 (Scott)	To enable municipalities to create conservation commissions.	PASSED

LETTERS

To the Editor:

Your article on hydropower in the March **VER** was most useful in pointing out that a number of experts feel that hydropower is not as cheap as many have been led to believe.

I'd like to add a few other words of caution, thereby echoing Martin Johnson's recent statement that the effect these projects will have on fisheries, agricultural lands, and the "conservation ethic in the state" must be carefully considered.

In general, "small scale" hydro is attractive. It doesn't cause pollution, it doesn't present the possibility of massive releases of radioactivity, and it draws upon a renewable source of energy. Small hydro projects are also in general more desirable than massive projects like the Dickey-Lincoln Dam proposed for the St. Johns River in Maine.

However, the impacts of specific projects can be significant, and I suggest that conservationists must look at hydro on a case-by-case basis.

What are some of the problems with hydro? First, some of the sites that could provide some electricity are ones on which dams have already been rejected, -- the Gaysville project on the White River, for instance. Would this project which the Army Corps tried to sell as a flood control dam be acceptable if its purpose was changed to generating electricity?

Even if you are not talking about building a new dam, environmental consequences are possible. Abandoned dams allow the water in a stream to flow through them without interruption. Generating electricity often requires holding

back water for certain periods, thereby altering the flow patterns downstream from the dam and perhaps affecting fish populations. Conservationists should see if an old dam is proposed for a run-of-the-river operation or one that involves the regulation of flows. If flow alteration is involved, the proposal should be carefully analysed for its effects on stream ecology and recreational opportunities downstream. Fluctuations in the level of the pool behind the dam should also be considered.

Some proposed hydro projects involve installing a penstock (pipe) downstream from an existing dam and diversion of water out of the natural stream channel. Major reductions in the amount of water in a stream can result in increased temperatures and lowered dissolved oxygen levels (both important to fish life in streams) not to mention reduced opportunities for canoeing and other forms of recreation.

My point is not to say that all hydro projects are objectionable, but simply to suggest that they need to be considered individually and carefully by all who care about our stream resources.

Sincerely,

Bill Painter, Director
Conservation Society of
Southern Vermont

"MAINSTREET CONFERENCE" SET FOR MAY 25

The Vermont Chamber of Commerce and the Office of Senator Patrick J. Leahy will sponsor an all-day conference on the subject of "Mainstreet Revitalization" on Thursday, May 25.

This is how Senator Leahy described the aim of the Conference. "Successful downtown preservation strategy can enhance the local economy and tax base, reduce urban sprawl and provide jobs and housing. These aren't false promises. Mainstreet strategies have helped many communities throughout Vermont and New England accomplish all these goals."

During the Conference, the case histories of revitalization efforts in many Vermont and Massachusetts cities and towns will be examined. One panel will discuss financing possibilities.

At lunch, Chris Delaporte, Director of the federal Heritage Conservation & Recreation Service will speak about the federal effort to help small and large communities in their redevelopment efforts. Delaporte's agency coordinates federal spending for both preservation and recreation.

Robert Simblest, President of the Vermont Chamber of Commerce expressed the hope that the "Mainstreet Conference" would bring together people from around Vermont and New England who have been actively involved in improving the lot of their communities. Simblest said, "While there may be no single solution which will work in every city or town, we hope the Conference will help local government, business people and citizens develop and finance a strategy for their community."

The "Mainstreet Conference" will cost \$7.50 including lunch. Reservations are required and may be made in advance by writing the Vermont State Chamber of Commerce, P.O. Box 37, Montpelier, Vermont, 05602, or by calling (802) 223-3443 or (802) 229-0514.

Representatives of the Clamshell Alliance in Vermont are making preparations for a fourth "Occupation & Restoration" of the construction site of the Seabrook nuclear power generating station in Seabrook, New Hampshire, on Saturday, June 24. Over the next three months Vermont organizers will be forming "local affinity groups" who will be trained in the techniques of non-violence. For further information, write Scott Nielsen, R.D. 1, Plainfield, Vermont, 05667, or call, (802) 454-7767.

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ADDRESS CORRECTION REQUESTED

VERMONT NATURAL RESOURCES COUNCIL, 26 STATE STREET, MONTPELIER, VERMONT