

Vermont Environmental Report

The Appalachian Trail

Will the Spirit of the Law Survive?

For at least a year landowners and federal government officials have been engaged in a struggle over the fate of the Appalachian Trail as it crosses Vermont. The rights and interests of the landowner along its route, as well as the character and integrity of the Trail, are now at stake. Like a heavy morning mist, these issues lie across the footpath -- obscuring its future and the future of the private land it traverses.

Federal involvement with the Appalachian Trail began in 1968 with the passage of the National Scenic Trails System Act. This Act designated the Appalachian Trail, a 2000 mile footpath from Maine to Georgia, as one of two national trail systems. The Act gave the National Park Service the responsibility for overseeing the Trail. But the legislation gave the agency limited authority to acquire threatened land and only a small appropriation to carry out its obligations.

Over the years, the Trail environment deteriorated. The problems of development and increased use along its route, particularly in sections passing near urban and suburban areas in the mid-Atlantic states, became acute. Encroaching development forced re-routing the Trail as much as 25 to 30 times a year. Steve Rice, Executive Director of the Green Mountain Club, says, "The problem of roads severing the Trail became so serious that hikers had to take busses from one section of the Trail to another."

By 1976 there was a growing clamor for stronger legislation to protect the Trail.

During 1976, House Committee hearings were held to assess conditions on the Trail. The Appalachian Trail Conference, a non-profit hikers' organization, and the National Park Service, argued that stronger protective measures were urgently needed.

In early 1977, a bill that would amend the 1968 National Scenic Trails System Act began working its way through Congress. The bill gave the National Park Service \$90 million over a three-year period and the legal authority to acquire, by eminent domain if necessary, up to 500 feet on either side of the Trail for a protective corridor.

News of the pending legislation began reaching private landowners along the Trail in Vermont during the summer of 1977. Reactions were mixed. But many people were worried about how the legislation would affect their land and how it would change the character of the Trail as they knew it. For more than 40 years landowners in Vermont had allowed hikers to freely cross their land. Most people supported the Trail. They didn't feel it was being threatened -- not at least in Vermont. So it was difficult for them to see the need for government intervention.

Susan Hermann, a landowner in Pomfret, tells of one man who closed the footpath on his property when he heard about the impending legislation. "Even though he had a good feeling about the Trail and a good relationship with the hikers who used it," Hermann explains, "he was wary of the government moving in."

Hermann feels that the legislation was being "pushed through Congress without regard for individual landowners." The government was in touch with organizations like the Green Mountain Club and the Dartmouth Outing Club, but Hermann says, "the small private landowner was kept in the dark about what was happening."

Slowly, things began to change.

During the fall of 1977 and the winter of 1978, several public meetings were held in Vermont to discuss the implications of the proposed legislation.

In a letter to Richard Schwartz, Chief of the Land Acquisition Office in Philadelphia, Richard Carbin, Director of the Ottawaquchee Regional Planning Commission in Woodstock, expresses the sentiments of the landowners who attended the public meetings. Carbin writes, "What they [the landowners] wanted was a voice in the process, an opportunity to participate in each step of the project, and more flexibility in determining what options could be used to protect the Trail."

By January of 1978 the amendments to the National Scenic Trails Act had already passed the U.S. House and were coming up for a vote in the Senate.

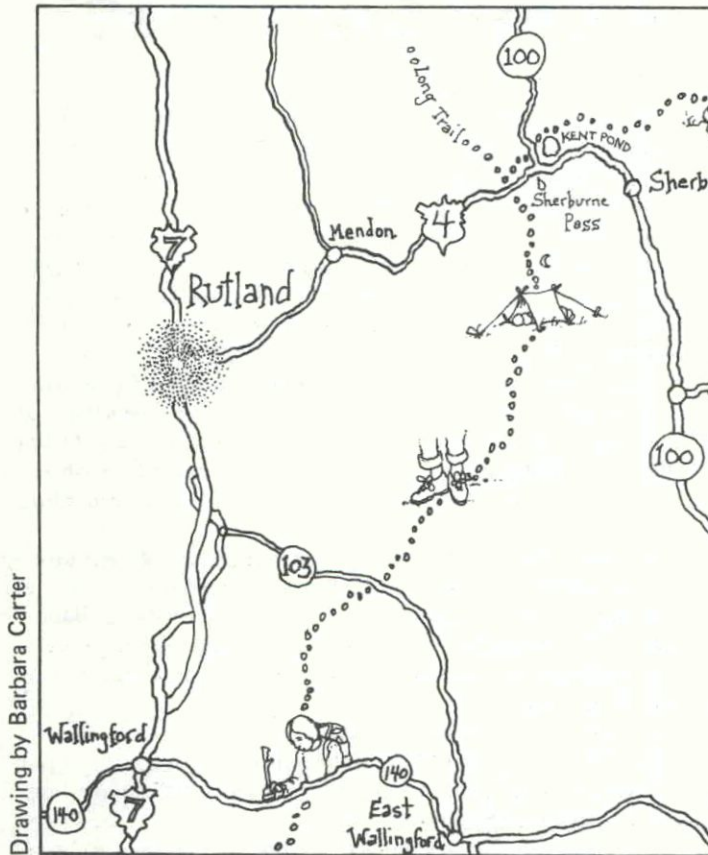
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Meanwhile, Vermont landowners formed a steering committee made up of property owners, the four directors of regional planning commissions, representatives from the Vermont Agency of Environmental Conservation, the Dartmouth Outing Club and the Green Mountain Club. The Committee had two chief concerns. First, that eminent domain proceedings be considered as a last resort for acquiring land. And second, that only the minimum acreage necessary to protect the Trail be taken.

By working through the offices of Senators Stafford and Leahy, changes were made in the report that accompanied the bill passed by the Senate in March 1978. One key passage in the report reads: "The Secretary [of the Interior] should adopt a flexible approach in protecting the Trail. In extending the Secretary's eminent domain authority, the committee does not foresee the widening of established portions of the Trail except in those cases where the current width is inadequate to protect the integrity of the Trail. The

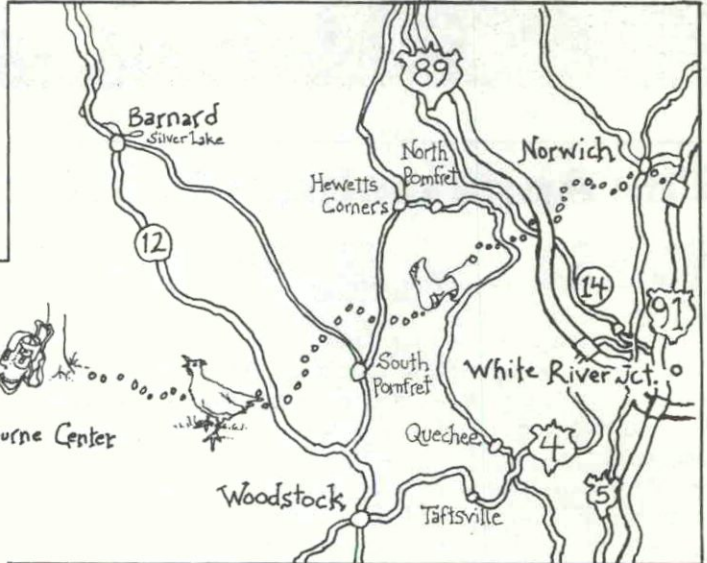
Preliminary work in applying the new law in Vermont is being carried out by Preston Bristow, former Administrative Assistant for the Green Mountain Club. Bristow was hired last summer as the Appalachian Trail Coordinator for Vermont at the request of the Landowners Steering Committee. The Committee had recommended to the National Park Service that they employ someone from Vermont who would be familiar with the local situation.

Bristow is responsible for working on the Vermont



committee notes that the original language of the 1968 Act which directs the Secretary of the Interior to make all reasonable efforts to acquire the necessary land by negotiations has been retained. This policy should be continued, and it should be clear that the expectation of the committee is that eminent domain will continue to be used as a tool of last resort for the Trail."

In spelling these things out, the report attached to the new legislation makes it clear that the intent of the Act is to preserve and protect the Appalachian Trail as a major national recreational resource and to insure that landowners along the Trail get a fair deal.



section of the Appalachian Trail as it runs north from Massachusetts, through the Green Mountain National Forest until it comes to Sherburne Pass. Here the Trail turns east toward the New Hampshire border. It is the 49 miles of private land located north and east of Wallingford that is Bristow's primary concern.

Part of Bristow's job has been to talk with landowners along the Trail about possible routes the footpath could take across their land and the kinds of agreements (such as outright purchase or conservation easements) that they would be most likely to consider. Part of his job has been to adjust the route of the Trail where possible and desirable. He has tried to offer the hiker a variety of natural environments -- forests, open meadows, streams, mountain tops, and valley floors. He has been concerned with the landowner as well. In determining the location of the Trail, Bristow has tried to avoid the small landowner with 50 acres or less. Where possible, he has routed the path along boundary lines or on ridges.

In commenting about the job Bristow has been doing, Steve Rice says, "Preston has helped bring the spirit and the letter of the new law a little closer together."

But at least two major issues threaten Bristow's efforts to bring landowners and the federal government closer to an agreement.

One issue is the question of how much land should be taken for the protective corridor on either side of the Trail. The National Park Service is permitted to take a 1000-foot wide corridor if necessary to protect the environment of the Trail against intrusion.

Some landowners feel differently.

Albert Sise, a Norwich landowner, comments, "This question of the 1000-foot wide corridor depends on whose ox is getting gored." Sise points out that a person with a large tract of land, who will have the Trail running along a border of his property, will feel differently about the amount of land being taken than the person who owns a small parcel of land and who is confronted with 1000-foot wide swath splitting his property in half.

Sise is just such an individual. He owns a small amount of land -- approximately 170 acres -- just outside of town. The National Park Service has proposed that the Trail cut across the center of his property. If this should happen, Sise would be left with about 70 acres.

A second issue involves the federal government's surveying procedures. This seems on the surface to be only a technical problem. But when one looks deeper, there are serious implications for landowners and for the eventual character of the Trail.

In its recommendations to the National Park Service this summer, the Landowners Steering Committee, along with Preston Bristow, asked that the surveying methods employed in Vermont be based on existing conditions and that local surveyors, familiar with these conditions have a chance to bid for this work.

This request does not square with the federal government's plan. One thing the plan calls for is a "centerline" survey. This method of surveying means measurements would be taken from the center of the Trail. Surveyors would not go out from the footpath to determine the boundaries of the corridor. Rather, the boundaries of the Trail would be arbitrarily drawn from information contained in property deeds.

Bristow feels that this method of surveying would be disastrous in Vermont. He says, "We have a unique situation here. It's not like going into some County Clerk's office in California and getting a computer print-out of a deed of land with accurate descriptions of its boundaries." He adds, "In Vermont, deeds are often stuck away in attics, down in basements, sometimes handwritten -- more often than not inaccurate and incomplete."

Susan Hermann feels that if the government insists on doing centerline surveys "the landowners will not know where the true boundaries of their land are or what land they can use or what land they can sell." She sees this as leading to future complications for the landowners, as well as for the government.

Another part of the government's survey plan that could

be troublesome involves the bidding criteria for engaging the services of a surveying firm to do the work. In his letter to Richard Schwartz, Richard Carbin explains, "Because of the minimal time permitted to complete the survey, small firms in Vermont who would have the most extensive knowledge of local conditions are effectively eliminated from consideration for contracts. Thus built into the current process is a loss of valuable expertise and individual concern for the landowner."

The National Park Service has already attempted to follow its own surveying procedures in Vermont. Susan Hermann tells of the consequences: "Sometime last winter a group of surveyors from Texas did a preliminary survey for the Appalachian Trail in the Pomfret area. They took a centerline survey and gathered information from the available property deeds. The results of the survey show they missed at least four major landowners and had our land completely wrong." And Hermann adds, "It's disconcerting to think that the government would consider basing their land appraisals on this kind of misinformation."

In November Preston Bristow will present his findings and recommendations to the National Park Service for consideration. Bristow's report will not only include recommendations for the location of the Trail but will also suggest corridor widths, the kinds of agreements that should be offered -- and the concerns of the landowners. He will stress, again, to the Park Service that it is important for the surveying to be done properly -- no matter how long it takes, and that the corridor width be kept to a minimum where possible.

This coming winter the Park Service and the Land Acquisition Office of the Department of the Interior will decide how the issues of surveying and corridor width, among others, will be resolved. David Ritchie, Project Manager for the Appalachian Trail Project, estimates that surveyors will be on the Trail by this spring...if the Land Acquisition Office and representatives from Vermont can come to an agreement on the questions before them.

Ritchie says confidently, "Once the parties involved sit down face to face and discuss the issues confronting the project, things will be worked out."

Preston Bristow hopes this is true. He says, "If we can't reach a good agreement, the repercussions could be devastating. I'm not talking just about the landowner or the Trail. I'm talking about the effect a failure would have on future conservation efforts in Vermont." □

Fellowship Applications:

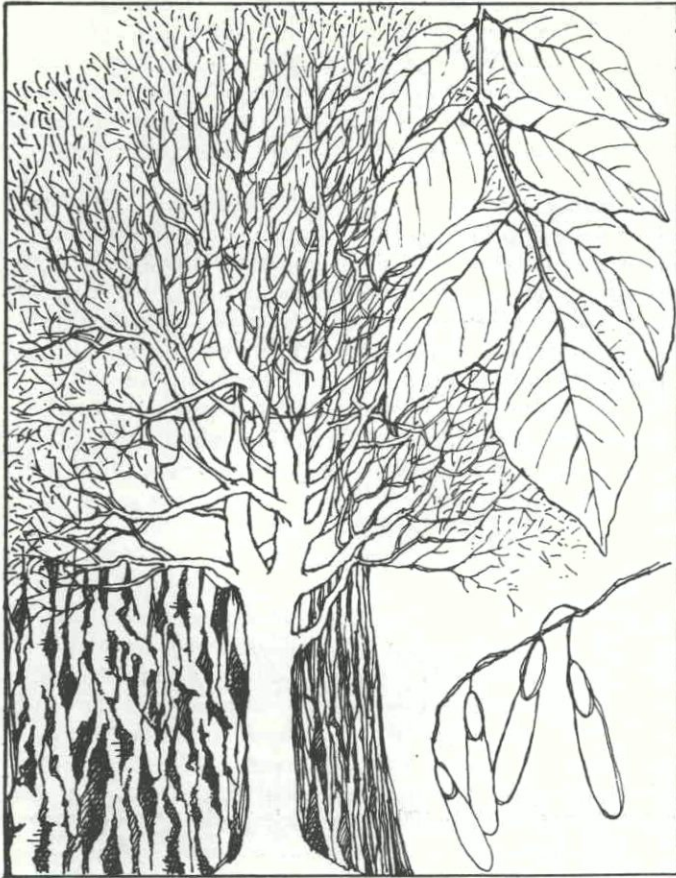
The National Wildlife Federation in Washington, D.C. is accepting applications for "National Wildlife Conservation Fellowships."

These fellowships are open to citizens of the United States, Canada, or Mexico who are pursuing degrees in a college or university graduate program or law school. The grants, ranging up to \$4,000, will be awarded for research in fields related to wildlife, natural resources management or environmental pro-

tection. Deadline for applications to be received at the NWF office in Washington is December 31, 1978.

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For further information, including a list of priority topics, and application forms, write Executive Vice President, National Wildlife Federation, 1412 16th Street, N.W., Washington, D.C. 20036. □



Drawing by Barbara Carter

HEIGHT: 70' to 80' at maturity

TRUNK: 2' to 3' in diameter at a height of 4½'

BARK: Dark brown or dark grey with shallow ridges running in interwoven patterns

LEAF: A stalk bearing five to eleven oval or lance-shaped leaflets. Leaves turn a light purple in fall

FRUIT: A thin wing-like membrane containing one seed which hangs in a cluster 6 to 8 inches long

HABITAT: Found most in deep, rich upland soils. Companion trees include: basswood, black cherry, American beech, red and sugar maples, northern red oak, and hemlock

The White Ash: *fraxinus americana*

Though not the tallest, the hardest, the hottest-burning, or the most valuable tree in the Vermont forest, the white ash is famous for its versatility. It does many things well, and it does some things superlatively.

"Resilience," "lightness," and "strength" -- these qualities commend the ash to the makers of tool handles, snowshoes, hockey sticks, and tennis racket frames.

James Dewitt of True Temper Corporation in St. Johnsbury, says of the ash, "It has good finishing properties. The grain stands out and makes a good-looking handle, as opposed to maple which is a solid-grained wood."

True Temper makes handles for garden tools, golf club heads, and tennis racket frames. "We use approximately 2 million board feet of white ash a year," says Dewitt.

Baird Morgan, President of Vermont Tubbs, snowshoe and furniture makers in Forest Dale, near Brandon, says, "We've tried other woods -- red oak, beech, maple, but none of them have the resilience that ash has. Its long fibers give it good 'weight-to-strength' ratio."

Morgan goes on to remark, "I think Vermont ash is superior. I don't know why exactly. Maybe the soil is better. The trees seem to grow faster than ash trees in other areas. This faster growth produces a coarse grain which is stronger than the brashey, finer-grained tree which grows more slowly."

True Temper's James Dewitt has a different point of view. Dewitt says that the best ash really comes from Pennsylvania.

"I don't think there's a critical shortage of ash," Dewitt says. "It's mostly cyclical. Some years there's more ash than others."

Is there a shortage of ash?

"No," says Herb Clark, a lumber mill operator in Brandon. "I have more ash than I can sell."

Baird Morgan disagrees. He says that True Temper has made life difficult for Vermont Tubbs because True Temper uses so much ash. "The demand for ash is far outstripping the supply," he concludes.

At the State Department of Forests & Parks, wood utilization expert, Brian Stone, has a stack of numbers, but no firm conclusions for settling the argument.

Are we overcutting? Stone says that in 1966 there was an estimated 150 million cubic feet of ash, by volume, in Vermont's forests. Today there is an estimated 181 million cubic feet. That's a gain of 31 million cubic feet in the past twelve years. "In volume we aren't losing ground," Stone says. But he is cautious. He concedes that overcutting may be taking place in the short term in certain counties. "I know they are cutting the growth in Rutland County," he says.

White ash burns well. According to forester Norm Hudson,

it is one of the few trees that will burn green without leaving a lot of creosote. It gives out a lot of heat, just 14 percent less BTU's than sugar maple which puts it right up there among the higher heat producers.

Alan Turner, the wood energy specialist at the State Energy Office, says that the heat from one cord of air-dried white ash is equal to approximately 150 gallons of home heating oil. At current prices that's worth about \$75.

But you'd be a fool to burn ash, unless you are cutting down a tree that is crooked or defective. Let it grow. As fuelwood, ash might sell for \$50 - \$60 per cord. But as saw-timber, ash can bring anywhere from \$350 to \$800 per 1,000 board feet: depending on the number of boards in a given log and the quality of the wood.

If you are looking for white ash, it may be found in the deep, rich soils of Vermont's uplands. It is seldom found in pure stands but grows alongside other northern hardwoods like yellow birch, rock maple, or oak. One estimate suggests that the ash tree composes no more than 3.8 percent of all the trees in Vermont's forests.

It is one of the last trees to leaf out in the spring, almost as late as the black locust.

The ash has its apologists, even its full-throated chauvinists. In Norse mythology the ash was nothing less than the cosmic tree which forms the axis of the universe. The legend proclaims,

*I know of the nine words, nine spheres covered
by the Tree of the World
That Tree set up in wisdom grows deep down
into the bosom of the earth
It is the Ash tree and Yggdrasil is its name.*

In a hardy, more practical vein, an anonymous English versifier celebrated the ash as the non-pareil of trees,

*Poplar gives a bitter smoke
Fills your eyes and makes you choke.
Apple wood will scent your room
With an incense like perfume.
Oaken logs, if dry and old
Keep away the winter's cold.
But ash wet or ash dry
A king shall warm his slippers by. □*

Endangered Species Act

Did the Politicians Cut the Heart Out of It?

"We have got to be more aggressive and take the lead."

These were the words used by Fred Somers, Legislative Assistant to Congressman James Jeffords, to describe his impressions of a recent battle in Congress, a battle that saw a setback for environmentalists who were seeking a three-year extension to the Endangered Species Act of 1973.

It's not as if the Endangered Species Act failed to get reauthorized. It **was** reauthorized. But it was extended, not for three years, but for eighteen months. And in the process, a series of weakening provisions were added.

The most damaging of these new provisions establishes a seven-member interagency Endangered Species Committee. This new Committee will be the final decision-making panel in a two-part review process in considering applications to grant exemptions for development projects. Under the new law, such exemptions may be granted even if development projects pose a threat to the survival of endangered species or endangered species habitat.

Congressman Jeffords and other conservationists have warned that the creation of a separate application and exemption procedure outside the review procedures already contained in the 1973 Act would open up the project-by-project review to political pressure.

Congress chose to disregard this warning. Instead, it established the seven-member review committee. And as if to underscore its dissatisfaction with the notion of protecting endangered species, it specifically required that two of the three projects that have been enjoined as a result of the Endangered Species Act be considered within 30 days of the new bill's enactment. And if no decision is forthcoming in

90 days, then Congress has decided to grant these two projects immediate and automatic exemption.

One of these two projects is the much-celebrated Tellico Dam Project in Tennessee where the fate of the three-inch snail darter has put a stop to a \$116 million water project. The other project involves the Grayrocks Dam and Reservoir in Wyoming where a federal judge has halted construction because of a threat to the critical habitat of the whooping crane.

In assessing the sentiments of the U.S. House, Legislative Assistant Fred Somers said, "The mood of Congress can be explained by the feeling that a three-inch fish was holding up this necessary water project. What good is a three-inch fish," some members of Congress asked, "when we are talking about providing water for people?"

Does the recent weakening of the 1973 Endangered Species Act represent a trend?

"I think that trend has started," Fred Somers replies. He remembers the overwhelming support for the original Endangered Species legislation in 1973. But the times have changed, and Somers says, "Congressman Jeffords is very concerned about it."

According to Somers, the sentiment in the House had been to take an even larger meat-axe to the Endangered Species Act. In the bill that passed the House, the vote to grant an immediate, automatic exemption to the Tellico Dam was overwhelming. And this is just the beginning. Somers predicts that in eighteen months we can expect another effort to weaken even further the protection of endangered species and endangered species habitat. □



Are There Any Takers?

Just arrived at VNRC -- a cheerfully optimistic little booklet -- with a big green apple and a big green leaf on the cover. **"GREENMARKET"** -- it says triumphantly -- **THE REBIRTH OF FARMERS MARKETS IN NEW YORK CITY.**

As author Barry Benepe, the brains and energy behind Greenmarket, explains, "Since the end of World War II, millions of acres of prime farm land around our cities have been wiped out by housing, highways, shopping centers, and other suburban land development. In the region surrounding New York City alone, over half a million acres have been lost."

This loss of agricultural land, a tragedy for farmers, has been a misfortune for the city dweller as well. Benepe writes, "The resulting decline in flavor, freshness, ripeness and taste has led to a shift in consumption from fresh to processed food and non-foods of all kinds. Corn, for example, is placed on the supermarket shelf several days old, having experienced almost total conversion from sugar to starch. The consumer has become a victim rather than a beneficiary of the food processing industry, and he has paid twice, first with a loss in food quality, and second with the loss of the beautiful rolling countryside so essential to his spiritual well-being."

Barry Benepe's project with the happy name of "Greenmarket" is one man's successful effort to reverse this situation.

The first day of "Greenmarket" began at 7:00 a.m. on July 17, 1976, when seven plant, fruit, and vegetable growers from Long Island, New Jersey and upstate New York counties arrived at a farmers market site at 59th Street and Second Avenue in New York City and began to unload and display, boxes of fresh-picked produce. A small, but eager, crowd began to form. And, in a moment of sensual delight, Benepe says, "Promptly at 8:00 a.m. the gates swung open to these early arrivals who entered to find spread before them a colorful corridor lined

with crates of such early summer crops as juicy sweet corn, vine-ripened tomatoes, crisp lettuce and other greens, and aromatic peaches at the peak of their ripeness."

During 1976, two other farmers markets opened in the City, one at 17th Street and Union Park Square, and another in downtown Brooklyn. Now, two years later, there are seven farmers market sites, in East Harlem, West Harlem, the upper West Side, and in downtown Ossining, New York.

Some sixty farmers are participating in Greenmarket from all parts of the New York Metropolitan Region and beyond. Benepe writes, "They include a number of 'black dirt' vegetable growers from the rich muckland soil areas of Orange County, fourth generation fruit growers with orchards overlooking the Hudson River, a Chinese vegetable farmer from far eastern Long Island, a wine grape grower from the Finger Lakes District of western New York State, organic farmers from New York and Pennsylvania, a honey producer from the southern part of New Jersey, and a plant grower from New York City itself."

Why not Vermonters? Why not, indeed.

A letter received from Barry Benepe at the Council reads as follows, "Could you announce to your members that the Greenmarket Farmers Market at Union Square in New York City is looking for sellers of freshly cut Christmas trees, wreaths, branches and boughs of pine, spruce, hemlock, holly and mistletoe during the two Saturdays before Christmas, December 16 and 23. Other local products may be permitted on request. Interested sellers should write to me here, Greenmarket, Fruit and Vegetable Farmers Market, 24 West 40th Street, New York City, N.Y., 10018, or phone (212) 840-7355.

OK, Vermonters, you've heard the call from Barry Benepe at Greenmarket. Are there any takers? ☐

Research Proposals:

The New England Wild Flower Society is inviting proposals for a research grant of \$500. The \$500 grant is awarded each year to an applicant whose proposal best fulfills the stated purpose of the New England Wild Flower Society: "to promote an appreciation of native plant life and its environment through research and education in botany, horticulture, ecology and conservation."

The grant announcement says, "The Society encourages applicants to interpret the term 'research' broadly, and wishes to solicit proposals ranging from specific horticultural or botanical studies to programs of wide educational impact. The

facilities of the Wild Flower Society, including the botanic garden and sanctuaries are available to the recipient."

Proposals for the \$500 research award should be submitted on or before February 1, 1979, and all applicants will receive notification on or about April 1, 1979. Each proposal should contain an outline of the work plan, a curriculum vitae and names of references.

For further information, or to submit a proposal, write, New England Wild Flower Society, Inc., Donald Stokes, Chairman, Education Committee, Hemenway Road, Framingham, Massachusetts 01701. ☐

Letters:

The following letters are responses to the wood energy conference held on November 4 in Montpelier.

To The Editor:

This is shortly after the wood energy conference and I'm sufficiently out of my black depression to want to be "more out." I've concluded that my depression stems from my "but-toning-up my lip" about disagreements I felt with speakers this afternoon.

I can't identify the speakers now, but let me try to clear my head by suggesting themes that I felt were omitted or understressed this afternoon.

(1) What about the aesthetics of burning wood?

I guess I mean by this the satisfactions of being more directly related to one's source of heat. The oil crisis becomes an opportunity to appreciate one's body more through physical work and to feel less anonymous about one's heat source. There is also the aesthetics of building with one's own wood and this may be worth some of the inefficiencies involved.

(2) The oil crisis can be seen as a chance to correct the circumstances of our common deprivation by surfeit.

I don't recall anyone thanking the heavens for the so-called oil crisis. The tone seemed to be, "Let's make of wood an oil substitute so that we may climb to ever higher levels of energy consumption." Maybe I exaggerate, but the thinking expressed on this dimension appeared to be one-sided.

(3) Computer projections for the future are largely futile.

Human nature is too rich to be pinned down this easily. After writing this, I ask myself where I would draw the line on employment of the computer. It is appropriate for sifting weather patterns. But when we put in the human equation -- then look out. Witness the unnecessary application of computer findings in the Club of Rome Report or the computer schemes to predict the new Pope. "How do your trees grow?" is a question replete with human uncertainties. Who can ask the right questions of the computer? Who is to say that tomorrow all of those 35,000 owners of small woodlots who hold one-half of Vermont's forestland under 10 acres, that those "little" people won't suddenly decide to spruce up their tiny woodlands? Human nature operates by those unpredictable quantum jumps.

(4) I try to think "little" and remember that small is beautiful.

The exclusive attention to large wood handling equipment was instructive, but it is depressing to think that practically no one, including me, was talking about appropriate technology at the conference. How do we move ahead to more labor intensive and people-oriented machinery?

Thank you Lewis Mumford, Ivan Illich, Eric Schumacher, and Wendell Berry for helping me with these ideas. Maybe I had to wait till now to struggle with putting the words together in this way. Possibly I should still feel depressed at what I heard this afternoon. But I don't.

John Wires
Plainfield, Vermont

To The Editor:

I wish to express my appreciation for the presentation on WOOD ENERGY AND THE FUTURE OF THE VERMONT FOREST RESOURCE at Montpelier on November 4. I found the morning session in particular to be very informative, stimulating and challenging.

I felt that the afternoon session was something of a disappointment, but upon reflection it did raise some valuable questions in my mind.

I question what seemed to be the presumption of some members of the afternoon panel, namely that the financial market might be the most effective means of regulating the wood energy problem.

My own presence at the Montpelier meeting was not motivated by the prospects of programs which would bring maximal dollar realization from our woodlands. I suspect that a good percentage of the 125 persons present were at the meeting because they recognize the social implications of the energy crisis.

It is our view that the holding of our woodlands is a social responsibility. We are interested in cooperating in programs which would ease the burden of energy on those who do not have the natural resource for energy in their own hands. Programs which would share this resource while enhancing the productivity and value of our woodlands would be of definite interest to us even if they brought only a very modest financial return.

The point was made during the afternoon session that we are in a transitional period. During this period, wood is seen as a resource which could do much to bring the line of supply of energy into line with the need for energy. It seems to me that many landholders such as ourselves would be interested in joint or cooperative plans for forest management and production during this interim period.

A further question which the afternoon session raised for me was the determination of priorities for the allocation of energy produced by our natural resources.

Again I must question the criterion upon which such priorities are based.

It seems to me that in a crisis situation, and I think that most persons would grant that we are in that kind of situation, the first consideration should be given to basic human rights and needs. I think that this position strongly challenges the claim that our competitive market system will work here.

I question whether the area of energy should not be placed rather on a par with questions of health services, food and nutrition. It does not seem to be a just or equitable system which would make these basic human necessities subject to competition. It becomes evident that it is an unfair struggle for the poor and those without property to compete with the wealthy and with landowners for a commodity such as energy.

With joint effort and cooperative goodwill, I wonder if programs cannot be developed which will make these commodities accessible to all.

Brother John Hammond
Weston, Vermont

Law Conference Set for December 4

The Vermont Law School, the Vermont Bar Association, and the Vermont Natural Resources Council, have announced plans for an all-day "Environmental Law Conference" on Friday, December 8, at the Woodstock Inn, in Woodstock, Vermont. The Conference will begin at 9:00 a.m. and will close at 4:00 p.m.

VNRC staff attorney, Darby Bradley, one of the organizers of the conference, explained the purpose of the event. Bradley said, "It has been four years since the last general conference on environmental law in Vermont. During the past four years there have been numerous changes in federal and state environmental programs. In addition, there have been significant decisions handed down by the courts and by administrative departments of government."

Bradley thinks the "Law Conference" will prove valuable not only to attorneys, but to people whose work or interests bring them in touch with environmental law. Bradley said, "The attorney, the planner, the town official, the engineer, the realtor, the environmentalist, the concerned citizen, will find this conference both relevant and timely."

The morning program of the Law Conference will take up four subjects that are at the heart of environmental protection efforts in Vermont: (1) land use taxation; (2) air pollution; (3) water pollution; and (4) Act 250.

The purpose and recent use of Act 250 will be examined in a "mock" trial to be presented by two attorneys, Martin Miller of Montpelier, and Arthur O'Day of Manchester. The

two attorneys will be examining the question, "Act 250: A Sword or a Shield?" Legal observers in Vermont have been asking whether Act 250 is simply a "defensive" legal tool to prevent unwise development, or whether it can be used more aggressively as a legal tool to reject development proposals that may not be seen to be in the public interest.

The afternoon session of the "Law Conference" will consist of a series of seminars. These seminars will be led by faculty members of the Vermont Law School, members of the Vermont Bar, and state environmental officials. They will provide an opportunity to consider a wide range of environmental law subjects in considerable depth. The seminars will take up subjects that were touched on as part of the morning program, such as Act 250, air pollution and water pollution. But the seminars will also examine other questions such as streams, wetlands, and lakes, zoning administration and enforcement, historic preservation and land trusts, and land use planning and growth controls.

Persons who wish to register for the "Law Conference" should send their name and address to the Vermont Natural Resources Council (VNRC). The registration fee for the conference which will include a new edition of the **VNRC Environmental Law Manual** will be \$15.00. Lunch (optional) at the Woodstock Inn and the Woodstock Country Club will cost an additional \$5.00. Please make checks payable to the Vermont Natural Resources Council, 26 State Street, Montpelier, Vermont 05602.

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Contents

- Appalachian Trail: Where a Guy by the Name of Uncle Sam Meets the Vermont Landowner
- The White Ash: A Profile
- Congress Extends Endangered Species Act: Did the Politicians Cut the Heart Out of It?

Address Correction Requested

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