

# Vermont Environmental Report

## The Vermont Legislature

### Review...

#### Uranium Exploration, Mining, Milling - H.327

35  
Legislation that would require approval by the General Assembly of any prospecting on state land and the mining or processing of ore for nuclear fission fuels on state and private land has been introduced by Rep. Michael Silver, R-Bennington. Bill H.327 is being reviewed by the House Natural Resources Committee.

For the most part, House bill H.327 is in response to a request from the West German mining firm, Urangesellshcraft, for permission to explore state lands, principally Okemo State Park, for uranium deposits. Urangesellshcraft and other mining companies have already obtained leases for some 2000 acres of privately owned land. The leases, according to state Environmental Agency sources, includes exploration and mining rights.

Rep. William Hunter (D-Windsor), one of 35 sponsors of H.327, feels, "the bill is an appropriate response for people to make in view of the seriousness of the issues confronting us. Furthermore, people feel helpless when a huge international company begins moving in with a lot of money." Hunter also sees Vermont's current nuclear power law as setting a precedent for the regulation of uranium mining.

Although the Agency for Environmental Conservation has not taken a position on the leases, some officials have spoken publicly in support of exploration, if only for purely scientific purposes. Dr. Charles Ratte, state geologist with the Agency, has said, "Citizens should be quite aware of what they're living with naturally. If we have radon in our water and that's a natural health hazard, let's find out about it."

Some environmentalists, on the other hand, feel that uranium exploration cannot be separated from its ultimate goal of mining and milling. Dr. Chauncy Kepford, a research chemist, testifying before the House Natural Resources Committee, said, "The

danger of exploration is the tendency toward 'programmatic inertia'—companies will try to protect their investments." Kepford also warned that when high grade uranium supplies elsewhere in the country begin to dwindle, Vermont's low grade uranium ore will start looking more economically attractive.

Arguments for and against the bill are forming around the question of whether or not the Act 250 process is sufficient to resolve the issues involved in uranium mining and milling. Act 250 prohibits permits for mining or processing operations or for the disposal of waste when these activities have a harmful effect on the environment. Despite the comprehensive language in the Act, there is still some concern that the Environment Agency would not have the necessary resources to adequately review a permit request.

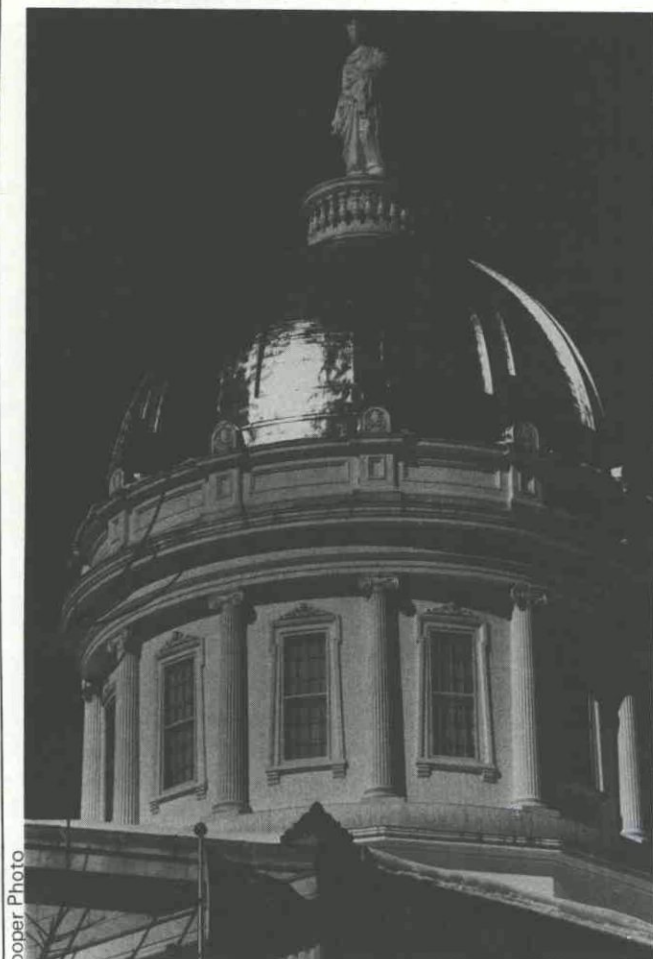
Charles Sheketoff, Assistant Director of Vermont Public Interest Research Group, sees the vast financial and technical resources at the disposal of private companies, like Urangesellshcraft or the Exxon Corporation, as one of the most persuasive arguments for passage of H.327. Sheketoff comments, "There is no one now in the State who could present the technical information that would be needed." Mining companies, he points out, are prepared to spend inordinate sums of money to obtain an Act 250 permit. "For example," he says, "Pyramid spent \$2 million during its Act 250 hearing. Urangesellshcraft is prepared to spend \$8 to \$9 million on exploration alone before the Act 250 process even begins."

Supporters of H.327 also point to the high risks involved in the mining of uranium. Sheketoff feels that the issues are unlike those associated with other kinds of developments like large shopping malls. He says, "The consequences of human error or misjudgment are much more grave and last much longer."

**continued...**



VNRC staff attorney Darby Bradley says, "Even if the state could muster the resources to insure a full review of uranium mining and milling proposals, H.327 would guarantee additional environmental review and control by the General Assembly." Bradley adds that, "given the long-term environmental problems associated with nuclear power, this additional safeguard would probably be desirable."



Hooper Photo

On the outside - architectural order

### Wilderness Resolution -- JRH.20

One of the most divisive issues to come before the General Assembly this year is embodied in JRH.20 -- the so-called anti-wilderness resolution.

This resolution calls for the General Assembly to support U.S. Secretary of Agriculture Bergland's recommendation to withhold further wilderness designations from the Green Mountain National Forest.

VNRC, the Conservation Society of Southern Vermont, the Wilderness Association, and the Vermont

Public Interest Research Group are working to change the language of the resolution. These changes would make the resolution less categorically opposed to future wilderness areas in Vermont.

An effort to modify the resolution failed earlier this month. But some wilderness supporters are viewing the Senate with more hope.

Senator Scott (R-Windsor), a member of the Energy and Natural Resources Committee, recently moved a modified resolution out of the committee. While continuing to support Bergland's recommendations, Scott's version of the resolution broadens the definition of multiple-use management to include wilderness. Scott's wording reads, "multiple-use management [of the Green Mountain National Forest] does not preclude the United States Forest Service from studying and classifying future wilderness areas."

Because of the disparity between the Senate and House versions of the wilderness resolution, we expect the resolution to go into a conference committee. The task of the committee will be to write a resolution that is acceptable to both legislative bodies.

## Update...

### On-site Sewage Treatment--S.143

People who have been working for reform of Vermont's on-site sewage treatment regulations and programs were surprised by the appearance of a bill recently introduced by Senators Mandigo (R-Essex-Orleans) and Reynolds (R-Addison).

An ad hoc committee within the Agency of Environmental Conservation drafted legislation earlier this year aimed at streamlining the State's regulatory programs and requiring consideration of innovative on-site sewage systems. This proposed legislation has yet to see the light of day. Instead Senators Mandigo and Reynolds have introduced a bill that bears little relationship to the problems addressed by the Agency committee.

S.143, as introduced by Senators Mandigo and Reynolds, has three provisions:

First, it directs the Health Department to replace its design criteria for on-site systems on new lots with *performance standards*. Performance standards would simply prohibit systems from leaking on the ground, into rivers or lakes, or into water supplies.

Second, S.143 abolishes the state subdivision standards. These standards require a permit before a person can create a new lot of less than 10 acres by selling or subdividing a parcel of land. The seller will receive a permit only if the land meets certain soil and site standards proving that it can support a sewage disposal system.



Third, S.143 abolishes the On-site Specialist Program. This program, conducted by the Vermont Association of Conservation Districts, provides technical help to towns that have local health ordinances governing private septic systems.

Testifying before the Senate Energy and Natural Resources Committee, Michele Frome, Director of the VNRC Sewage Planning Project, urged the Committee to reject the Mandigo/Reynolds version of S.143.

She argued that homeowners need specific criteria, rather than simply performance standards, to ensure that they construct adequate sewage systems. She likened the need for sewage system regulations to the need for traffic regulations. "You could adopt a 'performance standard' that says, 'do not drive in such a way as to cause an accident,' and take down all of our traffic lights and speed limit signs. Now if you do that, I know that I'm likely to think, 'I don't really have to slow down for this intersection. The chances of anyone passing through are pretty slim.' And I just might injure someone someday. Now, you could fine me for that, but by then the damage would be done."

Frome also spoke out in support of the state subdivision regulations. She stressed that Vermont needs the subdivision regulations as prevention against future health hazards and water pollution problems. "Once a house is built on a poor lot and starts polluting, we're not likely to evict the people and tear down the house. Instead, we'll probably be forced to build a costly sewage treatment plant, as we have already in many small towns and ski areas in Vermont."

In her testimony, Frome also defended the On-site Specialist Program as helping to provide a common sense approach to on-site sewage regulation. The On-site Specialists help towns by evaluating sites and inspecting the construction of systems. Senator Chester Scott (R-Windsor) and other members of the Committee also voiced support for the Program.

Frome agreed with the Senate Natural Resources Committee that our present on-site sewage regulations are too rigid for Vermont conditions. She reasoned that the solution is not to *abolish* the regulations, but rather to *revise* them in order to allow for permit alternatives.

VNRC will continue to oppose S.143 in its current form and to work with the Agency and the On-site Specialists Program to improve the regulations

**WATCH YOUR MAIL** for a questionnaire from Congressman James Jeffords. The questionnaire will include important wilderness issues. Your answers will help Jeffords decide whether or not to push for the inclusion of wilderness areas in the Green Mountain National Forest. **Be sure to send him your response.**

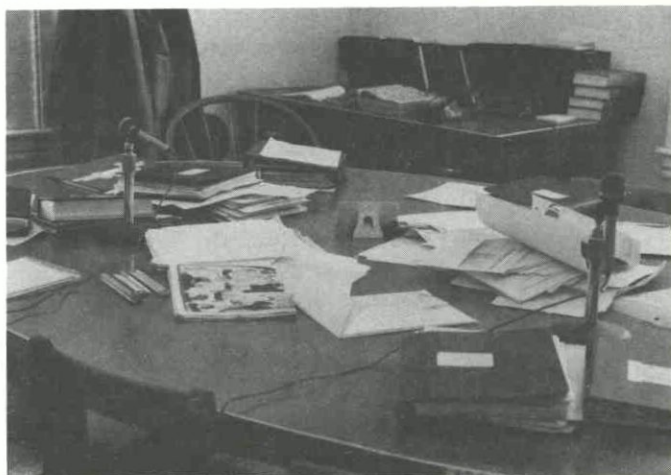
### Wetlands Protection Bill—H.213

This bill would provide Vermont with a comprehensive wetlands protection law.

There is considerable reluctance to approve any measure that increases state regulation of private land, and there appears to be only limited recognition of the ecological value of wetlands.

The House Natural Resources Committee is working through the legislation slowly and considering a variety of amendments.

Committee Chairman Sam Lloyd, D-Weston, hopes the House Agriculture Committee will review the bill before the end of March when he expects to report it to the floor. There seems little likelihood that this bill will be acted on this year.



On the inside - committee room clutter

### How to Obtain Copies of Legislation from the Vermont General Assembly

Copies of all senate and house bills are available through the Legislative Council office in the State House. You may pick up a copy from the office or call 828-2231 or send a self-addressed stamped envelope to: Legislative Council, Vermont State House, Montpelier, Vermont 05602. When you request a particular bill, give the legislative staff as much information as possible—bill number, subject, sponsors, whether it is a house or senate bill.



# Chronicle of a Naturalist

by Anne Winchester

*The morning sun has not yet dissolved the mist off Osmore Pond. Dark green shadows of spruce and fir trees line the opposite shore.*

*"What's that?"*

*Twenty-three pairs of eyes peer into the fog. Slowly, silently, a flock of Canada Geese drift into view.*

*Each of the delighted children waits eagerly for a closer look through my binoculars. Even the sleepily teacher appears impatient as the geese move past us.*

*I explain that the flock is resting here on their journey south, perhaps to Chesapeake Bay, where they will spend the winter.*

*Our attention is diverted away from the geese when one of the students yells, "Hey, look at this tree." The other children surround a yellow birch chewed half-way through by a beaver.*

*"Look at those tooth marks."*

*"I wonder how long it took him?"*

*"Do you think we could find his house?"*

*I answer these and other questions, ask a few of my own, add a little information, and cut a twig from the birch to let each child smell and taste its spearmint flavor.*

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I am one of 13 Vermont state park naturalists who "interprets" nature for school groups and summer visitors to the parks. Each of us lives in a park that has a system of hiking trails. A brochure enables campers to take a self-guided walk on one of these trails. The naturalists, also, offer short guided walks as well as long, strenuous hikes . . . mountain climbs for lunch or to watch sunsets, night walks to listen for owls or to look for constellations, expeditions to explore natural areas such as bogs or caves.

Typically, the season opens with high enthusiasm, at least on my part. Often one of my first spring activities is an early morning bird walk. I post a notice for the campers telling them to meet me at the bathhouse at 6:00 a.m. on the following morning.

The next day, I am at the designated meeting place at 5:45 watching a pair of swallows carry mud and grass to their half-built nest under the eaves. At 6:00, I listen, alone, to the flute-like melody of the thrush and watch a yellow warbler display his red necklace in a near-by cherry tree. At 6:10 a mourning dove coos to its mate. No campers. At 6:20 I admit defeat and turn to the task of repairing signs at the nature museum.



Kline Photo

An actual sighting of an interpreter in his natural habitat

But at 1:30 p.m., I'm at it again. I stow magnifying lenses and field guides into my backpack in preparation for the 2:00 fern walk. My intention is to take the crowd I am expecting to the limestone ledges where they can practice using the guides to identify a few of the many fern species that grow there. Two children are at the meeting place when I arrive.

"Are you the lady who is going to take us on the nature hike?"

"Yes." I am delighted. "Where are your parents?"

"Oh, they went to the beach."

By 2:20 I realize that my "crowd" is going to consist of a seven and nine year old, so I drop "ferns" and decide to do "microtrails", a part of the Junior Naturalists program.

"Hey, how would you guys like to make a nature trail for an ant?"

They look skeptical.

I lead them to my cabin to pick-up string and toothpicks. Before long we are on our hands and knees peering through hand lenses and seeing nature from an ant's point of view. We stake out trails designed to entertain a lilliputian creature, laughing and giggling as we wind through this unfamiliar world.

This is my third season as a naturalist so I am not greatly surprised at the early season lack of attendance. Through the years, naturalists have learned that campers who are reluctant to participate in a walk will usually bring a camp-chair or blanket down to the lake



in the evening to watch a nature movie or slide show. The program may present a local forester talking about his work, a photographer showing slides of her journey to Alaska, VNRC's Vermont's Natural Areas slide show, or a local teacher with an interest in the Lake Champlain monster. Often we build campfires and invite campers to bring marshmallows and participate in singing and story telling.

Once the initial contact is made campers do take advantage of the activities we offer. Hikers usually meet at the beginning of the nature trail where we greet them and begin to explain the park environment. There may be a theme, such as bird watching or caves, but more often people are invited to look, smell, feel, and explore the world around them. The naturalist explains how various discoveries fit into large and complex natural systems and cycles.

At first, the naturalist does most of the finding and most of the talking, but people soon begin to notice things themselves.

"What's that swelling on this stem?"

The naturalist cuts the goldenrod stem and opens the swollen part (or gall) to reveal a tiny white grub. He or she explains that a wasp has laid her egg in the stem and the plant has swollen in response to the infection. The egg will hatch, the larva will eat its way out of the gall, and metamorphose into an adult wasp. Soon everyone begins finding galls in the goldenrod field, amazed that they never noticed them before.

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Thousands of people participate in the nature program during the summer. Then as Labor Day arrives the crowds disappear and quiet descends on the park again. Some of the naturalists return to civilization and to other jobs. A few of us stay on to work with school groups.

During the fall, teachers are invited to bring their classes to the park for a day of hiking and learning. Children are told that they will be visiting a park and will meet a mysterious "naturalist" who will take them into the forest.

The day arrives and the booted and jacketed children, lunches in hand, crowd onto the bus. They arrive at the forest, hardly able to contain their excitement. I swing on board the bus to introduce myself and am greeted with a clamor of questions.

"Will we see bears?"

"Can you talk to the animals?"

Children and naturalist spend the day discovering the natural world. The day is filled with special events. Some of the children will remember Susan, the naturalist who pulled a snake out of her pocket. Or Micky who took them back-in-time to hunt dinosaurs. A group of first graders will certainly remember Steve

who took them to the bog. He had to carry the children across the water on his back because a bridge had been washed away. He even had to carry the teacher and swears it was an accident when he dropped him. The kids will remember that, of course, but they will also remember the milk snake, saw-whet owl, and insect-eating plants they discovered that day.



What nature lesson is being dramatized here?  
(See page 6 for the answer.)

The Vermont Nature Interpretation Program began in 1974 when Charles Johnson, then a Park Ranger at Brighton State Park, was hired as a full-time State Park Naturalist. The first season Mr. Johnson had 8 seasonal naturalists working in different Parks. With no money available, the naturalists used all the ingenuity, energy, and imagination they could muster to build nature trails, organize various nature walks, offer evening programs, and construct small natural history displays and exhibits. Our goal this first year was: "to increase environmental education through the vehicle of the state parks."

With the initiative and enthusiasm of the naturalists and the help of many park employees, professional forest and wildlife managers and interested citizens, the program had a quick, successful beginning. Over 70,000 people participated in the nature program that first summer.

By the end of the first season, 8 self-guiding trails were completed, including one for blind and handicapped people at Button Bay State Park, and two museums were opened.

Now, five years later, with programs well established



in 12 parks, many naturalists are turning their attention to perfecting their techniques and creating new teaching tools. Materials and activities for new subject areas, like alternative energy sources, are being developed. New museum displays are being designed, and new self-guiding trails for children are being built.

Each season park naturalists meet to exchange ideas, teach each other new techniques, warn each other of pitfalls, and evaluate philosophies and goals. Five years ago, our goal was to "increase environmental education." We have learned that this is a secondary goal and that we must actually go back further "... to stimulate as many [people] as possible into wanting to learn more about the natural world." We feel we can do this by helping people become more aware of the richness and beauty of the natural environment.

Equally important, we have come to understand that our role involves making the public conscious of conservation and resource management within the state. We believe the future depends on the ability of people to make sound judgments about issues that affect our environment. To this end, we have begun to depend more heavily on foresters and wildlife biologists to teach us, so we can teach others.

Charles Johnson has called the Nature Interpretation Program "a mediator in the relationship between man and nature, and the park naturalist is a guide." It is not the naturalist but nature which teaches. The naturalist simply helps people see and hear the lessons.

There is much to be learned from books, films, and lectures, but it is, at best, second-hand knowledge. Perhaps Aldo Leopold, one of America's early conservationists, was right when he said, "the opportunity to see geese is more important than television."

#### Information about the parks. . . . .

The following 12 parks have Nature Interpretation Programs: Bomoseen, Branbury, Brighton, Burton Island, Button Bay, Carmi, Groton, Half Moon, Maidstone, Little River, St. Catherine and Woodford. There are plans to develop a program at Coolidge in the summer of 1979. Available to the public are a guide to common Vermont ferns, a brochure on the common loon, a children's guide to birds, a booklet on the state's endangered species, and checklists of birds, and flowers in various parks.

For more information about the location of parks and the naturalist program you may call or write: Charles Johnson, Vermont State Forest, Parks, and Recreation Department, Montpelier, Vt., 05602. (802) 828-3375.

*My day with the fifth graders at Osmore Pond has been exhausting. We climbed Big Dear Mountain and ate lunch on a rock outcropping looking east to Peacham Bog.*

*The White Mountains loom large on this crisp, orange and blue October afternoon.*

*Returning, we approach the Pond slowly, wondering if the geese will still be there. They are.*

*At least 70 birds move toward us, honking softly. We stop speaking, not daring to move.*

*The honking becomes louder and more frequent. Wings flap rhythmically. There's the gentle splashing of feathers against the water. Lifting their bodies, the geese appear to run over the water for a moment. Then they rise.*

*Within seconds they have formed a V. Circling the Pond once, they fly over us. Slowly they fade into the southern sky.*

*"Wow, did you see that?"*

*"They're beautiful."*

*Most of the children watch, speechless.*

Anne Winchester is currently working as an Assistant State Naturalist in the Forest, Parks, and Recreation Department. Before becoming a park naturalist, Anne taught high school biology in Newport, Vermont.

**Answer:** Naturalist is about to ingest the poisonous *Amanita muscaria*. (She didn't eat it, but she did get people's attention.)

## Law Students to Hold Energy Conference

The Environmental Activist Group of the Vermont Law School is planning its second annual spring conference. The central focus of this year's conference is Vermont's Energy Future. The conference will held **Wednesday, April 24**, at the Vermont Law School. The program will be at 2:30 pm.

The conference will investigate nuclear, hydro, wood, wind, and solar energy: their viability and social, political, and economic consequences. The format will include workshops in the afternoon, followed by a buffet dinner and a panel discussion in the evening. The speakers include: Rob Howland, hydro-researcher for the Vermont Public Service Board; Ron Albee, Director of the state Energy Office; Darby Bradley, staff attorney for VNRC; Stacy Weaver, Information Director of Vermont Yankee Nuclear Power Corporation; and representatives from the Vermont Planning Office and others.

For more information please call or write: Phil Mancini, Vermont Law School, Environmental Activist Group Conference, South Royalton, Vermont 05068. Phone: (802) 763-8303.



## Nuclear Wastes: Who Decides Where?

At present citizens cannot legally stop the federal government from building a technically flawed or politically expedient nuclear waste dump within their state borders. According to Peter Franchot, staff attorney for the Union of Concerned Scientists (UCS), "There is strong political pressure on the federal government from the nuclear industry to 'solve' the disposal problem of radioactive waste by quickly choosing a waste site."

Recent newspaper reports reveal mounting pressure from states, as well as private industry, for a solution to our energy problems. U. S. Energy Secretary James Schlesinger considers nuclear power no longer a luxury but rather an essential element in any potential energy solution. In view of this, Schlesinger feels that, "We are going to have to reassess the trade-offs between energy considerations and environmental considerations."

Radioactive waste disposal, however, persists as a major barrier to nuclear power development in the United States. Schlesinger wants the states to take responsibility for waste disposal sites. But at a recent Governors Association Conference in Washington D. C., North Carolina Governor, James Hunt, cautioned federal officials, "If you are going to give the states the option, that's the end of nuclear power."

A bill that would give each state the "option" is being introduced by Senator George McGovern, D-South Dakota. The bill provides clear, legal authority for states to reject or accept a waste site. This legislation requires the Federal government to notify a state when exploration for a radioactive waste dump is planned. The governor of the selected state may then appoint a commission of federal and state officials and members of the public to review the technical, engineering, and environmental information available. The state and the U.S. Department of Energy (DOE) must "concur" on all issues pertaining to a waste facility. If there is an impasse, DOE would not be able to proceed

with any waste disposal siting in a state until any objections were satisfied.

The Union of Concerned Scientists believes that a state should have final authority to reject or accept a radioactive waste site within its borders. Franchot says, "We believe clearly granting states the power to say 'yes' or 'no' protects them against summary federal action that may be deeply flawed. And it will guarantee the widest possible debate and ultimately the best decision."

Nuclear proponents and the DOE support a vague procedure where only a small number of state officials are "consulted" by the federal government. "The best assurance," Franchot claims, "of federal accountability is to lodge final approval with citizens of a state or with their elected representatives."

If this national legislation is passed, it will strengthen an existing law in Vermont that requires approval by the General Assembly for waste disposal facilities within the state. Presently this law could be preempted by the federal government if it should choose to locate a nuclear waste facility in Vermont.

Robin Carpenter, a legislative aide in Senator McGovern's office, sees support for the bill coming from all sides. She says, "We've gotten this kind of backing because of the 'consensus' clause. Everyone will get to tell his or her side of the story."

In summing up the need for this legislation, McGovern has stated, "We are now long overdue in defining a state's role in the waste facility process and it has become increasingly evident that states desire an active role. To date, over half of all state legislatures across the nation have enacted or have pending legislation that would, at a minimum, serve as a limiting factor to plant siting." McGovern concludes that in light of recent Supreme Court decisions state control may be invalid without federal legislation.

## VNRC Receives A Special Gift

We wish to express our appreciation and gratitude for a recent memorial gift to the Council. The donation was given as a tribute to the late Howard Bloom and will be used to carry forward the environmental work of the Council.

Howard Bloom, a long-time resident of Calais, Vermont, was a staunch advocate for the environmental movement throughout his life. To him Vermont was a very special place. He worked with unrelenting vigor and spirit to protect and preserve the natural resources and exquisite beauty of Vermont. As many of Howard's friends were fond of saying, "Howard Bloom is not a person, he is way of life."

He will be missed.



# Elusive Cat Returns to Vermont

The state Fish and Game Department reports that there has not been a documented sighting of a catamount in Vermont for approximately 100 years. During the next week, however, the cat will be seen again throughout the state.

The catamount—sometimes called cougar, mountain lion, wildcat, or panther—is the symbol for the 42nd Annual National Wildlife Week, March 18–24.

Once found throughout America, the cougar was killed as a predatory 'pest' for many years. Now there are only about 16,000 of them left in the western U.S. and Canada. In the east, there are a few remaining Florida panthers and eastern cougars or catamounts—both species are classified as endangered.

National Wildlife Week is dedicated to learning more about the science of wildlife management. Nationally, more than 13 million students, educators, and members of state and local conservation groups are expected to participate in activities aimed at recognizing and understanding our wildlife resources.

"The condition and diversity of our wildlife is a barometer of our environmental health," states Seward Weber, Executive Director of the Vermont Natural Resources Council. "If populations are being depleted,

if our wildlife is failing to prosper, it usually indicates that the environment has deteriorated in some significant way.

In Vermont the observance of National Wildlife Week is sponsored by the Vermont Natural Resources Council, the Vermont affiliate of the National Wildlife Federation, in cooperation with the state Department of Education and Department of Fish and Game.

The Vermont Department of Fish and Game encourages teachers to invite wardens, wildlife biologists, and department personnel to visit classrooms. Fish and Game officers in some regions can provide audio visual materials illustrating a variety of wildlife conservation principles and practices.

The Governor's proclamation of a formal Conservation Week encourages Vermonters to learn about the natural environment in order that they may make responsible decisions in the future. Weber emphasizes "People are often just insensitive to environmental obligations—we may have destroyed a deeryard, drained a marsh, or inadvertently disturbed a fragile natural balance. As habitats deteriorate, wildlife suffers—we will eventually feel the consequences as well."

## VNRC

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Address Correction Requested

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