Vermont Environmental Report

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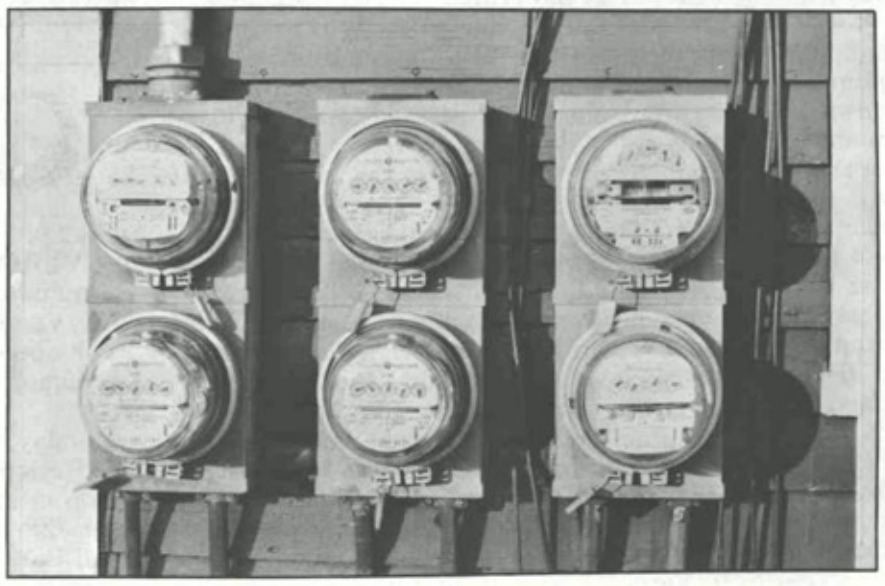

Utilities and Conservation
TWO VIEWS

George Sterzinger

Over the past year, a new coalition of utilities, regulators and even some soft energy activists have begun to push for utility company financing of conservation and related "alternative" technologies. Clearly, conservation measures can supply equivalent energy for less investment than building new generating plants. Proposals in this vein offer capital savings, "new" energy at a lower price, and a more benign technology. However, there is evidence that private utility companies are not the best agencies to be given responsibility for supplying conservation and other new technologies.

On the simplest level, utilities have no particular incentive to provide lower cost energy to customers. Because their profits are guaranteed by law, they are allowed to pass any additional investment costs on to consumers. Whatever technology they choose to develop is financed by increasing the base rate on utility bills.

Another important aspect of private utility economics that would inflate the cost of conservation and other alternatives is their predilection for "gold-plated" technologies. The greater the dollar value of equipment the utility owns, the greater the profits. Consequently, utilities favor capital-intensive, expensive and complicated alternative energy technologies. Besides increasing costs, this bias would have a substantial effect on our future choice of alternative technologies, since so many of them -- as well as their markets -- are still being developed.

Finally, the most important issue is whether making utilities responsible for conservation actually will redirect them toward energy alternatives, and will this redirection change utilities' plans to expand conventional facilities?

Real development of energy alternatives ought to assume reduced electricity use as conservation and solar resources take over energy needs. If electricity is used only for its optimal purposes, it will be phased out of several markets, such as space and hot water heating, where it currently has a healthy share.

Utility companies' interests in continuing to sell electricity, however, would limit development of alternatives such as solar and conservation. Once a company has invested in a generating plant, it has to sell enough electricity to pay off the investment. A utility can hardly promote conservation when to do so is at odds with its own self-interest in maintaining demand.

Consequently, giving the conservation and solar markets to utilities merely makes it more difficult to control or roll back the use of electricity. Simply put, industry pricing and marketing policies are dedicated to preventing what they see as a "death spiral" of declining consumption in which prices rise because fewer kilowatt-hours of sales pay off the same fixed costs, which in turn increases conservation because of rising prices, and so on.

While we may see some conservation, and perhaps a plant or two cancelled or delayed, it doesn't seem reasonable to expect conservation to compete with electricity use -- or even displace it in some markets -- if its development in under utility control.

A preferable strategy would be to encourage development of conservation and alternative energy production by some form of public ownership. Power companies controlled by the public are providing electricity and gas, and the record shows that they work well -- better in many respects than private utilities. The most recent national figures show

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Paul Markowitz

Electrical utilities throughout the country have found conservation and load management to be the most cost-effective strategy for meeting new electrical demand in the years ahead. The work of several large utilities, including Pacific Gas and Electric (of northern California), the Tennessee Valley Authority, General Public Utilities (of Pennsylvania and New Jersey), and Southern California Edison, show conservation and load management can provide electricity at one-half to one-fifteenth the cost of new generation.

"Conservation" here refers to what the Harvard Business School calls "Productive Conservation" or "changes in our capital stock and daily behavior that promote energy savings in a manner that is economically and socially non-disruptive." Load management refers to that subset of activities which allow a utility to shift a major portion of its peak load demand to off-peak periods, thereby optimizing the use of less expensive sources of generation.

Discussions with Vermont utility representatives show a wide variation in the type and extent of conservation and load management activities, with considerable room for expansion. These activities,and the number of participants are summarized in the chart on Page 8.

The variation among utilities is quite evident. For instance:

BED has found that installing low-cost conservation items free-of-charge produces a Kw for one-third the cost of new generating capacity. GMP and CVPSC representatives viewed engaging in such activities as an inappropriate role for utilities.

While CVPSC and WEC have had water heater load management programs for several years, BED is still investigating its options for load management, and GMP is now preparing to purchase a ripple control system designed to manage 4200 of its 31,000 electrical water heaters

All but a few utilities participate in the Residential Conservation Corporation by contributing a proportional share to the funding of this program. (The RCC is a non-profit organization which provides specifications for installing conservation measures.)

Many utilities also have seasonal rates, mandated by the Public Service Board, which result in higher Kwh charges during the winter months.

Vermont utilities have demonstrated that much can be done to curb electrical consumption through conservation and load management. A look at utilities nationwide will greatly expand these possibilities:

The General Public Utilities Conservation and Load Management program calls for reducing peak demand by 17% from current projections by 1990, or from a 2.6% to a .7% growth factor. The GPU program requires time-of-day rates for all new construction with electric space heat, for new customers in existing households with monthly usage greater than 1000 kwh, and for all industrial users. GPU provides storage water heaters and storage space heaters to customers who must go on TOD rates.

Pacific Gas and Electric offers cash incentives to energy-efficient home-builders, to customers who replace their old inefficient refrigerators and to appliance salespersons who sell efficient appliances. PG & E plans to increase its expenditures on customer-related activities to $125 million by 1983 (a 300% increase over 1980).

Southern California Edison spent about $39 million on its

(Continued on Page 8)

Farmink

•Milk and More Milk. There is no agreement as yet on the extent of the damage the new $11.5 billion Federal Farm Bill will do to Vermont farming. Dairying presently accounts for nearly 90% of the value of Vermont's farm production, and the cuts in Federal price supports for dairy products are especially deep. There is general agreement that Vermont stands to lose many of its 30 - 60 cow herds, and that new farmers and those with particularly heavy debt loads will be the first to fold.

Contrary to government wishful thinking, individual farmers will not voluntarily cut back their production, thus bringing down the surplus and boosting market prices and farm income. In fact, the price support reductions will have the opposite effect.

In tough times, as the margin of price over production gets smaller, farmers *have to* produce more just to stay even. No matter how low milk prices fall, farmers must still pay their mortgages, taxes, principal and interest on their tractors, silos and equipment. They cannot stay in business without fuel, feed and replacement parts. Rather than cutting production, simple survival requires that farmers make up for smaller margins by milking more cows, getting more milk per cow and generally shaving production costs in every possible way.

Both the dairy industry and the USDA now predict that farmers will produce approximately 2% *more* milk in 1982. The bigger get bigger, the smaller follow suit or fold, and the cycle continues.

•"Part-time Farmers." Bob Rumler, President of the Holstein-Friesian Association of America (based in Brattleboro) predicts that in 1990, "only 38% of America's present 235,000 dairy farms will still be in business." He also adds that anyone milking fewer than 30 cows should be called a "part-timer." Hmmmm, quite a few 15-hour-a-day part-timers here in Vermont, I reckon.

•A Chance to Do Something. Try to get to one of the Regional Conferences the Extension Service is sponsoring in February and March. The Extension Service has put together a helpful package outlining farmland protection strategies for discussion at these meetings. See Calendar, Page 2, for dates and places.

•Agricultural Diversification Study. The long-awaited study of the potential for diversified agriculture in the Connecticut River Valley is at the printer's. The Federally-funded, State-conducted study is optimistic about the future for a limited number of new fruit and vegetable producers in the valley. But once the best roadside stand locations are spoken for, growers will have to compete with wholesalers for the restaurant and grocery store trade. If you'd like a copy of the 70-page study, write Bob Reiss at the Vermont Department of Agriculture, State Office Building, Montpelier, VT 05602.

•Peddling vs. Producing. Meanwhile, some produce wholesalers are having a tough time making a go of it. Natural food giant Erewhon has just filed for bankruptcy. Green Mountain Produce of Barre is looking for a capital infusion of $50,000 to build its inventory, fill its orders and stay afloat. If you know of a potential investor looking for an effective way to give a direct boost to Vermont agriculture, please call me, Don Hooper, collect at 223-2328.

As a tattered veteran of direct marketing farm commodities (fresh vegetables, goats' milk, feta cheese, eggs . . .) I doubt that most small diversified farmers really want to spend as much time peddling as producing. It might be more cost-effective for us to supply the wholesalers who have the economies of scale necessary to get Vermont produce onto urban shelves throughout New England.

("Farmink" is a regular VER feature by Don Hooper, goat farmer and VNRC's Assistant Director.)

Legislative Update

•Act 250. H.513 would correct some deficiencies in Act 250 by eliminating the ten-acre exemption, authorizing civil penalties for violations and changing some recording procedures. The House Natural Resources Committee approved the bill after deleting the section concerning the "ten-acre loophole." But on the House floor, the bill was voted down as amended and referred to the House Agriculture Committee. VNRC strongly recommends that this bill be approved in its original form, and that it be complemented by a bill removing the ten-acre exemption in State Subdivision regulations. Under current law, "subdivision" is defined as a division of land into parcels of ten acres or less. If there are ten or more parcels, the developer must secure Act 250 approval; if less than ten parcels are involved, State Subdivision Regulations apply. Developers can circumvent State review by creating subdivisions where each parcel is just slightly larger than ten acres. This means that Vermont farm and forest land is being gobbled up at a much faster rate -- ten acres at a time -- than market conditions alone would warrant.

•Minimum Streamflow. H.460, the Dam Safety Bill, was passed by the full House on January 29th. The House Energy Committee tacked on a minimum streamflow amendment which would allow the State to require, as a condition for a certificate of public good, that dam operators maintain a "minimum water discharge flow rate schedule." However, this provision applies only to new construction and to dams with impoundments larger than 500,000 cubic feet. It as at best a half-hearted attempt to balance the need for hydroelectric power with the need to maintain water quality, and we hope that the House Natural Resources Committee will reconstitute H.360, the Minimum Streamflow Bill, or a similar bill which deals with minimum flow in a more comprehensive way.

•Endangered Species. We commend the House Natural Resources Committee for approving S.83, the Endangered Species Bill. S.83, as amended, restores the Environmental Secretary as head of the Endangered Species Committee and leaves appointment of the committee members to the Governor. The compromise on committee membership and structure was proposed by VNRC and other members of the Endangered Species Coalition.

•Directional Signs. There's a resolution making the rounds at the State House which recommends that there be no change in the State's policy of prohibiting directional signs on limited access highways. The resolution is a response to Transportation Secretary Tom Evslin's declaration that directional signs would be allowed for "major traffic generators" within 15 miles of limited access highways which attract 30,000 or more vehicles per year. VNRC believes that a proliferation of signs would detract from the beauty of Vermont's highways. We also question the need for these signs since there is no convincing evidence that getting lost on limited access highways is a widespread and significant problem in Vermont. MM

VERMONT ENVIRONMENTAL REPORT

Editor	Marion MacDonald
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Chairman of the Board	Carl Reidel

The Vermont Environmental Report is published six times a year by the Vermont Natural Resources Council. The opinions expressed by VER contributors are not necessarily those of VNRC. Please direct all correspondence regarding the VER to: Editor, Vermont Environmental Report, VNRC, 7 Main Street, Montpelier, Vermont 05602.

Calendar

Friday, February 19th, 12:15 - 1:30
VNRC Brown Bag Lunch. Bob Wagner, Agricultural Land Resource Consultant for the Vermont Department of Agriculture, will talk about the State's new farmland mapping program.

Monday, February 22nd
Regional conference on farmland protection in the Bellows Falls area, sponsored by the Extension Service. For more information, call Bob Townshend, 457-2664.

Friday, February 26th, 12:15 - 1:30
VNRC Brown Bag Lunch. Jan Eastman, Executive Officer of the Vermont Environmental Board, will talk about the strengths and weaknesses of Act 250.

Friday, March 5th, 12:15 - 1:30
VNRC Brown Bag Lunch. Special screening of, *We're Building an Ark*, an excellent new slide-tape show produced by Bob Klein, Field Director of the Vermont Nature Conservancy. The 20-minute show discusses the importance of private land trusts in promoting natural diversity and resource protection and features some spectacularly beautiful nature photographs.

Monday, March 8th
Regional conference on farmland protection at VTC in Randolph, sponsored by the Extension Service. Call Barry Stryker, 223-2389, for information.

Friday, March 12th, 12:15 - 1:30
VNRC Brown Bag Lunch. Cheryl King of the Vermont Department of Water Resources and Environmental Engineering will bring us up to date on the State's proposed ground water protection strategy.

Friday, March 19th, 10:30 a.m. - 2:30 p.m.
Meeting of "SWEEP" (Statewide Environmental Education People) at the Green Mountain Audubon Center in Huntington. An open meeting for teachers, conservationists and anyone else interested in comparing notes, sharing ideas and generally finding out what's happening in the field of environmental education. For further information, call Sally Laughlin at VINS, 457-2779.

Friday, March 26th, 12:15 - 1:30
VNRC Brown Bag Lunch. Film and discussion of the future of farmland protection with Don Hooper, VNRC Assistant Director. Don will show "Farming the Land," an excellent 28-minute film produced by Michael Hall of Ipswich, New Hampshire. The film includes poignant interviews with six New Hampshire farmers forced off the land by development pressures and rising real estate values.

Co-ops May Be Key to Better Forest Management

Sarah Thorne

Vermont woodland owners face a tremendous challenge and opportunity. Within the next 50 years, the national timber demand will double. However, if woodland owners cannot manage their forests now to increase the growth of marketable species for the future, the surge in timber harvesting will outstrip Vermont's net annual growth in 15 - 30 years.

Several obstacles prevent forest owners from managing and harvesting timber in a way that allows them to profitably meet demand in the short run and to sustain the yield and health of their forests in the long run. The obstacles include: (1) the low quality of timber (2) the fragmented pattern of forest ownership, and (3) the difficulty of marketing low-quality, low-volume timber.

One way Vermont forest land owners can overcome these barriers is to create local woodland owners' management and marketing associations.

LOW-QUALITY TIMBER

For many years, Vermont landowners have had neither the knowledge nor the incentive to do anything but "high-grade" their forests. By high-grading (cutting the best and leaving the rest), landowners leave themselves with overcrowded stands of less valuable trees. Because landowners earn smaller profits from low-quality timber, they have little money left over to re-invest in the forest. The inevitable result: more high-grading.

This is why, on two-thirds of Vermont's forest land, the average net annual growth of merchantable timber is only about one-quarter of the potential yeild. High-quality white pine is already being harvested faster than it can be replaced. Sawmills, which usually buy only higher quality timber, must accept smaller trees and lower-quality species. This means higher consumer prices for prime quality lumber.

FRAGMENTED OWNERSHIP

A major reason why it is difficult for landowners to escape this vicious circle is that the average parcel of forest land in Vermont is only about 50 acres. Thus, the harvest is not only low-quality, but low-volume. As a rule, the smaller the parcel, the longer the period between harvests and the more difficult the access for loggers. In addition, more than half of all private forest land changes hands every 25 years. Therefore, it is difficult for landowners to adopt a long-term, high-quality management perspective.

INACCESSIBLE MARKETS

Right now, there are few economic incentives to take the long-range view. Prospective timber producers often cannot find markets which will pay enough to cover management, logging and transportation costs for low-quality, low-volume harvests. They are also at a competitive disadvantage because of the trend toward mechanized whole-tree harvesting for large-volume buyers (wood-fired industries and utilities, pellet plants, and chipboard manufacturers). Only landowners with larger tracts, better logging access and higher-quality timber can take advantage of these expanding markets.

FOREST LANDOWNERS' ASSOCIATIONS

Vermont forest owners can surmount these obstacles to profitable management by building successful landowners' associations. A forest landowners' association is typically a membership organization confined to a small geographical region, such as a county or watershed. Members may number in the hundreds, and range from owners of a few acres to a few hundred acres. They share the cost of hiring a forester, who develops long-term management plans, selects and marks timber, recommends loggers, and secures contracts or provides marketing assistance. The association either maintains a timber concentration yard or coordinates harvesting and transportation so that marketable volumes of particular species can be assembled.

Landowners -- and occasionally non-forest-owning residents -- may buy shares in the association. Members cover the association's operating costs and dividends by paying commissions on sales and services received. Members may have direct and extensive control over the association, as in a cooperative, or they may have limited involvement, as in a joint partnership. Landowners' associations offer their members the competitive advantages of large commercial forest operations, but members retain ownership and control of their land.

Members receive more income through association than they would as individuals because:

- Economies of scale mean that foresters can provide services at lower rates.
- Members can coordinate harvesting on adjacent parcels to improve logging access and reduce costs.
- Members may secure loans from the association for logging and management costs (the association can apply for public and private loans which are seldom available to individuals).
- By pooling harvests from several parcels, landowners can transport their timber farther and sell it for higher-value uses (e.g., sawlogs rather than firewood). Therefore they have an incentive to manage for high-value trees.

The best-known landowners' associations are the federated cooperatives in Scandinavia and Japan, but at one time, there were 68 forest cooperatives in the United States. Most of these were Depression-era cooperatives which failed after several years because of poor markets, inadequate transportation and poor management.

Recently, changing conditions have renewed interest in landowner associations in the U.S. A new association, of interest to Vermont woodland owners, is the Forest Products Marketing and Management Cooperative of Dover-Foxcroft, Maine. Begun as an educational organization, it has operated as a cooperative for two years. 75 members employ two foresters to manage 15,000 acres and a collective holding yard. Initially funded by a U.S. Forest Service grant, the cooperative is now financially self-sufficient.

Another association is being sponsored by the Society for the Protection of New Hampshire Forests and the Monadnock Forest Land Trust. They have conducted a forest inventory for 20 landowners of 5000 acres in southwestern New Hampshire. They will analyze this data to determine the acreage and timber quality necessary to support a landowners' association in their area.

For more information about forest landowners' associations, write for a copy of the upcoming publication, *Forest Management and Marketing Associations in Vermont*, to: Natural Resources Extension, University of Vermont, 601 Main Street, Burlington, VT 05405 or call Sarah Thorne, (603) 646-3551.

Sarah Thorne is a graduate student at Dartmouth's Resource Policy Center. Her interest in woodland owners' associations grew out of an independent study project for UVM's School of Natural Resources.

Low-quality timber and the fragmented pattern of forest ownership are two of the principal obstacles to profitable forest management in Vermont. Woodland owners can overcome these barriers by building forest landowners' associations. Members coordinate harvesting and share the cost of hiring a forester, but they retain ownership and control of their land.

Book Review

New England Prospects
Carl Reidel, Editor
(University Press of New England, $7.95 paper)

New England Prospects, edited by VNRC Board Chairman Carl Reidel, is the first volume in a series entitled, *Futures of New England*. The six essays in this collection describe the relationships between land use patterns, energy, natural resources and public policy in the six-state region. But more importantly, they leave the reader with an excellent sense of how New England *works* by explaining the accidents of history, geology, geography and politics which shaped the character of New England, and speculating on how these limitations and opportunities will determine our future.

In "An Historical Perspective," Benjamin Labaree describes, in a most engaging fashion, the evolution of land use patterns and the importance of land in early New England political, social and cultural life. The settlers of Massachusetts Bay Colony took great care to parcel out land in such a way that the integrity of the community and its values would be preserved. No foes of urban planning, they prescribed the pattern and width of streets as well as the location and size of buildings. Their attention to detail no doubt accounts in part for the timeless charm of New England villages.

But the colonists were also responsible for lingering, destructive attitudes toward the land's resources. Although per-acre yields were low by English standards, the colonists made few attempts to improve the productivity of their soils. "The Colonial way to greater production was to cultivate more land," says Labaree.

Likewise, forest management was virtually unheard of in early New England: "From the earliest settlements of the seventeenth century, Americans had considered forests to be one of the greatest obstacles to progress in the new world, and they bent every effort to clearing the land . . . No one anticipated a time when timber would be of sufficient value to justify measures of conservation, let alone management of any sort."

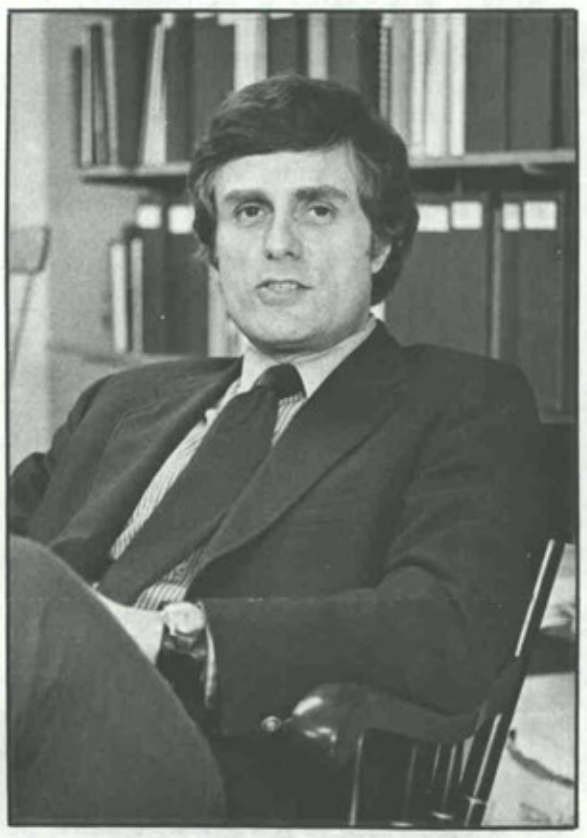
Poor management combined with the advent of the steam locomotive put an end to the "agricultural phase" of land use in New England. The railroads created ready access to the Middle West, "where soil conditions and economies of scale made it possible for farmers to undersell easterners in their own backyard." The number of farms and the amount of land devoted to agriculture declined steadily after 1880.

Mark Lapping's "Toward a Working New England Landscape" picks up where Labaree leaves off. After quantifying farmland loss since 1880, Lapping critiques the various farmland protection schemes employed by the six New England states. He concludes that use value assessment, purchase of development rights and Vermont's capital gains tax all evade the real question, which is "how to make farming profitable?"

Lapping recommends stimulating the purchase of locally-produced commodities, reducing energy costs through greater reliance on rail transport, substituting local forage for imported feed grains, diversifying agricultural production, providing capital at favorable rates for farming entry, and creating a "farmland rationalization" program (preservation of contiguous tracts of farmland through land trusts and government-subsidized purchases).

The author's criticisms of current farmland preservation techniques are persuasive, but his alternatives do not seem to get to the root of the complicated problem of revitalizing New England agriculture. Surely he overestimates the efficacy of the "Vermont Seal of Quality" program or last year's institutional marketing law (which says only that, all other things being equal, State institutions should buy Vermont produce). He also underestimates the difficulty of introducing a "farmland rationalization" program in a relatively densely-populated region like New England, and the economic obstacles to re-introducing rail transport and local forage.

Lapping nevertheless has contributed greatly, in this article and elsewhere, to the definition and understanding of the chronic and critical problem of farmland loss in New England.



Carl Reidel

F.H. Bormann's "Air Pollution Stress and Energy Policy" should be read in conjunction with Henry Lee's "Energy: The Challenge." I found it hard to follow Bormann's technical argument that "cheap energy" -- bought at the cost of increased pollution -- is not cheap at all because we must expend energy and capital to create substitutes for, or to restore, natural systems destroyed by pollution. But I can appreciate his conclusion that, "the available evidence indicates that New England receives a large burden of transported pollutants that originate in an area stretching from southern Canada to the southeastern United States," and his recommendation that we continue to reduce emissions while cutting back on our use of fossil fuels through increased energy efficiency and reliance on solar, water, wind and tidal power.

Then, in the subsequent article -- possibly the liveliest and most controversial in this collection -- we run headlong into Henry Lee's contention that the transition to a non-petroleum-based economy is going to take a lot longer than most of us anticipated. Lee reasons that the transitions from wood to coal, and from coal to oil, each took about 50 years, and that the amount of "embedded capital stock" is much greater now than it was at the time of these earlier transitions.

Lee also maintains that, in retrospect, the effects of the energy crises of the last decade were less profound than they appeared. For one thing, New England industries have been moving away from energy-intensive manufacturing for 100 years. New England manufacturers use less than half the energy per dollar value added than their national counterparts, due in part to the predominance of hi-tech industries such as the manufacture of electronic and communications equipment. "Energy is more expensive in New England and has always been so," says Lee, because of "distance from energy production centers" and "inability to acquire cheap, price-controlled natural gas."

However, Lee points out that continued escalation of energy prices could cause a drain on the region's economy because most of New England's energy dollars go to producers in other parts of the country. To remedy this situation, Lee recommends substituting energy-efficient plant equipment for older, less-efficient capital stock, and maximizing the use of labor-intensive renewable energy resources.

As for residential and commercial energy use, which is 47% of New England's energy load, Lee believes that technological breakthroughs in the areas of energy utilization will be more important than new methods of energy production. But he stresses that unless subsidized financing is more accessible, many investments in energy-efficiency improvements will not be made.

The author also points out that rising oil prices, while not catastrophic for New England as a whole, will place the region's poor in an "untenable situation." Even with moderate increases (to $50 per barrel), the total energy bill by the year 2000 for an average New England home will be about $2500. At $100 per barrel, people with incomes of around $7500 would need $5000 for their basic energy needs.

If they don't read anything else this year, every legislator in New England should read that paragraph. It makes it clear that fuel assistance can no longer be viewed as an ad hoc government function; it must become a standard line item in State budgets until we have successfully completed the transition to new sources of energy.

Kenneth Geiser's "Reformulation of the Cities" is the weakest link in this chain. Although the topic is fascinating, Geiser contributes little new information. Who doesn't know by now that New England cities are experiencing slower growth and higher energy and materials costs, and that increases in the number of divorced, separated and single adults, single-parent families and childless couples is re-structuring urban housing stock?

Geiser does, however, offer an interesting analysis of three different approaches to urban planning: the "competitive market approach," the "corporate planning approach," and the "community self-sufficiency approach." He leaves little doubt about where his sympathies lie, describing the goal of the third approach as "cities of decentralized but cooperative social units affirmatively addressing their own needs wherever possible with their own resources."

This modern utopian vision of a network of small energy- and food- self-sufficient New England communities is implicit in most of the essays in this book, but it reaches its fullest expression in Tom Jorling's "Alternatives in a Time of Change:" "In earlier days, people generally knew how to produce or obtain and maintain the various requirements necessary to support life. To the extent that they did not have either of these two forms of knowledge, they knew, in a personal sense, the in-

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VNRC Bookshelf

There are two new publications on VNRC's bookshelf this month. For copies, please send $1.00 for postage and handling to VNRC, 7 Main Street, Montpelier, VT 05602.

•*Current Use: A Quiet Success.* A report on a survey of public attitudes toward the Use Value Assessment program by the Fair Tax and Equal Education Coalition. The FTEEC found generally enthusiastic support for the law which allows farm and forest land to be taxed on the basis of its use value rather than its development value, but the study also revealed weaknesses in the program which should be addressed through legislative amendment and administrative reform.

•*What's Going On Down There? Vermont's Ground Water.* Last year, we ran a five-part series on ground water in the VER, and we received so many favorable comments that we've reprinted the series in a 16-page booklet. *What's Going On Down There* describes the nature of Vermont's ground water and points out that although the quality of our subsurface water is generally very good, Vermont's soils and terrain make it particularly susceptible to certain kinds of contamination.

Prospects

(Continued from Page 4)

dividuals who did know how to produce and maintain it . . . . Confidence in that knowledge . . enables a sense of security that is essential, and precedent, to freedom."

Jorling's vision of New England's future is of a society "characterized by decentralized systems, diverse and smaller technology, more accessible to and manageable by average, trained, educated citizens." He claims that reduced dependency on centralized systems would foster "greater diversity of cultural patterns and life styles" and "more resilience between and among regions . . . making them less subject to wild oscillations in any component of life support."

As Henry Lee quips, "if this country had been explored and developed from the West Coast to the East, New England would probably have been a sparsely populated region primarily administered by the National Park Service." With a harsh climate, poor soils, high energy costs and few indigenous resources, New England was not designed to support a large population. The region is united now not only by shared history and a common cultural heritage, but by a growing awareness of its vulnerability to price hikes and shortages of food and energy produced in other parts of the country. Overcoming these natural disadvantages will require reversing the conversion of agricultural land to other uses, meeting more of our energy needs locally through small-scale renewables and increased energy efficiency, and protecting the quality of our soil, air, water and forest resources.

Editor Carl Reidel should be commended for bringing together in this collection the "state of the art" in New England environmentalism. The essays are articulate, scholarly, informative and thought-provoking. They offer a vision of New England's future which balances natural resource conservation and economic growth while preserving and enhancing the special quality of life in New England. I look forward to reading future volumes in this series. MM

Letters

CURRENT USE OFFERS NO PERMANENT PROTECTION FOR FARMLAND

To the Editor:

I would like to comment on the Current Use article that appeared in the September/October issue of the *Vermont Environmental Report.* Until recently, my wife and I lived in New Hampshire and supported the passage of the Current Use Law, N.H. RSA 79-A. Although this law has been in effect 7½ years, there is no clear evidence that land is indeed protected, particularly farmland, as Debbie Brighton's article tended to suggest is the case in Vermont. Current Use does offer tax equity and may serve to delay development, but this is not my definition of protection.

While tax equity is an important issue, research conducted by the University of Vermont Agricultural Experiment Station has indicated that taxes are not necessarily the prime or even major cause for land being sold for development (see *Attitudes Toward Preserving Agricultural Land in Vermont*, August, 1977, Pub. No. 93). The major problem with the Current Use Law as it presently exists in both New Hampshire and Vermont is the inadequate penalty. Commercial and industrial developers are able to offer exorbitant prices for open space. The 10% penalty, which may have a payback period of, say, three years, is not enough of a discouragement. A farmer can place his land under Current Use, plan to sell out in five years, and actually make money. This is especially true in areas of high growth, with a corresponding increase in land values, where the greatest threat to farmland exists.

The larger the penalty, the less the likelihood that the land will be removed, I think. With a 100% penalty, probably no one would leave the program (if indeed anyone chose to sign up). On the other hand, with a zero penalty, everyone who qualified would probably join, and could leave as easily. Originally, New Hampshire requested a 20% penalty, but this was later reduced to the present 10%.

Unfortunately, too many folks have come to rely upon Current Use as a primary protection method. The only effective protection strategy in New Hampshire today is high interest rates. Once these rates drop, and let's hope they do for other reasons, the growth boom will be on again and more farmland will turn into subdivisions.

In conclusion, I trust you will continue to support Current Use evaluation as one type of assistance to farmers and other landowners. In particular, I encourage you to keep careful records of where and why land leaves Current Use if the State is not already doing this. However, your support of the law should not be at the expense of seeking and demanding programs that truly do "permanently" protect our farmland and open space.

Sincerely,
Peter S. Wellenberger
Executive Director
Nashua River Watershed Association

DARBY BRADLEY'S "SUSTAINED COMMITMENT TO THE ENVIRONMENT"

To the Editor:

I am writing to express my deep thanks to Darby Bradley, who is leaving the Vermont Natural Resources Council after several years of wonderful and effective service. I felt lucky to work with Darby during my three years at the Council. He is a gifted, generous, modest person.

Darby was already at the Council when I arrived, and he remained there a number of years after I left. I mention this because he had many achievements and I am citing only a few of them:

◦Darby won tremendous respect as VNRC's attorney for his knowledge, his thoroughness, his skill and his understanding of the law.

◦He pioneered the idea of "environmental mediation."

◦He pioneered the idea of the "land trust" in Vermont, helping to create the Lake Champlain Islands Trust and the Ottauquechee Regional Land Trust.

◦Darby has a deep understanding of Vermont's forest resource. He led an experimental project in whole-tree chip harvesting and served on the Forest Resource Advisory Council. He gave himself with grace and skill and intelligence to issues that affect the future of this terribly important and much-neglected resource.

◦He spent countless hours preparing and pursuing a successful legal battle to prevent the construction of Pyramid Mall in Williston.

I never heard Darby complain. Many, many times in my years at the Council, Darby dropped his own work to help me with mine, even though he was carrying a heavy burden himself. In a world of small deceits, Darby is a man who deserve absolute trust. He always help up a standard of decency and integrity.

I find it difficult to express the profound thanks I feel toward Darby as a friend, and my admiration for all that he achieved in his service to Vermont and Vermonters. I can think of few people who have had a greater and more sustained personal commitment to the cause of the environment. Darby's personal gifts and public service were and are indispensable.

Yours sincerely,
Nat Frothingham
Montpelier, Vermont

(Editor's Note: Darby Bradley is leaving VNRC to go to work for the Ottauquechee Regional Land Trust, but he will continue part-time at the Council through 1982. Our thanks to Nat Frothingham for expressing what all of us feel about Darby. Nat is a former Editor of the Vermont Environmental Report.*)*

Reagan Steps Up Attack on Environmental Protection Agency

Seward Weber

Frontal assaults on the Clean Air Act and other important environmental laws may be stymied by Congress, so the Reagan Administration is stepping up its attack on other fronts: destroying resource conservation programs through personnel and budget reductions. Nowhere is this more apparent than at the U.S. Environmental Protection Agency.

The EPA must ensure the safe use of more than one billion pounds of pesticides each year, oversee the safe disposal of 40 million tons of hazardous wastes annually, clean up several thousand old waste sites all over the country, set safe levels for radioactivity, monitor some 70,000 chemicals now in use and investigate several thousand new ones introduced every year. All of this is in addition to managing the wastewater treatment program, the Clean Air Act, and the Safe Drinking Water Act, to mention but a few of EPA's responsibilities.

Gorsuch cartoon by Dwane Powell of the Los Angeles Times Syndicate. Reprinted with permission.

Yet just when Congress has doubled the Agency's workload by mandating that it control environmental toxics as well as traditional pollutants, Mr. Reagan recommends that Congress cut the EPA's real purchasing power by 44%.

The Agency has already abolished its Office of Enforcement and its Office of Public Awareness. It has sharply reduced the number of pollution cases being referred to the Justice Department for enforcement action. It has allowed a major relaxation of truck emission standards. It has weakened its program to ensure that new cars will meet auto pollution control standards. And it has re-defined the long-established definition of "source" in air quality control to allow industrial expansion in metropolitan areas where primary air quality standards are already being violated.

The Administration is taking a giant step backward. For a coherent system of pollution controls, Reagan would substitute voluntary compliance by polluters -- a system abandoned as ineffective by previous administrations. And instead of requiring the best available technology for sewage treatment, Reagan proposes to resurrect water quality standards which fell into disrepute years ago.

For Vermonters, these developments are particularly distressing. EPA programs have helped Vermont maintain a reasonably high level of environmental quality. But given a growing population, our dependence on the automobile and our vulnerability to pollutants generated upwind from us, Vermont will pay a high price for the wholesale reduction in pollution control at the Federal level.

The destruction of the nation's pollution control programs can be prevented. Congress can insist that its legislative mandates be observed by appropriating the necessary funds to do the job properly.

The National Wildlife Federation and other environmental groups in Washington are working long and hard to develop a case against the Reagan approach to environmental protection. You can lend a hand by:

•writing Senators Stafford and Leahy and Representative Jeffords and asking them to support adequate and realistic funding for the EPA.

•contributing to "Save EPA" or NWF (See "Important Addresses" on Page 7).

NWF Meeting Revives Spirit of Environmental Activism

Rebecca Davison

On January 9th, along with Seward Weber and two fellow Board members -- Patsy Highberg and Monty Fischer -- I attended a weekend workshop for leaders of the National Wildlife Federation's New England affiliates. For two days, we listened to reports on the latest developments on such issues as the reauthorization of the Clean Air Act, the upcoming fight to save the Endangered Species Act, and the current effort to dismantle the U.S. Environmental Protection Agency. There were also sessions on fundraising, lobbying, and how NWF, as a national organization, can better serve its affiliates.

It would be impossible for me to even begin to summarize the information presented to us. However, after some reflection, I think the single most important thing I learned was how to become an environmental activist *again.*

Since the first Earth Day more than 10 years ago, I have slowly acquiesced to government agencies and left the fighting up to non-profit organizations. Now I find that government is no longer sympathetic to environmental protection and that many of the organizations I belong to are not as vigilant as they should be. The NWF meeting revived the spirit of environmental activism, and fortunately offered some practical suggestions as well. Two of the most instructive sessions in this regard were the discussions on lobbying by Pat Goggin, NWF's chief lobbyist in Washington, and the presentation on the successful campaign to defeat the Dickey-Lincoln project in Maine by Rob Gardiner, the Executive Director of the Natural Resources Council of Maine.

Pat Goggin pointed out that we will have to struggle at the national level just to keep the laws we have intact. And since it is the voice of the people back home that the lawmakers in Washington really listen to, it will be essential for state-based organizations to keep the pressure on their congressional delegations to support strong environmental laws. State organizations, she said, should organize letter-writing campaigns and get as much information as possible into the media.

Under the New Federalism, the burden for environmental protection, Goggin said, will fall heavily on the states, and because of this, effective state lobbying is going to become even more crucial. The task looks formidable: state environmental agencies will probably need *more* money, not less, in order to take up the slack when the U.S. Environmental Protection Agency's funds are cut, and we may need to push for new state environmental laws if Federal laws become weak and ineffective. The tactics that Goggin outlined for lobbying on the national level are just as applicable to lobbying in the Vermont State House. VNRC and its individual members must represent an articulate and aggressive environmental constituency in the Legislature. As individuals, we must make sure we let our representatives know that we want strong environmental laws. As an organization, VNRC must make sure that its members receive the information they need and that they know where the organization stands on issues. Through letters, the media, testimony before committees, and personal contact with legislators, VNRC, with the support of its members, must become a more effective voice for the environment in the legislature.

At the NWF meeting, Rob Gardiner reported that the long battle against the Dickey-Lincoln Hydroelectric project on the Allagash and St. Johns Rivers in northern Maine has ended in a compromise. The environmentalists, he said, have for the time being settled for scrapping the Dickey Dam and leaving open the possibility that the Lincoln School Dam may still be built. It is not a bad compromise, since the Lincoln School dam, if built, will be much smaller and considerably less destructive. In assessing why they were successful, Gardiner identified certain elements that were constant throughout their effort. Here are some of those elements:

•**Information.** The NRCM developed their own "fact sheets." They pulled together reliable second sources of information, analyzed the project, and sought experts whenever possible.

•**Media.** They worked every possible angle to keep Dickey-Lincoln in the news, and whenever possible, they made positive statements (they are *for* wildlife, *for* wise energy planning, etc.)

•**Coalitions.** They built broad-based coalitions to protect themselves from charges of elitism and to present the strongest possible constituency.

•**Politics.** They worked to get support for their position from their congressional delegation and governor.

For me, the NWF workshop uncovered many of the tools that were used in the early days of the environmental movement and that have not been used very well since. They were effective then and could be again, if we can muster the will to pick them up once more.

(Rebecca Davison is a member of VNRC's Board of Directors and a former Editor of the Vermont Environmental Report.)

The Council

NWF Celebrates "Year of the Eagle"

"We Care About Eagles" has been chosen as the theme of National Wildlife Week for 1982, to be observed from March 14 through 20.

The 45th annual observance of the "week" will help commemorate 1982 as the "Year of the Eagle" -- the bicentennial of the selection of the bald eagle as America's national symbol-- and will call attention to the fact that many wildlife species -- including the bald eagle -- are now endangered species in the U.S.

National Wildlife Week is sponsored each year by the National Wildlife Federation and its affiliates. In Vermont, VNRC and the Departments of Fish and Game and Education will distribute over 2000 educational kits to elementary and junior high school science teachers to help children learn about the plight of the bald eagle and other endangered animals.

"It is no coincidence that we have decided to honor the bald eagle in the same year that Congress is called upon to renew the Endangered Species Act of 1973," said Clifton Young, President of the National Wildlife Federation. "Back when the eagle was chosen as our national symbol, this native bird was plentiful throughout our land. Now it is an endangered species in all but five of the contiguous 48 states."

The 1982 educational kit contains two full-color posters, a history of human relations with eagles from the days when the Egyptians used the eagle in their hieroglyphics to modern times, and a teacher's guide to classroom activities. Because there is a high demand in some districts for these kits, teachers who would like to be sure of getting one should call Don Hooper at VNRC, 223-2328.

IMPORTANT ADDRESSES:

Senator Patrick Leahy
Room 427
Russell Building
Washington, DC 20510

Senator Robert Stafford
Room 5219
Dirkson Senate Office Building
Washington, DC 20510

Congressman James Jeffords
Room 1524
Longworth House Office Building
Washington, DC 20515

National Wildlife Federation
1412 16th Street NW
Washington, DC 20036

SAVE EPA
Suite 700
1090 Vermont Avenue NW
Washington, DC 20005

BUDGET IS MAIN TOPIC AT VNRC'S WINTER BOARD MEETING

Five new Directors attended the Board's first meeting of 1982 on January 20th in Montpelier. They included: Lawrence Forcier of Burlington, Sarabelle Hitchner of Craftsbury, Robert Jervis of Middlesex, Charles Ross of Hinesburg and Bryce Thomas of Barnet.

The Board spent most of the meeting considering VNRC's 1982 spending and revenues plan. The plan calls for expenditures of about $170,000 and predicts revenues of around $160,000.

Expenses should be lower in 1982 than they were in 1981, due in part to Darby Bradley's reduced involvement with VNRC. There will also be fewer special projects this year because Federal budget cuts mean that less money is available for research and action grants.

Postage expenses will be up sharply because the Reagan Administration has eliminated the preferential rate for bulk mailings by non-profit organizations.

The Board also considered a draft forest policy statement prepared by the Forest Policy Committee. While it was not adopted, the committee was commended on its work and instructed to submit its final proposal to the Executive Committee.

--Seward Weber

166 New Members in November/December

We're pleased to welcome the following members who joined us in November and December: Peter and Coni Liljengren; Sally D. Mole; Francis Voigt; Mrs. Rachel H. Samson; Dr. and Mrs. Milton Terris; Clinton A. Renfrew; Francis Branon; Robert A. Metz; Arthur Goodrich; Mrs. C. Herbert Ridgley; Christine Barnes; Susan Prakelt; James LaMontagne; A.H. Simmons; Seymour K. Browne; Dr. and Mrs. Peter A. Dietrich; Alan C. Turner; Mr. and Mrs. Hugh Campbell; Richard W. Stickney; Robert Mackler; Ralph Rosenberg; Ross and Diane Morgan; Lyn Dumoulin; Scot Williamson; Leo Connor; Dr. Robert G. Page; Lynn Ocone; Elaine A. Callinan; Mark Gibson; Rose Paul; Larry Sommers; Ezra Beinhaker; Mrs. Nancy Egan Sternbach; Craig E. Long; Fred M. Hunt; Mrs. Wayne Fajans; William J. Ryan; Hyatt Waggoner; Mrs. J.G. Davidson; Mrs. Virginia Bressette; June Bradley; Geoffrey R. Smith; George LeShane; Marcia Conway; Rick Schneider; Mrs. Victor Coty; Ron and Radetta Nemcosky; Mrs. C.B. Schley; Maryanne May/Chris Rithner; Mr. and Mrs. Solomon Ruthman; Mr. and Mrs. J.B. Elliott; Douglas Reaves; Leon Winston; Mrs. Stephen B. Lande; Kathy Pesce; Peter H. Erb; Alan Roberts; Eric Zencey; Mr. and Mrs. Jonathan T. Fairbank; Richard Norman; Randolph Rowland; Marjorie Houghton; Roy Kaufman; Craig Kneeland; Robert Y. Justis; Jono Sollinger; Robert Kennison; Richard and Avis Addison; Olcott Hooper; Rebecca A. Merrilees; Middlebury College EQ; Floyd and Kathleen Campbell; Kurt and Carol Haupt; Mrs. Edward J. Wipprecht; Richard H. Penney; Halsey L. Beemer; Maurice C. Ball; Miss Adelaide Mayo; Mrs. Elaine McClellan; Doris Freeman; Art Cernosia; Carmen M. Valdes; John J. Easton; Alex Colodny; Linda Daniels; Les Motschman; Marietta Clement/Doug Klaucke; Joe Bartoszek;John Rindlaub; Mrs. D.H. Dommerich; Elaine Fay; Cynthia Phillips; Stephen Burr; Allen W. Wood; Wendy Laramee; Sherman W. White; Jonathan and Dolores Leff; M.C. Leff; Randall Edwards; Priscilla Haugen; John Douglas; Edna Lee; Gloria Russ Stevenson; Mr. and Mrs. Richard L. Saville; Debra and Harvey Klein; Margaret A. Bingham; Michael Powers; Dale E. Percy; Champlain Valley Union High School; Mr. and Mrs. John Hanselman; Dr. Robert B. Northrop; Barbara Racusen; Kathryn Gips; Laura Swigert; Katherine K. Browne; Dr. Philip Ehret; Marjorie Kent; Harvey Liss; James Layok; Ottauquechee Regional Land Trust; Burlington Savings Bank; Lois and George Lackey; Richard and Katherine Rose; Alfred G. Parker; Associates in Rural Development; Dennis Barley; Dr. and Mrs. Arthur Flower, Jr.; Elizabeth Kellogg; Richard Noyes; Samuel Lloyd; Robert J. Pulaski; Mr. and Mrs. G.C. Schweizerhof; Ernest H. Bancroft; Judy Gendron; Gordon Thomas; Margot Childs; Jack Noble; Mr. and Mrs. Edward Rowe, Jr; Mr. and Mrs. John H.T. Wilson; Evelyn M. Sprague; Gesualdo and Loretta Schneider.

HAPPY MARMOT DAY!

Since this paper went to bed during the wee hours of the morning on February 2nd, it seemed only fitting to pause for a moment of groundhog . . er . . that is, woodchuck appreciation. As you can see, this small mammal has rather tender feelings. In fact, a little burrowing (pardon the expression) revealed that the groundhog, or woodchuck, is actually a "grizzled thickset marmot of the northeastern U.S. and Canada."

Marmot or not, VNRC and this creature have shared interests. One of the Council's top priorities is farmland preservation. We believe that preserving our economic independence and our way of life depend on revitalizing Vermont agriculture. And if that isn't woodchuck lib, what is?

Name _____ Address _____

Town or City _____ State _____ Zip _____

( ) Please bill me.
( ) Enclosed is $ _____ for a membership in the following category: ( ) Individual -- $15.00 ( ) Family -- $20.00 ( ) Student -- $5.00 ( ) Fixed or Limited Income -- $6.00 ( ) Business -- $75.00 ( ) Sustaining -- $50.00 ( ) Supporting -- $100.00

Two Views: Sterzinger

(Continued from Page 1)

public utilities can provide significantly less expensive electricity. Many public utilities are also more concerned about consumer needs because those consumers have control over bonding resolutions and, through election of public officials, ultimately control the climate in which utilities operate.

Unfortunately, there are also many examples of organizational self-interest replacing public service as the driving force behind public utilities. The first generation of public utilities has shown some of the same weaknesses that private companies have -- extreme reluctance to delay or cancel additional generation plants, and a willingness to charge customers premiums above the actual cost of providing services in order to finance those plans. These practices are most common in the utilities that are isolated from public control or independent regulatory review (such as the Tennessee Valley Authority, and several of the large state projects).

Public power companies began as a response to the early excesses of the private utility industry, such as price-fixing and failure to serve small markets. Now power companies' main abuse is promoting excessive energy use. To assure that a second generation of public power will be low-cost, fair, and will develop and market alternative resources in direct competition with conventional ones, the new group of public power companies would have to be democratically-controlled, have the ability to plan for conservation and solar alternatives, and command the financial resources to purchase those alternatives. While private power companies today have the financing ability, they do not seem likely to satisfy our need for democratic control of alternative energy.

Excerpted from an article in the September/October issue of Working Papers Magazine *(© Trusteeship Institute, 1981).*

SUMMARY OF VT. UTILITY ENERGY CONSERVATION & LOAD MANAGEMENT ACTIVITIES*

		Type of Activity and Number of Customers						
Name of Utility	Number of Customers	Seasonal Rates	Time of Day Rates	Off-Peak Water Heaters	Storage Heat	Ripple Control	Services to Reduce Consumption	Energy Information
Central Vermont Public Service	111,000	x	2176	30,430	495	3195	x	x
Green Mountain Power	56,620	x	1544	x	463	271	x	x
Burlington Electric	15,370		30				x***	
Citizens Utilities	14,460		12	75			x	x
Vermont Electric Co-op	9,345	x						
Washington Electric Co-op	5,840	x	20	1,100				
Hardwick Electric	3,165	x						
Lyndonville Electric	3,000	x		330	35			
Stowe Village Electric	2,750	x			20			
Morrisville Water & Light	2,540	x			x			
Swanton Electric Light	2,340	x		15				
Ludlow Electric Light	1,875	x	10	146	16			
Northfield Electric	1,535	x						
Barton Electric	1,495							
Enosburg Falls Water & Light	1,000				1		x	x
Hyde Park Electric	850							
Vermont Marble	780							
Rochester Electric Light & Power	650	x	150	1				
Franklin Electric	635			70**				
Johnson Water & Light	590							
Orleans Electric	565							
Village of Jacksonville	450							
Readsboro Electric	285							

x = available to all customers/numbers unavailable.
*From interviews with utility representatives by Cherie Langer, January 27th, 1982.
**Franklin Electric has 70 customers on demand-limiting water heaters.
***Provided free of charge.

Two Views: Markowitz

(Continued from Page 1)

conservation and load management activities in 1981, with a corresponding savings of around 2 billion kwh and a reduction in peak demand of about 300 Mw.

Admittedly, there is tremendous variation among utilities with regard to size, ownership patterns and energy source mixes. But a kilowatt-hour saved is a kilowatt-hour produced, and even a small utilitiy can profitably invest in conservation and load management as it would in new generation.

Utilities offer the ideal institutional framework for helping customers overcome such obstacles to conservation as inadequate funding or lack of information about appropriate conservation activities in the home. As the California Energy Resources Conservation and Development Commission has stated, "They [utilities] are the only institutions in our society that go into our homes once a month with some kind of billing or a meter reader. They have a sense of what is out there; what energy consumption is. For that reason, it is important to take advantage of this contact with the consumer, so we can target where we are going and systematically cover the marketplace. Many of the concerns that have been expressed about consumer protection and design of the program can be handled adequately by an intelligent public commission or other state agency."

Vermont utilities have yet to explore and utilize the full potential of cheaper, shorter-term and more environmentally-benign conservation and load management investments. They can greatly expand their C & LM programs by putting into practice activities undertaken by utilities within the state and throughout the nation. The expedient implementation of these programs in Vermont will need the encouragement of the Legislature and the Public Service Board.

Excerpted from testimony to the Joint Energy Committee of the Vermont Legislature by Paul Markowitz. For a copy of the complete text, write or call the Vermont Public Interest Research Group, 43 State Street, Montpelier, VT 05602 (802)223-5221.

Vermont Environmental Report

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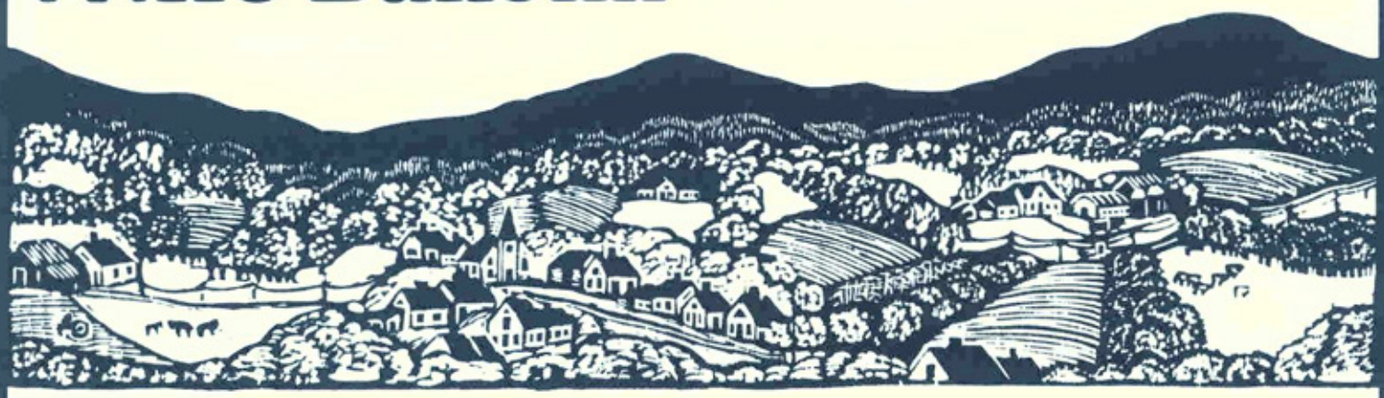

URGENT! PLEASE CALL IMMEDIATELY!!

Act 250 "Ten-Acre Exclusion" Bill in Trouble — February 16, 1982

H.513, a bill which would eliminate the ten-acre exemption from Act 250, is in trouble. This is one of the most important environmental bills before the Vermont General Assembly, and your help is needed to make sure that it gets a fair hearing this session.

The Purpose of the Bill

Act 250, Vermont's land use and development control law, is actually accelerating the conversion of farm and forest land to other uses because of the way it defines "development." A "lot" is defined as a parcel of land ten acres or smaller. Developers who create ten or more lots within a five-mile radius within a ten-year period must obtain an Act 250 permit; if less than ten lots are involved, State subdivision regulations apply but Act 250 does not.

Developers can escape State subdivision and Act 250 review by creating subdivisions where the parcels are larger than ten acres. This means that in many cases, productive farm and forest land is being carved up at a faster rate than market conditions alone would warrant. For instance:

- The Windham Regional Planning and Development Commission says that "development of subdivisions with lots greater than ten acres has become a common pattern of land development in southeastern Vermont." In a memo in support of H.513, the Commission's Public Policy and Legislation Committee reported that since 1971 there have been thirty large-lot subdivisions in the six-town region, and that these subdivisions have involved more than 3700 acres of land.

- A study by Michael Munson for the Chittenden County Regional Planning Commission found that since Act 250 went into effect, building lots ten acres or larger have jumped from one percent to thirteen percent of all the lots formed in Chittenden County. And while these lots constituted 10.8% of all the building lots formed between 1968 and 1981, they accounted for over 40% of the land used by those lots.

H.513 would close the "ten-acre loophole" by changing the definition of "lot" in Act 250. This bill would require developers to obtain an Act 250 permit for any subdivision of land into ten or more parcels, regardless of their size. It would also improve the administration of Act 250 by authorizing the courts to assess a civil penalty for violations.

We Must Act Quickly

H. 513 was voted out of the House Natural Resources Committee in late January, but without the provision closing the ten-acre loophole. The Committee felt that the important civil penalty provision would not be approved by the full House unless the ten-acre exemption was deleted. But on January 26th, the Committee's amendments were defeated and the bill was referred to the House Agriculture Committee. This Committee is considering the bill this week and will return it to the floor Wednesday, Thursday or Friday (February 17 - 19).

What You Can Do

Call your representative and urge him or her to vote for H.513 with the provision eliminating the ten-acre exemption from Act 250. Ask your friends to do the same. Representatives' home phone numbers are on the back of this sheet. If you cannot reach your legislator at home, call the Sergeant-at-Arms, 828-2228 and request a return call by way of your representative's WATS line.