



THE 1982 GENERAL ASSEMBLY: OFF TO A RUNNING START

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Legislative committees worked long and hard over the summer, and the second half of the 1981-1982 Biennium got off to a running start. Several significant new bills were introduced, and some from previous sessions were dusted off, spruced up and readied for action. The following is a report on the present status and prospects of what we consider the most important environmental proposals before the 1982 Legislature. We'll issue several more bulletins during the session to keep you posted on new developments.

Minimum Streamflow. A bill was introduced last session to set minimum flows for Vermont's rivers and streams, but the Agency of Environmental Conservation (AEC) and the Public Service Board (PSB) could not agree on a formula for computing minimum flows. As a compromise, the AEC has proposed an amendment to H.460, the dam safety bill, which would create a grievance procedure so that minimum flows could be worked out on a case-by-case basis. While the minimum streamflow amendment would give the State jurisdiction over existing dams, it would exempt those dams with impoundments of less than 500,000 cubic feet, and VNRC views this as a serious defect.

Act 250. Some of the recommendations which came out of 1980's Act 250 10th Anniversary Conference have been translated into proposals for legislative and regulatory reform. The House Natural Resources Committee is considering a bill to close the "10-acre loophole," which exempts subdivisions of land from Act 250 scrutiny as long as most parcels are larger than 10 acres. VNRC supports H.513, which would require Act 250 approval for any subdivision of land into 10 or more parcels, regardless of their size. It would also remove the economic incentive for evasion of Act 250 by authorizing the courts to assess a civil penalty for violations. The present criminal penalty is so severe that it is rarely imposed, and most courts merely require that the errant developer secure a permit.

Chapter 117. The General Assembly is reviewing Chapter 117, Vermont's planning and zoning enabling legislation. Last year, the House Natural Resources Committee identified those items in need of immediate attention and addressed them in H.197, the so-called "priority bill." VNRC helped draft H.197, which clarifies procedures for the adoption of town plans and zoning ordinances and sets a statute of limitations for legal challenges based on procedural defects. It also makes some changes in the adoption procedure for regional plans. The "priority bill" passed the House last session and is now in the Senate Energy and Natural Resources Committee.

Wetlands. Last year, the House considered a bill authorizing the AEC to identify and evaluate wetlands worthy of regulation, but the bill languished in the Appropriations Committee. The AEC conducted a wetlands study on its own with some assistance from VNRC over the summer. It will submit its report to the Legislature in January or February, but it appears that the report will not be accompanied by recommendations for protective legislation. The AEC study indicated that most wetland owners favor protective action at the local level, through town zoning and planning and voluntary conservation restrictions.

Endangered Species. There is no end in sight to the debate over S.83, the Endangered Species Bill. This controversial but rather innocuous bill would allow the AEC Secretary, upon the recommendation of an Endangered Species Committee, to establish a list of threatened and endangered species and would thereby entitle Vermont to share in Federal funds for the conservation of endangered wildlife. The bill passed the Senate late last session after the Agriculture Committee significantly modified the composition of the Endangered Species Committee and reduced the power of the Environmental Secretary. The bill is now in House Natural Resources, where VNRC and other members of the Endangered Species Coalition are attempting to hammer out a compromise.

Non-game Conservation. Several environmental and conservation groups, including VNRC, support a bill due to be introduced this week which would allow Vermont taxpayers to allocate a portion of their tax refund to the protection of non-game species. This would create a fund for habitat improvement and propagation of plants and animals beyond the purview of the Fish and Game Department. The program was initiated in Colorado and has already been copied by 15 other states.

Energy. The House Energy Committee has a full agenda again this year. There are several bills similar in intent to H.220, which would require utilities to demonstrate that they had done everything within reason to improve the efficiency of their own procedures and to assist customers in energy conservation before they could be granted a permit to construct additional generation and transmission facilities. Sponsor Anne Just is completely re-writing H.220, but this bill and all other measures which attempt to impose conservation and energy efficiency on power producers are likely to encounter stiff opposition from utilities.

The House Energy Committee is also working on a bill which would require the Public Service Board to conduct a comprehensive, ongoing state energy study. A working draft of the bill calls for a "broad study of Vermont's future needs for all forms of energy" and a "detailed energy policy" which maximizes conservation and renewable energy sources as well as in-state resources and production facilities. VNRC strongly supports a comprehensive state energy policy as an alternative to Vermont's present case-by-case crisis management approach.

Agriculture. There are many agriculture-related bills left over from the 1981 General Assembly, but few of them are likely to see much action this year. The Agricultural Task Force, a study group appointed by Agriculture Commissioner George Dunsmore, had intended to prepare a legislative package for the 1982 session, but action has been postponed until 1983. In the meantime, it will submit only a "Conservation of Farmland Resolution," voicing legislative concern over the loss of farmland, setting tentative goals for the Task Force, and instructing the study group to outline possible solutions for the General Assembly to consider in 1983.

Current Use. Governor Snelling has recommended a \$1.4 million appropriation for the program which allows farm and forest land to be taxed on the basis of its use value rather than its development value. This should just cover estimated reimbursements to towns for losses in local tax revenues. VNRC and other members of the Fair Tax and Equal Education Coalition consider this a reasonable appropriation, but it should be pointed out that if the State cannot cover 100% of the reimbursements, participating landowners can withdraw from the program without penalty. The FTEEC also supports a per-acre cap on the amount of the State reimbursement. The House Agriculture Committee discussed the cap last week and appeared to favor an amendment fixing the maximum State reimbursement to towns at 5% of the highest use value for agricultural land (or about \$20 per acre).

VNRC Legislative Network. Last year, about 35 people responded to our call for volunteers to telephone or write letters when key environmental bills came before the Vermont Legislature. We did not have occasion to use this network last year, but we still have your names on file, and we may be calling on you in the next few months. Our members tell us that legislative lobbying is one of the most important things VNRC does, but we could be more effective if we could mobilize grassroots support on important pieces of legislation at critical times. If you can take a few minutes from time to time to contact your legislator or call friends and ask them to do the same, please call Seward Weber at 223-2328, or write him at VNRC, 7 Main Street, Montpelier, Vermont 05602, and we'll put you on our grassroots lobbying roster.

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