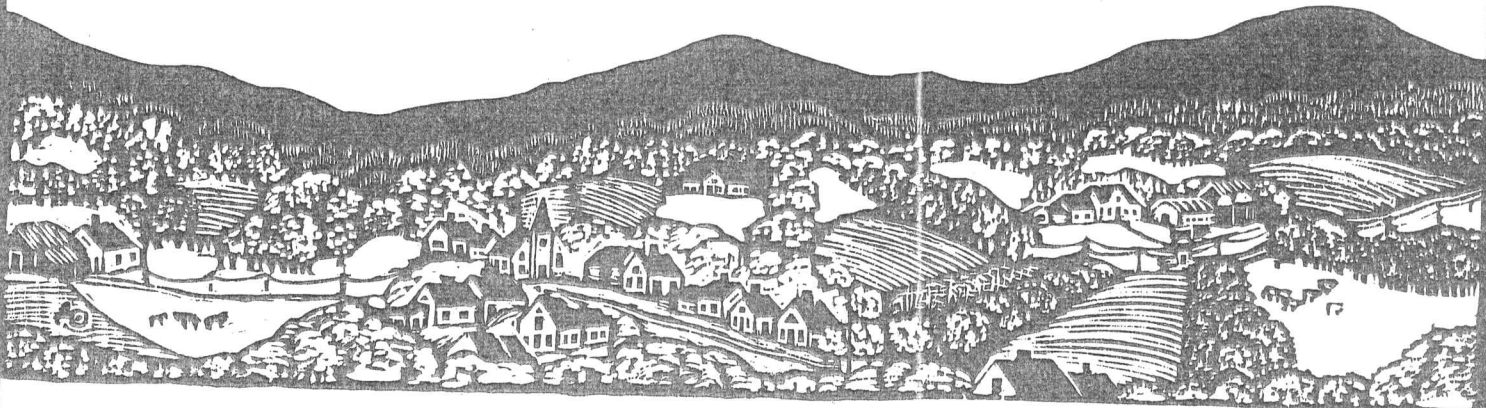


# VNRC Bulletin



## VERMONT ENVIRONMENTALISTS PULL TOGETHER, PREPARE FOR LIVELY LEGISLATIVE SESSION

The Vermont Natural Resources Council has always collaborated with other environmental groups on legislative issues, but the formation of an "environmental caucus" last fall means much better coordination of lobbying activities and much better information for you, our members. We're also delighted to have on board this season full-time lobbyist and VNRC Board member Monty Fischer and legislative intern Nargy Erdman.

The first half of the 1982-1983 session of the Vermont General Assembly may be dominated by debate over juvenile jails, a possible increase in state income taxes and penalties for drunk driving, but at press time, a surprising number of potentially significant environmental bills had also made their debut. The list that follows is by no means complete, but here are a few of the bills we'll be watching this winter.

Last year's bid to close the "10-acre loophole" and improve the enforcement and record-keeping provisions of Act 250 won a stunning victory in the House only to expire quietly in the Senate Agriculture Committee. It's back to square one in the lower chamber this year with three separate bills to amend Vermont's principal land use and development control law. H.82 would change the language of the law that exempts large-lot subdivisions from Act 250 review, H.92 would improve permit record-keeping and H.81 would allow Vermont courts to impose a civil penalty for Act 250 violations (rather than the current criminal penalty which is so severe that it is rarely used). These bills, all of which VNRC supports, could move very quickly, so be prepared to call your representative.

Governor Snelling has recommended an appropriation of \$1.4 million for the current use program. This is about \$300,000 short of what the Current Use Advisory Board estimates will be needed to cover the cost of this year's reimbursements to towns, even with last year's \$500,000 surplus. Under-funding the program that allows farm and forest land to be taxed on the basis of its use value rather than its development value could undercut the purpose of use valuation by releasing landowners from their agreement to keep the land in production.

No legislation has been introduced yet, but the Agency of Environmental Conservation may ask the General Assembly to endorse the development of a ground-water-protection-strategy-style program aimed at conserving Vermont's valuable wetlands.

Agriculture Commissioner George Dunsmore's Agland's Task Force will present its report to the General Assembly by February 1st. It will most likely be followed by a bill directing towns to inventory and protect important agricultural lands when they reauthorize local plans.

S.13 would give Governor Snelling's Executive Order 52 the force of law. E052 directs State agencies to ensure that developments requiring State permits do not eliminate or jeopardize the continuation of agriculture on productive agricultural lands.

H.30 is a first attempt to replace Vermont's archaic doctrine of "absolute ownership" of ground water with a system based on "correlative water rights," which ensures that no user can withdraw so much water that it interferes with the rights of other users. But early indications are that some fine-tuning may be required in the wording of the bill.

Recent federal actions will probably have the most influence on the future quality of Vermont's rivers and streams. The Environmental Protection Agency has proposed a number of revisions to federal water quality standards that would let states use cost/benefit analysis to justify changes in water quality standards and shift the focus from upgrading water quality to exerting only the minimum control required to protect the water for its designated use (see the January/February VER for details). We're also worried about two recent U.S. District Court decisions that claim that the Federal Energy Regulatory Commission (FERC) ... not the Vermont Public Service Board ... has jurisdiction over hydroelectric projects.

H.28 would extend tax credits for installation of renewable energy systems (wind, hydro, solar, wood furnaces) which will expire in July. VNRC supports the extension of these credits, but also favors strong programs for home weatherization and energy audits.

We're still awaiting the release of the State Electrical Energy Plan. The PSD was supposed to prepare and begin implementing the plan by February 1st, but has asked the Legislature for a two-month extension to allow more time for public comment. Hearings are scheduled for January 17th at the Northeast Development Association in St. Johnsbury, January 19th at the Rutland Regional Planning Commission, January 26th at the Chittenden County Regional Planning Commission, and January 27th at the Windham Regional Planning Commission. All hearings begin at 7:30 p.m.

The value of timber lost to spruce budworms in the Northeast Kingdom now exceeds \$4 million a year. S.17 would appropriate \$135,000 from the General Fund for a spruce budworm management program and \$225,000 for aerial application of insecticides. The Department of Forests, Parks and Recreation, which will administer the program, says it will emphasize vegetative management and species-specific chemical controls like *Bacillus thuringiensis* (BT).

The Vermont Public Interest Research Group is drafting a bill that would require utilities and railroads to notify landowners directly before spraying herbicides on powerline and railroad rights-of-way. Utilities and railroads are currently required to publish a notice in local newspapers and either (a) send letters to homeowners adjacent to ROW's, or (b) personally deliver printed statements to homeowners, or (c) run six spot radio announcements on two consecutive days. The VPIRG bill would require herbicide sprayers to choose two out of three, above, and would also specify what types of information must appear in the notice.

Two House bills would beef up Vermont's container deposit law. H.141 would require distributors to submit an acceptable recycling plan before they can sell plastic beverage containers in Vermont. Plastic beverage containers were approved for Vermont distribution under Vermont's container deposit law, but a VNRC/Association of Vermont Recyclers' intern is investigating the possibility that the popular plastics are actually being warehoused or landfilled instead of recycled.

H.91 would bring non-carbonated beverages such as fruit drinks and tea under Vermont's container deposit law.

A coalition of environmental and conservation groups including VNRC will renew its efforts to pass a non-game conservation bill that would allow Vermont taxpayers to allocate a portion of their income tax refunds to the protection of non-game species. Vermont Fish and Game officials estimate that the non-game checkoff would raise \$60,000 - 80,000 per year for habitat improvement and propagation of non-game plants and animals.

Fish and Wildlife Commissioner Gary Moore appears to have defused the deer herd issue by recommending a temporary suspension of the antlerless deer season, and sponsor Vince Iluzzi now says that he will vote against his bill to return control of the deer herd to the Legislature.

The Vermont Legislature will be asked to ratify an agreement by spring determining how 11 Northeastern states will select a disposal site for low-level radioactive wastes. If Vermont ratifies the compact, it becomes a potential host for the facility, if it does not, it will have no way to dispose of radioactive wastes from hospitals and laboratories.

And finally . . . A round of applause for Governor Snelling, who proposed in his inaugural message on January 6th to create a \$5 million "Vermont Futures" program that would put unemployed Vermonters to work improving our forests and parks, creating more multi-use recreation trails, weather-proofing and insulating public buildings and repairing state roads.

**Vermont Natural Resources Council**  
**7 Main Street**  
**Montpelier, Vermont 05602**



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