

# Vermont Environmental Report

March/April 1983

A Bimonthly Newsletter Published by the Vermont Natural Resources Council

Vol. 4 No. 2



The Mansfield-Luce Hill Company wants to build a private 307,000 gpd sewage treatment plant and discharge the effluent here, at the confluence of Barrows Brook and the Waterbury River near Moscow.

## The Big Stink in Stowe Isn't at the Pig Farm

All the silliness over the famous "pig farm" took some of the sting out of a bad season for ski-related businesses in the Stowe area this winter. But while we're chuckling over the "farmland preservationists" who got theirs when a would-be developer down in the valley made his meadow into a pasture, the folks up on the mountain are making some far more serious and significant land use decisions.

The decisions have to do with how to dispose of the sewage from planned condominium developments at the Trapp Family and Mount Mansfield Ski Resorts.

Now, before you yawn and turn the page because sewage disposal isn't a very exciting issue, remember that when Act 250 permits are denied or modified, it is often because of potential problems with waste disposal. Most of the other major Act 250 criteria — impact of growth, primary and secondary agricultural soils, costs of scattered development — are so abstract that the decision sometimes depends on the political orientation of the District Commissioners or on which side hires the fanciest lawyer.

We can argue 'til we turn purple about the proper amount, location, distribution, pace and type of development for Vermont. But in practice, development has most often been limited by the land's ability to absorb and treat

waste. At the very least, that's given us time to make decisions about some of the other environmental consequences.

Now all of that is changing. A series of State and local decisions in Stowe suggest that the only limits to growth are the financial resources of the developer.

### TIME-SHARE SEWAGE DISPOSAL

Last fall, Trapp, Inc., got Act 250 approval for the first phase of a project involving a 98-room hotel and up to 100 time-share condominiums at the site of the Trapp Family Lodge and ski resort on Luce Hill in Stowe. Sewage flows of up to 68,000 gallons per day were to be handled on-site by a spray irrigation system.

About the same time, the Mount Mansfield Company secured an Act 250 permit to begin marketing condominiums at a new development to be known as "The Inn at the Mountain." Anticipated wastewater flows are 205,000 gallons per day within 20 years when all 600 condos are occupied. Since the soils on the site could not handle the sewage from that many additional units, the Mount Mansfield Company proposed building a secondary sewage treatment plant and discharging the treated effluent to Ranch Brook.

(Continued on page five)

## Rad Waste Transport Deferred for Now

Bob Fasanella

Transportation of high-level radioactive wastes became the environmental issue in the 1982 gubernatorial race after the Vermont Public Interest Research Group and the Vermont Yankee Decommissioning Alliance learned about and publicized the first of a series of shipments of radioactive wastes from the Chalk River Experimental Nuclear Laboratory in Canada. The spent reactor fuels were bound for the Savannah River Project in Aiken, South Carolina, where they are reprocessed for use in the manufacture of nuclear weapons.

Widespread concern over public safety and the ability of local police and rescue teams to respond in case of an emergency prompted Governor Richard Snelling to temporarily ban the shipments in September. Since then, 14 Vermont towns have passed restrictive ordinances and five have approved resolutions calling for more stringent State regulations.

Both the Vermont Agency of Transportation (AOT) and the State Legislature are revising existing regulations and proposing new legislation that will impose stricter standards on the shipment of radioactive wastes through Vermont.

In April, the Vermont House of Representatives overwhelmingly approved H.232, a bill regulating the transportation of radioactive materials. But the Senate Highways and Traffic Committee, troubled by the complexity of the federal pre-emption issue, tabled H.232 until the second half of the Biennium. Perhaps by then more will be known about the limits of federal jurisdiction in the area of radioactive materials transportation.

### PRE-EMPTION

There are three relevant laws that limit the degree to which States can regulate the shipment of radioactive wastes:

- the Atomic Energy Act gives the Nuclear Regulatory Commission (NRC) almost exclusive authority in the area of public health and safety regulations concerning packaging, insurance and notification of shipments.

- the Hazardous Materials Transportation Act enables the

Department of Transportation to establish regulations pertaining to transportation, loading, permitting, labeling and routing, while allowing States to play a role in setting public health and safety standards.

- the Interstate Commerce Clause, administered by the Interstate Commerce Commission, protects the free flow of goods between States.

It is quite clear from court rulings such as *Illinois v. General Electric Company* that Vermont cannot expressly ban nuclear waste shipments through the State. However, other court rulings such as *National Tank Truck v. Burke* and *New York City v. DOT* (on appeal) leave the scope of federal pre-emption unclear. Requirements for headlight illumination, continuous radio contact and regular safety inspections have generally been upheld, along with curfews and special routing requirements. However, special license fees, detailed manifests and excessive registration fees have been invalidated by the courts and determined to be burdensome to interstate commerce. Rules regarding insurance, escorts and accident clean-up costs remain highly ambiguous. There seems to be some room for State intervention as long as these regulations strike a reasonable balance between the protection of public safety and the health and free flow of commerce.

### SAFETY, HEALTH AND ENVIRONMENTAL CONCERNS

The Vermont Public Interest Research Group, Waste Not Vermont, the Vermont Yankee Decommissioning Alliance and other environmental groups have charged that federal regulations fail to provide adequate protection for public safety and the environment. Specifically, they claim that the NRC's safety standards for the casks used in shipping high-level radioactive wastes don't reflect the actual stress of a normal highway accident.

One of the tests requires that a cask be able to withstand a drop of 30 feet onto a flat, unyielding surface. But surveys by the Vermont Agency of

(Continued on page three)



# On the Hill

A Report from the Vermont State House as of Tuesday, April 19  
by Margy Erdman, Don Hooper and Monty Fischer

Though January produced a host of environmental legislation on everything from energy tax credits to ground water protection, very few bills made it to the Governor's desk during this first half of the 1982-83 Biennium.

Two bills that did clear both houses were S.71, which would exempt governmental and non-profit organizations (like land trusts) from the land gains tax, and S.17, which appropriates \$50,000 for spruce budworm management. The program includes limited application of pesticides such as *Bacillus thuringiensis* (Bt) to halt the spread of the disease, buy time and give landowners more options for marketing affected timber, as well as extensive surveillance to gather data for a long-term management program. VNRC supports S.17 as it did an earlier action creating a special \$18,000 FY83 supplemental appropriation for emergency spraying this spring.

An acid rain resolution (JRH17), which calls for a 50% reduction in sulfur dioxide emissions by 1990 won an overwhelming endorsement by the House (116-4) and unanimous approval in the Senate. The resolution underscores the fact that Vermont and certain "other parts of our Nation and Canada unjustly are being required to bear most of the economic burden of acid deposition and suffer the health threats as well" and calls for accelerated negotiations with Canada on a transboundary air pollution treaty. VNRC Board member Rebecca Davison provided strong supportive testimony on the Council's behalf.

More troubles await H.82, the bill to eliminate the 10-acre exemption in Act 250. H.82 passed the House by a nearly 2-1 margin, but ran into opposition in the Senate Energy and Natural Resources Committee. It finally wrenched free of that Committee, only to be snatched up by Senate Agriculture. And so began a whole new round of testimony and Committee scrutiny just as the Legislature pressed for adjournment. VNRC has actively supported H.82 since completing a study which shows that the exemption has encouraged the subdivision of large tracts of farm and forestland into uneconomical 10.1-acre "farmettes."

VNRC also supports H.81, which would make intentional violators of Act 250 subject to a civil penalty (a fine). Currently, developers who ignore the conditions of an Act 250 permit or who fail to apply for a permit are subject to a criminal penalty, but the courts are reluctant to apply such a sanction for this kind of "white collar crime." The Senate Energy and Natural Resources Committee will resume discussion of this bill next January.

Slightly different versions of H.94, a bill that allows towns to exempt single lot subdivisions from State review, passed both

the House and the Senate. VNRC supports this bill, which should unsnarl some of the red tape for would-be home-builders. A Committee of Conference will reconcile differences between House and Senate Versions of this bill, but probably not before the end of this session.

The House Natural Resources Committee continues to study H.155, a 136-page bill concerning Chapter 117, the Municipal and Regional Planning and Development Act. Beth Humstone, a member of VNRC's Land Use Committee, testified on behalf of VNRC at the April 6 public hearing. VNRC supports the bill because the "housekeeping measures" clarify ambiguous language, help eliminate overlapping review procedures, and ensure that development applications are treated fairly and promptly.

The Fish and Game Committee tabled H.140, which would have required legislative approval for antlerless deer hunting, after a long and emotional public hearing. Instead, the House passed a resolution declaring a one-year moratorium on antlerless hunting. VNRC opposes this resolution because we think it's a big step towards returning control of the deer herd to the Legislature.

There was very little movement in the House Natural Resources Committee on ground water legislation this year. Monty Fischer testified for VNRC at a public hearing on the ground water rights bill, which would make "any person who withdraws, diverts or alters the character or quality" of ground water liable for "unreasonable resulting injury to other persons or property." Vermont currently adheres to the "absolute ownership" theory of ground water rights, which allows the landowner to withdraw any amount of water, even if it depletes a neighbor's water supply. The Council supports this bill because it recognizes ground water as a common resource.

Legislation that would create a procedure and a fund for decommissioning the Vermont Yankee nuclear power plant is still in the discussion stage, and will not see action this year. The life expectancy of a nuclear plant is about 35 years, and the Vernon facility has been on-line since 1961. Debate will resume during the second half of the Biennium over who should pay the cost of Yankee decommissioning.

The fate of Vermont's Current Use Tax will be settled by a Committee of Conference before adjournment. The cost of this year's reimbursements to towns for lower tax revenues resulting from use value assessment is estimated at about \$1.7 million, but the Governor's budget included only \$1.4 million for the reimbursement program. The Senate Finance Committee whittled away another \$300,000, citing the fact that

few farmers have participated and that some large landowners are benefitting from lower taxes based on use valuation.

Two nearly identical bills — H.172 and S.13 — which would give Governor Snelling's Executive Order No. 52 the force of law have been tabled by the House Government Operations Committee and the Senate Agriculture Committee. If passed, these bills would empower a five-member Agricultural Lands Review Board to examine any State project or program that would jeopardize the continuation of agriculture or damage primary agricultural soils.

Though 19 other States across the country have created voluntary non-game wildlife management funds through the use of tax refunds, the prospects are dim for similar legislation here in Vermont. H.185 and S.84 would allow State taxpayers to assign a portion of their tax refunds to a special Vermont Wildlife Fund which would be used by the Agency of Environmental Conservation for programs benefitting non-game animals and plants. Opponents claim that it is too difficult to make the necessary changes in Vermont's income tax forms. If you are interested in these bills, we urge you to stay in touch with Steve Young of the Audubon Council, Sally Laughlin of the Vermont Institute of Natural Science and your representatives.

The original version of H.28, as passed by the House of Representatives, renews 25% energy tax credits for wood furnaces or solar, wind or hydroelectric heat or hot water systems. The Senate Finance Committee reduced the tax credit to 15% or \$500 and limited it to active solar systems and wood pellet furnaces. This bill now resides with the Senate Appropriations Committee.

A bill regulating the transport of irradiated reactor fuel and large quantities of radioactive material was tabled by the Senate Highways and Traffic Committee in the last days of the session. H.232, patterned after Michigan legislation, would increase notification and radio communications requirements, raise standards for vehicles and containers and require State police escorts for nuclear waste shipments. See the lead article in this issue of the Vermont Environmental Report for an analysis of the differences between H.232 and regulatory revisions proposed by the Snelling Administration.

And last but not least, three bills which would strengthen Vermont's container deposit law are under consideration by the House Natural Resources Committee. Marion MacDonald testified on behalf of VNRC and the Association of Vermont Recyclers in support of extending the bottle bill to certain non-carbonated beverage containers, requiring an acceptable recycling plan before PET (plastic) bottles can be distributed in

Vermont, and closing the "loophole" that allows non-refillable glass bottles to be certified as refillable by the Agency of Environmental Conservation.

## "PROGRESS" COMES TO CENTRAL VERMONT

What's going on in Vermont's heartland? You may have heard that central Vermont is behind the times, but it's not so. We got ourselves a regional shopping mall. Or at least the developer got his permit to build one smack-dab in the middle of beautiful up-country Berlin, three miles from our two existing downtowns of Barre and Montpelier.

But don't feel left out, you folks from afar. This is billed as a regional mall. And regional it's going to have to be to pull in enough shoppers to stay afloat. It boasts an immodest 280,000 square feet of new retail space -- that's more than the combined shopping areas of downtown Barre and Montpelier.

But while Developers Diversified of Cleveland, Ohio, will have the problem of making the over-sized and superfluous project economically viable, the rest of Central Vermont will be picking up the pieces for the extravagance: loss of business, vacant stores, a greatly diminished tax base. Well, at long last, at least there'll be enough downtown parking spaces.

So take Interstate 89, get off at Exit 7 and follow the cars: they'll be coming in from Kalamazoo, El Paso and Tallahassee.

If there's a silver cloud beneath the lining, it's that VNRC, as part of the citizens' group that appealed the permit, was helpful in securing some additional conditions relating to energy conservation and traffic flow.



## VERMONT ENVIRONMENTAL REPORT

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Spring thunders through Moss Glen Falls near Morrisville, Vermont.

#### TUFTS CONFERENCE A GREAT SUCCESS

Margy Erdman

Workshops on hazardous wastes, acid rain, pesticide law and policy, forest management, the nuclear arms freeze. . . keynote addresses by National Audubon Society President Russell Peterson, U. S. Senator Morris Udall, Friends of the Earth President Rafe Pomerance and Eric Van Loon of the Union of Concerned Scientists. . . this is only a sampling of the busy and informative agenda for Vermonters who were fortunate enough to attend the New England Environmental Conference, March 25-26, at Tufts University in Medford, Massachusetts. Well over 850 registered participants including Don Hooper and myself from the Vermont Natural Resources Council jammed workshops, lectures and films at the two-day conference.

On behalf of all Vermonters who attended the conference, I'd like to express sincere appreciation and gratitude to Nancy Anderson, who pulled together a conference that was cohesive, yet extremely varied in the range of issues it addressed.

#### NOTHING LIKE THE TASTE OF FORBIDDEN FRUIT

A special screening of the "Canadian propaganda" films in Montpelier last month drew 370 people, making March 23rd and 24th "the best Wednesday and Thursday nights in the history of the Savoy," according to theater co-owner Gary Ireland. "Acid Rain: Requiem or Recovery," "Acid from Heaven," and "If You Love This Planet" then travelled to the Welden Theater in St. Albans. Both theaters generously shared their proceeds with VNRC and Physicians for Social Responsibility.

## Rad Waste Transport

(Continued from page one)  
Transportation along the "preferred shipping routes" (I-89 and I-91) indicate that there are at least 40 bridges with vertical clearances of more than 30 feet, many over streams and other highways. Even a slight leak from the casks could allow radioactive materials with extremely long half-lives to contaminate drinking water supplies, prime agricultural lands or inhabited areas if properly trained clean-up crews did not respond immediately.

Data compiled by the Vermont Department of Public Safety shows that accidents involving hazardous waste transportation are not uncommon. The 1982 Annual Report lists 29 hazardous materials incidents (though none were radioactive), and of the 606 haulers of hazardous materials, 67 had some violations.

Vermont's Hazardous Materials Committee, composed of the heads of the Departments of Transportation, Public Safety, Health, Agriculture and Civil Defense, is required by law to develop a plan for coordinated disaster relief operations for transportation accidents. However, the State's response team may not be able to handle a serious radioactive accident properly, especially in remote rural areas. Local fire and rescue teams are usually first on the scene of an accident, but town officials are not notified in advance of radioactive waste shipments.

#### TWO PROPOSALS FOR CHANGE

Both the bill passed by the Vermont House of Representatives (H.232) and the regulatory revisions proposed by the Agency of Transportation adopt many provisions regarding labeling, packaging, physical security and insurance requirements dictated by the Department of Transportation and the Nuclear Regulatory Commission. The key differences between the two concern the application procedure, authority for final decisions and confidentiality of information regarding shipments.

H.232 would require shippers to apply for permits from the Hazardous Materials Committee at least 30 days before shipment. The Committee issues a permit only if the shipment complies with all the conditions in the statute. H.232 also provides the public with more access to information concerning the nature and schedule of shipments.

On the other hand, under the Agency of Transportation's proposed regulations, final authority to approve, disapprove or exempt shipments from permit requirements rests with the Secretary of Transportation. Shippers need apply only 10 days before the date of shipment.

The proposals also differ over escort requirements and payment plans for these services. The AOT regulations re-

quire the shipper to post a \$1000 bond or certified check to cover the cost of a State police escort, and the State reimburses the shipper if the actual cost is less than \$1000. H.232 requires a State emergency response team in addition to the police escort, and the shipper pays the actual costs of the escorts and all other administrative expenses incurred by the State.

#### INSURANCE AND LIABILITY

Insurance and liability is another gray area in existing State and federal laws concerning the shipment of radioactive waste. The Resource Conservation and Recovery Act (RCRA) ensures "cradle to grave" monitoring of hazardous waste transportation, but radioactive wastes are not included in the definition of "hazardous materials." The Price-Anderson Act, which is administered by the NRC, applies to nuclear plants and radioactive waste transportation and may provide up to \$560 million in liability. But that maximum becomes available only if the NRC determines that an "Extraordinary Nuclear Occurrence" has taken place (which it did not do, for example, in the case of Three Mile Island). Superfund provides some coverage, but only for environmental damage, not personal injury. There may also be some recourse to the Federal Emergency Management Agency, which administers all disaster planning and civil defense funds. However, these funds normally cover only natural disasters or warfare.

Both H.232 and the AOT regulatory revisions would require the shipper to provide additional insurance coverage to handle accident clean-ups or personal liability up to \$560 million under the Motor Carriers Act. However, a U.S. General Accounting Office Report in 1979 revealed that a simple radioactive spill can cost up to \$1 million without any personal liability claims.

It is clear that State and

local authorities would bear initial responsibility for clean-up costs in case of a radioactive waste transportation accident. The State agencies would have to apply to the federal government for reimbursement. The courts would probably have to settle any disputed claims -- especially those involving collisions with other vehicles, negligence or sabotage -- if the Price-Anderson Act did not cover the damages.

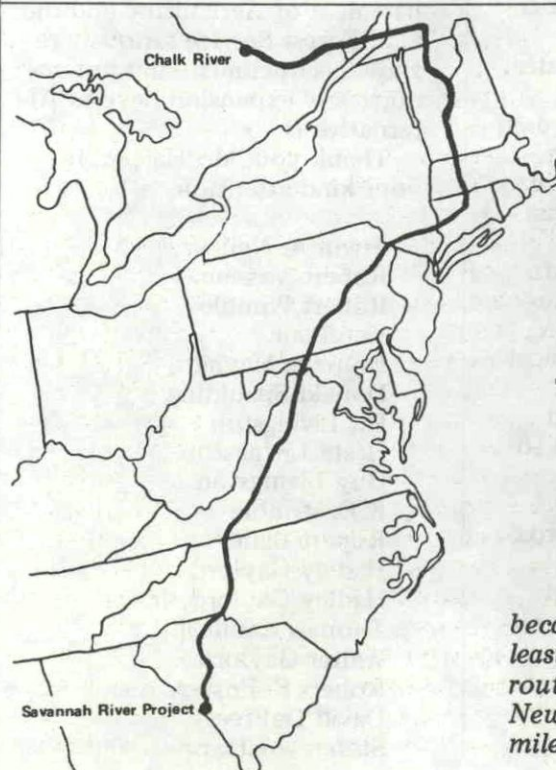
#### THE NEED FOR ACTION

Vermont is not alone in its efforts to impose additional restrictions on radioactive waste shipments. More than 30 states have adopted similar laws and regulations.

One of the reasons why shipments from the Chalk River Laboratory in Ontario were passing through Vermont is that this State became known as the "path of least resistance." Alternate routes through New York and Michigan are more than 400 miles shorter, but both States have enacted more restrictive and burdensome statutes which have not yet been invalidated by the courts. H.232 incorporates some of the language of the New York and Michigan laws.

There are compelling reasons for the State of Vermont to enact additional restrictions on the shipment of radioactive wastes within its borders. However, the Legislature must be careful to select appropriate language. Cases now on appeal such as the *Pacific Legal Foundation and New York City v. DOT* will provide excellent guidelines concerning the scope of federal jurisdiction over radioactive waste transportation. With proper public awareness, Vermont can respond innovatively and confidently to provide the best regulatory scheme within the scope of federal pre-emption.

*Bob Fasanella is a Vermont Law School student who has followed the nuclear waste transportation bill since its introduction.*



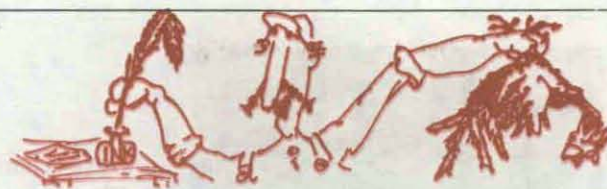
#### FROM ONTARIO TO SOUTH CAROLINA, BY WAY OF VERMONT

*"One of the reasons why shipments from the Chalk River Laboratory in Ontario were passing through Vermont is that this State became known as the 'path of least resistance.' Alternate routes through Michigan and New York are more than 400 miles shorter . . ."*



# Farmink

"Farmink" is a more-or-less regular column on farmland protection and agricultural revitalization by Don Hooper, goat farmer and VNRC Acting Executive Director.



Agriculture in the Mad River Valley is not only alive, but well. That's the word from 18 farmers in Waitsfield, Warren, Moretown and Fayston who wrote an open letter last month to the Supervisor of the Green Mountain National Forest.

The farmers were responding to a Draft Environmental Impact Statement authored by the U. S. Forest Service, which endorses the Sugarbush Ski Area's plans to double in size by the end of the century. The EIS acknowledges that Valley residents are very concerned that the ski area expansion might jeopardize the continuation of viable agriculture in the Valley, but goes on to imply that farming is on its way out no matter what the Forest Service does.

"The five Valley towns lost an average of 41 percent of their farms between 1953 and 1961, or slightly more than the State average for the same period," says the study. "During the next decade, the rate of decline in Warren, Waitsfield, and Fayston increased somewhat." The EIS concludes that "The Mad River Valley is currently a rural area with pockets of urban-like development. These pockets are expanding, and more are being formed. . . . This process is generally acceptable to Valley residents and is expected to continue."

The farmers who signed their names to the letter below believe that agriculture does have an important place in the future economic life of the Mad River Valley. And they'd appreciate it if the federal government would mind its own rules and not encourage the conversion of their land to non-agricultural uses.

TO MR. STEPHEN HARPER,  
SUPERVISOR OF THE  
GREEN MOUNTAIN  
NATIONAL FOREST:

Dear Mr. Harper,

We respectfully request that you make publicly known to the people of Vermont and to the Honorable John Block, Secretary of the United States Department of Agriculture, our concerns over the proposed expansion of the Sugarbush Valley Winter Sports Area in the Green Mountain National Forest of Vermont.

The Forest Service's Draft Environmental Impact Statement endorses Alternative V, the Sugarbush Ski Area's most ambitious expansion plans. This would increase the ski area's capacity from 6,150 to 11,650 skiers at any given time on public and private lands over a period of approximately 20 years.

We concur with the Mad River Valley Steering Committee that no development should proceed beyond what is proposed under Alternative II. However, even Alternative

II should not be implemented until an appropriate monitoring process is in place.

We are active farmers in the Mad River Valley towns. Many of us are dairy farmers and have received public recognition for efficiency and good management (i.e., Green Pastures Award and "Farmer of the Year"). We have made a significant contribution to the economic well-being, aesthetic beauty and rural character of the State of Vermont. We are proud of this. We love farming and want to keep our land available for continued farming in this valley.

Over a period of time, our towns would undergo radical land use changes if the Sugarbush Ski Area is enlarged in accordance with the recommendations of the U.S. Forest Service. Most of the Mad River area farms depend on leased lands to sustain their operations. These short-term leases represent 40% of the farmland in the Valley. We feel that any alternative would cause increased development pressures and subsequent loss of these vital lands.

According to Public Law 97-98 of the Farmland Protection Act, ". . . the Department of Agriculture and other Federal agencies should take steps to assure that the actions of the Federal Government do not cause United States farmland to be irreversibly converted to non-agricultural uses. . . ." The USDA is supposed to advocate the retention of important farmlands whenever the actions of a federal agency would encourage conversion to other uses.

We are also concerned about:

- water quantity and quality,
- erosion, and the possibility of stream contamination and flooding,
- wildlife habitat,
- added pressure on the land from recreational activities such as hunting, fishing, snowmobiling and cross-country skiing, and,
- inflated land prices and increased pressure to "sell out."

For all these reasons, we request that the United States Department of Agriculture and the U.S. Forest Service seriously review this document and not endorse any expansion beyond Alternative II.

Thank you, Mr. Harper, for your kind attention.

Elwin A. Neil, Jr.  
Robert Vasseur  
Robert Wimbles  
Ken Blair  
Everette Maynard  
Donald Spaulding  
Pat Livingston  
Hesta Livingston  
Guy Livingston  
K.E. Wimbles  
Rupert Blair  
Hadley Gaylord  
Hadley Gaylord, Jr.  
Thomas Kaminski  
Walter Gaylord  
Robert P. Foster  
David DeFreest  
Stefan vonTrapp



Mad River Valley farmland

## EPA Rep Visits Vermont

Lester Sutton's visit to Vermont last month confirmed our fears that little has changed at the Environmental Protection Agency but the names of some of the top officials. Sutton, EPA Administrator for the New England region, fielded questions from legislators, environmental leaders and the press during a March 15th meeting at the State House hosted by VNRC and the House Natural Resources Committee.

A long-time States' rights advocate, Sutton made it clear that he supports the Reagan Administration's efforts to reduce staff and budget at the federal level and to delegate more responsibility for administering environmental protection programs to the States.

He got a chuckle from the audience when he said that, "Of course, the States would like to get paid for it, but we don't want to do everything at once!" The EPA recently proposed trimming its grants to State agencies that enforce clean air, clean water and toxic substances management laws by 25%.

Diane Geerken of the Vermont Sierra Club queried Sutton about the Pine Street Barge Canal. She wondered whether it was true that the EPA's reluctance to allocate "Superfund" monies for cleaning up toxic waste dumps had forced the State of Vermont to seek funding through the Department of Transportation. Sutton denied allegations of "foot-dragging" and explained that the State had determined only that it would be more "expeditious" to build clean-up costs into the budget for the proposed Southern Connector highway, which cuts across the former dump site.

The Region I Administrator defended the EPA's "go slow" policy on acid rain, citing a recent MIT study that claims that a blanket 50% reduction in SO<sub>2</sub> emissions would yield no more than a .2 percent change in acid rain pH. Sutton maintains that further research is needed to establish a

direct cause-and-effect relationship between acid deposition in the Northeast and specific SO<sub>2</sub> sources in the Midwest. He also said that a 50% across-the-board reduction would cost \$4 to \$6 billion per year, although a recent EPA study pegged the annualized cost of a 43% sulfur dioxide reduction at \$2.4 billion (which translates into a 1.9% average increase in Eastern utility rates by 1990).

Sutton was also questioned on the EPA's proposed revision in water quality standards regulations. Among other changes, the new rules would permit States to "downgrade" lakes and streams, allowing higher pollution levels, if the "benefits of attaining the use do not bear a reasonable relationship to the costs."

Environmentalists have charged that more discretion in applying national water quality standards could encourage States to lower their standards in order to attract and maintain industry. Also, defending lake and stream classifications from repeated challenges based on "cost/benefit analysis" would place a severe strain on the staff and budgets of State agencies already smarting from sharp reductions in federal funding.

Lester Sutton claims that environmentalists and the media have "over-reacted" to the regulatory revisions, and the EPA suggested the changes because many States complained that the present requirements are too strict. He said that he anticipates major changes in the proposal once the Agency completes its review of 1400 comments received at 11 informational hearings nationwide last winter.

Although no one used the term "Sewergate" during the meeting, there were references to the Agency probe which Sutton says now consumes 75% of EPA staff attorneys' time. Not everyone was reassured by Sutton's assertion that "incompetence and mismanagement are no worse in the EPA than in any other federal agency." MM



## TOWN ENERGY WORKSHOPS ATTRACT WIDE RANGE OF PARTICIPANTS

Paul Markowitz

In late March and early April, the Center for Rural Studies, through the Vermont Town Energy Project, sponsored several workshops throughout the State on town projects that encourage energy conservation and the use of renewable energy resources. Held in conjunction with the Extension Service's town officer training program, these sessions were attended not only by town energy coordinators, but also by selectmen, listers, town clerks, regional planning officials, utility representatives, H.E.A.T. advisors and interested individuals from the community.

Paul Markowitz gave the first workshop, entitled "Energy Planning and Your Community." He reviewed the steps for developing a town energy plan, which can serve as a guide for town energy committees as well as a legal document that can be incorporated into the town plan. Says Markowitz, "The local level is very appropriate for addressing such issues as municipal government energy management, community-wide educational outreach programs, local energy development, and land use by-laws that will encourage conservation and use of renewable resources."

The second session focused on financing energy conservation in town and school buildings. These sessions were led by local individuals with a strong history of financing in their respective communities. Each workshop leader talked about the experiences of their towns, and then opened the discussion up to other workshop attendees to describe their own experiences with bond issues, revenue sharing and the Energy Office's Schools and Hospitals Grant Program.

At the final workshop session, entitled "Community Attic Insulation Project," local H.E.A.T. and R.C.C. representatives discussed types of insulation, recommended R-values, technical aspects of installation and moisture problems. Phil Kreitner, an energy cooperative consultant from the Boston area, outlined a cooperative purchase program that can cut the cost of insulation by 25-50%.

For more information about the workshops or the Vermont Town Energy Project, please contact the Center for Rural Studies at 656-3021, or write to the Center: University of Vermont, 25 Colchester Avenue, Burlington, Vermont 05405

Paul Markowitz is Project Coordinator for the Vermont Town Energy Project.



## The Big Stink in Stowe

(Continued from page one)

There was only one problem: Ranch Brook was a "Class B" stream, meaning that "fishable/swimmable" water quality must be maintained. No discharges allowed.

The Mount Mansfield Corporation asked the Vermont Water Resources Board to reclassify part of Ranch Brook from "B" to "C," arguing that treated effluent from their plant would be "indistinguishable from tap water." The Board accepted that argument, but a group of local landowners known as RIPPL (Regional Impact Pure Water Protection League) did not. They appealed the reclassification order, and the case is still in court.

Meanwhile, Trapp Family Lodge began looking for a waste disposal option that didn't involve siting a sewage lagoon within view of the Austrian Tea Room. Trapp and Mount Mansfield decided to pool their resources, so to speak, and see if they couldn't pipe the waste from both projects downhill to the Stowe municipal sewage treatment plant.

The Stowe selectmen were sympathetic, but the plan was apparently blocked by the same Mountain Road merchants who pooh-poohed the piggery (a/k/a "Hamsey Hotel").

Pulling the end-run-to-end-all-end-runs, the Mansfield-Luce Hill Company has decided to build its own secondary sewage treatment plant downstream from Stowe and to discharge the treated wastes to the Waterbury River (Little River) near the confluence with Miller Brook. The plant would cost about \$2-1/2 million, and would involve running 7-1/2 miles of 10" sewer pipe all the way from the base of the chairlift at Mount Mansfield to just outside Moscow, Vermont. The capacity of the privately-owned plant would be 131,000 gallons per day initially, and up to 300,000 gpd when both developers are "built out." This is substantially larger than the existing municipal treatment plant's 167,000 gpd capacity.

### CLASS STRUGGLE

As ambitious and over-scale as this project sounds, it now appears to be the most likely resolution of the time-share sewage situation. The discharge will occur in a part of Stowe where there are more fish than people; if the fish have any aesthetic or economic problems with this project, they haven't said so. Stream reclassification won't be an issue because, lo and behold, this stream comes with a ready-made class C zone that runs from the village of Stowe all the way to the Waterbury Reservoir!

In 1963, when the Water Resources Board classified rivers and streams in the Winooski River Basin, it created an extra-long Class C zone on the Waterbury River because it empties into the Waterbury Reservoir -- the major water-based recrea-

tion area in central Vermont. The Board wanted to be absolutely certain that water flowing into the Reservoir was safe for public bathing and free of bacteriological and other contaminants from the Stowe municipal sewage treatment plant.

Now the Mansfield-Luce Hill Company proposes to create a new discharge nearly four miles downstream from the Stowe sewage treatment plant. If the State grants a discharge permit, it would appear that the meaning of Class C will change from "safety zone" to "license to pollute."

This problem was anticipated in a 1980 study by the Water Resources Department, which identified more than 30 stream segments that should be upgraded from C to B. VNRC will push for prompt State action to close this "loophole" in Vermont's stream classification system. Though they were designed to protect public health, the extra-long C zones could actually encourage water quality degradation. If new commercial and industrial discharges occur willy-nilly wherever accidents of history have created them, waters that are technically Class C but actually fishable/swimmable could well decline to the lower level.

Also, there's a real danger that without reclassification proceedings, discharge permits will be handed out on a "first come, first serve" basis with no meaningful opportunity for long-range planning or for public review of competing uses of the river for recreation, hydroelectric generation or wildlife habitat.

### UOD, GPD AND QED

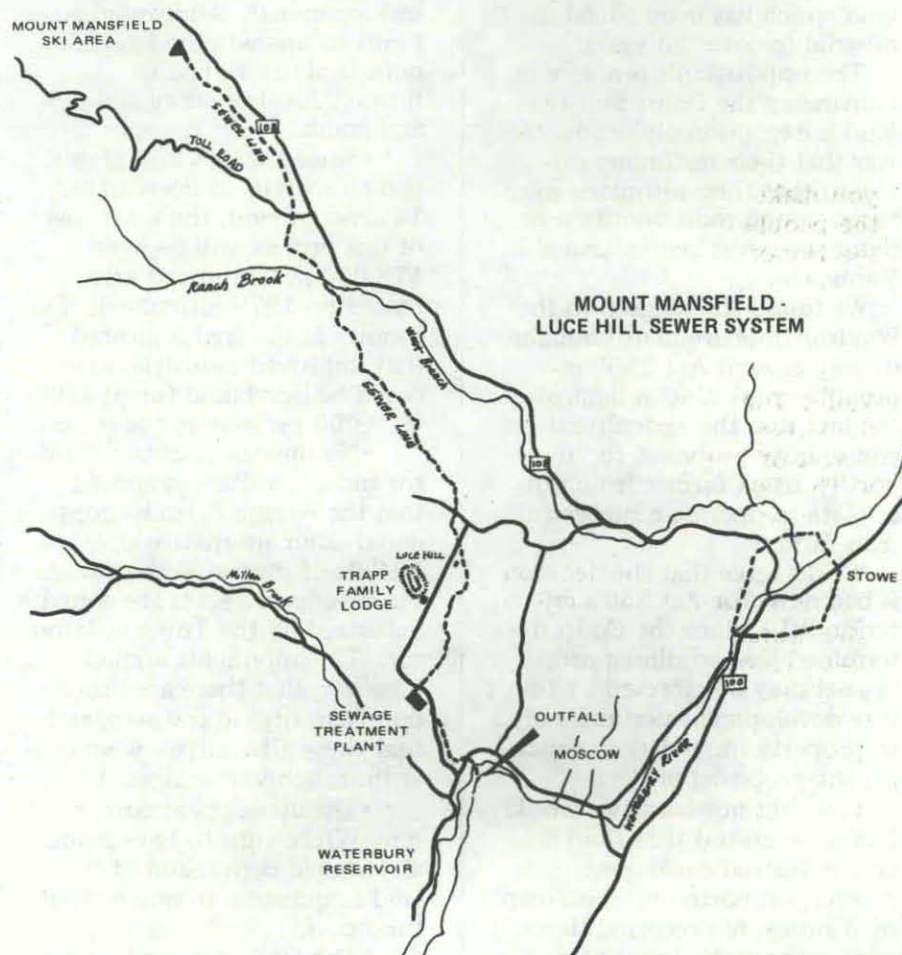
This so-called "long-term permanent solution" for the Mansfield Luce Hill Company may be a long-term problem for the Village of Stowe. The ski areas plan on daily discharges of

307,000 gallons at "build-out," and the Village estimates its future requirements at about 350,000 gallons per day. The Water Resources Department says that the Waterbury River can probably assimilate and treat up to 657,000 gpd if both plants upgrade from secondary to tertiary sewage treatment. But who will pay for upgrading the Stowe Village plant? The ski areas?

Also, any honest bureaucrat will admit that estimating assimilative capacity is a very inexact science. How much dissolved oxygen gets eaten up on the way down the mountain by stormwater runoff, agricultural runoff, and indirect discharges from failing septic systems? No one knows.

It seems to us that if this project is completed, somewhere down the road Stowe Village will have to choose between water quality degradation and a major new capital investment. And, more importantly, the selectmen will lose an important tool for controlling the pace, amount and location of new development in that community.

For all of these reasons, we hope that the District Environmental Commission will insist that both developers comply with the terms of their original Act 250 permits: that Trapp Family Lodge construct a spray irrigation system as planned and that Mount Mansfield either discharge to Ranch Brook, or, if that reclassification is rescinded, scale down its plans to the point where on-site sewage disposal is feasible. As a second choice, we'd recommend that the ski area developers be allowed to hook onto the Stowe municipal sewage treatment plant. Besides leaving the Village in control of development, this would correct some present and future wastewater disposal problems along the Mountain Road in Stowe. MM





# Letters to the Editor

## WINDSOR INDUSTRIAL PARK

I was more than disappointed after reading the article in the January/February 1982 (sic) Environmental Report entitled "Bad News for Act 250's Criterion 9(B)." The disappointment was caused by what I consider to be unusually bad reporting in this particular article, which is not characteristic of the fine job usually done by the Vermont Environmental Report.

While some publications may not appreciate responses to particular articles, especially from lawyers, I hope that the Vermont Environmental Report will consider this response as an attempt to set forth the "developer's" viewpoint in an unbiased manner.

First, the so-called "developer" is the Windsor Improvement Corporation (WIC), a non-profit organization made up of Windsor residents and business owners whose purpose is improving the economic and social climate of Windsor, Vermont. The 44-acre industrial park site was purchased solely with funds from the Vermont Industrial Development Corporation (VIDA) at a price of less than \$2000 per acre.

The only "improved" site that was also available at the time was the 150-acre Savage Farm. Windsor Improvement Corporation strongly opposed the suggestion of the opponents that we locate the industrial park closer to town on this operating farm rather than on the 44-acre parcel that was not an operating farm.

During four years of litigation, WIC made three attempts to compromise with the agricultural community — all of which were rejected by the opponents. It appeared to the "developer" that the only acceptable compromise would be to abandon the project on this parcel of land which has been zoned industrial for over 20 years.

The opposition's problem in convincing the Court that the land is exceptionally productive was that their testimony disclosed that their estimates were based upon production figures that have never been attained in Vermont.

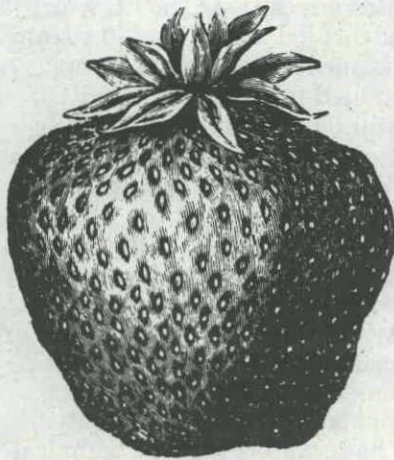
We found the suggestion that Windsor Improvement "bought its way around Act 250" especially interesting in light of the fact that the agricultural community proposed to "import" a truck farmer from out-of-state to operate a successful fruit farm.

We do agree that the decision is bad news for Act 250's criterion 9(B), since the Court determined that adjoining property that may be affected by future development pertains only to property immediately touching the proposed project.

Last, but not least, we would like to point out that the 18-acre industrial development project, supported by the Town of Windsor, has received the necessary permit for construc-

tion after four years of litigation and after three years of attempting to satisfy the sincere concerns of the agricultural community. If anything is to be learned from such a time-consuming and economically-draining affair, it is that all groups in Vermont must be willing to compromise to reach a conclusion that is in keeping with all concerns of Vermont citizens in regard to their environmental and economic needs.

Yours very truly,  
Thomas M. Rounds, Esq.  
Windsor Improvement Corporation



(Editor's note: Since VNRC was not directly involved in the Windsor Industrial Park court appeal, we have asked Chester Eaton, a Hartland farmer and long-time VNRC member, to respond to the letter from Thomas Rounds.)

I'd like to make several points with regard to the letter from Thomas Rounds concerning the Windsor Industrial Park:

- The Windsor Improvement Corporation (WIC), as a non-profit development group, was eligible for low-interest loans and grants at the State and federal levels. The Vermont Industrial Development Agency put up \$86,000 for the 44-acre industrial park site before any permits were in hand (in violation of VIDA's own criteria for making loans). Additional funds to upgrade the land for industrial use will come through local bonding and federal grants.

- Since the Act 250 permit will allow WIC to develop only 14 acres of land, the total cost of this project will be over \$78,000 per improved acre (based on 1979 estimates). Testimony at the trial indicated that improved industrial sites could be purchased for \$10,000-\$12,000 per acre in the region.

- No opponent of the Windsor Industrial Park proposed that the Savage Farm be considered as an alternative site. WIC itself suggested the Savage Farm, since 25 acres are zoned industrial by the Town of Windsor. The opponents argued, however, that there are other non-farm sites in the area, and that these alternatives were never thoroughly investigated.

- The attempts at compromise WIC claims to have made all entailed conversion of the land in question to non-agricultural uses.

- The land proposed for the

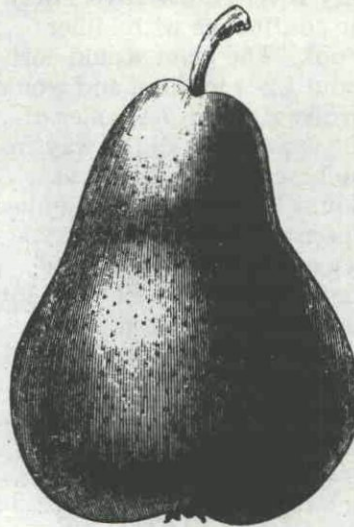
industrial park has, indeed, been zoned industrial for over 20 years. However, decisions made so long ago should not be treated as if they were set in concrete.

- Testimony concerning productivity of the soil was overwhelmingly positive. The testimony of Bob Gray, a successful vegetable farmer in Newbury, was supported at the District Environmental Commission hearings by former Agriculture Commissioner William Darrow and at the court hearings by current Commissioner George Dunsmore, Windsor County Agricultural Agent William Kruesi, and by myself as a dairy farmer.

- When asked by Mr. Rounds during the court hearing about who might operate a successful truck farm in Windsor, one of the witnesses did say that competent truck farmers in New Jersey, who are being driven off their land by development in that State, would be happy to have land such as that in Windsor. This is not to say that no one in Vermont could do the same thing. The point is that there are willing and capable farmers out there who are losing the opportunity to farm because of development pressure.

- Finally, it is curious that Mr. Rounds is disappointed in Judge Hays' interpretation of "adjoining" property since he is the one who put forth the argument that Judge Hays accepted.

Chester Eaton  
Hartland, Vermont



## ZONING IS ONLY "ORDERLY RETREAT"

Mark Lapping, commenting in "Farmink" in your January/February issue, implies that the development of farmable land could be slowed if only towns stood more resolute: "One of the places where everything begins to break down is the local zoning board of appeals. . . which gives out variances right and left."

Although most of his other points are well-taken, he is surely wrong on this one. Zoning has never worked for the long haul and never will. A wise judge once told an appeals board which had just won its case in his court, "Don't be carried away by your victory over development. Zoning, at best, is little more than an orderly retreat." Even if zoning were not

just an "orderly retreat," any stout application of it — and this includes Act 250 attempts to curtail development of farmland — must include adequate compensation for the landowners. That's big \$\$\$.

Mark Lapping is only partly right when he states, "This problem cannot be solved in either Washington or Montpelier; it must be addressed in each community." He's right about Washington, but wrong about Montpelier. A basic change in the Vermont property tax is essential to any long-term agricultural health.

There are two burners under Vermont's environmental kettle which make control attempts impossible:

(1) the high local school tax, which forces many otherwise reluctant landowners to sell out to development, and

(2) the high bid price for vacation acreage, which tempts many owners to sell out.

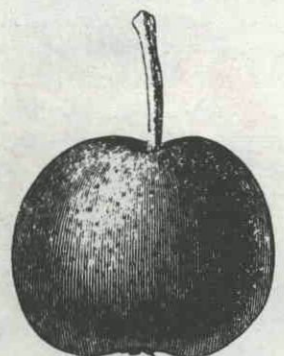
About 75% of the local tax goes for schools. Suppose the school tax were based on personal income for residents and on fair market value of real property for non-residents. State aid could then be based on how rich the residents actually were, rather than on how rich they might become if they sold their property for development.

Since State aid to towns would be allocated to residents only in proportion to their personal incomes, it would no longer serve to lower school taxes for non-residents. The increase in school taxes for non-residents would make ownership less desirable, thus turning down burner number two.

Also, non-residents enjoy, on an actual or stand-by basis, almost all of the State services enjoyed by residents; yet they pay no State income tax and only a trifling State sales tax. To enable them to pay their fair share, the Vermont General Assembly must enact a State non-resident property tax, comparable to the State personal income tax paid by residents, which would give another twist to burner number two.

These changes would do away with the misguided "current use tax," which applies only (aside from forested acres) to substantial farm acreage now in operation, leaving out in the FMV cold all other acreage which could be farmed at a later date. A commentary on this program: the only participant in the entire town of Pomfret is Laurance Rockefeller!

Herbert G. Ogden  
Hartland, Vermont





# The Council

## VERMONT WILDERNESS: WHAT'S THE FUSS ABOUT?

Find out for yourself. Join us on Saturday, May 14th, after the snow's melted, before the black flies, and just ahead of the leaves (so you can see the Green Mountain National Forest for the trees). VNRC has organized three forays into parts of the GMNF proposed for Congressional wilderness designation. Day trips have been scheduled for May 14th as follows:

Woodford	10:00 a.m.
Breadloaf	9:00 a.m.
Big Branch	9:00 a.m.

We will limit the groups to 10 hikers and each party will be accompanied by representatives of the Vermont Wilderness Association, the U.S. Forest Service, and VNRC's Land Use Committee. The expeditions will be a great chance to find out first-hand how those places on the map look and feel. We want to keep the parties small and the experience personal, so let us know right away if you want to be included. Tell us your first and second choices, and if one of your selections is Big Branch, whether you'd like to camp overnight. Then we'll send you details on where to meet and the names of others in the party in case you want to carpool.

## SUMMER SESSIONS ON ENVIRONMENTAL LAW

You can choose from nine different offerings on agricultural law, "soft energy" law, land use controls, planning, environmental assessment, toxics law and Canadian-American relations at Vermont Law School's Environmental Law Center in South Royalton this summer. The courses are two or six weeks in length, and tuition ranges from \$90 to \$185 per credit. Write or call the Environmental Law Center, Vermont Law School, South Royalton, Vermont 05068 (802)763-8303 for more information.



As much as we'd like to think that our small green haven is somehow insulated from the depredations of the rest of the universe, what Washington does (or doesn't do) affects us directly. Here's a quick rundown of the latest developments:

●James Watt recaptured the front pages by taking on the Beach Boys and their followers (including the First Lady). It's sad that the USDA/Interior Department assault on our public lands hasn't received the same media scrutiny. First it was billed as the "Sagebrush Rebellion," then bureaucratized into "privatization," and now it's thoroughly obfuscated as a ho-hum harmless-sounding "assets management program."

The bad news is that the USDA wants to unload 6 million acres of National Forest land -- including 19,000 acres in the Green Mountain National Forest. The good news is

that Congress is wary of such initiatives; our Vermont delegation hints that Congress is unlikely to mandate any such fire-sale of public lands this year.

●The nomination of William Ruckelshaus to head the beleaguered Environmental Protection Agency has our approval. Too bad it didn't happen two years ago. We particularly applaud his remark to the press as Anne Burford packed her bags: "The question is not *whether* we'll have clean air and clean water. That was debated and decided by Congress a decade ago. The question is *how* we'll get it."

We hope this portends a reversal of EPA's recent backsliding on water quality standards and a shift in the Administration's "wait and see" posture on acid rain.

●It looks like Clean Air Act reauthorization will be upstaged by debate over the Clean Water

Act for now. A bill (S.431) introduced by Senator Chafee and co-sponsored by Senators Stafford and Randolph closes some loopholes in ocean discharge regulations, adds new protection for bays and estuaries and freezes certain water quality standards. Two big deficiencies in the bill include the absence of new controls on toxics and non-point sources of pollution (such as run-off). There were hearings in early April and Committee mark-up begins in mid-May.

●The Waxman (clean air) and Dingell (dirty air) factions in the U.S. House are still very far apart on the acid rain provision of the Clean Air Act. When representatives of VNRC, the Vt. Institute of Natural Science, the Vt. Sierra Club, the Lake Champlain Committee and other environmental groups met with Senator Stafford in Woodstock last month, he indicated that his own Environment and Public Works Committee probably won't act on this bill before Fall.



*Vermont environmental leaders met with Senator Robert Stafford in Woodstock last month. From right, Senator Stafford, VNRC Acting Executive Director Don Hooper, Helen Stafford, and Anne Baker of the Lake Champlain Committee (photo by Margy Erdman).*

## KEEP THOSE CARDS AND LETTERS ROLLING IN

We're very pleased to report that since January 1st, the Vermont Natural Resources Council has enrolled 335 new members -- the largest number ever for a three-month period. Renewals are also coming in well. 70% of 1982 members have signed on for another year. Be sure to renew *your* membership if you haven't done so already. This will be your last VER if we don't hear from you by June 1st.

We are pleased to welcome the following new members, who joined us in January and February: Eric Hille; Lee A. Krohn; Robert Machin; Willis Curtis; Martina A. Quellmann; Terry M.W. Ehrich; Steve Kappel; Jonathan M. Hall; H.J. Painter; Edith Quintana; Dr. & Mrs. R. David Ellerson; Dan Close; Mr. & Mrs. Duncan C. Syme; Margaret Stone; Carl Taylor, Jr.; Luther H. Bridgman; R. Allan Paul; Robert & Muriel Crowell; Richard C. Miller; Frank B. Kropa; Silloway Farms; Carol C. Wagner; Mr. & Mrs. J.K. Larsen, Jr.; Mr. & Mrs. J.R. Maguire; Lucy D. Nisbet; Steve North; Margy Erdman; Kevin & Joyce Dana; Mitch Kessler; Norman W. Lake; Jillian Douglass; H. Watts Baglet; Genevieve B. Hardy; Mary Belle Zahn; Dorothy Roberts; Ellen Prouty; Alice Coapland; Stephen W. Gould; Mr. & Mrs. Robert K. Strong; Mr. & Mrs. Robin Niper; Dr. & Mrs. Philip Gates; Mrs. Janet Tischler; Mr. & Mrs. George B. Heller; Rosamond S. Sheldon; Alan & Sarah Gayer; Jo & Larry Troiano; Sheryl Erickson; Rich & Susan Paradis; Alfred N. Jenne; Elizabeth Procter; Beverly S. Prakelt; Robert A. Fasanella; Noel & Mary Noyes; Paul A. Bourdon; Osborne Gaines; Country Journal; Mrs. Donald Knowlton; Dr. & Mrs. A. W. Coleman; Shakel Forest Management; Doris Houston; Mrs. W. L. Cadwallader; Faith N. Sholes; Eva Bailey; Mrs. Iva Miller; Richard Dana; Karen & Dana Baron; Mrs. E.S.L. Anderson; Mr. & Mrs. Chester Anderson; Deborah Wilson; David Barrett; Donald H. Hill; David Nagle; Mr. & Mrs. Wolfe Baker; Richard & Barbara Ardell; Walter Shaw; Joel Schmutz; Elizabeth M. Welch; Mrs. Eleanor B. Simons.

With the budget-cutting ax aimed squarely at publicly-supported environmental and conservation programs, private organizations such as VNRC are under increasing pressure to fill the breach. To do that, we need renewed support and new members. Here are two things you can do today to help:

**1** If you are not a VNRC member, why not join the Council by clipping and mailing the coupon at right?

**2** If you *are* a Council member, or if you represent one of the more than 150 businesses and organizations that belong to VNRC, please pass this newsletter along to your friends. Tell them a little about the Council and urge them to join.

## WE'RE LOOKING FOR A FEW GOOD FRIENDS

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( ) Please bill me.

( ) Enclosed is \$ \_\_\_\_\_ for the following type of membership: ( ) Individual -- \$15.00 ( ) Family -- \$20.00 ( ) Student -- \$5.00 ( ) Fixed or Limited Income -- \$6.00 ( ) Business -- \$25.00, \$50.00 or \$100.00 ( ) Sustaining -- \$50.00 ( ) Supporting -- \$100.00

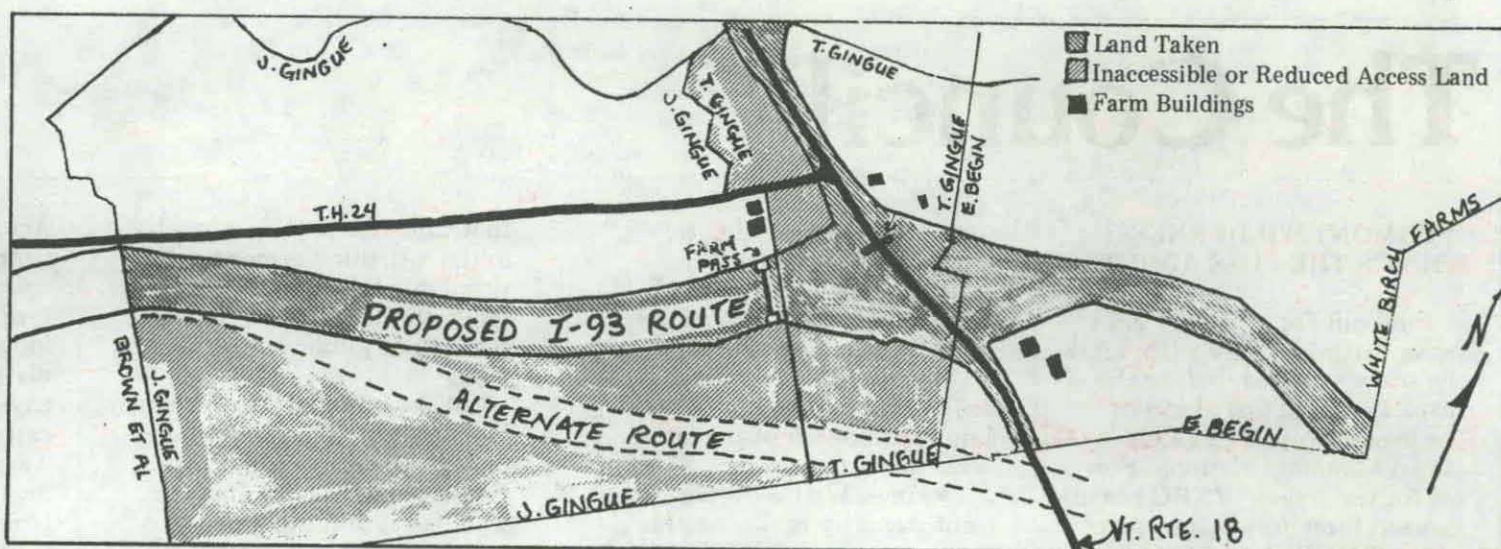
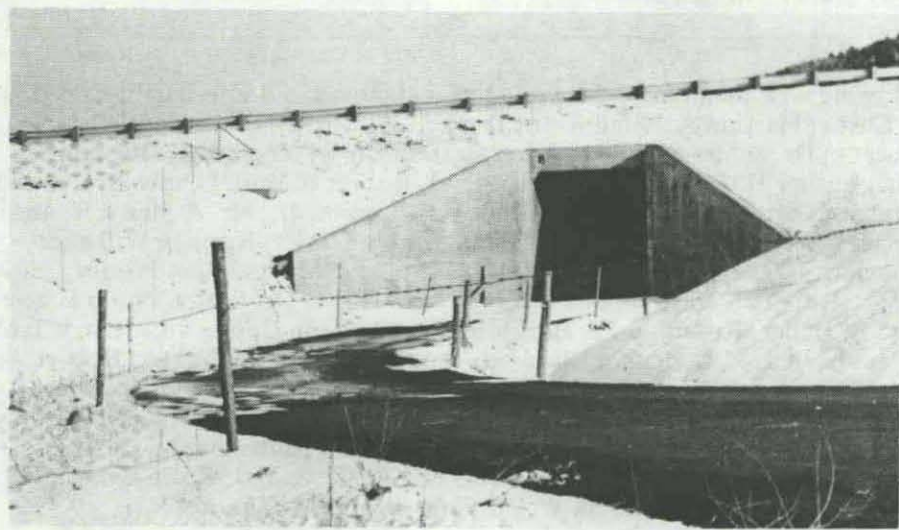
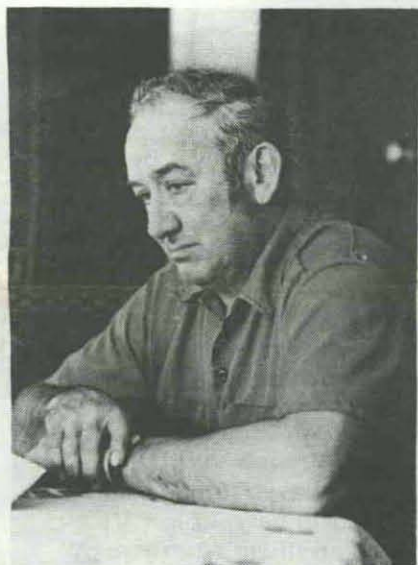
Mail to: the Vermont Natural Resources Council, 7 Main Street, Montpelier, VT



# The Gingue Farms:

## Two Years Later

It's no longer front-page news, but the battle is far from over for two dairy farms crosscut by the junction of Interstate 93 and Route 18 near St. Johnsbury. Highway construction crews broke ground in the winter of 1980-81, after Joe and Pauline Gingue, John and Frances Gingue, the Vermont Grange and the Vermont Natural Resources Council lost their bid to force the State to consider an alternate route around the farms. The case spanned two years and went all the way to the Second Circuit Court of Appeals in New York City, but the Vermont Agency of Transportation never budged from its 20-year-old, pre-energy-crisis plans for the four-lane limited access highway.



I-93 opened last fall, but the Gingue families are still counting their losses, proving that it's very difficult to gauge the full consequences of a major construction project such as this *before the fact*.

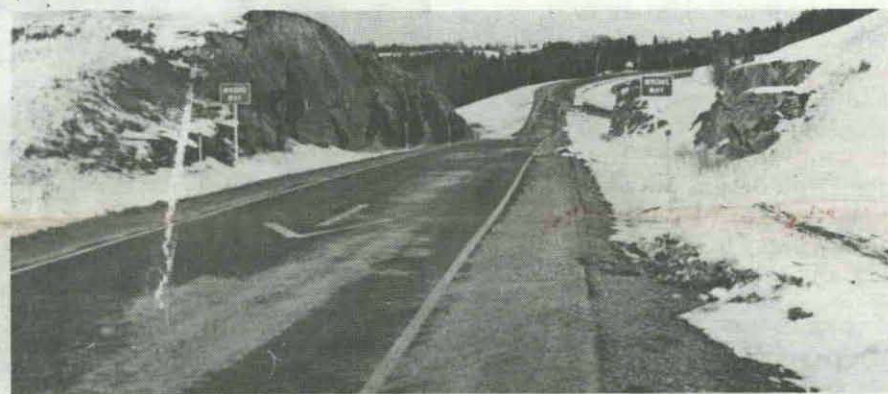
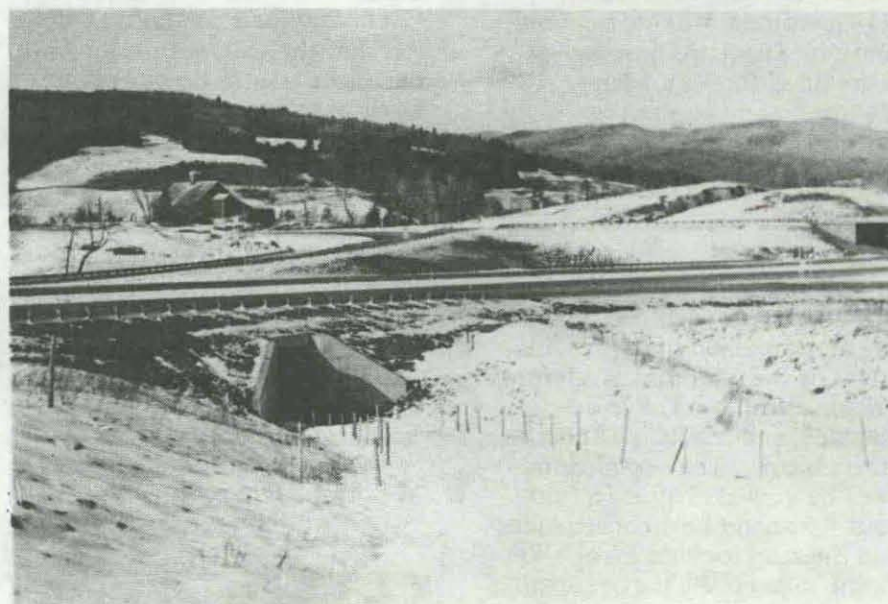
The Gingues lost outright or lost access to 57 acres, for which the State paid them \$57,800. Both families agree that this amount doesn't begin to cover the damages.

The interchange cut Joe and Pauline Gingue's farm in half, taking 12 acres and land-locking another 17 (the photo at right shows the I-93 exit ramp just behind Joe's barn).

Besides having to buy hay "for the first time in 19 years," Joe (at left) and Pauline Gingue report a drastic drop in milk production. In 1981, the first year of construction, their output fell by 12%, even though they increased their herd by 18% (a decline of 25% per cow).

Before the highway was built, they rotated their cattle from pasture to pasture; now, the cows are confined to one area near the barn. This land is very wet (made more so because the highway changed the drainage patterns in the area). The cows sink up to their knees in the mud, cutting their feet on sharp stones and often developing infections.

Joe also blames four deaths and a number of illnesses on extensive blasting behind the barn (see rock cut, right). Four cows lost one eye each, seven or eight lost calves, two suffered heart attacks, one bled to



death after being struck by stone fragments, and one succumbed to gangrene after kicking in the walls of her stall in fright.

"I survived very well on what I had before," says Joe. "We raised nine kids, and I thought I had a pretty good life. But after what they [the State] did, I don't know if there's enough to live on."

John and Frances Gingue lost 37 acres outright, including some of their best cropland. A \$200,000 underpass gives John access to 142 acres of pasture and woodland south of I-93 (see photo at left). But, incredibly, the underpass is too narrow for much of John's equipment.

"I had asked for 14 feet wide right along," says John, "and they said they were working on it and they thought that I would get it. But when they started to build the thing, they built it 12 feet wide. I

couldn't believe it! They were here measuring my equipment, and they knew I had seven pieces of equipment that couldn't go through! I don't know to this day why they ever did that."

John and Frances have been able to make up some of their losses by leasing 50 acres from Ernest Begin's "White Birch Farm" (another I-93 casualty), but John worries about the future: "What I can see now is that we're going to have to cut down on the dairy because the land we're leasing, I don't believe that it'll be forever. It looks to me like some of that land is quite good for development."

John Gingue understands, all too well, the relationship between highway interchanges, strip development, fair market value and farmland loss. Too bad this point was lost on the Vermont Agency of Transportation.



## Vermont Environmental Report

Vermont Natural Resources Council  
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March/April 1983

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