COORDINATED PLANNING FOR GROWTH

A little known provision of the Act 200 planning law is bearing fruit this summer and fall, in the form of — what else? — extensive planning. Beyond the dry prose are ideas and goals that will affect every Vermonter.

Under a two-year cycle in the law, every state agency has to spell out its goals and how its plans mesh with other state agencies’ plans. The idea is to ensure agencies — say, Development and Natural Resources — don’t work at cross-purposes.

At the same time, six of the state’s dozen regional commissions have now submitted comprehensive plans for their regions, with the rest due before December. Together, all these plans form a fascinating, if complex, road map of the state: how different regions want to develop, what they’ll emphasize and where, and how state agencies might foster, or perhaps oppose, these goals.

In effect, everyone’s cards will now be on the table. The forum for review will be the Council of Regional Commissions, which includes regional planners as well as public members and appointees from the governor. It will be holding hearings beginning in fall.

“It’s a big opportunity for the public to get involved,” says Peg Elmer, VNRC’s Land Use Program Director. VNRC, of course, is already involved and “plans” to stay that way, and will work hard to assure public participation, she says.
SUSTAINABILITY—
A CONCEPT
THAT LASTS

Ned Farquhar,
Executive Director

The backlash has arrived. Some observers say it is no longer fashionable to talk about a sustainable economy — for the nation, for Vermont, even for the community. They say the concept is too vague, or too limiting, or oxymoronic. But what a shame it will be for all humanity if this concept fails!

The human relationship with our earth is more stressed than it has ever been. In its drive to grow and succeed, our species is creating tremendous pressure on the planet’s natural systems and life forms. Our lifestyles and technology seem to have far outpaced our ethics and culture.

At a time like this, the concept of a sustainable economy could divert us from the trend to degrade, use up, damage. It is a concept familiar to Vermonters, whose commitment to environmental protection and long-range planning is many decades old.

Unfortunately many of our nation’s leaders have become obsessed with the statistics of the global recession: the falling Japanese stock market, unemployment, lagging auto and steel production. The White House has jumped to weaken environmental standards, including regulations implementing the new Clean Air Act and the nation’s wetlands protection laws.

Our leaders need to recognize that the economy that delivered prosperity for the United States also brought significant pollution, and it placed many of us in competition with our environment.

Rather than proceed further down this path, is it possible that we could change course?

Changing course to a sustainable economy will require individual recognition that the local economy is important. Buying products that your neighbors raised or made might be comparatively expensive, but it will help stabilize and diversify the economy.

The new way will also require that businesses and individuals count the costs of environmental degradation in their capital expenses. This might translate into higher gasoline prices and reduced highway subsidies, as well as charging for the use or degration of public resources.

Last, “regulation” will have to be accepted by businesses and individuals alike. Regulation is desperately needed if we are to protect our communities, environment, and individual health from the rapid changes and growing commerce around us. Vermont’s exceptional commitment to environmental review — Act 250 — is credited both with protecting Vermont’s environment since 1970 and with shielding our economy from irresponsible, speculative investment.

In many respects Vermont has recognized the principles of a sustainable economy for long time. Sensible policymakers have rejected the simplistic free market rhetoric that is bringing the U.S. and the global commercial community to the brink of economic, social, and environmental disaster. Can we hold onto the gains we’ve made here in Vermont? And can we continue building our sustainable economy from the community outward?

Only with your help!
PROPERTY

x REVIEW

VNRC will be active in fall
ings planned by the
new's Blue Ribbon
mission on Property
es and Education Fund-
says VNRC's Forests,
life and Public Lands
ector, Jim Shal-

The panel has been
ged with designing a
equitable and less re-
sive tax system for school-
ing than the current sys-
of property taxes. It is
ted to draft a proposal
consideration by the 1993
ature. In keeping tabs
he panel's progress,
C will work for a pro-
ive tax system that eases
velopment pressures on

PIPECASES, STORM
WATER, AND TRAILS

Southern Vermont Direc-
tor Stephen Holmes has been
busy this summer tracking
issues at Killington, Stratton
and Mt. Snow ski areas.

- VNRC has sought a voice in
Act 250 environmental hear-
ings on plans by Mt. Snow to
put in a 2.8-mile snowmaking
and fire-protection pipeline to
adjacent Haystack Ski area. The
VNRC request for party
status was opposed by the at-
torney for S.K.I. Ltd, which
owns both Mt. Snow and
Killington. A decision was
derred by the district environ-
mental commission pending
written arguments on the is-

VNRC's position is that the
pipeline needs an in-depth
review because it may be a
first step in linking the two ski
areas and developing the ex-
tensive terrain in between.
Mt. Snow has signed a
three-year lease to operate
Haystack, with an option to
purchase the ski area.

- Thanks to a Freedom Of
Information Act re-
quest, VNRC obtained a
"large bundle" of
documents detailing
how the Department of
Environmental Conser-
vation will handle a
storm water discharge
permit for Stratton's
ambitious Sun Bowl
development. That per-
mit may be issued by
late summer, and then
Act 250 hearings are
expected to resume on the
498-unit second
home development and golf
course.

Besides concerns over
storm water pollution issues,
VNRC has contended in Act
250 hearings that the Sun
Bowl development will have
adverse impact on pristine
watersheds. The project's con-
formance to local and regional
plans is also an issue yet to
come before the district envi-
ronmental commission, says
Holmes.

- VNRC has come down in
favor of keeping the existing,
historic Appalachian Trail cor-
dor over Killington and Pico
peaks. The National Park Ser-
vice is studying eight different
alternatives as part of an envi-
ronmental impact statement
on proposals to purchase a
1,000-foot wide corridor and
relocate the trail. Under cer-
tain conditions, Holmes says,
VNRC could also support a
trail relocation to the west, a
move favored by the Appala-
chian Mountain Club and
Green Mountain Club, if ski
area development further im-
pacts the existing trail. A final
choice by the Park Service is
expected later this year.

The Long and Appalachian trails
at Sherburne Pass near the
Killington Ski Area.

PLANNING, ZONING
LAWS UPHeld

A June U.S. Supreme
Court decision has affirmed
the rights of states and mu-
icipalities to regulate, zone,
and restrict uses of private
property without providing
compensation.

The decision in Lucas v.
South Carolina Coastal Coun-
cil has been closely watched
for its potential impact on
Vermont's Act 200 planning
law and environmental laws.
VNRC Southern Vermont
Director Stephen Holmes
says the ruling will help
counter arguments by foes of
Continued on page 6
ISSUES TO KEEP IN MIND AS CANDIDATES KNOCK ON YOUR DOOR

The candidate knocks. A voter opens the door. The biennial election ritual is underway in earnest.

VNRC is a tax-exempt nonprofit organization that endorses no candidates and seeks to influence no specific election. We like it that way — and so do our members. But in a year that has seen heavy legislative emphasis on the environment, we want to outline briefly for our members the issues that might arise in the next legislative session. Read on; be prepared when you hear that knock on the door.

— Ned Farquhar, Executive Director

ENVIRONMENTAL LAWS

Last year’s efforts to weaken or gut Act 250 and Vermont’s Act 200 planning law are likely to arise again in the General Assembly, says VNRC Water/Wetlands Program Director Chris Killian. “These proposals help some developers, but not the economy,” says Killian, pointing to signs indicating that Act 250 has helped hold Vermont’s economy together. Though a watered-down Senate bill last session revamping Act 250 died in the House, VNRC anticipates new efforts claiming to “streamline” Act 250 by limiting citizen participation in hearings and lending more weight to local town permits. Killian says VNRC will work to assure the public is not cut out of the process and to maintain procedural safeguards and a high quality of review should local permits be given more clout in Act 250 hearings.

Renewed moves to gut the Act 200 planning law may include an effort to require compensation when environmental regulations restrict land use. Another target of Act 200 foes may be a town’s right to zone and plan without providing compensation. VNRC will continue to defend Act 200 as an effective, grass-roots community planning law.

PROPERTY TAX REFORM

VNRC is keeping a close eye on the crucial issue of property tax reform. Jim Shallow, Forests Wildlife and Public Lands Program Director, says a reform proposal may be put before the General Assembly by a blue-ribbon panel of nearly 20 Vermonters appointed by Gov. Howard Dean, chaired by Rutland Senator David Wolk.

In hearings before the panel later this summer and fall, Shallow says VNRC will work for a progressive tax overhaul that does not have a negative impact on the environment, and which supports tax policies that keep land open and encourage planning.

VNRC is also gearing up for a series of workshops in the fall on how property taxes affect development and conservation.
DLTON
TERCHANGE
The on-again, off-again
on I-89 interchange was
back on track for con-
struction last session despite
position from Gov. Howard
ian, VNRC and legislators
consider it a waste of tax-
ars. As things stand now,
will resume on an envi-
mental impact statement
the project, which also
Act 250 hearings down
road if funding is contin-
ual.

should Gov. Dean be
lected in November, he is
ected to try to detour the
million interchange in
3 Legislature as an
ed project, and VNRC
ngly back his efforts,
Elmer, VNRC Land
Program Director.

PERMITTING
PROCESS
VNRC will support initia-
tives this session to reorganize
and bring more efficiency to
the permit process in the
Agency of Natural Resources.
“The system now has over-
lap, inconsistency and ineffi-
ciency,” says Kilian, citing the
current mishmash of jurisdic-
tions, appeal processes and
appeal periods. Since the
agency issues many of the en-
vironmental permits for Act
250, cleaning up the permit
process would help
smooth administration
of Act 250, which
often gets unfairly
blamed for confu-
sion and delays, Kilian
says. Working together
with the agency and the
Legislature, VNRC would
support a uniform, com-
prehensible process that the
General Assembly can pass
in 1993.

MOOSE SEASON
Prospects are good that the
Legislature will again debate
whether to have a limited
moose hunting season. A bill
authorizing the hunt was op-
posed by House Speaker
Ralph Wright and died in the
Vermont House last session.
Vermont's Fish and Wildlife
Department is expected to
issue a new draft plan again
advocating a hunt to curb the
growing moose population in
some northern counties.
VNRC expects to support
legislative authorization of a
limited hunt if the
department demonstra-
tes there are
sound biological
reasons to cull
the moose
herd, says Jim
Shallow, VNRC's
Forests, Wildlife,
and Public Lands
Program Director.

WATER
WITHDRAWAL
If water users seek
legislation affecting wa-
ter withdrawals, VNRC
will advocate for high stan-
dards of environmental pro-
tection. "We think state law
requires protection now —
legislation is not needed," says
VNRC's Kilian. As ski areas
increasingly eye rivers as
sources of water for
snowmaking, VNRC wants
clear withdrawal standards
that will adequately protect
Vermont's water resources.
The standards should also ap-
ply to municipal withdrawals
and hydroelectric sites. Riv-
ers, streams and aquatic life
would get basic protection
through rules, policy, or laws
that establish scientifically
sound minimum stream flow
standards.
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the state’s planning and envi-
ronmental laws that such
regulations are a “taking” un-
der the U.S. Constitution.

Forest Legacy
Program
Underway
A key part of the pilot For-
est Legacy program has finally
fallen into place. The U.S.
Forest Service in June issued
guidelines and standards for
the program, which provides
Vermont and four other New
England states with $5 million
to buy forest conservation
easements from willing sellers
of land threatened by develop-
ment.

“This opens the door for
the purchase of easements on
some pilot projects,” says Jim
Shallow, VNRC Forests,
Wildlife and Public Lands
Program Director. Besides
involvement with comments
on the drafting of the Forest
Service guidelines, VNRC
also is a member of the state
committee that identified
nine potential parcels eligible
for Legacy funding.

Ground Water
Protection
Urged
VNRC has been active in
the drafting of new rules on
drinking water protection,
expected to be issued soon by
Vermont’s Agency of Natural
Resources.
In public hearings and
through written comments,
VNRC has argued to maintain
high standards of protection
for ground and surface water.
It has opposed exemptions
and variances it felt were too
broad or conflicted with the
intent of the federal Safe Wa-
ter Drinking Act.
The rules are an important
public health issue, covering
everything from water system
construction to standards for
water treatment and isolation
distances from sewage
systems.

DAM RELICENSEING
Provides
Opportunity
VNRC is taking advantage
of a golden opportunity to
improve the aquatic health
and fisheries on three rivers
— the Clyde, Deerfield, and
Winooski. Federal relicensing
review of power dams has
opened the door for advocates
to argue for dramatic im-
provements of water flows
and natural resources, based
on current scientific knowl-
dge.

“In almost every case,
dams have been operated on
those rivers in a manner that
damages the ecosystems,” says
VNRC’s Water/Wetlands Pro-
gram Director Chris Kilian.
VNRC has provided extensive
and detailed comments as
part of the review process,
and Kilian is “very hopeful”
that when the licenses are is-
sued in 1993, the dams will
have to be operated in a way
that will benefit the rivers for
decades to come.

Timber Sales:
LESS APPEAL-ABLE
VNRC has voiced strong
concerns to Vermont’s con-
gressional delegation about
a proposal to tighten appeals
to the U.S. Forest Service,
says Jim Shallow, VNRC
Forests, Wildlife and Public
Lands Program Director.
Under the guise of lifting
regulations that hinder eco-
nomic growth, the Forest
Service wants to eliminate
administrative appeals on
timber sales — the current
method — and force objec-
tions to be taken into court.
This process would
make appeals less accessible
to the general public,” says
Shallow, citing the cost of
getting a lawyer and going
into court. A decision is ex-
pected this summer on the
rule changes, which would
affect appeals of timber
sales on the 350,000-acre
Green Mountain National
Forest in Vermont.

Wetlands Rules
Still Under
Review
VNRC is seeking to
maintain wetlands protec-
tion as the Vermont Water
Resources Board moves
along in its proposed over-
haul of wetlands protection
rules. VNRC is backing a
key change that supports
scientifically determined
wetland designations based
on the 1989 federal wet-
lands manual, which the
Bush administration has

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sought to weaken.

At the same time,
VNRC has opposed a legal permitting loophole known
as "vested rights," which
would exempt wetlands
protection in some cases,
and it wants to see Vermont
retain the highest Class 1
wetland designation in the
rules. Following final writ-
ten comments in early Au-
gust, the board may pro-
mulgate the new rules in
the fall.

SUGARBUSH:
PERMIT APPEAL
WINS SUPPORT

Efforts continue on se-
veral fronts to protect fish
and aquatic biota in the
Mad River, which is at the
focus of a plan by the
Sugarbush Valley Ski resort
to withdraw water for
snowmaking.

The Vermont Water Re-
sources Board has com-
combined appeals by VNRC
and other groups of two
separate permits granted to
Sugarbush for water with-
drawal, and scheduled
hearings for fall.

VNRC argues the per-
mits not only set a prece-
dent for undermining river
protection, but use unscien-
tific data to support excess-
ive withdrawals. A key
sportsmen's group with
30,000 members, the Ver-
mont Federation of Sports-
men, agrees and has asked
to join in the appeal of the
water withdrawal permit.

includes lunch. For more in-
formation, contact David
Wolfson at (802) 422-3761.

September 26
and 27

Three times VNRC's Share
the Spirit events have proven
successful in helping local citi-
zens groups from across Ver-
mont share information on
issues they're working on in
their communities. We prom-
sed an overnight event for
the fourth time around, so
mark Sept. 26 and 27 at Camp
Keewaydin on Lake Dunmore
in Salisbury if you'd like to
network with other citizens
working to make change hap-
pen locally. Our mailing list
generally consists of just one
contact person for each citi-
zens group; if you'd like to be
added to the mailing list, or if
you'd like more information
about this upcoming "Share
the Spirit," call Peg Elmer at
VNRC, (802) 223-2328.

August 30

Games and activities at the
Vermont Institute of Natural
Science's Family Day can
help the whole family discover
the wonders of the natural
world. The events, which run
from 1 to 5 p.m., are for all
ages. VINS is located in
Woodstock; for more informa-
tion, call (802) 457-2779.

September 12

The VNRC Annual Meet-
ing, always a fall highlight, will
begin at 9 a.m. with regis-
tration and last through the day.
Field trips are planned at 10
a.m.; lunch will be at noon,
with an address by former
Governor Madeleine Kunin
on "Elections and the Envi-
noment." Child care will be
available. The meeting will
take place at the Ethan Allen
Homestead in Winooski.
VNRC members will receive
more details in an announce-
ment and registration form to
be sent out in August.
NEW DIRECTIONS FOR TRANSPORTATION

More than 70 people turned out for VNRC-sponsored workshops in Burlington and Putney on "Energy-Efficient Transportation for Vermont."

The goal was to generate ideas and discussion around one of the hottest issues being debated: long-range transportation policy. Most workshop participants favored a shift in emphasis towards rail, public transit, bicycles, and pedestrian safety and access.

Speakers included Karle Snyder from the Federal Highway Administration discussing the new federal transportation initiative, Scudder Parker and Curt McCormack describing energy issues from a statewide perspective, and Becky Day discussing the impact current transportation policy has on local communities.

SUN SHINES ON SOLAR TOURS

Solar home tours May 30th in Montpelier, Brattleboro, Middlebury and Norwich were a brilliant success. More than 150 people saw firsthand how the sun's rays can be converted into super-cheap, super-clean sources of heat and, in some cases, electricity.

It was clear that a number of people who joined the tours already live in solar homes — up to one-quarter on the Montpelier tour, for example.

Middlebury sported the best-attended tour. The 55 visitors were too many for one of the smaller, independently powered homes, but the homeowners compensated by providing solar refreshments ("sun tea").

Look for the solar home tours again next spring. Popular demand ensures they will be repeated.

A THANK-YOU

The VNRC staff extends a well-deserved "thank-you" to Elizabeth Crichton of Bondville for putting in countless hours in May and June helping VNRC and Friends of the Winhall River prepare their joint appeal of the Winhall River classification.

Elizabeth worked closely with VNRC's attorney in preparing "discovery" documents and citizen affidavits for filing with Washington County Superior Court.

VNRC welcomes our summer interns, Sally Keefe (left) and Kristen Swartwout (right). Sally is a Middlebury College intern funded by the Class of 1962. She is studying natural history in the Northern Forest. Kristen is a Vermont Law School intern funded by an Equal Justice Foundation grant. She is working on several water issues with Chris Kilian, VNRC's water program Director.