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VNRC

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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.

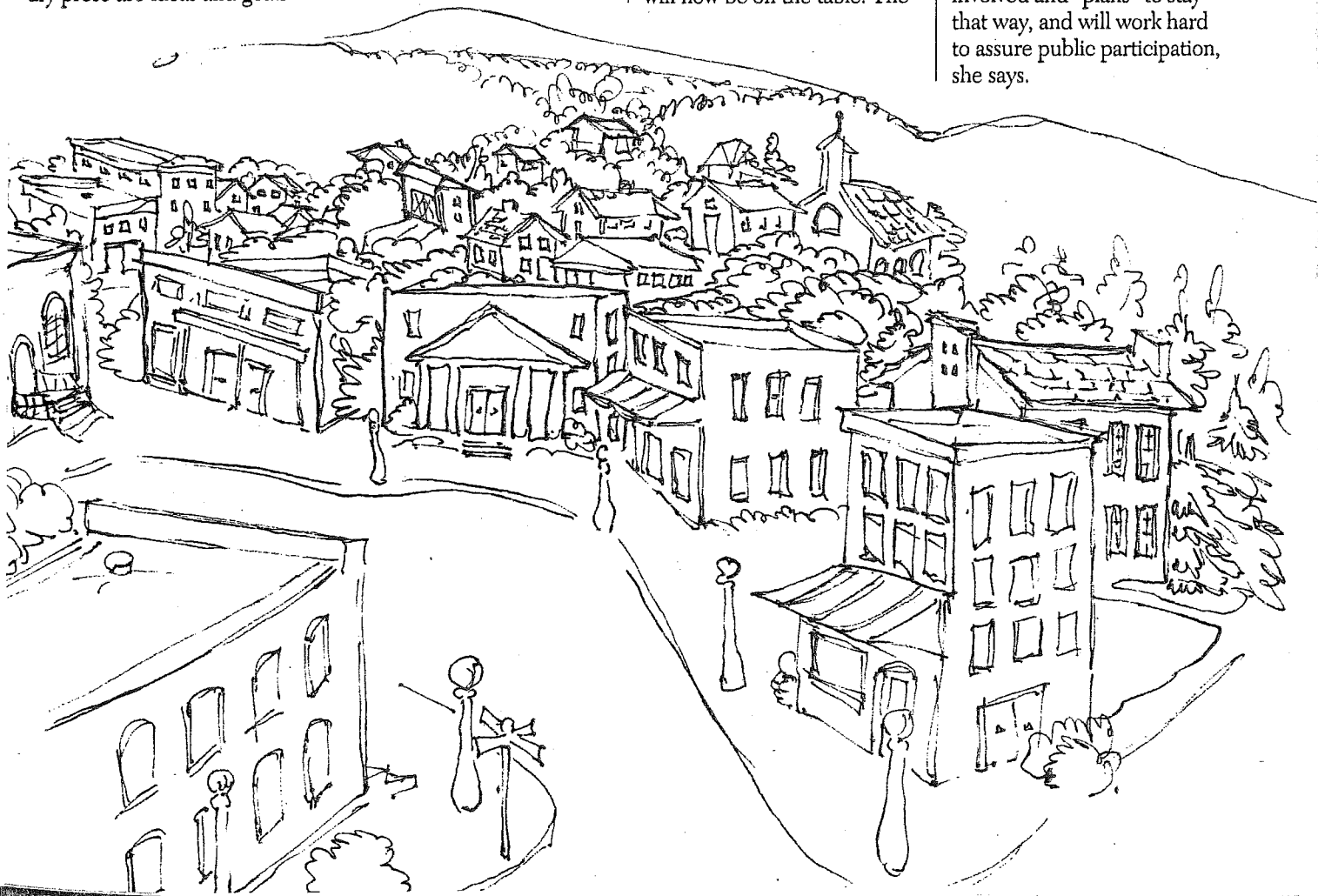
At the same time, six of the state's dozen regional com-

missions 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.



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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

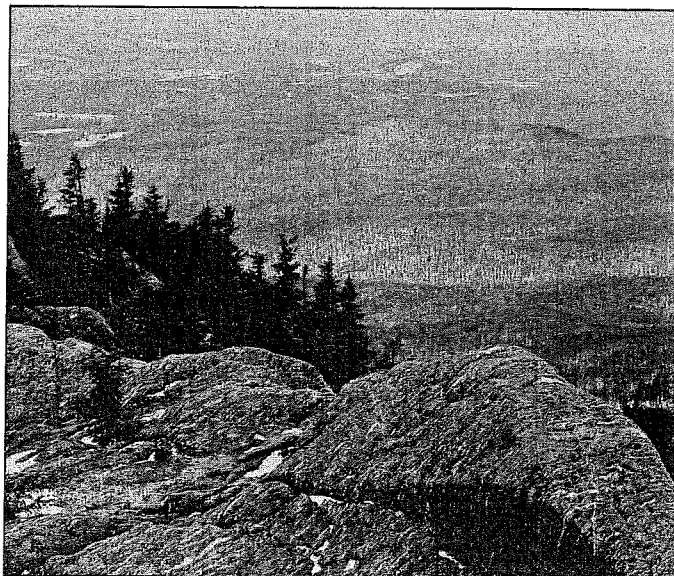
individual recognition that the local economy is important. Buying products that your neighbors raised or made might be comparatively expensive, but it will help stabilize and diversify the economy.

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 degradation 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 rapidly changing 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 rings planned by the Governor's Blue Ribbon Commission on Property Taxes and Education Fundraising. Says VNRC's Forests, Wildlife and Public Lands Program Director, Jim Shal-

The panel has been charged with designing a more equitable and less regressive tax system for school funding than the current system of property taxes. It is expected to draft a proposal for consideration by the 1993 legislature. In keeping tabs on the panel's progress, VNRC will work for a progressive tax system that eases development pressures on farmland.

PIPELINES, STORM WATER, AND TRAILS

Southern Vermont Director 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 hearings 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 attorney for S.K.I. Ltd, which owns both Mt. Snow and Killington. A decision was deferred by the district environmental commission pending written arguments on the issue.

VNRC's position is that the pipeline needs an in-depth

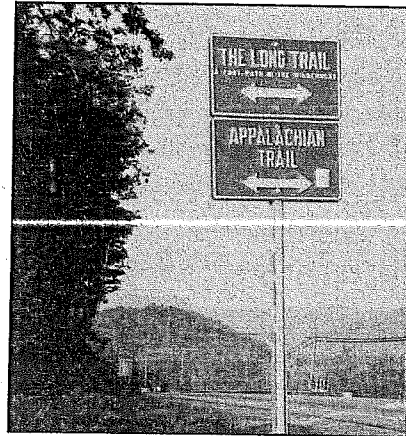
review because it may be a first step in linking the two ski areas and developing the extensive terrain in between. Mt. Snow has signed a three-year lease to operate Haystack, with an option to purchase the ski area.

- Thanks to a Freedom Of Information Act request, VNRC obtained a "large bundle" of documents detailing how the Department of Environmental Conservation will handle a storm water discharge permit for Stratton's ambitious Sun Bowl development. That permit 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 conformance to local and regional plans is also an issue yet to come before the district environmental commission, says Holmes.

- VNRC has come down in favor of keeping the existing, historic Appalachian Trail corridor over Killington and Pico peaks. The National Park Service is studying eight different alternatives as part of an environmental 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 Appalachian Mountain Club and Green Mountain Club, if ski area development further impacts 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 municipalities to regulate, zone, and restrict uses of private property without providing compensation.

The decision in *Lucas v. South Carolina Coastal Council* 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

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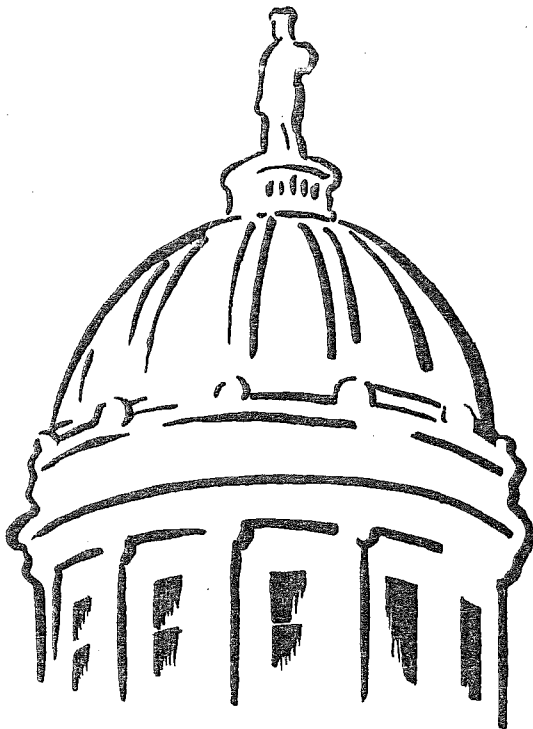
Stratton Village, the hub of activities at the southern Vermont ski resort.

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



DRAWINGS: BRIAN P.

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 Kilian.

"These proposals help some developers, but not the economy," says Kilian, 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. Kilian 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.

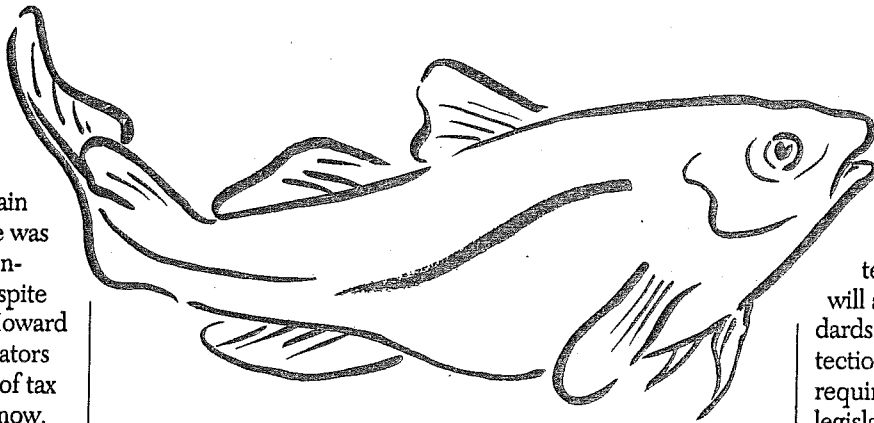
In hearings before the panel later this summer and fall, Shallow says VNRC will work for a progressive tax overhaul that does not have a negative impact on the environment, and which supports tax policies that keep land open and encourage planning.

VNRC is also gearing up for a series of workshops in the fall on how property taxes affect development and conservation.

DULTON INTERCHANGE

The on-again, off-again Dulton I-89 interchange was back on track for construction last session despite opposition from Gov. Howard Dean, VNRC and legislators who consider it a waste of tax dollars. As things stand now, work will resume on an environmental impact statement for the project, which also includes Act 250 hearings down the road if funding is continued.

Should Gov. Dean be elected in November, he is expected to try to detour the \$60-million interchange in the 1993 Legislature as an expedited project, and VNRC strongly backs his efforts, says Peg Elmer, VNRC Land Program Director.



WATER WITHDRAWAL

If water users seek legislation affecting water withdrawals, VNRC will advocate for high standards of environmental protection. "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 apply to municipal withdrawals and hydroelectric sites. Rivers, streams and aquatic life would get basic protection through rules, policy, or laws that establish scientifically sound minimum stream flow standards.

PERMITTING PROCESS

VNRC will support initiatives this session to reorganize and bring more efficiency to the permit process in the Agency of Natural Resources.

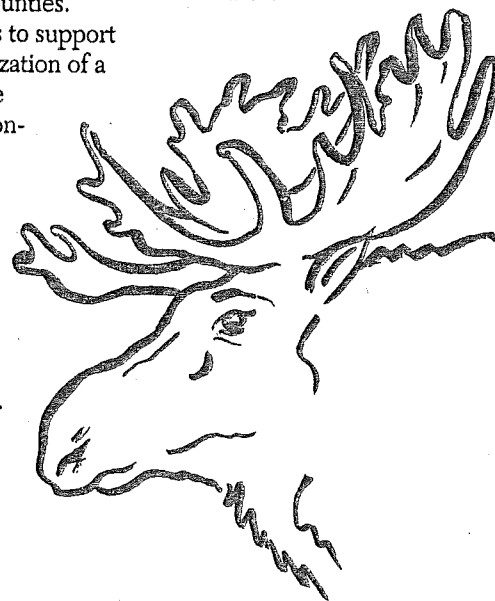
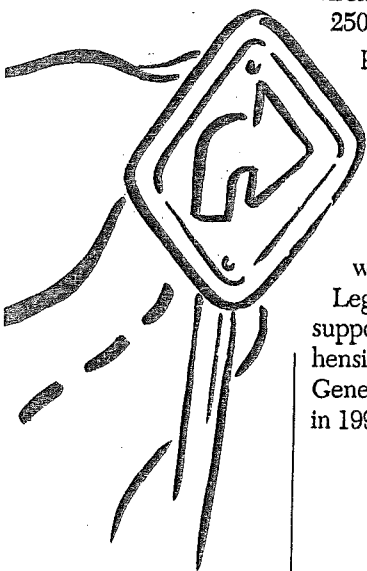
"The system now has overlap, inconsistency and inefficiency," says Kilian, citing the current mishmash of jurisdictions, appeal processes and appeal periods. Since the agency issues many of the environmental permits for Act 250, cleaning up the permit process would help

smooth administration of Act 250, which often gets unfairly blamed for confusion and delays, Kilian says. Working together with the agency and the Legislature, VNRC would support a uniform, comprehensible 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 opposed 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 demonstrates there are sound biological reasons to cull the moose herd, says Jim Shallow, VNRC's Forests, Wildlife, and Public Lands Program Director.



Continued from page 3
the state's planning and environmental laws that such regulations are a "taking" under the U.S. Constitution.

FOREST LEGACY PROGRAM UNDERWAY

A key part of the pilot Forest 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 development.

"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 Water 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 RELICENSING 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 improvements of water flows and natural resources, based on current scientific knowledge.

"In almost every case, dams have been operated on those rivers in a manner that damages the ecosystems," says VNRC's Water/Wetlands Program 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 issued 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 congressional 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 economic growth, the Forest Service wants to eliminate administrative appeals on timber sales — the current method — and force objections 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 expected 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 protection as the Vermont Water Resources Board moves along in its proposed overhaul of wetlands protection rules. VNRC is backing a key change that supports scientifically determined wetland designations based on the 1989 federal wetlands manual, which the Bush administration has

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The Clyde River in northern Vermont.

CALENDAR

Continued from page 6
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 written comments in early August, the board may promulgate the new rules in the fall.

SUGARBUSH: PERMIT APPEAL WINS SUPPORT

Efforts continue on several 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 Resources Board has combined appeals by VNRC and other groups of two separate permits granted to Sugarbush for water withdrawal, and scheduled hearings for fall.

VNRC argues the permits not only set a precedent for undermining river protection, but use unscientific data to support excessive withdrawals. A key sportsmen's group with 30,000 members, the Vermont Federation of Sportsmen, agrees and has asked to join in the appeal of the water withdrawal permit.

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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 information, call (802) 457-2779.

September 12

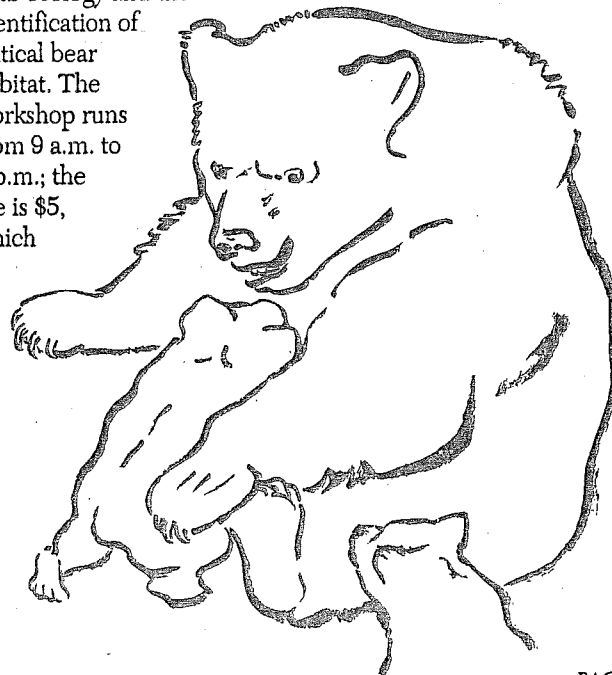
The VNRC Annual Meeting, always a fall highlight, will begin at 9 a.m. with registration and last through the day. Field trips are planned at 10 a.m.; lunch will be at noon, with an address by former Governor Madeleine Kunin on "Elections and the Environment." Child care will be available. The meeting will take place at the Ethan Allen Homestead in Winooski. VNRC members will receive more details in an announcement and registration form to be sent out in August.

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September 12

The Farm and Wilderness Foundation and the Vermont Forest Stewardship Program invite landowners, recreationists, and interested citizens to a forum on *black bear ecology and habitat management* Saturday, Sept. 12 in Plymouth. The workshop will introduce participants to basic bear ecology and the identification of critical bear habitat. The workshop runs from 9 a.m. to 4 p.m.; the fee is \$5, which



includes lunch. For more information, 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 citizens groups from across Vermont share information on issues they're working on in their communities. We promised 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 happen locally. Our mailing list generally consists of just one contact person for each citizens 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

VERMONT NOTES

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.



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