

VNRC BULLETIN

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VNRC, PUBLIC SPEAK OUT FOR ACT 200 PLANNING

Over 1,000 citizens turned out on a frosty January evening to debate the merits of Vermont's planning law, and while Act 200 opponents were noisy in their criticism, the majority of testimony was in favor of the law. VNRC was among the many that testified at the hearing, held by the House and Senate Natural Resources Committees to debate two proposed bills that would weaken Act 200.

Farmers and foresters, conservationists, small business owners, municipal officials, and many others travelled from the four corners of the state to testify in favor of planning.

Winona Smith, testifying on behalf of the League of Women Voters, noted that "Vermont League policy has been very supportive of local control, planning and decision-making for years.... Act 200 provides for these ideas and policies."



Above: VNRC Executive Director Ned Farquhar was among the many who testified in favor of Act 200 planning at a House and Senate hearing this January.

Elbert G. Moulton, former Secretary of Development and Community Affairs, said, "Good community planning is the first step in economic development, and economic development, in turn, is the encouragement and creation of the best possible new jobs for our fellow Vermonters."

"Opponents of Act 200 have consistently distorted the content of Act 200, raising undue public concern," says VNRC Executive Director Ned Farquhar. "Meanwhile,

uproar over the law diverts time from more important legislative issues such as job creation, health care, property taxes and the budget crisis," he adds.

VNRC is leading the fight to protect the planning law from attacks this legislative session.

What You Can Do

H.438 and S.116 are now before the House and Senate Natural Resources Committees. Both bills would repeal or gut major parts of Act 200. Support-

ers of land use planning are urged to write or call the chairs of these committees to voice support for Act 200. Contact: Rep. Curt McCormack, House Natural Resources Committee, and Senator George E. Little, Jr., Senate Natural Resources Committee, State House, Montpelier, VT 05602. Telephone messages may be left with the Sergeant at Arms toll-free at 1-800-322-5616.

For more information on Act 200 or the proposed bills, contact VNRC at (802) 223-2328. •

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VNRC membership includes a subscription to the VNRC Bulletin and the Vermont Environmental Report magazine. For an individual membership, send \$25.00 to the address above.



CURRENT USE'S UPHILL BATTLE

Vermont's valuable Current Use program has reached a critical juncture this year. The Governor has proposed an \$8.8 million Current Use budget, which reflects a 40% cut for the program.

"There's a lot of misunderstanding about what Current Use is," says VNRC Forests, Wildlife and Public Lands Program Director Jim Shallow. "In the heat of budget cutting, legislators are forgetting that Current Use has proven to be critical to sustaining Vermont's agriculture and forestry economy."

Landowners enrolled in the program have their

land taxed at its use value, in exchange for agreeing to manage and preserve their land for forestry or agriculture. Some 7,600 property owners have enrolled 1.4 million acres in the program.

"Forestland owners provide jobs and help the economy, and are encouraged to make wise land use decisions," says Shallow. "The important thing to consider is not who owns the land, but the land itself."

VNRC will oppose drastic funding cuts — last year's budget was underfunded by 20% at \$10.9 million — because such

cuts would be likely to spell doom for the program.

"This is definitely the year for Current Use supporters to voice their opinion," says Shallow. For more information on the cuts or how to contact legislators, contact Shallow at VNRC (802) 223-2328. •

BERLIN POND: WORTH PROTECTING

VNRC has gone to bat for the Berlin Pond Preservation Association, a local citizen's group that is fighting to prevent the City of Montpelier from constructing a large water filtration plant on the scenic and pristine Berlin Pond, Montpelier's water source. Although the Association recognizes the need for the plant, members argue that alternative sites and environmental impacts must be examined.

VNRC has joined in asking the Environmental Board to overturn a ruling that the \$24 million facility does not fall under the jurisdiction of Act 250, the state's environmental review law. VNRC is concerned that the huge facility could have a severe impact on aquatic life, wetlands, wildlife and traffic.

"VNRC is involved because we believe the pond has significant resource value," says Chris Kilian, VNRC Legislative Director. •

SUN BOWL AND KIDDER BROOK

At 250 hearings on Stratton Mountain's proposed Sun Bowl development will run into the spring, with major issues — including critical effects on water resources — yet to be addressed. However, a decision in another forum may impact whether Stratton can pursue its 18-hole golf course and 498-unit second home development.

The Vermont Water Resources Board in January voted to clarify a 1989 rule classifying Kidder Brook *and all tributaries in its watershed* as "Class A," the highest level of protection. The Stratton Area Citizens Committee and VNRC had argued that the rule was this extensive, while the Stratton Corporation took the position that the tributaries were not included. State environmental officials support VNRC's contention that aspects of the huge development may be incompatible with a Class A watershed. ●

DORSET MARSH: BUFFER ZONE

Culminating an extensive joint effort between VNRC and the Dorset Citizens for Responsible Growth, the Water Resources Board voted unanimously this January

to classify the Dorset Marsh as a Class One wetland with a 100-foot buffer zone. The Marsh is the first Class One wetland in the state.

As a result of the classification, the marsh will enjoy the highest levels of protection afforded under the Vermont wetlands rules. Also, the marsh is recognized as an irreplaceable natural resource.

"The team effort has created protection that the residents of southern Vermont can be proud of," says VNRC Southern Vermont Director Stephen Holmes. "And importantly, the classification sets a critical precedent for future classifications." ●

KILLINGTON-PICO MERGER DIES

After a year and a half of intense negotiations and permit review, the proposed Killington-Pico expansion is dead.

"Since the merger of the two companies fell apart last summer, we've been waiting for the other shoe to drop," says VNRC Executive Director Ned Farquhar. "VNRC and other conservation groups put thousands of hours into the proposed merger, but basic environmental and growth conditions that were needed for such massive expansion were still unacceptable to the applicants." The ski

areas proposed new lifts and trails that would have increased skier-day capacity by up to 50% over the next twenty years. Observers called it the biggest proposal ever reviewed under Act 250. Despite the remaining differences between VNRC and the ski areas on several key issues,

Farquhar regrets that the merger failed. "There could have been great benefit for conservation and for long-term project planning and development. Also, the pressure on Pico, one of Vermont's last 'home-grown and home-owned' ski areas, is getting serious," says Farquhar. ●

COMMENT

Ned Farquhar,
VNRC Executive Director

Item: The 1990 U.S. Census shows Vermont is the "most rural" state in the union.

Item: Recent polling evidence indicates that Vermonters see less and less that is special about Vermont.

Item: Many farmers and forest landowners fear that regulation and planning threaten their basic land equity (often the most important family asset).

Reason to despair? Not at all! Vermont is situated very well to stay rural, implement a community-oriented vision for the future, and protect the very real interests of the farmers and landowners who are the backbone of the state's culture.

Vermont's future as a rural, community-oriented state depends on three things: fair, responsible town and regional planning; thoughtful regulation of the development that may change the character of towns and regions or harm Vermont's environment; and, for landowners, a state-wide program of fair property taxes, protection of landowner rights and equity, and stronger state and local programs in use-value taxation and compensation for development rights transfer and land acquisition.

VNRC's broad program of planning, fair taxation for landowners, and land acquisition recognizes the many needs in Vermont — *and* the state's potential to be rural, special, and community-oriented. In many of our projects we help Vermonters work together and invest in the state's future as a farming and forest state. We continue to urge cooperation and vision — not fear and retrenchment. Vermont's future depends on it! ●

Legislative

With Vermont's economy lingering in the doldrums, dollar signs dominate the State House this year. In this climate, VNRC is more determined than ever to ensure that a strong voice is heard for environmental protection: protection of proven programs, and preservation of a vision that looks beyond hard times this year to the need for a healthy environment for future generations.

"Difficult economic times only emphasize the connection between Vermont's economy and environment," says Policy Director Andrea Colnes. "Protection of Vermont's critical natural resources is essential if we are to build a stable and secure economic future."

ACT 250

Now 22 years old, Vermont's landmark land use and development law has stood the test of time — as well as many tests in court. However, efforts to alter or "streamline" Act 250 continue to surface. Although proposals to overhaul the law are emerging again this year, VNRC believes that most problems with the permit process relate to Agency and town permit-

ting, not to Act 250. Administrative changes to Act 250 rules and procedures might be beneficial, but VNRC will argue strongly against proposals for legislative changes. VNRC will continue to oppose bills from last session (S.61, S.80, S.110, S.142, H.342, H.376) that threaten to undermine the Act, as well as any new proposals with similar intent.

GROWTH AREAS

A bill promoting growth centers, introduced by Rep. Charles Ross of Hinesburg, will encounter debate in the current session. Growth centers would allow towns to concentrate mixed development — shops, homes, industry — in one area, following Vermont's traditional village settlement patterns. (See *Vermont Environmental Report*, Winter 1992.)

VNRC will continue to support the growth center concept as an excellent alternative to strip development and haphazard parcelling up of the Vermont countryside — as long as it is clearly linked to permanent protection of land outside of the growth center. The review process on growth center planning

should also include public involvement, regional planning review, and Act 250 approval.

VNRC is promoting the inclusion of regional tax sharing as part of the growth center concept.

CURRENT USE

Vermont's fiscal crunch has put the Use Value Appraisal program, also known as Current Use, squarely on the chopping block this session.

VNRC believes agriculture and forestry — two vital mainstays of the economy — should continue to be protected by a viable program of current use taxation that eases excessive tax burden. VNRC will look at ways of minimizing administrative costs, and will consider backing cost-saving measures if they maintain the goals of the program.

WATER WITHDRAWALS

As water withdrawal requests by ski areas, municipalities and others have increased, so have concerns about their impact on

aquatic life and important environmental and recreational resources. VNRC will lead the fight for a clear and consistent policy on water withdrawals from rivers and streams. VNRC supports H.231, passed and sent to the Senate last year, which would clarify the confusing permit jurisdictions and inconsistent rule-making that currently exist in this area.

AGENCY PERMIT AND PROGRAM REVIEW

VNRC is concerned about a bill (H.667) proposed by the Agency of Natural Resources that would change environmental permitting by consolidating agency permits into one comprehensive proceeding. Although the "one-stop shopping" goal may be well intentioned, VNRC argues that haphazardly combining the diverse permits involved in a proposed project would seriously weaken environmental protection and undermine a carefully constructed body of law.

VNRC will monitor the bill with the goals of maintaining protection of land,

Platform '92

water and air resources while improving public participation in the permitting process.

GROUND WATER PROTECTION

VNRC supports a bill in the Senate that would jump-start the designation and protection process for important ground water sources. The bill would establish protection for a key aquifer in Wilmington, and thus renew a push begun in 1985 for the protection of other large, critical aquifers which provide many Vermonters' drinking water.

TRANSPORTATION

VNRC will track the development of the Agency of Transportation's budget, and advocate that the \$30 million windfall in new federal funds be spent on improvement of Vermont's existing infrastructure and on planning for environmentally sound transportation options for the future. VNRC will continue to oppose funding of the proposed Bolton interstate interchange.

OTHER ISSUES TO TRACK

ACT 200

VNRC will continue to support the planning goals and open public process established in Act 200, and to oppose bills such as H.438 and S.116 that repeal or undermine the planning goals of this valuable law.

ENERGY POLICY

Energy conservation and efficiency programs remain a priority for VNRC. The Council will continue to support S.109, a bill passed by the Senate and sent to the House that would establish comprehensive energy planning for Vermont.

PUBLIC TRUST

VNRC will continue to work to ensure that the public trust doctrine, as originally conceived and developed by the courts, provides strong protection for Vermont's public resources.

HOUSING AND CONSERVATION TRUST FUND

VNRC supports full funding for the HCTF for fiscal 1993. This program provides important resources for the protection

of agricultural and forest land throughout Vermont. The program also finances the creation of affordable housing opportunities for Vermonters.

CLEAN AIR ACT

Improvements in Vermont's air quality, including adopting California's stricter auto emission standards, are a VNRC priority.

FEDERAL SAFE DRINKING WATER ACT

VNRC anticipates extensive debate on how to implement the provisions of the Federal Safe Drinking Water Act in Vermont. VNRC will advocate strong resource protection in a manner consistent with the resources and needs of Vermont communities.

WILDLIFE, LANDS PROGRAMS

VNRC opposes any staff reductions in Vermont's valuable Non-game Wildlife, Natural Heritage and GIS programs.

LANDOWNER LIABILITY

To help maintain the Vermont tradition of public access to Vermont's northern forests and other important recreational lands,

VNRC supports H.169. The bill clarifies the liability of landowners regarding law suits from recreational users or trespassers.

UNITY COALITION

Through this coalition of social and environmental groups, VNRC will support the fight for progressive tax policy and health insurance reform. VNRC will also encourage the Unity Coalition to follow the Governor's lead by taking up affordable transportation as an important issue.

CITIZEN SUITS

Under H.28, Vermont citizens could sue for enforcement of environmental protection laws. VNRC supports this bill.

SOLID WASTE, TOXICS, AIR POLLUTION

VNRC will continue to lend its support to other groups working for environmentally sound waste disposal, air pollution and toxic waste solutions.

REGULATION AND ENFORCEMENT

VNRC will support efforts to reform and strengthen Chapter 117, in order to improve local enforcement and the implementation of local plans. ●



WATER QUALITY STANDARDS

V NRC was successful this winter in convincing the Vermont Water Resources Board to begin the process of implementing toxic substance standards that will protect Vermont's waters from pollution.

The Water Resources Board agreed with VNRC that the Board's 1995 target date for implementing standards on toxic releases into water was in violation

of the Federal Clean Water Act. The Board voted 4-0 to begin rulemaking to implement the standards immediately, as federal law requires.

"Without the standards," explains VNRC Legislative Director Chris Kilian, "the State lacks enforcement power, and a loophole exists that allows continued toxic discharges into state waters with no schedule for compliance." ●

TAX TIME — REMEMBER THE LOON

W ith income tax time at hand, remember the loon — and the host of other non-game species that have benefited from Vermont's non-game check-off. VNRC helped initiate the program, which

allows Vermonters to contribute to the non-game and Natural Heritage program on their tax forms. This year peregrine falcons, pine martens, and natural communities were among the beneficiaries. ●

GROWTH CENTER OR GROWTH REGION?

V NRC worked with local citizens this winter to sidetrack a move by the Windham Regional Planning Commission to designate the entire Mt. Snow/Haystack resort region as a major growth center.

VNRC Southern Vermont Director Stephen Holmes says the designation, in a draft regional plan, was far too broad and amounted to an endorsement of large-scale development in the region. The

issue is especially key because Mt. Snow has targeted the ridgeline between the two ski areas for major trail development.

VNRC favors the growth center concept, which focuses multi-purpose development in a village-style center while protecting surrounding open lands. However, Holmes emphasizes the need for thoughtful, integrated planning for growth centers' specific location and potential impact. ●

TRANSPORTATION: WHERE TO SPEND?

T he expected windfall from the new federal transportation bill — a 30-50% increase over Vermont's past allocations — means both new opportunities and risks for Vermont, says VNRC Land Use Director Peg Elmer.

"The bill does encourage better planning and innovative solutions to transportation problems," notes Elmer, "but it won't be easy for the Vermont Agency of Transportation and the legislature to branch into new areas."

Elmer says the temptation will be to use the new money on major highway reconstruction projects including bypasses and corri-

dor relocation on highways such as Routes 2 and 7.

"Some may view this money as a jobs program, and simply advocate more construction — rather than treat this as an opportunity to transform our transportation system."

VNRC will work for greater public involvement in the planning of highway projects, and push for alternatives such as public transportation, rail revitalization and bicycle paths. Elmer notes that VNRC will also advocate examining transportation needs with an eye toward the social and environmental concerns Vermont faces in the years ahead. ●

CALENDAR



January 28 and February 3

VNRC invites you to **Energy Efficient Transportation: A Vision for Vermont in the Year 2010**, panel discussions featuring Curt McCormack, Chair, House Natural Resources and Energy Committee; Karle Snyder, Federal Highway Administration; Scudder Parker, Department of Public Service; Betsy Rosenbluth, City of Burlington; and Rebecca Day, Brattleboro Board of Selectmen.

January 28, Burlington City House; and February 3, Putney Inn. Both events run from 7:30-9:00 p.m. Desserts and beverages will be served. For more information, call Peg Elmer at VNRC (802) 223-2328.

February 8

Join organic farmers and interested citizens for workshops on organic farming, gardening, and local food production at the **National Organic Farmers Association of Vermont (NOFA) annual winter conference**. For more information contact NOFA at 15 Barre St., Montpelier, Vermont 05602; tel: (802) 229-4940.

March 19

Come and learn about Vermont's black bears! VNRC hosts a **black bear slide show and forum** at

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the Equinox Hotel in Manchester from 7:30-9:00 p.m. Discussion leaders will be Andrea Colnes, VNRC Policy Director; Charles Willey, Vermont State Biologist; Nancy Bell, Director, Shrewsbury Land Trust and Friends of Parker Gore; and Forrest Hammond, Field Leader for UVM Black Bear Study in Stratton. Call the VNRC Southern Vermont Office for more information, (802) 362-3113.

March 20

Calling all Vermonters interested in environmental education! The **Governor's Symposium on Environmental Education** is now being scheduled. Coordinated by Vermont SWEEP (StateWide Environmental Education Pro-

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grams) and the Department of Education, the symposium will bring together teachers, professionals, parents, environmental activists, outdoor and youth leaders, representatives from the tourism industry, sporting groups, and clergy to shape a blueprint for Vermont's environmental education. For more information, contact Susan Clark at VNRC, (802) 223-2328.

March 20 to March 22

The fourteenth annual **New England Environmental Conference** will be held on the Tufts University campus in Medford, Massachusetts. There will be over 100 workshops and

interest groups on international, national, regional, and local topics, with speakers and workshop leaders who are experts in their fields. VNRC-led workshops include the topics of transportation and non-profit management. For fee and registration information contact the Lincoln Filene Center, Tufts University, Medford, Massachusetts 02155, tel. (617) 627-3451.

March and April

The Vermont Institute of Natural Science is holding a series of six workshops and lectures on **birds of prey**. Course syllabus is available upon request. Cost is \$55.00 for VINS members and \$65.00 for non-members, with college credit is available. Pre-registration and a \$20.00 deposit is due by March 6, 1992. For more information contact VINS at Box 86, Woodstock, Vermont 05091, tel. (802) 457-2779.

Looking ahead...

The **Wildbranch Workshop in Outdoor, Natural History and Environmental Writing** is a week (June 21-27) of classes, discussion and readings in the craft of fine writing. For more information contact Wildbranch, Sterling College, Craftsbury Common, Vermont 05827 or call toll-free 1-800-648-3591.

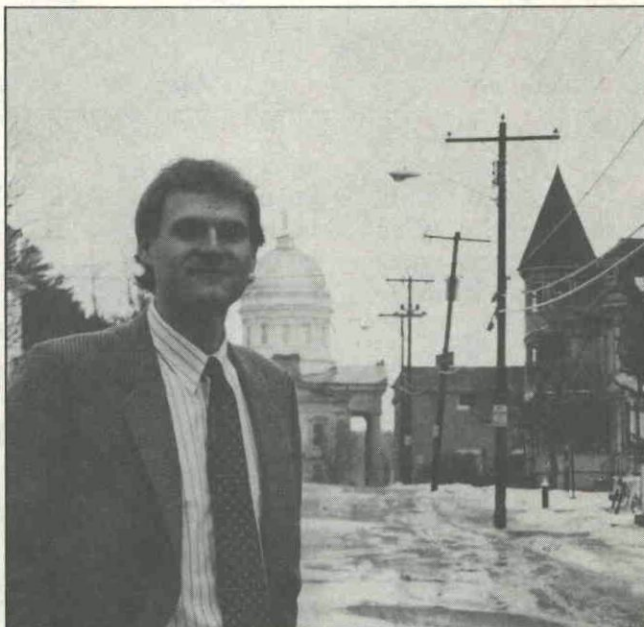
VNRC NOTES

CHRIS KILIAN WELCOMED AS LEGISLATIVE DIRECTOR

VNRC is pleased to introduce **Chris Kilian**, who will serve as the Council's new Legislative Director.

A graduate of Vermont Law School and its Environmental Program, Chris has been working this fall as a consultant on legal and water policy issues for VNRC. After the legislative session ends this spring, Chris will take on the position of VNRC Water and Wetlands Program Director.

"It is clear that Chris combines his fine policy sense with a strong environmental ethic," notes VNRC Policy Director Andrea Colnes. "We are delighted to have him representing us in the State House this year."



Above: Chris Kilian will lead VNRC's advocacy work at the State House this session.

Chris grew up in the working farm fields of upstate New York. He has done environmental work with Trout Unlimited, the Adirondack Mountain Club, and the National Wildlife Federation. He lives with his wife Jill in Montpelier. ●

A MEMBERSHIP RENEWAL

This winter VNRC welcomes **Nadell Fishman** as VNRC's new Membership Coordinator.

Nadell's background ranges from her work as grants assistant to the Vermont Council on the Arts, serving as the Director of Public Information under Governor Madeleine Kunin, and most recently, working for the Associates in Rural Development. She holds an MFA in Writing from Vermont College.

"Nadell's skills as a writer, coupled with her broad administrative background, make her perfect for the job," notes Deb Crespin, VNRC Deputy Director for Development.

With this welcome, we also bid a fond farewell to **Rebecca Sheppard**, who left the Membership Coordinator position this fall. Rebecca reorganized the membership system, which helped to double VNRC's membership base during her three-year tenure. Rebecca brought dedication, committed idealism and a healthy sense of humor to her work, and we are deeply grateful for her service to the Council. ●

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