

## HISTORY IS MADE: AN ENVIRONMENT / ECONOMY WIN FOR MAD RIVER

**V**NRC and three other conservation groups reached agreement with the Sugarbush ski area in

mid-May on a plan that will both protect the Mad River and allow the resort to proceed with plans to expand its snowmaking capacity.

"This agreement protects one of the most beautiful rivers in Vermont and sets strong precedent for future river withdrawals," said VNRC Executive Director Ned Farquhar. Farquhar, VNRC Water Director Chris Kilian, and VNRC Board member Doug Racine met for eight weeks of negotiations with Sugarbush officials. The mediated sessions had been encouraged by Agency of Natural Resources Secretary Chuck Clarke after it appeared the two sides would end up in a lengthy court fight.

At issue was how much water Sugarbush could withdraw from the Mad River to make more snow to cover more trails. The resort has said it cannot stay open without increased coverage, intended to restore skier-day visits to 1980s' levels.

The conservation groups — VNRC, the Vermont Federation of Sportsmen's Clubs, Vermont Trout Unlimited, and the Vermont Sierra Club — said no withdrawals below the February median flow of the river should be allowed. To do so would hurt fish in the river and undercut its aquatic health.

The agreement increases the size of the proposed storage pond and stipulates that Sugarbush may increase a withdrawal on Clay

Brook, moving it downstream where it will have significantly lower impact. Withdrawals from the Mad River may not lower the stream below the February median flow.

An additional plus in the agreement is a new study of the impact of water withdrawal on Clay Brook. Conservationists will help choose a consultant for the study and

*Continued page 8*



VNRC Director Ned Farquhar discusses the agreement between VNRC and Sugarbush ski area at a Montpelier news conference. Behind on right stands Sugarbush President Bob Berrey and on left Vermont Trout Unlimited President Gary Doyle.

## ACT 250 SURVIVES ASSAULT; VNRC EFFORTS KEY TO DEFENSE

**A**s the 1993 legislative session drew to a close, VNRC staffers looked proudly back at a landmark effort to save a landmark law, Vermont's Act 250.

With the 1993 agenda in the Statehouse dominated by the state's lingering economic slump and fiscal budget crunch, busi-

ness, property rights, and pro-development forces, as expected, mounted a concerted assault against Act 250.

But the all-out effort to undermine this cornerstone of Vermont's environmental laws dramatically fizzled, thanks in large part to a full-court press by

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The VNRC Bulletin is published three times a year by the Vermont Natural Resources Council. Main Office: 9 Bailey Avenue, Montpelier, Vermont 05602, tel. (802) 223-2328. Southern Vermont Office: Box 1820, Bonnet Street, Manchester Center, Vermont 05255, tel. (802) 362-3113.

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.



ALLEN GILBERT

### ACT 250, cont'd from page 1

VNRC to blunt attacks on the 23-year-old law and mobilize support across political lines.

The message came in loud and clear, from every corner of the state, from the grassroots and from some of Vermont's most respected politicians: Act 250 has served Vermont well. While there was agreement the law could be more user-friendly and the permit system could work better, there was also overwhelming opposition to changes in the basic law.

Lawmakers heard the message. Despite a constant drumbeat of negative attacks, blaming the law for everything from hurting the economy and job creation to delays and cancellation of projects, the Legislature decided against a broad array of changes that would have gutted Act 250.

"All of us at VNRC were very impressed with the depth of bipartisan support for Act 250 in Vermont, and it was gratifying to see how business lined up behind the

law," said Ned Farquhar, VNRC's Executive Director.

As the session came to a close, a bill tinkering with Act 250 was tabled in the House until next year. VNRC worked right up to the final day of the Legislature to defeat a last-minute attempt to strip away substantive review through most of Act 250's 10 criteria and citizen input, replacing it with Agency of Natural Resources and local permits that could not be overruled in Act 250 proceedings.

VNRC's behind-the-scenes work in the Act 250 debate and related economic issues had many key facets, reflecting a very hectic winter. Here's a rundown of activities:

### Public Support

Several VNRC members and other citizens spoke out at critical hearings on Act 250, rebutting claims the law needs a major overhaul and arguing that whatever delays exist, the causes lie mainly with the permitting process and developers.

*The message came in loud and clear, from every corner of the state, from the grassroots and from some of Vermont's most respected politicians: Act 250 has served Vermont well.*

On Feb. 26, the Senate Natural Resources and Energy Committee held a public hearing via Vermont Interactive Television at nine locations around the state. Of the 70 people who testified, 43 spoke up for Act 250, many hammering home the point that citizen participation in Act 250 should not be weakened.

Again at an April 12 "on the road" hearing in Springfield before the House Natural Resources and Energy Committee, citizens by a three-to-one margin testified against changes that could tighten the appeal process and shift the burden of proof onto those making appeals, thus locking out concerned citizens.

Thanks to an extensive "phone tree," VNRC was able to mobilize many citizens to attend hearings and make their views heard, said VNRC's Grassroots Coordinator Jennifer Langdon. "Some of these people were ready to go with a list of 20 people to call," she noted.



### Legislative Lobbying

VNRC's Deputy Director for Policy Stephen Holmes traced Act 250 throughout the session, testifying in both the Senate and the House and working closely with legislators to produce changes that would strengthen, not weaken, the law. He was able to help fend off the most damaging changes.

### Living Room Meetings

Getting the word out about the threat to Act 250, and building support to protect it, took work — and networking. From the southernmost reaches in Bennington to the far north in Montgomery Center, VNRC members heeded the call by sponsoring 20 local "living room meetings," bringing together town and elected officials, town conservation and planning members, and ordinary citizens.

The goal, said Holmes, who spent many a long day on the road, was "to give people an idea how they could influence the process, through letters to the editor or calls to their legislators."

The strategy worked. VNRC also held three "activist" meetings in December to form a battle plan for the 1993 session.

### A Little Letter

When George Little, a businessman and respected former chair of the Senate Natural Resources Committee, signed his name to a letter supporting Act 250, the impact was anything but little. And when the co-signers in-

cluded Mrs. Deane C. Davis, former U.S. Sen. Robert Stafford, former Environmental Board Chair Peg Garland, and Bank of Vermont President John T. Ewing, its impact was huge.

Former Attorney General and now U.S. Sen. James Jeffords, who helped write Act 250, was another political heavyweight who punched through arguments that Act 250 was hurting Vermont.

Holmes said Little, a new member of the VNRC Board of Directors, played an important role in the Act 250 debate by making legislators aware that the law had strong support from some of Vermont's most respected politicians and citizens on both sides of the political aisle.

### Legislative Event

To get the message across to legislators that a healthy environment is good for Vermont business, VNRC and the 185-member group Vermont Businesses for Social Responsibility held a State-house meeting Feb. 24 to demonstrate support for Act 250. It was sponsored by Democratic Sen. Dick McCormack of Windsor County and Republican Rep. Wendell Coleman of Londonderry.

"The turnout of legislators really couldn't have been better," said VNRC's Langdon. The extensive press and TV coverage spread a key message in the Legislature at a critical time: That many members of Vermont's business community back Act 250 and believe it's a good law for Vermont.

## ALSO AT THE STATE HOUSE . . .

**B**esides taking a look at Act 250, the 1993 General Assembly turned its attention to a number of other environmental issues. Its record on land use and conservation issues, according to Jim Shallow, VNRC's Forests, Wildlife, and Public Lands Program Director, was mixed.

On the plus side, \$10 million was allocated to the Housing and Conservation Trust Fund. Fifty percent of those funds must be used to protect managed forest and farm land in Vermont through purchases and easements. Also in the last days of the Legislature came passage of a \$500,000 allocation backed by Gov. Howard Dean for acquisition of key lands along Vermont's Long Trail.

Less encouraging, said Shallow, is the continued cut-back in the budget for Vermont's "Current Use" program, which supports fair property taxation at actual use value for some 7,000 owners of productive forest and farm land. The House cut Current Use to \$7.6 million, only 59 percent of full funding, while the Senate boosted it back slightly to \$8.4 million. The Senate figure was reduced by \$100,000 in conference committee, bringing the final figure to roughly 65 percent of full funding.

VNRC kept a close watch on a Senate alternative to Current Use proposed by Sen. Stephen Webster, R-Orange. His bill (S. 241) would have mandated appraisal of farm and forest land at its use instead of development value, and then make up the property tax monies lost to towns through the education funding formula.

"This program would send money back to towns based on their need, which is good," said Shallow. But he said action on the bills was unlikely until the Legislature deals next year with several competing proposals to reform Vermont's property tax system.

In other landowner legislation, a bill VNRC supported that would clarify landowner liability has been held over until the next session. Liability is a critical issue in keeping land open and maintaining Vermont's long-standing tradition of recreational use of private property.

And as the Legislature wound down, a limited bill that would allow landowners to shoot moose that damage crops or sugaring equipment faced an uncertain fate. While not opposed to a moose hunting season justified by sound biology, VNRC is concerned the proposed bill is too broadly written.





## SUNBOWL DEVELOPMENT OPPOSED

**O**n April 2, VNRC filed findings on Stratton ski area's proposed Sunbowl development, arguing for denial of an Act 250 permit. VNRC and a coalition of southern Vermont citizens

groups contend that construction of the 498-unit complex and 18-hole golf course would lead to storm water pollution of Kidder Brook, additions of toxic pesticides and fertilizers into the groundwater, would have a negative impact on a pristine area, and would not conform with local and regional plans.

VNRC's response was based on the testimony of its

five experts who reviewed the extensive documents Stratton has submitted on its long-running development proposal. VNRC Deputy Director for Policy Stephen Holmes said the local environmental commission probably won't issue a ruling for at least 30 to 60 days.

## WORRIES ABOUT WATER WITHDRAWALS

**V**NRC has raised objections to a proposed snowmaking water withdrawal plan worked out by the Mt. Snow ski area and the Vermont Agency of Natural Resources, and, as a result, has asked for a delay in Act 250 environmental hearings.

The ski area needs the Act 250 permit so it can build a 2.8-mile water pipeline linking Mt. Snow with adjacent Haystack, which is being leased by Mt. Snow. VNRC feels the proposed withdrawals from Cold Brook for the Haystack ski area would drain the stream too low and damage aquatic life, according to VNRC Deputy Director for Policy Stephen Holmes.

VNRC has asked for a meeting with Mt. Snow/Haystack and state officials to discuss the water withdrawal plan. The local environmental commission gave the parties until the end of May to see if they could agree on a water withdrawal plan, and until mid-June to file proposed findings.

## NORTHERN FORESTS PROJECT

**V**NRC has completed a second round of informal "living room" meetings to discuss northern forest issues, part of a grassroots effort to come up with a viable and broadly supported plan on how to sustain traditional uses and employment patterns on Vermont's 2 million acres of northern forest land.

VNRC Northern Forest Project Director Brendan Whittaker said the meetings have brought together more than 200 loggers, truckers, farmers, and others directly affected by forest issues to "share their vision of what the northern forest region should be."

Calling the sessions "very productive," Whittaker said VNRC will use what it learned to present a "well-grounded and consensus-based" proposal to help guide the Northern Forest Lands Council as it drafts a four-state regional forest plan.

## WAITING FOR THE RULES

**V**NRC plans to be involved as Vermont's Agency of Natural Resources adopts formal rules governing river and stream water withdrawals for controversial uses such as ski area snowmaking. VNRC Water Program

## BUSINESS AND THE ENVIRONMENT: A COMPLEMENTARY COMBINATION

**A** five-part Vermont ETV documentary series in January and February showcased Vermont firms that are proving business profits can go hand-in-hand with environmental concerns.

The focus of the half-hour shows "was on breaking down the walls between business and the environment," said former VNRC Director of Communication and Education Susan Clark, who hosted half-hour call-in panels after each documentary.

Clark said the documentaries offered "a compelling message" that companies can exist and make a profit by being environmentally conscious. "These are not just neat ideas, but people who have put their ideas on the line and are making a go of it," she noted.

Clark, who now works as coordinator of community environmental programs for the University of Vermont Environmental Department, said ETV may re-broadcast the documentaries at a later date.



Susan Clark

COURTESY VETV





Director and Staff Attorney Chris Kilian says the agency currently has only draft rules to guide decisions on acceptable levels of withdrawals. VNRC is working with a coalition of sporting and conservation groups to have the so-called "February median flow" level adopted as a guide, arguing anything lower would not be biologically sound in ensuring the vitality of river and stream aquatic life.

The groups already have worked together to achieve protective limits on snow-making withdrawals from the Mad River by the Sugarbush ski area.

"We look forward to building on that coalition and expanding its activity," said Kilian, "and we remain committed to staying together to advocate for minimum flows that protect Vermont's rivers."

## ELMORE LAND MAY BE PROTECTED

**A**nother exciting acquisition is in the works under the Forest Legacy Program, a pilot federal project to

help preserve key parcels of northern forest.

VNRC's Jim Shallow, Program Director for Forests, Wildlife, and Public Lands, said negotiations are under way to purchase development rights on a 2,000-plus acre parcel with frontage on Little Elmore Pond on the flanks of the undeveloped Worcester Range. If successful, the land would stay in private hands in productive use, continuing to provide lumber and important habitat for moose, beaver, and other wildlife, while assured of long-term protection against development.

An added benefit is that the parcel includes a portion of mountain ridgeline that is integral to long-range state plans to create a trail on the crest of the scenic Worcester range.

"I think this purchase would be a real asset, creating a link between Putnam State Forest and Elmore State Park," said Shallow, who last year helped guide a Worcester Range study.

## HOW MUCH WATER OVER THE DAM?

**T**his summer marks an important point in VNRC's efforts to improve flows of rivers moving through the state's hydro-electric dams.

As part of federal relicensing for 17 dams, the Vermont Agency of Natural Resources must issue

so-called "401 Water Quality Certificates" stating that the dams release enough water to meet Vermont water quality standards. The agency is expected to begin issuing draft versions of the certificates in June, and then listen to comments from the public.

"We feel right now, on many of the rivers involved, standards are not being met," said Chris Kilian, VNRC Water Program Director and Staff Attorney. Problems

include low dissolved oxygen levels, high water temperatures, inadequate stream flows, and damage to aquatic habitat.

Kilian said VNRC is working with a broad coalition of conservation and sporting groups to push for improved water quality, and is organizing concerned citizens around some of the affected rivers.

"We're going to argue for good, solid protective '401' certificates to be issued," he said.



## FOREST LANDS RECOMMENDATIONS DUE

**A** critical juncture is approaching in the work of the Northern Forest Lands Council, according to VNRC Northern Forest Project Director Brendan Whittaker, a Vermont member of the federally funded advisory panel.

Composed of four members each from Vermont, Maine, New Hampshire, and New York, the council was expected to make recommendations in June to those states' governors on how to ensure continued productive use of the vast and important forest lands in the Northeast, estimated at around 26 million acres. The non-regulatory council was formed in 1991 out of growing concerns that development pressures threaten the sustainability of the landscape for traditional uses such as logging, recreation, and wildlife habitat.



## ENVIRONMENTAL QUALITY INDEX

**T**he *Vermont Environmental Quality Index* is now available to the public. Published as a project of the UVM Environmental Program, the index reports on the status of Vermont's water and wetlands, air quality, agriculture, forests, historic preservation, solid waste, and energy. It also offers suggestions for citizen involvement in environmental advocacy and lists key contact people and organizations. The index is available free from EPIC, UVM Environmental Program, 153 S. Prospect St., Burlington, VT 05401-3595. Orders may also be made by phone at 656-4055. Bulk orders are available for teachers and community groups.

## WASHINGTON INVITATION

**J**im Shallow, VNRC Forests, Wildlife, and Public Lands Program Director, and **Brendan Whittaker**, Northern Forest Project Director, were recently invited to Washington to meet with U.S. Forest Service chief Dale Robertson and 40 top forestry officials. Whittaker and Shallow discussed policy issues and praised the Forest Service for backing innovative programs such as Forest Legacy, which helps keep key forest parcels in productive use.



CRAIG LINE

## CURRENT USE RALLY

**A** broad alliance of environmentalists and representatives from forestry and agriculture rallied at the state house on March 11 to support funding for the **Current Use Program**. This program allows for reduction of property taxes on land used for farming or forestry. The Legislature was considering a proposal to reduce funding of the forestry portion of Current Use below that of agriculture. Representing VNRC at the rally was Forests, Wildlife, and Public Lands Program Director Jim Shallow (addressing crowd in photo). The important message, according to Shallow, is that "you can't treat productive land differently when you're taxing it." The final vote allowed for an across-the-board reduction to 65% of full-funding. (See story on p. 3)

## CONSERVATION DIRECTORY AVAILABLE

**I**f you want information about training in conservation and environmental education, you might pick up the 1993 edition of the National Wildlife Federation's *Conservation Directory*. The 452-page book lists information, addresses, and telephone numbers of 2,000 international, national, and regional

organizations and commissions, environmental departments, agencies and offices of the U.S. government, state agencies and citizens' groups, and colleges and universities that offer conservation and environmental education programs, along with more than 15,000 officials concerned with natural resource use and management. Order by writing to the National Wildlife Federation, 1400 16th St., NW, Washington, DC 20036. The cost is \$18 per copy, plus \$4.85 for shipping and handling.

## A LONG-TIME FRIEND

**V**NRC notes with sadness the death on March 9 of **Robert W. Mitchell**, editor and publisher of the Rutland Herald. Born in Randolph in 1910, Mitchell was a long-time friend of environmental conservation. He supported from the beginning Vermont's pioneering environmental efforts that led to the passing of Acts 250 and 252.

## NORTHERN FOREST ECOLOGY

**"T**he Ecology of the Northern Forest: A Scientific Workshop" is the topic of a four-day biodiversity conference Aug. 17-20 at Lyndon State College in Lyndonville. The purpose of the workshop is to survey the known information about the ecology of the Northern Forest in key subject areas and to identify research priorities for the future. Sponsors are the Ecological Society of America and the Society of Conservation Biologists. Dr. Reed Noss, editor of *Conservation Biology*, will deliver the keynote address. Cost for the full conference, including lodging, meals, programs, and proceedings, is \$128. For more information, contact Nancy Schulz of the National Wildlife Federation at 229-0650.





## KEEPING THE WOODS ALIVE

**F**ormer VNRC Associate Director **Eric Palola** is working on a subcommittee of the Northern Forest Alliance exploring the sustainability of the northern forest economy and ecology.

The new panel hopes to produce original research on ecological and biological issues and ways to develop "opportunities for revitalizing rural communities," said Palola, a resource economist with the National Wildlife Federation's regional office in Montpelier. The goal is to get a handle on existing economic pressures, and come up with new ideas for value-added forest industry products and special economic niches that will help sustain jobs and the forest ecology.

The alliance is composed of some 20 state, regional, and national groups whose work ties into a broader effort by the federally funded Northern Forest Lands Council to promote ways to maintain the forest economy and environment.

The subcommittee of the alliance aims eventually to provide both a "broad vision and also concrete, targeted examples" of how this could be done, Palola said.

## ENERGY HEARINGS A SUCCESS

**V**NRC helped promote and support a series of public hearings on energy options for Vermont's future, information from which will become part of the state's Twenty Year Electric Plan. The hearings, held in Montpelier, Springfield, and Middlebury, were well-attended; audiences were interested in the overview of coordinated planning for energy, environmental protection, and transportation.

## THANK YOU

**F**or the past seven months, VNRC's computer systems have been undergoing a major overhaul and upgrade. VNRC thanks **Steve Webster**, educator, consultant, and VNRC member, for his work with a staff task force in the development of information systems which will better serve VNRC's multiple needs.

The VNRC staff thanks all of the point people and hosts of the living room meetings on Act 250. Their investment of time and energy was key in fostering legislative support for the continuation of citizens' rights to participate in the Act 250 process.

## COMINGS & GOINGS

**Anne Hedges**, former VNRC intern, is now in Helena, Montana, working at the Montana Environmental Information Center. As intern, Anne helped to prepare a history of citizen involvement in Act 250. She also worked with Chris Kilian in the Water/Wetlands Program.

Legislative assistant **Steve Schrodell**, whose internship ended in February, was a great help to VNRC during the legislative session. He tracked several environmental bills and prepared background information used by

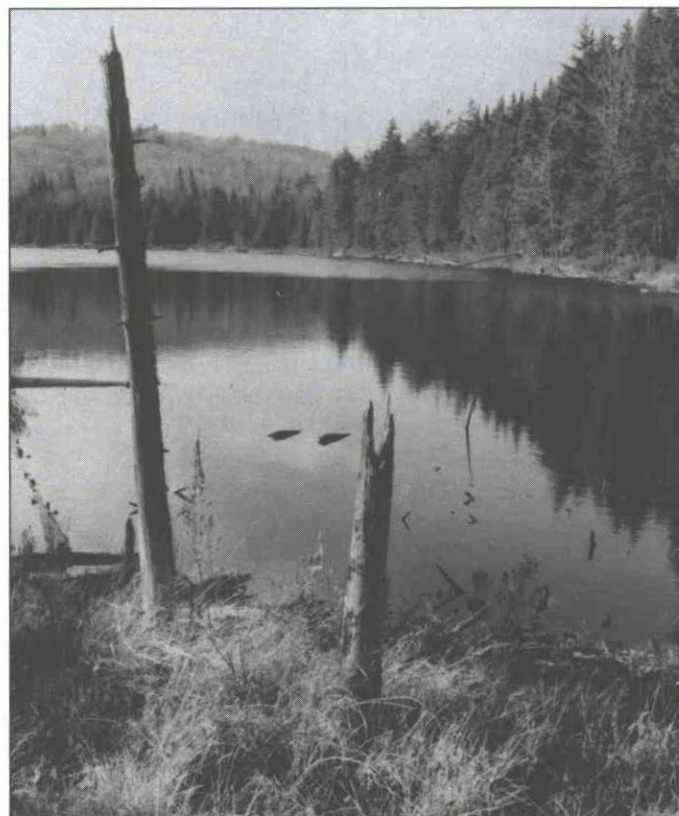
VNRC staff in testimony on these bills.

UVM graduate and journalist **Amber Older** has joined VNRC as a part-time staff assistant.

VNRC welcomes former Vermont State Senator **George Little** of Burlington to its board of directors.

## IT'S A GIRL!

**C**ongratulations and best wishes to Southern Vermont Program Assistant **Alison Trowbridge** and her husband, Colin, on the birth of their daughter Amy.



*We incorrectly identified Cow Mountain Pond of Granby in our Winter Bulletin. Here is a correct photo. Our apologies.*

ROBERT KLEIN, THE NATURE CONSERVANCY



## *Sugarbush, cont'd from page 1*

approve its design. It also will lead to reversal of the controversial Vermont Water Resources Board decision allowing the permit.

VNRC's Kilian noted the importance of the agreement in restoring integrity to the state permitting process. "One of our major concerns has been ANR's past failure to adopt clear withdrawals policy and stand by honest technical review, and in the process of this agreement ANR Secretary Chuck Clarke has provided important leadership and support for ANR staff."

Leonard Buchanan, President of the Vermont Federation of Sportsmen's Clubs, noted, "The agreement will be a good starting point for future decisions on water withdrawals around Vermont. There are about 20 dams and snowmaking projects being reviewed right now, and Vermont's rivers will benefit from this agreement."

VNRC and the other conservation groups involved in the negotiations with Sugarbush represent more than 40,000 Vermonters. In the somewhat contentious atmosphere leading up to the negotiated settlement, the groups were portrayed by some as trying to push aside thousands of jobs in favor of unreasonable environmental demands. In January Gov. Howard Dean accused the groups of "scorched earth" tactics.

The issue wasn't jobs vs. the environment, though, Farquhar said. It was the fair, judicious use of natural resources under consistent ANR process, toward building a healthy economy that benefits a wide range of varied interests.

"The agreement confirms what most Vermonters know," Farquhar said. "Resource protection doesn't hurt the economy."

## EPIC GROUP PANEL

**O**n May 19 in Middlebury, VNRC's Forests, Wildlife, and Public Lands Program Director Jim Shallow joined three other environmental advocates on a

panel to discuss emerging environmental issues. The event was sponsored by the University of Vermont's **Environmental Programs in the Communities (EPIC)**. Serving with Shallow on the panel were Bill Sayre of A. Johnson Lumber and Terry Hoffman, Supervisor of the Green Mountain National Forest.

## BROWNER TO SPEAK AT VNRC ANNUAL MEETING

**T**he nation's top environmental protection officer, federal EPA administrator **Carol Browner**, will be the keynote speaker at VNRC's 1993 Annual Meeting Saturday, Sept. 18 in Burlington. Mark your calendar now and watch your mailbox for details.



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