

# Bulletin

## 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

*Continued page 2*



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**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.

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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.