

REASON AND FAIR PLAY VICTIMS IN SENATE VOTE

January 19 was a day VNRC staffers will not soon forget.

Barely two weeks into a legislative session expected to concentrate almost exclusively on property tax and health care reform, the focus switched abruptly to environmental issues when the Vermont Senate unexpectedly rejected reappointment of three members of the state Environmental Board.

Republicans, the majority party in the Senate, defeated Gov. Howard Dean's renomination of board Chairwoman Elizabeth Courtney and board members Terry Ehrich and Ferdinand Bongartz. Although the nominations of two other incumbent board members were approved, Senate Republicans said they had rejected Courtney, Ehrich, and Bongartz—a third of the Environmental Board—to express discontent with the Act 250 process, which they claimed subverted economic development in Vermont.

VNRC Executive Director Jane Difley and Deputy Director for Policy Stephen Holmes defended the board, meeting quickly with Dean to urge him to stand by his nominees.

"The board has been fair and impartial when its record of decisions is reviewed," Holmes said. "The Senate placed itself in the awkward position of second-guessing the board's decisions without looking at the facts."

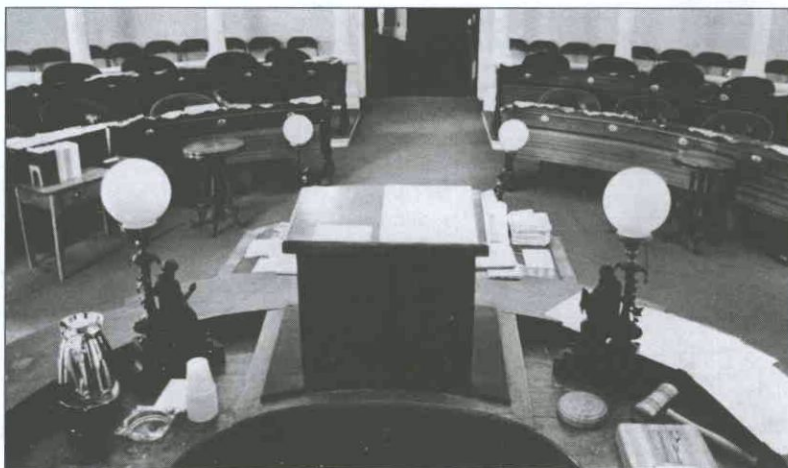
Of 30 board decisions in 1993, 18 were appeals of decisions made by district environmental commis-

sions, and the remaining 12 were declaratory rulings requested of the board. Appeals had resulted in permit denials by the board only twice. Furthermore, all the appeal decisions were made unanimously by the nine-member board, meaning the records of board members rejected by the Senate did not differ materially from those of the two

who were approved.

"This is a volunteer board," VNRC said in a letter to all senators, Gov. Dean, and Lt. Gov. Barbara Snelling. "Subjecting these individuals to a tortuous confirmation process hurt the Vermont tradition of citizen volunteer service to the state."

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A view of the Senate chamber as seen from the presiding officer's podium.

DIFLEY: HOW PIECES FIT IS KEY TO CONSERVATION

Jane Difley, VNRC's new Executive Director, communicates a vision of the way things fit together. It includes the natural elements of air, water, soil, and trees, the environment she has worked in during her career as a forester. It includes, equally, the power of people working together to conserve the natural environment.

The science of conservation is complex, says Difley, who assumed her new position Jan. 18, and so are the politics of leading people with diverse viewpoints and interests to a common ethic of safeguarding and preserving the environment. But through advocacy and education, Difley believes, Ver-

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Rather than castigating board members, VNRC proposed that the Legislature focus on permit reform efforts already underway. But the events of Jan. 19 underscored VNRC's opposition to sweeping changes that could reduce citizen input.

Testifying before the House Natural Resources and Energy Committee on the day of the Senate vote,

Holmes discarded his prepared notes and said, "In light of the events of today, it makes it all the more important to resist these kinds of global changes."

Holmes urged the committee to look carefully at what caused such problems as unwarranted delays and costs for development proposals—primarily Agency of Natural Resources permits—and limit reform to fixing those aspects

of the permit process.

"The committee seemed to be saying, 'Let's take the engine apart, throw some parts out, and put the thing back together,'" Holmes said later. "We say, 'Let's just tune it up.' And we also urge that any changes strengthen the role of citizens, putting the power outside the realm where politics can play such a destructive role as it did January 19 in the Vermont Senate."

DIFLEY, cont'd from page 1

monsters are up to it.

"In forestry school I learned that everything is connected to everything else," she says. "How the trees grow is related to the soil, and to past land use; it's related to other plants that grow in the soil and to the availability of water. And the forest helps clean the water. Air pollution impacts trees and trees help clean up air pollution."

"It's a complex matrix of relationships."

"With VNRC it's the same kind of thing," Difley concludes. "VNRC's programs—forestry, water, and land use planning—are all related. Both in terms of conservation and policy, they fit together in particular ways in Vermont."

Jane Difley, 44, is a native New Englander (from Barre, Mass.) and a resident of Bennington. Though previously a forester in Vermont, she comes to VNRC from Washington, D.C., where she was vice president for forestry programs with the American Forest Foundation, serving as national director for the 74,000-member Tree Farm System. In January 1993, she



VNRC Executive
Director Jane Difley

was elected the first woman president of the Society of American Foresters.

In Vermont, Difley served on VNRC's board of directors from 1990 to 1993, including a stint on the executive committee.

With a change of leadership some changes might come to VNRC, but the new Executive Director says she is uncertain what they will be. "(Former Executive Director) Ned Farquhar is brilliant and dedicated; I can't say enough good things about Ned," she says. "But I'm a different person and the organization will be different with me there."

One way might be that I have a stronger orientation toward education."

She says she has regretted seeing VNRC's staff grow smaller during the belt-tightening 1990s.

"The staff is hard-working and bright, people who care not only about Vermont's environment but about Vermont's people. Channeling that energy and dedication is one of the most important jobs an Executive Director has. It's not always easy to figure out the best thing to do. Environmental issues—like environmental science—are complex, the way they impact people and the economy and the environment. Putting those things together is just not as simple as it used to be."

And so Difley will ask VNRC's membership to participate.

"It's important that the members not only pay their dues, but that they be involved, connected to the education and advocacy parts of VNRC, and help by educating other citizens. The more involved the members are, the stronger VNRC will be, in all ways."

APPEAL FILED IN WAL-MART CASE

Resolved to alter, if not necessarily prevent, Wal-Mart's planned entry into Vermont, VNRC has appealed a December approval by the District 6 Environmental Commission of an Act 250 permit for a 126,000 square-foot retail store just north of downtown St. Albans.

VNRC also has asked the state Environmental Board to reverse the commission's rejection of VNRC's request for party status in hearings on the project. The Council disputes the commission's ruling that VNRC had no standing to offer evidence and argument on fiscal and economic issues.

"This is a statewide economic issue with potential long-term environmental and social implications," said Stephen Holmes, VNRC Deputy Director for Policy.

Along with the Franklin County Citizens for Downtown Preservation and the Franklin-Grand Isle Regional Planning Commission, VNRC contends that the district commission should have required an economic and fiscal impact study of Wal-Mart's proposal.

If the Environmental Board agrees to hear the case, VNRC will urge it to consider the effect a Wal-Mart could have on the economic vitality of established commercial districts in northwestern Vermont, on their ability to provide municipal services, and upon public investments in the revitalization and infrastructure of downtown areas.

GILBERT LEADING COMMUNICATIONS GROUP

Tom Gilbert, who has been working with VNRC on forest and land use programs, has been appointed Coordinator of the Conservation Communications Group. He replaces former Coordinator Jennifer Ramming, VNRC's new Development Director.

The goal of the Conservation Communications Group is to enable groups interested in the preservation of natural resources, historic places, and open spaces to communicate more successfully with the public in Vermont and New England.

The CCG is, in fact, an act of conservation itself, providing participants a means to educate their constituents on issues, and alert them to circumstances, while avoiding double mailings and other inefficiencies. With improved

planning and coordination, the conservation message will be heard more plainly and better understood throughout the region. The CCG is a project of VNRC.

In addition to his role as Coordinator, Gilbert will also continue serving as VNRC's Northern Forest Workshop Project Coordinator.



Tom Gilbert, newly appointed Coordinator of the Conservation Communications Group

ACCORD REACHED ON POWER DAM FLOW

Just before Thanksgiving, VNRC and Green Mountain Power Corp. reached accord over the federal relicensing of GMP's Essex No. 19 hydroelectric power dam on the Winooski River.

The compromise secures much of what VNRC was seeking in its attempt to re-

store a waterway ecologically damaged by the span and brings Gorge No. 18, site of the next dam downstream, under regulation.

In order to be relicensed by FERC (Federal Energy Regulatory Commission), dams must obtain Water

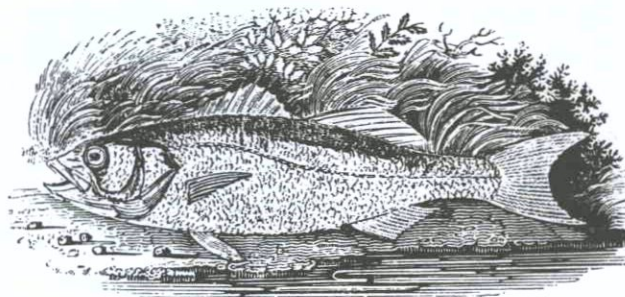
Quality Certificates from the state.

"We compromised some at Essex 19, but got 90 percent of what we wanted," said VNRC Water Program Director Chris Kilian.

"The good news is that we also applied environmental

restrictions to the gorge dam. Whereas that dam had been completely unregulated, we now have upstream and downstream fish passage, canoe portage, limitations on how much the utility can fluctuate the river (to meet peak production), and minimum flow requirements."

Freed from the specter of a court fight, the compromise not only applies conservationist standards to the gorge dam but also frees up VNRC's resources for important FERC relicensing issues on several other Vermont rivers.



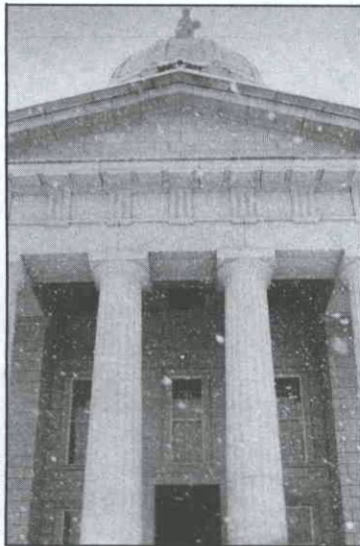
HOW BEST TO HELP VERMONT'S ENVIRONMENT

Vermont's struggling economy still claims center stage as the 1994 Legislature grapples with difficult issues. All the possibilities debated by the House and Senate—from ambitious health care proposals to property tax reform—are colored by concern over what the state can afford.

The influence of economic realities and perceptions applies no less to conservation issues. VNRC stands ready to support legislation that is economically and environmentally sustainable, protects opportunity for Vermonters, enhances the rural economy, and provides for long-term prosperity.

Prosperity and environmental quality are mutually reinforcing. The Oct. 15, 1993, *Wall Street Journal* reported that Vermont ranked seventh among states as a desirable place to start a small business—another indicator that strong environmental policies have not hurt Vermont's economic development climate.

"Our thrust right now is to preserve and fully implement the environmental programs and laws we have, in the face of an economy slow to come out of recession," says Stephen Holmes, VNRC Deputy Director for Policy. "We want to make sure the government remembers that a clean environment and productive resource base are necessary for a prosperous economy."



PERMIT REVIEW PROCESS AND FUNDING

Natural Resources Secretary Chuck Clarke has undertaken a major evaluation of the Agency's permit programs and is preparing modifications to facilitate a faster, more efficient and responsive process. VNRC welcomes the progress made thus far to encourage broad citizen involvement early in ANR's permit procedures.

Increased funding will be required to improve the agency's permit programs, as well as to sustain and enhance its participation and expert testimony in Act 250 hearings. VNRC will monitor these areas with an eye to maintaining protection of land, water, and air resources while improving public participation in the permit process.

ACT 250

Both Gov. Howard Dean and Lt. Gov. Barbara Snelling have announced plans to "reform" the permit process in Vermont, with Act 250 a major component of both proposals. VNRC believes it has been demonstrated that most permit problems relate to state agency and municipal permitting, not Act 250. To their credit, the Dean and Snelling proposals take a comprehensive approach, but we will watch as the details emerge in

legislation. VNRC will fight changes that limit participation in the Act 250 process or erode the substance of the law.

Certain administrative revisions (preferably obtained through rule-making) would strengthen Act 250 and maintain its democratic process. VNRC would support: sequential permitting (which would expedite the Act 250 process by ensuring that all state and local permits were received before hearings began); expanded appeal rights for citizens; a simplified approach to permit expirations and renewals; and granting municipal permits the weight of presumption, under certain circumstances, at district commission hearings.

PROPERTY TAX REFORM

VNRC believes that reforming the property tax is critical for Vermont to maintain its working landscape and traditional settlement patterns, while minimizing sprawl. As the Legislature considers various proposals to restructure the way Vermonters pay for schools, the property tax, the income tax, and a variety of other tax programs will be discussed as potential revenue sources.

VNRC will evaluate reform proposals on the following principles: vertical equity (the greater the ability to pay, the higher the rate of tax); horizontal equity (taxpayers with similar means from town to

town should pay the same tax); economic and administrative efficiency.

Mindful of the potential impact of property tax reform on productive or open land, VNRC will press for adequate funding (and/or reform) of the Current Use program to stabilize taxes until comprehensive reform is achieved.

HOUSING AND CONSERVATION TRUST FUND

The HCTF provides important resources for the protection of agricultural and forest land, and finances the creation and preservation of affordable housing for Vermonters. VNRC supports funding necessary for the HCTF to meet its objectives for fiscal year 1995.

ECONOMIC DEVELOPMENT

Vermont's economic policies should protect environmental quality by promoting:

- The sustainable use of land and resources, with emphasis on Vermont's small, locally owned and operated businesses.
- Programs that strengthen the development and marketing of agricultural and forest products that depend on the "Made in Vermont" label and

a high level of environmental quality.

- Programs to identify and attract industry sectors such as environmental products, services, and recycling technologies, and provide special support to in-state environmental technology start-ups.

• Growth centers that would enable towns to concentrate development of appropriately scaled and sited shops, offices, and homes, following Vermont's traditional village settlement patterns as an alternative to strip development and haphazard partition of the countryside. Targeted infrastructure—such as road improvements, public buildings, water and sewer systems—and adequate funding would enhance the growth center concept.

- Programs to preserve historic resources and foster downtown revitalization.

• Tourism opportunities that take advantage of our unique natural resources and reinforce Vermonters' ability to remain here and lead productive careers and lives.

- Conservation of energy (in domestic, commercial, and transportation uses) and increased production from renewable and local energy sources.

ACT 200

VNRC supports the planning goals and open public access established in Act 200, and will oppose legislation that repeals or undermines the objectives of this valuable law.

GROUND WATER

As the state implements the ground water protection law, VNRC will monitor environmental and public health issues relating to this critical resource.

IN-STREAM FLOW

Vermont spends more than \$10 million annually to operate wastewater treatment facilities to keep our rivers clean; in excess of \$290 million in state, federal, and local funds have been spent to build these facilities.

These are significant public investments in the health of our rivers. However, the quality of many Vermont waterways continues to be harmed by water uses that remove or alter river flow—sometimes even drying up rivers so that all uses are eliminated. The Agency of Natural Resources has found that "hydromodification ranks second among water pollution sources," affecting more than 1,000 miles of rivers and streams.

Municipalities face complex problems with respect to the development of municipal water systems. VNRC intends to work with cities and towns as they improve water use efficiency and plan long-term solutions to ensure adequate drinking water supply.

In hopes that the impacts

on Vermont's water quality will be addressed by the Agency of Natural Resources through new rules governing water use, VNRC advocates reasonable standards that protect rivers where new uses are proposed and review of existing uses harmful to rivers. Well-constructed laws already exist to address these issues; VNRC supports efforts of the Agency of Natural Resources to implement them.

FEDERAL SAFE DRINKING WATER ACT

VNRC anticipates debate on implementing the provisions of the Federal Safe Drinking Water Act in Vermont, and will advocate strong resource and public-health protection consistent with the resources and needs of Vermont communities.

TRANSPORTATION

VNRC will monitor the Agency of Transportation's Capital Program (list of construction and planning projects) to seek stronger implementation of the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), which promotes environmentally sound transportation with less emphasis on new highway construction. ISTEA requires active citizen

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SEEING THE FOREST AND THE TREES

The dawning of 1994 is especially significant for the federally funded Northern Forest Lands Council (NFLC). After more than two years studying the 26 million-acre tract, its draft recommendations for use and conservation of the forest will be issued for public comment on March 3. Final recommendations to Congress are to follow in May, and the NFLC will

terminate Sept. 30 when its budget runs out.

After the draft recommendations are published, a month will be set aside for citizens to study them, said Brendan Whittaker, VNRC Northern Forest Project Director and an appointee to the four-state NFLC board from Vermont. In April, the NFLC will hold a series of "listening sessions" around the state (see box for details) to

hear and respond to public comment. Whittaker urges VNRC members to participate.

Meantime, VNRC has been working to acquaint conservationists and activists with the issues related to the Northern Forest. Tom Gilbert organized eight workshops—jointly sponsored by VNRC, the Audubon Society, and the Sierra Club—in Vermont's major population centers, and the Green Mountain Club hosted a session in Waterbury Center, all well attended. The workshops produced a network of some 200 people who are prepared to participate in the public hearings in April.



"Listening sessions" on the Northern Forest Lands Council draft recommendations are to be held:

- Island Pond, April 7
- Montpelier, April 12
- Morrisville, April 19
- Barton, April 26.
- Vermont Interactive TV, April 29; this includes all nine Interactive TV sites, which are in Newport, St. Johnsbury, Randolph, Brattleboro, Bennington, Rutland, Burlington, Waterbury, and Springfield.

Sessions at all locations are from 7 to 9 p.m.; the interactive TV session will be from 6 to 9 p.m.

HAYSTACK-MOUNT SNOW WINS OK FOR PIPELINE

On Sept. 30, the District 2 Environmental Commission in Windham County awarded Mount Snow an Act 250 permit to construct a 2.8 mile-long pipeline to transport water from Haystack Mountain for snowmaking and fire protection.

Concerned that the permit would allow excessive withdrawal from Cold Brook, and that the resorts had larger development plans in mind with major implications for local natural and municipal resources, VNRC asked the commission to require a full

review of the Haystack-Mount Snow master plan.

The final ruling, however, came back essentially unchanged. But Stephen Holmes, VNRC Deputy Director for Policy, noted that the commission advised Mount Snow that if the resort filed application for a project "of any magnitude" the commission would require a full master plan review of the Deerfield Ridge interconnect.

Holmes said the permit language encouraged VNRC to remain watchful, not only for the environmental impact of water withdrawal, but for development activities that would indicate a master plan review was warranted. "This means we'll be monitoring the district commission as well as Mount Snow," he said.

SOOO CLOSE... ON WATER AGREEMENT

January brought a tantalizing glimpse of a Vermont in which disputes over snowmaking between conservationists and ski areas would be a thing of the past. VNRC, the Conservation Law Foundation, the Vermont Ski Areas Association, and the state Agency of Natural Resources appeared close to signing an agreement that would protect Vermont's rivers from excessive water withdrawal, yet also would honor the resorts' need to make snow.

Key elements of the plan

were to establish "February median flow" as the minimum level below which withdrawals could not reduce a waterway, and to require resorts to consider alternatives to ecologically risky winter water withdrawals.

Though consensus failed to hold on the agreement, Chris Kilian, VNRC Water Program Director, remained hopeful that the Water Policy Roundtable organized last fall by Natural Resources Secretary Chuck Clarke eventually will come to terms on important stream flow issues that could then be written into Agency permit codes.

"And if we don't," Kilian concluded, "then VNRC is hoping the Agency will move forward on its own and adopt a policy that protects the rivers."

ALL EYES WATCHING PROPERTY TAX REFORM

When the Legislature convened in January, the House set a priority on passing House Speaker Ralph Wright's complex bill ending taxes on residential property to pay for education. With the House and Senate expected to spend much of the session weighing the advantages and disadvantages of other forms of taxation, VNRC will work to see that the final bill is progressive, efficient, and serves the goal of conservation. (See "Property Tax Reform" in the Legislative Platform, this issue.)

"Our concern is that any (tax) package has to address the impact the property tax is having on open land," said Jim Shallow, VNRC Forests, Wildlife, and Public Lands Program Director.

The House bill looks good in that regard. Although it eliminates the Current Use program, a new statewide tax on nonresidential property would broaden the definition of lands appraised at use (rather than market) value. For the first time, ecologically fragile areas—such as wetlands—would qualify for a lower tax assessment.

The components of a new property tax formula are uncertain, but VNRC will advocate that a provision protecting, replacing, or expanding on the Current Use program be included.



DEVELOPMENT DIRECTOR NAMED

Jennifer Ramming is VNRC's new Development Director, with main responsibilities for fundraising, maintaining the Advocate Program, writing grants, and handling special events.

Ramming, nee Jennifer Langdon, has been with VNRC since July 1992. She worked as Grassroots Coordinator and led the Conservation Communications Group.

When not working behind her desk in furthering VNRC's mission, Jennifer and husband Scott can be found out in the natural world they love, camping and mountaineering.

CONGRATULATIONS!

Congratulations and best wishes go to Nicholas Shallow (born Dec. 12) and parents Jim and Carol Shallow. Jim is VNRC's Forests, Wildlife, and Public Lands Program Director.



THANKS

VNRC would like to thank artist Peggy Kannenstine for her warmth, creativity, and commitment during the year-end "Advocates" campaign.

Also, thanks to Charles Fenton and the staff at the Woodstock Gallery of Art, and Norm Krampetz at the Windham Art Gallery for donating their time and space for our holiday gallery events.

An especially heart-felt thanks goes to Patsy and Paul Highberg, Missy Cunningham, and Alison Clarkson for the time they invested this fall in VNRC's growth and success.



MORE THANKS

This very special thank-you goes to long-time VNRC supporter Doug Racine of Richmond, who is leaving our Board of Directors. Both in the state Senate as a former Chittenden County legislator and through VNRC, Doug has worked tirelessly on behalf of Vermonters and their environment. We wish him well in future pursuits.

LEGISLATIVE PLATFORM

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involvement in transportation planning, and VNRC will help make sure that happens.

In conformance with ISTEA implementation, VNRC will advocate for projects that encourage alternative forms of transportation (such as new bike paths using reconstructed roads or bridges) and respect environmental, historic, and scenic resources. VNRC will press for passenger rail projects, particularly in the Route 7 corridor, and will oppose the continued widening of that highway as undermining the success of the rail project.

CITIZEN LAWSUITS

VNRC would support a provision in Vermont law enabling citizens to sue for enforcement of environmental protection laws.

ENERGY

VNRC will support appropriations in the Capital Budget targeted for energy efficiency, and will monitor state energy policy, programs, and implementation with an eye to conservation.

MUNICIPAL PLANNING AND ENFORCEMENT

Seeking improved local enforcement and the implementation of local plans, VNRC will support efforts to reform and strengthen Chapter 117, Vermont's Planning and Development Law.

LANDOWNER LIABILITY

To help maintain the tradition of public access to Vermont's forests and other recreational lands and waters, VNRC will support efforts to clarify the liability of landowners regarding lawsuits from recreational users or trespassers.

AIR QUALITY/SOLID WASTE

VNRC will continue to work closely with groups promoting improved air quality and environmentally sound waste disposal. VNRC will work for a strong state program to limit toxic air pollution and will set a high priority on waste

reduction, reuse, and recycling legislation such as the Waste Reduction and Packaging (WRAP) Act.

ECOSYSTEM HEALTH AND BIODIVERSITY

The diverse flora and fauna that exist in Vermont's varied ecosystems—its forests and alpine areas, its wetlands and rivers—depend on protection of these habitats. VNRC supports fish and wildlife management policies, based on sound biology, that maintain the health of the species and ecosystems. VNRC opposes staff reductions in Vermont's Non-game Wildlife and Natural Heritage programs.



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