

Bulletin

PROPOSED WATER RULES WOULD WEAKEN PROTECTION

Public Comment Period Is Open on Special "Regs" for Ski Areas

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In the wake of the hotly contested amendment to Vermont's water quality laws passed by the General Assembly earlier this year, the Agency of Natural Resources (ANR) has proposed regulations that would govern water withdrawal for snowmaking. VNRC is concerned that the proposed regulations would weaken protective standards, and the Council will urge that various provisions of the regulations be deleted or significantly amended.

The proposed rules would

allow snowmaking to be treated differently than other water uses under Vermont law, simply because the water is being used by a ski area. VNRC believes that, because the impacts of ski area withdrawals are the same as the impacts of other flow-altering uses, snowmaking water withdrawals should be regulated just like all other water uses that adversely impact the flow in the river.

ANR personnel have testified that many current water withdrawals for

snowmaking violate the Vermont Water Quality Standards — yet the proposed regulations would allow these violations to continue indefinitely. Not only could they continue, but ski areas could expand their use of water without any regulatory review and without correcting the violations.

The proposed regulations would also shift the burden of proof from the ski areas to the public. Taxpayers would have to bear the financial burden of

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The Vermont Natural Resources Council (VNRC) is a nonprofit environmental organization founded in 1963 to promote the wise use of Vermont's natural resources. VNRC does research, legislative lobbying, advocacy, and educational activities on issues including land use, forestry, agriculture, water, energy, wastes, and growth management.

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WATER RULES

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studies conducted by the Department of Fish and Wildlife to discover whether ski area use of fragile mountain streams would cause harm — even though fisheries biologists from Fish and Wildlife have already warned that the flow levels in the proposed regulations for these streams would damage habitat.

Vermont's water quality laws and the Federal Clean Water Act require that water users protect the quality of Vermont's waters. These laws are not balancing measures that would allow water quality to be sacrificed based on the "economic" costs of protecting river health. However, the proposed rules would allow violations of water quality laws depending upon economic analysis conducted by resorts.

The Vermont ski industry has become hooked on artificial snow. Vermont resorts say they can't remain competitively viable with each other or with other New England resorts unless they can withdraw water from public waters to make snow in enormous quantities. Yet the proposed regulations would not provide these resorts with more water; nor would they protect streams by requiring improvement-of-flow conditions.

"The regulations should require ski areas to prepare studies of available alternative snowmaking storage and source options that would both protect rivers and provide additional water," said Christopher Kilian, VNRC's Water Program Director and Staff Attorney. "If appropriate, rather than allowing degradation to continue, public financing could be

made available for construction of these systems."

As a strengthening measure, VNRC will also urge that the proposed regulations be amended to include prohibitions on snowmaking water withdrawals from high-quality Class A waters and Outstanding Resource Waters.

Public hearings on the proposed rules were held in early September. Written comments will be accepted until September 22 and should be sent to:

Canute E. Dalmasse,
Director
Office of Water Resources
Department of Environmental Conservation
103 South Main Street
Waterbury, VT 05671-0401

For more information, call Christopher Kilian at VNRC: 223-2328.

ACT 250: VERMONTERS SPOKE AND BOARD MAY HAVE LISTENED

Panel May Keep the Door Open to Citizen Participation

The Vermont Environmental Board appears to be rethinking its proposed rules for Act 250 in response to the concerns raised this summer by scores of citizens around the state. At a recent Board meeting, several members were reportedly backing off some of the more drastic changes, particularly those affecting citizen involvement.

During June and July the

Board held hearings in White River Junction, Montpelier, Manchester and Burlington on a major package of rules affecting how Act 250 will be administered and implemented. The two most sweeping changes would, first, limit the role of citizens in Act 250 hearings; and second, give more authority to the Agency of Natural Resources, while diminishing the Board's role in

determining conformance with several of Act 250's 10 environmental criteria.

What the Board heard at the hearings was: "Don't change the rules to make it more difficult for citizens to participate in Act 250. Make it easier!" At every session, people who spoke against the changes outnumbered supporters of the rules. In all, three out of every four people who spoke at the hearings voiced