

Bulletin

REVIVING THE LAMOILLE

Water Resources Board Rejects Certificate

The Lamoille River, along with many of Vermont's premiere rivers, was harnessed by dams years ago for power production. Glorious waterfalls disappeared; trout, salmon, and the now-endangered lake sturgeon could no longer migrate; and other stream life—from insects to birds to plants to amphibians—suffered from fluctuations in water levels and temperature.

However, a ruling on four Lamoille River dams by the Vermont Water Resources Board on November 5, 1996, "has set the stage to bring a lot of Vermont rivers back to life," according to VNRC Water Program Director and Staff Attorney Chris Kilian.

In April of 1994, VNRC appealed a water quality certificate issued by the Vermont Agency of Natural Resources (ANR) to the Central Vermont Public Service Corporation (CVPS). The certificate is required for federal relicensing of the four CVPS dams. In its November 1996 ruling, the Water Resources Board stated that "Based on the record in this proceeding, the Board concludes that CVPS's Project, as proposed, fails to ensure compliance with the Vermont Water Quality Standards. Accordingly, the Board cannot certify compliance with the Vermont Water Quality Standards."

The ruling is a significant victory

for VNRC in its effort to return Vermont's rivers to their former healthy vitality.

The Water Resources Board decision exhaustively cataloged the adverse project effects that CVPS left unaddressed and questioned the utility's ability to meet basic water quality standards on the Lamoille.

The board focused on CVPS's failure to ensure adequate minimum flows in the river and to maintain consistent water levels in Arrowhead Lake. Flows recommended by CVPS were deemed "not sufficient" to ensure suitable wildlife habitat or to provide good

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A free-flowing Lamoille River cascades over Milton Falls in 1909 before the waters were harnessed for hydropower.

J.K. Smith, from the collection of John Fitzgerald.



STAFF

Stephen Holmes
Acting Executive Director

Katy Taylor
Membership & Financial Coordinator

Brigid Dunne
Outreach Coordinator

Sue Higby
*Deputy Director for
Membership & Development*

Christopher Kilian
*Water Program Director
& Staff Attorney*

Lisa Smith
Office Manager

Jim Shallow
Forests & Outreach Programs Director

Julie Sperling
*Southern Vermont
Outreach Coordinator*

PUBLICATIONS

Sue Higby, *Editor*
Katy Taylor, *Copy Editor*
Tim Newcomb, *Designer*

The Vermont Natural Resources Council, Inc., is a nonprofit environmental organization founded in 1963 to protect Vermont's natural resources and environment for present and future generations through research, education, and advocacy.

VNRC is the Vermont affiliate of the National Wildlife Federation.

VNRC membership includes a subscription to the *Bulletin* (published three times a year) and the *Vermont Environmental Report* magazine (published twice annually). For an individual membership, send \$35.00 to VNRC.

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LAMOILLE RIVER

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aesthetic value. Specifically, low flows cause harmfully low levels of dissolved oxygen, dangerously high temperatures, loss of microhabitats essential to macroinvertebrate populations and fish, and restriction of passage for migrating fish. Lake draw-downs cause desiccation and freezing in the "littoral zone" (the most productive zone along the shoreline of a lake), thereby killing aquatic plants and destroying habitat for fish spawning and rearing, as well as protective cover. CVPS's suggested flows would not protect the natural appearance of Fairfax, Clark, and Milton Falls.

Besides calling attention to the shortcomings of CVPS studies, the Board questioned the scientific rigor of ANR's evaluation of project effects since ecological conditions imposed by the project are so substantially different from the natural regime of the river. Time and again, the Board found that ANR used casual visual assessments as surrogates for scientific research. Such assessments, "not supplemented by supporting data from either an incremental or other site-specific study," according to the Board's Conclusions of Law, are "simply not credible."



Jerry Jenkins

Fairfax Falls on the Lamoille River – rated one of Vermont's waterfalls of highest significance – is obliterated by this dam.

CVPS strongly disagrees. But instead of providing the Water Resources Board with additional information to address the concerns, CVPS has filed an appeal of the decision in the Chittenden Superior Court. VNRC is concerned and disappointed with this approach.

"We think that CVPS can put together an application that will allow it to have power generated from that project *and* that meets Vermont's water quality standards," Steve Holmes, VNRC's Acting Executive Director, said. "I think they owe it to the people of Vermont to give it another try within the regulatory process that's been set up for reviewing dams. Going to court delays positive action and will only 'muddy' the water."

HERBICIDE SPRAYING HALTS

*Public Heard at
Listening Sessions*

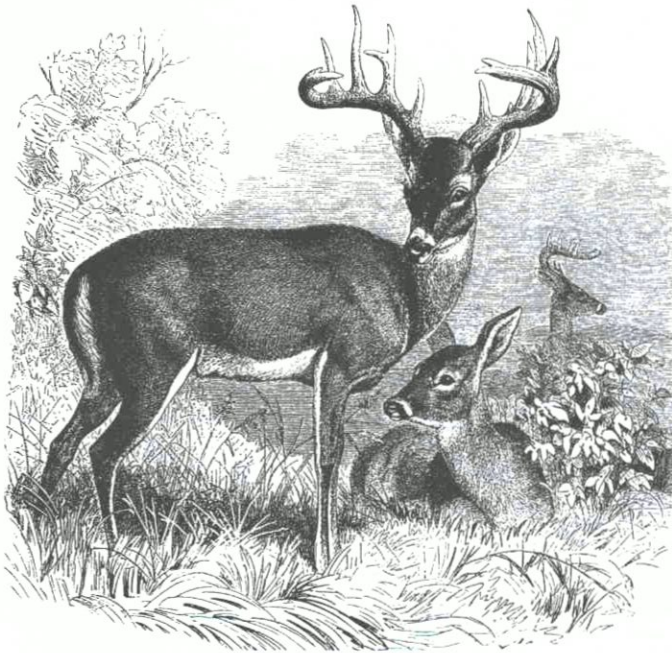
The Forest Resources Advisory Council (FRAC) recommended a moratorium on herbicide spraying in Vermont forests on December 18, 1996, following an extended review of several aspects of forestry: clear-cutting, aerial spraying of herbicides, the forest economy, and AMPs (Accepted Management Practices) for water quality. It is likely that members of FRAC will request the Legislature in January for a moratorium on herbicide spraying with a review after five years to assess if more is known about its effects.

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VNRC is pleased with this initial decision. Still, Jim Shallow, VNRC's Forests & Outreach Director, noted, "From the day the first spraying permit was granted, VNRC has opposed the introduction of chemically-dependent forestry in Vermont. Helicopters spraying herbicides will not benefit either the Vermont environment or economy and the practice should be banned."

Hundreds of community members attended four *Listening Sessions* around Vermont, sending a strong message to members of FRAC: Vermonters demand forest practices that are truly sustainable. Many of those who attended spoke out on the potential dangers of indiscriminate spraying of chemical herbicides. Listening Sessions were held in Rutland on November 26, Brattleboro on December 3, St. Johnsbury on December 10, and Montpelier on December 12.

A variety of Vermonters stated their concerns to members of FRAC. There were economists, loggers, environmentalists, mothers

and fathers, tourism promoters, small business owners, and tree farmers. In Montpelier, more than 120 citizens packed the Pavilion Auditorium and FRAC extended its meeting by almost an hour and one half to hear from more citizens (more than 55 people testified).

At the Montpelier hearing, Lenora Wood described Vermont's forests as, "the lungs of the earth."

Later during that hearing, Sherry Belknap declared, "This is a proposal by two absentee landowners—and it's an idea proposed due to their own over-harvesting." He added, "Who will be responsible for this...who will be responsible for this? My family has lived in the Nulhegan River for four generations. We don't just appreciate its beauty; we use it."

Lloyd Gierke demanded that FRAC accept his call for sustainable forestry: Ban herbicides because they are a true Pandora's box; adopt New Hampshire's timber yield tax; fully fund for Current Use; and minimize clearcuts because they are the antithesis of sustainable forestry. (Both Sherry Belknap and Lloyd Gierke were recipients of VNRC's Lowell Krasner Citizen Activist Award this year.) "Vermonters convinced

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VNRC@plainfield.bypass.com

FRAC, now we all need to convince the Legislature that Vermont citizens do not want to have this new practice brought to Vermont," asserts Jim Shallow.

To receive reports on forestry issues prepared by FRAC, contact the Vermont Department of Forest, Parks and Recreation at (802) 241-3670 or VNRC at (802) 223-2328.



VNRC's WISH LIST

- Wooden chairs (10-12) for the conference room (these don't need to match, but simply be sturdy and comfortable)
- Dehumidifier for basement
- Office furniture—various
- Partial or full set of past *Vermont Reports*
- Automobile

Please call Lisa Smith at (802) 223-2328.

ATTEND UPCOMING FOREST SERVICE MEETINGS

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Green Mountain National Forest Planning Meetings

Open House: 6:00 PM
Meeting: 7:00 PM

January 30th	Bennington at Career Development Center, Mt. Anthony High School
February 4th	Bristol at Mt. Abe High School
February 5th	Rutland at Godnick Adult Center (Deer Road and Route 4)

If you have questions, contact Jim Shallow, VNRC's Forests & Outreach Programs Director, (802) 223-2328.



WE APPRECIATE YOUR YEAR-END GIFT!

How can we express our gratitude to you? On behalf of the Board of Directors and staff at VNRC, thank you so much for your year-end gift!

Your support is the backbone of everything we do at VNRC: Forest protection, land use planning, water quality preservation, and environmental education and advocacy.

You have made us stronger, and Vermont's environment is better protected.

Thank you—thank you—thank you!



Katy Taylor and Lisa Smith, along with everyone else at VNRC, wish you and your family well for the New Year.



Vermont Natural Resources Council, Inc.
9 Bailey Avenue
Montpelier, Vermont 05602

(802) 223-2328
(802) 223-0287 facsimile
E-mail: VNRC@plainfield.bypass.com

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