

Bulletin

NATIONAL AWARD FOR KILIAN

Clyde Leadership Honored

The historic removal of the Newport Number 11 dam on the Clyde River still thunders its victorious song across the country—well after the dirt and dust settled following removal of the dam in September, 1997.

Christopher Kilian, VNRC's Water Program Director and Staff Attorney, will be recognized for his work over a five year period to restore the Clyde River. Chris has been named by the National Wildlife Federation (NWF) as this year's recipient of the Charlie Shaw Conservation Partnership Award, an award he will receive at the NWF Annual Meeting on March 19, 1998, in Washington, D.C.

The award was created in memory

of Charlie Shaw, a staff member of the NWF who devoted his life to



Sue Higby

Chris Kilian

conservation and environmental education. Charlie is best remembered for fostering strong partnerships between NWF and its affiliates and for mentoring new leaders. The award honors that spirit and the "power of passionate leadership."

According to Mark Van Putten, President & CEO of the NWF, "we look forward to recognizing him as an individual who exemplifies Charlie's values and commitments to cooperation and conservation."

On behalf of the staff, Board of Directors, and members of VNRC, congratulations to Chris!

VNRC MOVES TO PROTECT KILLINGTON CLASS A WATERSHED

Concerned that an upcoming ruling by the Vermont Water Resources Board could compromise protections for pristine, high-elevation watersheds throughout the state, VNRC has requested friend-of-the-court status in a proceeding related to the proposed 110-acre "interconnect" linking Killington and Pico ski areas in Rutland County.

"The Killington interconnect represents the most substantial ski area development ever proposed in a Class A watershed in Vermont," said VNRC Executive Director Elizabeth Courtney.

Class A is a designation for mountain watersheds above 2,500 feet, requiring staunch protections of their undisturbed environments. The state Agency of Natural Resources

granted Killington a water quality certificate for construction of the interconnect in November 1997.

"The fact that Killington's water quality certificate has now come before the Water Resources Board on appeal is an extremely compelling situation for us," Courtney said. "The Board's decision will give further definition to Vermont's Water Quality Standards. It's imperative that VNRC be at the table to state our case."

When the agency published a draft (or proposed) certificate last fall, VNRC filed comments opposing the design because of its projected impact on the Class A watershed between Pico and Ram's Head Mountain at Killington. After the certificate was issued in

November, VNRC decided not to appeal to the Water Resources Board.

But a group of nearby land-owners did appeal, which raised the stakes in the issue. The Water Resources Board interprets Vermont's water quality laws, the statutes by which the state complies with the federal Clean Water Act. Thus, Board rulings can establish legal precedents—in this case, perhaps lowering the standards for protecting some of Vermont's most sensitive natural areas.

On February 27, 1998, VNRC's 7-member Executive Committee voted unanimously to request amicus curiae (or friend-of-the-court) status when the Board hears the case on appeal. That would give VNRC the opportunity to file a legal analysis of the statutes pertaining to Class A streams and watersheds, and to submit ecological

continued on next page



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The Vermont Natural Resources Council, Inc., is a nonprofit environmental organization founded in 1963 to protect Vermont's natural resources and environment 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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KILLINGTON WATERSHED *continued from page 1*

evidence and analysis pertaining to the proposal.

"At a minimum," said Staff Attorney and Water Program Director Christopher Kilian, "we want to assist the Board in interpreting the law. The law requires Class A watersheds to be protected in their natural condition."

Killington's plan lays out what would virtually be a new

ski area constructed between Killington and Pico, with four lifts and associated trails. It would be spread over an undeveloped area roughly the size of the Mad River Glen ski area. The plan includes several stream crossings, and in some places, Kilian said, would fail to provide adequate buffer zones between streams and ski trails. Buffer zones are needed to prevent erosion and degradation of the streams.

In its November com-

ments, VNRC suggested that the Killington-Pico interconnect could be designed with less environmental impact.

The Vermont Ski Areas Association has also expressed dissatisfaction with the Agency's permit, complaining that it erected unfair barriers to future development above 2,500 feet.

The Water Resources Board is expected to rule on VNRC's petition by the end of the month.

LEGISLATURE OUT OF BREATH *But Growth Issues Loom*

You might call it the quiet after the storm.

For environmental and conservation causes, the first half of the 1997-1998 Legislative Biennium was huge. The Legislature passed Act 60, "heavy cutting" regulations, a ban on aerial herbicide spraying, energy-conservation standards for new construction, and Act 250 review of new telecommunications towers higher than 20 feet.

"Last year was a real banner year for the Legislature," said Senate Natural Resources and Energy Committee Chair Elizabeth Ready, D-Addison.

But at mid-session this winter it appeared that last year's output had sapped the political energy needed to propel the important environmental issues still on the table in 1998. Ready lauded her committee's bill increasing review over large-scale factory farms (a bill VNRC finds inadequate), but said the public was in a temperate mood.

"I think people are wanting to move ahead, but one step at a time," Ready said.

Her counterpart in the Vermont House, State Rep.

David Deen, D-Westminster, noted the same phenomenon. But he ascribed it more to the Senate than to his chamber. Deen called the on-site sewage bill recently passed by the House "a major piece of environmental legislation," but said, "the response from the Senate is that this may be too much too soon—a political, as opposed to an issue-centered, decision."

The change of pace had not escaped Lt. Gov. Douglas Racine.

"I'm not as encouraged as I was when this biennium started in January 1997," he said. "The large-farm bill is questionable. Sen. Ready's committee has produced a bill that a lot of people think is not significant enhancement of regulation over large farms. The House passed the on-site sewage bill, but the Senate committee seems not to be interested. I don't think anything's going to happen with electric utility restructuring; the points of view around here are so divergent I don't see any consensus developing."

But Racine said a larger question underlay these specific issues.

"Vermonters have good, strong environmental values," said the lieutenant governor. "They want clean air, they don't want to see sprawl. And the Legislature reflects those

values. But are they willing to put in place land use plans and zoning to protect communities from further sprawl? That's the environmental issue of the future."

Stephen Holmes, VNRC Deputy Director for Policy, agreed. Holmes said the accelerating pace of development required that the state move quickly to provide citizens the means to combat urban sprawl and consider development issues on a broad, planning-oriented basis.

Holmes cited three components to that more sweeping review. First, the state must consider serious growth-management measures, such as establishing growth centers to put teeth into land-use policies that call for revitalization of downtowns and protection of open land.

Second, Act 250 must gain authority to evaluate the cumulative impact of separate development projects.

"The ski industry is in a major push to develop retail and residential centers—small cities, really—in fragile upland environments," Holmes explained. "But we don't have any mechanism to gauge what the combined development impact, for example, of Stratton, Haystack/Mount Snow, Killington, and Sugarbush would be on the entire Route 100 corridor."

Third, funding for town

and regional planning must be restored from the current combined allocation of some \$1.34 million to a level approaching the \$3 million supporting planning in 1989.

"Those are things we feel are necessary to address this year if we're going to seriously tackle sprawl and development, which Gov. Dean

stressed in his State of the State message," Holmes said.

"To their credit, the legislators are holding the line on Act 60 and the new heavy cutting regulations, in face of rather vehement opposition. But if they've run out of steam for environmental issues in the second half of the biennium, we need them to regain steam

for a final push over March and April. These issues of development and sprawl constitute the most serious conservation threat to our state."

Vermont could take guidance from Oregon, which has 20 years of experience focusing new development inside designated "urban

growth boundaries," and from Maryland, where a "smart growth" program discourages public investment in infrastructure outside of downtowns.

"These approaches merit a close look in crafting a Vermont solution," said Holmes.

WHAT'S UP AT THE STATEHOUSE?

The following is a brief legislative update on several environmental bills. These bills are in progress; the summaries reflect status as of March 11, 1998. For up-to-the-minute information, please contact Steve Holmes or Luke O'Brien at VNRC.



MERCURY BILL MOVES FORWARD

On February 23rd the Senate passed a bill (S-181) that takes a step towards addressing Vermont's mercury contamination problems by mandating manufacturers to label certain mercury-added consumer products. The list of products to be labeled includes: thermostats and thermometers, switches, medical or scientific instruments, electrical relays, lamps, and batteries other than button batteries. The Senate Natural Resources and Energy Committee removed button cell batteries from the list; however, an amendment by Sen. Snelling attempting to remove lamps from the list



was defeated.

The bill requires consumers to source separate these products and maintains that solid waste management districts must implement a collection program no later than June 1, 1999. The legislation provides support for municipalities and consumers by designing and disseminating a public information program to be adopted and implemented through the Agency of Natural Resources and the Department of Health, and establishes an advisory committee on mercury pollution to assess the risks of mercury contamination and how best to address these issues. The bill is now in the House Natural Resources and Energy Committee.

LARGE FARMS BILL WEAKENS

VNRC has advocated for a meaningful review process to help regulate factory farms. Large farms can cause water and air pollution problems and other health and safety concerns if not properly sited and designed. The Senate Natural Resources and Energy Committee originally drafted a bill which included many of the elements recommended by VNRC as well as an administration working group comprised of top officials within the Department of Agriculture, Agency of Natural Resources, the Environmental Board, and the Water Resources Board.

The Committee has narrowed the bill to eliminate many important review criteria, the independent appeals panel, and party status for anyone other than the

applicant and the Commissioner. Meanwhile, the House Agriculture and Natural Resources Committees are working on a bill closer to the stronger original Senate draft. Currently the Senate bill (S-214) is in the Senate Appropriations Committee and it is unclear at this time if there is enough support to act on either the House or Senate versions.

LANDOWNER LIABILITY BILL PROPOSED

On February 27th the Senate passed a Landowner Liability bill (S-29) proposed by the Senate Natural Resources and Energy Committee intended to encourage landowners to keep their land and water areas open for recreational activities by providing them with limited liability to recreational users. The bill states that no landowner who gratuitously opens their land to public use for recreation shall be liable for personal damage or injury sustained by a person, other than a social invitee, unless the damage or injury is intentionally inflicted by the landowner. The bill has passed the Senate and is now in the House Judiciary Committee.

PROTECTING THE NORTHERN FOREST

Discussion on March 24th

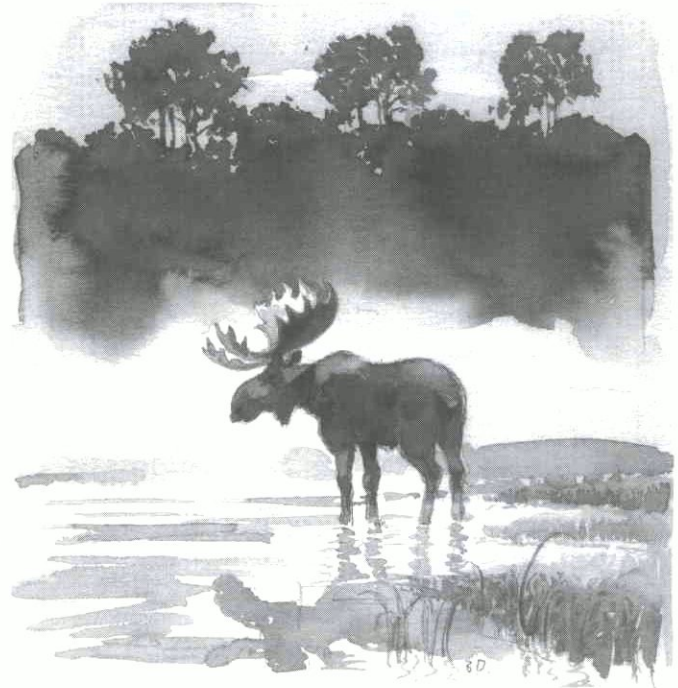
When Champion International sells 139,000 acres in the Northeast Kingdom, what are the potential effects to this part of the Northern Forest? Where are the region's natural assets and what can be done to secure their future?

Using the power of Geographic Information Systems (GIS), Jim Northup, VNRC's Forest Director, and Lisa Smith, VNRC's Outreach Coordinator, will describe the natural riches of the region. As a group, we will discuss which areas are most important and some creative public-private partnerships that could help to protect these assets—extensive wetlands, deer yards, and rare plants—for future generations to come.

**March 24, 1998 (Tuesday)
6:00 to 7:30 PM**

Simpson Hall at Sterling College, Craftsbury

Call Lisa Smith at (802) 223-2328 for more information.



Bert Dodson

VNRC OPENS OFFICE IN BURLINGTON

VNRC is opening a satellite office in Burlington at 87 College Street to serve as the group's new home in the region.

VNRC Board member, Mark Naud, made a generous gift of the office space in Burlington to help VNRC become an active and vital member of the Champlain regional community.

The Burlington office, where VNRC's highest concentration of members resides, will allow VNRC to launch a campaign that will improve the region's environmental and economic health. In Burlington, VNRC will continue to do what it does around the state of Vermont—education, advocacy, and outreach to promote a clean, healthy environment—but it

will do these things with a regional focus.

According to Elizabeth Courtney, Executive Director, "For VNRC to have a strong voice and to be an effective leader, it needs to have a physical presence and stake in the Champlain region. A satellite office in Burlington would clearly and convincingly establish our presence and commitment to the region."

VNRC has decided to close its half-time office in Manchester and consolidate its resources to immediately bring the satellite office in Burlington into full operation.

WELCOME TO VNRC!

Luke O'Brien is VNRC's Legislative Intern for the 1998 session, which is supported by the Red Arnold Fund. A native Vermonter who grew up in the Northeast Kingdom, Luke completed his studies at

Bates College focusing on geology. His thesis work was on the hydrology and geomorphology of a local watershed, looking at the Townsend Brook Watershed in Maine.

Tina Gray-Rand is VNRC's new office manager. Tina's many experiences include the Futures Program of Vermont Adult Learning, where she worked on fiscal management, assisted with grant preparation, and statistical reporting,



Sue Higby

Luke O'Brien



Sue Higby

Tina Gray-Rand

and the Marshfield Town Clerk's Office, where she served as assistant Town Clerk and Treasurer.

Tina will be serving at VNRC's front desk—her voice will likely be the first you hear when you call VNRC. Her E-mail address is: VNRC@together.net



A DAY FOR THE EARTH

Join us on April 25th!

Join VNRC in honoring Earth Day 1998—and our fair Queen City, Burlington—by participating in a clean up day at North Beach Park on April 25th.

VNRC is making a call for volunteers to help clean up North Beach Park, which received a heavy blow with this winter's blistering ice storm.

We will be meeting at North Beach Park on **Saturday, April 25th**, to clear the park and nearby bike trail of storm damage, starting at 9:30 AM. (Be prepared for a hearty day: wear boots for potentially wet and muddy conditions and work gloves, and bring extra socks, bow saws, and loppers.)

There will be plenty of spirited work, food, drink—and fun! We hope you will join us for a few hours or perhaps for the entire day.

Celebrate Earth Day with VNRC! Call Tina Gray-Rand at VNRC for more information (and give us a “heads up” that you will be joining us) at (802) 223-2328 or E-mail: VNRC@together.net

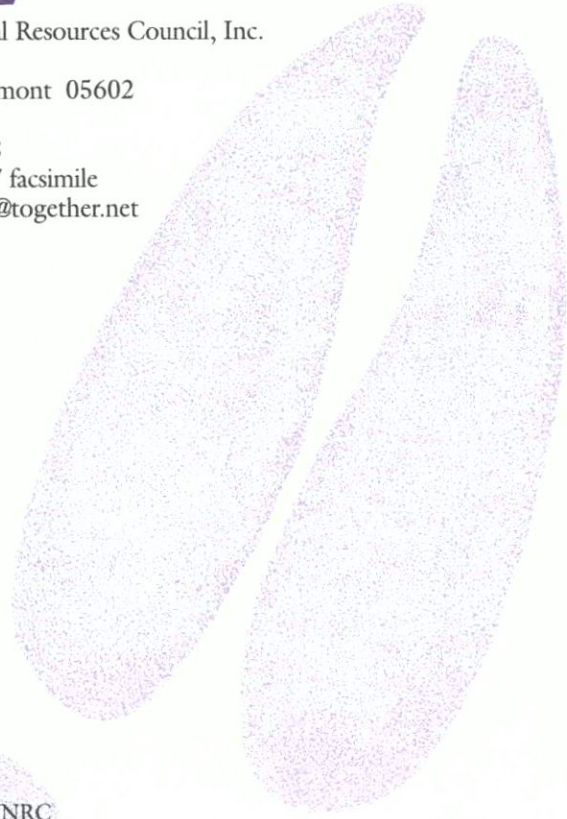
Illustration is from the Earth Day Quilt, 1996



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TRACKING WITH SUE MORSE

Workshop on March 27th

VNRC and the Vermont Woodlands Association are co-sponsoring a winter tracking workshop and hike with Sue Morse of Keeping Track. This workshop will focus on wildlife habitat—especially relating to the needs of bear, bobcat, and moose. Teachers are encouraged to attend as we will discuss ways to integrate what is learned in the field with classroom activities.

When: Friday, March 27th, 1998
10:00 AM to 4:00 PM

Where: Because parking at Wolfrun is very limited, Sue requires car pooling from the Richmond park and ride. Plan to meet at 9:30 AM at the park and ride, which is located immediately off the I-89 exit.

Bring: Be prepared to be outside all day, hiking over uneven trails. Please dress accordingly (warm clothes, boots, and extra clothes) and bring a bag lunch, water, and snowshoes if there is snow. (Wolfrun has a few pairs of snowshoes for rent for \$5.00 per pair.)

Donation: \$10.00 per person to reserve space in the workshop. Please make checks out to VNRC.

Call to reserve your place right away. If you have any questions, contact Lisa Smith at (802) 223-2328 or lhsmith@together.net



SEEKING YOUR HELP

OFFICE FURNITURE

Desks, tables, lamps, and other items are needed for VNRC's new Burlington office. (Call us if you are considering some spring cleaning.)

SUMMER INTERNS

During the summer, VNRC will have student internship opportunities and also volunteer positions (both in Montpelier and in Burlington).

If you are interested in adding your name to the mailing list for announcements on these positions, please call Tina Gray-Rand at VNRC at (802) 223-2328.