

Bulletin & Legislative Platform

Published
by the
Vermont
Natural
Resources
Council,
Inc.

TOP ISSUES IN 1999:

A highlight of VNRC's top priorities for the 1999 Legislative Session.

ACT 250

- Strengthen Act 250 in several areas such as: requiring master plans for large-scale, multi-year, phased development projects like ski area expansion; enabling review of the cumulative impacts of these large-scale developments; creating a mechanism for reviewing projects whose impacts cross over into more than one district; granting Supreme Court appeal rights to all parties in Act 250 proceedings; and repealing the slate quarry exemption.

TRANSPORTATION

- Target increased funding for public transportation and maintaining what is already in place rather than spending on new highway projects like the Circ Highway.

WATER

- Require unlicensed hydroelectric power facilities to comply with the Vermont Water Quality Standards.

CITIZEN ENFORCEMENT OF ENVIRONMENTAL LAWS

- Vermont should follow the lead of many states and the federal government and allow citizens to take polluters to court to enforce the laws that are already on the books.

ENERGY

- In the process of electric utility industry restructuring, it is imperative to maintain the benefits of the current regulated system, such as environmental protection, demand side management, development of renewable energy resources, consumer protection, and low-income assistance.

FORESTS

- Through state appropriations, assist in the land protection strategy for the Champion International lands in the Northeast Kingdom included in the historic purchase agreement brokered by The Conservation Fund.
- Stand firm on the "heavy cutting" law passed in 1997.

TAX SHIFTING

- Consider revenue-neutral tax shifting proposals like the Clean Car Incentive Program to benefit the environment and the economy.

SPRAWL / LAND USE

- Restore full funding for municipal and regional planning.
- To counter sprawl, enable the creation of growth centers in which development is supported and state funding for infrastructure is targeted. Couple this with permanent protection of land and the curtailing of state infrastructure investment outside the growth center.



FUNDING FOR THE AGENCY OF NATURAL RESOURCES (ANR)

- Restore sufficient funding for ANR to carry out its statutory responsibilities.

More detailed summaries begin on page 2

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*Special thanks to Katherine Mathieson
for helping with this edition*

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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The following provides a more detailed look at VNRC's 1999 Legislative issues. VNRC has a presence at the State House to inform legislators about our top priorities and to build grassroots support for the protection of Vermont's environment.

ACT 250

For almost 30 years Act 250 has helped Vermonters protect their environment. Its economic effects have been positive, improving the quality of major developments and producing generally secure financial investments.

Vermont's economic performance has been one of New England's strongest.

In 1995, the Vermont Environmental Board undertook a comprehensive review of Act 250. Over a six-month period, the Board held four hearings around the state on the proposed rules, which were redrafted in response to the 139 citizens who testified and the 155 people who wrote to the Board. The redrafted rules were then submitted to the Legislative Committee on Administrative Rules before final adoption. The new rules contain major changes which improve the efficiency of the Act 250 permit process. Many of the changes also implement the mandate of the 1994 permit reform bill, one of the major legislative initiatives passed that year.

However, there are still a number of areas in which Act 250 should be strengthened. Act 250 does not consistently require that master plans be submitted for large-scale, multi-year, phased developments such as ski area expansions. This means that Act 250 administrators must make fragmented, project-by-project decisions based on piecemeal, often incomplete, information.

Also, as part of the master plan review, a determination of whether the development constitutes a rural growth area must be made. Once this is done, land within the growth area must be carefully planned following prescribed new community planning principles, and natural resource lands outside the growth area must be protected from further development.

Act 250 administrators also need to be able to conduct comprehensive review of the cumulative impacts of these large-scale developments, including the review of nearby development projects which are being constructed within the same time frame. A mechanism for Act 250 administrators to effectively review projects whose impacts affect more than one district must also be implemented.

Citizens who may be affected by decisions of the Vermont Environmental Board currently cannot appeal to the courts in the way that other parties such as the applicant, town, state, and regional planning commission can. Citizens should be granted the equivalent rights of appeal to the Vermont Supreme Court.

The slate quarry exemption should be repealed. Passed in 1995, the bill allows slate quarries that existed before 1970 to continue operating with virtually no Act 250 oversight. This has caused problems for neighbors when older quarries seek to expand their operations.

VNRC will continue to oppose changes which limit

participation in the Act 250 process or erode the substance of the law.

TRANSPORTATION

VNRC will monitor the Agency of Transportation's Capital Program (a list of construction and planning projects) and Long Range Transportation Plan in order to seek strong implementation of the federal Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA — pronounced "ice tea"), and its 1998 reauthorization, dubbed TEA 21. These acts promote environmentally-sound transportation, such as passenger and freight rail, buses, car-pooling, and bicycles, with less emphasis on new highway construction. Citizen involvement in transportation planning is another important component of the act.

Rather than proceeding with expensive and potentially sprawl-inducing new highway projects like the Chittenden County Circumferential Highway and the Bennington Bypass, the state should evaluate alternatives that emphasize the use of public transportation, utilize the existing road network more efficiently, and create innovative land use strategies for directing development to transit-oriented growth centers and downtowns. The state also needs to implement an effective highway exit access policy that protects Vermont's scenic quality and discourages strip development and sprawl.

VNRC will advocate for project designs that encourage alternative forms of transportation (such as bike path construction on reconstructed roads or bridge replacements), and that respect environmental, historic, and scenic resources (such as the "foot-print replacement" bridge program).



VNRC also supports the implementation of the transportation enhancements portion of ISTEA which provides grants to communities for projects which enhance the travel experience, such as historic preservation and landscaping at transit stations and other transportation facilities, street lights, and improved signage

TAX SHIFTING TO BENEFIT THE ENVIRONMENT AND THE ECONOMY

VNRC, along with other members of the Vermont Tax Shifting Coalition (Vermont Businesses for Social Responsibility, Friends of the Earth, and Vermont Public Interest Research Group), is interested in having the Legislature explore ways that taxes can be shifted towards things Vermonters want less of — like pollution — and

away from things they want more of — like higher paying jobs and productive farm and forest land.

Around the country, various states are devising ways to harness the tax code in order to complement traditional command-and-control regulations in a manner that protects the environment and enhances the economy. For example, Minnesota is considering a comprehensive tax shift to protect the environment by moving about 25 percent of the state tax base onto carbon dioxide emissions.

Tax shifting, like the kind being debated in Minnesota, is based on the economic precept that the more something is taxed, the less there is available. For instance, the major taxes faced by Vermont residents and businesses are individual and corporate income, payroll, sales, and property taxes. Yet only a nominal amount of state revenue is

derived from taxing pollution and waste. VNRC believes that most Vermont citizens want more income and commerce and less pollution and waste.

The Vermont Department of Public Service, in its 1998 report "Fueling Vermont's Future", recommended a serious investigation of energy tax proposals that incorporates the concept of tax shifting. For example, the Department's research on tax shifting reveals that a \$100 per ton carbon tax (with all of the revenues going toward reducing other taxes, such as personal or corporate taxes) would significantly reduce greenhouse gas emissions, expand the state economy, and increase competitiveness through efficiency gains. Also, more disposable income would become available for low and moderate-income households.

VNRC believes that several tax shifting proposals deserve

consideration, and will be conducting research in 1999 on those that are best suited for Vermont. One modest proposal that should be considered by the legislature this year is the Clean Car Incentive Program. This program would protect Vermont's air quality and sustainable energy future by encouraging the purchase and use of cleaner, more fuel efficient automobiles.

The Clean Car Incentive Program would use market-based mechanisms such as fees, rebates, product labeling and advertising to send signals to new car buyers on how their purchase decisions impact Vermont's air quality and energy use patterns. Car buyers would still be free to choose any available vehicle from the marketplace.

However, a price signal in the form of a higher fee for "gas guzzlers" and a rebate for fuel-efficient vehicles would educate consumers on the environmental impacts of their decisions.

WATER RESOURCES

There is widespread public support for clean water. Vermont's water quality laws should be strengthened to build upon past successes in restoring water quality. Addressing problems of habitat deterioration, pollutants run-off, insufficient stream flow, and loss of biodiversity should be priorities for Vermont.

Uses that reduce stream flows and have damaged our rivers include snowmaking, hydro-electric power generation, municipal use without conservation measures and industrial use. The Agency of Natural Resources should implement and enforce rules governing water use. ANR must also revive the river basin planning program using a comprehensive watershed

ecosystem approach. VNRC also supports legislation which requires unlicensed hydro power facilities to comply with the Vermont Water Quality Standards.

Besides direct municipal and industrial discharges, our streams are damaged by "non-point source pollution" (wet weather runoff) from agriculture and other sources which is believed to be the leading source of water pollution in Vermont.

VNRC believes that effective standards, coupled with enforcement, would help eliminate the water pollution and public health risks attributed to non-point sources. The state should extend reasonable financial support, including funds for non-structural solutions as aid for affected farmers. The Legislature should also address long-standing deficiencies in handling storm sewer and combined sewer overflow systems.

CITIZEN ENFORCEMENT OF ENVIRONMENTAL LAWS

The federal government and many states have laws allowing citizens to take polluters to court. VNRC supports changes in Vermont law to enable citizens to sue for enforcement of environmental protection laws.

ENERGY

To Rescue, or Not to Rescue (and who's going to pay)?

As the nation moves toward market competition through electric utility industry restructuring, it is important not to lose the important benefits of the current regulated system, such as environmental protection, demand side management, develop-

ment of renewable energy resources, consumer protection, and low-income assistance.

While the lingering question of utility solvency occupies the center stage in the Vermont legislature for the third consecutive year, imprudent long-term electricity contracts continue to drive up rates, concerning voters and lawmakers alike. Vermont is the last New England state clinging to the monopoly electric system and by March 1, 2000, all New Englanders outside of Vermont will have a choice as to their electric supplier.

Beginning as early as October 1994, with its "Roundtable on Competition and the Vermont Electric Industry," the Public Service Board, the Department of Public Service, and a host of interest group efforts took the restructuring issue to task, culminating in the Board's December 1996 Order entitled "The Power to Choose." Early in 1997, the Vermont Senate passed Senate Bill-62, a comprehensive work which included crucial environmental and consumer protection provisions. In the 1997-98 session, the House abandoned S-62 and issued its own thoughtful analysis of issues confronting Vermont in a series of extensive reports of a special Committee on Electric Utility Reform, along with reports of the House Commerce and Judiciary Committees.

On December 18, 1998, the Working Group on Vermont's Electricity Future delivered its report to Governor Dean, legislative leaders, and the Public Service Board. The Working Group was created in order to determine how

Vermont can best control its own future in a restructured environment, and how restructuring can reduce both current and long-term electric costs for all classes of Vermont electric consumers. The Working Group prefaced its recommendations by noting the past efforts from 1994-1997:

"Contrary to the impression of many Vermonters, these extensive good faith deliberative efforts did result in a clear policy for Vermont — business as usual and the continued obligation to pay for the decisions of the past without making a choice for the future. Vermont is in the "twilight zone" between the death of the old regulatory approach and the advent of new competition."

The Working Group, which worked behind closed doors, concluded that "it is time now for Vermont to use existing law, adopt new law where required and to implement a global solution that will meet the legitimate obligations of the past while setting a course for the future that will embrace competition in a restructured marketplace for electricity."

The Working Group's Comprehensive Restructuring Framework includes:

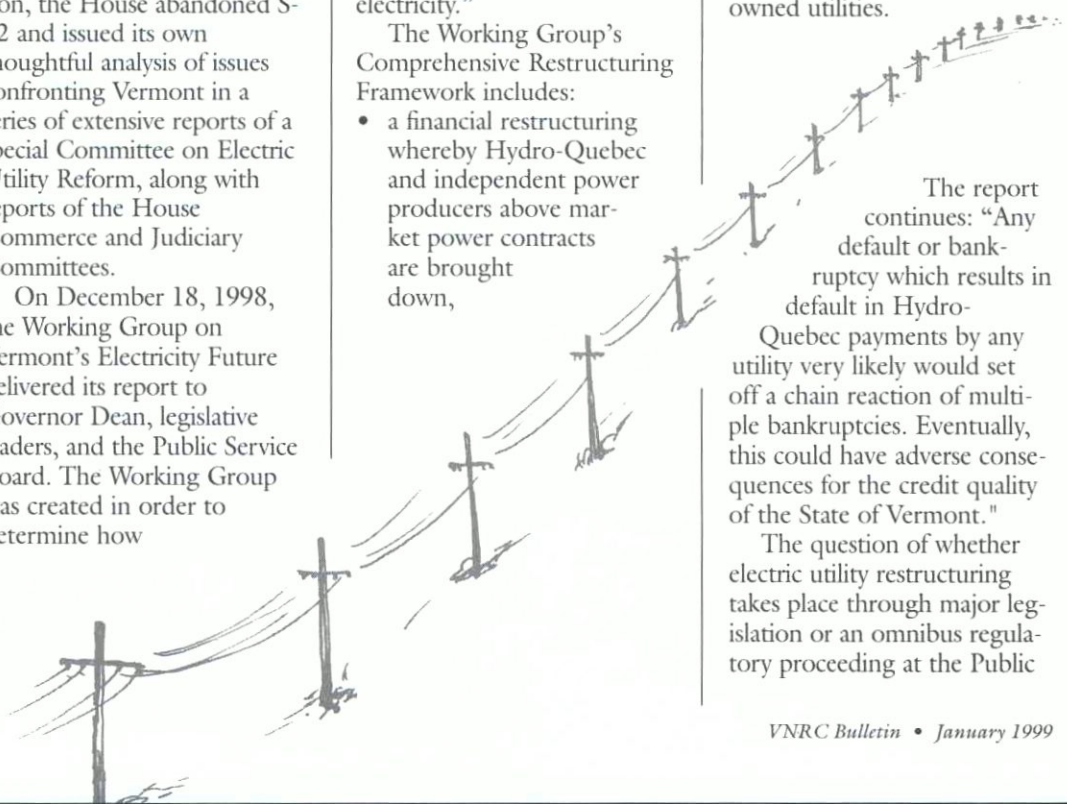
- a financial restructuring whereby Hydro-Quebec and independent power producers above market power contracts are brought down,

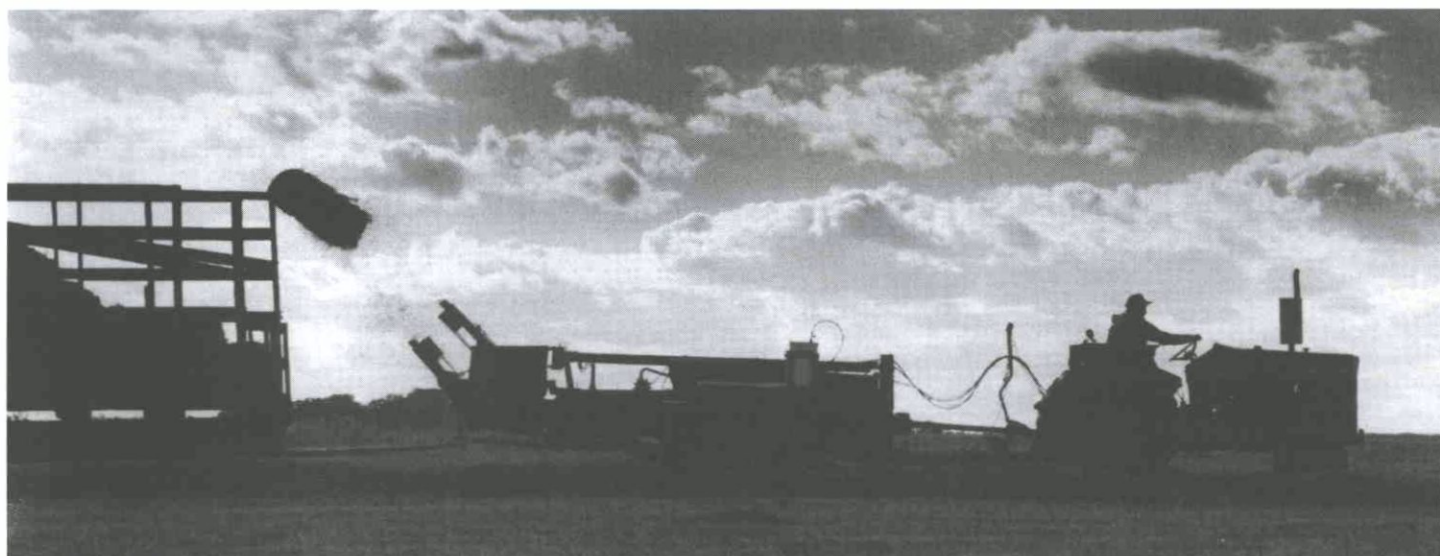
- a global regulatory settlement whereby new retail rates, the consolidation of the Vermont utilities, and financial restructuring of Vermont's utilities are approved by the state and,
- a process whereby utilities consolidate within the context of a global regulatory settlement and financial restructuring.

The Working Group's major point, that "a fundamental restructuring outside of bankruptcy should be accomplished under existing Vermont law," underscores the tenuous nature of Vermont's situation. Because the Vermont electric utility industry is, for credit purposes, essentially "one company," serious financial weakness in one area of the industry is a source of weakness to ratepayers within the entire industry. Thus, consolidation of the larger utilities is considered an option. Working Group efforts have led to the "no bankruptcy" position and a comprehensive restructuring framework for consolidation between CVPS and GMP, the two largest investor owned utilities.

The report continues: "Any default or bankruptcy which results in default in Hydro-Quebec payments by any utility very likely would set off a chain reaction of multiple bankruptcies. Eventually, this could have adverse consequences for the credit quality of the State of Vermont."

The question of whether electric utility restructuring takes place through major legislation or an omnibus regulatory proceeding at the Public





Service Board — with minor legislative tuning — remains unanswered for the moment. However, a recent survey of state legislators by the Burlington Free Press revealed that “a majority of lawmakers believe Vermont’s electric utilities should pay 50% or more of the cost for escaping the overpriced power contracts pushing utilities toward financial ruin.” (*Burlington Free Press*, January 4, 1999, p.1).

Regardless of the path taken to achieve reform of the utility industry, VNRC will work diligently to ensure: maintenance and enhancement of environmental, public health, and consumer protections; establishment of low income and worker protections; and adequate citizen representation before the legislature or the Board.

FOREST RESOURCES

Of particular importance at this time is the need to be prepared to implement a land protection strategy, including possible state appropriations, for the 139,000 acres of Champion International lands in the Northeast Kingdom. These Vermont lands were recently included in the purchase agreement brokered by The Conservation Fund, cre-

ating the largest public-private, multi-state conservation partnership in U.S. history. The lands possess an abundance of natural resources with significant potential benefit to present and future generations — the state’s largest deer wintering area, extensive wetlands, numerous habitats for rare species, vast areas of potential wildlands, and highly productive timberlands. The lands are part of the Nulhegan Basin which VNRC has asked the Water Resources Board to designate Class A and Outstanding Resource Waters. Creative public-private partnerships are essential to preserve these public benefits and to protect the public’s interest in other areas that may come on the market in the future. (See page 9 for more details.)

In addition, the 1999 legislature is urged to stand behind the “heavy cutting” law passed in 1997.

Responding to growing concerns about large-scale liquidation of our forests and unsound logging practices, the legislature passed a law enabling the state to regulate heavy cuts on 40 or more acres of land. This law provides, for the first time, a tool that the state can use to control the kind of practices that

have left great patches of Vermont’s forest scarred, naked, and depleted.

The proposal eventually adopted by Legislature was the result of a unique collaboration between VNRC and other environmental groups, forest industry representatives, foresters and landowners, and the Forest Resources Advisory Council (FRAC). The parties, standing behind a common agenda to conserve forest resources and together developed a proposal advanced by FRAC that ultimately passed into law.

The law defines a heavy cut as any harvest that reduces the stocking of trees below the “c-line.” Essentially, a cut that goes below the c-line removes so many trees that the forest is eliminated, and a new one must be regenerated. Heavy cuts greater than 40 acres in size must comply with interim rules established by the Agency of Natural Resources unless the cuts are exempted from compliance.

Exemptions include cuts conducted under an approved forest management plan, projects related to chip harvesting for Vermont’s two wood-burning electric generating plants, and approved projects that clear land for agricultural

uses.

Final rules that will include provisions for protection of soil, water, habitat, and unique or fragile natural areas are scheduled to be adopted in 1999. The rules will also provide for salvage cuts to help forests recover from severe natural disturbances, such as storms or pest outbreaks.

Other initiatives that could maintain or improve our forest resources include reducing raw log exports and certifying foresters and loggers to improve practices and lower worker’s compensation rates.

FEES FOR WATER USE

Every day over 8.7 million gallons of water are sucked from Vermont’s public waters for commercial and domestic uses. Over 3.1 billion gallons are used every year — predominantly for hydro-electric power.

Yet most of the commercial users, including hydro-electric and snowmaking operations, pay nothing for the privilege. VNRC supports assessment of reasonable fees for these uses, with the funds dedicated to state programs that protect water quality, fish, and wildlife.

FISH AND WILDLIFE MANAGEMENT AND HABITAT PROTECTION

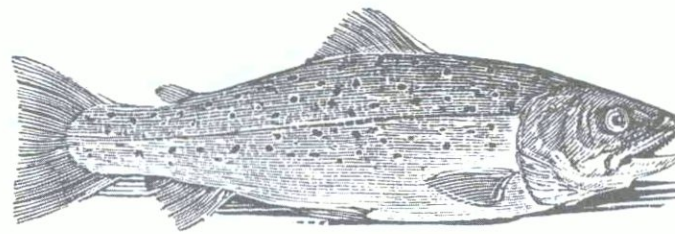
From its forests and alpine areas to its wetlands and rivers, Vermont has many varied ecosystems that support a full range of biological diversity (biodiversity). Public health depends on the health of our ecosystems in many ways, from the forests and soils protecting our surface water supplies to the long-term medicinal value of some forest species. VNRC supports habitat protection and fish and wildlife management policies that are based on sound biology and will maintain the health of these diverse species and ecosystems.

VNRC opposes weakening the state endangered species law and any staff reductions in Vermont's valuable Non-game Wildlife and Natural Heritage programs. VNRC supports continuation of conservation license plates to help support these and other conservation programs.

FUNDING FOR THE AGENCY OF NATURAL RESOURCES

In recent years, cutbacks in the appropriations for the Agency of Natural Resources have severely limited the effectiveness of environmental protection efforts in Vermont. Between 1993 and 1998 the amount of state general funds invested in environmental protection dropped from \$35 per year/per Vermonter to \$15.50. Between 1979 and 1994, the annual ANR budget averaged over 2% of the General Fund. But in 1998, ANR received only 1.1 % of the total General Fund.

In the last decade, the legislature has been successful in passing new laws to address



environmental problems. However, the funding to implement and enforce the laws has not kept pace. For example, in 1991, the legislature asked ANR to complete all 17 river basin plans by the year 2000. To date, none have been completed. And ANR is still playing catch up with laws like the one addressing leaking underground fuel storage tanks. ANR has identified over 1000 sites where releases have occurred, but further investigation is needed, and cleanup has not yet begun.

AIR QUALITY

VNRC supports strong state programs which limit toxic air pollution and carry out the goals of the Federal Clean Air Act. At the same time, Vermont needs to continue to push for increased zero and low emission vehicle requirements and alternatives which reduce dependence on private automobiles.

CREATING SUSTAINABLE COMMUNITIES AND MANAGING GROWTH

VNRC supports legislation promoting economic development that is economically and environmentally sustainable, protects opportunity for Vermonters, enhances the rural economy, and provides for long-term prosperity.

In 1997, the World Commission on Environment and Development defined sus-

tainable development as that which is intended "...to meet the needs of the present without compromising the ability of future generations to meet their own needs."

A sustainable economy is also one in which environmental quality and economic prosperity form a partnership which is complementary and mutually reinforcing. A clean environment and a productive resource base are necessary for a healthy economy, and a healthy economy is necessary to support high environmental and social standards.

Vermont's economic policies should protect environmental quality (clean air, water, wildlife habitat, and open space) by encompassing:

- The sustainable use of land and resources for current and future Vermonters, with special emphasis on the state's small, locally-owned and operated businesses, including home businesses;
- Programs that strengthen agriculture and forestry, including: development and marketing of agricultural and forest products and other land-based products which depend on the "Made In Vermont" label and a high level of environmental quality; development of value-added farm and forest products; and support for current use, eventually linking the program to sustainable techniques like rotational grazing and uneven-aged, long-rotation timber harvesting;
- Tax policy initiatives (e.g. "tax shifting") that reduce taxes on beneficial items (like high-quality job creation) and raise taxes on detrimental items (such as pollution);
- Programs and funding to identify and attract environmental industry sectors, such as environmental products, services and recycling technologies that would be interested in locating in Vermont, as well as special support for in-state environmental technology startups;
- Programs to encourage high-quality, non-polluting industry such as higher education, financial services, computer services, etc.;
- Implementation of the Sustainable Jobs Fund, created in 1995. The Legislature should continue to provide stable funding to ensure the success of this program;
- Programs and funding which preserve Vermont's historic resources and foster downtown revitalization, and creation of growth centers where economic development — from manufacturing, recreation, and small businesses, to education and financial services — is targeted. VNRC believes that the revitalization of our downtowns and establishment of growth centers are closely related objectives that need to be acted upon in this biennium to counter the effects of sprawl.

Vermont's historic resources and its traditional downtown urban areas and village settlements are cornerstones of both a successful growth center policy and a long-term development strategy for the state.

Growth centers should first be designated in existing downtowns. This would enable communities to concentrate appropriately scaled and sited, mixed development — shops, offices, homes — in one area, following Vermont's traditional, compact village settlement patterns. Only when downtown growth centers are at capacity should locations outside the downtown be developed. VNRC will continue to support the growth center concept as a workable alternative to strip development and haphazard parceling of the Vermont countryside, as long as it is linked to permanent protection of land outside the growth center. (The legislature would be advised to review the Urban Growth Boundary legislation which has been in place in Oregon for over 20 years.) The review process on growth center planning should also include public involvement, regional planning review, and Act 250 approval.

VNRC also supports "brownfield" initiatives designed to reclaim contaminated urban industrial sites in order to make them available for future commercial or industrial use.

- Targeted infrastructure, such as road improvements, public buildings, water and sewer systems, other utilities, and the necessary funding and programs in growth centers. The state should follow the lead of Maryland's "Smart Growth" program and not fund infrastructure investment outside properly designated growth centers;
- Tourism opportunities, such as heritage and ecotourism, that take advantage of our unique natural and historic resources and are based on, and reinforce, Vermont's quality of life;



- Education for Vermonters that will enable all citizens, especially young people, to remain in the state and have productive careers and lives;
- Conservation of energy (in domestic, commercial, and transportation uses) and increased production from renewable and local energy sources.

FUNDING FOR MUNICIPAL AND REGIONAL PLANNING AND THE STATE PLANNING OFFICE

In the last biennium, there has been a slight reversal in the downward spiral of planning funds — but only a slight one. In Fiscal Year (FY) 99, towns will receive \$305,000 for community planning — up from zero in FY 97 — but still far below a high of about \$1.5 million in the late 1980's. Regional planning commissions will get \$1,172,856 this year, an increase of only 2.5 % over last year.

In comparison, regions and municipalities received a total of over \$3 million in 1989. Erosion of these funds weakens effective planning, adds to the local property tax burden, and undermines protection of Vermont's environmental, economic, and social well-being.

In 1995, the Legislature decided to rededicate a portion of the property transfer tax to local and regional planning and the Housing and

Conservation Trust Fund (HCTF). (Note: In 1988, the Legislature dedicated the .75 % added to the property transfer tax to the Municipal and Regional Planning Fund and the HCTF. However, in recent years most of the proceeds of this tax were still being channeled into the General Fund.)

Restoration of full funding and continued dedication of the property transfer tax to these two funds are critical if the goals of comprehensive planning and preservation of affordable housing and open land are to be fully achieved.

Municipalities and regions will need to have access to this funding source to deal with continued development pressures in many parts of the state. Also, the new planning issues presented by Act 60 (e.g. with the advent of property tax sharing many towns will need to rethink their land use plans and bylaws) and pressures on municipalities across the state to site telecommunications towers will cause the fund to be accessed.

In addition to the funding for planning, legislative support is critical to insure full implementation of Act 200. To date, 135 communities have plans that have been officially approved under the provisions of the law and many more have plans in effect. All 12 regions have adopted new regional plans.

Strategies set forth in the plans need to be implemented. Bylaws need to be written or updated. Financing needs to be put in place for capital expenditures and plans

prepared in 1993-94 need to be updated. This process needs ongoing support to yield results.

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

STATE PLANNING OFFICE

The state should reestablish the Office of Policy Research and Coordination (or State Planning Office) and give it proper funding. This office was attached to the Governor's office and conducted valuable research, education, and analysis on policy issues affecting the state and provided considerable outreach and liaison with the public, state agencies and the legislature. Without it, many functions have fallen by the wayside, such as oversight of state agency plan preparation under Act 200. There is virtually no coordinated planning of state programs and guidance on state agency plans that have land use impacts.

In addition, there is no funding or staff support for the Council of Regional Commissions created in 1988 to review state agency plans for consistency with Act 200 goals. Although 19 state agencies updated plans in 1997, by law they must be reviewed and readopted in 1999. To date little has been done to carry out this mandate.

SUSTAINABLE DEVELOPMENT STUDY

The state of Vermont has not come to grips with a vision of how it wants to grow, what types of growth are desired and at what levels, and how to achieve sustainable development. For example, ski areas are submitting plans for new "cities" and "villages" in some of the most sensitive areas of the state. Cohesive state policy or benchmarks for determining if development at this scale is what is best for Vermont have not yet been developed.

Has it been determined that hundreds of thousands of square feet of new retail space and several thousand more condos and other lodging is needed, appropriate, and desirable? Will development of this nature preclude other commerce and manufacturing with higher paying jobs and arguably less environmental impact, because the former has used all the water, sewage, and road capacity?

In order to begin to get a handle on these and other questions, a revitalized state planning office should be charged with developing a research, education and public outreach project to investigate the overall cumulative impacts of various development scenarios, including public attitudes. This will enable state policy makers to have a more informed, comprehensive basis for their decisions.

HOUSING AND CONSERVATION TRUST FUND

The HCTF provides important resources for the protection of agricultural and forest land throughout Vermont. The HCTF also finances the creation

and preservation of affordable housing for Vermonters.

VNRC supports a funding level for the HCTF which is sufficient to meet its objectives for FY 2000.

USE AND DEVELOPMENT OF STATE LANDS

The state should require master plans for its leased lands and the process should be open for public review and comment. Standards should be set for state land leases which reflect an appropriate market value based on the actual use of the land.

VNRC generally supports land swaps where state and private lands of equal value can be exchanged and where state lands are irrevocably dedicated to outdoor recreational uses.

FACTORY FARMS

Large-scale factory farms can cause water and air pollution problems and other public health and safety concerns if not properly sited and designed. Although the legislature has given permitting authority to the Department of Agriculture, there is no right of appeal granted to citizens who might be adversely affected by the decision of the Commissioner of Agriculture.

Ideally, the state Environmental Board should have jurisdiction over such operations. However, if the

legislature decides to keep the program under the Department of Agriculture, there should be appeal rights — first to an independent panel and then to the Supreme Court. The panel should be required to review a broad range of criteria including odor, traffic, noise, pests, and insects, as well as air and water quality, waste disposal, and overall community impacts. The Agency of Natural Resources should retain permitting authority over discharges.

WASTE MANAGEMENT

VNRC supports the goals of Act 78 that set a high priority on waste reduction, reuse, and recycling. The Legislature should continue to strengthen the law keeping these goals in mind, and it should pass the expanded Bottle Bill that would add juice, iced tea, water, and wine bottles to the list of containers already redeemable for a five cent deposit.

EQUAL EDUCATION OPPORTUNITY ACT / PROPERTY TAX REFORM

The last biennium will be remembered for finally passing education finance/property tax reform after years of failed attempts. One of the most important steps the 1999 legislature can take is to assure implementation of the law by giving it time to work.

Policy changes of this magnitude are bound to generate controversy. In Act 60's case, most of the controversy is generated in property-advanced towns that experience significant tax increases. Any efforts to ameliorate short term problems encountered by these towns should be weighed on their merits. As the formula settles over

Vermont during the next three years, the benefits to Vermonters and the landscape should become apparent.

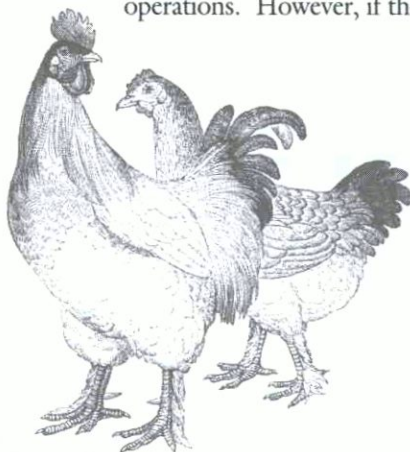
The main thrust of the Equal Education Opportunity Act — known as Act 60 — is to revise Vermont's system of paying for education.

Yet Act 60 also carries some important benefits for the environment. The Act included revisions to the Current Use program by allowing all enrolled land to be put on the grand list at its use value, with compensation — up to a point — provided by the state. Act 60 also puts teeth in the continued protection of land in Current Use by increasing the penalties for withdrawing from the program to sell land at fair market value.

Additionally, the new law has removed the property tax pressures that cause some towns to welcome new growth even if it leads to strip development and sprawl. With the advent of property tax sharing, towns should be more inclined to make decisions based on land use and environmental impacts rather than on the tax revenues the new development will generate.

The property tax has been a major factor in the dramatic, ongoing changes to Vermont's landscape such as forest clearcuts hundreds of acres in size, and the fragmenting and subdividing of both forest and farm land. Act 60 holds the promise of protecting our working landscape for future generations.

VNRC would also like to see the legislature consider creating a preferential taxation program for "open land" that provides outstanding environmental, economic, and social benefits but does not qualify for the Current Use program.



THE NULHEGAN BASIN

The "positive turn" taking place in the Northern Forest with the Conservation Fund's contract to purchase 133,289 acres of Champion lands in northeastern Vermont continues to draw attention and acclaim. (See VNRC's Winter 99 VER, p. 17) Congratulations to Darby Bradley of the Vermont Land Trust for earning the Vermonter of the Year Award, and thanks to Nancy Bell for her tremendous efforts on behalf of The Conservation Fund. VNRC is confident that its petitions to designate the Nulhegan River Basin as Outstanding Resource Waters and Class A Waters will enhance this remarkable land deal.

TAKING A WHACK AT HEAVY CUTTING

VNRC strongly believes that healthy forest resources are critical to the state of Vermont and will continue to ensure the health and protection of these forest resources for Vermont and its citizens. Act 15 and the Heavy Cutting Rules (to be finalized in this session) represent an excellent mechanism for addressing the health and ensuring the protection of Vermont's forests.

Act 15 requires the Department of Forests, Parks and Recreation to adopt rules relating to heavy cutting "[that] shall establish requirements with respect to soil productivity, water quality, wetlands, riparian zones, significant wildlife habitat areas, unique or fragile areas, regen-

eration, scenic quality, and unusual environmental events." VNRC expects that the Heavy Cutting Advisory Group will make substantive additions to the emergency rules, which presently do not significantly address these areas.

POWER FOR THE PEOPLE, PROTECTION FOR THE LAND

Here in Vermont, we have something worth protecting. This was the opening theme of Robert Kennedy Jr.'s talk on December 11, 1998 at UVM's Ira Allen Chapel. Bobby Kennedy, a former law professor of VNRC Board Member Mark Naud, was persuaded by Naud to come and speak to Vermonters on the role of citizen activism in protecting Vermont's natural resources. The talk was co-sponsored by VNRC and VPIRG.

Kennedy spoke of his experience in forming The Riverkeepers, a group dedicated to transforming the Hudson River from "a dead river to a model ecosystem." Working with local fishermen and other citizens affected by the polluted river, Kennedy was successful in not only cleaning up the Hudson River, but in helping to empower people to claim their rights within their own communities.

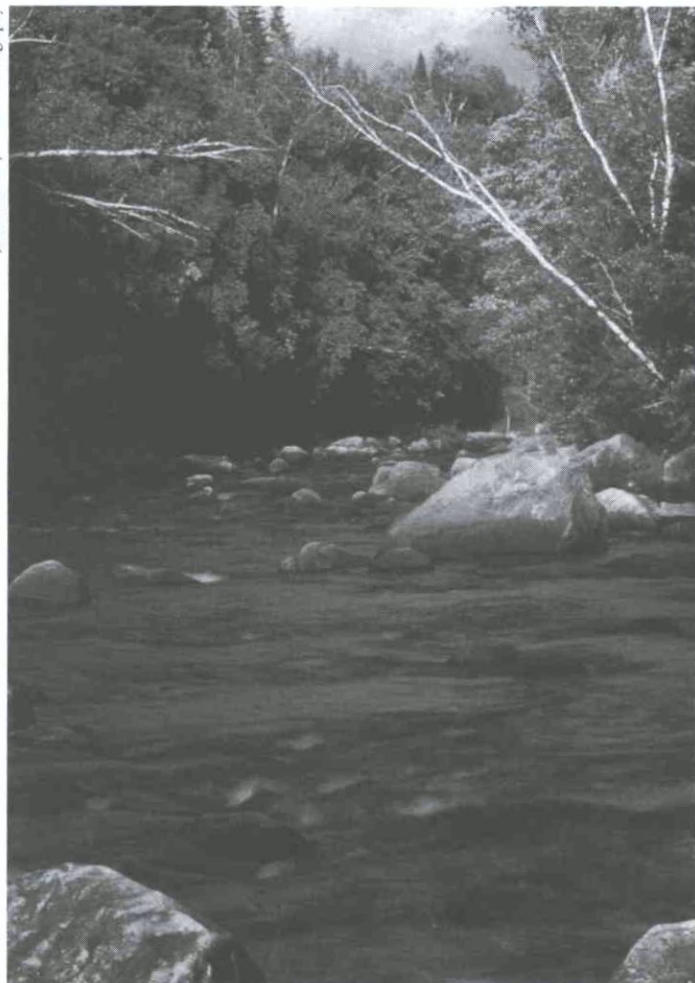
Kennedy stressed the importance of people protecting their own waters and landscapes in the void left by the lack of state protection. Calling Vermont "the essence

of community," he pointed out that our state has a tradition of preserving the landscape, along with the traditional lifestyles that go with it. Currently the trend is to "convert our natural resources to cash flow." But the result of this is not a pretty picture. "Our children will pay for it [the current system of treating the land as a commodity] with denuded landscapes and huge clean-up costs," he added.

The environmental movement is democratizing America, according to Kennedy. The Riverkeepers, an organization that is now a model for over 25 similar organizations across the U.S., is an example of citizens taking action, not necessarily because they are "environmentalists", but because they wish to continue their traditional lifestyle. But in maintaining a way of life, the landscape must also be maintained. Environment and lifestyle go hand in hand.

In Vermont, stewardship of the land is reflected in the landscape, said Kennedy. "Our mountains and rivers are reflections of that political action," agrees VNRC Executive Director Elizabeth Courtney who gave the opening remarks for Kennedy's speech. But Kennedy challenged the audience with the example of Lake Champlain and the concept of "pollution-based prosperity," where industry can do what they want with our natural resources, followed by tax payers paying for the clean-up of the aftermath. "We clean up the waste sites with tax money," he said. These big companies know nothing about "cleaning up after your-

John McKeith, Location Photography



The Nulhegan River: VNRC is continuing to move forward with our filed petitions.



General Council Chris Kilian and Executive Director Elizabeth Courtney join Robert Kennedy Jr. at the Doll-Anstadt Art Gallery in Burlington.

self when you're finished, which is something we're all supposed to learn in kindergarten."

Instead of standing by or giving in, he urged action. "We have tremendous control over the future of our com-

munities!" he proclaimed. "We need to stake out the public claim to the waters ... everyone can use it, but no one can abuse it. We're not going to be polite, we're going to protect it because our children own it."

JOB HEINTZ RETURNS TO VNRC



Job Heintz

VNRC is pleased to announce the arrival of our new Forest Program director, Job Heintz. Job brings to VNRC the tools and the optimism necessary to protect and enhance Vermont's natural resources.

Job is a co-founder and former managing partner of the Forum for Protection of Public Interest (Pro Public), a non-profit law firm in Kathmandu, Nepal. Comprised entirely of Nepalese lawyers, scientists, and policymakers (with the exception of Job), Pro Public is dedicated to the protection of natural resources and advocacy for equal justice in Nepal's post-1990 democracy. His consultation on environmental and legal matters have helped create a range of Supreme Court precedents that benefit both the environment and the Nepalese people.

Job was also instrumental in creating the first industrial pollution prevention program in the Kingdom of Nepal, even in the absence of enforceable water pollution control legislation. Pro Public's 1998 anti-corruption campaign has recently challenged a government decision to approve monopoly rights for the Timber Corporation of Nepal to market all timber and fuelwood.

Job has been a guest lecturer at the Nepal Law Campus, and recently co-chaired a session on public interest environmental law at the Sixth World Wilderness Congress in Bangalore, India. He holds a JD and Master of Studies in Law (environmental policy) from

Vermont Law School, and has served as law clerk to Chris Kilian at VNRC. Job's ability to utilize advocacy skills and knowledge of natural resources law in a developing country demonstrate the kind of self-motivation and drive that is essential to our efforts at VNRC. Welcome aboard (and back) Job!

VNRC CELEBRATES 35TH YEAR ANNIVERSARY!

On September 12th, VNRC staff, board, and members got together at Shelburne Farms to celebrate a very special anniversary. Thirty-five years ago, the Vermont Natural Resources Council was established by a handful of concerned citizens, and now has grown to a staff of 10 and thousands of supporters throughout the region. This celebration included a reflection of the past, a look at the present, and plans for the



UPCOMING EVENTS

VACV/VNRC Legislative Breakfast

Capitol Plaza, Montpelier
January 29, 1999
7:30 a.m.

Members of Vermont's conservation community will present their 1999 Conservation Agenda to members of the legislature.

Annual Tracking Workshop

March 8, 1999
10 a.m. to 4 p.m.

Join VNRC and Sue Morse of Keeping Track for a day in the woods looking for signs of bear, bobcat, moose, and other forest creatures. If you have always wanted to attend one of Sue's workshops or are interested in learning more about animal signs, this is your chance. We will meet in Richmond, VT and proceed from there. This workshop is sure to fill up fast so register early.

For more information or to register for the tracking workshop, contact Lisa Smith at 223-2328 or lhsmith@together.net.

One Day Mini-Roundabout Seminar

Burlington
April 15, 1999

Join VNRC and British Engineer Clive Sawers for a one-day traffic seminar to discuss the benefits of mini-roundabouts. Mini-roundabouts reduce delay for all users, pollution, injuries for pedestrians and car occupants, and increase intersection capacities. For more information or to register please contact Steve Holmes at 223-2328 or sholmes@together.net.

future. Through advocacy, education, and research, VNRC has demonstrated precedent setting protection efforts for the state of Vermont since 1963.

Will Rapp, owner of Gardener's Supply Company, presided as the key note speaker. Will talked about ways in which Vermont's cultural and natural resources present unique opportunities to integrate economic and ecological principles into environmental protection strategies.

Citizen Activist Awards were awarded to two conservation groups that VNRC partnered with in 1997. The Stratton Area Citizen's Committee (SACC) and the Central Vermont Chapter of Trout Unlimited (CVTU) worked with VNRC to broaden and strengthen our protection efforts. Thanks again, SACC and CVTU, for your help!

PLEASE HELP VNRC WELCOME NEW BOARD MEMBERS!

Elizabeth Skarie: Elizabeth has been President of Williston Citizens for Responsible Growth (WCRG) for three years and a board member for ten years. She is a graduate of Cornell University School of Nursing, Antioch-New England Graduate School of Psychology and Arizona State University where she received a Ph. D. in psychology. She is married to Jerry Greenfield and they have one son, Tyrone.

Susan Clark: Susan is a Senior Project Manager at the Antioch New England Institute of Antioch New England Graduate School. In

NEW DEVELOPMENT DIRECTOR AT VNRC

Hollis Burbank-Hammarlund began work as VNRC's new half-time Director of Development in January. A familiar face around the office, Hollis was VNRC's Board Chair from 1994 to 1997. She brings to her new position extensive experience in nonprofit fundraising and land use planning having operated her own consulting business, which served many Vermont municipalities, nonprofit organizations, and landowners for the past 12 years.

Hollis lives with her husband, Arne, and 13 year old son in Newfane and will focus much of her fundraising and membership development attention on the southern and central regions of Vermont. If you would like to contact her, please feel free to call Hollis at her VNRC office in Newfane (802-257-4055).



addition, she currently is the Director of the Northern Sustainable Communities Network, the Community Profile Facilitator and Outreach Consultant for the Vital Communities of the Upper Valley project, and an adjunct faculty member at Antioch. She has worked at UVM and is also a past staff member of VNRC. A sixth generation Vermonter, Susan loves to hike, ski, sing and celebrate the special qualities of Vermont's communities.

David Barash: David is the General Manager of the Burton Manufacturing Center. He started in conservation work as Director of Education for Shelburne Farms. He then spent 15 years in a variety of senior management positions at Ben and Jerry's, Stonyfield Farm Yogurt and Catamount Brewery. He is on the board and a founding member of VT Businesses for Social Responsibility and has served on the board of Sterling College, Organic Cow of Vermont, New England Environment Education Alliance and The Ben and Jerry's Foundation.

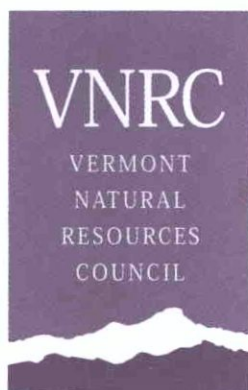


WANT TO BE AN ACTIVIST FOR VERMONT? JOIN VNRC's CONSERVATION NETWORK!

The Conservation Network is a team of informed individuals who make a difference for environmental protection here in Vermont. VNRC activists receive the latest information on legislation, public hearings, and community events and are given the opportunity to instantly respond to legislators, public officials, and the press when challenges arise. "We have many new opportunities and new obstacles for the upcoming legislative session and year ahead," says VNRC's Outreach Coordinator Lisa Smith. "Now more than ever your commitment to positive change will help shape the future of Vermont's environment and natural resources."

For more information or to join the Conservation Network, contact Lisa Smith at (802) 223-2328 or via e-mail: lhsmith@together.net.

Make a difference for Vermont!



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REACH OUT AND MAKE A DIFFERENCE

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U.S. Sen. James Jeffords

1-(800) 835-5500
E-mail: Vermont@jeffords.senate.gov

U.S. Sen. Patrick Leahy

1-(800) 642-3193
E-mail: Senator_leahy@leahy.senate.gov

MEET OUR LEGISLATIVE TEAM!

VNRC publishes this Legislative Platform in order to inform Vermont citizens and legislators about the issues affecting our state. We are available to answer questions, clarify issues, and provide help to anyone interested in making a difference during this legislative session and the coming year. Please do not hesitate to write, call, or e-mail us here at VNRC! (For addresses, telephone and fax numbers, and VNRC's web site, please refer to page 2.)

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From left to
right: Chris
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Kendall, Steve
Holmes,
Elizabeth
Courtney,
Lisa Smith and
Job Heintz.

