

Bulletin & Legislative Platform

THIS YEAR'S TOP ISSUES

REVISIONIST HISTORY... AGAIN

Permit Reform," as we know it today is looking more like Frankenstein than a knight in shining armor. In its Frankenstein form, it may look dead, but it's miraculously alive and very distorted. And over the years the story gets remade with a new cast and a different director. One could exhume a *VNRC Legislative Bulletin* from any one of the last three decades and find the same permit reform plot.

It goes something like this:

The legislature is put under tremendous pressure to weaken Vermont's most important and comprehensive environmental law, Act 250. Conspiracy theories are hatched and boogey men are created to make the case for change. All the while, the facts show that the machinery of Act 250 works just fine and that, among other things, it's really the coordination and implementation of other permitting processes that needs a tune-up.

Organizations such as VNRC wage a pitched battle in the State House and across Vermont to protect the core values of Act 250, especially the

rights of Vermonters to be involved in how development will forever change the character of their communities. In the end, there is tremendous and unnecessary ill will left behind.

The real problems—insufficient planning, lack of coordination and implementation, and negligible foresight into the long-term environmental impacts of development—are never really addressed. Instead, Vermonters skirmish over how to treat symptoms rather than dealing with the underlying problems, the latter being something on which most Vermonters could probably agree.

But without a commitment to engage in real dialogue, get creative, and make a better process, we're trapped in the same plot.

The story was last picked up at the end of the 2003

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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.

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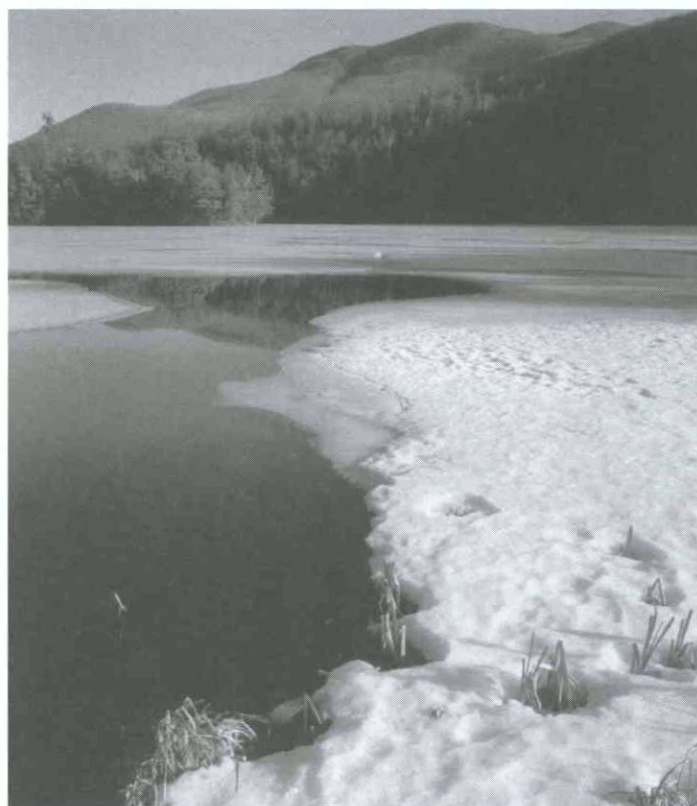
legislative session. The Douglas Administration had floated a controversial permit reform proposal that was vehemently opposed by VNRC. The proposal barely made it through the House. Some of the less onerous parts were passed by the Senate. All of it was left unresolved in a Committee of Conference. In an effort to keep the beast alive, Governor Douglas suggested that House and Senate negotiators continue to work through the summer and fall, and that he would call a special session in the off-season to force the issue to conclusion.

At the heart of the overly narrow debate were provisions to consolidate all local, state, and Act 250 appeals. In reality there are very few appeals at all in the permit process. Amazingly, the proposal by the administration would have consolidated exactly zero appeals, a fact that seemed lost in the political morass. Most iterations that were floated merely consolidated people.

This December, Senate negotiators made an offer to consolidate appeals to a "professional board," an idea supported by some faction of the conservation community. At a hearing on the proposal, however, it was pointed out that the model would cost an extra \$400,000 a year and consolidate all of two appeals. Once again the consolidation dialogue begged the question, what are we reforming? While a lot of ground could be covered by the Committee of Conference, the debate has been too myopically focussed.

And so we continue to legislate by anecdote, treating perceptions rather than reality.

In no instance was this made more evident than a few weeks ago when the Adminis-



Blake Gardner

tration pushed Act 250 changes through a legislative rules committee to limit citizen participation in the Act 250 proceedings. No proponents of the change could offer any rationale, nor produce a single valid example, of why citizens should be cut out of the Act 250 dialogue. Some veterans of the permit process suggested that the changes would only lead to more and more litigation as lawyers battle over who should be allowed to get involved in an Act 250 case.

Chief of the Vermont Press Bureau, Darren Allen, touched on the rule changes in an Act 250 commentary, opining, "Admittedly, last week's action will do little to speed the permit process.

"But one thing is certain: Without Act 250, Vermont in the last 33 years very well could have become just another bland landscape of strip malls, tract housing developments and numbing

suburban sameness."

Time and time again robust participation in the permit process has led to better environmental protection, enhanced local control, and more appropriate development. Why would Vermonters want anything less?

There is much that can be done to improve the manner in which development is reviewed in Vermont (see *Real Reformation*), but as the legislature reconvenes, it looks like Frankenstein lives on. Will we take our roles in the same plot this year only to reach to the same, tired ending? Maybe. Do there have to be winners and losers? With the right kind of leadership, definitely not.

One thing is certain. With sprawl eating up our landscape, stormwater pollution degrading our waters, and habitat fragmentation threatening our wildlife, we are focussing too much energy on the wrong story.

REAL REFORMATION

This fall the Environmental Board has once again proposed rule changes to Act 250 that would drastically reduce the ability of Vermonters to participate in the development review process. Throughout public hearings on the proposed changes in Montpelier, St. Johnsbury, Rutland, and Springfield, business interests, conservationists, town officials, landowners, and other citizens voiced their comments and concerns about the proposed rule changes.

Many of those who spoke at the hearings favored keeping Act 250's citizen friendly provisions in place, voiced strong opposition to restricting citizen party status, and favored keeping Act 250 as open, citizen-friendly, democratic, fair, and responsive to the public interest as possible.

Unfortunately, the proposed rule changes are poorly timed, fragmented, piecemeal, and substantively damaging.

VNRC believes that Act 250 party status and appeals should be addressed to make the process consistent with other judicial and quasi-judicial procedures, with full appeal rights to the court available for all parties. This can only be done comprehensively by the legislature, not by the Environmental Board.

A joint House-Senate Conference Committee has been reviewing changes to Vermont's permitting process during this biennium. The Conference Committee made progress in the first year of the biennium and intends to finish its work in 2004.

The Conference Committee and full General Assembly are in the best

position to make real long-term comprehensive, substantive change to state policy. The Environmental Board should have stuck to its own recommendation that it made barely 10 months ago to "defer to a legislative process." It should have given the Conference Committee time to finish its work, rather than changing the rules in the middle of the game.

The Conference Committee's work could create consistency with the judicial process, improve local planning efforts through Chapter 117 changes, and allow for consolidation of review and appeals—all are appropriate goals.

But the Board's effort at so-called "permit reform" is limited in scope.

VNRC believes a larger problem with the development review process is the lack of planning by state agencies and poor coordination among local, regional and state agencies. This deficiency results in a process that lacks predictability, is inefficient, and compromises environmental protection.

Environmental protection through the development review process does not just come from a set of standards or criteria. It also comes from a process that adequately ensures that standards are met through a set of checks and balances. It is not good enough to say the standards should be kept in place and the process "streamlined" when the result is perfunctory review of environmental protections.

The task of tackling the tough permit reform issue will require a thoughtful approach that moves forward outside of a vacuum. Once again, VNRC looks forward to

helping facilitate a credible, contemplative, and thoughtful process.

Any changes to Vermont's development review process should be guided by the following principles:

- Protection of Vermont's natural resources, working landscape and communities;
- Predictable and consistent time frames and outcomes;
- Fairness and equality to all applicants and interested participants;
- Effectiveness in preserving Vermont's character and quality of life.

To adhere to these principles the following additional action is needed:

1. Expedite the permit process for development defined and designated in Growth Opportunity (GO) Centers while protecting valuable resource lands

- Establish levels of expedited review based on project location
- Consider offsite mitigation opportunities for prime agricultural lands and wetlands in designated growth opportunity (GO) centers
- Address permit process failure to control sprawl

2. Improve predictability of permit process through better planning

- Reestablish Vermont office of state planning
- Strengthen regional and state agency planning
- Invest state dollars in growth opportunity (GO) centers
- Strengthen local planning

- Review cumulative impacts
- Create town master plan permit
- Require project master plans in Act 250

STORMWATER PART III NOT NEEDED

Stormwater pollution, the nasty runoff from urban and suburban areas, is getting worse. Vermont has yet to effectively deal with the problem, but we are making progress. The Vermont Water Resources Board (Board) has convened a group of stakeholders to investigate the problem. At the same time, VNRC has been working with a variety of interests to develop a template for an effective stormwater clean-up plan.

Unfortunately, the stormwater issue threatens to enter the State House. So, while we're finally headed in the right direction outside the State House, an unnecessary legislative showdown could flush productive efforts right down the storm drain.

The statutes relating to stormwater runoff have been amended twice in the last four years. The most recent amendment occurred in the 2002 session. It was a comprehensive change to the statute, allowing the Vermont Agency of Natural Resources (ANR) to issue watershed-wide permits for stormwater discharges into waters that do not meet Vermont's basic clean water standards. The revision also reiterated the decades-old concept that creating more comprehensive clean-up plans for some impaired streams may still be required.

This approach, known as the "Total Maximum Daily Load" (TMDL) program, is simple in design: create a

pollution budget for the receiving water and allocate portions of the whole budget to the various sources of that pollution. Over 900 TMDLs for sediment, one of the primary pollutants in stormwater, have been written and approved nationally. Unlike the watershed wide permits that must be reasonably designed to meet water quality standards in five years, TMDLs allow for longer schedules of compliance.

The Board recently issued a decision invalidating a series of Watershed Improvement Permits (WIPs) crafted by ANR, deeming them to be woefully inadequate and out of compliance with laws that protect clean water. In the aftermath, suggestions have been made by the Douglas Administration that clean water laws need to be weakened to accommodate the deficient permits.

Importantly, the federal Clean Water Act is quite clear about cleaning up polluted waters. And any changes to Vermont's laws would have to be consistent with the federal law. The changes being suggested by the administration would create inconsistencies that would only cause more confusion and years of litigation. This is hardly a solution.

The bottom line is this: No legislation is needed. Currently, all of the tools exist for ANR to issue permits, clean-up impaired waters, enforce expired permits, craft improved WIPs, and issue TMDLs.

The Board's investigative "docket" will ultimately provide clarity on how various clean-up plans could be crafted and implemented here in Vermont. That process is certain to result in broadly

supported solutions, but the process needs a chance to work. Legislative tinkering will only serve to undermine real progress, something Vermonters who care about clean water can ill-afford.

CURTAILING SPRAWL

Sprawl development is overtaking parts of Vermont. It takes the form of suburban subdivisions, commercial strips with "big box" retailers like Wal-Mart, and scattered residential lots in outlying areas. If Vermonters don't think it could happen in their town (maybe it already has), a field trip to once agrarian Williston should convince them otherwise.

Vermont has taken some steps to revitalize its major downtown areas and has preserved many of its compact towns and villages, but in many parts of the state, pressure to develop outside town centers continues to be strong. Sprawl threatens to change our traditional rural landscape, the vitality of our downtowns, and our sense of community.

The Legislature and Administration must take action to stop state-subsidized sprawl.

State initiatives including public investments, programs, rules, regulations and tax policies should reinforce rather than undermine our state's traditional land use patterns and our heritage. Each year, huge sums of local, state and federal tax dollars spent on buildings, water and sewer lines, schools, transportation, economic development, housing and land conservation have a major impact on how and where growth occurs.



Non-Game & Natural Heritage Program

According to the October 2003 *Vermont Smart Growth Progress Report*, published by the Vermont Smart Growth Collaborative (of which VNRC is a founding member), some public, state investments and programs have contributed to sprawl. We can do better.

The *Progress Report* examination of different agencies and programs revealed:

- Existing laws and rules are not always followed. Vermont has laws and rules that require state agencies to follow smart growth principles in their decisions. However, these provisions are not consistently followed.
 - Unity of purpose is not matched by unity of action. There is no formal coordination among state agencies in their investments.
 - State investments could be more prudent. It is fiscally preferable and responsible to reinvest in what you already have, before subsidizing new development, but this principle is not consistently followed by state agencies.
 - Better state agency planning could facilitate permitting. Effective, up-front planning can minimize long drawn-out permit proceedings for state-funded projects, but there is no mechanism to minimize these problems through state agency planning.
- The following initiatives are recommended to address the problems associated with sprawl:
- 1) Sustain and improve state public investment programs that have a positive smart growth track record
 - 2) Increase the VEDA and VEPC programs' compliance with smart growth objectives
 - 3) Establish a consistent definition of growth center and insure it governs in all state agency investments
 - 4) Adopt a fix it first policy
 - 5) Increase coordination of transportation investments with land use
 - 6) Enact improvements to the brownfields program
 - 7) Activate the development cabinet
 - 8) Amend the local planning and zoning law
- Additional sprawl initiatives recommended by VNRC:
- Follow up on the recom-

ATVs- Running Roughshod Over Vermont?

Please Tell Us What You Think

Vermont's ATV riders and the Vermont ATV Sportsman's Association are trying to build a network of trails across Vermont similar to the current VAST trail system for snowmobilers. It is expected that this issue will become a hot legislative topic in 2004. We need your help to provide examples of uncontrolled ATV use in Vermont. Please fill out the attached questionnaire. We will use your responses during the legislative session to show the concerns that Vermonters have for uncontrolled ATV use.

Vermont's current policy on ATV use:

- ATVs are not allowed on State Wildlife Management Areas, State Forests or State Parks.
- ATVs are not allowed on the Green Mountain National Forest.
- ATVs are not allowed on the Nulhegan Basin Unit of the Conte National Wildlife Refuge or the Missisquoi National Wildlife Refuge.
- ATVs are not allowed on Town Roads or Trails unless the Selectboard opens them for use.
- ATVs are not allowed on private lands or trails without specific landowner permission.
- ATVs do not have mandatory registration (there are 80,000- 120,000 ATVs in Vermont and only 18,000 are registered).

The Vermont Natural Resources Council is working to support legislation that would:

- Reaffirm a commitment towards prohibiting ATV use on all public lands.
- Provide funding for greater enforcement of unauthorized use through mandatory registration.
- Provide funding for landowner reparation or damage caused by unauthorized ATV use.
- Increase penalties including authority to impound vehicles for unauthorized ATV use.

Please answer any or all of the following questions:

1) Do you own an ATV?

☐ Yes

☐ No

2) If yes, what is your primary reason for using your ATV?

☐ Recreational, pleasure riding

☐ Emergency

☐ Support for hunting/ fishing

☐ Other

☐ Work- including forestry, farming, maple sugaring, cordwood cutting, etc.

3) Do you (or would you) allow ATVs owned by people other than you to ride on your land?

☐ Yes

☐ No

4) During the past year have you observed any unauthorized ATV use on your land, on State land, on federal or on other privately held land (check all that apply)?

☐ No

☐ Yes, on private land.

☐ Yes, on State land. Specifically? _____

☐ Yes, on federal land. Specifically? _____

5) Please check any problems that you have observed from unauthorized ATV use:

☐ Damage to stream and pond banks

☐ Damage to regeneration of forest

☐ Damage to fields, pastures and seed crops

☐ Litter

☐ Fires

☐ Excessive noise

☐ Unauthorized camping

☐ Erosion or rutting of roads, trails etc.

☐ Siltation of streams, wetlands or ponds

☐ Damage to gates and fences

☐ Damage to signs

☐ Damage to wildlife habitat

☐ Harassment or evidence of harassment of wildlife ☐ Other: _____

6) On a scale of 1-10, with 1 being "Not Effective at all" and 10 being "Highly Effective, how effective do you believe existing state laws are in deterring unauthorized use of ATVs on private and public lands?

7) Have you sought law enforcement or action for unauthorized use of your land (check all that apply)?

☐ Municipal

☐ County Sheriff

☐ State troopers or game wardens

☐ Federal

8) Should Vermont's policy be changed to allow ATVs on public lands?

☐ Yes

☐ No

9) Should ATV users pay for trail construction and maintenance through registration fees?

☐ Yes

☐ No

10) Should ATV users pay for greater enforcement through registration fees?

☐ Yes

☐ No

11) Please share any stories or experiences you may have had with unauthorized ATV use or ATV riders?

12) Do you want to stay current with actions you can take to prevent unauthorized ATV use and damage?

☐ Yes

13) OPTIONAL

Name:

Address:

Phone:

 Email:

14) Are there others that we could contact about their experiences with unauthorized ATV use? Please let us know their names and contact information.

15) Do you have any additional thoughts on policies that are needed to curtail unauthorized ATV use?

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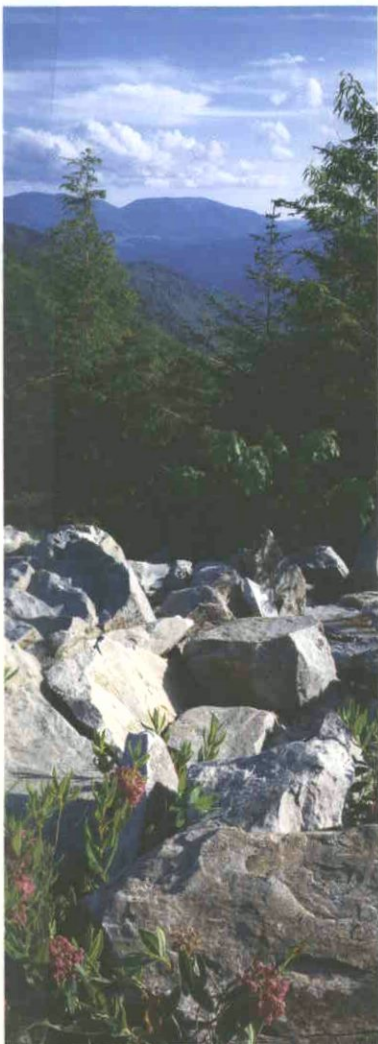
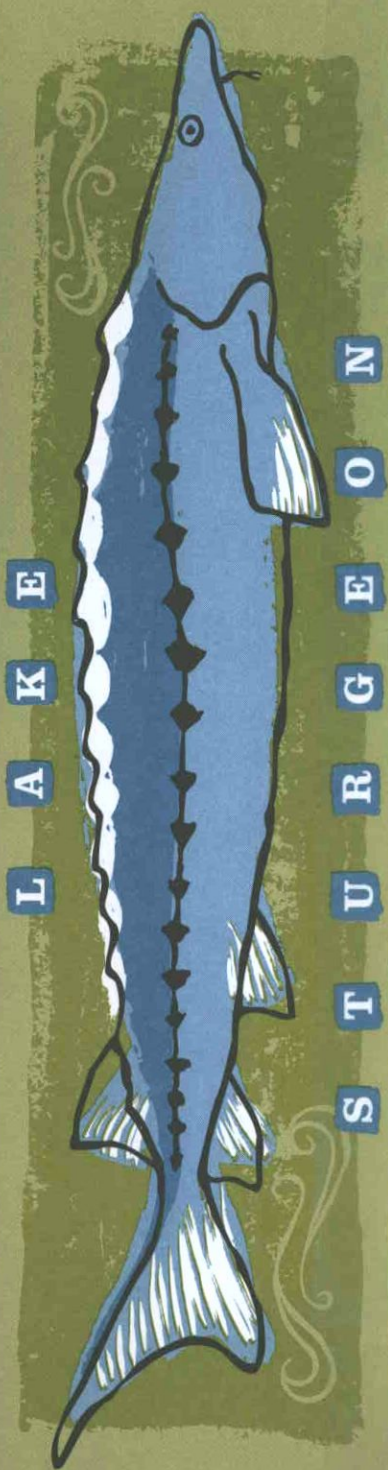
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DID YOU KNOW?

- ★ **The oldest lake sturgeon on record was 154 years old.**
- ★ **Lake sturgeon are often referred to as "dinosaur fish"—they first evolved back in the Cretaceous period 65 million years ago.**
- ★ **The largest lake sturgeon captured in North America weighed over 300 lbs.**

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CAMEL'S HUMP STATE FOREST



The Vermont Natural
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organization founded in
1963 to protect Vermont's
environment through research,
education and advocacy.

mendations of the 2002 *Downtown Task Force Report* and the Joint Fiscal Office/Legislative Council Study authorized by the 2002 legislature, and consider the concept of land value taxation. The General Assembly should enact enabling legislation that would allow cities and towns with designated downtowns to increase taxes on land values in their downtown centers while decreasing taxes on downtown building values if they choose. A voluntary measure like land value taxation would give municipalities with designated downtowns the flexibility to set the tax rates on land, buildings and improvements at levels they believe would work best at encouraging development in their downtowns, and to alter the ratio in the future.

- Extend the current use program to other open space lands including land used for protecting threatened and endangered species.
- Broaden and increase the land gains tax so that the land gains tax rate for land most threatened by sprawl could increase.
- Fully support the Municipal and Regional Planning Fund. This fund provides financial and technical support to Vermont communities and regional planning commissions through the Department of Housing and Community Affairs. The M&RPF and Housing and Conservation Trust Fund are allocated funding from the property transfer tax under a statutory

formula. In recent years this formula has not been followed as resources have been diverted to the General Fund. This has weakened these two important programs. In order to fulfill the legislative intent, the funding to these two programs must be restored to the levels mandated by the formula in current law.

VERMONT'S LACK OF ENERGY PLANNING

It would be easy to say that the Vermont Department of Public Service (DPS) has put energy planning in reverse. However, there would have to be a document that could be described as a "plan" in order to make that judgement. Instead, the DPS guide to Vermont's energy future is myopically focussed on cheap rates for industrial customers, and does not comply with the statutory obligation for designing a comprehensive energy plan. What the DPS produced is not really a plan at all.

Glaringly absent are strategies for lowering costs, diversifying Vermont's energy portfolio with renewable sources, strengthening energy efficiency programs (which actually provide the most inexpensive power), and adequately meeting Vermont's energy needs as contracts expire. Negligible public input was provided. Rationale for many of DPS's assertions are missing.

VNRC encourages the legislature to hold oversight hearings on provisions contained in the "planning" document, as well as methodology for inclusion or exclusion of certain

provisions. The legislature should advise the DPS to scrap the first effort and start over—this time with adequate public involvement.

WIND ENERGY AND RIDGETOP DEVELOPMENT

Since our earliest days as an organization, VNRC has been a strong advocate for renewable energy, and for good reason. The impacts of fossil fuel combustion continue to diminish the quality of life in Vermont. Fossil fuel generated electricity has poisoned Vermont's rivers and lakes with mercury, dumped forest-killing acid rain across the landscape, altered the global climate, and increased human illness.

Vermont needs to plan for the future, and renewables must continue to be a key part of our energy portfolio. Technological improvements, especially in commercial wind turbines, make renewable energy cost-competitive with other forms of power in Vermont. There currently are five proposals for wind farms in Vermont that would generate over 10% of Vermont's electrical needs. Considering that by 2012 Vermont Yankee is scheduled for decommissioning and by 2015 the Hydro-Quebec contracts are set to expire (together providing Vermonters with 66% of our electrical needs), there will be a massive hole in our energy supply—better that it come from renewable, in-state sources than from fossil fuel beyond our borders.

Modern wind turbines are not without drawbacks. Modern turbines can reach heights of 300 feet and need to be placed along Vermont's

ridgelines in order to maximize output and reliability. Many Vermonters have become extremely concerned that the aesthetic impacts of commercial wind installations do not justify the need for the electricity they provide. Some have suggested that moratorium legislation is needed on the development of new wind farms in Vermont.

VNRC believes that the basis for any sound energy policy needs to start with efficiency and conservation first. Further investment in Vermont's efficiency programs is the cheapest, most effective and most environmentally benign way to reduce greenhouse gasses and other air pollutants and lure new businesses into Vermont, while providing for our electrical needs. VNRC does not support a moratorium on wind power development.

VNRC supports wind power, and believes that, as much as possible, increases in electric demand should be satisfied with renewable energy. We also support the opportunity for citizens to provide real input into how wind installation will effect their communities.

VNRC recently helped The Windham Foundation organize a conference in Grafton, VT to help guide future siting policy. The conference participants represented a broad range of interest groups including citizens concerned about wind energy development, wind energy developers, utilities, state government officials, elected officials and more. At the conference, the following suggestions were made:

- The Public Service Board (PSB) should continue to use Section 248 and the Act 250 Quechee Analysis

to review wind farm projects. Section 248 is the law relevant to review of wind development projects.

- The Agency of Natural Resources should be directed to develop visual sensitivity criteria to guide developers in setting the parameters of ridgeline development.
- Local and regional planning commissions should conduct their own energy planning. Such planning should include potential wind farm placement areas, scenic assessments, growth patterns, transmission line access, sustainability, and management plans of public lands, among others. How all of this will affect recreation, wildlife, and the local economy should also be included in the planning process.
- The Section 248 notice period for host towns and regional commissions should be extended to 90 days from the current 45 days.
- Host towns, regional planning commission and the regional development commission should have party status in any PSB hearings.
- The PSB should be directed to set definite terms on the timeframe of power generating licenses, and should consider the establishment of a decommissioning fund for all new projects.
- The PSB should be granted the authority, on a case by case basis, to determine the distribution of impact fees beyond the host town.

THE 2004 BUDGET

Budget initiatives are some of the most important issues taken up by the legislature. The following investments will go a long way toward improving Vermont's environmental quality, protecting its natural resources, and ensuring a predictable and efficient atmosphere for economic development:

- Adequately fund ANR so it can effectively and efficiently carry out environmental permitting, enforcement, and other responsibilities such as water quality monitoring and stormwater management.
- Invest appropriate resources at the Agency of Agriculture, Food, and Markets to implement proper farm planning, a critical element to ensure clean-up of Lake Champlain.
- Fully fund the Vermont Housing and Conservation Fund, and earmark a portion of the Property Transfer Tax receipts for effective state, regional, and municipal planning.
- Allocate sufficient general funds to jump-start the Downtown Reinvestment Fund.
- Implement mechanisms, including general fund appropriations, for a sorely underfunded Nongame and Natural Heritage Program within the Department of Fish and Wildlife.

REVITALIZING THE NONGAME AND NATURAL HERITAGE PROGRAM

The Vermont Department of Fish and Wildlife's Nongame and Natural Heritage Program (NNHP) performs vital work related to research and management of nongame species, natural communities, and threatened and endangered species in Vermont. One of VNRC's top priorities for 2004 is to encourage legislation that brings financial assistance and increased staff to the NNHP.

Currently, the NNHP receives approximately only three to four percent of the overall budget of the Department of Fish and Wildlife (DFW). For years, budgetary constraints have impacted the ability of the NNHP to perform its core

duties. For example, 195 plant and animal species are currently listed as threatened or endangered in Vermont, yet only a handful of recovery plans have been accomplished to date. A recent survey of Vermont residents revealed that sixty percent of Vermonters support increased spending on endangered species conservation. Quite simply, additional program funding is needed.

A budget increase of \$550,000 - \$600,000, or an annual budget of approximately \$1,000,000, would help curb deficient funding and staffing, and allow the NNHP to implement important monitoring and inventory efforts, recovery planning, and state permitting procedures. A reallocation of funds within the DFW will not remedy the situation. The time is ripe for the state

to support the DFW and NNHP through additional financial support.

Wildlife related activities contribute greatly to Vermont's economy. For example, wildlife watchers contributed \$203.7 million to the Vermont economy in 2001. Accordingly, it's appropriate to increase financial support for the NNHP through Vermont's general fund, an action that has the support of the public. An overwhelming 87% of Vermonters support allocating general fund dollars for Department of Fish and Wildlife Programs that do not currently receive a general fund appropriation.

A separate funding option would be to redistribute a portion of the state sales tax so that the DFW and NNHP receives 1/8 of 1% of the existing sales tax. This mechanism has the support of 81% of Vermonters. Yet another option is to implement a small gas tax to collect revenue for the entire DFW, with a dedicated portion going to the NNHP.

While the NNHP currently receives limited funding from the sale of conservation license plate, income tax contributions and federal grant money, most of the overall Department of Fish and Wildlife funding is generated through hunting and fishing license sales, a revenue stream that dwindles as each year passes. In the very near future, the entire Department will be in dire financial straits. For the sake of the NNHP and the entire Department, it's time to plan for the future.

BRINGING CALM TO THE ATV STORM

Problems associated with illegal all-terrain vehicle

CONNECTICUT RIVER DAMS

Senator Vince Illuzzi (R, Orleans-Essex) has been leading a statewide effort to purchase 10 dams along the Connecticut and Deerfield Rivers. The dams are currently owned by USGen New England, which filed for bankruptcy in July. The power generated from the dams is currently sold out-of-state, but could provide up to 20% of Vermont's overall electrical needs. Senator Illuzzi's efforts have sparked a vibrant debate on the merits of publicly owned power as a way to lower electrical bills for citizens and businesses. As a public entity, unencumbered by the liabilities of federal income taxes and shareholder profits, Vermont would maintain a significant advantage over other potential purchasers from the private sector. Such benefits would extend to Vermont's electric customers in the form of lower rates. New York has long used the cheap electricity generated from its publicly owned dams and distributed by the New York Public Power Authority to lure new businesses, including IBM, to their state. The Vermont Natural Resources Council supports the purchase of the Connecticut and Deerfield River dams by the State, if the price is right. Besides the benefits of lowering electric rates for consumers and businesses, the addition of new sources of electricity in Vermont's energy mix will alleviate the need for new nuclear energy or fossil fuel plants. It would also give Vermonters greater control of the Connecticut and Deerfield River watersheds and could protect over 20,000 acres of extremely valuable wildlife habitat.

illegal operation of ATVs, including a maximum penalty of impoundment. The Legislature should also recognize that up to 80,000 ATVs in the state have not been registered. ATV registration should be mandatory at the point of sale, and to be operated legally all ATVs should have visible front and back license plates. Extra revenue from increased registration and higher penalties should be used to increase enforcement; compensate landowners for unauthorized activity; and to support local clubs in maintaining legal trail corridors on private land. Legislature should look to increase the penalties for

Blake Gardner



illegally riding on state land. These type of incidents are increasing. VNRC supports the Agency of Natural Resources' policy that our public lands cannot absorb additional environmental impacts from ATVs. There is still the question of whether or not Vermont's public lands can even accommodate the environmental impacts associated with existing recreation and snowmobile usage. Opening Vermont's public lands to ATV use will only lead to increased illegal activity and further resource damage. This session, the Vermont Legislature should look to increase the penalties for

(ATV) use are getting worse, and it's time for the Vermont legislature to take action to curtail the damage. This past July, the House Transportation Committee initiated a hearing to discuss various aspects of state policy regarding ATV use. Issues discussed ranged from access and public land policy to repeated violations and enforcement problems. ATV advocates testified that improved access to state lands will be necessary to decrease the number of violations occurring on both public and private land. VNRC believes this false argument is a slippery slope that contradicts state policy. State law currently prohibits ATV use on state public lands. In 2001, the Agency of Natural Resources (ANR) compiled a report on the environmental and social effects of ATVs and other off-road vehicles. In the report, the Board of State Land Stewardship unanimously decided that regulations prohibiting ATV use on state lands "should not be legislatively or administratively relaxed." According to a state ATV Committee, existing studies "paint a disturbing pattern of negative environmental impacts with few studies having neutral results, and none having beneficial outcomes."

Despite the current ban on ATVs on public lands, there are hundreds of illegal use violations reported each year, and the Department of Forests, Parks, and Recreation has documented tens of thousands of dollars in physical damage to the landscape. To make matters worse, State Game Warden Dale Whitlock was injured this summer when an ATV operator charged him while

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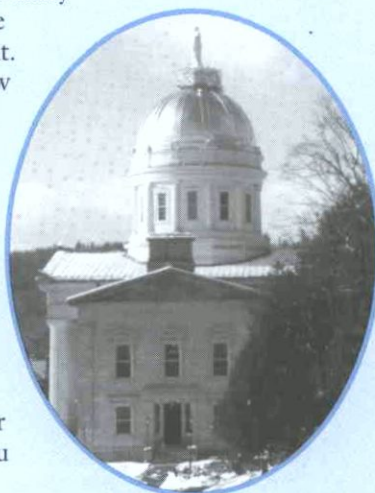
CITIZEN ACTION DAY

VNRC invites you to join us at the State House in Montpelier for Citizen Action Day on February 18, 2004. During the legislative session, Vermont's hardworking legislators make many decisions that will impact the quality of our life in Vermont. Citizen Action Day will allow Vermonters from across the state to encourage their Legislators to support an environmental agenda in 2004.

Citizen Action Day 2004 will be an opportunity for you to observe Vermont's legislative process up-close and personal, to stand up for the environmental values you care about, and to make a difference in the political process. Learn how to lobby. Observe a committee hearing or a floor vote. Meet your Legislators. In Vermont, your voices can go a long way towards making a difference.

Let your legislators know that you care about clean water,

protecting citizen review in Vermont's development process, promoting clean energy, protecting Vermont's family farms, and stopping illegal ATV use from damaging wildlife habitat.



CITIZEN ACTION DAY 2004 February 18, 2004, Montpelier, VT

- 10:00 AM Welcome and schedule
- 10:15 AM Issue update
- 10:30 AM How to lobby
- 11:00 AM Meet your lobbying team and captain
- 11:15 AM To the State House
- 3:00 PM Issue specific break-out teams for those who want to continue to be involved in a particular issue
- 4:00 PM Closing and thanks

To find out more about Citizen Action Day or to register please contact Matteo Burani at 802.223.2328 or mburani@vnrc.org.

Citizen action Day is sponsored by VNRC, Rural Vermont, Vermont Public Interest Research Group, Vermont Alliance of Conservation Voters, Lake Champlain Committee, Green Mountain Club, Conservation Law Foundation, Vermont Sierra Club, Toxics Action Center, New England Grassroots Environment Fund, Northeast Women's Environment Network and Vermonters for a Clean Environment with generous support from Ben and Jerry's.