



VNRC

# Vermont

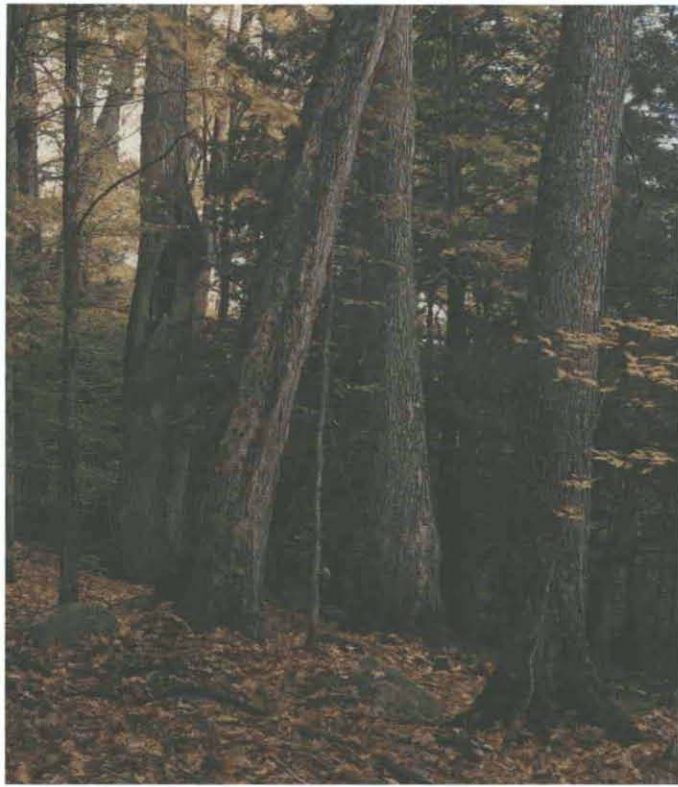
## Environmental Report

Published  
by the  
Vermont  
Natural  
Resources  
Council, Inc.

**WATER WOES:  
ARE WE TAKING  
VERMONT'S  
DRINKING WATER  
FOR GRANTED?**

Fall 2005





# Blake Gardner

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# Vermont Environmental Report

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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* and the *Vermont Environmental Report* magazine (both published twice annually).  
Join VNRC in protecting Vermont with your membership of \$35.

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Fall 2005

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## THE INSIDE WORD



*Jean's insight,  
commitment,  
and  
dedication to  
VNRC and  
our mission  
helped us  
enormously  
to become  
a stronger,  
more effective  
organization.*

# FAREWELL TO A DEAR FRIEND

BY ELIZABETH COURTNEY, EXECUTIVE DIRECTOR

**W**e were saddened this year by the death of one of our board members, Vermont State Senator Jean Ankeny.

Jean had a way of offering the best of herself, selflessly. Jean had so much to give—her expertise gathered from serving for nine years in the Vermont Senate, her strong commitment to the environment, and her deep compassion and respect for others.

During the three years Jean served on the VNRC board, we undertook a major organizational shift as we moved to a Policy Governance structure. It was tedious but important work, and much of our time was spent building the new structure. Jean's insight, commitment, and dedication to VNRC and our mission helped us enormously to become a stronger, more effective organization.

One of Jean's more tangible gifts to VNRC was the use of her wonderful barn at her home in St. George for gatherings and fundraising events. We passed many delightful and productive times in Jean's barn, discussing issues and later learning to contra dance. And after her death, her children made the barn available to VNRC for remembering her and have offered it for the future. We are grateful to Chrys, Cindy and Jay.

Jean kept us as family, welcoming all, forgiving each and remembering the common bonds of our environmental community. She is perhaps best remembered for earning respect from others, even those in disagreement with her, through her respectful attitude towards others.

I'd like to say that I've known Jean for many years, but my association with her only goes back

a decade. She was in the Senate when I was facing my confirmation hearings for reappointment to Chair the Vermont Environmental Board. It was a contentious partisan process that many said was a McCarthyesque trial to punish "environmentalists". While two of my board members and I lost that confirmation vote in the end, Jean was stalwart in her defense of me, Terry Ehrich and




Nundy Bongartz. Her final interrogation of the Chair of the Senate Natural Resources Committee, Tom McCauley, on the floor of the Senate was impressive. She drove home her point by reiterating in a quiet query, "You are telling me Senator that you arrived at your decision without taking any testimony at all? No testimony whatsoever?"

In the years Jean served on the VNRC board I never heard her raise her voice. She always spoke quietly

in a level tone—you might even have said she spoke mildly. But not if you really listened to what she said. There was nothing mild about Jean's words. They were about fairness, peace, giving power to the grassroots, and helping people live better lives.

Jean served on many other boards, including the board of Women's Actions for New Directions (WAND), who remember her with these words:

"Her voice is gone now but we can still hear it, defying the powerful, defending the weak, empowering women—a brave, clear voice we will all use to carry on her work. As we do so, we can also remember her chuckle and her humor and the stories of her farm that made her the delightful companion and deeply-rooted Vermont person she was." 



## BOOK REVIEW

# WATER MUSIC

*Book about water combines images and words with an unusual vision of stewardship.*

BY NICK BOKE

Marjorie Ryerson was driven by a vision of beauty. Back in 1995, you wouldn't have imagined that this modest Castleton State Communication Professor was about to spend eight years pulling together an art book called *Water Music* as well as a global project built on the elements of the book. The book *Water Music* interweaves two aesthetic threads, as Ryerson juxtaposes her own photographs of water with commentary about water provided for the book by sixty-six world-renowned musicians.

So, next to the remarks of jazz-great Dave Brubeck is a photo of white water bursting over rocks. Next to a photo of a turquoise sea classical giant Vladimir Ashkenazy compares his first sight of the ocean to the first time he heard a symphony orchestra. Soprano Renée Fleming's remarks about the timelessness of music are illustrated by a wave at its peak. Folk singer Gordon Bok offers song lyrics that begin, "You set your clock by the tide," and in the accompanying photo, waves roll relentlessly toward the shore.


A wide range of musicians participated in this book: from Bobby McFerrin to Taj Mahal and Eugenia Zukerman. The book begins with Paul Winter. It was to him that Ryerson first appealed for a written contribution. The afternoon they spent amid her photographs spread throughout his living room led him to agree to write the introduction. This set in motion Ryerson's process of reaching out to other musicians, sending samples of her photos and a request for their thoughts.

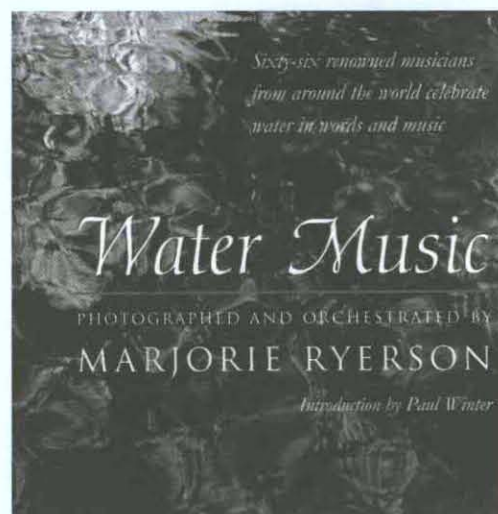
Along the way, Ryerson has had a lot of help. It began with the gallery curator at Castleton who invited her to show her photos, and a gallery visitor who suggested that there was a book hanging on those walls. A sabbatical from Castleton gave her the time to do the work. Vermont author Joe Citro put her in touch with the University of

Michigan Press, which then agreed to publish the book.

But the publication of *Water Music* was just the beginning. Ryerson wants the fruits of her labor to protect the world's waters, so she persuaded the United Nations Foundation to establish a special *Water Music* Fund. Ryerson's net royalties from the book go into this fund, as do many other individuals' donations. Since the book's publication in late 2003, Ryerson has been busy. She has held a release party at the United Nations, and a benefit concert at the Interfaith Center of New York City. She has presented alone as well as with musicians in various concerts, lectures, readings, college events and gallery exhibitions throughout the United States. In October, she will head to The Netherlands and Germany for two more *Water Music* concerts.

Help for the project continues to flow in. The project has become a Vermont non-profit, with an energetic board of directors. Three Vermont women—a grants writer from Burlington and a marketer and a promoter from Townsend—are now assisting Ryerson, all as volunteers. And ideas for future events for the project continue to pour in at a steady pace from people across the United States.

Ryerson recalls sitting on the floor of Castleton State College's Gallery, looking at that first show of photographs of water, which had already come to dominate her life. She asked herself, "What am I doing?" She realized she was trying to discover the full mystery of water. Gradually, she realized that she could never explore it completely on her own. Her solution was to take what she could find and enlist others around the globe who might contribute to her understanding. The result is *Water Music*. 



*Marjorie is the recent recipient of an international award for Water Music — the 2005 Harry E. Schlenz Medal.*

*Nick Boke is a reading consultant and free-lance writer who lives in Weathersfield. For more information about Water Music, please go to: [www.water-music.org](http://www.water-music.org).*



# VERMONT PERSPECTIVE



## WAL-MART STORMWATER WOES

In May of 2005, The Vermont Agency of Natural Resources (ANR) issued a draft stormwater permit for the approximately 161,000 square foot Wal-Mart store that has been proposed in St. Albans. Issuing a draft permit begins the public review and comment period for a stormwater permit. The VNRC Water Program is closely scrutinizing the draft permit.

The draft permit authorizes the paving of over 40 acres of an existing cornfield in order to create hundreds of parking spaces for Wal-Mart. The stormwater runoff from the paved area will discharge sediment and nutrients into Stevens Brook, which is already polluted (it does not meet minimum state water quality standards) due in part to excessive sedimentation and nutrients.

Amazingly, ANR has decided not to apply the strict standards recently codified into Vermont's stormwater law (see Winter 2004 *VER*) for stormwater discharges to already polluted waters. ANR reasons that because currently agricultural fields carry the pollutants rather than paved areas, developers like Wal-Mart can create paved areas that increase pollutants in Stevens Brook without having to meet Vermont's most stringent stormwater control standards. ANR appears to be

making a distinction between sediment and nutrients that pollute our waters that runs off farm fields and sediment and nutrients that pollutes our water that runs off pavement.

ANR's position simply does not make sense. In our view, it does not matter how the pollutants are being conveyed to already polluted waters. Pollution is pollution whether it gets to Vermont waters via farm fields or pavement. Moreover, the law is clear, there cannot be an increase of pollutants to these waters until a science based clean up plan for the water is in place. Carrying ANR's position to its logical conclusion, we would have to wait until all the farm fields became parking lots before we clamp down on discharges to polluted waters from paved farm fields.

Perhaps even more disturbing is the fact that Wal-Mart is arguing that paving a cornfield will actually improve the water quality in Stevens Brook. If Wal-Mart's position were to be adopted as state policy, Vermont's new motto could be "Pave the Farm to Clean Up the Water." This does not bode well for the future of farms or water quality in Vermont.

So many Vermonters expressed concern about this draft permit that ANR held a public hearing on the draft permit on August 11, 2005. ANR rarely holds hearings on its so called "technical stormwater permits." Accordingly, ANR's decision to hold a hearing indicated the tremen-

dous local concern that exists about this draft permit.

At the hearing, dozens of Vermonters testified passionately about the need to protect Stevens Brook and the obvious adverse impact that the proposed Wal-Mart would have on water quality. In contrast, only the Town of St. Albans and a lobbyist for the Vermont Home Builders Association testified in support of the permit. VNRC is anxiously awaiting ANR's final decision on the permit and ANR's response to the concerns that were raised at the public hearing and in writing.

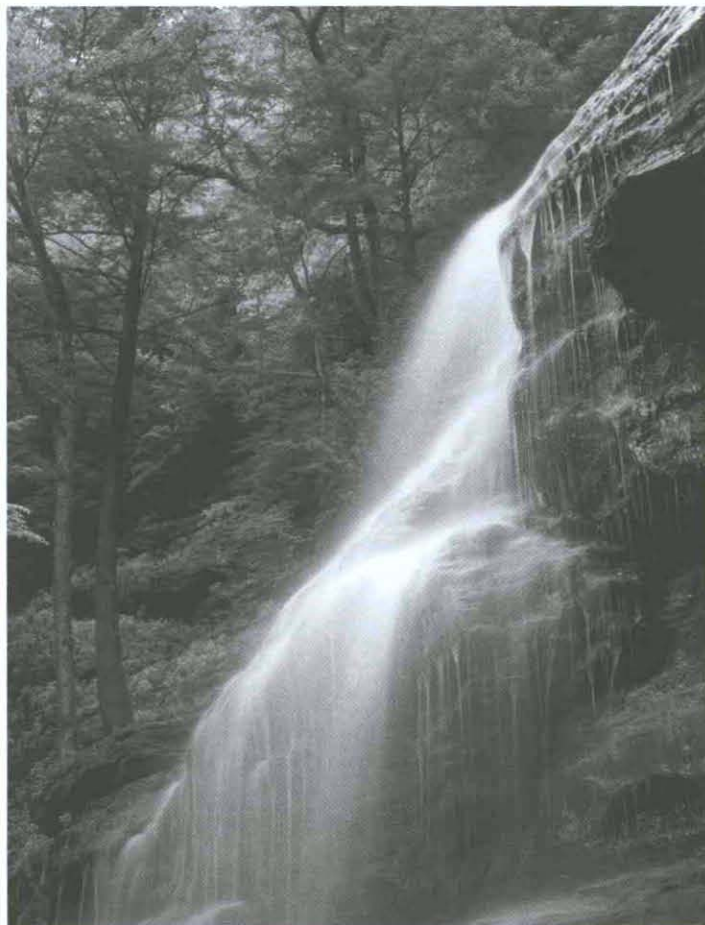
## PROMOTING LANDOWNER INCENTIVES

A combination of forces are increasing land fragmentation and promoting unsustainable

land use patterns in Vermont. Growing property taxes, a booming real estate market, and increasing pressures on landowners to find alternative sources of income, are all promoting the development of private land holdings. The number of non-industrial private landowners in Vermont has increased from an estimated 61,900 in 1983 to approximately 80,000 in 1997, correlated with a decrease in the average size of a parcel of land. Today, 76% of Vermont is held in parcels less than 10 acres in size.

Since 85% of Vermont is in private ownership, this fragmentation trend will continue to have serious impacts on the long-term viability of conserved and working forestland and the wildlife species that require healthy, unfragmented forests.

VNRC is about to launch a





**VNRC will study the degree to which increasing property taxes are impacting the ability of landowners to own forested land without resorting to subdivision development.**

campaign to curb the growing fragmentation of Vermont's forestland from unsustainable land use development. VNRC will study the degree to which increasing property taxes are impacting the ability of landowners to own forested land without resorting to subdivision development. VNRC will also assess the degree to which existing state and local land use programs and landowner incentives policies are helping to promote the viability of privately owned forestlands to provide for important forest resources, including wildlife habitat. Finally VNRC will develop new policies that will help reduce the rate of forest fragmentation across Vermont.

The second part of this project will focus on advocacy that furthers both legislative and administrative policies to promote the maintenance of unfragmented forestland and habitat in Vermont. VNRC, with over 40 years of relationship building with local decision makers and legislators, as well as having a full-time presence in the State House, will develop, prioritize and ground truth viable taxation, policy, and legislative options.

## **WHITE RIVER BASIN PLAN**

The Vermont Water Resources Board (WRB) has approved the Agency of Natural Resources' (ANR) petition to classify waters within the White River Basin. VNRC opposed the petition because it proposed to classify

waters lower than the existing quality of the waters based on ANR's data and it is inconsistent with state policies that require that waters be managed to maintain and enhance water quality. While the WRB decision acknowledged the validity of many of VNRC's concerns, the WRB accepted all of ANR's proposed classifications as is. VNRC believes that Vermont's waters should be classified to reflect the highest level of quality that the waters can achieve based on sound science. The White River decision does not reflect this approach. VNRC is very concerned that the WRB decision will set a bad precedent for how ANR approaches the basin planning and classification process in Vermont's 16 other basins. The WRB decision must now be approved by the Legislative Committee on Administrative Rules (LCAR). VNRC intends to raise its concerns about the WRB decision before LCAR. The members of LCAR are:

Sen. Mark MacDonald, Chair (D) Orange  
Rep. Robert Rusten, Vice-Chair (D) Halifax  
Sen. Ann Cummings (D) Washington  
Sen. William Doyle (R) Washington  
Sen. Matt Dunne (D) Windsor  
Rep. Maxine Jo Grad (D) Moretown  
Rep. Clint Martin (D) Springfield  
Rep. Linda Myers (R) Essex

Call your Representative and Senator on the Committee



and ask them to reject the WRB decision because it does not protect the high quality waters in the White River Basin and is inconsistent with ANR's own scientific data.

## **DRAFT FOR GMNF RELEASED**

The Forest Service finally released its proposed plan for the Green Mountain National Forest (GMNF) early this year. The much anticipated draft plan proposes multiple scenarios for managing the 400,000-acre national forest including the Forest Service's preferred alternative, Alternative E. This summer, VNRC stayed busy writing detailed comments and informing our members about the proposed plan.

There was much hope that the Forest Service would strike a balance between sustainable timber harvesting, diverse recreational opportunities, and ample new Wilderness areas. Unfortunately, the Forest Service's proposal does not achieve this balance nor realize the potential for meaningful conservation on the GMNF.

The proposed plan favors motorized recreational settings over quiet backcountry opportunities. The plan opens the door to new All-Terrain Vehicle (ATV) activity, and the Forest Service preferred alternative would make 47% of the GMNF available to new ATV trail corridors. Equally troubling, it opens up a potential new motorized corridor over the spine of the Green Mountains which would impact a proposed Wilderness area in the Northern Half of the GMNF.

In addition, the Forest Service has limited its endorsement of new Wilderness in almost all the proposed alternatives. The Forest Service mapped approximately 117,000 acres of roadless areas that could be considered for new Wilderness designation. Yet their preferred alternative, Alternative E, recommends only 17,869 acres of new Wilderness. Another alternative, Alternative D, would recommend 49,280 acres of new Wilderness. However, all the alternatives fall drastically short of the Vermont



# VERMONT PERSPECTIVE



Wilderness Association's proposal for 80,000 acres of new Wilderness areas.

There is hope however! During the public comment period citizens responded overwhelmingly in favor of adding more Wilderness and prohibiting ATVs on the GMNF. Furthermore, VNRC and other conservation organizations filed extensive comments concerning the above issues and others including sustainable timber harvesting, wildlife management, roads analysis, and a streamlined methodology for designating newly acquired lands (for a copy of VNRC's comments, please call our office).

The Forest Service will now digest the unprecedented level of public input and formulate a final plan sometime in early 2006. While we wait to see whether the Forest Service improves its future plan for the GMNF, Vermont's Congressional Delegation is considering moving forward with a Wilderness Bill to champion newly conserved areas on the GMNF. Please contact Senators Leahy and Jeffords and Congressmen Sanders to show your support for a new Wilderness Bill for Vermont!

## WAL-MART PERMIT ISSUES CONTINUE

As you may recall, VNRC dedicated our December 2004 *VER* to Wal-Mart and other big box development in an issue titled, "Paving Vermont's Pastures: The Invasion of the Big Box Store." Since the issue

went to press, many new events have occurred. Bennington citizens voted down the proposed cap of 75,000 sq. ft. and the town's District Review Board (DRB) received an application for a 112,000 sq. ft. Wal-Mart. The DRB in St. Albans approved a local development permit for a 161,000 sq. ft. Wal-Mart, developer Jeff Davis has applied for a permit for a 150,000 sq. ft. yet-unnamed big box store in Derby, and the Vermont Agency of Natural Resources (ANR) issued a draft stormwater permit for the proposed St. Albans Wal-Mart that finds paving a farm will improve water quality. Where's the good news?

The good news is that there is a growing number of citizens across Vermont who are standing up to say a resound-

ing "No!" to poorly planned, unchecked big box development. They are scrutinizing the proposals from a number of different angles, ranging from traffic studies, to stormwater runoff, to poor employment practices.

VNRC is helping to provide information and technical expertise to concerned citizens. In addition, we are currently focusing our efforts to provide assistance on the stormwater issue in St. Albans, and the appeal of the St. Albans' DRB decision.

**DRB Decision**—VNRC, representing 45 local concerned citizens, has appealed the DRB's June 14th permit to the Environmental Court. The appeal lays out several flaws in the local permit process: lack of due process provided by the St. Albans Town DRB, conflict of interest on the part of some members of the DRB, and a failure to meet the development standards set forth in the local bylaws. It is anticipated that Wal-Mart will apply for an Act 250 permit sometime this fall.

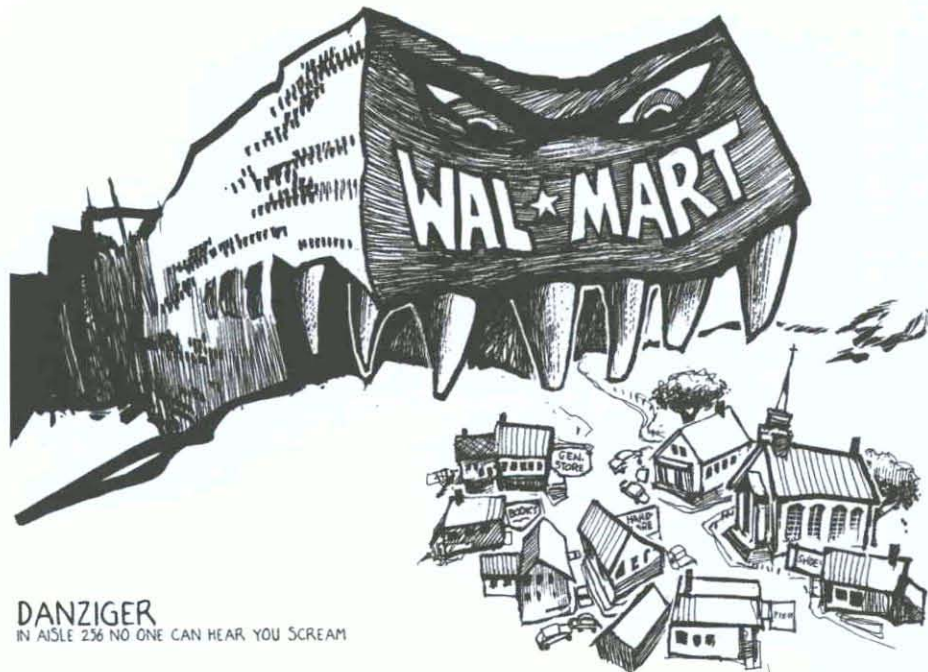
## VERMONT FAIR TAX COALITION

The Vermont Fair Tax Coalition (VNRC and its three partners—Vermont Businesses for Social Responsibility, Vermont Public Interest Research Group, and Friends of the Earth) has fostered a mature movement and continues to play a key role in recruiting and educating decision makers to become leaders on fair tax priorities while strategically marketing initiatives that are politically prime for Vermont. The VFTC continues to attract new members and active participants in shaping green tax policy.

This fall the VFTC will publish an update to its 1999 study and report *Tax Reform that Agrees with Vermont*. This report explores ways in which the power of taxes could be better harnessed in Vermont to improve the public good with lasting benefits for the economy, the environment and all members of society.



Coming Soon to a Town Near You





The good news is that there is a growing number of citizens across Vermont who are standing up to say a resounding "No!" to poorly planned, unchecked big box development.

*Tax Reform that Agrees with Vermont* presents a comprehensive inventory of Vermont's environmental taxes, fees and incentives and recommends several environmental tax options. A significant amount of the research generated by the first "green tax" class at UVM (taught by Gund Institute Research Associate Gary Flomenhoft in fall 2004) is being used in the report.

#### Renewable Energy and Efficiency

The VFTC was instrumental in passage of an energy bill with a key provision requiring Vermont to meet a renewable portfolio standard unless the utility invests in renewable energy projects under guidelines set forth in the law. Both House and Senate Natural Resources and Energy Committees are poised to take up appliance efficiency standards and greenhouse gas reduction measures in 2006.

#### Vermont Yankee

The Legislature passed controversial legislation which permits the Vermont Yankee nuclear power plant (VY) to store spent nuclear fuel in dry casks. VY is owned by Entergy Nuclear.

Members of the VFTC were especially influential in the portion of the dry cask bill that sets up a program where Entergy could be required to pay \$2.5 million per year into a renewable energy development fund.

#### Other Fair Tax Issues

VFTC helped advance the

following legislative issues with potential green tax components or conservation-driven market incentives:

- Big-Box Development
- Growth Centers
- Downtown Bill
- Vermont Economic Progress Council (VEPC) Reform
- Housing and Conservation Trust Fund and Municipal and Regional Planning Fund
- Mining Waste

For more details, see VNRC's *Bulletin & Legislative Update* or contact Pat Berry. For information about the Vermont Fair Tax Coalition contact Steve Holmes.

#### Natural Resources Board Files New Act 250 Rules & Rules of Procedure

On August 5th the new Vermont Natural Resources Board filed two sets of proposed rules with the Secretary of State.

Public hearings are scheduled for 10:00AM Friday, September 9, 2005 at the

VNRC received the proposed new Natural Resources Board (NRB) rules as our *Vermont Environmental Report* was going to print. We will be preparing comments on the rules for the public hearings and comment deadline. Contact Steve Holmes – sholmes@vnrc.org if you would like to see our comments or participate in the public hearing process.

At this point, we are going to urge the NRB to drop Rule 80 (project review on prime agricultural soils) of the Act 250 Rules. A special legislative study committee has been charged with addressing this issue and proposing new legislation when the general assembly convenes in January. The NRB's proposal is premature. The Board should let the legislative process take its course before any rule adoption on this issue.

Basin Harbor Club, Vergennes, and 10:00AM Tuesday, September 27, 2005 at the Holiday Inn on Route 7 (South) in Rutland.

#### NATURAL RESOURCES BOARD FILES NEW RULES

The Natural Resources Board (NRB) and the Land Use Panel (LUP) are proposing the adoption of a new package of procedural and substantive rules to guide the operations of the district environmental commissions in the implementation of Act 250, Vermont's Land Use and Development Control Law. The proposed rules echo the Procedural Rules of the former Environmental Board and have been revised to comply with Act 115 of the 2003 Adjourned Session of the Vermont Legislature.

The existing Environmental Board Rules of Procedure are proposed for elimination in their entirety, and the proposed Natural Resources Board Rules for Act 250 will supersede them.

New Rule 80 is also being proposed in order to provide for the review of projects located on primary agricultural soils.

#### Rules of Procedure

The Natural Resources Board (NRB) is seeking the

adoption of Rules of Procedure to govern the operations of the Land Use Panel and the Water Resources Panel of the NRB. The 2003 Adjourned Session of the Vermont Legislature eliminated the Environmental Board and the Water Resources Board effective February 1, 2005 and the Natural Resources Board was established on the same date. With expanded rulemaking and environmental policy authority, the NRB needs procedural rules to guide its operations which no longer involve contested case proceedings since all Act 250 and Agency of Natural Resources appeals now go to the Environmental Court. The proposed rules have been modeled largely on the Procedural Rules of the former Water Resources Board.

The existing Environmental Board Rules of Procedure and the Water Resources Board Rules of Procedure are proposed for elimination. The new NRB Rules will supersede them. Written comments must be received by the Natural Resources Board no later than 4:30 P.M., Friday, October 7, 2005. Comments may be delivered or mailed to the Natural Resources Board or filed by email at [nrbcomments@state.vt.us](mailto:nrbcomments@state.vt.us). Please include "Procedural Rules Comments" in the subject line. All comments, including any identifying information, will be public records and will be posted on the NRB web site: [www.nrb.state.vt.us](http://www.nrb.state.vt.us).

Send comments to the following address: Natural Resources Board, National Life Records Center, Drawer 20, Montpelier, VT 05620.

If you have any questions about this rulemaking, please contact Michael Zahner, 828-3300 or [mike.zahner@state.vt.us](mailto:mike.zahner@state.vt.us).







## BLUE GOLD:

### *The Fight to Stop the Corporate Theft of the World's Water*

BY MAUDE BARLOW & TONY CLARKE

*The introduction to the book Blue Gold follows, and is reprinted with the permission of the authors.*

*"Watersheds come in families; nested levels of intimacy. On the grandest scale the hydrologic web is like all humanity—Serbs, Russians, Koyukon Indians, Amish, the billion lives in the People's Republic of China—it's broadly troubled, but it's hard to know how to help. As you work upstream toward home, you're more closely related. The big river is like your nation, a little out of hand. The lake is your cousin. The creek is your sister. The pond is her child. And, for better or worse, in sickness and in health, you're married to your sink."*

Michael Parfit,  
*National Geographic*

Suddenly it is so clear: the world is running out of fresh water. Humanity is polluting, diverting, and depleting the wellspring of life at a startling rate. With every passing day, our demand for fresh water outpaces its availability and thousands more people are put at risk. Already, the social, political, and economic impacts of water scarcity are rapidly becoming a destabilizing force, with water-related conflicts springing up around the globe. Quite simply, unless we dramatically change our ways, between one-half and two-thirds of humanity will be living with severe fresh water shortages within the next quarter century.

It seemed to sneak up on us. Until the last decade, the study of fresh water

was left to highly specialized groups of experts—hydrologists, engineers, scientists, city planners, weather forecasters, and others with a niche interest in what so many of us took for granted. Now, however, an increasing number of voices—Worldwatch Institute, World Resources Institute, United Nations Environment Programme, International Rivers Network, Greenpeace, Clean Water Network, Sierra Club, and Friends of the Earth International, along with thousands of community groups around the world—are sounding the alarm: the global fresh water crisis looms as perhaps the greatest threat ever to the survival of our planet.

Tragically, this global call for action comes in an era guided by the principles of the so-called "Washington Consensus", a model of economics rooted in the belief that liberal market economics constitute the one and only economic choice for the whole world. Key to this "consensus" is the commodification of "the commons". Everything is for sale, even those areas of life, such as social services and natural resources, that were once considered the common heritage of humanity. Governments around the world are abdicating their responsibility to protect the natural resources within their borders, giving authority away to private companies that make a business of resource exploitation.

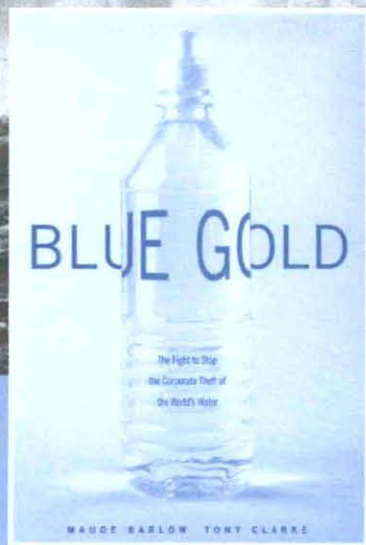
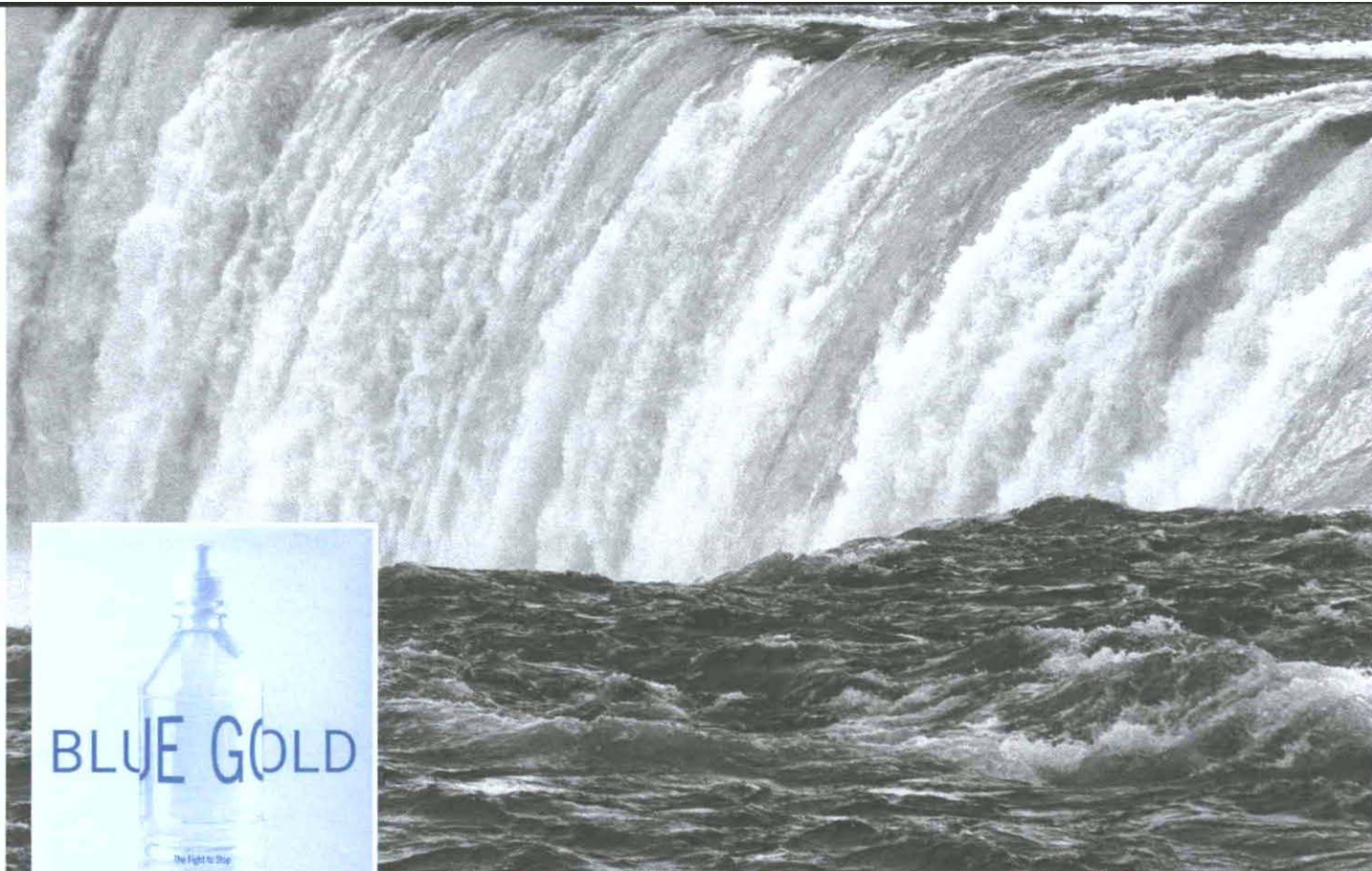
Faced with the now well-documented fresh water crisis, governments and international institutions are advocating a "Washington Consensus" solution: the privatization and commodification of water. Price water, they say in chorus; put it up for sale and let the market determine its future. For them, the debate is closed. Water, according to the World Bank and the United Nations, is a human need, not a human right. These are not semantics; the difference in interpretations is crucial.

A human need can be supplied in many ways, especially for those with money. But no one can sell a human right.

When water was defined as a commodity at the second "World Water Forum" in The Hague in March 2000, government representatives at a parallel meeting did nothing to effectively counteract the statement. Instead, governments have helped pave the way for private corporations to sell water, for profit, to the thirsty citizens of the world. So a handful of transnational corporations, backed by the World Bank and the International Monetary Fund, are now aggressively taking over the management of public water services, dramatically raising the price of water to the local residents and profiting especially from the Third World's desperate search for solutions to its water crisis. Some are startlingly open about their motives; the decline in fresh water supplies and standards has created a wonderful venture opportunity for water corporations and their investors, they boast. The agenda is clear: water should be treated like any other tradable good, its use and distribution determined by the principles of profit.

At the same time, governments are signing away their control over domestic water supplies to trade agreements such as the North American Free Trade Agreement (NAFTA); its proposed successor, the Free Trade Area of the Americas (FTAA); and the World Trade Organization (WTO). These global trade institutions effectively give transnational corporations unprecedented access to the fresh water of signatory countries. Already, corporations have started to sue governments in order to gain access to domestic water sources, and armed with the protection of these international trade agreements, they are setting their sights on the mass transport of bulk water by





*Unless we dramatically change our ways, between one-half and two-thirds of humanity will be living with severe fresh water shortages within the next quarter century.*

diversion and by supertanker.

So far, most of this activity has taken place without public consultation or public input. The assumption has been made by the powerful forces of governments and the corporate sector that the debate is over: "everyone" agrees to the commodification of water. And yet no one has given the world's citizens a real opportunity to debate the hard political questions about water: Who owns it? Should anyone own it? If water is privatized, who will buy it for Nature? How will it be made available to the poor? Who gave transnational corporations the right to buy whole water systems? Who will protect water resources if they are taken over by the private sector? What is the role of government in the stewardship of water? How do those in water-rich countries share with those in water-poor countries? Who is the custodian of Nature's lifeblood? How do ordinary citizens become involved in the discussion?


We believe that fresh water belongs to the earth and all species and that no one has the right to appropriate it for personal profit. Water is part of the world's heri-

tage and must be preserved in the public domain for all time and protected by strong local, national, and international law. At stake is the whole notion of "the commons", the idea that through our public institutions we recognize shared humanity and natural resources to be preserved for future generations.

We believe the access to clean water for basic needs is a fundamental human right; this vital resource cannot become a commodity sold to the highest bidder. Each generation must ensure that the abundance and quality of water is not diminished as a result of its activities. Great efforts must be made to restore the health of aquatic ecosystems that have already been degraded and to protect others from harm. Local and regional communities must be the watchdogs of our waterways and must establish principles that oversee the use of this precious resource.

Above all, we need to radically restructure our societies and lifestyles in order to reverse the drying of the earth's surface; we must learn to live within the watershed ecosystems that were created to sustain life. And we must abandon the spe-

cious notion that we can carelessly abuse the world's precious water resources because, somehow, technology will come to the rescue. There is no technological "fix" for a planet that has run out of water.

The debate over the wise and equitable use of the earth's water resources is far from over. In fact, it is just beginning. Our book, *Blue Gold*, tells the story of the world's growing fresh water crisis, the corporate assault on the water "commons", and the complicity of governments and international institutions in the theft of the world's fresh water. More important, we show how ordinary citizens all over the world are engaging in a new form of citizen-based politics. They are rejecting the commodification of water and taking back control, becoming "keepers" of the fresh water systems in their localities. These reformers and fighters are the heroes and heroines of the story. Their courage and foresight shine in our hearts. If we follow their example, we may be able to save our vital supplies of fresh water before it is too late. 









# What Lies Beneath

*VNRC Shepherds State Groundwater Policy Into The Light*

BY WILL LINDNER

**H**anded a sow's ear, when the state Environmental Court a dozen years ago ordered Marshfield to shut down its public water supply for serial violations of water quality standards for bacteria, the village Board of Trustees set about knitting a fine silk purse. They would create a new, clean, more modern system that would serve their village for the next 100 years or more.

With research and technical assistance from the Water Supply Division of the Agency of Natural Resources (ANR), the design of the silk purse took shape. The water source would be a wellhead in the woods on Folsom Hill, where aerial photos and ground exploration revealed geological fissures indicating a substantial aquifer. The elevated site was safely removed from the farms and valleys on the other side of the village, where runoff – agricultural or otherwise – could threaten the groundwater.

For even greater protection, the village would buy the watershed: some 200 acres of private property surrounding the new well that offered

the additional advantage of abutting the pristine Groton State Forest. They would build a reservoir (a large holding tank, really, buried in the ground to eliminate the need for filtering and capped by a squat masonry building), to increase the water available at times when villagers tended to shower, do the dishes and wash their clothes.

And while they were at it, they would excavate the village streets and lay a latticework of modern conduit to serve the 125 homes, stores and restaurants, the library, the municipal building, the volunteer fire station and other users connected to the village system.

All of this they did, at a cost of almost \$1.7



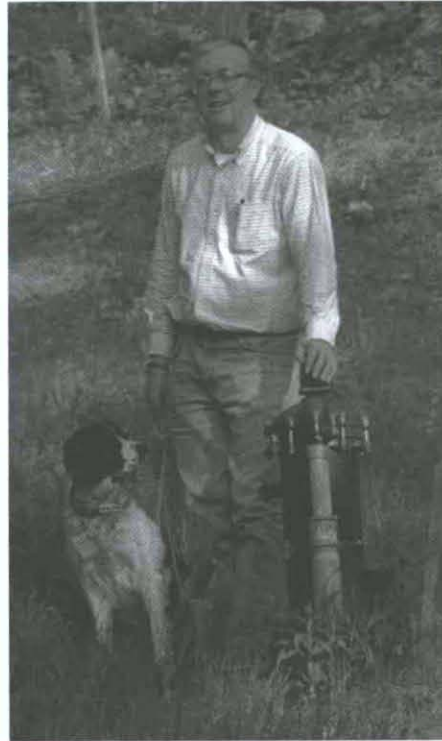
million raised through grant writing, bonding, borrowing and the other machinations used by small governments to finance large public projects. When they switched the system on in October 2001, it seemed as fine a "silk purse" as any hamlet could hope for.

But when the water was tested some 15 months later, it turned out that the residents of Marshfield Village had been drinking uranium.

"As of January 1, 2002, a new state uranium standard of 20 parts-per-billion (ppb) came into effect," says Village Trustee Art Gilman. "We were supposed to test quarterly, and average each test along with the previous three tests (to arrive at) a rolling annual average that would meet the standard.

"We started testing in December (2002), and tested again in February. The numbers were so high we could not have met the annualized standard. The Village of Marshfield had 79 ppb of uranium in its water."

And so, after an extraordinary effort to develop the water supply, and a three-fold increase in residents' water bills to pay for it, the village government has been handing out bottled water every Monday at the volunteer fire station. The new system still functions, serving about one-third of



*Marshfield Trustee Art Gilman with companion Emma, at the wellhead for the village's new, but contaminated, water system.*

"We ran the system for 18 months before we were shut down," says Gilman. "Most of the uranium that was in the water at that time ended up in the sewage treatment plant. Now we're under order to de-water the sludge and dispose of it in a lined landfill somewhere. The cost for that, at present, is unknown."

They could treat the village water to remove the uranium, but the process would produce radioactive waste they would need to ship to a disposal facility in Utah for \$15,000 a year.

And there are unknowns:

how much the cost would rise; whether disposal facilities would be there in the future. The trustees are trying to look 100 years down the road.

"We thought we were golden," says Gilman, thinking back on the project as it was envisioned. But he now realizes that gold was the wrong element. "Unfortunately, we were uranium."

### **CRISES SMALL AND LARGE**

Marshfield didn't end up with uranium in its water because of carelessness on the trustees' part. While the system was under construction state officials tested for uranium, which can occur naturally in groundwater, but Rodney Pingree of the Water Resources Section says there was no state uranium standard until the 20-ppb limit was adopted three months after Marshfield's system became operational. Meanwhile, federal standards were in flux.

"It was a case of unlucky timing," he says

For Elizabeth Courtney, luck is not the issue. The lesson to be drawn from Marshfield's experience is that when it comes to groundwater – which, for 66 percent of Vermont's population, is the source of life-sustaining drinking water – we don't even know what's under our feet.

"We've seen these mini-crises all over the state," says Courtney, VNRC's Executive Director. "Uranium in Marshfield's water; taps running dry in an area of Williston because of strain on the groundwater resource from development;

**Communities rely on water resource experts with the Agency of Natural Resources, but are surprised to discover that the state has little solid information to offer.**

the village with water suitable for non-potable (drinking) purposes. The rest of the village is being served again by a spring that was part of the previous system (which the village plans to upgrade). Those residents are on notice to boil their water before consumption.

The mishap caused other problems as well.



contamination of wells in East Montpelier linked to agricultural issues. In Randolph Center, ClearSource (formerly Vermont Pure) draws tens of thousands of gallons of spring water daily for commercial bottling, which some residents believe has affected the water table and reduced their springs and wells.

"These sorts of things are happening because in Vermont we know very little about our groundwater – about where it is and how much there is; about its quality and safety; about the impact of human development and human activity. Without that information we can't develop a holistic overview of the resource, its limits and its potential.

"So we get these problems," Courtney continues, "with municipal water supplies, with private developments, with homes out in the rural areas. They are just snapshots of Vermont's groundwater problems."

Safe and plentiful fresh water is a concern far beyond Vermont's borders. Despite the water-blue face we turn toward the solar system, scientists say 99.5 percent of Earth's water is not available for consumption, either because it is saline or is frozen in glaciers and ice sheets. Of the remaining .5 percent, a comparative drop (.01 percent) is found in lakes and streams; the rest exists as groundwater, stored in, or flowing among, subterranean aquifers formed by sand, gravel or rock formations.

Struggles between the haves and have-nots to control water resources loom as perhaps the next great cause of war and conflict, which in part explains why Wangari Maathi of Kenya – who initiated a movement of women planting trees to help restore groundwater to areas turned arid by deforestation – was awarded the 2004 Nobel Peace Prize.

## SLOW MOTION

Since groundwater represents just one-half-of-one percent of the earth's H<sub>2</sub>O, Vermont is fortunate that a third of its population doesn't need it. "The primary reason (for that)," explains State Geologist Larry Becker, "is Lake Champlain, which serves Burlington and the larger municipalities of Chittenden County."



*The springhouse for Marshfield's old water supply, called back into use after uranium was found in the new, \$1.7 million system.*

The other 66 percent of us are more like Marshfield: dependent on subterranean water supplies, provided either by public water systems (defined as systems serving 25 or more connections 60 days a year) or private wells or springs. Public systems must meet health-protective standards, and property transactions provide an incentive for homeowners to tend to their private sources. But Marshfield's bacteria and uranium problems, indus-

trial pollution of groundwater in Williamstown in the 1980s, radon pollution in Milton and atrazene in wells in East Montpelier, amply demonstrate our vulnerability to groundwater contamination. In other communities, including Williston and Stratton, the problem is depletion.

When they encounter such problems, communities rely on water resources experts within the state Agency of Natural Resources to help them locate new aquifers or learn more about the aquifers they're already using. They may be surprised to discover that the state has little solid information to offer. Vermont has never mapped its groundwater resources, despite a statutory requirement to do so.

The law (10 VSA Sec. 1392 (a)(4)) reads: "The secretary (of the ANR) shall develop a comprehensive groundwater management program to protect the quality of groundwater resources by . . . identifying and mapping groundwater currently used as public water supply sources and groundwater determined by the secretary as potential future public water supply sources."

Under state law, groundwater mapping for the aquifers must be completed by July 1, 2007. Thus far only Arlington has been mapped – a project that enabled State Geologist Becker and his colleagues to develop a prototype for aquifer mapping that describes the bedrock aquifer and the geological means by which its water supply is replenished. Manchester and Wallingford are partway through the process, and Becker expects to work next in Brandon and Woodstock.

"Basically, we're doing about two towns a year," he says.

As there are 246 cities and towns in Vermont, it will be a long time until completion.

VNRC believes that's much too slow a pace.



Concerned about commercial use of water from Blaisdell Brook, Joan Sax of Randolph Center (above, with husband Dan), went looking for the official map of the aquifer. "There are no maps!" she discovered.



The organization has staked out statewide aquifer mapping as an immediate priority for Vermont, both for conserving the water resources and protecting the health of Vermonters. Aided by a grant from the Lintilhac Foundation, VNRC has launched a multi-faceted plan to make Vermonters aware of the paucity of information about the state's groundwater and the risk that represents for communities and individuals, and to broaden and quicken groundwater policy.

To crystallize its own position, VNRC has spent the summer conducting extensive legal and scientific research, and will hold a forum later this fall.

"If the state is not going to meet its obligations to protect Vermont's groundwater, then we're going to do our own work to develop specific recommendations for the Agency of Natural Resources," says Jon Groveman, VNRC's Water Program Director and staff attorney. "We are now working with other environmental groups, activists and interested parties, to put something credible on the table. This issue is too important to fall through the cracks any longer."

A major component of VNRC's groundwater initiative actually took shape this winter, when it organized support for a pair of related bills in the Legislature, both titled "An Act Relating to Groundwater Management." The House bill was introduced by State Rep. David Deen (D-Westminster), and the Senate bill by State Sens. Virginia Lyons, Ed Flanagan and Hinda Miller of Chittenden County, Sen. Claire Ayer of Addison County, and Sen. Jeanette White of Windham (all Democrats).

The bills have these provisions:

- *Expand the existing, unmet requirement – that the state identify and develop maps for aquifers serving, or potentially serving, public water systems – to apply to all of Vermont's aquifers.*

"We're a rural state," Groveman explains. "A large percentage of people live off their own wells and springs. They've been flying under the radar screen of federal and state mandates for clean water and water protection."

- *Develop better rules and procedures for protecting aquifers.*

"Right now groundwater projects often come under Act 250 or local zoning regulations," says Groveman. "Neither process is designed, or adequate, to meet that responsibility."

- *Designate Vermont's groundwater resources a public trust. Under that doctrine the public's welfare and right of ownership of our groundwater would take priority over other (for example, commercial) uses of the resource.*

"That's a prudent thing to do. It would establish the principle that groundwater belongs to all of us and the state must protect this precious resource in the best interest of the public at large – not the private corporations. It will also create a framework for establishing limits that can be set on the amount of water a private company can withdraw from the public resource for corporate profit. Taking water out of the ground and shipping it away has a negative impact. By contrast, even if water is used in a local manufacturing process, at least it gets discharged and returns to the aquifer.

"This idea is going to get the water bottlers' backs up," Groveman admits, "but other states have done it."

Other states have completed comprehensive aquifer maps, too. A reaction VNRC has heard in the State House in response to the Groundwater Management bill has been surprise that such maps don't already exist.

"Any politician you talk to," says Groveman, "they are shocked to find out we have no map of our groundwater resources, and New Hampshire and Maine do."

### 'CLEARSOURCE' UNCLEAR IN RANDOLPH

"Shock" aptly describes Joan Sax' reaction to that discovery.

Joan and her husband, Dan, have a rural house in Randolph Center, with feeders on the back porch that attract gold finches by the dozens. Half a mile away is Rogers Road, a dirt road that leads to Blaisdell Brook and a spring by its banks from which ClearSource Inc. withdraws water to haul to its bottling plant in Randolph. (The opera-



tion was started by Vermont Pure Springs Inc. in 1990; in 2004, Micropack Bottled Water of Natick, Massachusetts, purchased Vermont Pure; Micropack changed its name to ClearSource last January.)

The Saxes never gave much thought to groundwater, assuming like most Vermonters that our fertile, green state would continue to provide. When they grew concerned about Vermont Pure, it was about truck traffic that they and other neighbors believed had become excessive and dangerous. Recent years have seen the company and Randolph residents mixing it up in various regulatory venues, primarily the Randolph Development Review Board and the state Environmental Court, groping toward a compromise concerning truck sizes and truck trips over Rogers Road.

Eventually it dawned upon a subgroup of the neighbors that if Vermont Pure was adding trips, it was increasing total withdrawals.

"We began to worry how much water was there," says Joan. "We thought we should go find out by looking at maps of the aquifer – and there are no maps! Mapping was mandated... they (ANR) were told to start it, and they haven't done anything."

While the Saxes' 150-foot-deep well nearly two miles away has been reliable, Joan Sax says neighbors closer to the brook have experienced erratic performances from their water sources and suspect a connection to the commercial withdrawal.

It's difficult to ascertain how much water the company is taking. People believe there are two withdrawal points, one on Rogers Road and another nearby. Montpelier attorney Michael Marks, who represents ClearSource, confirms that "there are other springs also permitted in addition to the one in the vicinity of Blaisdell Brook." But that would be news to Julie Schmitz, the District 3 Environmental Coordinator whose office administers the company's Act 250 permit.

"From my perspective a second spring doesn't exist," she says. "They have one spring they're allowed to use. They may have obtained permission from Water Quality to develop one more; they can construct and test additional springs, but are not permitted to hook them up."

She then confides that if they did, "who would know?"

The situation indicates two weaknesses in Vermont's groundwater management practices: Act 250's loose hold over commercial water-withdrawal projects, and the absence of a mapping system that would enable citizens to evaluate threats to their own supplies.

**Under state law, groundwater mapping for aquifers must be completed by July 1, 2007. Thus far, only Arlington has been mapped.**

As for those threats, ClearSource attorney Marks argues they are nonexistent.

"The water used by (ClearSource) is water that percolates naturally to the surface," he says. "It is not pumped. There is no extraction process. There is a collection process (because) otherwise the water gets spilled over the ground."

Marks acknowledges there can be situations where an aquifer is overutilized, but he says, "It is not possible here. They are collecting only water that percolates to the surface."

Larry Becker, the state geologist, says the truth of the situation is somewhat more complex. Hydrologically, surface water and groundwater are interdependent.

"The springs are in the watershed of the Blaisdell Brook," he explains. "If you didn't capture it, the water would flow into the Blaisdell Brook. In times of low flow the brook might need the water."


Capturing water and transporting it to a bottling plant removes it from the watershed and diminishes the quantity of water available to replenish the aquifer.

Whatever the truth is about ClearSource's effect on local aquifers, issues of water quantity and quality inspired several Randolph-area residents to form Water 1st, an advocacy and public-education group whose slogan is "Water for Vermont Tomorrow."



*It's "hit or miss" in Katherine Stamper's neighborhood in Williston, where some wells draw enough water and some wells don't.*





Water 1st sponsored a public forum in February, at which some 50 people (including Becker) showed up to discuss water-conservation and -protection issues.

“Water 1st is not opposed to ClearSource,” insists group member Hugo Leipman. “They’ve been here a number of years and they’re a given. However, there are water-rich states where they have water issues because of unregulated commercial extraction. To say it can’t happen here would be folly.”

### **SOLVING RIDDLES**

Aquifer mapping would take much of the mystery out of unseen, underground water supplies. Vermonters could know, rather than guessing and

“These sorts of things are happening because in Vermont we know very little about our groundwater.”

Elizabeth Courtney

suspecting, how their wells and springs are affecting others, or are being affected. Who knows? ClearSource might be let off the hook.

And in Danby, Annette Smith would finally get an answer whether Omya Inc., an international company that produces calcium carbonate from marble, limestone and chalk, was responsible for her ponds drying up, for a neighbor’s well going barren (a well driller, called in to analyze the situation, told Smith’s friend, “There’s plenty of water down there but it’s going somewhere else.”), and a local stable losing its water, which necessitated hauling the horses to New York State to keep them alive. These events roughly coincided with a pump test the company performed in 2002, but Smith – who is executive director of Vermonters for a Clean Environment – could never obtain the test data to prove or disprove the connection.

“I learned that as citizens we have no protections at all,” she says. “The way things are going, whoever has the money has all the water.”

And in Williston, Katherine Stamper and her neighbors in Oak Knoll, in the southern part of the town (away from Maple Tree Place and the big-box sprawl), might better understand the peculiarities of the aquifer they share. These are

nice homes, about 50 in all, many with an enviable view of the mountains to the southeast, including Camel’s Hump. But some don’t have what homes of any scale are minimally expected to have: dependable water.

“Going back to the summer of 2000, my family started experiencing water problems,” says Stamper. “We started talking to our neighbors, and they would say, ‘Oh you should talk to so-and-so.’”

As it turned out, water problems in the community were rampant, but unpredictable. “People right next to each other on one-acre plots would have very different experiences,” Stamper says. “It seems to be hit or miss whether your house is where the water is.”

Although the Stampers were able to rectify their situation by deepening their well to 650 feet (“We get three gallons a minute now; our neighbors adjacent to us drilled to the same depth and get a third of a gallon a minute”), she remembers that “living without water really stinks. It also affects the value of your home.”


An interesting aspect of the Oak Knoll story is that several residents there, including people with no water problems, formed a group and approached the town government. One of their first ideas was to inquire whether the Town of Williston could extend its public water system out to Oak Knoll.

Town Manager Rick McGuire recalls the eventual decision. “The town’s position was, ‘We’ll provide technical assistance and help out, but you (the residents) will have to bear the financial costs.’ The study determined the cost would be more than \$1 million.”

The price tag scared people away, although Stamper, who says the cost would have been around \$16,000 for each family, says, “I would write that check today. We’ve easily spent \$16,000 trying to fix the problem.”

More constructively, the issue has led to an ongoing community conversation in Williston that, while it has been testy at times, has led to reflection and cooperation. The town has agreed to undertake a hydrogeological survey as part of the five-year update to the town plan. It will include studies at Oak Knoll that may help people figure out how to improve access to their aquifer. But McGuire believes this water analysis – which is similar, on a local level, to what VNRC is propounding for the state – will also reinforce one of Williston’s objectives. The town, whose name unfortunately has become synonymous with “sprawl” in Vermont, wants to concentrate development in an area that





accounts for about 20 percent of Williston's territory.

"That's the area already served by water and sewer," says McGuire. "Any homes in that area, there will be no problem with water. We're expecting to gather data in the rural district that supports our efforts to minimize development, by showing the impact it would have on town services."

A worthy goal for advocates against sprawl. For the residents of Oak Hill such a conclusion would underwrite the importance of aquifer mapping – before, not after, homes and communities are built in rural Vermont.

### GETTING ON WITH IT

But is statewide aquifer mapping possible for Vermont?

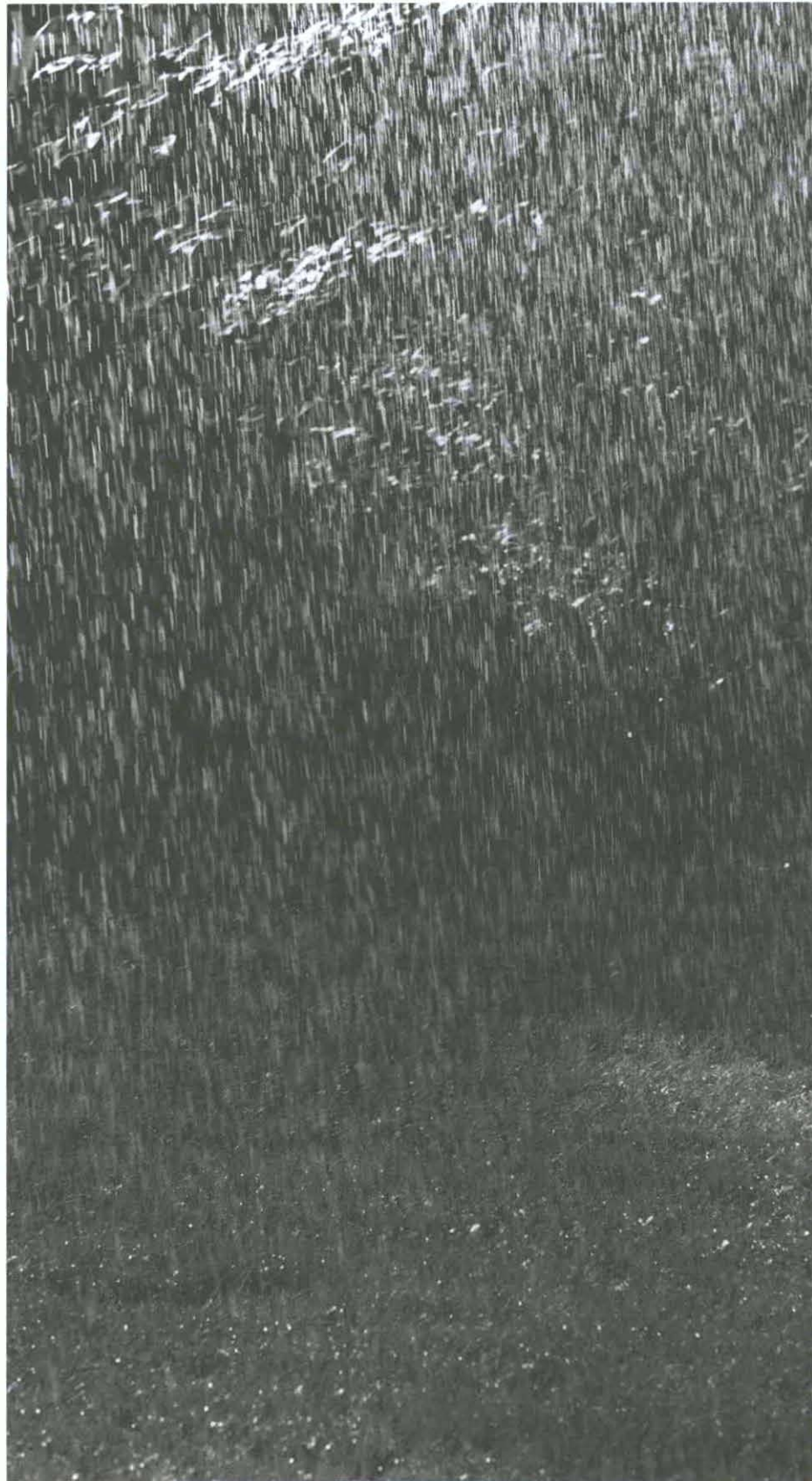
VNRC says the answer is yes, and so does the state geologist.

"It is feasible," Becker confirms, noting that the model would be the prototype he and his colleagues developed in Arlington. The raw material includes "drillers' logs," data on well locations and other basic information that commercial well drillers have been required to report since 1966. Modern science can then update the old information.

"The drillers' logs are not technical logs like geologists would put together," says Becker, "but they contain information that's very useful. With GIS systems to accurately locate the wells, with new geology and well logs, and knowing something about bedrock geology, we can make maps that look at aquifer potential and aquifer recharge."

And they could do it all over the state, he adds – if they had the people and money, which they don't. Becker's division prepared a report to the Legislature in 2003 that put forth a three-phase mapping procedure. Each phase would build on the previous one, proceeding from the general ("Basic Mapping") to a more detailed profile of local aquifers ("Expanded Mapping"), to "Premium Mapping," described as "the most intensive level of effort . . . (which) would produce maps that support appropriate regional development, sustainable economies, protection of future drinking water resources and environmental health."

The gold standard, in short. But according to the state, it would cost dearly, requiring nine additional full-time positions for a 10-year period, with expenditures totaling \$6.8 million. Presently, the division is limping along a town at a time, able to work only with towns that have found "partners" to help leverage funds from the EPA and the U.S. Geological Survey.







Field-level state personnel seem eager to get going. Pingree, of the Water Resources Section, says, "We've never had the resources to do it – no people, no money. But my goal would be to get the resources. There would be so much benefit available to Vermonters if we could do that."


VNRC believes passage of the Groundwater Management bill could force the issue.

"No one has really analyzed whether (Becker's) cost estimates are accurate," says Groveman. "That should be done. But assuming they're in the ballpark, yes, it's a lot of money, but do the math: six, seven million dollars for mapping, spread over 10 years? Considering how big Vermont's budget has become, that's not prohibitive. Our neighboring states have been able to accomplish it. We can learn

from them.

"The agency seems to be saying that the lack of aquifer mapping is definitely a problem, but they have thrown up their hands and say there's no way we can do it. They're not working creatively to fight for the money and the resources to address this problem."

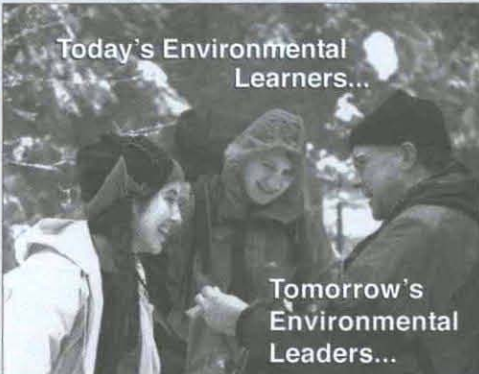
Elizabeth Courtney agrees.

"Without those resources," she says, "and a policy that preserves the water our environment provides first and foremost for citizens rather than corporations, Vermont would be doomed to limp toward groundwater security one small town at a time. VNRC envisions a healthier, more sparkling future." 





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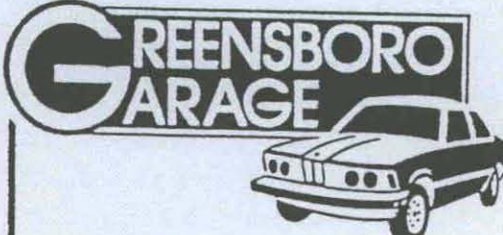
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**Financials**

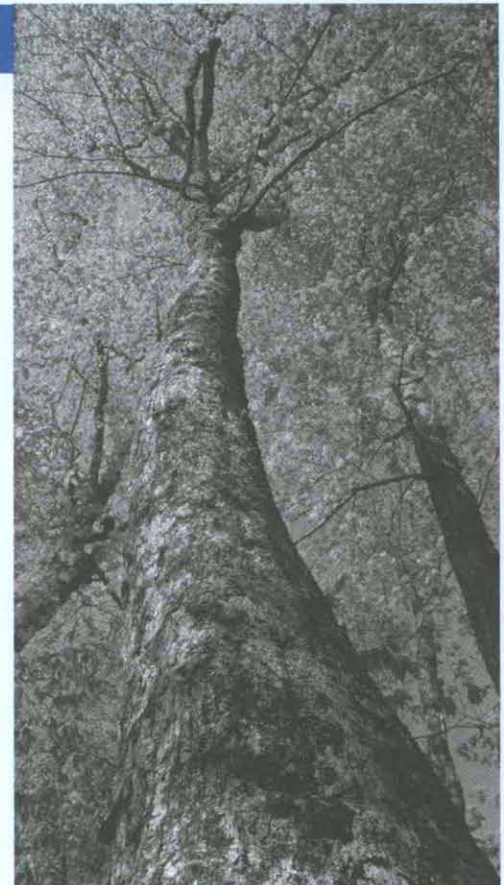
**FY '04**

**Assets**

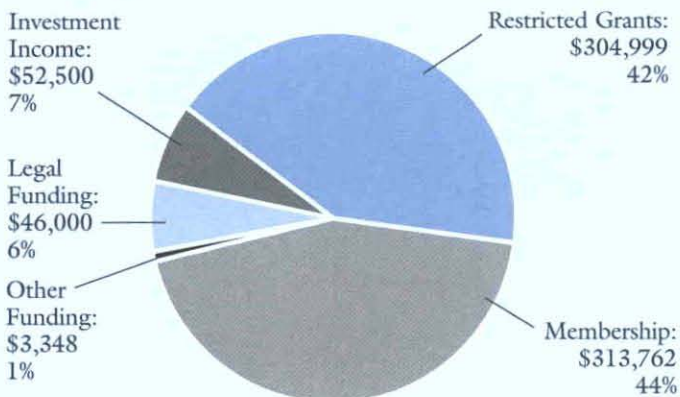
Current Assets	
Cash .....	\$157,162
Investments .....	1,568,150
Other .....	11,890
Total Current Assets .....	1,737,202
Total Non-Current Assets .....	359,525
<b>TOTAL ASSETS .....</b>	<b>2,096,727</b>

**Liabilities and Net Assets**

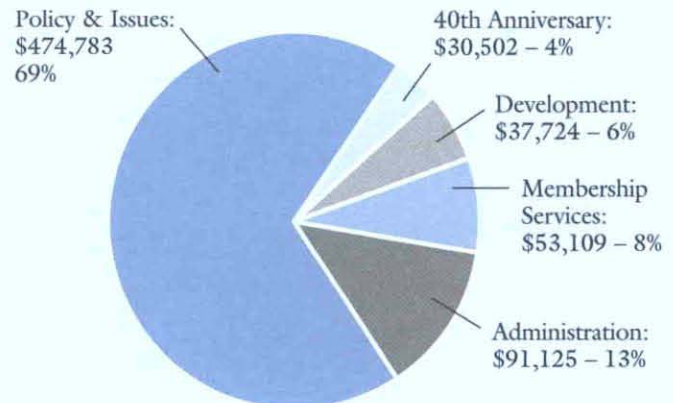
Current Liabilities .....	34,143
Non-Current Liabilities .....	0
Total Liabilities .....	34,143
Net Assets, Unrestricted .....	1,922,662
Net Assets, Temporarily Restricted .....	139,922
Total Net Assets .....	2,062,584
<b>TOTAL LIABILITIES AND NET ASSETS .....</b>	<b>2,096,727</b>



**'04 Operating Revenue and Cash Flow:**  
**\$720,609**



**'04 Expenses:**  
**\$687,243**



*Excerpted from the audited financial report for the period ending June 30, 2004.  
The full audited financial report for the Vermont Natural Resources Council is available upon request.*



## THANK YOU!

*As this list reflects only a fraction of our members and supporters, VNRC would like to thank everyone who has helped make our work possible.*

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# NEWS & NOTES



## MEET VNRC'S OUTREACH DIRECTOR

Johanna Miller is VNRC's new Outreach Director (well, kind of, she started in January 2005 but we haven't had the chance to highlight her yet...). Johanna's job is to manage, coordinate, and execute all outreach, community organizing, and education efforts for VNRC. That entails working closely with VNRC's water, forest, and sustainable communities program directors and Executive Director Elizabeth Courtney to advance important environmental and land use issues.

Prior to joining VNRC, Johanna spent five years as a policy specialist, grassroots organizer, and copy editor for the Michigan Land Use Institute — a communications, education, and advocacy organization working to promote Smart Growth strategies as a solution to sprawl. While there, Johanna was an organizer for their statewide transportation reform project, helped to launch and build the Leelanau Smart Growth Coalition, a countywide coalition aimed at getting proactively involved in land use issues, and served as assistant to MLUI's executive director.

Johanna was educated at Northern Michigan University and the University of Vermont. Having served on the Boards

of several environmental organizations for more than a decade, Johanna continues to work with the Great Lakes Bioneers and serve on the

Board of SEEDS — a national environmental research, design, and education organization.



Johanna Miller

## CHANGING OF THE GUARD

VNRC would like to deeply thank two wonderful board members who completed

the second of their three-year terms this summer. Matt Huntington, VNRC's treasurer, brought a great deal of

financial expertise, thoughtful long-term thinking, and general enthusiasm to the organization. Will Raap contributed enormously with visionary leadership and amazing business acumen.

We are lucky to have four new board members joining our team. Cathy Miller (Warren), Robert Fiske Jr. (Barnard), Julie Wolcott (Fairfield), and Jenna Guarino (Randolph). We are looking forward to bringing their insights and expertise to the table as we work to protect Vermont's environment.

## THANK YOU VOLUNTEERS!

VNRC was very lucky to enlist the help of three volunteers this past year from local high schools. Carson Young from Twinfield High School, Julian Burns-Burg from U32 High School, and Jaiman Romano from Montpelier High School lent VNRC their time and energy on a number of fronts. Thank you again for your help and support.

## WAL-MART MOVIE DEBUT IN VERMONT

Independent filmmaker Robert Greenwald — the creator of "Outfoxed" — is producing a new film called "Wal-Mart — The High Cost of Low Price." This film promises to take "the viewer on a deeply personal journey into the everyday lives of families struggling to fight goliath. From a family business owner in the Midwest to a preacher in California, from workers in Florida to a poet in Mexico, dozens of film crews on three continents bring the intensely personal stories of an assault on families and American values." Nearly 3,000 screenings worldwide are scheduled by organizers who hope to tell the story of Wal-Mart's tremendous impact on communities and daily lives. VNRC is working with citizen groups in St. Albans, Bennington, Montpelier, Burlington and other communities to highlight this important issue during the November 13-18 "Wal-Mart Awareness Week." Read more about the movie at [www.walmartmovie.com](http://www.walmartmovie.com). For more information on where you can see the film, host a screening, or support organizing efforts already underway in your community, contact VNRC's Outreach Director Johanna Miller at 802-223-2328 ext. 112 or visit VNRC's Web site at [www.vnrc.org](http://www.vnrc.org).

## THANK YOU INTERNS!

**Tara Chadbourn** grew up near Virginia Beach, VA. She obtained a B.S. in Business Finance with a minor in Environmental Science from Lehigh University in 2000. Before moving to Vermont, Tara lived for two years in Lake Tahoe where she volunteered for a wildlife rescue and rehabilitation organization. Tara returned to the east coast to attend Vermont Law School in 2003. She is obtaining her Masters of Studies in Environmental Law in addition to her J.D. Tara is the 2005 Summer Editor and an Articles Editor for the Vermont Journal of Environmental Law. Before coming to VNRC, Tara clerked for the U.S. Dept. of Justice in the Environmental Enforcement Section.

This past summer, Tara worked on VNRC's comments to the Legislative Committee on Administrative Rules concerning the White River Basin Plan. Tara will return to VNRC this fall.

**Jared Margolis**, VNRC's Mollie Beatty Intern, obtained his undergraduate degree in 1998 from Colgate University. He then moved to San Francisco, where he worked with the National Park Service developing curriculum for environmental education programs. Jared returned to the east coast to attend Brown University, where he completed a Masters in Environmental Studies, with a thesis focused on using Geographic Information Systems for land preservation initiatives. Currently Jared is a student at Vermont Law School. Jared is the Environmental Editor of the Law Review, and will be a Deans Fellow teaching legal writing to first year students. For VNRC, Jared worked on comments to the Green



Mountain National Forest Plan revision, and the appeal of the St. Albans Development Review Board approval of a new Wal-Mart store.

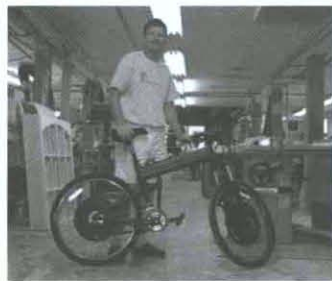
**Alexandra MacLean** is the sustainable communities program intern. Alexandra is helping to advance VNRC's efforts to ensure that new development benefits Vermont by researching alternatives to the big box stores that are threatening the character and economy of the Green Mountain State.

Alex grew up in Peacham. She attended St. Johnsbury Academy before venturing abroad for college at the University of Edinburgh in Scotland. Upon graduating in June 2005, Alex returned home to put her expertise and energy to work at VNRC. Alex came to VNRC with the hope of helping to ensure her native home remains the special place of her childhood. Providing key research and organizing support to VNRC staff, Alex is playing an important role in building support for VNRC's work to strengthen down-towns and communities by promoting thoughtful alternatives to oversized, damaging big box development.

**Evan Mulholland** was a summer intern at the VNRC and is completing his LL.M. degree in Environmental Law from Vermont Law School in August. He is a member of the California Bar and practiced commercial law there for three years. While at Harvard Law School, Evan was a member of the Harvard Defenders, representing indigent defendants at show-cause hearings in Massachusetts. Evan is a native of New Jersey, but plans to settle permanently in Vermont. Evan enjoys reading, XC skiing, and traveling.

## ELECTRIC BICYCLE WINNER

This past July, Matt Huntington, a retiring VNRC Board Member, donated an electric bicycle to VNRC to be raffled off at Solar Fest. Skimmer Hellier, owner of Stark Mountain Woodworking, was the lucky ticket holder. He wrote in an email, "I have been enjoying the bike tremendously. I commute seven miles to my woodworking company in New Haven, Vermont. At night I return home to my yurt. The yurt is off the grid so the charging is all by the sun. The ride is so smooth I can sip my coffee on the way to the shop. Thanks so much, I can't believe my luck." Congratulations Skimmer and thanks again Matt! For more information about Matt's new electric bicycle business, go to [www.emergingvehicles.com](http://www.emergingvehicles.com).



## UPCOMING EVENTS

Join VNRC at one of two upcoming events which highlight the impacts of Wal-Mart and Big Boxes on Vermont's traditional economy. On Friday, September 9 from 4 p.m. until sundown attend **The Festival for a Local Vermont**. Enjoy tasty regional fare, presentations by Senator Peter Welch, Senator Vince Illuzzi, and Mayor Peter DesLauriers on growth management tools. Also featured are the Bread and Puppet Theater, music, and local crafts. There will be no charge for admission, although donations are greatly appreciated. On Thursday, September

## Wednesday, October 5 CHELSEA HARVEST FESTIVAL: EAT LOCAL AND SAVE THE WORLD

Join the Chelsea Food Council, the VNRC, and author Bill McKibben in a celebration of locally-grown food.

Why is it important to eat locally? There are personal reasons: the food usually tastes better, is healthier (less processed, fewer chemicals), and buying it supports the local economy. But eating locally may also be the key to a sustainable food supply for the human race. Author Bill McKibben explains why the present industrial food system threatens our environment, our communities, our health, our society, and—ultimately—our survival. Eating what we and our neighbors raise ourselves may be the critical alternative.

We will celebrate the benefits of eating locally with a community festival, a free "locavorian" meal, and a talk by Bill McKibben, eloquent and passionate spokesman for the home-grown. Our schedule:

- 12:30-3: Festival events on Chelsea's North Common
- 3-5:30: Chelsea Farmer's Market
- 5:30-7: Gathering in Chelsea Town Hall for locally-grown meal (free!), music, and conversation
- 7:00: Talk by Bill McKibben, with questions and discussion to follow

For more information call Dan at (802) 439-5324 or Heidi at (802) 685-3280.



Bill McKibben

15 from 7-9 p.m. at Sterling College in Craftsbury, come hear nationally acclaimed author and advocate Bill McKibben speak about the threat Wal-Mart poses to



Vermont's economy and landscape. Learn more about the corporation's plans for possible new stores in St. Albans, Derby, St. Johnsbury and elsewhere. And listen to humorous songstresses *The Raging Grannies* harmonize about Wal-Mart's damaging effect on mom-and-pop stores, workers, communities, and more. A \$10 donation is suggested.

For more information about the events listed in the News and Notes section, please visit our website at [www.vnrc.org](http://www.vnrc.org), or call Johanna Miller, VNRC Outreach Director, 802-223-2328 ex 112.



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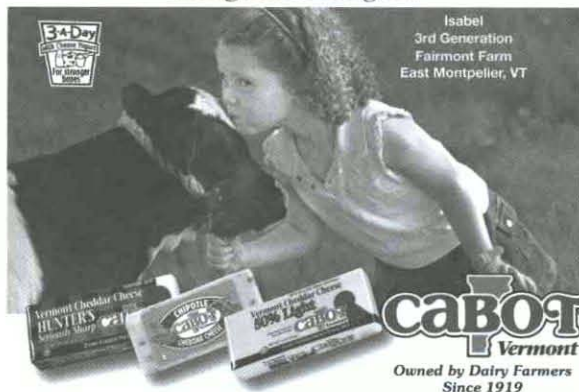
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## VNRC PETITIONS WATER RESOURCES BOARD

**O**n August 9, the Water Resources Board (Board) issued a setback to the designation of 66 waters on the Green Mountain National Forest Service (GMNF) as Outstanding Resource Waters (ORW). VNRC and Conservation Law Foundation (CLF), along with individual citizens, filed a Petition with the Board seeking protection for certain headwater streams, lakes and ponds, and wetlands on the GMNF. ORW designation would have required that water quality be maintained and protected in the waters and their tributaries.

The waters we sought to protect are some of the most pristine waters in Vermont and represent an extensive portion of ecologically intact headwaters. There are no wastewater treatment plants, no industrial point sources of water pollution, and no significant agricultural non-point source pollution. The waters serve many important functions including protection areas for drinking water, habitat for wildlife, and valuable fish habitat.

In a disappointing decision, the Board declined to designate the candidate waters as ORW. While the Board found that a significant number of the waters deserved to be designated, they instead suggested that VNRC initiate an amended petition to designate ORW through a rulemaking. Unfortunately, this will take an enormous amount of resources to accomplish.

"We have been working on the petition for three years and we believe the Board could have made ORW

designations based on the information we provided," said Jamey Fidel, VNRC legal counsel. The Board seemed hesitant to move forward with designation without additional information pertaining to privately owned lands within the candidate waters on National Forest. However, the maps provided to the Board delineating the candidate waters show that many of the waters do not include inholdings.

VNRC successfully argued that the test for designating ORW in the state should include broad categories of water quality values and not narrow mathematical criteria as argued by the Vermont Agency of Natural Resources (ANR). As explained by the Board, the ANR's test would have placed "the legal process for designating ORW's in a vice that renders the process too narrow to have any use."

VNRC has asked the board to reconsider its decision because we believe the board has enough information. While we still have hope for future ORW designation, the immediate impact is there are still only four recognized Outstanding Resource Waters in Vermont. "There are many waters that deserve ORW designation in Vermont, and if we can't accomplish this level of protection now in the pristine remote headwater stretches of our National Forest as a threshold, we have a long road ahead," added Fidel. 